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HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

28 August 2019

Dear Councillor

You are summoned to attend the meeting of the;

PLANNING AND LICENSING COMMITTEE

on **THURSDAY 5 SEPTEMBER 2019** at **7.30 pm.**

in the Council Chamber, Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully



Head of Paid Service

COMMITTEE MEMBERSHIP	CHAIRMAN	Councillor Mrs P A Channer, CC
	VICE-CHAIRMAN	Councillor Mrs M E Thompson
	COUNCILLORS	B S Beale MBE R G Boyce MBE M F L Durham, CC M R Edwards Mrs J L Fleming A S Fluker C Mayes W Stamp

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AGENDA
PLANNING AND LICENSING COMMITTEE
THURSDAY 5 SEPTEMBER 2019

1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 5 - 140)

To confirm the Minutes of the meeting of the Committee held on 18 July 2019, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **Public Participation**

To receive the views of members of the public on items of business to be considered by the Committee (please see below):

1. A period of ten minutes will be set aside.
2. An individual may speak for no more than two minutes and will not be allowed to distribute or display papers, plans, photographs or other materials.
3. Anyone wishing to speak must notify the Committee Clerk between 7.00pm and 7.20pm prior to the start of the meeting.

6. **Local Development Plan Implementation - Maldon and Heybridge Central Area Masterplan** (Pages 141 - 144)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

7. **Approval to Adopt the local lists of Local Heritage Assets for the Parishes of Heybridge and Southminster** (Pages 145 - 182)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

8. **Draft Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD)** (Pages 183 - 404)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

9. **Chelmsford Draft Local Plan Main Modifications Consultation** (Pages 405 - 408)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

10. **Section 106 Agreements - Interim Update** (Pages 409 - 412)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

11. **Community Infrastructure Levy Update** (Pages 413 - 418)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

12. **Any other items of business that the Chairman of the Committee decides are urgent**

NOTICES

Sound Recording of Meeting

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Fire

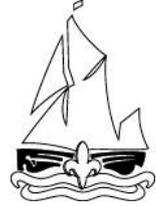
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**MINUTES of
PLANNING AND LICENSING COMMITTEE
18 JULY 2019**

PRESENT

Chairman	Councillor Mrs P A Channer, CC
Vice-Chairman	Councillor Mrs M E Thompson
Councillors	B S Beale MBE, R G Boyce MBE, M R Edwards, Mrs J L Fleming, A S Fluker, C Mayes and W Stamp
Substitute Councillor(s)	Councillor E L Bamford
In attendance	Councillor C Morris

269. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

270. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M F L Durham and M S Heard. In accordance with notice duly given Councillor E L Bamford was attending as a substitute for Councillor Durham.

271. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 6 June 2019 be approved and confirmed.

272. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council particularly in relation to the following Agenda Items:

- 6 – Draft Tiptree Neighbourhood Plan;
- 7 – Consultation Questionnaire: Essex County Council Sustainable Drainage Systems Design Guide;
- 9 – Consultation Response to the Draft National Flood and Coastal Erosion Risk Management Strategy.

273. PUBLIC PARTICIPATION

No requests had been received.

274. DRAFT TIPTREE NEIGHBOURHOOD PLAN

The Committee considered the report of the Director of Strategy, Performance and Governance presenting the draft Tiptree Neighbourhood Plan (the Plan) and comments received.

Councillor Mrs M E Thompson declared a non-pecuniary interest in this item of business as she was a member of Tolleshunt Knights Parish Council.

It was noted that Tiptree Parish Council were currently consulting on the draft Tiptree Neighbourhood Plan and as a neighbouring Authority Maldon District Council had been consulted. The report provided a summary of the contents of the Plan along with Maldon District Council's proposed response to the consultation.

In response to a Member raising concern regarding the impact of the proposed additional housing to Tiptree on this District, particularly in respect of traffic and accessing the A12, the Chairman suggested that this could be incorporated into the Council's consultation response.

In response to questions and comments, the Specialist – Local Plan provided Members with the following additional information:

- Improved access to the A12 and the junctions on the A12 itself were outside the remit of the Neighbourhood Plan.
- The Draft Colchester Local Plan showed indicative locations of the proposed Tiptree additional housing allocation
- The Appleford bridge, Great Braxted and Grey Mills bridge, Kelvedon were included in respect of routes via them onto the A12.
- A Community Forum on the A12 was scheduled for 24 July and following a Member / Officer forum the Officer provided Members with information regarding the A12 preferred routes including surveys and design work to be undertaken.

It was agreed that Members' comments would be incorporated into the consultation response and the wording of this would be agreed in consultation with the Director of Strategy, Performance and Governance.

RESOLVED

- (i) that the following additional comments from Members, agreed in consultation with the Director of Strategy, Performance and Governance, be included as part of the Council's consultation response to the draft Tiptree Neighbourhood Plan:

Maldon District Council is concerned that despite the Neighbourhood Plan's approach to mitigating the impact of vehicular traffic through Tiptree village, the scale of additional housing in the village will nevertheless impact on traffic flows, through and around the village, especially the routes to the A12, including the routes via the historic Appleford and Grey Mills bridges at Great Braxted and Kelvedon respectively. Maldon District Council does, however, recognise that improvements to the access roads to the A12 and to the junctions on the A12 itself are outside the remit of the Neighbourhood Plan.

- (ii) that subject to (i) above, the draft consultation responses to the draft Tiptree Neighbourhood Plan, as detailed below be approved and submitted to Tiptree Parish Council.

Section	Draft consultation response
POLICY TIP01: Tiptree Settlement Boundaries	The approach taken on the settlement boundary and restricting development in the countryside is supported.
POLICY TIP02: Good Quality Design	This policy is supported, as it endeavours to protect the character of the village.
POLICY TIP03: Residential Car Parking	This policy is supported, as it recognises the role private cars have in enabling access to employment and everyday services, and the subsequent need to ensure that sufficient off-street parking is provided in new developments.
POLICY TIP04: Building For Life	The ambition of this policy to improve design of the built environment is supported. However, as this policy only 'encourages' developers to design to Building for Life standards it is unenforceable, and therefore is of limited value.
POLICY TIP05: Dwelling Mix	Sections A and B are rather generic. Section C which requires a percentage of homes to be built to accessible and adaptable standards or wheelchair accessibility standards is a commendable aspiration. However, the requirement for all affordable housing to meet one or other of these standards may be disproportionate in comparison to the requirements placed on market housing in the policy.
POLICY TIP06: Cycling, Walking and Disability Access Routes	This policy is supported. This policy is consistent with the draft Essex Walking Strategy.
POLICY TIP07: Mitigating the impact of vehicular traffic through Tiptree village:	Maldon District Council supports the Plan's overall approach to mitigating the impact of vehicular traffic through the village.
POLICY TIP07: Mitigating the impact of vehicular traffic through Tiptree village: D (i). the new 'primary street' meets the necessary specifications as given in the Essex Design Guide (2018), in particular ensuring it is	It is understood that 'primary street' is the term used by the Highways Authority to describe a road that is sufficient to accommodate a public bus route. However, the Street Type table in the Essex Design Guide (EDG) does not use the term 'primary street.' Therefore, in this policy, which street type the term 'primary street' relates to needs clarifying.

Section	Draft consultation response
sufficient to support a bus route; and...	
POLICY TIP08: Tiptree village centre: existing businesses	Although the aims of the policy is supported, the restrictions on change of use may not be enforceable due to permitted development rights.
POLICY TIP09: Tiptree Village Centre: New Developments	This policy is supported. The aim to provide older persons' housing in the heart of the village, within easy reach of services and facilities is supported.
POLICY TIP10: Business Development	The allocation of new employment land in the Plan is supported.
POLICY TIP11: Community Infrastructure Provision	This policy is supported
POLICY TIP12: Comprehensive Development	This policy is supported as it will ensure that the new developments will integrate with one another and the village.
POLICY TIP13: Tower End (iii) ... A 'primary street' is provided...No dwellings should front directly onto this road...	<p>This element of the policy is open to interpretation in terms of the type of development layout required. What is intended is that dwellings have front gardens and are set back from the street. However, as drafted, it could be read as meaning that no dwellings should face the road, resulting in a canyon effect as the road would be lined with back garden fences.</p> <p>It is recommended that this element of the policy is re-worded to ensure that it has the intended outcome.</p>
POLICY TIP14: Highland Nursery and Elms Farm (vii). A 'primary street' is provided ... No dwellings should front directly onto this road...	<p>This element of the policy is open to interpretation in terms of the type of development layout required. What is intended is that dwellings have front gardens and are set back from the street. However, as drafted, it could be read as meaning that no dwellings should face the road, resulting in a canyon effect as the road would be lined with back garden fences.</p> <p>It is recommended that this element of the policy is re-worded to ensure that it has the intended outcome.</p>
POLICY TIP15: Countryside and Green Spaces	The policy is supported, although the Parish Council will need to ensure that it has sufficient long-term resources to manage and maintain the open spaces it gains from development in the village.
POLICY TIP16: Recreational disturbance Avoidance and Mitigation	The inclusion of this policy is supported.

275. CONSULTATION QUESTIONNAIRE: ESSEX COUNTY COUNCIL SUSTAINABLE DRAINAGE SYSTEMS DESIGN GUIDE UPDATE

The Committee considered the report of the Director of Strategy, Performance and Governance presenting the Council's response to the Essex County Council (ECC) Sustainable Drainage Systems (SuDS) Design Guide Update. It was noted that due to

the consultation period this response had been sent to the County Council following approval by the Chairman of this Committee and in accordance with the Council's Terms of Reference was now reported to the Committee.

It was noted that ECC had requested this Council review the updated guide attaching the ECC SuDS Design Guide Update document (Appendix 1 to the report) and Consultation Questionnaire (Appendix 2). The report set out the purpose of the review and the Council's response to the Consultation Questionnaire.

Councillor R G Boyce proposed that the Committee's thanks be passed to Ms Longman, Specialist – Local Plan for her work and that the recommendation as set out in the report be agreed. This proposal was duly seconded.

It was commented how beneficial it would be when considering planning applications to have Sustainable Drainage System (SUDs) documents available to provide further guidance and information rather than being addressed through conditions. The current problems for Members with such documents being required (through conditions) and not at the time an application was being considered were discussed and highlighted. The Officer explained through the consultation response the Council was expressing the importance of knowing exactly what a drainage strategy was and the benefits of receiving it as part of the outline application stage. The Chairman advised that this was something that would be highlighted further as part of the response.

In response to further questions from Members, Officers provided Members with additional information including:

- Members' attention was drawn to page 67 of the document pack (Appendix 1 to this report) which set out what documents were required by the Lead Local Flood Authority and at what stage of the application process they were required. It was noted that this would replace the need to condition requirements for some documents as part of planning approvals.
- In response to a question regard the meaning of "preliminary layout drawings showing exceeding routing, and location of discharge points" in the what we require and when table of the appendix, the Officer advised this was to do with flows but would seek further clarification for Members.
- It was clarified that no existing issues relating to, for example flooding, could be resolved directly as a result of a new planning application as conditions etc. could only deal with mitigating the impact from the new development. The Director of Strategy, Performance and Governance reported that there were several Flood Alleviation Schemes in development and provided an update in respect of Heybridge.
- The Council was no longer eligible for Housing Infrastructure Funds and the Director of Strategy, Performance and Governance outlined the reasons for this.

The chairman then put the proposal in the name of Councillor Boyce advising that Members' comments would be added to the appropriate response from Officers. This was agreed.

RESOLVED That subject to being updated with Members' comments, the Committee notes the Council's response to the Essex County Council (ECC) Sustainable Drainage

Systems Design Guide Update agreed in consultation with the Chairman of the Committee.

276. LOCAL DEVELOPMENT SCHEME - REVIEW OF 2005 - 2007 SUPPLEMENTARY PLANNING DOCUMENTS

The Committee considered the report of the Director of Strategy, Performance and Governance seeking approval to revoke five Supplementary Planning Documents (SPDs) prepared between 2005 and 2007 following review against the current adopted Local Development Plan (LDP) and its supporting SPDs, the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). The five SPDs were:

- Children's Play Spaces SPD, Adopted March 2006 (attached as Appendix 1 to the report);
- Developer Contributions Guide SPD, Adopted September 2006 (Appendix 2);
- Accessibility to Buildings SPD, Adopted December 2006 (Appendix 3);
- Heybridge Basin Timber Yard SPD, Adopted February 2007 (Appendix 4);
- Sadd's Wharf SPD, Adopted September 2007 (Appendix 5).

The report provided background information regarding the review undertaken in respect of each of the SPDs. Members were advised that following review the SPDs were all deemed to be out of date or redundant and did not align with the adopted LDP, NPPF or NPPG. It was noted that a future review of the LDP would identify any new policy or future SPDs which may be required.

In response to a question regarding Community Infrastructure Levy (CIL) the Director of Strategy, Performance and Governance provided Members with an update on CIL and the Government's consultation regarding it. Officers would be reviewing the guidance in the forthcoming weeks and would report back to Members regarding the timescale.

Following further discussion in relation to CIL it was agreed that an update report on CIL would be brought to the next meeting of this Committee to provide details regarding the current situation, government guidance etc.

There was some discussion regarding the revocation of these policies, their impact on the LDP and removal of developer contributions relating to CIL. In response Members were advised that the policies were out of date, related to a different planning period, were not compliant with the NPPF and national guidance. Members' attention was drawn to paragraph 3.5.1 of the report and it was noted that these policies would have zero material weight in planning considerations and could not be used to influence any contributions from developers.

It was commented that a Member seminar to allow every Member to be informed of the CIL Update would be beneficial. The Chairman then put the proposal as set out in the report with the request for an additional report and consideration of a Member briefing on developer contributions. Upon a vote being taken this was agreed.

RESOLVED that an update report on CIL would be brought to the next meeting of this Committee to provide details regarding the current situation, government guidance etc.

RECOMMENDED that the following Supplementary Planning Documents prepared and approved between 2005 and 2007 be revoked.

- Children's Play Spaces SPD, Adopted March 2006 (attached as **APPENDIX 1** to these Minutes);
- Developer Contributions Guide SPD, Adopted September 2006 (**APPENDIX 2**);
- Accessibility to Buildings SPD, Adopted December 2006 (**APPENDIX 3**);
- Heybridge Basin Timber Yard SPD, Adopted February 2007 (**APPENDIX 4**);
- Sadd's Wharf SPD, Adopted September 2007 (**APPENDIX 5**).

277. CONSULTATION RESPONSE TO THE DRAFT NATIONAL FLOOD AND COASTAL EROSION RISK MANAGEMENT STRATEGY

The Committee considered the report of the Director of Strategy, Performance and Governance advising Members of a response (attached as Appendix 1 to the report) which had been submitted on behalf of the Council in response to a national consultation undertaken by the Environment Agency on the Draft National Flood and Coastal Erosion Risk Management Strategy for England (the Strategy). It was noted that due to the limited timescales of the consultation the response had been sent following agreement of the Chairman of this Committee and was now reported to this Committee for Members' information.

The Strategy set out some aims for future flood risk management and it was noted that the focus was directed towards resilience rather than protection and placed reliance on partnerships to deliver this. It was unclear at this stage how funding tools would be applied and the Council's response highlighted concerns regarding the availability and allocation of funding. It was noted that without clarification on funding it was difficult to identify how the Strategy would achieve the vision, the steps along the way and what it was hoping to achieve to implement them.

Councillor Mrs P A Channer declared a non-pecuniary interest in this item of business as she lived in Althorne.

Members discussed the report and concern was raised regarding the lack of funding and that the Strategy did not detail how it would be delivered. It was agreed that further clarification would be made to the Council's response to question 7a regarding funding to make it clear that without funding details it would be difficult to see how the Strategy would achieve its vision. It was further agreed that question 1 should be amended to seek clarification on what the Strategy was hoping to achieve including how this would be implemented.

In response to a question regarding the Wallsea Island wetland project, the project was briefly discussed. Members were advised that the project would not be continuing and the harbour on the River Crouch was currently being removed.

At this point, Councillor Mrs Channer declared a non-pecuniary interest in this item of business as she was a member of the Crouch Harbour Advisory Committee and was on this Committee as part of the Kent and Essex Inshore Fisheries and Conservation Authority (KEIFCA). She advised that presentations were given, and the Crouch Harbour Authority carried out a review of the Wallasea Island Scheme.

RESOLVED that Maldon District Council's formal response to the Environment Agency consultation on the Draft National Flood and Coastal Erosion Risk Management Strategy for England be updated to include Members' comments regarding questions 1 and 7a.

There being no further items of business the Chairman closed the meeting at 8.48 pm.

MRS P A CHANNER, CC
CHAIRMAN

Children's Play Spaces

Adopted Supplementary Planning Document (SPD)
Maldon District Council
March 2006



Children's Place Spaces

Adopted Supplementary Planning Document (SPD)

March 2006

Contents

1.	The Purpose and Scope of this SPD	2
2.	Policy Context.....	3
3.	Requirements and definitions of children's play space.	6
4.	Provision of Playspaces and Facilities	9
5.	Application Of The Play Space Standard and Calculation of Commuted Sums for the provision of Play Spaces.....	11
6.	Abstract of Play Space Strategy.	15
	APPENDIX 1	16
	APPENDIX 2	21

1. The Purpose and Scope of this SPD

- 1.1 The purpose of this SPD is to set out a formula that allows a developer contribution to be calculated for new housing development. The contribution takes account of the requirement to make room for a play space and provide the necessary equipment on larger developments, whilst also requiring a pro-rata contribution from smaller developments so that all proposals share an equal contribution.
- 1.2 This SPD sets out how policy REC3 in the Maldon District Replacement Local Plan will be implemented and is intended for use by developers, the public and other interested parties. The basic principle of policy REC3 is that new housing development should make provision for public play space as an integral part of the development based on National Playing Fields Association standards. This is to prevent new houses being built without enough room for play space so that children have no opportunity to play safely in their neighbourhood. The intention of the policy is that development should make a proportionate contribution to provision of new play space, or upgrading of existing play spaces, (depending on circumstances) to cater for the demands on play space created by the development of new housing.
- 1.3 The SPD indicates the requirements of different types of children's play space, in relation to residential development and sets out the contribution that should be provided for new development. Separately to this document the Council has prepared strategies for play space, green space and sports fields (Play and Recreation Strategies). Those strategies identify the existing level of provision. They indicate any deficiencies that exist and explain the improvements that are needed to bring everything up to the desired standards.
- 1.4 This SPD will be used in conjunction with the play and recreation strategies. The SPD will set out the level of development contribution that will be required. The play and recreation strategies will identify whether a development contribution is actually required in any particular location. The principle is that, if development is proposed in a location which has a deficiency of provision then a contribution will be required. However, if development is proposed in a location which has adequate provision (and the development does not overload the existing facilities), then no contribution will be required. This approach relies on the play and recreation strategies of the Council being kept up to date. Within this framework the SPD reflects current Government advice and draws on corporate strategies prepared by Maldon District Council.
- 1.5 During the last 20 years the District has experienced significant growth in the residential population, notably in the major settlements. The provision of children's play space has not matched population growth. It is therefore necessary to ensure that shortfalls in provision are addressed. The Council will seek to provide a wide range of children's play space facilities for varied

age groups of children in close proximity to as many residential areas as possible.

- 1.6 In 2005 Maldon District Council is updating a survey of existing play space facilities carried out in 2002. The results of which are set out in appendix 6 of the Replacement Local Plan. This shows that the majority of the villages in the District provide some children's play space, although in many cases they do not meet the adopted standards. This is particularly the case in Maldon, where the large area of children's play space at the Promenade Park disguises the lack of facilities elsewhere in the town.

2. Policy Context

(i) National planning context

- 2.1 Policy Planning Statement 12 – Development Plans indicates that Supplementary Planning Documents are an important mechanism to ensure that detailed Local Plan policies are implemented. PPS 12 states that SPD may be taken into account as a material consideration when determining planning applications provided that it is;
- ◆ Saved against an adopted Local Plan Policy
 - ◆ Subject to appropriate consultation in accordance with the regulations
 - ◆ Formally adopted by the Council and
 - ◆ Regularly reviewed as required.
- 2.2 SPD is therefore a significant tool in translating policies and objectives into provision on the ground.
- 2.3 Planning Policy Guidance Note 17 – Planning for open spaces sport and recreation provides the Government's advice on all aspects of open space sport and recreation. It acknowledges the importance of children's play space as one component of public open space requirements in the local community. The national guidance endorses the need for local assessments to identify deficiencies of provision, to assist with securing additional facilities through the planning process. The PPG and the associated document "Assessing needs and opportunities, PPG17 a companion guide", provide guidance on the use of planning obligations and the use and calculation of commuted sums and developer contributions. The general stance encourages the Local Planning Authority to protect existing facilities, enhance and promote qualitative improvements to existing facilities, to provide new facilities giving priority to areas of deficiency and ensure that adequate provision is made in association with new development.

(ii) National standards

- 2.4 The National Playing Fields Association published a revised “Six Acre Standard” in December 2001. This gives national advice on the standard requirements for all types of play space to encourage provision of an adequate amount of useable open space to cater for all aspects of outdoor recreation. Although the current national thinking, reflected in PPG17, is that play space standards should be local standards based on local assessment of provision and need, the NPFA standards are a useful starting point. They provide useful advice on the detailed requirements for different types of children’s play space. The intention is that all children have the opportunity for access to outdoor play space close to home. Therefore this SPD uses and adapts the NPFA standards for outdoor playing space as a basis for defining provision and demand in the District. The definition and requirements arising from this are set out in section 3 of this document.

(iii) Local planning context

- 2.5 Maldon District Replacement Local Plan policy REC3 is the policy in the Replacement Local Plan which is the subject of this SPD. It is set out in full below:

POLICY REC3 Children’s play space associated with new housing developments and elsewhere in the District

Planning permission for new housing will only be granted if:

Play space is provided in accordance with the adopted standards of the District Council; or

Where all or part of the proposed development lies within 400m of the centre of existing play space; enhancement of that play space is carried out in accordance with the needs generated by the proposed new development ; or

A combination of (a) and (b); or

Where the above cannot be fulfilled, a commuted sum is to be paid to the District Council for the provision or enhancement of children’s play space of the same value to level as provision of the facilities.

Planning permission for new housing will only be granted if children’s play space areas are;

Secure and located where there is good visibility on a pedestrian network accessible by local residents to allow supervision and surveillance;

The space will be equipped according to the standards of the District Council;

It does not result in adverse impact on residential amenity or character of the countryside;

The play space is for public use in perpetuity;

Pedestrian access exists or will be provided via a footpath giving safe access to the site.

Development proposals that do not meet the above standards will not be granted planning permission.

- 2.6 This SPD will assist with the Implementation of the Replacement Local Plan policy, aiming to protect and enhance existing play spaces as well as provide additional facilities with new development and to meet identified shortfalls.

(iv) Corporate strategies

- 2.7 The planning system, through the Local Plan and development control is only one mechanism for providing; enhancing and protecting children's play spaces. Management and maintenance of such facilities goes beyond the remit of planning and involves other Local Authority services, generally led by Leisure and Recreation Departments. Maldon District Council has produced the following strategies which have corporately identified issues addressed in this SPD
- ◆ Outdoor Play Facilities Strategy
 - ◆ Community Plan
 - ◆ Playing Pitch Strategy
 - ◆ Cultural Strategy
- 2.8 These documents have informed the background to the policy in the Replacement Local Plan and will be updated and reviewed in order that this SPD can continue to be used in planning decisions.

3. Requirements and definitions of children's play space.

- 3.1 Children's play space is usually just one component of larger parks or areas of formal public open space. The Replacement Local Plan has incorporated public open space standards which are based on a local assessment of provision and need. These are derived from the NPFA standards, taking into account local circumstances. The three large towns and majority of large villages in the District are built to a density of less than 30 dwellings per hectare. In the main the District is sparsely populated with a large number of small communities separated by extensive areas of open countryside. As a result this SPD modifies the recommendations of the NPFA to establish standards that relate the rural settlement pattern in the District to the level of appropriate provision. Two standards are adopted, one for the larger key settlements and another for the rural areas. The children's play space component, also follows the NPFA minimum standards, with local variations.
- 3.2 The NPFA standards for children's play space identifies three levels of play provision; LAP, LEAP, NEAP (see below). Each level of play space must be within a minimum walking distance of the area it serves. The minimum requirements based on the modified NPFA standards are also illustrated in Table 1.
- **Local Area for Play (L.A.P)** A small area of unsupervised open space specifically designed for play activities for young children close to where they live. The target users are mainly 4-6 year olds and any equipment provided should be correctly scaled so as to discourage use by older children.
 - **Local Equipped Area for Play (L.E.A.P.)** An unsupervised play area for children of early school age. The target users are mainly accompanied children between 4-8 years of age. Needs of children under 4 as well as those over 8 should also be considered. Areas should be equipped offering at least 5 types of play equipment. In addition seating for accompanying adults should be provided.
 - **Neighbourhood Equipped Area for Play (N.E.A.P.)** An unsupervised site serving a substantial residential area, equipped mainly for older children, but also including opportunities for younger children's play. The target users are mainly unaccompanied and unsupervised children from 8-14 years of age. Consideration should also be given for slightly younger unsupervised children. Play areas should be equipped offering at least 8 types of play equipment suitable for the intended age range. It should also include a kick-about area and wheeled play area (eg skate boarding). Seating should be provided for adults as well as a teenage meeting area.
- 3.3 A full specification for LAPs, LEAPs and NEAPs is included in Appendix 1 of this SPD.

3.4 “The Six Acre Standard” (2) published by The NPFA sets out the walking distance from home and size for the three different types of play space. The standards adopted by this Authority and illustrated in Table 1 modify these standards to reflect the particular circumstances of this District. The NPFA standards are shown in brackets.

TABLE1.

Specification	Time	Walking Distance	Radial (Straight Line) Distance.	Minimum Size Activity Zone	Nearest Dwelling	Characteristics And age group
Local area for play (LAP)	1.5 min. (1min)	140m (100m)	100m (60m)	100m ²	5m from Activity Zone ¹	Small, low key games area (may include “demonstrative” play features) Up to 6 years
Local equipped area for play (LEAP)	7.5min (5 min.)	400m (600m)	400m (240m)	400m ²	10m from Activity Zone ²	5 types of play equipment, small games area 4 –8 years
Neighbourhood equipped area for play (NEAP)	15 min.	1,000m (1700m)	1000m (600m)	1,000m ²	30m from Activity Zone ³	8 types of play , opportunities for ball games or wheeled activities Older children

¹ To the forward-most part of dwelling that faces the LAP

² To property boundary

³ To property boundary

¹ Source: “The Six Acre Standard 2001” by the National Playing Fields Association

3.5 The NPFA recommends that for settlements in rural areas the following approach be adopted.

- Settlements of 1000 people or more; full provision of LAP’s, LEAP’s and NEAP’s.
- 250 to 1000; full provision of LAP’s and LEAP’s with priority being given to a LEAP

- 100 to 250 people; provision for a LEAP plus, for existing housing areas, a casual play area of not less than 100m² and, for new developments, LAP's. These should be located as close as possible to the centre of the newly extended settlement. However, it is recognised that within existing communities the only available land may be orientated towards the extremity of the settlement.
 - Less than 100 people; provision of a casual area of play of not less than 100m² for existing housing areas and LAP's in any new developments. These should be located as close as possible to the centre. However, it is recognised that within existing communities the only available land may be orientated towards one end of the settlement.
- 3.6 This standard suggests that a new development should make provision for the full range of play and recreation space as part of a development setting out the threshold population for each type of facility. It suggests a development with a population of 1000 people would require 1 NEAP, 8 LEAP, 16 LAP and one sports field. However taking account of the rural nature of the district and the high quality environment the Council has modified the six acre standard to a more appropriate level of provision as outlined above.

L.E.A.P.'s

- 3.7 Taking account of the rural nature of the district and easy access to countryside the standard adopted for L.E.A.P's varies the N.P.F.A. standard by substituting the "radial line" distance with the "walking line" distance in Table 1. This effectively reduces the frequency of L.E.A.P provision. Calculating the population served by each L.E.A.P. determines those settlements where L.E.A.P's should be provided.
- 3.8 This approach indicates that Maldon, Heybridge, Burnham, Mayland, Tollesbury and Southminster require L.E.A.P's. The remaining settlements are considered to be rural settlements and should be dealt with using a more relaxed formula.

N.E.A.P.'s

- 3.9 Using the methodology adopted for calculating the standard for L.E.A.P.'s, substituting the "radial line" distance with the "walking line" distance in Table 1 and calculating the population by served by each N.E.A.P using a much-reduced housing density figure determines those settlements where N.E.A.P.'s should be provided.
- 3.10 As the area of land required for this type of facility is quite significant and the separation distance between housing and the N.E.A.P. is large it is

considered that these will be mostly accommodated on land already owned by the District Council.

L.A.P's

- 3.11 LAP's should be provided at frequent intervals on small areas of land located on developments. It is expected that developers, as part of the layout process, will provide these play spaces.
- 3.12 Play pitches such as football, cricket and rugby. These should be provided at a district level to cater for older children as well as adults needing access to sport facilities.

4 Provision of Playspaces and Facilities

- 4.1 The Replacement Local Plan 2005 does not identify any further land for development of new housing. The demand for new play space will arise from the redevelopment of existing sites as identified in the Urban Capacity Study. All the identified sites are physically constrained in terms of accessibility and space to include provision of play space as part of any potential development. There are a large number of "small" sites in the district with potential for less than 10 houses. These account for nearly 30% of the supply of housing in Maldon District.
- 4.2 In the absence of provision for new housing development on undeveloped land the Council will not seek the provision of the actual play and recreation space as part of housing development. Developer contributions will be required where the recreation and play strategies identify a lack of provision in the vicinity of the proposed development and the strategy has identifies a site that can be improved or developed. Developer contribution will not be required where the strategies indicate appropriate provision of facilities in the vicinity of the proposed development. The recreation and play strategies therefore indicate the level of developer contribution in any particular location.
- 4.3 The intention of the SPD is that, subject to a need identified in the relevant recreation and play strategy, smaller development should contribute to the full provision of sports and recreation facilities in proportion to the overall level of provision. Thus a development with a population of 10 should contribute 1/100th of the cost of providing the full range of facilities for a population of 1000.
- 4.4 As this SPD refers to a number of mechanisms for securing provision of play space, it is important that methods of implementation are clearly understood and that sound advice exists for calculating developer contributions. The following definitions apply to the implementation of the

SPD. PPG 17 and the Companion Guide includes some advice on these issues, these are referred to here.

- 4.5 Planning Obligations PPG 17 endorses the use of Planning Obligations to secure the provision of additional facilities. It states “Planning Obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreation provision. Local Authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate, or under threat, or where new development increases local needs.” It is necessary for local Authorities to have undertaken detailed assessments of need and audits of existing facilities and set minimum standards in order to justify Planning Obligations.
- 4.6 Developers’ Contributions These are capital receipts intended to fund a particular quantity of a particular form of new provision, usually off site. Where contributions are sought there is a need for a normalised capital cost per unit of provision to establish the payment required. This cost can include any or all of the following; Land costs and related legal fees; construction costs where appropriate; essential equipment, e.g. play equipment on a LEAP or NEAP.
- 4.7 Commuted Maintenance Sum Taking account of practical implications of agreeing appropriate maintenance payments the District Council does not intend to ask developers for commuted sums to fund maintenance of play facilities. Instead the Council will ask for contributions, either in cash or by way of direct provision of facilities towards achieving the Outdoor Play Facilities Strategy.
- 4.8 Programming of provision Developer contributions will be used together with funding from the District Council to upgrade existing play spaces and establish new play spaces on land currently under the control of the District Council. These play spaces will be located in the settlements where the under-provision of L.E.A.P.’s or N.E.A.P.’s outlined in section 3 has been identified.
- 4.9 Provision will be prioritised having regard to:
- ◆ Need as assessed by the lack of facilities in a particular area.
 - ◆ the available financial resources generated by developer and other contributions in each settlement and
- 4.10 The establishment and adoption of LEAP’s or NEAP’s secured through the construction of a large residential development will be in addition to those provided through developer contributions and will be subject to opportunities arising..
- 4.11 Funding

5 Application Of The Play Space Standard and Calculation of Commuted Sums for the provision of Play Spaces.

- 5.1 The play space standard is based on the estimated population that a new development will generate. This population is estimated using the occupancy standards listed in table 2 below. These occupancy standards are used to calculate the threshold figures set out in table 3.

TABLE 2

Dwelling size (No. of rooms excluding hallways ladders Etc)	Occupancy (average)
3	1.4
4	1.7
5/6	2.4
7+	2.9

This information is derived from the 2001 census and may be subject to revision.

- 5.2 A development scheme population can be calculated using the information listed in table 3. Developments with a projected occupancy that equates to the threshold population for each of the play space types listed should seek to provide that facility on site.

TABLE 3

Type of play space	Minimum size of facility (excluding buffer zone)	Threshold population (derived from the 6 Acre standard)	m ² per person	m ² per person x dwelling size			
				(no. rooms)			
				3	4	5/6	7+
1 x Youth/Adult	8,100m ²	470	17.0	24	29	41	49
1 x LAP	100m ²	62	1.6	2	3	4	5
1 x LEAP	400m ²	124	3.2	4	5	8	9
1 x NEAP	1,000m ²	1,000	1.0	1	2	2	3
1 x Casual Play Space			1.0	1	2	2	3

- 5.3 It is accepted that some types of accommodation such as sheltered accommodation for the elderly are unlikely to create demand for play space.

This type of development will not be expected to make a contribution to play space provision.

- 5.4 Where the site population of a development scheme falls between or below the threshold for a type of play area (e.g. a site population of 30 would generate a requirement for half a LAP), the following approach will be applied:-
- 5.5 The area of the different play types in excess of the minimum sizes, from the last two columns of table 3 should be treated as follows:
- 5.6 The partial provision of youth/adult, N.E.A.P.'s and L.E.A.P.'s should be used to increase the size and quality of the nearest proposed or existing play area, identified in the Play Space Strategy of Maldon District Council.
- 5.7 Excess identified for LAP's should be used to enlarge a proposed area of casual play to provide a defined play area.
- 5.8 In calculating the provision of play space it is important to take accessibility into consideration. Simply enlarging or up grading the nearest play area may not necessarily increase provision if that play area has a full range of equipment but is shared by a larger community. In such cases developers should seek to work with the Council to identify alternatives where possible.

Commuted Payments For Off Site Provision

- 5.9 The District Council acknowledges that due to the lack of green field development opportunities in the Replacement Local Plan, on site provision may not be feasible, particularly where development is required to provide larger play areas. In such cases, the Council will seek to negotiate a planning obligation under Section 106 of the Town and Country Planning Act 1990. This obligation enables developers to make a contribution towards the provision of suitable off site play space in lieu of direct provision within the development site where there are identifiable and appropriate opportunities for providing new play space or upgrading existing play space in accordance with the Play Space Strategy (see table 4). In calculating commuted sums, the Council will have regard to existing facilities that could serve the development.
- 5.10 Where existing play facilities with sufficient capacity to absorb the increased level of use generated by the proposed development meet the Council's play space requirements; the Council will not require duplicate provision.

TABLE 4

LAP	It will not be possible to commute provision of LAPs as they cannot functionally be located outside of the development.
LEAP/NEAP	Commutated payments will be accepted where there are appropriate and identifiable opportunities for providing new or improved play space.
YOUTH/ADULT	It will be unlikely that youth/adult play space will be provided on site except on the largest developments. In most cases therefore, the Council will negotiate a commuted payment for off site provision. All residential development is therefore required to make provision for this type of provision, irrespective of any existing facilities within the locality.

Calculating Commuted Sums Required

- 5.11 The amount of contribution sought will be based on estimated costs for land, design, layout and equipment calculated as a figure per dwelling type for youth/adult facilities, L.E.A.P.'s and N.E.A.P.'s. In cases where a proposed development is sufficiently large enough to provide an element of on site play space provision to the minimum size and design requirements, then these will be discounted from the commuted sums to avoid duplication of provision.
- 5.12 Table 5 sets out the level of commuted sums. This information is correct at the time of publication of this document and will be reviewed annually to take account of increases in costs, and any future changes at national level or in the Council's own policies regarding health and safety inspections. The purpose of table 5 is to provide a baseline for negotiation.

TABLE 5

Dwelling type/ No. rooms	Average occupancy*	Youth/ adult play	NEAP	LEAP	Total**
		£	£	£	£
3	1.4	178	176	845	1,199
4	1.7	216	213	1,026	1,455
5/6	2.4	305	301	1,448	2,054
7+	2.9	368	364	1,750	2,482

*2001 Census

- 5.13 To calculate the appropriate amount of commuted sum payment for a particular scheme developers should:
- ◆ identify the total population of the proposed site and level of play space required using table 3,
 - ◆ identify which of the full range of required play spaces are able to be provided on site,
 - ◆ identify the level of requirement required off site, and, together with officers of the Council identify whether there are any existing play facilities (see appendix 1 and plan 1) which fulfil the relevant play space requirements
 - ◆ check distances and times as set out in table 1, and have the capacity to cater for the demand generated by the proposed development.
- 5.14 Where provision for play space cannot be accommodated on site, or at appropriate existing facilities, developers should:-
- ◆ Establish, together with officers of the Council, whether there are any viable opportunities for alternative facilities to be provided off site in locations which would fulfil the relevant play space requirements as set out in table 1.
 - ◆ Calculate the appropriate commuted sum by multiplying the number of dwellings by the sum given in table 5 for the play space types that it has been agreed can be provided off site.
- 5.15 Monies collected via commuted sum payments will be held in a discrete fund. Payments for N.E.A.P.'s and L.E.A.P.s will be spent on the most appropriate facility to the proposed site. Payments for youth/adult provision will be used to fund borough wide projects.
- 5.16 Financial Contributions The contributions collected will be used to finance the provision of either LAP's, L.E.A.P.'s or N.E.A.P.'s or the upgrading from a LEAP to a NEAP located within the same settlement as the development making the contribution in accordance with the Play Space Strategy.
- 5.17 Specified villages where developments are the subject of commuted sums. Developers will be expected to contribute to the cost of providing these facilities in relation to the number of dwellings being constructed either by:
- (a) Making a financial contribution to cover the cost of providing a site and equipping the site to NPFA standards as well funding the future maintenance of the site or
 - (b) Providing a site for a play space and equipping it to NPFA standards or

(c) Providing the necessary improvements directly to an existing play facility in accordance with the Outdoor Play Facilities Strategy.

- 5.18 A combination of (a) (b) and (c) allowing the developer to satisfy the LPA's requirement with a mix of fixed assets and funding.
- 5.19 If the funds collected cannot be used within five years of occupation of the development they will be returned.

6 **Abstract of Play Space Strategy.**

- 6.16 Contributions will be required in Maldon, Heybridge, Mayland, Southminster, Burnham on Crouch and Tollesbury. Contributions will only be used to support the creation of play spaces in the villages where the development takes place.
- 6.17 Rural Communities. In those settlements not large enough to support the provision of a LEAP or NEAP the District Council will assist in funding either the provision of new facilities or the improvement of existing facilities under a Grant Scheme operated by this Authority. In these instances funding assistance will be determined following the receipt of an application from the Parish Council. The applications will be considered in relation to the District Councils capital expenditure programme for the following financial year. Decisions on those applications will also be made having regard to the following priorities
- 6.18 Provision of play facilities in settlements where no facilities currently exist will have the highest priority

APPENDIX 1

Specification for Local Area for Play (L.A.P.)

It caters for children for up to 6 years of age

It is within 1min walking distance from home.

To be positioned beside a pedestrian pathway on a route that is well used.

It occupies a reasonably flat site that is well drained with grass or a hard surface

It has an activity zone a minimum of 100m² in area

It contains features that enable children to identify the space as their down domain, for example, a footprint trail, a mushroom style seat or a model of an animal or insect

A buffer zone of 5 metres minimum depth, is provided between the activity zone and the forward most part of the nearest dwelling that faces a LAP. Gable end or exposed walls should be protected from use for ball games by, for example, providing a strip of dense planting of 1 metre in depth.

The buffer zone includes planting to enable children to experience natural scent, colour and texture.

Some individual seats provided for parents and carers

It has a 600mm high guard-rail or similar low level fence around the perimeter (either within or adjacent to areas of planting) to prevent access to the play area by dogs.

It has a barrier to limit the speed of child entering or leaving the facility.

It has a sign to indicate that the area is solely for use by children, that adults are not allowed unless accompanied by children and that dogs should be excluded.

It is overlooked by nearby houses.

The area of the activity zone contributes to meeting the children's playing space part of the Six Acre Standard.

Specification for Local Equipped Area for Play (L.E.A.P.)

It caters for children of 4-8 years in age.

It is within a walking time of 5 minutes from home

To be positioned beside a pedestrian pathway on a route that is well used.

It occupies a site that is well drained with grass or a hard surface and features an appropriate impact-absorbing surface beneath and around the play equipment.

It has an activity zone a minimum of at least 400m² in area.

It contains at least 5 types of play equipment, of which at least two are individual pieces rather than part of a combination. Each item is designed to stimulate one of the following

Balancing e.g. beams, stepping logs, clatter bridges, or graphic line elements.

Rocking e.g. see-saw or spring animals

Climbing or agility, e.g. frames, Dnets, overhead bars, or angled climbers.

Sliding, e.g. traditional slides, straight or angled "fire fighters" poles.

Social play, e.g. sheltered areas or child seating

Additional items might focus upon rotating, swinging, jumping, crawling, viewing,(e.g. ground graphics) counting or touching (e.g. sand and water)

There is adequate space around the equipment to enable children to express their general exuberance and play games of "tag" and "chase".

It has fencing, if the site is not already adequately enclosed, of at least 1 metre in height around the perimeter of the activity zone with two, outward opening and self closing , pedestrian gates on opposite sides of the space (to deter entry by dogs and to restrict opportunities for bullying).

It has a barrier to limit the speed of the child entering or leaving the facility

Privacy of neighbouring residential gardens is protected

A buffer zone, not less than 10 metres in depth, is provided between the edge of the activity zone and the boundary of the nearest property containing a dwelling. Normally a minimum of 20 metres should be provided between the activity zone and the habitable room façade of the dwelling. Where the minimum distances apply, careful consideration needs to be given to

The design of the means of enclosure planting scheme and/or other physical features on the boundary of the residential property and

The siting of the play equipment within the activity zone (to preclude opportunities for overlooking nearby gardens and a consequential loss of privacy for residents.

The buffer zone includes planting to enable children to experience natural scent, colour and texture.

Some seats are provided for carers and parents

It has a notice to indicate:

That the area is solely for use by children

That adults are not allowed unless accompanied by children.

That dogs should be excluded

The name and telephone number of the operator of the facility to report any incident or damage to the play equipment.

It has a litter bin.

The area of the activity zone contributes to meeting the children's playing space part of the Six Acre Standard

Specification for Neighbourhood Equipped Area for Play (N.E.A.P.)

It caters for predominately older children

It is well within a walking time of 15 minutes from home.

It is positioned beside a pedestrian pathway on a route that is well used.

It occupies a site that is well drained with grass or a hard surface and features an appropriate impact-absorbing surface beneath and around the play equipment.

It has an activity zone a minimum of 1000m² in area that is divided in two parts; one containing a range of play equipment and the other provided with a hard surface of at least 465m² (the minimum area needed to play five-a-side football).

It contains at least 8 types of play equipment comprising:

At least 1 item to stimulate rocking, touch, social or developmental play among younger children.

At least 2 items to facilitate, sliding, swinging or moderate climbing.

At least 5 items, of which at least 3 are individual pieces rather than in combination, to encourage either more adventurous climbing, single point swinging, balancing, rotating, or gliding (e.g. aerial runway).

There is adequate space around the equipment to enable children to express their general exuberance and play games of "tag" and "chase".

It has fencing, if the site is not already enclosed, of at least 1 metre in height around the perimeter of the activity zone with two, outward opening and self-closing, pedestrian gates on opposite sides of the space (to deter entry by dogs and to restrict opportunities for bullying)

It has a barrier to limit the speed of a child entering or leaving the facility

A buffer zone, of 30 metres minimum depth is provided between the activity zone and the boundary of the nearest property containing a dwelling. A greater distance may be needed where purpose-built skateboarding facilities are provided.

The buffer zone includes planting to enable children to experience a part of the “natural” environment.

Some individual seats are provided for parents or carers in the vicinity of the play equipment and other seating is provided within the hard surfaced games area.

It has a notice to indicate:

That the area is solely for use by children.

That adults are not allowed in the equipped space unless accompanied by children

That dogs should be excluded

The name and telephone number of the operator of the facility to report any incident or damage to the play equipment.

The location of the nearest public telephone.

It has litter bins at each access point and in proximity of each group of seats.

It has convenient and secure parking facilities for bicycles.

The area of the activity zone contributes to meeting the children’s playing space part of the Six Acre Standard

APPENDIX 2**Catchment Areas for LEAP's and NEAP's and funding requirements.**

In order to determine whether the provision of a play space can be justified in terms of "user intensity," the SPG aims to establish a population threshold for the provision of children's play facilities. The determination of the threshold relies on a modification of the of the NPFA standards for the provision of LEAP's and NEAP's.

To reflect the particular circumstances of this District and ensure a balance between frequency of provision and intensity of use in established residential areas the "walking distance" stated in Table 1 has been used as the "radial line distance".

Catchment Areas**L.E.A.P.'s**

Area served (1)	400m from centre of play space comprising 50 ha.
Dwelling density (2)	30 dwellings per hectare
Occupancy rate	2.6 persons per dwelling

Minimum population served by L.E.A.P. 3900 persons

N.E.A.P.'s

Area served (1)	1000m from centre of play space comprising 314ha..
Dwelling density (3)	15 dwellings per hectare
Occupancy rate	2.6 persons per dwelling

Minimum population served by N.E.A.P. 9400 persons

- (1) The area served in both cases uses the walking line distance stated in the NPFA standards to determine the area served by the respective play areas.
- (2) Density reflects the low end of the density range suggested by PPG3.
- (3) Density reduced to reflect the fact that in this District an area of 300ha is likely to be developed at a density of no more than 15 dwellings to the

hectare.

Relating these statistics shows that L.E.A.P's can only be justified in the settlements of Maldon, Heybridge, Mayland, Burnham, Southminster and Tollesbury.

N.E.A.P's require a larger investment and serve a larger population and only 5 or 6 N.E.A.P's are required in the District located in the major population centres.

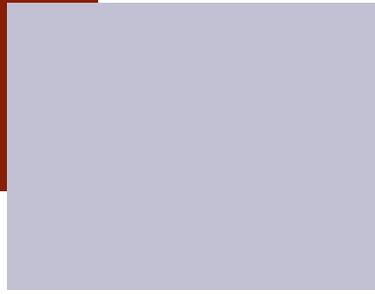
MALDON DISTRICT
**Developer
Contributions
Guide**



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DISTRICTWIDE

1. Introduction page 3
2. Central Government Legislation and Guidance page 4
3. The Local Planning Policy Context page 6
4. Need page 7
5. Making a Contribution page 9
6. Maldon District Priorities page 12
7. Competing Demands on Development Contributions page 18



Introduction

Developer contributions are normally secured through planning obligations under section 106 of the Town and Country Planning Act 1990 which are typically agreements between local authorities and developers negotiated in the context of granting planning consent. They were introduced to secure improvements not coming forward under conditions of planning permission.

Through this mechanism developers contribute towards sustainable communities and help ensure the success of new developments. They can make cash or in-kind contributions towards a range of infrastructure and services including local roads and public transport schemes, public spaces, community facilities and affordable housing.

The purpose of this document is to set out Maldon District Council's approach to seeking developer contributions when considering planning applications. It brings together the policy approach of Central Government and the development plan context as in the adopted Maldon District Replacement Local Plan and the Essex and Southend-on-Sea Replacement Structure Plan.

The document represents a guide to Maldon District Council's adopted position in relation to negotiations it will undertake to secure appropriate developer contributions as part of planning approvals.

The guide is consistent with current national planning policy and guidance and with the Development Plan. It has not been adopted as a supplementary document under the Planning and Compulsory Purchase Act 2004 as it does not elaborate existing adopted policy. Rather it represents an interim guide reflecting Maldon District Council's current adopted policy position with regard to Developer Contributions.

The District Council has now commenced preparation of a Local Development Framework part of which will be the adoption of a Core Strategy by October 2008. Following this adoption the District Council have timetabled the production of a Developer Contributions Supplementary Planning Document which will elaborate policy within the Core Strategy.

This interim guidance will therefore apply to saved Development Plan policy until replaced by the Core Strategy of the Local Development Framework. As the guide does not elaborate policy it has not been the subject of additional consultation, outside the Development Plan consultation processes, other than with key stakeholders.

Central Government Legislation and Guidance

The Government views developer contributions as a means of enabling a proposed development to proceed and to meet any increased needs of the local community associated with the new development. It is seeking to improve the operation of the system of obligations, by promoting greater speed, certainty, openness and accountability. The statutory basis of developer contributions is section 106 of the 1990 Planning Act, which allows anyone interested in land to enter into an obligation (legal agreement) that regulates the development of the land in some way or requires a financial contribution.

This is further elaborated in ODPM Circular 05/2005 'Planning Obligations' July 2005 which states that developer contributions should only be sought where they meet the following tests:

1. relevant to Planning;
2. necessary ie they are necessary to make a proposal acceptable in land use planning terms;
3. directly related to the proposed development;
4. fairly and reasonably related in scale and kind to the proposed development;
5. reasonable in all other respects.

Developer contributions may relate to matters other than those covered by a planning permission, provided there is a direct relationship with the planning permission. However, they should not be sought where this connection does not exist or is considered too remote. There should be a functional or geographical link between the development and the item being provided as part of the contribution.

Acceptable development should never be refused because an applicant is unwilling or unable to offer unrelated benefits. Unacceptable development should never be permitted because of unnecessary or unrelated benefits offered by the applicant.

All planning applications must be determined on their own merits and contributions sought only if they are necessary to proceed. Developers should not be expected to pay for facilities that are needed solely in order to meet existing deficiencies. In summary contributions aim to mitigate the impact of proposals where the development itself is in other respects acceptable.

Central Government Legislation and Guidance

The Government has addressed transparency issues through 'Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2002 [Statutory Instrument 2002 no 828]' which came into effect on 1 July 2002 and requires details of the planning obligations for each development to be published in both Parts I and II (before and after the grant of planning permission as appropriate) of the local planning authority's Planning Register. In recent years the Government has also issued a number of consultation papers with a view to reforming developer contributions.

Given the statutory basis there are two ways in which the seeking of contributions must be justified - planning policy and need. These are elaborated in sections 3 and 4.

A developer may apply to modify a Section 106 agreement and has the ability to appeal to the Secretary of State against a Council's refusal to modify a section 106 agreement after 5 years. This replaces the need to go through the Lands Tribunal set out in an earlier Circular (01/97).

The Local Planning Policy Context

The development plan represents the current adopted planning policy position for which this guide is written.

The Essex and Southend-on-Sea Replacement Structure Plan (adopted April 2001) provides the relevant development plan policy context at county level for development proposals in Maldon District. Policy BE5 identifies the need for developers to contribute towards the infrastructure costs of their proposals.

POLICY BE5 states:

'Development will not be permitted unless it makes provision for community facilities, public services, transport provision, infrastructure, environmental works and any other requirements which are made necessary by and are directly related to the proposed development. The requirements will be set out in adopted local plans, Local Transport Plans and/or development briefs and will be negotiated when determining planning applications.

Developers will be required to finance the full cost or if appropriate a contribution towards the full cost of all such provision which is fairly and reasonably related in scale and kind to the proposed development and its impacts on the wider environment. This provision will be subject to planning obligations which will be secured prior to the issue of planning permission. These obligations will specify the nature and timing of all provision, both on and off a development site, made necessary by the development concerned '.

The policy is supported within paragraphs 8.15 - 8.17 of the Structure Plan.

The adopted Maldon District Replacement Local Plan (2005) adopts a more focussed approach to directing the specific use of developer contributions in relation to a number of topic based policies. These are:

- CC1 Development Affecting an Internationally Designated Nature Conservation Site
- CC2 Development Affecting a Nationally Designated Nature Conservation Site
- H9 Affordable Housing
- REC3 Children's Play Space Associated with New Housing Developments and Elsewhere in the District
- PU1 Provision of Education Facilities

These policy priorities are explained in more detail in section 6 of this guidance.

Need

Local needs identified via the Local Strategic Partnership are important when considering the nature of developer contributions. These are set out within the Maldon District Community Plan. The priority issues arising from consultation in this community planning process have been distilled into six themes presented in the Community Plan itself as follows:

COMMUNITY SAFETY

To reduce both the level and the fear, of crime to make our community a safer place to live, work and relax.

HEALTH, SOCIAL CARE & HOUSING

To maintain and improve the health, wellbeing and quality of life of everyone in Maldon District, especially amongst those whose health is poorest. To improve access to appropriate local housing.

TRANSPORT & ACCESS

To improve the provision and integration of all modes of transport and access to services and facilities within the District.

EDUCATION, TRAINING & EMPLOYMENT

To enhance educational achievement, lifelong learning and training and to support a thriving local economy that provides jobs.

ENVIRONMENT & PLANNING

To improve our quality of life and enhance, protect and preserve both our local and the wider environment for now and future generations.

LEISURE & RECREATION

To provide everyone with high quality opportunities for leisure, recreation, relaxation and culture throughout the District.

The Community Plan is being reviewed with the intention of producing a new Plan in early 2007. As part of this process needs may be expressed differently in future.

Need

In May 2006, the District Council adopted a new corporate vision of "Creating a District which takes pride in itself". This new vision is supported by the following four key external priorities:

SUPPORTING AN ACTIVE LOCAL ECONOMY

PROTECTING OUR RURAL HERITAGE

INCREASING THE AFFORDABLE HOUSING SUPPLY

PROMOTING CIVIC PRIDE

The new vision will underpin production of the Local Development Framework. Together with the new objectives, it supports many of the policies and proposals in the adopted Maldon District Replacement Local Plan.

Other plans and strategies have been used to help define development plan policy and can assist in providing background to issues when assessing developer contributions. These are usually topic based and will include:

- the Maldon District Housing Strategy;
- the Maldon District Recreation Strategy;
- the Maldon District Playing Pitch Strategy;
- the Essex Local Transport Plan (LTP2);
- the Essex Biodiversity Action Plan.

Such strategies provide a rationale and justification for both the principle and the relevant mitigation measures contained in a developer contribution and will be referred to as appropriate.

Making a Contribution

The assessment of need is carried out according to the subject. The steps in assessing the need and scale of developer contributions are:

- determining the nature, extent and timing of the impacts;
- establishing appropriate infrastructure standards;
- identifying those areas where there are infrastructure shortfalls or spare capacity and measuring the extent of the shortfalls or spare capacity;
- measuring impacts against standards in order to calculate appropriate mitigation;
- costing the mitigation measures and determining the timing of their delivery.

A developer contribution is established within an agreement between a developer and the District Council, and other parties as necessary. It can identify activities or work to be carried out on-site or financial contributions, revenue or capital, to be made. Where available it should be based on standard charges or formulae, elsewhere by negotiation on a case by case basis.

Where unacceptable impacts are identified on public infrastructure, contributions will be required by public agencies to address these. In some cases the developer will be asked to undertake the work directly. In other cases a facility may be required that is then run by a public or other agency. Some contribution to these running costs or in other cases maintenance costs may be required.

It is open to a developer or other interested person to make a contribution by way of a unilateral undertaking. This does not require the agreement of the local authority. These are appropriate for financial contributions in certain circumstances. In other respects the considerations set out in this guide apply.

The developer contribution process must be transparent, efficient, consistent and effective. The developer contribution will be finalised within a section 106 agreement, or unilateral undertaking, prior to a report on a planning application being placed before the planning committee. Exceptions to this procedure are only likely where the development is particularly complex or large. The scale and scope of a contribution will be negotiated, in relation to the specific circumstances of the development, including viability. Where a developer indicates that infrastructure costs are considerable and a S106 contribution will make the development of the site unviable or a lesser degree

Making a Contribution

of provision is being promoted by the developer, then the Council will require documentary evidence of those infrastructure costs or other unforeseen costs that are put forward at the time of any preliminary discussions. An 'open-book' approach to financial assessment will be encouraged.

The contributions will in each case be related directly to the scale of the impact or scale of development. A major development will trigger thresholds of provision in its own right. Smaller developments may make a quantifiable impact that cumulatively with other small developments will trigger a threshold. In such cases a contribution will be called for and pooled until provision is cost effective.

In some circumstances contributions may be a significant factor in development viability. However they remain a necessary cost of development and need to be identified as such by potential developers. Hence it will be expected that the likely cost of contributions be fully reflected in negotiations from the start of the development process. In limited circumstances, if a developer considers that the cost of the contribution, renders the project unviable then the Council, at its own discretion, may review the range and nature of contributions that would normally be sought. Such a review is likely to be considered where a development is seen as offering planning benefits separate to those normally required by a contribution. In order for this review to take place the developer will be required to make available the financial appraisal that gave rise to the conclusion. The Council will require its reasonable costs in reviewing the viability to be met by the party seeking review. Where a developer indicates that infrastructure costs are considerable and an S106 contribution will make the development of the site unviable or a lesser degree of provision is being promoted by the developer, then the Council will require documentary evidence of those infrastructure costs or other unforeseen costs that are put forward at the time of any preliminary discussions.

The Council will expect its reasonable costs in drawing up the agreement and in monitoring the agreement to be met by the developer. The Council will use its best endeavours to minimise these costs to specify them at the earliest possible opportunity in the application process and wherever possible set out a timetable for the steps it will take in dealing with the application and agreement.

Making a Contribution

The main features of the approach are:

- potential developer contributions will be raised at pre-application discussions;
- planning applications will be assessed against planning policy and expressed need in order to identify appropriate contributions;
- developers will be invited to discuss contributions early in the process;
- draft agreements will be prepared for the agreement of developers when registering an application other than in exceptional cases.

Maldon District Priorities

6.1 Environment

The adopted Structure Plan includes policies that seek to protect the quality of the County's environment against inappropriate development, **Policy NR1 requires development to respect its setting**. Development will not be permitted that would cause permanent destruction or damage to the character of the landscape. Other relevant policies include:

- NR6: Development that would adversely affect designated sites will not be permitted. If there is a risk of damage, obligations may be sought to secure future site management or to made compensatory provision elsewhere.
- NR7: Additional natural habitat sites will be protected by identification in the local plan, or during the consideration of development proposals.

The Maldon District Replacement Local Plan sets out the District Council's commitment to enhancing and safeguarding the environment. Two policies, focussed on the District's most prized wildlife sites refer to the potential use of developer contributions to seek environmental benefits. These are:

'CC1 DEVELOPMENT AFFECTING AN INTERNATIONALLY DESIGNATED NATURE CONSERVATION SITE

Development likely to have a direct or indirect effect on a Ramsar site, Special Protection Area or Special Area of Conservation will not be permitted unless it is necessary for reasons of overriding public interest. Any such proposals will be subject to the most rigorous examination. Where development is permitted the use of conditions or planning obligations will be considered, to avoid and/or minimise harm to the site, to enhance the sites nature conservation interest and to secure any compensatory measures and appropriate management that may be required.

CC2 DEVELOPMENT AFFECTING A NATIONALLY DESIGNATED NATURE CONSERVATION SITE

Development likely to have a direct or indirect effect on a National Nature Reserve, Site of Special Scientific Interest or Environmentally Sensitive Area will not be permitted unless the need for the development clearly outweighs the importance of the site or the effects can be satisfactorily mitigated. Where development is permitted the use of conditions or planning obligations will be considered, to avoid and/or minimise harm to the site, to enhance the sites nature conservation interest and to secure any compensatory measures and appropriate management that may be required'.

Maldon District Priorities

In pursuing policies CC1 and CC2 the District Council may seek agreements to regulate land use in the interests of the Environment, or seek capital contributions to secure mitigation, compensatory provision or enhancement of existing sites and resources.

The identification of specific mitigation measures to address the potential impact of a proposed development on the nature conservation and amenity value of the development site and the wider area will be assessed on a site-by-site basis. Impacts on the environment are directly related to the detailed nature of a particular proposal, and in most cases, given the policy requirement for an Environmental Statement to accompany any application that adversely affects the environment, both the impact and proposed extent of mitigation will be identified by the applicant.

The District Council will assess the appropriateness of the proposed mitigation as part of its normal consideration of the application. A developer may select to undertake the mitigation works. Alternatively it may be appropriate for the developer to make a financial contribution to the District Council. In this instance, a fully costed appraisal will need to be prepared by the applicant, to include provision for the long term maintenance should this be appropriate.

Contributions may be used to:

- secure compensatory habitat provision to mitigate the impacts of development;
- secure improvements to a site as part of a development proposal;
- secure proper provision for the long-term future of a site and its maintenance;
- secure contributions towards the management and maintenance of a site that is adversely affected by a development proposal;
- secure the use of appropriate sustainable development technologies and techniques;
- secure improvements to the setting or environs of the development including enhancements to the public realm and historic structures;
- secure facilities for waste management or their enhancement.

The financial contributions referred to above will relate to a particular off-site scheme and the planning application will be required to be accompanied by a statement to clarify the precise nature of the mitigation works required to address the impacts associated with the development.

Maldon District Priorities

6.2 Affordable Housing Circular 6/98 Planning and Affordable Housing and Planning Policy Guidance 3 (PPG3): Housing 2000 sets out the Government's policy on how the planning system can contribute to the overall supply of affordable housing. It should be noted that the Government is shortly to be issuing revised guidance in the form of PPS 3.

Affordable housing need is a material consideration in considering planning applications and should be taken into account in formulating development plan documents.

Maldon District Council seeks to balance the needs of the community by ensuring there is adequate affordable housing provision for households whose incomes are not sufficient to enable them to purchase or rent suitable accommodation in the local market.

To this end the District Council has produced a separate guide addressing the provision of Affordable Housing, adopted in December 2005 and it should be read in conjunction with this guide in considering development contributions for affordable housing.

The Affordable Housing Guide includes reference to the District Council's stated policy position within the Maldon District Adopted Local Plan (Policy H9 Affordable Housing).

6.3

Children's Play Spaces Maldon District Council is concerned that effective play space provision is in place to recognised standards for the children and young people of the District. The District Council expects that new development will make an appropriate contribution to that provision particularly where deficiencies are identified.

In March 2006 the District Council adopted a Children's Play Spaces Supplementary Planning Document to elaborate policy REC3: 'Children's Play Space Associated with New Housing Developments and Elsewhere in the District' within the adopted Maldon District Replacement Local Plan.

The SPD is designed to ensure adequate facility provision is contributed alongside new development or is already in place before development goes

Maldon District Priorities

ahead. It identifies the strategy used in identified need, the standards to be applied and a calculation of contribution. This guide should therefore cross refer to the SPD when considering the provision of Children's Play Spaces.

6.4

Transport Infrastructure The need to mitigate the impact of development on transport infrastructure and to improve road safety, reduce travel and encourage sustainable means of transport are fundamental to the good planning of the District and have a high Government priority.

Any development proposal will be expected to provide for safe and convenient access for all appropriate modes to a high standard. In many cases this will be achieved within the development site and will be addressed via planning conditions. Elsewhere, the scale or location or nature of the use may necessitate off site intervention in order to enable the development to go ahead. In some of these cases a condition, precluding development until such investment has been made may be appropriate. In other cases a financial contribution will be sought that will enable the improvements to the infrastructure to proceed prior to or in parallel with the proposal. The Highway Authority may allow the developer to carry out such works on highway land in certain circumstances, in lieu of a financial contribution.

Structure Plan policy BE 5 is the overarching policy requiring developer contributions for transport provision and infrastructure 'set out in adopted local plans, Local Transport Plans and/or development briefs.

Strategic transport priorities for Maldon District are set out in detail in the Essex Local Transport Plan 2006/11 (LTP2). Maldon District lies within the 'Chelmsford and the Heart of Essex' area focussing on Chelmsford as a regional interchange centre. The key priorities for Maldon District are:

- public transport improvement particularly accessibility to town services and amenities from remoter rural areas. Continued focus is required on the Dengie Village Link and Blackwater bus links;
- congestion issues on the A414, B1018 and junctions associated with the urgent need to link the Maldon area effectively with the A12/Great Eastern corridor;

Maldon District Priorities

- renewed focus on the promotion of the Crouch Valley Community Rail Partnership.

LTP2 considers the role of Development Control Funding and specifically states:

'...at least £10 million a year is realised (across Essex) either as money passed to the County Council or as works undertaken by the developer. This level will increase over the life of the second LTP given the scale and the level of completions presently coming through the planning process'.

Policy T2 of the adopted Maldon District Local Plan 'Transport Infrastructure in New Developments' identifies more local transport requirements of development:

1. The layout of new developments will where appropriate provide for:
 - (a) Safe access to and from the highway including adequate visibility and junction capacity;
 - (b) Off site improvements to the highway;
 - (c) Facilities giving priority to public transport, pedestrians and cycling;
 - (d) Road layouts which are appropriate to the location and provide a safe and pleasant environment;
 - (e) Improvements to rail infrastructure;
 - (f) Links to the adjacent or nearby foot/cycle path network and the road system;
 - (g) Promotion of social inclusion and accessibility.
2. Larger scale development that requires a travel assessment must include and implement a Green Travel Plan.

In addition to Policy T2, Policies T4 Cycle Routes, T5 Cycle Parking provision in new developments, T6 Improvement to Pedestrian Facilities, and T7 Shared Car Parking in New Development are also relevant,

A developer may also enter into a planning obligation with the Local Highway Authority and the Local Planning Authority for improvement works to local roads.

Maldon District Priorities

Contributions from major development proposals (more than 10 dwellings or 1000 sq. m.) will be based on a package approach related to corridors, as set out in the LTP. This will continue to form the basis of the approach to the assessment of development impact and mitigation measures.

6.5 Education

The basis for developer contributions for education is policy BE5 of the adopted Structure Plan. The detailed approach to considering contributions for education is contained in the Essex County Council Supplementary Planning Guidance (SPG), 'Developer Contribution Guidelines'. The District Council has not adopted the SPG as its own policy but will apply the principles in the SPG as an expression of Structure Plan policy, in appropriate cases. The County's SPG should therefore be referred to in such cases.

Competing Demands on Development Contributions

When considering the emphasis to be placed on each of the priorities set out in section 6 in an assessment of appropriate developer contributions Maldon District Council will adopt the following approach.

1. For housing applications contributions will generally be prioritised in the following order:
 - Affordable Housing
 - Infrastructure
 - Environment
 - Children's Play Spaces
 - Education
2. For most other applications contributions will be prioritised towards infrastructure and environment
3. An element of discretion will be retained to consider applications which have specific or unusual characteristics for which the above prioritisation may not be appropriate.

It is considered that by setting out the above approach to developer contributions it will be clear to developers and other interested parties the areas to which Maldon District Council gives highest priority.

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DESIGNED AND PRODUCED BY

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larger print, braille and audio. It
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website: www.maldon.gov.uk

APPENDIX 2

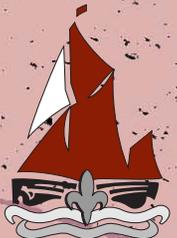
Accessibility to Buildings

APPENDIX 3



MALDON
DISTRICT
LOCAL
DEVELOPMENT
FRAMEWORK

ADOPTED
SUPPLEMENTARY
PLANNING
DOCUMENT
(SPD)



Contents

1 Introduction	1
2 Status of this Supplementary Planning Document	3
3 Policy Context	4
National Policy	4
Regional Policy	4
Sub-regional Policy	5
Local Policy	5
4 Implementation of Policy	6
Pre-application Advice	6
Consideration of Applications	7
Working with Building Control	8
The Historic Environment	8
Spaces Between Buildings	9
Vehicle Parking	9
Shop Fronts	10
Public Open Spaces	10
Roads and Footways	11

Appendices

Appendix 1: Informal Consultation	1
Appendix 2: Formal Consultation	2
Appendix 3: Responses to Consultation	3

Contents

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 4: Sustainability Appraisal	5
Appendix 5: Access Statement	6
Appendix 6: Access Ramps	7
Appendix 7: Extract from Adopted Car Parking Standards	8
Appendix 8: Bibliography	10

1 Introduction

- 1.1** It is a strategic objective of the Maldon District Replacement Local Plan to create a sustainable and accessible environment in which living, working and leisure encourages pride in the District, recognising its important historic qualities. (Objective Svii).
- 1.2** The Local Plan requires that all new development should include access for disabled people i.e:

Policy BE2: Inclusive Access and Accessibility

Development where access by people with disabilities is necessary must incorporate the following features:

- a. Car parking specifically designed and allocated close to the entrance of the building in accordance with the adopted standards;
- b. Access from the car park and other access routes to the entrance of the building designed for use by people with disabilities, including wheelchair users;
- c. The layout of any associated street furniture suitable for use by people with disabilities;
- d. Facilities that take into account the needs of people with disabilities for transport to and from the site.

- 1.3** The purpose of this Supplementary Planning Document (SPD) is to encourage all parties involved in the planning and development process to recognise the benefits of, and bring about, inclusive design to ensure that no individual or group is disadvantaged by our built environment.
- 1.4** The Local Plan contains a number of statements and policies which seek to ensure that Maldon has accessibility at the forefront of its considerations. Development in Maldon is also governed by detailed Regulations made under the Building Act 1984 and there is a wide range of advice and recommendations in BS 8300:2001 *"Design of Buildings and their approaches to meet the needs of disabled people – Code of practice."*
- 1.5** This SPD builds upon the Local Plan policies and makes reference to those detailed documents but it does not seek to repeat their content. It seeks to ensure that anyone carrying out development in the District is aware of the aims of the Council to achieve an inclusive environment. It sets out the procedures adopted by the Council to ensure that all development proposals are considered from the outset with accessibility in mind and focuses on the role of developers and the Council in ensuring that our built and natural environment is accessible to all who live in, work in or visit the Maldon District.

1 Introduction

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

- 1.6** The initial draft of this SPD was the subject of an informal consultation with the local access group as listed in Appendix 1. The SPD was then the subject of a formal consultation and the representations received from the consultation document and the Council's response to them are set out in Appendices 2 and 3. The SPD has also been the subject of a Sustainability Appraisal, see Appendix 4.

Status of this Supplementary Planning Document 2

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

2 Status of this Supplementary Planning Document

- 2.1** Planning Policy Statement 12: *Local Development Frameworks* (PPS 12) indicates that supplementary planning documents (SPDs) form part of the planning framework for an area. PPS 12 indicates that SPDs may be thematic and may expand policy or provide further detail to policies in a development plan document.
- 2.2** This SPD accords with those purposes and:
- is consistent with national and regional policies and the policies within the development plan;
 - is clearly cross referenced to the saved policy in the adopted Local Plan which it supplements;
 - will be reviewed on a regular basis;
 - was prepared through a transparent process and a statement of community involvement was published with it.
- 2.3** For these reasons this SPD conforms with the guidance for the preparation of SPD as set out in PPS 12 and therefore it will be afforded significant weight in the determination of planning applications.

3 Policy Context

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document: Accessibility to Buildings

3 Policy Context

National Policy

- 3.1** Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1) underpins all national planning policy. At paragraph 16 it states that development plans should promote development that creates socially inclusive communities and that plan policies should address accessibility (both in terms of location and physical access) for all members of the community to jobs, health, housing, education, shops, leisure and community facilities. It goes on to indicate that planning policies should take into account the needs of all of the community including particular requirements relating to, amongst other things, age and disability.
- 3.2** More specific national policy guidance can be found in Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs) on Housing, Town Centres, Transport, The Historic Environment, Open Space, Sport and Recreation and Flooding.
- 3.3** In addition to the policies in PPGs and PPSs in March 2003 the Office of the Deputy Prime Minister (ODPM) published *Planning and access for disabled people: a good practice guide*. The foreword to that document states:
- The Government is fully committed to an inclusive society in which nobody is disadvantaged. An important part of delivering this commitment is breaking down unnecessary physical barriers and exclusions imposed on disabled people by poor design of buildings and places. Too often the needs of disabled people are considered late in the day and separately from the needs of others.
- 3.4** The guide sets out a range of good practice points and this SPD sets out to translate those points into local policy.

Regional Policy

Regional Spatial Strategy - The East of England Plan (RSS)

- 3.5** One of the objectives of the East of England Plan is to improve social inclusion and access to employment, services, leisure and tourist facilities among those who are disadvantaged.

Sub-regional Policy

Essex and Southend-on-Sea Replacement Structure Plan 2001

- 3.6** Until the approval of the RSS, the Structure Plan remains part of the development plan. Policy T3 – *Promoting Accessibility* encourages new development to be designed so as to make provision for access by those whose mobility is impaired.

Local Policy

Maldon District Replacement Local Plan

- 3.7** The Local Plan indicates that the strategy of concentration of development within the development boundaries requires new developments to enhance the quality of design in the towns and villages including recognition of the need for accessibility for all potential users, regardless of age, disability, gender, religion or financial circumstances.
- 3.8** Paragraph 6.19 of the local plan states:
- ‘The Council is committed to promoting an inclusive society that offers opportunity for everyone. All new development, and particularly that intended for general public use must promote accessibility both into and within (buildings) and make appropriate safe provision in terms of access, egress and parking. An environment designed to be accessible to disabled people will be more accessible and user friendly for everybody, including wheelchair and pushchair users, people with physical and sensory impairments and elderly people. Easy access is part of good design and is beneficial to local business. The appropriate stage to consider accessibility is in the initial design not as an afterthought. This is particularly important with regard to development and alterations to existing and historic buildings’.
- 3.9** The *Maldon District Adopted Local Development Scheme First Review 2006* indicates that the Council will prepare a supplementary planning document on accessibility to and from buildings.
- 3.10** This SPD has been prepared to assist in the interpretation of the Maldon District Replacement Local Plan and in particular the application of local plan policy BE2 *Inclusive Access and Accessibility* which sets out features which the Council will expect to see within development where access by people with disabilities is necessary.

4 Implementation of Policy

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document: Accessibility to Buildings

4 Implementation of Policy

4.1 The Local Plan indicates the need to be aware of the implications of an accessible environment early in the development process. The need to design buildings and spaces to accommodate those using wheelchairs is now widely accepted and understood, but only a small part of the range of conditions that can create difficulties in moving around the built environment. Those involved in the design of buildings and spaces should be equally alert to the needs of those who have impaired vision or hearing, those who use walking sticks or crutches, the increasing number of elderly people and those who have to control prams or buggies. All of these groups benefit from a more accessible environment which results from inclusive design and providing for those who are disabled improves access for all.

Pre-application Advice

4.2 In the past it was not uncommon for planners and developers to regard accessibility as a Building Regulation matter to be resolved once planning permission had been granted. But the Building Regulations only deal with minimum standards of design within and in relation to access to buildings. The regulations do not always apply to changes of use and in the case of extensions to buildings can only require that the accessibility of an extension is no worse than the host building.

4.3 Whilst the application of Part M of the Building Regulations makes an important contribution to the creation of accessible buildings it remains the responsibility of the developer and the local planning authority to ensure that developments create an inclusive environment both within and around buildings.

4.4 Not all applications for planning permission will have implications for accessibility. However, all proposals for new dwellings, places of employment and buildings to which the public have access will be expected to be accompanied by a statement, known as an “Access Statement” which sets out the way in which the proposal responds to the principles of inclusive design both within and outside buildings.

4.5 The Council has prepared advice leaflets and employs an access officer who can provide advice and guidance both to developers and other Council staff. In cases where an access statement is needed the applicant is encouraged to discuss the proposal with the planning case officer prior to the submission of the application. By considering inclusive access at this stage, steps can be taken in the design process to ensure that proposals are suitable for use and accessible by everyone. Failure to consider the design of buildings and spaces in an inclusive way can result in unsatisfactory solutions which compromise both accessibility and design.

Implementation of Policy 4

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document: Accessibility to Buildings

- 4.6** The Access Statement should set out the philosophy of the development as regards inclusive access and should include detailed information about buildings and the spaces between them. The Statement should have regard to the physical nature of the development site, including for example site levels, existing points of access and the presence of vegetation. It should also indicate the way in which the proposal responds to the principles of inclusive design both within and outside buildings. It should indicate whether the design of the building would comply with the advice in BS 8300:2001 and should identify any constraints which may have inhibited full compliance with that document. The Statement should include details of the materials to be used in all external access ways and parking areas and any other aids to mobility such as handrails should be specified. Where development is on sloping ground, levels and gradients should be indicated.
- 4.7** The Access Statement will form a central part of the documentation of a development proposal and will inform the consultation process. It should therefore be submitted as part of the planning application. An example of an Access Statement is included in Appendix 5.
- 4.8** Even minor proposals, such as front porches can have significant implications for accessibility and will often create opportunities to improve accessibility through the provision of level thresholds or carefully designed ramped access. For this reason the Council includes a reference to accessibility on its notes for guidance which accompany planning application forms and includes a question about accessibility on those forms.

Consideration of Applications

- 4.9** Accessibility is a material consideration in the determination of planning applications. S 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that when making planning decisions the determination must be made in accordance with the development plan unless material considerations indicate otherwise. There will therefore be an expectation that the Policies in the Local Plan and the content of this SPD will be taken into account when planning applications are determined.
- 4.10** When considering the merits of applications planning officers will have regard to the desirability of achieving inclusive access. All planning officers will be alert to the implications of inclusive development. Where it is considered that a proposal raises issues for inclusive development it will be the subject of consultation with the access officer and where there are significant implications it will be the subject of consultation with the local advisory group.
- 4.11** Where a proposal raises fundamental issues for inclusive access for which no solution is apparent the Council may refuse to grant planning permission.

4 Implementation of Policy

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document: Accessibility to Buildings

4.12 If it appears that measures can be taken to provide inclusive access, the Council will consider the imposition of planning conditions, where appropriate, in accordance with the tests in Circular 11/95 "The Use of Conditions in Planning Permissions." Where a proposal raises accessibility issues which range beyond the application site or which cannot be resolved through the imposition of planning conditions the Council, will consider the need to negotiate a planning obligation under S106 of the Act.

Working with Building Control

4.13 Most new building work and some changes of use of buildings is subject to the Building Regulations 2002 made under the Building Act 1984. Through these regulations a developer has a statutory obligation to secure building regulation consent. This can either be done by the submission of an application to the Council's Building Control Service or to an approved inspector who will assess the proposal and either approve or reject it, as appropriate.

4.14 Part M of the Regulations requires that reasonable provision should be made for access to and use of buildings by disabled people. The Approved Document which accompanies Part M shows applicants ways in which the requirement of reasonable provision can be met, however, these are not necessarily best practice solutions and a more inclusive design may often be achieved with fewer cost implications if considered at an earlier stage in the design process. To avoid having to rethink the design of a building or its surroundings late in the process there should be early discussion between all parties. Where approved inspectors are to be used by developers they should be encouraged to contact the Council's planning officers to enable inclusive solutions to be developed.

The Historic Environment

4.15 The provision of inclusive access in relation to historic buildings and areas creates its own challenges. Within Maldon District there are approximately 1100 Listed Buildings and many more historic buildings within our 12 Conservation Areas that do not satisfy modern accessibility standards.

4.16 Planning Policy Guidance Note 15: *Planning and the Historic Environment* in paragraph 3.28 states that "It is important in principle that disabled people should have dignified easy access to and within historic buildings". It indicates that if a flexible and pragmatic approach is taken, it should normally be possible to plan suitable access for people with disabilities without compromising a building's special interest. The Council's Conservation Officer works closely with the Access Officer and has regard to good practice elsewhere. In particular, attention is drawn to the English Heritage publication "*Easy Access to Historic Buildings*" which includes a range of examples of good practice.

Implementation of Policy 4

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document: Accessibility to Buildings

- 4.17** Proposals for the extension or alteration of listed buildings and buildings in Conservation Areas or the change of use of such buildings to allow public access should be accompanied by an Access Statement. This should indicate the measures proposed to provide an inclusive access environment and how this has been achieved whilst maintaining the integrity of the historic building or area.

Spaces Between Buildings

- 4.18** In an inclusive environment careful consideration must be given to the spaces between buildings. The layout and design of the space around buildings must be considered as an integral part of the design process and not designed to fit after the design and position of the building has been established. Only by adopting this approach can a fully inclusive environment be developed.
- 4.19** In considering any development proposal the Council will be concerned to know how people will get from public places – such as roads and footpaths – into buildings and key issues for planners and developers are levels and gradients and the nature of surface materials.
- 4.20** The use of design features, colour, lighting and materials and clear desire lines can assist in drawing attention to the position of the entrance to buildings thereby assisting those who may have impaired visibility. The use of shallow gradients, easy curves, and appropriate surfacing combine with aids such as handrails assist those whose mobility is restricted.

Vehicle Parking

- 4.21** The Council's vehicle parking standards require that provision is made for disabled car parking. An extract from the adopted Supplementary Planning Document, which is based on the Essex Planning Officers' Association publication "*Vehicle Parking Standards*" dated August 2001, is appended at Appendix 7.
- 4.22** Whilst generally the Council's approach to car parking indicates a maximum provision, in line with the advice in PPS3 Housing, the Local Plan states that a minimum standard of car parking provision for parking for people with disabilities will be required on or as close to the site as practicable in order to promote inclusive access and accessibility.
- 4.23** In order to ensure that an inclusive and accessible environment is achieved parking spaces suitable for people with disabilities should be conveniently located to serve the main entrance to the building or other facility served by the car park and should be linked via a route which can be easily negotiated by wheelchairs. Loose materials and steep gradients should be

4 Implementation of Policy

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document: Accessibility to Buildings

avoided and the provision of handrails is encouraged to assist both the ambulant disabled and those with impaired vision. Wherever possible, routes between parking spaces for disabled people and buildings should be segregated from areas used by vehicles.

- 4.24** Landscaping within car parks can enhance their appearance but care should be taken to ensure that planting in the vicinity of access routes is of an appropriate species so as to avoid the growth of prickly plants or those which may have low branches which may create hazards for those of impaired sight or mobility.

Shop Fronts

- 4.25** A high proportion of the shops within Maldon District lie within the historic cores of our towns and villages. By their nature many of these are sited at the edge of the public pavement where there is little space to improve public access. However, the Council receives a number of applications to replace shop fronts and this creates an opportunity to improve accessibility. When submitting any application to replace a shop front the Council will expect the applicant to show how the proposal takes account of the need to promote inclusive development.
- 4.26** All applications for new shop fronts should include cross sections of the thresholds and the access route from the public highway and should clearly indicate how access doors are proposed to open and how rainwater will be dispersed from the floor. Proposals for ATMs should satisfy the design advice in *Access to "ATMs: UK design guidelines"* published by the Centre for Accessible Environments.
- 4.27** The Council has produced an information leaflet to guide developers when they are considering the installation of new shop fronts and the Access Officer will give advice on individual proposals.

Public Open Spaces

- 4.28** Inclusive communities must ensure that access is available to recreational facilities including public open space and it is an objective of the Local Plan to improve access to and the provision of sport and leisure facilities and enhance tourism for all. (Objective S vi). Proposals for new areas of open space should include an Access Statement indicating the measures proposed to create an inclusive environment. Within Maldon District a high proportion of public open space is managed by Town and Parish Councils and the Council's Access Officer will provide advice to these bodies on measures which they can take to improve accessibility.
- 4.29** Where parking is provided to serve public open space it should include designated parking spaces for people with disabilities and these should be linked to the open space via a surface which can be negotiated by wheelchair users.

Implementation of Policy 4

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Roads and Footways

- 4.30** Responsibility for roads and pavements within the Maldon District lies with Essex County Council but Maldon District Council works in partnership with the County Council to deliver a seamless service through the Area Highways Team. Where entrances to buildings such as shops are close to the pavement development proposals may have a direct effect on the public highway. Maldon District Council will work closely with the Area Highways Team in order to achieve an inclusive access solution which both maintains the safety and convenience of all highway users and the character and appearance of the street.
- 4.31** In considering applications for the development of places of employment or entertainment the Council will have regard to the links between the proposal and the public transport infrastructure, in the form of bus stops and railway stations. The Council will consider the need to improve access to this infrastructure and may seek contributions from developers for the upgrading of access ways and structures, such as surface treatments, hand rails and bus shelters.

4 Implementation of Policy

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 1: Informal Consultation

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 1: Informal Consultation

The following was consulted informally in the initial preparation of this document:

- Maldon District Access Group

Appendix 2: Formal Consultation

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 2: Formal Consultation

The formal consultation stage for the Access to Buildings SPD took place between Monday 9th October and Monday 20th November 2006. The following were consulted formally on this document:

- English Heritage
- Environment Agency
- Highways Agency
- Disabled Persons Transport Advisory Committee
- Disability Rights Commission
- Essex Disability Equality
- Help the Aged
- Maldon & District Disabled Sports Club
- Centre for Accessible Environments
- Natural England
- Maldon District Access Group

Appendix 3: Responses to Consultation

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 3: Responses to Consultation

Table 1 Responses to formal consultation and the Council's response

Name	Organisation	Section	Comment	Response
Mr David Rookard	Maldon District Access Group	Introduction	The definition of Accessibility shown is the incomplete version and therefore inadequate as it does not mention access to buildings.	Agree. Change definition to match one found in Adopted Replacement Local Plan Nov. 2005
Mr David Rookard	Maldon District Access Group	Appendix 8	Insert note given in BS8300:2001 (Page 16) about interpolating between the maximum gradients.	Agree
Mr David Rookard	Maldon District Access Group	Appendix 9	For clarification 2 nd paragraph – dimensions do not match diagram. Believe text refers to the on-street parking guidelines.	Agree subject to clarification
Carol Reid	Natural England	General	Thank you for the above documents. English Nature does not wish to comment further.	Noted
Wai-Kit Cheung	Fairview New Homes Limited	Page 5 (Planning Contributions)	Fairview request that the document recognises the impact that	No change. The provision for access to buildings by

Appendix 3: Responses to Consultation

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Name	Organisation	Section	Comment	Response
			<p>planning obligations can have on the viability of development. As such, the following text should be included in the document:</p> <p>“The Council will have regard to the impact of planning contributions on the viability of development and will ensure that they are necessary to allow consent to be given for a particular development and that they are fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects”</p>	<p>people with disabilities is a requirement under the Disability Discrimination Act. It is therefore necessary for development to be in accordance with said Act.</p>

Appendix 4: Sustainability Appraisal

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 4: Sustainability Appraisal

The Access to Buildings Sustainability Appraisal Report is available upon request or can be viewed on the Council's website: <http://www.maldon.gov.uk/Planning & Building Control/Local Development Framework/SPD Access to Buildings>

Appendix 5: Access Statement

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 5: Access Statement

Table 2 Maldon District Council - Access Statement

	Applicant		Agent
Name		Name	
Address		Address	
Postcode		Postcode	
Telephone		Telephone	
Address of development			Is Council's Building Control Service to be used? Yes / No
Description of proposal			
Access issues of the proposal and constrains			
Measures proposed to achieve inclusive access			
Pre-application discussion and consultation			
Additional information			

Appendix 6: Access Ramps

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 6: Access Ramps

- If a change of level on an access route is unavoidable it is necessary to provide a sloped access for wheelchair users. But as some ambulant disabled have difficulty using ramps an alternative access should also be provided.
- When designing ramps it is important to ensure that they are not too steep and no individual ramp should be more than 10m long to ensure that the distance between landings is not excessive to enable wheelchair users and their helpers to rest. Ramps should be designed in accordance with the advice in BS 8300:2001.
- If a ramp is more than 2m long between landings or if there is no stepped access handrails should be provided on both sides. If a ramp is less than 2m at least one handrail should be provided.
- Ramps should not be used to rise a total of more than 2m and their gradients should not exceed the recommendations in BS 8300:2001 which are set out in the table below.

Table 3 Limits for ramp gradients

Length of Ramp	Maximum Gradient
10m	1:20
5m	1:15
Not exceeding 2 m	1:12

Note: For going between 2m and 10m, it is acceptable to interpolate between the maximum gradients, i.e. 1:14 for a 4m going or 1:19 for a 9m going.

Further information on the design of ramps can be found in BS8300:2001.

Appendix 7: Extract from Adopted Car Parking Standards

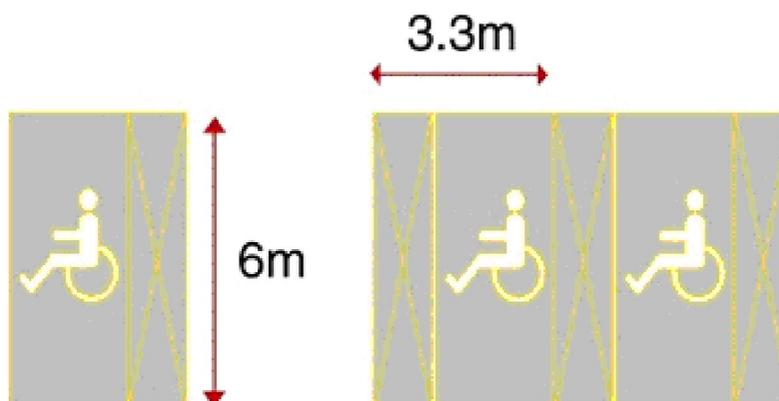
MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 7: Extract from Adopted Car Parking Standards

Disabled Parking Provision

- Guidance on the amount of parking provision that should be supplied for disabled people is outlined in the DETR's Traffic Advisory Leaflet 5/95 – Parking for Disabled People, published in April 1995.
- Disabled parking spaces should be at least 3.3m wide and 6.0m long in order to allow the driver or passenger to get in and out of the vehicle safely, and to provide access to the rear of the vehicle for wheelchair storage. Where direct access is provided to a footway at the side or rear, spaces should be at least 2.7m or 4.8m respectively (see diagram below).

Figure 1 Disabled parking provision



Appendix 7: Extract from Adopted Car Parking Standards

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Parking standard for disabled car parking

PARKING STANDARDS FOR DISABLED CAR PARKING
Car Park Used For:
Employees and visitors to business premises
Car Park Size: Up to 200 Bays
Individual bays for each disabled employee plus 2 bays or 5% of total capacity, whichever is the greater
Car Park Size: Over 200 Bays
6 bays plus 2% of total capacity
Car Park Used For:
Shopping, recreation and leisure
Car Park Size: Up to 200 Bays
3 bays or 6% of the total capacity, whichever is the greater
Car Park Size: Over 200 Bays
4 bays plus 4% of total capacity

Appendix 8: Bibliography

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 8: Bibliography

- *PPS 1; Delivering Sustainable Development (ODPM, now Department of Communities & Local Government [CLG] 1997)*
- *The Essex & Southend on Sea Replacement Structure Plan (Essex County Council, 2001)*
- *Vehicle Parking Standards (EPOA, 2001)*
- *BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people – Code of Practice. (October 2001, British Standards Institute)*
- *Access to ATMs: UK design guidelines 2002 (2002, Centre for Accessible Environments)*
- *Planning and access for disabled people: a good practice guide (March 2003, ODPM, now Department of Communities & Local Government [CLG])*
- *Easy Access to Historic Buildings (July 2004, English Heritage)*
- *PPS 12; Local Development Frameworks (CLG, 2004)*
- *Planning Policy Guidance 15; Planning & the Historic Environment (OPDM, now Department of Communities & Local Government [CLG] 2004)*
- *Maldon District Replacement Local Plan (MDC, 2005)*
- *Maldon District Adopted Local Development Scheme (MDC, 2006)*
- *The East of England Plan (Go East)*

Heybridge Basin Timber Yard

APPENDIX 4



MALDON
DISTRICT
LOCAL
DEVELOPMENT
FRAMEWORK

ADOPTED
SUPPLEMENTARY
PLANNING
DOCUMENT
(SPD)



Contents

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

Contents

1	Introduction	1
2	Planning Policy Context	4
3	The Site in Context of the Surrounding Area	8
4	Development Opportunities and Constraints	10
5	Land Use	11
6	Traffic and Circulation	15
7	Design Principles	17
8	Implementation	20

Appendices

Appendix 1: Adopted Replacement Local Plan Policies	1
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1 Introduction

Picture 1. Heybridge Basin seen from the air



Background

- 1.1** The Timber Yard at Heybridge Basin became vacant in 1988. Shortly afterwards a planning application was approved for the redevelopment of most of the open storage area on the site. That was developed and is now known as Blackwater Close.
- 1.2** The remaining part of the site that included the old sawmill buildings remained undeveloped. That land was allocated for employment use in the 1996 Review of the Local Plan. The land has not been developed and in 2004 the Inspector at the Replacement Local Plan Inquiry recommended the land be developed for mixed use in accordance with a development brief to be prepared by the Council. The development brief is being prepared as a Supplementary Planning Document under Policy E3 of the Maldon District Replacement Local Plan.

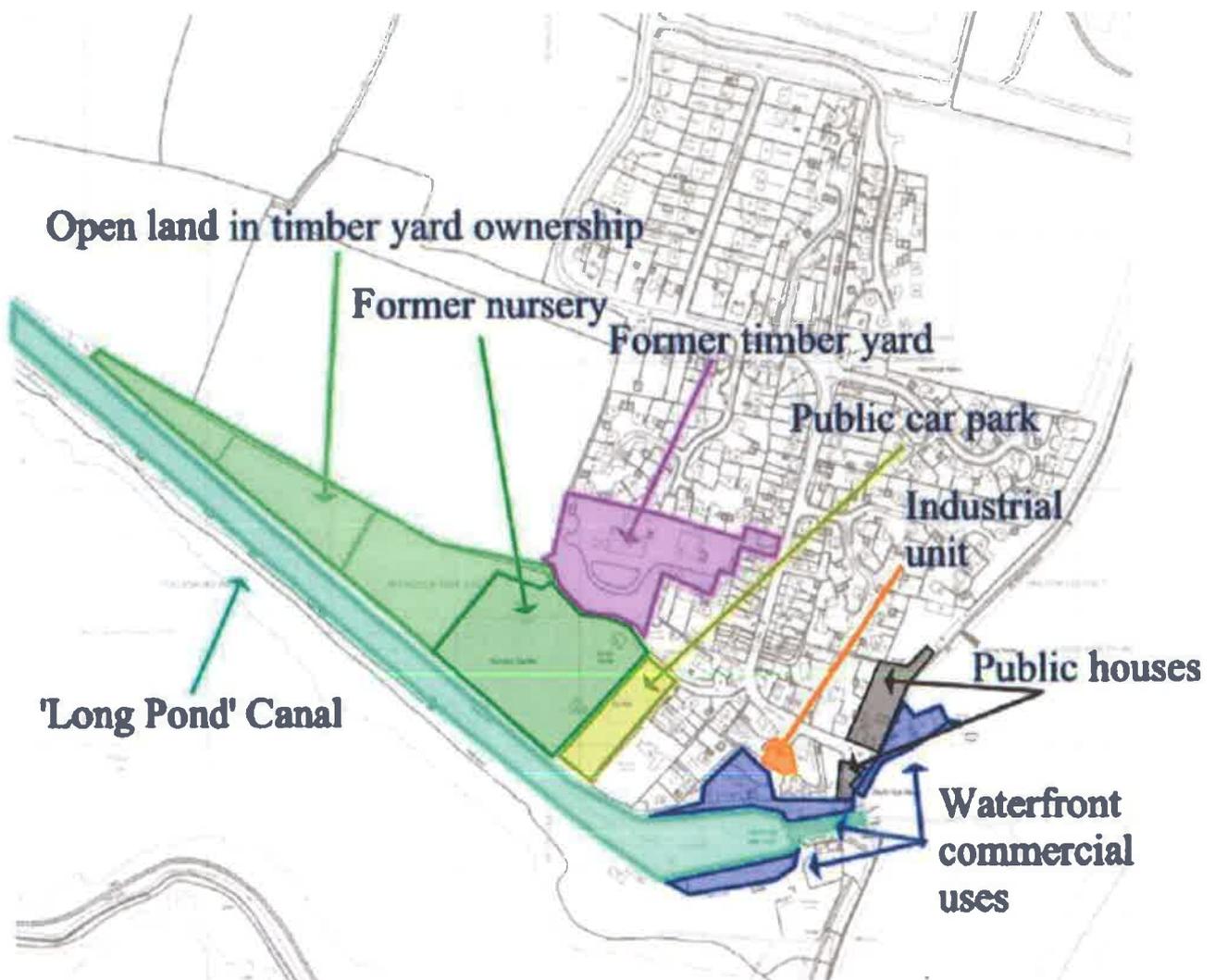
1 Introduction

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

Area covered by the brief

- 1.3 This brief only covers the area of the former Timber Yard site (shaded pink) as shown on this map.

Picture 1.1 Location and context



Purpose of the brief

- 1.4 The purpose of the brief is as follows:

- The brief provides a vision for the area to act as a framework for future development proposals.

- The brief identifies development opportunities and provides guidance on land uses, site planning and building scale, form and detailing to make more efficient use of the land, help achieve development quality and ensure that new development improves the relationship between the Timber Yard and the historic built form in the area. The guidance provides greater certainty for the land owner and prospective developers.
- The document will provide guidance for the District Council to assist in the determination of any future planning application.
- The consultation exercise on this brief has provided a forum for the Parish Council, local amenity societies and local people to influence the evolution of a key development in the heart of the village.

Status of this document

- 1.5 This document will be adopted as a Supplementary Planning Document in accordance with the commitments set out in the Adopted Local Development Scheme.
- 1.6 It has been subject to extensive public consultation and community engagement. In autumn 2005, the District Council invited members of the local community who represented the majority of local interests to take part in a Stakeholder Group. This met a number of times including a public meeting held at St George's Church in Heybridge Basin. There was also a community web based "blog" consultation. This process helped inform the content of the final document which is proposed to be formally adopted by the District Council as a Supplementary Planning Document. As adopted guidance the document will carry significant weight in the determination of future planning applications.

2 Planning Policy Context

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

2 Planning Policy Context

Government guidance

2.1 The key tenets of Government guidance are contained in Planning Policy Statements (PPS) and Planning Policy Guidance Notes (PPG) as follows:

PPS 1	Delivering Sustainable Development
PPS 3	Housing
PPS 6	Planning for Town Centres
PPS 23	Planning and Pollution Control
PPS 25	Development and Flood Risk
PPG 13	Transport
PPG 15	Planning and the Historic Environment

2.2 The objective of Government policy and guidance is to encourage sustainable development through social progress, maintaining the economy, environmental protection and prudent use of resources. It promotes high quality design to enhance the quality of urban life and encourages the efficient use of land particularly where close to local facilities and public transport connections. The guidance recognises that well planned green spaces can help create pleasant urban environments.

2.3 PPG 13 advises that local authorities should make maximum use of sites which are highly accessible by public transport. PPS 3 promotes more sustainable patterns of development by focusing future housing development, in the first instance, within urban areas, and requiring that efficient use is made of previously developed land.

2.4 PPG 15 reinforces the provisions of the Planning (Listed Building and Conservation Areas) Act 1990, which requires local authorities to have regard to the desirability of preserving the setting of listed buildings. It also places an obligation on local authorities to preserve and enhance the special character of conservation areas. In relation to conservation areas that include the commercial centres of villages, the guidance stresses that local authorities should not seek to prevent new development, rather they should seek to protect character by managing change positively to allow the area to remain alive and prosperous.

Planning Policy Context 2

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

- 2.5 PPS 23 requires that potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The potential for contamination and any risks arising must be properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the EPA 1990.
- 2.6 PPS 25 requires that Local Planning Authorities (LPAs) prepare Local Development Documents (LDDs) that set out policies for the allocation of sites and the control of development which avoid flood risk to people and property where possible and manage it elsewhere, reflecting the approach to managing flood risk in this PPS 25:
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, LPAs should consider whether there are opportunities in the preparation of LDDs to facilitate the relocation of development, including housing to more sustainable locations at less risk from flooding;
 - flood risk should be considered alongside other spatial planning issues such as transport, housing, economic growth, natural resources, regeneration, bio-diversity, the historic environment and the management of other hazards. Policies should recognise the positive contribution that avoidance and management of flood risk can make to the development of sustainable communities, including improved local amenities and better overall quality of life. They should be integrated effectively with other strategies of material significance such as Regional Economic Strategies.
- 2.7 In determining planning applications LPAs should:
- have regard to the policies in PPS 25 as material considerations which may supersede the policies in their existing development plan, when considering planning applications for developments in flood risk areas before that plan can be reviewed to reflect PPS 25;
 - ensure that planning applications are supported by site-specific flood risk assessments (FRAs) as appropriate;
 - apply the sequential approach at a site level to minimise risk by directing the most vulnerable development to areas of lowest flood risk, matching vulnerability of land use to flood risk;
 - give priority to the use of Sustainable Urban Drainage Systems (SUDS); and
 - ensure that all new development in flood risk areas is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed.

2 Planning Policy Context

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

Essex and Southend-on-Sea Replacement Structure Plan (April 2001)

- 2.8 The Essex and Southend-on-Sea Replacement Structure Plan forms part of the Approved Development Plan for the area. Its policies encapsulate recent Government guidance regarding sustainability and making efficient use of previously developed land.
- 2.9 Policies CS1 and BE1 seek to achieve significant enhancement of the vitality and viability of the urban environment. They require that efficient use is made of accessible land within existing urban areas that is well served by public transport. Policies CS1, BE2 and H4 promote mixed land uses.
- 2.10 Policy BE1 and CS2 establish a framework for protecting the character and townscape of the urban environment generally. Policies HC2 and HC3 provide extra protection for sites within defined conservation areas and the setting of listed buildings.
- 2.11 Policy BIW4 provides the basis for safeguarding employment sites currently in use from encroachment by other land uses.
- 2.12 Policy BE5 provides a framework for new development to provide/contribute to necessary improvements to community facilities, public services, transport provision and other essential infrastructure which is made necessary by the proposed development.

Local Plan (2005)

- 2.13 At the local level the strategy for the District recognises the importance of protecting the coast and countryside whilst achieving a better balance between new homes and jobs within the District. The policy background is set by the Maldon District Replacement Local Plan (2005). The overall Strategic Objective regarding employment is to:

Si To make provision for sustainable employment opportunities.

Policy E3 Mixed Use Development - Timber Yard, Heybridge Basin

Within the former timber yard site in Heybridge Basin shown on the Proposals Map, planning permission will be granted for a mixed-use development of housing and Class B1 employment uses provided:

- a. The extent of Class B1 uses promotes the objectives of the Employment Strategy
- b. Flood risk measures satisfy the requirements of the Environment Agency

Planning Policy Context 2

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

- 2.14** The Council acknowledges this policy is challenging and will not be easy to deliver. It reflects the difficult circumstances that face the community in an area of high environmental capital but poor economic links that may lead to socially and environmentally damaging patterns of long distance commuting for work.

3 The Site in Context of the Surrounding Area

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

3 The Site in Context of the Surrounding Area

- 3.1 The site has an area of 1.9 ha and is a former timber yard that was associated with the canal. It continued to trade after the canal ceased commercial operations and was in operation until about 1988. It used to include the area of what is now Blackwater Close as part of the open air storage of bulk timber.
- 3.2 Access to the site was via the Basin Road entrance which is very constrained for HGV traffic and may in part have contributed to the closure of the former timber yard.
- 3.3 To the immediate south of the site there is the Heybridge Basin Conservation Area, which was designated to recognise the contribution of the old lock and basin to the character of the historic fabric of the area. To the immediate west there is open countryside with the adjacent settlement boundary on the west boundary of the site.
- 3.4 To the east and south there is the River Blackwater SSSI which was designated for its mudflats and estuarine wildlife.
- 3.5 The site is surrounded by residential development and the access along Basin Road does not include a footpath. The site has difficult access for HGV traffic, which acts as a constraint for prospective employment use that may require deliveries and collections.
- 3.6 The Conservation Area is unique in that it is applied to a relatively recent settlement, which was only created after the construction of the canal. As such it is a very recent built form.

The Site in Context of the Surrounding Area 3

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

Map 3.1 Site analysis as existing



4 Development Opportunities and Constraints

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document: Heybridge Basin Timber Yard

4 Development Opportunities and Constraints

Development Opportunities and Constraints

- 4.1 The most significant constraint on the potential development of the site is the flood risk as set out in the Environment Agency Flood Maps. These show the site as having a 'moderate chance of flooding from the sea' i.e. a greater than 1 in 200 years risk. Initial Flood Risk Analysis carried out by the developers and agreed by the Environment Agency (EA) indicates the most significant risk of flooding is from a tidal event.
- 4.2 An initial Flood Risk Assessment (FRA) indicates the most significant risk is from an unexpected breach or overtopping of the sea defences leading to inundation of the site and surrounding area. Tidal overtopping of the defences has been examined and discounted as a significant risk on account of a number of factors including the limited volume of water that could flow over the sea wall during a high tide event.
- 4.3 However, overtopping is not necessarily separate from breach and it is possible that an overtopping event could lead to a breach. The risk in this situation is that the breach would not be predictable. On account of that the EA has taken a precautionary approach and sought initial flood protection measures that are based on the limited modelling work carried out to date.
- 4.4 In the absence of further information the EA has stipulated that all ground floor accommodation should not be enclosed and leave adequate opportunity for escape to upper floors. This places a considerable burden on developing the site insofar as the lower levels of any potential development must be discounted from development returns thereby placing a financial burden on any potential development.
- 4.5 Separately to the above, the Department for Environment, Food and Rural Affairs (DEFRA) has recently introduced new priority scoring procedures for flood defence spending. The new scoring process weighs the cost of maintaining the sea defence against the value of the area that is protected. The Basin is protected by 7 km of sea walls and is part of a flood cell that stretches from Heybridge to Goldhanger in which there are about 400 homes in total. The scoring process will determine whether the EA will continue to maintain the sea wall.
- 4.6 Given the location of the site in the proximity to the Heybridge Basin Conservation Area any potential development must be designed to enhance the setting of the Conservation Area.

5 Land Use

Land Use issues and guidance

5.1 The Council is promoting the regeneration of this site to address the visual impact on the landscape of Heybridge Basin. The Council does not need to use this site to meet strategic housing requirements as it has already identified sufficient land to deliver the housing allocation as set out in the Approved Development Plan.

Mixed-uses

5.2 Any new residential development will be served by existing local retail centres at Heybridge and Maldon. The poor proximity of the site to existing workplaces, public transport and facilities limits the extent to which this site can be predominantly residential. Non-residential uses integrated with residential will help to maintain a mixed-use character, generate activity throughout the day and help to enliven the locality in general. Subsidised use of areas at ground level, targeted at local need and making a positive impact on local waterfront activities which are being eroded due to lack of affordable spaces for them to continue will be welcomed.

5.3 On this site, the Council will seek mixed-uses to meet the following objectives:

- Creation of a sustainable residential neighbourhood;
- Creation of a safe, lively character with a variety of activity.

Development Requirements

Table 1 Development requirements

<i>Amount of non residential floorspace</i>	Minimum 30% of the developed floorspace. This is seen as a minimum practical amount of non-residential floor space to promote effective mixed use.
<i>Preferred location of non-residential uses for diversity, street level interest and safety.</i>	The Council will seek non-residential uses at ground floor level on the site in order to contribute to the diversity of uses and to address flood issues and create focal points for activity.
<i>Adaptable units</i>	The Council will accept attractive, open-fronted, high ceiling, mergable / sub-divisible, flexible-use units, capable of accommodating alternative non

5 Land Use

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

	residential uses, in the interests of creating a business character, meeting unforeseen demand and for future economic sustainability.
<i>Appropriate intensity of use and satisfactory built form.</i>	The Council wants to avoid segregated uses. It will not accept single storey buildings and detached, single-use buildings. Residential developers will be encouraged to develop mixed-use buildings.

Possible Land Uses

- 5.4** New development should complement the existing surrounding uses and exploit the close association with the setting of the canal. The Council envisages that new residential and employment uses will be complementary to the existing grain of the conservation area.
- 5.5** Within the possible land uses outlined below, distinctions are drawn between uses that the Council consider are essential, desirable or acceptable. All the uses stated below are compatible with each other as long as they are carefully integrated within the overall development scheme and surrounding area, attending to possible excessive impact in terms of traffic, noise and activity.

Table 2 Possible land uses

Private residential Use Class C3	<p>Taking account of the EA's concerns over flooding together with the difficult access to the village a minimum number of mixed tenure, mixed size residential units, is preferred, (subject to comments relating to B1 use).</p> <p>The Council will seek affordable housing in accordance with the adopted Local Plan which may be in the form of commuted payments instead of on site provision.</p>
Business ** Use Class B1	<p>The inclusion of Class B1 use within the area covered by the brief is an essential requirement to meet the employment objectives of the adopted Local Plan.</p> <p>The Council will accept different types of accommodation including:</p> <ul style="list-style-type: none"> ● premises for small and medium size B1 businesses; ● managed workspace for small enterprises sharing resources;

Land Use 5

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

	<ul style="list-style-type: none"> flexible use A1/B1 workshops and studios; flexible use community or low value artisan activity associated with the nearby canal and waterside facilities. <p>An intensive employment use such as headquarters offices would be not desirable due to the local transport infrastructure.</p>
Professional services Use Class A2	Non-retail uses serving visiting members of the public will be acceptable, (architects, accountants, public relations etc).
Restaurants & Cafes Use Class A3	A Class A3 use is acceptable provided it is integrated with new living and working accommodation and complements the setting of the canal and maritime history of the village / neighbourhood.
Drinking Establishments Use Class A4	A Class A4 use may be acceptable provided it is integrated with living and working accommodation and management processes can be introduced to control access and noise. It must also complement the setting of the canal and maritime history of the village / neighbourhood.
Hotel Use Class C1	A hotel would be acceptable to promote the tourist offer in the district.
Non-residential institutions Use Class D1	Community uses such as place of worship or arts, meeting rooms, educational and cultural uses are encouraged subject to a needs assessment. However due to flood risk, permitted development rights for use as health, daycare, crèche / nursery resources will be withdrawn by planning conditions.
<p>** With regards to employment, Heybridge Basin has poor links to the general economy due to the location on a riverside with only one access road which itself is off a B Class road that is not part of the main highway network. The Council accepts that its peripheral location is unlikely to attract high value added business that can afford to build or occupy new units that are flood resilient. Regardless of the type of business that occupies the site the issue of flooding must still be addressed.</p>	

5 Land Use

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

Table 3 Unacceptable use form or development

Large space single storey premises	Low intensity buildings that create a weak urban form.
Development heavily reliant on motor vehicle usage	Motor vehicle oriented uses would conflict with design and sustainability objectives.
Residential institutions Use Class C2	Residential accommodation for special needs is not considered acceptable on account of the flood risk and the undesirability of locating vulnerable people in an area of risk.

6 Traffic and Circulation

Network requirements

- 6.1** The Council will expect the design of any scheme to be founded upon an enhanced pedestrian / cycleway network:
- A pedestrian / cycle link to facilitate movement between the site and Heybridge as expressed in Policy T4 of the adopted Local Plan.
- 6.2** The most important objective for the development of this area is overcoming the barriers to pedestrian links with the main settlements of Heybridge and Maldon. These links are essential to help justify low car parking requirements and encourage use of public transport. This will require creating routes through the development site, but will also involve exploring with adjoining owners the possible integration with linkages across adjoining land.
- 6.3** The Council will assist by enabling:
- Changes to the existing canal towpath to facilitate a cycle route to extend into the site by working in partnership with the Highways Authority to provide relevant Traffic Regulation Orders.
 - Creating the framework to provide for developer contributions to finance the works.

Acceptable access points

- 6.4** The site has two access points; the original site entrance on Basin Road and the potential entrance on Blackwater Close. The Council wish to see access divided so that neither access point takes all the movement associated with the site. The Council will expect to see permeability and through access but that such access will be managed so that the site does not become a “Rat Run” for egress from the Basin. It will be necessary to control HGV traffic during the construction and development of the site to ensure the protection of the local community.

Circulation within the development

- 6.5** Access and circulation to buildings, within private and public spaces must be suitable for people with disabilities.

6 Traffic and Circulation

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

- 6.6 Pedestrian routes should be direct, legible, safe and attractive. Cycle routes should be indicated by paving materials of different colour or levels and be open and attractive with good forward visibility. Vehicle routes should follow the pedestrian network and be designed to regulate traffic flows and speeds.

Vehicle servicing needs

- 6.7 All uses should provide suitable arrangements for off-street servicing and refuse collection. The Council will require details of the types of vehicles and frequency of visit for each use to ensure satisfactory provision. Service access for existing surrounding buildings should be maintained.

Vehicle parking

- 6.8 Car parking provision will be assessed with reference to Maldon District Council Vehicle Parking Standards Supplementary Planning Document (SPD) 2006. In new residential development this requires, a maximum of one space per dwelling for off-street car parking. (This document is available on the Maldon District Council Web site at www.maldon.gov.uk).
- 6.9 For non-residential development, parking provision should aim to accord with the standards set out in the Vehicle Parking Standards SPD together with its amendments. The Council will encourage well thought out, multiple and shared use design solutions to car parking provision.
- 6.10 The potential impact on car parking for existing properties should be assessed in the light of the Council's transport policies.

Cycle parking

- 6.11 Cycle parking provision will be assessed with reference to Maldon District Council Vehicle Parking Standards SPD 2006. In residential and workplace development, there is a need for secure, covered storage for bikes at ground level. Cycle parking spaces in underground garages would be acceptable provided that a lockable enclosure is included.

7 Design Principles

- 7.1 Redevelopment will offer the opportunity to complete the built form of the Basin. The principal need is to integrate development with the surrounding urban form by means of routes and views through as well as repairing and enhancing the appearance of existing streets and respecting existing residential amenities. Key principles will include:

Existing buildings

- 7.2 The buildings on the site have become closely associated with the Timber Yard's historic links with the canal in its former use. Although they are now beyond economic repair the replacement of the existing buildings should be carefully considered in the formulation of development options and proposals. The Council would like existing buildings to be seen as an asset and a positive development opportunity.
- 7.3 The redevelopment of the site should be based around the existing bulk and form of the old industrial sheds which are now part of the fabric of the village. This offers the opportunity to create a new built form that respects the history of the community and area.

Building form following routes

- 7.4 Building masses should be arranged around and shaped by routes between the potential access and egress locations on site. Routes should be legible, pleasant and safe.

Built edges

- 7.5 The development should have well-defined built edges. The following provides guidance as to the most likely locations: (see drawing on Chapter 8 Implementation)

Main building 1

Replacement on existing footprint utilising existing ridge height to inform new built form.

Main building 2

Replacement building using existing footprint but allowing more height in roof to provide accommodation above.

Possible new building 1

Linear form to follow Southern boundary and edge of existing hard standing.

7 Design Principles

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

Possible new building 2

Square large bulk building to replicate form and treatment of main buildings 1&2.

Frontages to new routes and spaces

All buildings should face forwards where they adjoin public paths, roads and spaces. Street level elevations must be varied and attractive.

Surface treatment and finish

Finishing treatment (including weatherboarding / shiplap, rough sawn bulk timber not fine detailed and polished etc.) that makes reference to the maritime and historical features of the Basin is preferred.

Fenestration

In keeping with the industrial historical style of the site.

Location and quality of public open space

- 7.6 Open spaces should be located where they are visible and accessible from the surrounding area. An area of community public amenity space would be desirable, although other open space arrangements may be acceptable. Open spaces should be located and shaped to help create a sense of location and community ownership. The Council will welcome open spaces designed to promote bio-diversity generally and wildlife habitats in particular.
- 7.7 The triangle of “*open land in timber yard ownership*” to the north of the canal which is separate from this site (shown in the drawing on page two) may offer the opportunity for public amenity space.
- 7.8 Public space should be attractive with a high degree of casual surveillance from surrounding properties to encourage good levels of usage. Well-lit public cycle and pedestrian routes that provide a safe and secure environment will be encouraged. The Council will encourage shared access, parking, amenity play spaces, on the “home-zone” principle, subject to management and maintenance arrangements.
- 7.9 All footways must be convenient and comfortable for all users, allowing level access to building entrances and usable by wheelchair users.

Layout within the site

- 7.10 The layout within the site should recognise the layout and orientation of the existing industrial layout. It should allow for views into and through the development.
- 7.11 Building massing based on the use of large blocks with outward facing continuous frontages and secluded private areas is acceptable.
- 7.12 Orientation of building fronts and backs should ensure privacy for occupants and adequate surveillance of streets, pedestrian and cycle links and public spaces. The site may be laid out to facilitate shared access to the Chapel Lane dwellings if this delivers urban design benefits including better access for emergency services.

Car parking design

- 7.13 Car parking should be provided in a mixture of different forms. Taking account of the existing flood risk underground car parking, ground level parking under the rear of buildings or parking hidden behind buildings are acceptable.
- 7.14 Boulevard parking on street space between the fronts of buildings and parking squares designed as public realm may also be possible. Car and cycle parking areas should have good surveillance and designed to deter crime.

Drainage

- 7.15 In conjunction with car parking and open / circulation space the site will need to adopt Sustainable Urban Drainage Systems (SUDS) in order to minimise the flood risk from fluvial events.

8 Implementation

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document: Heybridge Basin Timber Yard

8 Implementation

8.1 The Council want the advice in this brief firstly to assist prospective developers with clear planning guidance. The Council anticipates that developers will bring forward schemes for the redevelopment of the site, having regard to the contents of this brief.

Planning application requirements

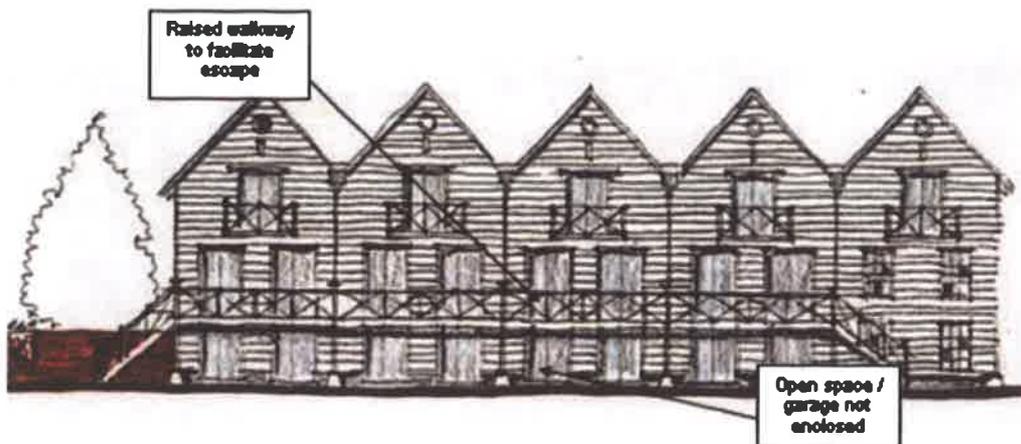
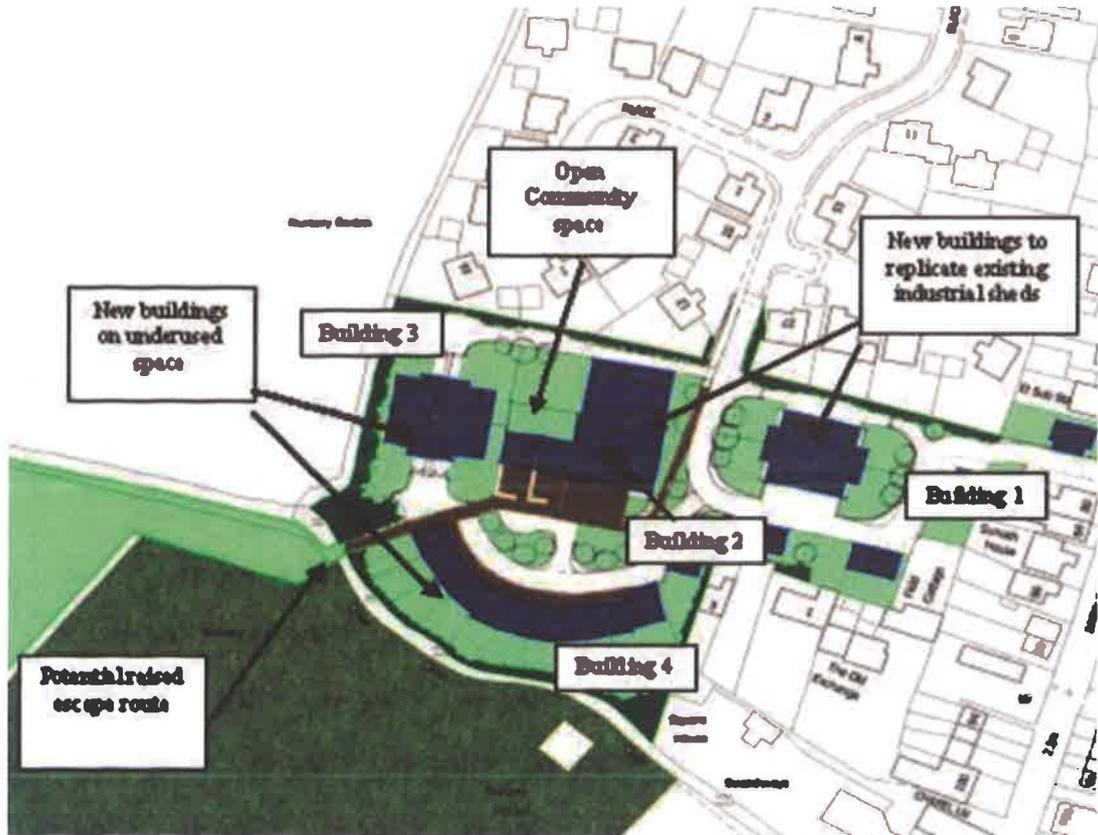
8.2 The following applies:

- A planning application may be made for full or outline permission. If an outline application is submitted, the application should be accompanied as a minimum by a Master Plan showing the proposed layout, key urban design principles, and mix of uses proposed.
- The initial planning application should relate to the whole of the area covered by the brief. In order to ensure the entire site is developed, proposals for development of part of the site will not be acceptable.
- Any application should be accompanied by evidence in respect of the impact of the development on the following matters:
 1. Full compliance with PPS 25:
 2. Access, transport and parking;
 3. Urban Design approach;
 4. Ground Condition Survey;
 5. An independent appraisal of wildlife and fauna on site to include effect on the nearby Blackwater SSSI;
 6. Environmental Assessment if the proposal is likely to have a significant effect on the environment;
 7. Contamination study and programme of remedial works in compliance with PPS 23.
- A planning application should be accompanied by a feasibility study examining the most appropriate means of achieving pedestrian / cycleway improvements between the site and the main settlement areas at Heybridge and Maldon.

Implementation 8

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

Map 8.1 Possible layout



Note: This drawing is not intended to show acceptable massing height finish or layout nor in any way to indicate the type of building that may be acceptable.

8 Implementation

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

Appendix 1: Adopted Replacement Local Plan Policies

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

Appendix 1: Adopted Replacement Local Plan Policies

Explanation of Employment Strategy Si

Employment Objectives

- Ei. **To encourage employment growth opportunity and prosperity in a sustainable manner, which caters for both the needs of the urban and rural areas of the District whilst protecting the environment.**
- Eii. **To promote the use of suitable buildings in the countryside for employment uses.**
- Eiii. **To protect from changes to other uses all the existing large employment sites and allocations which are major generators of employment.**
- Eiv. **To encourage new firms and opportunities for the growth of local firms.**
- Ev. **To provide sufficient land for employment development to meet the requirements of the Structure Plan.**
- Evi. **To improve the quality and encourage the maximum use of existing allocated employment areas, increasing the potential for employment opportunities and providing a high quality environment.**
- Evii. **To encourage the use of land and buildings in connection with tourism.**
- Eviii. **To provide an appropriate level of employment opportunities in the smaller settlements and the countryside.**

Appendix 1: Adopted Replacement Local Plan Policies

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

Preamble to Policy E3:

This site is located close to the Heybridge Basin Conservation Area. Development must conserve or enhance the setting of the conservation area. It is within a tidal flood risk area and development must satisfy the requirements of the Environment Agency. Access is constrained by the capacity of Basin Road and the junction on the Goldhanger Road. The employment component of a mixed-use development must make a contribution to the employment strategy of the Local Plan.

POLICY E3 Mixed Use Development - Timber Yard, Heybridge Basin

Within the former timber yard site in Heybridge Basin shown on the Proposals Map, planning permission will be granted for a mixed-use development of housing and Class B1 employment uses provided:

- a. **The extent of Class B1 uses promotes the objectives of the Employment Strategy.**
- b. **Flood risk measures satisfy the requirements of the Environment Agency.**
- c. **Development conserves and enhances the setting of the nearby Conservation Area.**

POLICY CON1 Development in Areas at Risk from Flooding

Development in areas at risk of flooding as shown by the latest Flood Risk Maps will only be permitted where:

1. **There are no alternative sites suitable for the type of proposed development at lower risk of flooding taking account of all sustainability criteria; and**
2. **It would not have an adverse impact on the function of the flood zone; and**
3. **It would not increase the risk of flooding elsewhere.**

Appendix 1: Adopted Replacement Local Plan Policies

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

With regards to building Policy BE1 applies:

POLICY BE1 Design of New Development and Landscaping

Development Proposals will be permitted if:-

- a. They are compatible with their surroundings, and/or improve the surrounding location in terms of :**
 - i. Layout**
 - ii. Site coverage**
 - iii. Architectural style**
 - iv. Scale / bulk / height**
 - v. External materials**
 - vi. Visual impact**
 - vii. Effect on the safety and/or amenity of neighbouring properties or the occupiers therein**
 - viii. Relationship to mature trees**
 - ix. Relationship to important landscape or open spaces**
 - x. Traffic impact and access arrangements.**
- b. Within defined development boundaries they harmonise with the general character of the area in which they are set;**
- c. Outside defined development boundaries they make a positive contribution to the landscape and open countryside;**
- d. Measures to protect important nearby features such as trees and historic buildings during the construction process are included;**
- e. Landscaping is included as an integral part of the overall design;**
- f. Amenity space is provided appropriate to the type of development.**

DESIGNED AND PRODUCED BY

APPENDIX 4

**MALDON DISTRICT COUNCIL
PRINCES ROAD
MALDON
ESSEX CM9 5DL**

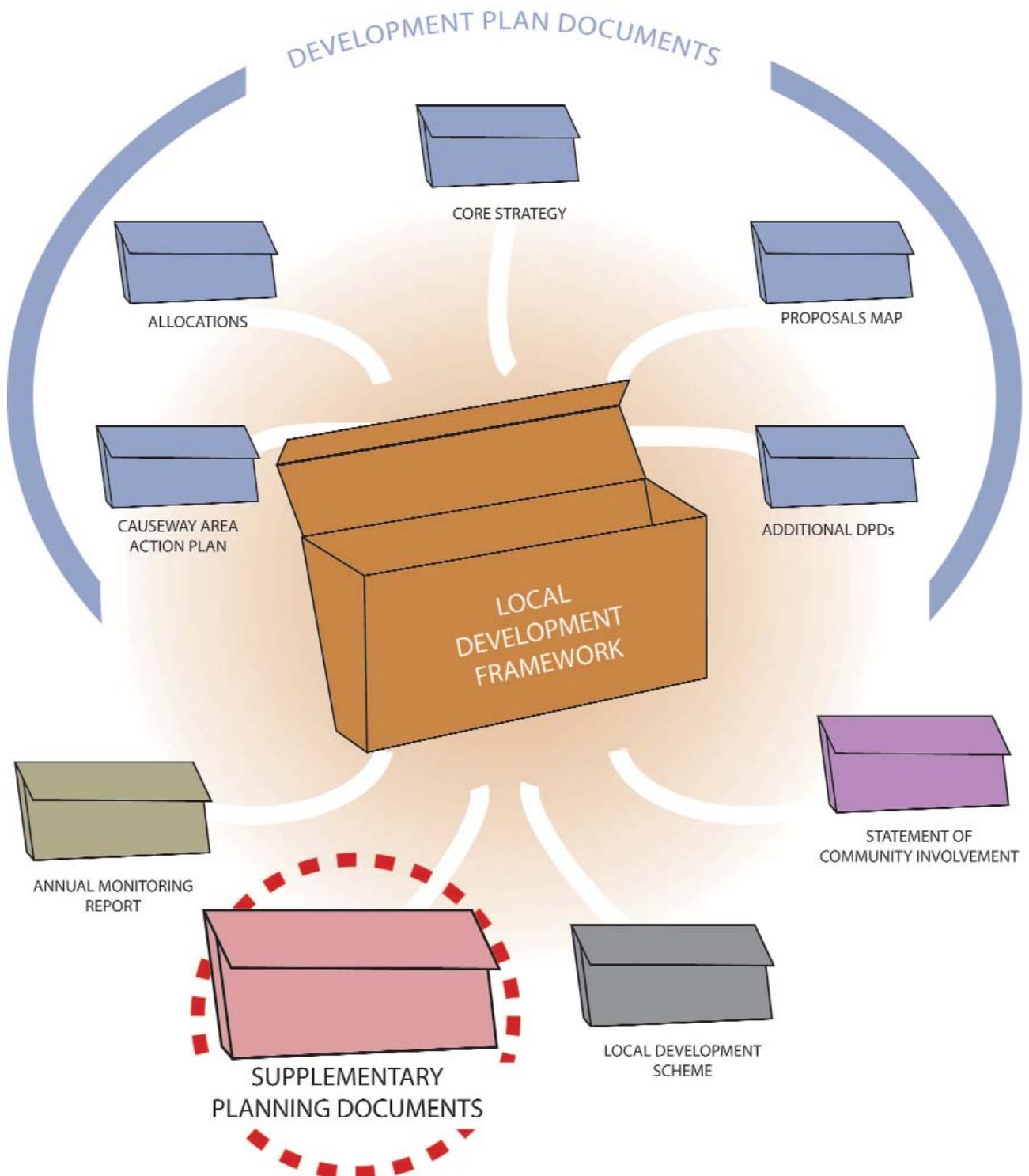
This document can be made available, on request, in larger print, braille and audio and languages other than English. To obtain a copy in an alternative format please contact The Spatial Planning Team on 01621 876202. It can also be viewed on our website: www.maldon.gov.uk



MALDON DISTRICT
LOCAL DEVELOPMENT
FRAMEWORK

Sadd's Wharf
ADOPTED
SUPPLEMENTARY
PLANNING DOCUMENT









	page
1. Introduction	1
2. Planning Policy	3
3. Site Context	6
4. Development Opportunities and Constraints	7
5. Land Use	10
6. Access and Circulation	13
7. Design Principles	16
8. Implementation	22
Appendix 1	23
Adopted Maldon District Replacement Local Plan - Relevant Policy	



SADD'S WHARF AND IMMEDIATE SURROUNDINGS - AN AERIAL VIEW





1.1 Background

The former Sadd's Timber Wharf forms part of the 'Causeway' Industrial Area running between Maldon to the south and Heybridge to the north. The wharf faces the town of Maldon across the River Chelmer and currently lies derelict.

In accordance with its adopted Replacement Local Plan and Local Development Scheme, Maldon District Council is preparing a Supplementary Planning Document (SPD) for the regeneration of Sadd's Wharf, Maldon for mixed office, residential and leisure uses.

Sadd's Wharf may be considered as the premier, or showcase, development site within Maldon District. Consequently the District Council is looking for a visionary approach to the site's development not only to make the most of the site's location, but also to act as a catalyst to further regeneration in the area and to demonstrate best practice in mixed use development.

The Council's vision therefore is of a comprehensive, high quality redevelopment of the site resulting in a vibrant, attractive place to be, offering new opportunities for people to live, work and enjoy their leisure time.

1.2 Purpose of the brief

This Supplementary Planning Document (SPD) has been prepared to assist developers when drawing up proposals for the redevelopment of Sadd's Wharf and if appropriate to assist in marketing the site. The site's recent history is one of under-use and dereliction, and Maldon District Council is keen to see its redevelopment. Central Government through advice in Planning Policy Statements (PPSs) encourages urban regeneration and the re-use of previously developed land.

Maldon District Council considers that a development brief is required for the site in order to set out in sufficient detail the relevant planning matters that elaborate the Council's Local Plan Policy as well as other important policy or contextual issues that have a bearing on the site. In particular it will guide an appropriate mix of uses.

Sadd's Wharf occupies a prominent position on Maldon's waterfront and offers a significant opportunity to act as a catalyst for wider regeneration of the Causeway area within which the site is situated. This wider regeneration is programmed to be the subject of a future Causeway Area Action Plan under the emerging Maldon District Local Development Framework.

The brief identifies development opportunities and provides guidance on land uses, site planning and building scale, form and detailing to make more efficient use of the land, help achieve development quality and ensure that new development improves and enhances the relationship between the site and the surrounding area.

The development brief has been prepared by Maldon District Council in accordance with PPS12 - Development Plans (2004). This development brief is consistent with national and regional planning policy and guidance, as well as the policies set out in the adopted development plan.

The consultation on this SPD provides an opportunity for any organisation or individual to influence the evolution of a key development opportunity in the heart of the Maldon



waterfront. Views will be particularly welcomed from key stakeholders and community representatives such as the Town Council, local amenity societies and other local groups and individuals as well as the site owners, nearby businesses and local residents who live next to or near the site. The draft will be amended to take into account the representations received.

1.3 Status of this document

This document will be adopted as a Supplementary Planning Document in accordance with the commitments set out in the adopted Local Development Scheme. It is the subject of public consultation and community engagement in accordance with the District Council's Statement of Community Involvement, found to be sound by the Planning Inspectorate in December 2006 and adopted by the District Council on 15 February 2007. As an adopted SPD, the guidance will carry significant weight in the determination of future planning applications at the Sadd's Wharf site.

The SPD elaborates Maldon District Replacement Local Plan policy and will be taken into account as a material consideration when considering applications for the site. The Government gives substantial weight to SPD which is consistent with the development plan and has been prepared in the proper manner. The SPD is accompanied by a Sustainability Appraisal for which a Scoping Report has been prepared and issued for consultation.

2.1 Government guidance

Key Government policy and guidance is contained in Planning Policy Statements (PPS) and Planning Policy Guidance (PPG). The following are considered to have relevance for the Sadd's Wharf, Maldon SPD:

PPS1:	Creating Sustainable Communities
PPS3:	Housing
PPG4:	Industrial, Commercial Development and Small Firms
PPS7:	Sustainable Development in Rural Areas
PPS9:	Biodiversity and Geological Conservation
PPS12:	Local Development Frameworks
PPG13:	Transport
PPG15:	Planning & Historic Environment
PPG17:	Planning for Open Space, Sport and Recreation
PPG21:	Tourism
PPS25:	Development and flood risk

The objective of Government policy and guidance set out in PPS1 is to encourage sustainable development through social progress, maintaining the economy, environmental protection and prudent use of resources. It promotes high quality design to enhance the quality of urban life and encourages the efficient use of land particularly where close to local facilities and public transport connections. The guidance recognises that well planned green spaces can help create pleasant urban environments.

PPS3 promotes more sustainable patterns of development by focusing future housing within urban areas, and requiring that efficient use is made of previously developed land. PPG 13 advises that local authorities should make maximum use of sites which are highly accessible by public transport.

PPG15 reinforces the provisions of the Planning (Listed Building and Conservation Areas) Act 1990, which requires local authorities to have regard to the desirability of preserving the setting of listed buildings. It also places an obligation on local authorities to preserve and enhance the special character of conservation areas.

PPS25 indicates that Local Plans should outline the consideration which will be given to flood issues. They should apply the precautionary principle to the issue of flood risk, using a risk-based search sequence to avoid such risk where possible and managing it elsewhere and developers should fund the provision and maintenance of flood defences that are required because of the development. Attention is drawn to Annex D of PPS25 and for the requirements of the 'sequential test' to be met in relation to the whole development, and for the 'exception test' to be met in respect of any residential component of the scheme.



2.2 Essex and Southend-on-Sea Replacement Structure Plan April 2001

The Essex and Southend-on-Sea Replacement Structure Plan forms part of the approved Development Plan for the area. Its policies interpret for Essex recent Government guidance regarding sustainability and making efficient use of previously developed land.

Policies CS1 and BE1 seek to achieve significant enhancement of the vitality and viability of the urban environment. They require that efficient use is made of accessible land within existing urban areas that is well served by public transport. Policies CS1, BE2 and H4 promote mixed land uses. Policy BE1 and CS2 establish a framework for protecting the character and townscape of the urban environment generally. Under Policy BE5 new development should provide/contribute to necessary improvements to community facilities, public services, transport provision and other essential infrastructure which is made necessary by the proposed development.

2.3 Maldon District Replacement Local Plan November 2005

The strategy for the District recognises the importance of protecting the coast and countryside whilst achieving a better balance between new homes and jobs within the District. The policy background is set by the adopted Maldon District Replacement Local Plan 2005.

Appendix 1 sets out the range of policies which may have a bearing on the development of Sadd's Wharf and specific reference should be made to these alongside this development brief. Of particular relevance are constraint policies CON1 as the site lies within a flood risk area and CON3 as the site has a coastal location; both these policies will require an acceptable mitigation response to deal with these constraints.

Policy CC1 requires development at the site to have no adverse impacts on the adjacent internationally important nature conservation site of the Blackwater Estuary. Housing policies H6 and H9 guide requirements for site density and the expected level of affordable housing respectively.

The key policy for approaches to design and landscaping is BE1. Adherence to policy BE2 will ensure access for all. Policy REC3 guides provision of children's play spaces in conjunction with housing and policy T8 refers to parking provision requirements. Both are elaborated in adopted Supplementary Planning Documents. Policy T2 guides appropriate transport infrastructure in new developments.

The specific policy that this SPD will elaborate is policy E4 within the Maldon District Replacement Local Plan as follows:

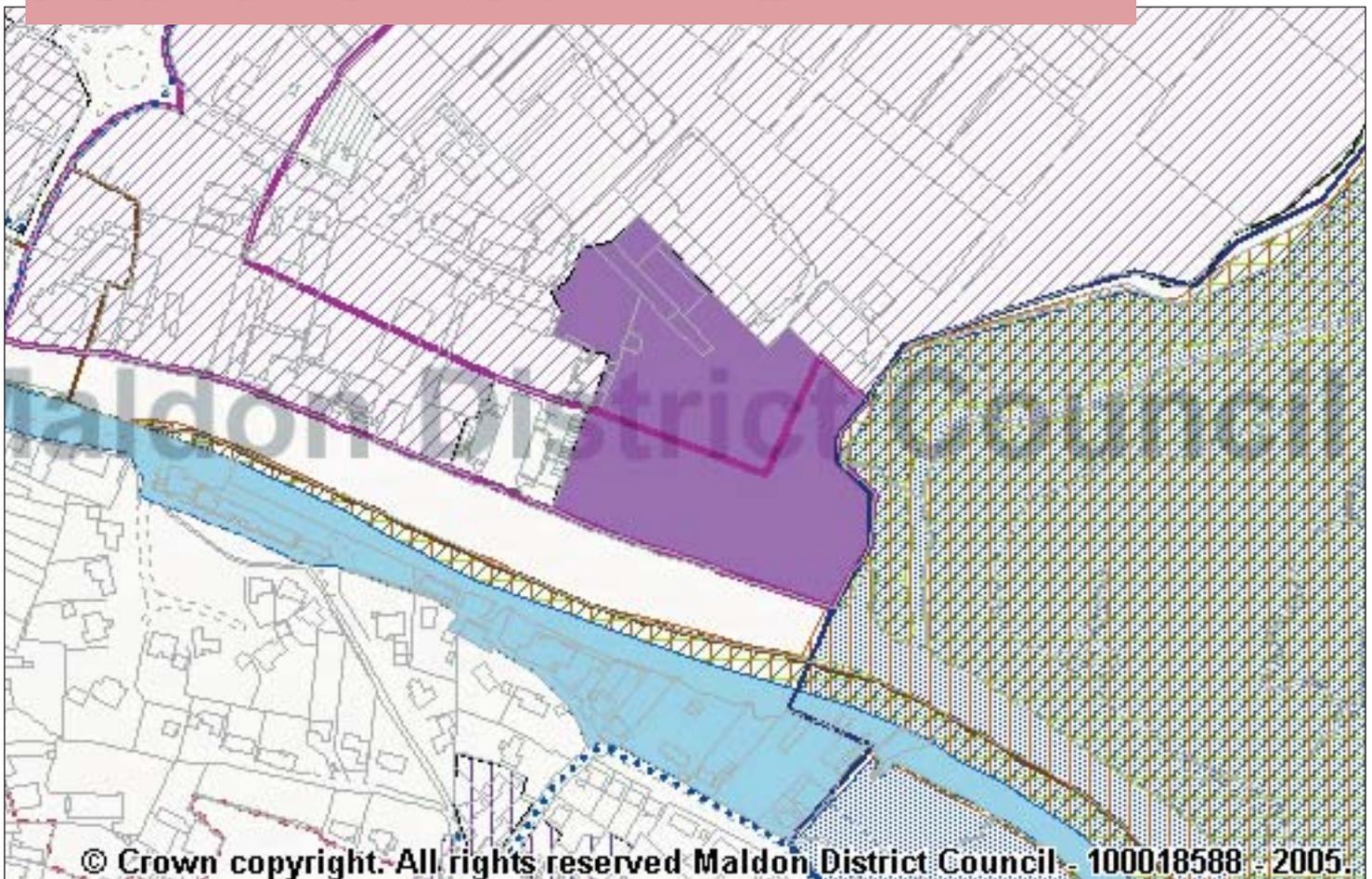
POLICY M/E/4 Mixed Use Development - Sadd's Wharf.

On the site of Sadds Wharf, Station Road, Maldon shown on the Proposals Map, planning permission will be granted for a mix of uses including offices, housing and leisure provided;



- (a) The design form and scale of the buildings permitted and the materials used in their construction shall be compatible with:
 - (i) the adjacent buildings known as 'The Granaries,'
 - (ii) the character of the buildings located within the designated Conservation Area to the south, and
 - (iii) the scale of the adjacent estuarine landscape.
- (b) Development does not lead to highway impacts that have an adverse impact on the existing employment uses in Station Road.
- (c) Flood risk measures satisfy the requirements of the Environment Agency.

LOCATION OF SADDs WHARF - EXTRACT FROM MALDON DISTRICT REPLACEMENT LOCAL PLAN INTERACTIVE PROPOSALS MAP - NOT TO SCALE





3.1 Site History

The site has a history as a timber yard and was owned and developed by the Sadd family. Imported timber was transferred by barges and lighters from larger vessels in the Blackwater Estuary. Timber was also stored by floating it in the adjacent River Chelmer. There was a packet boat service from the wharf to London until 1851. The steam powered sawmill at the site was destroyed by fire in 1909 to be replaced by two buildings, one for logs, the other for planning and re-sawing. Electricity was also generated on site.

The Sadd's contribution to the second world war effort should also not be understated. Motor launches and torpedo boats were launched from the site and remnants of the slipway can still be seen at the site.

The decline of the timber wharf came towards the later 20th century with the site cleared and then lying derelict to the present day. It is understood that the site was last actively used in the mid-1980s.

3.2 Site context

The Sadd's Wharf site extends to 2.2 hectares.

The site has vehicular access from Station Road to the west, from where there is good linkage via Fullbridge and the A414 to the Maldon by-pass. The trunk road network is then reached via the B1019 to the A12 at Hatfield Peverel.

The immediate access along Station Road is currently congested and in need of improvement. This will need to be addressed as part of the Sadd's Wharf site redevelopment.

The site has been largely cleared of buildings and the ground surface broken up and any significant vegetation removed. The site is largely level becoming more elevated towards the northern boundary.

The site is bounded to the south by the River Chelmer representing the former wharf frontage, to the north, by the Causeway industrial area, to the east by Heybridge Creek and to the west by residential conversions of former granaries.

The wider context of the site is particularly important. To the immediate south of the site across the River Chelmer there is the Maldon Conservation Area and the visual relationship between the site and the Conservation Area is very strong. To the immediate east is the Blackwater Estuary designated as being of international importance for its mudflats and estuarine wildlife as a Site of Special Scientific Interest, Ramsar site, Special Protection Area and Special Area of Conservation. This also stretches to the south of the site along the River Blackwater and Chelmer.

The site is also within the Causeway Industrial Area, itself the subject of a future proposed Area Action Plan Development Plan Document within the Local Development Framework. A successful regeneration of Sadd's Wharf has the potential to act as a catalyst to the wider regeneration of the Causeway Area.



4.1 Site Prominence / Design / Built Environment

The greatest development opportunity presented by the site stems from its location at the junction of the River Chelmer and the Blackwater Estuary facing the historic town of Maldon. This setting requires a positive design approach in order to maximise the unique development opportunity offered.

The Maldon Conservation Area is immediately across the river and development must be designed to enhance its setting. Views to the site from the Conservation Area will be an especially important consideration. Development will need to respect that found within the Conservation Area and around the Blackwater/Chelmer waterfront.

4.2 Access

Existing site access for vehicles, cyclists and pedestrians is from Fullbridge along Station Road. Current level of use and parking means the road is congested and therefore in its existing condition is inappropriate to service the Sadd's Wharf site.

There is the opportunity for pedestrian and cyclist access to the waterfront areas of the site and also by a new link across the River Blackwater to Maldon. In addition access to the wider Causeway Area, particularly waterfront areas, is likely to be a future opportunity in conjunction with the proposed Causeway Area Action Plan. This will also apply to vehicular traffic between the site and the wider Causeway area. An opportunity for an alternative site access for vehicular traffic may also be presented by regeneration of the wider Causeway area.

4.3 Contaminated Land

The site's former industrial use means land contamination may be a development constraint.

The minimum requirements to be submitted with any planning application for the redevelopment of this site are identified in Paragraph 2.43, Annex 2 of PPS23. In accordance with Paragraphs 6 and 17 of PPS23, these studies must be undertaken prior to the determination of any planning application and will be especially important considering the close proximity of this redevelopment site to the Blackwater Estuary SPA/SAC/SSSI/Ramsar Site.

In relation to this site, the Environment Agency are only concerned with contamination issues relating to controlled waters and waste. Maldon District Council's Environmental Services department should also be consulted with regard to human health concerns.

Given the previous use of the site, it is likely that an intrusive site investigation will be required. The Environment Agency would therefore urge any applicants to submit the minimum requirements to them for comment prior to submitting a planning application.



4.4 Flood Risk

The most significant constraint on the potential development of the site is the flood risk as set out in the Environment Agency Flood Maps. The site is situated within Flood Zone 3 - High Probability as defined in Table D1 of Annex D, PPS25.

A strategic flood risk assessment is being prepared for Maldon District which will include the Sadd's Wharf site. This will give further detail on the likely nature of flood risk at the site together with an indication of potential mitigation measures.

A flood risk assessment will be required to accompany a development proposal to meet part C of the PPS25 exception test.

Flood risk investigation must take account of tidal flooding, fluvial flooding and tide-locking.

Due to the complex hydrological elements in the Maldon area, any investigation into the flood risk for this site must take into account tidal flooding, and also any possible effects of fluvial flooding and a tide-locking scenario.

The sea defence in this area has a standard of protection of 1 in 191. Given this, the Sadd's Warf area is not adequately defended in a 1 in 200 year tidal flood event, thus an overtopping analysis must be included in any assessment of flood risk. The overtopping analysis must take into account the increase in sea level resulting from climate change as indicated in Table B.1 of PPS25 as appropriate for the development type (60 years for commercial and 100 years for residential). It cannot be assumed that the existing sea defence will be maintained or improved to adequately defend development in this area for its lifetime. We have permissive powers, but not a statutory duty, to carry out or maintain flood defence works in the public interest.

For the 1 in 200 year overtopping analysis, the results should be used to determine whether there would be a safe access/egress route between the site and local facilities that are likely to be used as places of assembly during flooding. It is preferable that such routes remain dry and, if that is not possible, then they must satisfy the white cells of Table 13.1 of FD2320.

Additionally, investigation into flood risk should include the results of an overtopping scenario for a 1 in 1000 year tidal flood event. The results of the 1 in 1000 year overtopping scenario will enable the Local Authority to consult the emergency services and emergency planners regarding evacuation from the site.

An assessment of potential surface water flooding must be addressed within the flood risk assessment. The Environment Agency would expect to see the use of Sustainable Drainage Systems (SUDS) in any surface water management plan produced for this site. Annex F of PPS25 provides further information on this subject. It is important to note that the design of this surface water management system may be reliant on the outcome of the contamination studies also required at this site (see 4.3).

In addition to the above, the Environment Agency is also in the process of preparing the Blackwater and Colne Estuarine Strategy. This document will identify



the most sustainable flood management strategy for the estuaries for the next 50 years, having considered socio-economic, environmental and hydrodynamic factors. The strategy will include an identification of areas for future managed realignment and where the existing defence must be maintained. Not much information is available at this stage, however the Environment Agency is very concerned over the future sustainability of developing this site.

Due regard should be given to the vulnerability classifications of the proposed development types on-site and their compatibility with flood risk. According to Table D.2 of PPS25, the uses proposed for Sadd's Wharf regeneration have the following vulnerability classifications:

GENERAL TYPE OF USE	SPECIFIC TYPE OF USE	VULNERABILITY CLASSIFICATION
Private Residential	-	More vulnerable
Business	-	Less vulnerable
Professional Services	Architects, accountant, consultancies, etc.	Less vulnerable
Restaurants/Cafes	-	Less vulnerable
Drinking Establishments	-	Less vulnerable
Non-Residential Institutions	Children's day care, crèche/nursery	More vulnerable
	museum, art gallery, exhibition space	Less vulnerable

In light of the above, it must be acknowledged that private residential uses are only appropriate where the sequential test and the exception test are passed.

Anglian Water require confirmation on land use in order for the site to be modelled to determine the foul water drainage strategy and any necessary improvement works.

Due to the site location Anglian Water need confirmation that any formal flood risk assessment for the site as required under PPS25 will ensure that any potential flooding of the site will not impact on the foul drainage system.

4.5 Natural Environment

The site lies adjacent to the Blackwater Estuary of international significance as a Site of Special Scientific Interest, Special Protection Area, Ramsar Site and the Essex Estuaries Special Area of Conservation. Development will have potential disturbance on over-wintering birds and increase the number of people using and living on the boundary of the statutory protected sites. The sensitivities involved to the estuary both during and after construction will be an important consideration at Sadd's Wharf and potential constraint to development options.

There is a possibility that the site hosts invertebrates and reptiles.



5.1 Mix of land uses

The District Council recognises the site's history as an employment site and wishes to ensure replacement employment uses predominate within the future mix of uses on the site recognising both the site's surrounding uses and the limitations for the scale of future housing development imposed by the site's flood risk. Conversely it is acknowledged that some housing at the site may be necessary to make the site's development viable.

The District Council has sought initial expert advice on the process of establishing the economic viability of the site's development. Sadd's Wharf presents many variables for determination of viability and the District Council is of the view that these costs should primarily be borne the developer. As part of good planning for the site preferred percentages of residential and office or other business uses are identified under 5.2 'Development Requirements' below. Should a developer propose to depart from these preferred percentages on grounds of economic viability, a clear case will need to be made within a planning application and this will be assessed as part of the application process.

Assessments other than those for economic viability may also impact on the final percentages for mix of land uses (in particular Flood Risk Assessment). Again such assessments will be used to inform a final decision as part of the planning application process.

The site's prominent waterfront location makes it attractive to other uses and a proportion of leisure uses that utilise this are also considered appropriate.

Policy E4 of the Local Plan specifically refers to offices being the appropriate type of employment use to be provided on the site. The District Council will, however, give favourable consideration to other uses falling within the scope of the Business (B1) Use Class (research and development, and light industry) where this helps to deliver a comprehensive, viable and vibrant scheme and where urban design objectives and requirements are also met.

In summary the Council will seek mixed uses to meet the following objectives:-

- Creation of sustainable employment as the predominant site use;
- Creation of a sustainable residential neighbourhood;
- Creation of a safe, lively character with a variety of leisure activity;
- High quality design.

5.2 Development Requirements

Amount of non residential floorspace

The Council will seek a minimum of 50% of the developed floorspace for office or other Business use (Class B1) to ensure continued employment use of the site predominates within the mixed use approach.



Preferred location of non-residential uses

The Council will seek non-residential uses at ground floor level on the site in order to contribute to the diversity of uses and to address flood risk issues and create focal points for activity.

Amount of residential floorspace

Sufficient residential floorspace to ensure the viability of the redevelopment of the site is acknowledged as appropriate by the Council. This is not anticipated to be greater than 40% of developed floorspace and must include affordable housing amounting to at least 30% of the number of dwellings permitted on site. A residential density of 30-50 units per hectare is considered appropriate. Greater residential density may be appropriate subject to acceptable flood risk and access mitigation.

Adaptable units

The Council will accept attractive, open-fronted, high ceiling, mergeable/sub-divisible, flexible-use units, capable of accommodating alternative non residential uses, in the interests of creating a business character, meeting unforeseen demand and for future economic sustainability.

Appropriate intensity of use and satisfactory built form

The Council wants to avoid segregated uses. It will not accept single storey buildings and detached, single-use buildings unless it can be demonstrated that these form part of comprehensive development proposals and such stand-alone uses integrate with and are complementary to the remainder of the site. Residential developers will be encouraged to develop mixed-use buildings.

Leisure provision

The Council wishes to ensure the vitality of the site's development and considers up to 30% of developed floorspace appropriate for leisure uses.

5.3 Appropriate Land Uses

New development should complement the existing surrounding uses and exploit the close association with the river frontage. The Council envisages that new office, residential and leisure uses will be complementary to the existing grain of the nearby Conservation Area.

As part of a mixed use development of Sadd's Wharf careful consideration should be given to the retention of a wharf facility along the River Chelmer frontage. Such a wharf facility might cater for leisure use or for instance mooring of Thames Barges as occurs at the Hythe in Maldon or alternatively a level of transshipment. The scale and use of the wharf should complement or conform with the mix of uses identified in any development solution and should not impact adversely on navigation in the River Chelmer.

Possible appropriate land uses are outlined below. All the uses are compatible with each other as long as they are carefully integrated within the overall development scheme and surrounding area, attending to possible excessive impact in terms of traffic, noise and activity.

**Private residential**
Use class C3

Mixed tenure, mixed size residential units, are an essential requirement proportionate with ensuring the development viability of the site. The Council will seek affordable housing in accordance with Policy H9 of the adopted Replacement Local Plan.

Business
Use class B1

B1 office uses not covered under A2 are appropriate. The Council will accept different types of accommodation including:

- premises for small and medium size B1 offices or businesses;
- managed space for small business enterprises sharing resources;
- flexible use studios;
- flexible use community or low value activity;
- large business occupier;
- non-office B1 uses - there is scope on the site for a B1b/c block, perhaps to the rear (N) of the site which could include managed workspace.

Professional services
Use class A2

Non-retail uses serving visiting members of the public will be acceptable (architects, accountants, consultancies, etc).

Restaurants and Cafes
Use class A3

A class A3 use is acceptable provided it is integrated with new living and working accommodation and complements the setting of the site.

Drinking establishments
Use class A4

A class A4 use may be acceptable provided it is integrated with living and working accommodation and management processes can be introduced to control access and noise. It must also complement the setting of the site.

Non residential institutions
Use class D1

These will be supported where they support and complement the main proposed uses of the site (eg museum, art gallery, exhibition space). A museum or gallery linked to the local history of the site or surrounding area would be particularly appropriate.



6.1 Site Access and Connections

The site has a range of existing and potential connections to its surroundings. These are summarised in the plan at the end of this section. It will be a requirement of site development proposals to maximise and improve access and connections wherever possible.

6.2 Vehicular Access

Vehicular site access from Fullbridge is along Station Road. This road is already congested with the current level of use and parking and road widening in conjunction with improved traffic management measures and environmental improvements will be required in order for Station Road to become an adequate access for the site which is attractive to pedestrians and cyclists as well as motor vehicles. The improvement of Station Road will therefore be a requirement by way of a section 106 agreement in conjunction with the development proposals for Sadd's Wharf.

Essex County Council Highways and Transportation Department will require submission of a full Transport Assessment to review the junctions in the area and examine public transport, walking/cycling connections and links to the public rights of way network. They will also require details of car parking provision within the Sadd's Wharf development. The scope of the Transport Assessment would need to be agreed with the Highway Authority.

Observations show Station Road is unclassified/private. If planning permission was granted the Highways and Transportation Department would seek improvements to the road ideally leading to its adoption and it becoming maintainable at public expense together with regulation of car parking along Station Road.

In addition consideration should be given via site layout to wider access to the Causeway Area from the site via the proposed Causeway Area Action Plan. Of particular relevance is the potential for a future second access route to the site which may avoid the congestion difficulties in Station Road and give more direct access to the A414.

6.3 Access for Pedestrians and Cyclists

Access for pedestrians and cyclists will be via Station Road but opportunity may also exist by way of a possible new pedestrian footbridge to link the site across the River Chelmer to Maldon. Such a link could help facilitate the sustainable development of the site by bringing Sadd's Wharf within close walking/cycling range of Maldon town centre.

Additional external funding is likely to be required for this and sufficient space would need to be included within a design layout to accommodate a bridge crossing on both the southern and northern banks of the river. Landowner agreement would be needed on an acceptable location at the southern river bank. Bridge works would also require Environment Agency Consent under the Land Drainage Act 1991/Water Resources Act 1991 and approval from the Maldon Harbour Improvement Commissioners as Harbour Authority. Any bridge design would need to accommodate river traffic needing to move



upstream along the River Chelmer to Fullbridge. With a sensitive bridge design there may be an opportunity to enhance landscape character.

The proposed Causeway Area Action Plan is of relevance to pedestrian and cyclist traffic between the site and the wider Causeway area. In addition to the potential bridge link above wider access along the bank of the River Chelmer to the west and Heybridge Creek to the north should be considered in design layout of Sadd's Wharf.

6.4 Circulation within the development

Access and circulation to buildings, within private and public spaces must be suitable for people with disabilities. 'Access for all' will be a requirement of any development proposal. A full access statement will need to be submitted with a planning application.

Pedestrian and cyclist access should be provided to all waterfront areas of the site.

Pedestrian routes should be direct, legible, safe and attractive. Cycle routes should be indicated by paving materials of different colour or levels and be open and attractive with good forward visibility. Vehicle routes should follow the pedestrian network and be designed to regulate traffic flows and speeds.

The standards of the highway authority, Essex County Council, are set out in the Essex Design Guide for Mixed Use and Residential Areas (1997). This has been adopted by Maldon District Council as Supplementary Planning Guidance.

6.5 Vehicle servicing needs

All uses should provide suitable arrangements for off-street servicing and refuse collection. The Council will require details of the types of vehicles and frequency of visit for each use to ensure satisfactory provision. Service access for existing surrounding buildings should be maintained.

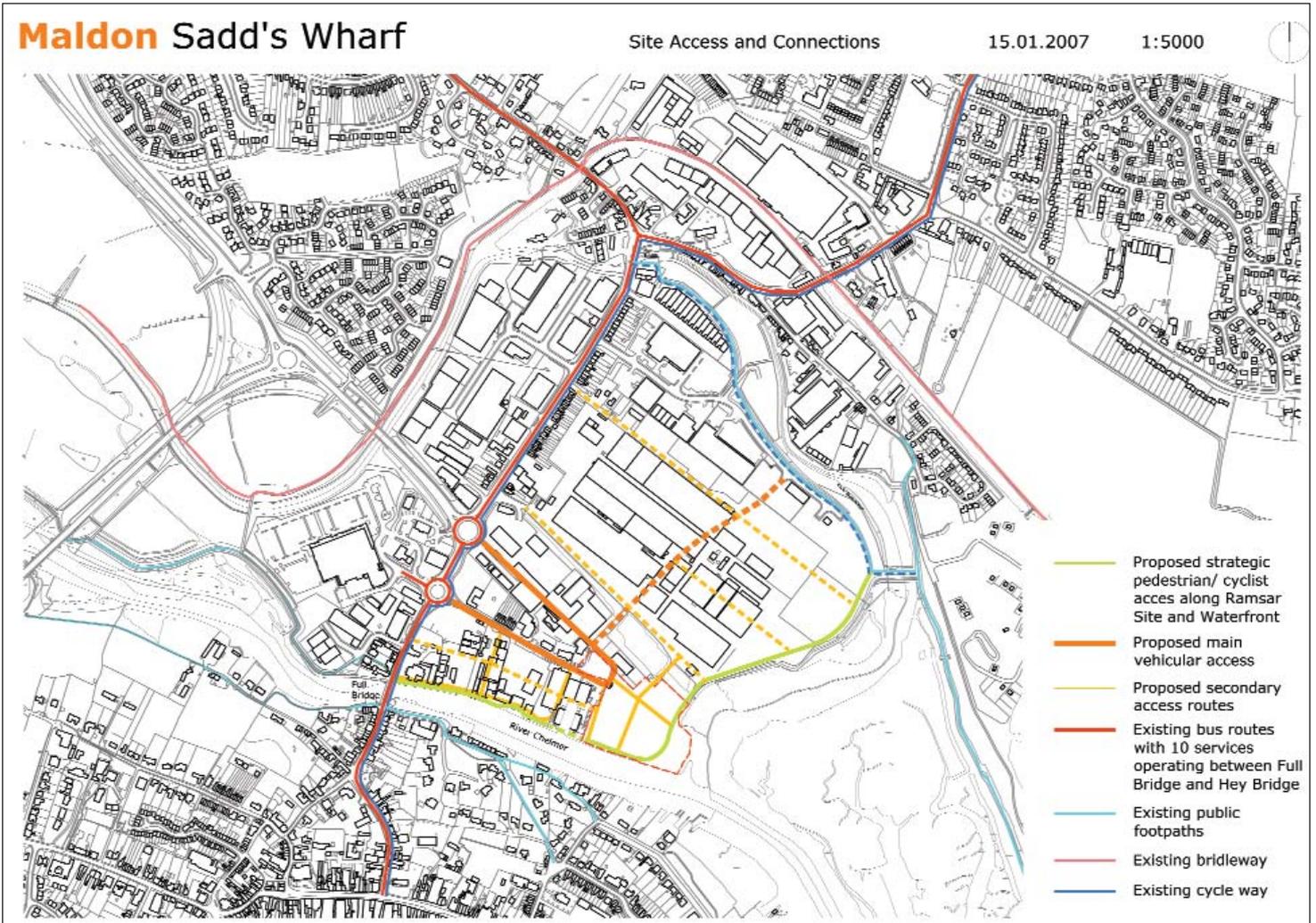
6.6 Vehicle parking

Car parking provision will be assessed with reference to Maldon District Council Vehicle Parking Standards Supplementary Planning Document 2006. In new residential development this requires, a maximum of one space per dwelling for off-street car parking. (This document is available on the Maldon District Council web site at www.maldon.gov.uk)

For non-residential development, parking provision should aim to accord with the standards. The Council will encourage well thought out, multiple and shared use design solutions to car parking provision.

6.7 Cycle parking

Cycle parking provision will be assessed with reference to Maldon District Council Vehicle Parking Standards Supplementary Planning Document 2006. In residential and workplace development, there is a need for secure, covered storage for bikes at ground level. Cycle parking spaces in underground garages would be acceptable provided that a lockable enclosure is included.





7.1 Design ethos

Redevelopment of Sadd's Wharf will offer the opportunity to regenerate a derelict site and thereby bring it into active use. Design solutions will need to maximise the potential offered by the site's highly visible waterfront location but must respect the historic setting, in particular the nearby Maldon Conservation Area. The opportunity exists, however to make a bold design statement which provides a positive enhancement to the town and may itself act as a catalyst to wider regeneration of the Causeway area.

7.2 Block Structure/Urban Design

The attached plans at the end of this section set out graphic information on expected block structure and urban design. There are key views in and out of the site particularly along the waterside boundaries of the site. These in turn inform the approach to defining key frontages which are also shown as relating to waterfront elevations and also to the site entrance. The corner of the site where the river meets the estuary presents a significant opportunity for a landmark feature as does, to a lesser extent, the site entrance. Any development within a 9 metre zone of the water frontage will require Environment Agency Consent under the Land Drainage Act 1991/Water Resources Act 1991.

Reference to the Essex Design Guide and Urban Place Supplement is also appropriate and recommended when considering urban design and layout options. These documents will be incorporated into a Maldon Design Guide SPD to be prepared and adopted during 2007 at which time it will become a material consideration for the layout and more detailed design of the site.

The close proximity to the Maldon Conservation Area and nearby granary buildings means any potential development must be designed to enhance its setting. Views to the site from the Conservation Area will be an especially important consideration with implications for the form, scale, massing and construction detailing of new development which will need to respect that found within the Conservation Area and around the Blackwater/Chelmer waterfront. It is likely that development over more than three storeys will be inappropriate. This general restriction might be relaxed on the waterfront corner of the site to create a landmark feature.

7.3 Location of public open space

Public open spaces should be located where they are visible and accessible from the surrounding area. They should be located and shaped to help create a sense of location and community ownership. The Council will welcome open spaces designed to cater for public leisure activity relating to enjoyment of the sites waterfront location (see block structure/urban design plan). A significant amount of this space must be located adjacent to the waterfront.

All footways must be convenient and comfortable for all users, allowing level access to building entrances and usable by wheelchair users.



Wherever possible public open space should be multifunctional. It should contribute to the biodiversity/ecological value of the site, aid in flood risk mitigation by contributing to a SuDS scheme and be integrated into the pollution prevention scheme for the site.

7.4 Car parking design

Car parking should be provided in a mixture of different forms. Taking account of the existing flood risk ground level parking under the rear of buildings or parking hidden behind buildings are acceptable.

Boulevard parking on street space between the fronts of buildings and parking squares designed as public realm may also be possible.

7.5 Sustainable Construction and Energy Efficiency

As the District's 'showcase' site, the development of Sadd's Wharf will make a significant contribution to energy efficiency, water efficiency, flood risk management and waste minimisation in its own right as well as offering an example of good practice to development in the district. The following statement is drawn from the Maldon District Replacement Local Plan:

'...the Council recognises that new development has an impact on the environment by way of energy and water use as well as the production of waste, (both in the construction process and afterwards when the development is occupied). Careful attention to these issues can reduce the impact on the environment in much the same way that good design can make a positive contribution. In the same way that the quality of design is now a material consideration in development control decisions the Council will start to consider the water, energy and waste implications of development in the development control process'.

'Carbon neutral' development is becoming increasingly important at Government level to the extent that all new housing development will need to be carbon neutral by 2016. Maldon District Council will encourage a carbon neutral development at Sadd's Wharf.

Development should seek to minimise the use of resources and the production of waste by incorporating, for example, passive systems using natural light, air movement and thermal mass. High levels of energy and water efficiency should be ensured in the redevelopment. It will therefore be important to ensure that the new development incorporates water efficiency measures. The Government's expectations for water efficiency in new buildings are set out in the DCLG publication 'Water Efficiency in New Buildings'.

In addition to the above, the Government's objectives for achieving zero carbon developments are set out in "Building a Greener Future: Towards Zero Carbon Development".

The above approach ties in with the newly published "Code for Sustainable Homes". As a minimum a 3 star rating should be sought under the Code for Sustainable Homes for any development proposals.



A BREEAM Assessment should also be submitted for the non-residential elements of the redevelopment and must be submitted with any planning application. When undertaking this assessment, the highest possible standards for water efficiency, energy efficiency, surface water drainage and waste minimisation must be sought.

Sustainable Construction and Energy Efficiency matters will be incorporated into the forthcoming Maldon District Design Guide SPD during 2007 at which time it will become a further material consideration for the layout and more detailed design of the site.

7.6 Biodiversity

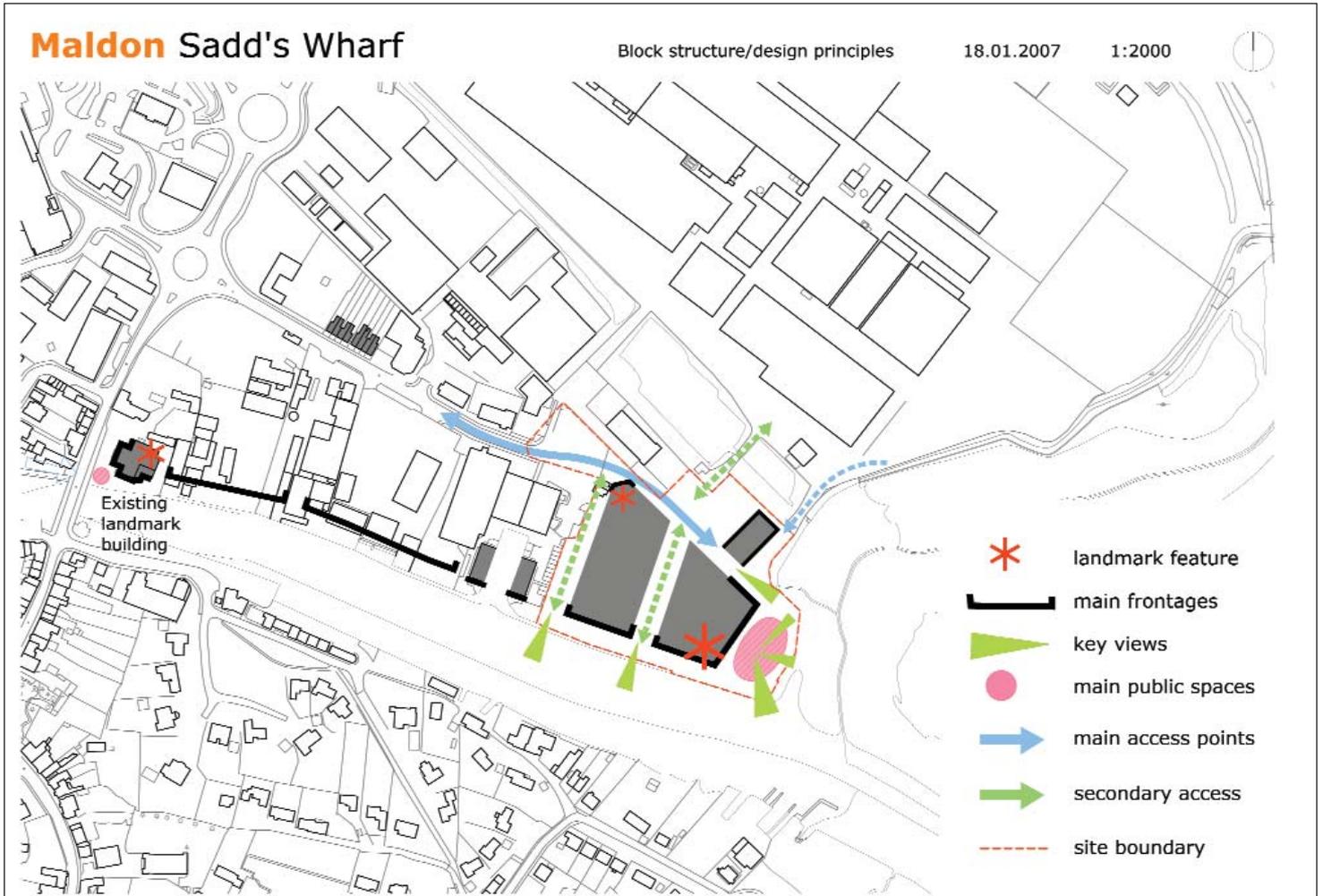
Development should consider incorporating biodiversity enhancements into the new development. Consideration should also be given to provision of functional linkages for movement of species between existing and newly created habitats. Where possible enhancements should seek to meet Biodiversity Action Plan targets.

7.7 Designing out crime

Orientation of building fronts and backs should ensure privacy for occupants and adequate surveillance of streets, pedestrian and cycle links and public spaces.

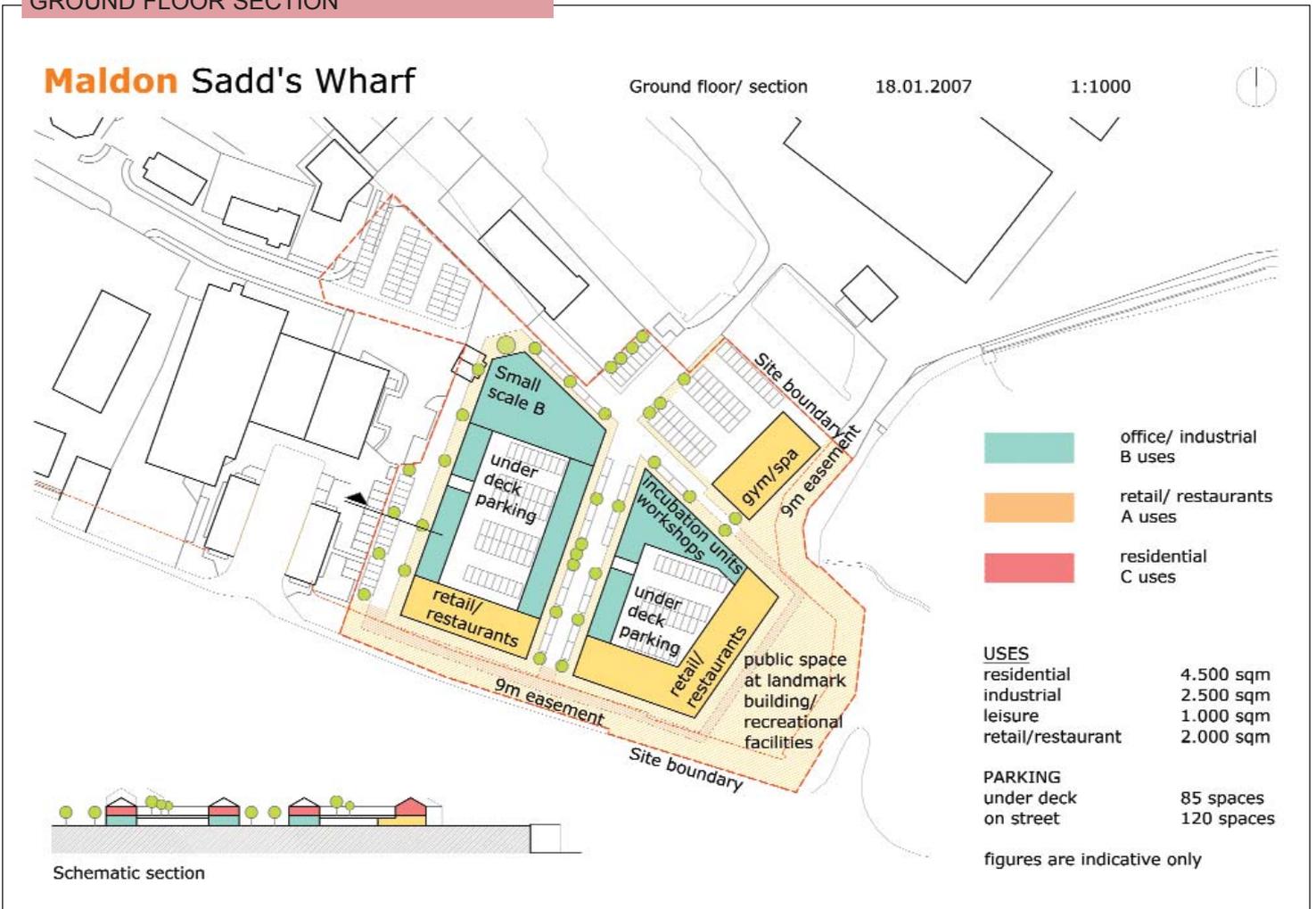
Public space should be attractive with a high degree of casual surveillance from surrounding properties to encourage good levels of usage. Well-lit public cycle and pedestrian routes that provide a safe and secure environment will be encouraged. The Council will encourage shared access, parking, amenity play spaces, on the "home-zone" principle, subject to management and maintenance arrangements.

Car and cycle parking areas should have good surveillance and designed to deter crime.





GROUND FLOOR SECTION





FIRST FLOOR SECTION

Maldon Sadd's Wharf

First Floor/Upper Floors

18.01.2007

1:1000



Maldon District Council will apply the following planning application requirements:

- A planning application may be made for full or outline permission. If an outline application is submitted, the application should be accompanied as a minimum by a Master Plan showing the proposed layout, key urban design principles, and mix of uses proposed.

- The initial planning application should relate to the whole of the area covered by the brief. In order to ensure the entire site is developed, proposals for development of part of the site will not be acceptable.

- Any application should be accompanied by evidence in respect of the impact of the development on the following matters:
 1. Flood Risk Assessment;
 2. Access, transport and parking;
 3. Travel Assessment;
 4. Travel Plan;
 5. Design and Access Statement including Urban Design approach;
 6. Ground Condition Survey with decontamination plan if necessary;
 7. An independent appraisal of wildlife and fauna on site and effect of development on other nature conservation interests. This should also include an enhancement/mitigation scheme for the site;
 8. Environmental Assessment if the proposal is likely to have a significant effect on the environment.

- A developer will be expected to enter into a section 106 agreement with the District Council for the following matters:
 1. Affordable housing provision;
 2. Necessary highway improvements;
 3. Environmental improvements to Station Road;
 4. Cycleway provision to the site including along Station Road;
 5. Provision of public domain areas to also cover management arrangements.

Adopted Maldon District Replacement Local Plan - Relevant Policy

The following policies may be relevant to the development of Sadd's Wharf. For full details refer to the Maldon District Replacement Local Plan.

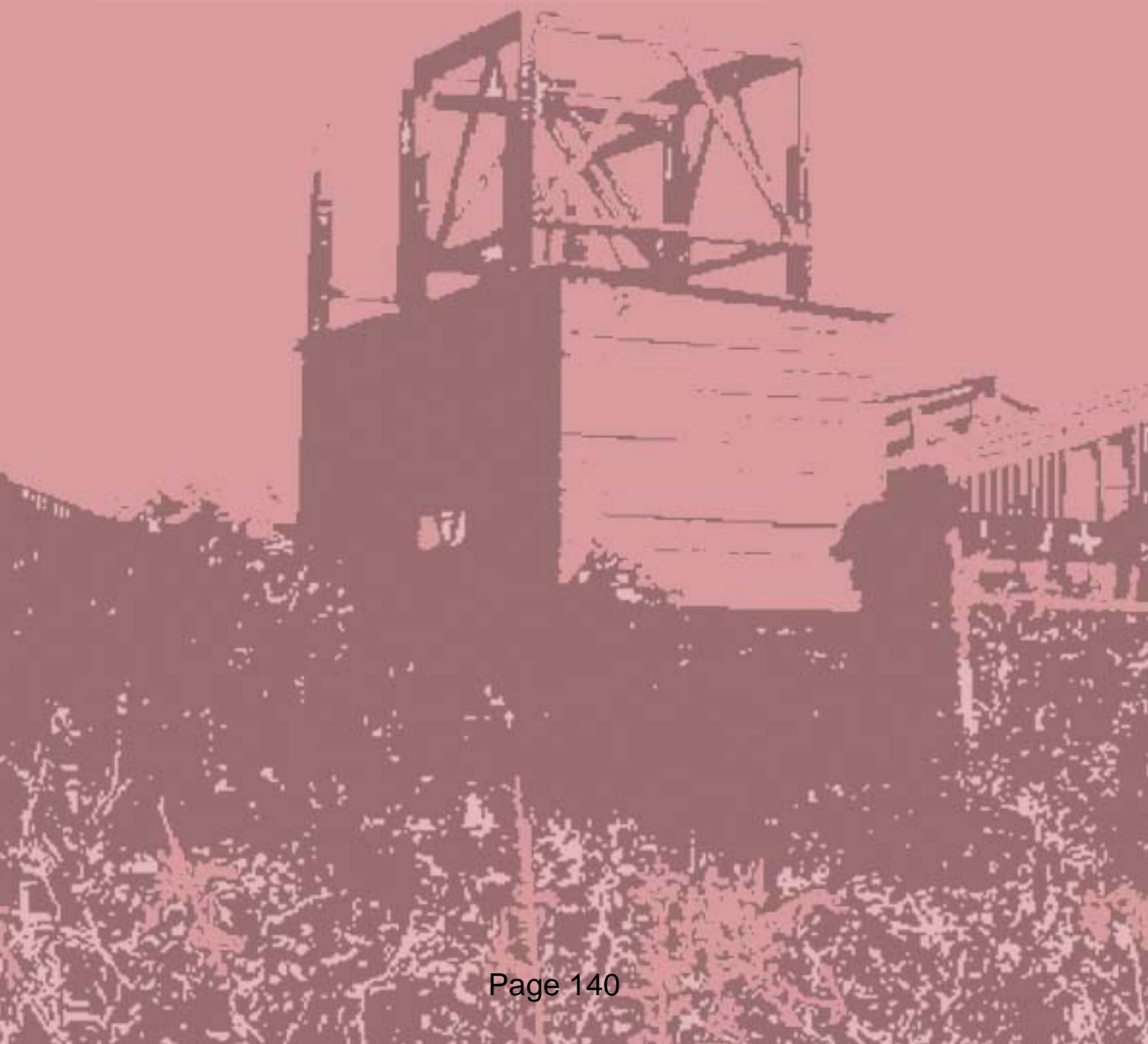
POLICY S1	Development Boundaries and New Development
POLICY CON1	Development in Areas at Risk from Flooding
POLICY CON2	Sustainable Drainage Systems
POLICY CON3	Coastal Defence
POLICY CON5	Pollution Prevention
POLICY CON6	Contaminated Land
POLICY CON7	Development Affecting Airports
POLICY CC1	Development Affecting an Internationally Designated Nature Conservation Site
POLICY CC2	Development Affecting a Nationally Designated Nature Conservation Site
POLICY CC3	Development Affecting Locally Designated Nature Conservation Sites
POLICY CC5	Protection of Wildlife at Risk on Development Sites
POLICY CC9	Maldon Riverside Area
POLICY CC10	Historic Landscape Features
POLICY CC11	The Coastal Zone
POLICY CC12	Maldon Waterside Area
POLICY H1	Location of New Housing
POLICY H3	Housing Provision
POLICY H4	Land Allocated for Residential Development
POLICY H6	Housing Density
POLICY H9	Affordable Housing
POLICY H11	Special Family Needs
POLICY H13	Houseboats
POLICY E1	Protection of Existing Allocated Employment Sites
POLICY E4	Mixed Use Development - Sadd's Wharf
POLICY E5	Frontage to the River Chelmer
POLICY E8	Working from Home
POLICY BE1	Design of New Development and Landscaping
POLICY BE2	Inclusive Access and Accessibility
POLICY BE3	Public and Private Amenity Spaces
POLICY BE4	Designing a Safe Environment



POLICY BE5	Parking Areas
POLICY BE7	Design of Shop Fronts
POLICY BE8	Lighting
POLICY BE9	Advertisements on Buildings
POLICY BE13	Development in Conservation Areas
POLICY BE18	Control of Development at a Site of Local Archaeological Value
POLICY REC1	Allocation of Land for Formal Public Open Space
POLICY REC3	Children's Play Space Associated with New Housing Developments and Elsewhere in the District
POLICY REC4	Allocation of Land for Informal Open Space
POLICY REC5	Provision of Informal Open Space
POLICY REC6	Provision of Amenity Areas
POLICY REC8	Open Spaces in Towns and Villages
POLICY REC9	Indoor Sports, Leisure and Recreation Facilities
POLICY REC10	Public Rights of Way
POLICY REC16	Permanent Uses of Land or Water for Sport
POLICY REC17	Water Recreation Facilities
POLICY REC19	Hotel and Guest House Accommodation
POLICY T1	Sustainable Transport and Location of New Development
POLICY T2	Transport Infrastructure in New Developments
POLICY T4	Cycle Routes
POLICY T5	Cycle Parking Provision in New Developments
POLICY T6	Improvement to Pedestrian Facilities
POLICY T7	Shared Car Parking in New Development
POLICY T8	Vehicle Parking Standards.
POLICY PU2	Recycling Facilities in New Developments
POLICY PU6	Renewable Energy

MALDON DISTRICT COUNCIL
PRINCES ROAD
MALDON
ESSEX CM9 5DL

This document can be made available, on request, in larger print, braille and audio and languages other than English. To obtain a copy in an alternative format please contact The Spatial Planning Team on 01621 876202. It can also be viewed on our website: www.maldon.gov.uk





**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
PLANNING AND LICENSING COMMITTEE
5 SEPTEMBER 2019**

**LOCAL DEVELOPMENT PLAN IMPLEMENTATION - MALDON AND
HEYBRIDGE CENTRAL AREA MASTERPLAN**

1. PURPOSE OF THE REPORT

- 1.1 This report provides an update to the Committee on progress taking forward the objectives and identified projects set out in Maldon and Heybridge Central Area Masterplan Supplementary Planning Document (SPD) and current project activity.

2. RECOMMENDATION

That the Committee receives the update.

3. SUMMARY OF KEY ISSUES

- 3.1 This report is a six month update from the initial update report to the Committee on 7 March 2019 that set out the background to the Masterplan Project Programme and project activity based on priorities informed by the Masterplan Action Plan.
- 3.2 The Masterplan Delivery Group has met six-weekly since the last report to the Committee on 12 March, 23 April, 4 June and 8 August 2019 (17 July meeting postponed). The project activity is focussed on:
- Project 2 - Lower High Street Improvements Action Plan;
 - Project 6 - North Quay Development Brief;
 - Project 8 - Causeway Corridor Landscape Strategy;
 - Project 12 - The Causeway Strategic Flood Risk Review;
 - Project 15 - Destination Hub.
- 3.3 The Masterplan Programme informs the TEN (Performance and Risk Management System) reporting on the Key Corporate Activities (KCAs). Quarter 1 2019/20 was updated July 2019. Members have access to 'TEN' via the intranet.

- 3.4 The dedicated Masterplan landing page https://www.maldon.gov.uk/info/20048/planning_policy/9226/urban_design/4 has activated Project 6 - North Quay Development Brief. The Expression of Interest Form encourages businesses, landowners, stakeholders and local groups to become involved in the shaping of the development brief via business engagement.
- 3.5 Project 2 - Lower High Street Improvements Action Plan
- 3.5.1 Following the Gateway Review on 1 April 2019, the Action Plan has been progressed to draft stage in accordance with the Masterplan Programme. The Action Plan will be tested against Corporate Plan outcomes and reviewed via the Sense of Place Coordinator with business and stakeholder review.
- 3.6 Project 6 - North Quay Development Brief
- 3.6.1 The North Quay Development Brief is being prepared in accordance with the Local Development Scheme (LDS), Paragraph 26. A draft for public consultation will be considered at the Strategy and Resources (S&R) Committee on 17 October 2019. Public consultation is planned for six weeks from end of October to mid-December 2019 and a further report will be taken to the S&R Committee following public consultation, with adoption due in early January 2020.
- 3.7 Project 8 - The Causeway Corridor Landscape Strategy
- 3.7.1 Project 8 has commenced due to construction of the Travelodge where Condition 24 to the approved application FUL/MAL/18/00407 requires a strategic landscape and public realm strategy for The Causeway to be prepared. The 'scope of work' and 'study brief' for a Landscape and Public Realm Strategy has been detailed in Discharge of Condition application DET/MAL/19/05095. Condition 24 states the development [the hotel] shall not be occupied until the landscape and public realm strategy has been commissioned in accordance with the details submitted. The hotel is due to open in February 2020. This timeline works with the Masterplan Programme and once submitted the strategy will form the basis of meetings with Essex County Council Highways (ECC), the Causeway Business Forum and business to progress the strategy for environmental enhancements.
- 3.8 Project 12 - The Causeway Strategic Flood Risk Review
- 3.8.1 The project commenced November 2018 and is due to complete at the end of October 2019. The Review will bring together all up to date fluvial, tidal and surface water flood risk data in the Causeway Regeneration Area. The document will inform future development proposals within the Causeway Regeneration Area in the Masterplan's 'Development Framework'. The consultants are currently identifying 'hot spots' where future development proposals can deliver new flood resilience infrastructure through S106 Agreements or external funding opportunities.
- 3.9 Project 15 - Destination Hub
- 3.9.1 The Council is looking at the destination hub as part of a commercial activity review which has meant we will be adjusting the timeline for this project to accord with the outcome of the commercial review.

4. CONCLUSIONS

- 4.1 The Masterplan Delivery Group meets regularly and is guided by project programming timetables, milestones, gateway reviews and performance management.
- 4.2 Good progress has been made on project priority and activity in the last six months in accordance with the Masterplan Programme.
- 4.3 Masterplan project priority, programming and progression of specific projects have contributed to achieving the Council's corporate outcomes.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The adopted Local Development Plan (LDP) and Maldon and Heybridge Central Area Masterplan SPD support the Strategic Theme of Prosperity as set out in the Corporate Plan to deliver strategic employment sites in accordance with the LDP and to engage efficiently and effectively with businesses.
- 5.2 The adopted LDP and Maldon and Heybridge Central Area Masterplan SPD support the Strategic Theme of Place as set out in the Corporate Plan for sustainable growth and new infrastructure.

6. IMPLICATIONS

- (i) **Impact on Customers** – Communication through the Council's website provides up to date progress on the Masterplan projects and an effective platform for community, business and stakeholder information and engagement providing certainty for residents and businesses.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – Progression of the Masterplan projects is a managed and identified risk reported to relevant Committees.
- (iv) **Impact on Resources (financial and human)** – Delivery of the Masterplan projects is programmed to internal work streams and work plans. The Masterplan SPD underpins adopted strategic policy direction and consequent opportunities for funding.
- (v) **Impact on the Environment** – The Masterplan projects promote sustainable development and environmental enhancement.

Background Papers:

Maldon District Local Development Plan (2014-2029) www.maldon.gov.uk/ldp
Maldon and Heybridge Central Area Masterplan SPD 2017 www.maldon.gov.uk/SPD
Local Development Scheme (February 2019 – February 2021)
Report to the Planning and Licensing Committee 7 March 2019

Enquiries to: Jackie Longman, Local Plan Specialist, (Tel: 01621 875731).

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**PLANNING AND LICENSING COMMITTEE
5 SEPTEMBER 2019**

**APPROVAL TO ADOPT THE LISTS OF LOCAL HERITAGE ASSETS FOR THE
PARISHES OF HEYBRIDGE AND SOUTHMINSTER**

1. PURPOSE OF THE REPORT

- 1.1 This report seeks the Planning and Licensing Committee's approval to adopt the Lists of Local Heritage Assets for the Parishes of Heybridge (**APPENDIX 1A**) and Southminster (**APPENDIX 1B**).

2. RECOMMENDATION

That the Draft Lists of Local Heritage Assets for the parishes of Heybridge and Southminster are approved for formal adoption.

3. SUMMARY OF KEY ISSUES

- 3.1 The Maldon District contains over a thousand nationally listed buildings, which are protected by law. In addition to this there are many historic buildings which, although they may not meet the criteria for national listing, possess local value because of their architectural and historic interest. The National Planning Policy Framework (NPPF) and Policy D3 of the Maldon Local Development Plan (LDP) refer to such buildings as 'non-designated heritage assets'. These assets are defined in Planning Practice Guidance as those 'identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets'. Planning Practice Guidance (PPG) encourages Local Planning Authorities (LPAs) to identify 'non-designated heritage assets' against consistent criteria and notes that adding them to a 'local list' is a positive way of improving the 'predictability of the potential for sustainable development'.
- 3.2 While addition of a building to a local list will not of itself result in additional planning controls, it does mean that the building's conservation as a heritage asset becomes a material consideration when determining the outcome of a planning application. Paragraph 197 of the NPPF states:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement

will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 3.3 Policy D3 of the LDP requires that applications affecting non-designated heritage assets both 1) preserve or enhance the asset's special character, appearance, setting and special features, and 2) be supported by a heritage statement which describes the asset's significance.
- 3.4 Individual lists are currently being drafted for each parish by the Council's Conservation Officer, with assistance from local historians. Due to the considerable amount of work involved, a phased approach is planned for the survey of the whole District.
- 3.5 Draft Local Lists for the parishes of Heybridge and Southminster were approved for public consultation on 6th of June 2019. The total number of entries on these two lists is 25. Copies of the documents were published on the Council's website and sent to the relevant Ward Members, every affected resident and the Parish Council. A table summarising the consultation responses is reproduced as **APPENDIX 2**. A total of 9 consultation responses were received. The responses were unanimously in support of the local lists. Particularly strong support was received for the inclusion of Southminster Police Station, Southminster Railway Station and The Former Parish Room in Southminster.
- 3.6 The Local Lists produced as **APPENDICES 1A** and **1B** have incorporated some minor amendments and corrections. The most notable change has been to reference the evidence that The Former Parish Room in Southminster was originally the village fire station. Following adoption, the approved list will be published on the Council's website, the location of each local heritage asset will be mapped on the Council's Geographical Information System (GIS), and each relevant Parish Council, resident and Ward Member will be informed.

4. CONCLUSION

- 4.1 Maldon District Council has a commitment to protect and improve the environment of the District which includes built heritage. Policy D3 of the Maldon District Local Development Plan (MDLDP) sets out this Council's objective of 'safeguarding, enhancing and promoting the historic environment'. Up-to-date Parish Lists of Local Heritage Assets, which highlight and promote locally important historic buildings in each parish, will be a useful tool in meeting these objectives.

5. IMPACT ON STRAGIC THEMES

- 5.1 The recommendations of this report will support the Strategic Theme for Place by encouraging the protection and improvement of built heritage, which is a valuable component of the local environment.

6. IMPLICATIONS

- (i) **Impact on Customers** – The goal of the Lists of Local Heritage Assets is to highlight and promote the significance of local heritage, reinforcing a sense of local identity and distinctiveness in the historic environment. Engagement with local residents and interest groups through public consultation, and the opportunity to submit further nominations, will enable locals to help identify and celebrate aspects of local heritage. Proactive identification of the buildings which should be regarded as ‘non-designated heritage assets’ will allow greater certainty of the issues to be considered as part of the planning process.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – The Parish Lists of Local Heritage Assets will identify instances where heritage significance and conservation should be a material consideration in the planning process, thereby reducing the risk that local heritage assets are harmed or lost unnecessarily or without justification.
- (iv) **Impact on Resources (financial)** – The Lists of Local Heritage Assets will be maintained within existing budgets.
- (v) **Impact on Resources (human)** – The Lists of Local Heritage Assets will be maintained within existing resources.
- (vi) **Impact on the Environment** – Positive, due to the way in which the Lists will encourage the conservation of locally valuable historic buildings.
- (vii) **Impact on Strengthening Communities** – Positive, due to the way in which the local lists encourage pride in local built heritage and distinctiveness.

Background Papers: None.

Enquiries to: Tim Howson, Conservation Officer (Tel: 01621 875725).

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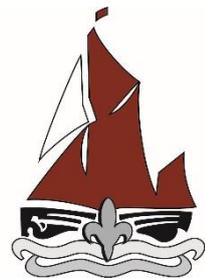
List of Local Heritage Assets in Heybridge



August 2019

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MALDON DISTRICT
COUNCIL

Introduction

The Maldon District contains over a thousand nationally listed buildings, which are protected by law. It has also been recognised that there are many historic buildings which, although they may not meet the criteria for national listing, possess local value because of their architectural and historic interest. Maldon District Council is developing Parish Lists of Local Heritage Assets to identify and celebrate these locally important buildings. Inclusion on a 'local list' does not of itself bring any additional consent requirements over and above the existing requirement for planning permission, but it does mean that a building's heritage significance will be a material consideration in the planning process. The following criteria have been developed to help identify those buildings which merit inclusion on the Parish Lists of Local Heritage Assets. As with the national lists the word 'building' can apply to any type of permanent structure.

1. Age and integrity

- a. All buildings which retain a significant degree of pre-1840 architectural character in terms of form, materials and stylistic detailing or for which there is realistic potential for restoration of that character.
- b. 1840-1880 buildings that are reasonably complete and of good local architectural and historic interest
- c. 1880-1945 buildings that are substantially complete and of very good local architectural and historic interest
- d. Post 1945 buildings that are wholly complete and of an outstanding level of local architectural and historic interest
- e. Buildings which are valued as rare examples of a particular type

2. Historic Interest

- a. Historic association with important national or local historical figures, architects, events or industry
- b. Social or communal importance: relating to structures perceived as a source of local identity and cohesion. (This might include important commemorative structures such as war memorials or places of worship).

3. Architectural Interest

- a. Important examples of a past type or style
- b. Quality materials, detailing and workmanship
- c. Buildings which display technological innovation
- d. Group Value: Buildings whose local importance derives from their visual relationship with other important buildings in a village or town setting or where they make an important contribution to an historic skyline.
- e. Buildings which make a positive contribution to an attractive rural setting
- f. Sustainability: Buildings which can be easily adapted for continuing use due to robust construction or quality materials

This document lists the buildings in the parish of Heybridge which have been identified as meeting the above criteria.



Springfield Cottages

Photograph taken May 2019

Description

This group of 20 semi-detached dwellings was erected on land purchased in 1903 by Bentalls, the local iron foundry and manufacturer of agricultural implements. The houses were built around 1912, in a distinctive Arts and Crafts style. In contrast with other examples of industrial housing in the parish, the superior design, materials and detailing of Springfield Cottages demonstrates that they were specifically tailored for managerial staff. Each 1 ½ storey cottage is brick built, with roughcast rendered elevations and a smooth rendered dado capped by a brick string course. The roofs are covered in plain red clay tiles and are hipped over the main part of the house with forward set asymmetrical gabled crosswings to the end bays and catslide roofs extending down over porched entrances. Imitation timber-framing is applied over some porches and at the apex of some of the crosswings. In the majority of cases the original fenestration has been replaced.

Significance

This group of early-20th-century industrial houses is reasonably complete and of very good local architectural interest. The buildings display high quality materials and detailing. The houses have local historical interest as houses built for the senior employees of Bentalls iron foundry.



Colchester Road, Well Terrace

Photograph taken May 2019

Description

This terrace of eight two-storey yellow-brick cottages was constructed in the mid-late-19th century for employees of Bentalls iron foundry. In contrast with other examples of industrial housing in the parish, the increased level of architectural detailing to Well Terrace reflects the heightened status of these cottages and their allocation to supervisor-level employees. This status is manifest in the fabric; in the use of good-quality London Stock brick and the contrasting yellow brick voussoirs of the window apertures, decorative relieving arches and half-round rubbed brick arches and glass fanlights over the principal entrances. Most of the windows and doors are modern replacements.

Significance

This terrace of mid-late-19th-century cottages is reasonably complete and of good local architectural interest. The buildings display high quality materials and detailing. The houses have local historical interest as houses built for the senior employees of Bentalls iron foundry.



Goldhanger Road, Heybridge Cemetery Chapel

Photograph taken May 2019

Description

This cemetery chapel was built in 1887 of London Stock bricks with stone dressings and clay-tiled roofs. It was built on a T-shaped plan in the Gothic-Revival style with pointed-arch doorways and traceried windows. The principal gabled elevation features a central circular traceried window, with the date 'A.D. 1887' carved in stone above. Either side of the main arched doorway is a carved inscription at dado level reading 'BLESSED ARE THE DEAD WHICH DIE IN THE LORD'. This is now a non-denominational chapel incorporating no religious symbols so that memorial events for those of various religions, or none, can be commemorated there (Claydon, 178).

Significance

This is substantially complete Victorian cemetery chapel of very good local architectural and historic interest, displaying high quality materials, detailing and workmanship. Because of its function, the building holds considerable social and communal value.



Goldhanger Road, Salcote Maltings, Nos 1 – 15

Photograph taken 26 June 2016

Description

This substantial former maltings was designed by the County Architect, Frederick Chancellor in 1893-5. It is constructed of London Stock brick with red-brick dressings, slate roofs and three pyramidal kilns. It originally had three malting floors. The building was converted to housing c.1997, but was done in a way that has preserved the building's essential form and character.

Significance

This is a good example of a substantial late-Victorian maltings, attributed to a notable architect. Although its architectural interest has been eroded by residential conversion, it remains a locally significant survival of industrial heritage, and is an imposing feature in views from the river.



Hall Road, Maltings

Photograph taken May 2019

Description

This maltings complex is thought to date from the 1860s. It is partly of brick and partly of timber framing clad in black weatherboarding. Each of the main components of the maltings complex has survived though in a considerably altered state. The buildings are arranged in a linear form, running north-east to south-west on the edge of the higher ground adjoining Heybridge Creek and the River Blackwater. At the north east end of the complex is a barley store / office. To the south of barley store is the malthouse, a long painted brick structure built in pier and panel form with cogged bricks at cornice level. To the south of the malthouse is the kiln which has thicker brick walls and an iron fire proof door at first floor height. The pyramidal roof of the kiln has been replaced and the first floor removed. To the south of the kiln and cranked in orientation so that it is parallel to the River Blackwater is the maltstore. There are four blocked arches on the southern ground floor elevation of the maltstore which would have provided access to a former wharf for loading malt onto barges. The buildings have been sympathetically converted into workshops.

Significance

This is a reasonably complete example of a mid-19th-century maltings complex. It is a valuable survival of local industrial heritage.



Holloway Road, No. 3

Photograph taken May 2019

Description

This former pair of cottages (now a single dwelling) was built in 1821 according to a date plaque on the front elevation. The building is two storeys in height constructed of red bricks with a slate roof and central chimney stack. It retains 19th-century margin-glazed sash windows on its principal elevation.

Significance

This is a well-preserved example of a pair of early 19th-century brick cottages. It displays simple but good-quality materials and detailing. It is an attractive presence in the street-scene, featuring at one end of a row of picturesque historic houses on this side of Holloway Road (the other houses being somewhat older, and grade II listed).



The Square, Nos 5-13

Photograph taken May 2019

Description

This was the first range of cottages built by Bentalls, the local manufacturer of agricultural implements, to house its workers early in the 19th century. A plaque within a blind window to the central range is dated 1827. The two-storey cottages are built of red brick with slate roofs. Window and door openings are topped by rough brick segmental heads. The terrace lies perpendicular to the street frontage, canting slightly to accommodate the bend in the road. A bay window inserted into No. 7 signifies its later use as a shop. Most windows and doors are modern replacements.

Significance

While the architectural interest of this terrace is limited by its plain detailing and altered fenestration, it is of notable local historic value as the earliest example of industrial housing in the parish, built by Bentalls.



The Street, The Waring Room

Photograph taken May 2019

Description

This building on the south side of The Street incorporates a former school at the eastern end built in 1869 in remembrance of the Rev. F. J. Waring. The Waring Room was added to the west of the school in 1888 (Claydon, 125). The buildings are single-storey in height, built of red brick with slate roofs. The part which was the school presents a gabled elevation to the street with a pointed-arched doorway, polychromatic brick decoration and a carved stone band reading 'ST ANDREWS IN MEMORIAM SCHOOLS'.

Significance

This is a relatively unaltered late-Victorian building of good local architectural and historic interest. It is built of quality materials and the school part incorporates some good decoration. It makes a positive contribution the streetscene, sharing group value with Grade I listed Church of St Andrew opposite. Because of its historic functions, the building is of communal and social value.

Sources

Claydon, B.: *In and around Heybridge in the nineteenth and twentieth centuries* (2012)

Crosby, Garwood and Corder-Birch: *Industrial Housing in Essex* (Essex County Council, 2006)

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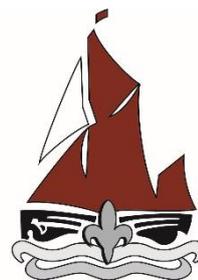
List of Local Heritage Assets in Southminster



August 2019

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MALDON DISTRICT
COUNCIL

Introduction

The Maldon District contains over a thousand nationally listed buildings, which are protected by law. It has also been recognised that there are many historic buildings which, although they may not meet the criteria for national listing, possess local value because of their architectural and historic interest. Maldon District Council is developing Parish Lists of Local Heritage Assets to identify and celebrate these locally important buildings. Inclusion on a 'local list' does not of itself bring any additional consent requirements over and above the existing requirement for planning permission, but it does mean that a building's heritage significance will be a material consideration in the planning process. The following criteria have been developed to help identify those buildings which merit inclusion on the Parish Lists of Local Heritage Assets. As with the national lists the word 'building' can apply to any type of permanent structure.

1. Age and integrity

- a. All buildings which retain a significant degree of pre-1840 architectural character in terms of form, materials and stylistic detailing or for which there is realistic potential for restoration of that character.
- b. 1840-1880 buildings that are reasonably complete and of good local architectural and historic interest
- c. 1880-1945 buildings that are substantially complete and of very good local architectural and historic interest
- d. Post 1945 buildings that are wholly complete and of an outstanding level of local architectural and historic interest
- e. Buildings which are valued as rare examples of a particular type

2. Historic Interest

- a. Historic association with important national or local historical figures, architects, events or industry
- b. Social or communal importance: relating to structures perceived as a source of local identity and cohesion. (This might include important commemorative structures such as war memorials or places of worship).

3. Architectural Interest

- a. Important examples of a past type or style
- b. Quality materials, detailing and workmanship
- c. Buildings which display technological innovation
- d. Group Value: Buildings whose local importance derives from their visual relationship with other important buildings in a village or town setting or where they make an important contribution to an historic skyline.
- e. Buildings which make a positive contribution to an attractive rural setting
- f. Sustainability: Buildings which can be easily adapted for continuing use due to robust construction or quality materials

This document lists the buildings in the parish of Southminster which have been identified as meeting the above criteria.



Burnham Road, The Former Parish Room

Photograph taken 27 February 2019

Description

This small mid-19th-century building is thought to have been built to house the parish fire tender (Doo, p. 25). It later became the meeting room for Southminster Parish Council. It is single-storey in height, constructed of red brick with grey brick embellishments. It is roofed with natural slates and has a rear chimney stack. The canted bay window on the principal elevation is a later addition.

Significance

This modest Victorian building – apparently built as a fire station – appears to be reasonably complete and of good architectural interest. It is built from quality traditional materials and makes a positive contribution to the street-scene.



Cripplegate, No. 21

Left-hand photograph taken 27 February 2019

Right-hand photograph, dating from the early-20th century, reproduced with permission from Kevin Bruce

Description

This two-storey house dates from the first half of the 19th century. The front range is constructed of red brick laid in Flemish bond and roofed in clay tiles. The rear parallel range is timber-framed, clad partly in weatherboarding and partly in render, and roofed in slate. The house has a near-symmetrical front elevation of four sash windows and a central front door. The painted-timber front windows and door are Victorian. The front door is enclosed by a pretty trellised porch. There are dentilled brick eaves to the front elevation.

Significance

This is a well-preserved early-19th-century house, deploying good quality materials and detailing. It is attractively presented and makes a positive contribution to the character of the street-scene.



Cripplegate, No. 9

Left-hand photograph taken 27 February 2019

Right-hand photograph, dating from early in the 20th century, reproduced with permission from Kevin Bruce

Description

This property was first developed in the late-18th or early-19th century as a row of three cottages. The right-hand cottage is of painted brick and has a thatched roof. The other two cottages are timber framed and rendered with a clay-tiled roof. Old photographs show that the timber-framed cottages were in the past clad in weatherboarding.

Significance

This building represents a good example of a row of Georgian wayside cottages. The thatched cottage appears to be particularly unaltered, and it is a picturesque feature in the street-scene.



Hall Road, Southminster Hall

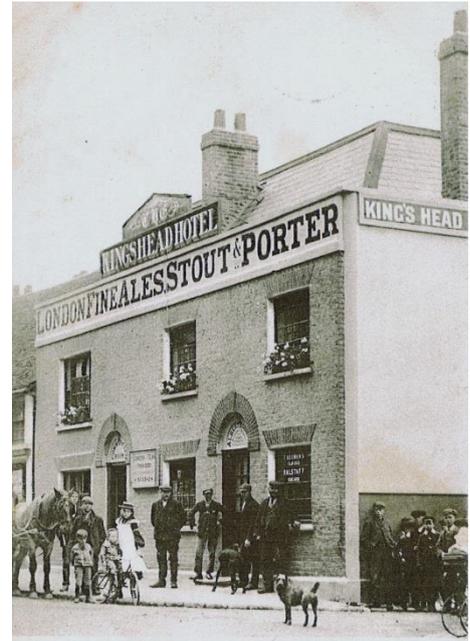
Photograph dating from early in the 20th century, reproduced with permission from Kevin Bruce

Description

This is a mid-19th-century manor house, built in the Neo-Jacobean style. It has the form of a hall house with two crosswings, and has a two-storey porch topped by a crenelated parapet. The red brickwork is embellished with limestone dressings and burnt-header diapering in lozenge and chevron patterns.

Significance

This is a good example of a substantial and high-quality Victorian brick manor house. It appears to be well preserved and is of very good architectural interest, displaying high quality materials and detailing. As the principal manor house in the parish, the building embodies historic value. It has an important relationship with the adjacent farmstead and occupies a partially moated site.



High Street, King's Head Public House

Left-hand photograph taken 27 February 2019

Right-hand photograph taken c.1904, reproduced with permission from Kevin Bruce

Description

This is a purpose-built public house dating from early in the 19th century. It is of painted brick, with large sash windows and has a hipped slate roof behind a parapet.

Significance

This early-19th century pub is notably well preserved. Externally, the building has been very little altered since it was first built and it retains a good survival of old sash windows. It makes a very valuable contribution to the special character and appearance of the Southminster Conservation Area in which it is situated.



High Street, Southminster Memorial Hall

Photograph taken October 2016

Description

This hall was designed in 1933 by the notable Arts and Crafts architect A. H. Mackmurdo. It is a single-storeyed red-brick building with a simple symmetrical gabled façade. There is simple Regency-style plaster decoration over the front door and windows.

Significance

A. H. Mackmurdo was a notable Arts and Crafts architect who lived and worked in the Maldon District. He had a particular interest in social reform and designed a handful of village halls in the District under the auspices of the Rural Community Council for Essex. The Memorial Hall at Southminster is the simplest of his village hall designs. It is the last known building attributed to Mackmurdo, designed and built when he was 82 years old. It makes an important contribution to the character of the Southminster Conservation Area.



North End, Nos 20-22

Left-hand photograph taken 27 February 2019

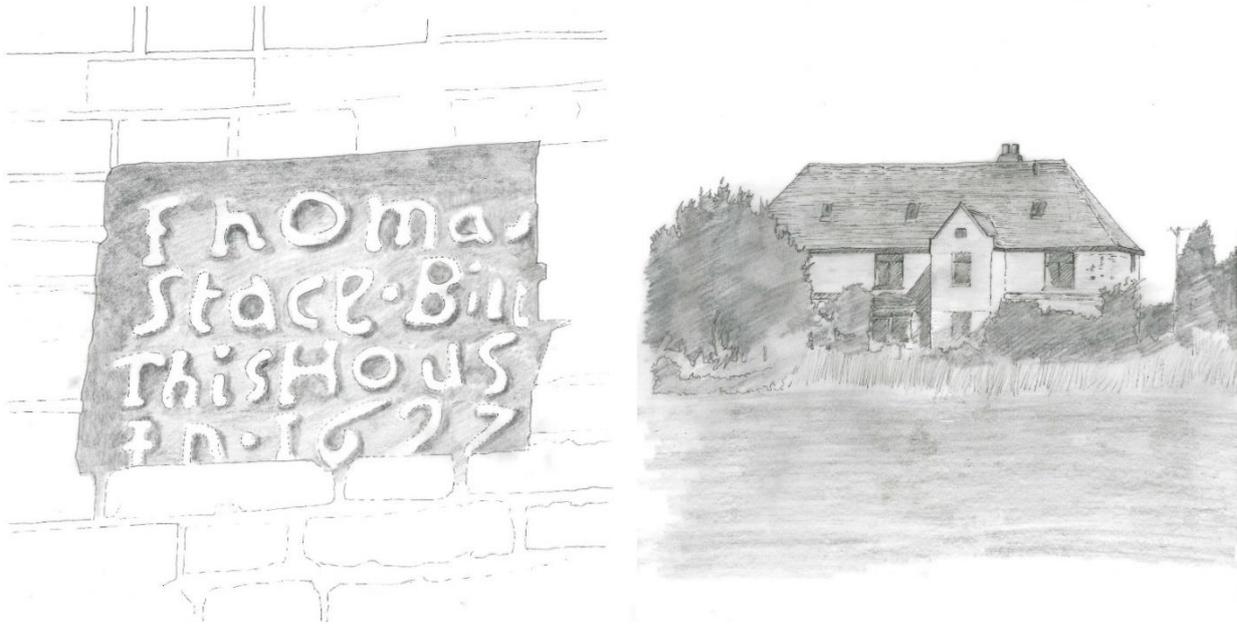
Right-hand early-20th-century photograph reproduced with permission of Kevin Bruce

Description

This is a pair of mid-19th-century, semi-detached houses, built of yellow stock brick with slack-pitched slate roofs. The houses were built immediately to the east of a corn windmill which was demolished in the 20th century.

Significance

This building appears to be a reasonably complete example of a pair of semi-detached Victorian houses, built using good-quality traditional materials.



Old Heath Road, Old Heath Farm

Sketches based on undated 20th-century photographs taken from the public footpath. The house is no longer visible from the public footpath and no photography was permitted as part of 2019 survey.

Description

This is a late-17th-century house, two-storeys in height, built of red brick, with a hipped clay-tiled roof. It is of four bays with an off-centre two-storey gabled porch. The brickwork is laid in Flemish bond, mostly with burnt black headers. The brickwork incorporates a plat band at around mid-height up the walls. A plaque in the gable of the porch reads 'Thomas Stace Bilt This Hous In 1697'. The windows are 20th-century replacements.

Significance

Although the house has modern windows, the building's historic form appears well preserved. It has considerable architectural interest as a substantial late-17th-century brick house, of which there are very few other examples in the Maldon District. The dated inscription amplifies the building's significance. Thomas Stacy – who is named on the inscription – was a leading member of the Burnham Baptists, one of the earliest Baptist congregations in Essex.



Queen Street, No. 35

Photograph taken 27 February 2019

Description

The historic part of this property is an 18th-century timber-framed and weatherboarded cottage, of one storey and attic, with a thatched roof.

Significance

This is a good example of a humble 18th-century wayside cottage. Its historic form remains legible despite having been enveloped by 20th-century additions. It is a picturesque feature in the street-scene.



Queensborough Road, Police Station

Photograph taken July 2015

Description

This complex of brick buildings was built in 1901 as a police station, magistrates court, coach house and a house for a superintendent and a married constable. It was designed by the County Architect F. Whitmore. The buildings are constructed from brick with stone dressings and broad shaped gables. At the time of writing the buildings are redundant.

Significance

This is a particularly well-preserved and attractive early-20th-century police station and courthouse. It has architectural interest as a high-quality complex designed by a notable architect. The buildings also embody considerable local historic and communal interest due to their former function as a rural police station and local library.



Early-20th-century photographs of Southminster Police Station, reproduced with permission from Kevin Bruce





Station Road, Nos 5 - 9

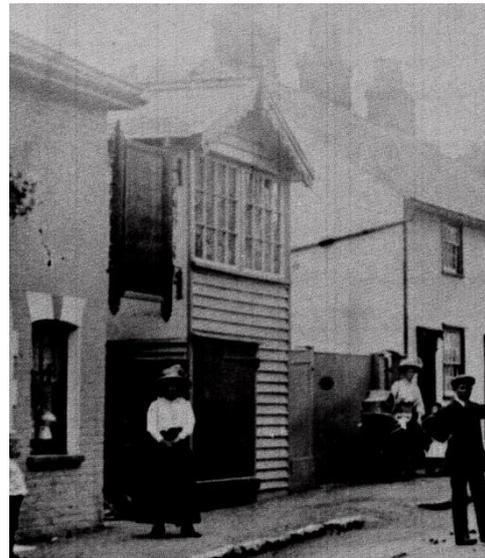
Photograph taken 27 February 2019

Description

This is a mid-19th-century terrace of three timber-framed and weatherboarded cottages. The front elevation of each cottage is composed of a first-floor and ground-floor window to one side of the front door. The front windows and doors appear to reflect the original design. The roof is clad in slates and there are three ridge-line chimney stacks.

Significance

This a particularly well-preserved example of a terrace of vernacular Victorian cottages.



Station Road, workshop to the west of No. 11

Left-hand photograph taken 27 February 2019

Right-hand photograph, taken early in the 20th century, reproduced with permission from Kevin Bruce

Description

This 19th-century, 2-storey, timber-framed and weatherboarded structure was purpose-built as a carpentry workshop for the Stammers family who operated as carpenters in the village for over 150 years.

Significance

This is a reasonably well-preserved late-19th-century building, with an interesting local history. The tall and narrow proportions of the building make it a distinctive feature in the streetscene.



Station Road, Tyre Oven to rear of No. 23 (The Old Forge)

Left-hand photograph taken 27 February 2019

Right-hand photograph reproduced with permission from Kevin Bruce.

Description

A 19th-century brick tyre oven. The metal tyres, made at the adjacent smithy, were heated in the oven before fitting over the rim of the wooden wagon wheels

Significance

This is a rare example of a 19th-century tyre oven. It is been well cared for and is in good condition.



Station Road, Southminster Railway Station

Left-hand photograph taken 27 February 2019

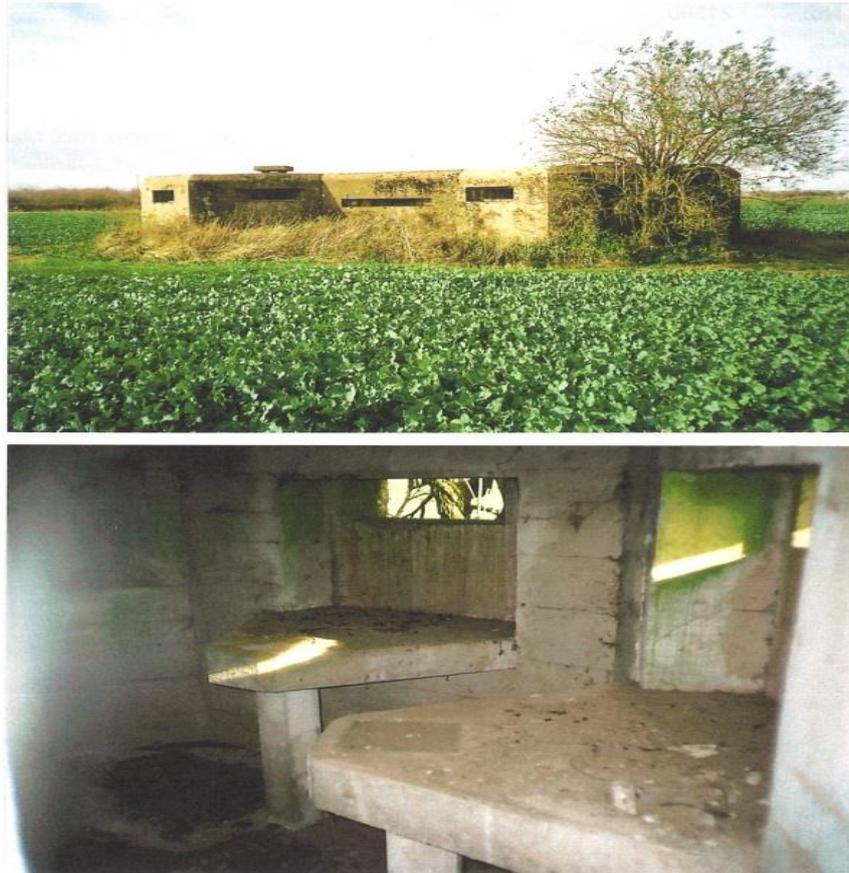
Right-hand photograph reproduced with permission from Kevin Bruce

Description

This railway station was built in 1889. It is 2 storeys in height, comprising one gabled range facing west, two smaller gabled ranges facing south, and a single-storey range to the north. Its walls are a combination of brick, render, imitation timber-framing and tile-hanging, and its roofs are covered with clay tiles. Attached to its east elevation is the original platform canopy with a decorative timber apron, supported by cast-iron stanchions.

Significance

This is a reasonably well-preserved example of a late-Victorian rural railway station. It displays good quality materials and detailing. It is significant in that most of the other station buildings on this line have been demolished.



The Marshes, Blockhouse, South Wick Farm

Photographs reproduced from Nash, 2010

Description

This blockhouse has been described as a ‘massive dumb-bell shaped structure, apparently made from two hexagonal pillboxes standing some yards apart, but linked via a central gallery’ (Nash, 2010). The entrance is in the centre of the ‘dumb-bell’, leading directly into an open anti-aircraft machine-gun well. Unlike the vast majority of pillboxes, the building contains four Vickers machine-gun tables set beneath wide loopholes, all facing east, the expected direction of attack.

Significance

The block house is of considerable importance as the largest pillbox in Essex. (Nash, 2010).



The Marshes, Middlewick Farm and lodging quarters

Photograph taken 27 February 2019

Description

This is an early-19th-century farmhouse with a crosswing added in 1850 to serve as lodging quarters for single men working on the remote marshland farm. The house was for the bailiff and his family with the lodgers occupying the tall cross wing added at the eastern, right-hand end in 1850. The building is two storeys in height although the lodging wing is notably taller than the main house. Both ranges are built of red brick and roofed with clay tiles. The bailiff's house has a twin-pitched roof, and a lobby-entrance plan form with a central chimney stack and a central front doorway. The 1850 plans for the lodging quarters, prepared for Charterhouse who were lords of the manor, are held at the London Metropolitan Archives (ref. ACC/1876/MP/03/024). The plans show that the ground floor originally contained the lodgers' mess room, while the upper storey was divided up into 8 sleeping cubicles (Bruce 1999).

Significance

The lodging quarters represent a rare example of an unusual building type that once accompanied other isolated marsh farms. It reflects a period when some landlords provided improved housing for their workers.

Sources

Bettley, J. and Pevsner, N.: *The Buildings of England: Essex* (Yale, 2007)

Bruce, K.: "Single on the Marshes", Bulletin of the Burnham History Society (1999)

Doo, D. C.: *As slow as the fastest horse* (1980; rerp.1991)

Nash, F.: Survey of World War Two Defences in the District of Maldon (ECC & MDC: 2010)

Swindale, D.: *Branch Line to Southminster* (1981)

Preparation of the List of Local Heritage Assets for Southminster has been greatly assisted by the input of Kevin Bruce, local historian.

**Summary of responses to public consultation on the Draft Local Lists for
Heybridge and Southminster**

Heybridge

Date and source of comments	Summary of comments	Response
5/7/2019 Cllr Bryan Harker	Noted that there are other buildings of historical interest in Heybridge. But, on the basis of previous correspondence with the Conservation Officer, agreed with his reasons for not including them. Therefore, confirmed that the list was fine by him.	Noted
	Commented that it is “a great shame that when the roof of the Cemetery Chapel was recently replaced the original ridge tiles were not reused or similar tiles used”.	Noted

Southminster

Date and source of comments	Summary of comments	Response
28/6/2019 Diane Burrows	Supported the inclusion of The Old Police Station, commenting that “it would be a tragedy if it were to be demolished and other properties built on the land”.	Noted
	Pointed out that The Old Parish Room was historically used as a fire station. Provided a copy of a local history book called ‘As slow as the fastest horse’ which claims this was the building’s original function.	Noted. Information on the use of the building and reference to the source added to the local list document
4/7/2019 Ben Fisher of Fisher Farms Ltd, owner of Southminster Hall	Thanked Conservation Officer for “interesting information which keeps us in the loop”	Noted
6/7/2019 Diane Burrows	Supported inclusion of Southminster Railway Station.	Noted
8/7/2019 Mr and Mrs R. T. Loft	Supported inclusion of The Old Police Station; “it has been part of Southminster for may years and should not be allowed to be overlooked and fall even further into disrepair.	Noted

Southminster continued

Date and source of comments	Summary of comments	Response
18/7/2019 Joanna Jeffery, Clerk to Southminster Parish Council	The Parish Council supported the draft list but suggested the Village Pump near Goldsands Road should also be included.	Noted. The Village Pump is already grade II listed.
20/7/2019 Anonymous	Commented that they would hate to see The Old Police Station altered in any way. "Please keep the Southminster character as it is and save these fine buildings by any means possible including placing them on the Heritage Asset List"	Noted
30/7/2019 Christopher Newbury	"Southminster Police Station must be protected in every possible way." "The stripping out of the courthouse to make way for a library was an unforgivable act; anybody who entered that room could see that this was a courthouse fitted out with fixtures and fittings of the highest quality." "I have often looked around this building in recent years and the quality of build and materials is still very much evident, virtually every soft red brick still perfect and the original pointing also showing no sign of its age." "Whilst I don't think we will ever reverse what has already been done, we can and must do what we can to preserve what remains of this attractive piece of Southminster history."	Noted
3/8/2019 Matthew Newbury	Welcomed the idea of Parish Lists of Local Heritage Assets across the Maldon District. Felt all the buildings included meet the criteria, but three particular buildings "deserve extra recognition in this process for their significant community, historical and architectural importance within Southminster"; Southminster Police Station, Southminster Railway Station and The Former Parish Room.	Noted.



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**PLANNING AND LICENSING
12 SEPTEMBER 2019**

**DRAFT ESSEX COAST RECREATIONAL DISTURBANCE AVOIDANCE AND
MITIGATION STRATEGY (RAMS) SUPPLEMENTARY PLANNING DOCUMENT
(SPD)**

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek approval for the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy Supplementary Planning Document (RAMS SPD) to go out for public consultation (**APPENDIX A**).

2. RECOMMENDATIONS

- (i) That the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy Supplementary Planning Document (RAMS SPD) be approved for stakeholder and public consultation.
- (ii) That the Committee agree that the Director of Strategy, Performance and Governance, in consultation with the Planning & Licensing Committee Chairman, be authorised to make changes to the draft Supplementary Planning Document should it be necessary prior to the consultation commencing (see 3.7 of this report).

3. SUMMARY OF KEY ISSUES

- 3.1 Maldon District Council is one of 12 partner local authorities who are working together, along with Natural England, on the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (Essex Coast RAMS). The Strategy sets out a long-term strategic approach to avoid and mitigate recreational disturbance on European designated sites along the Essex Coast, from an increasing residential population arising from new housebuilding across the County.
- 3.2 The RAMS aims to avoid and mitigate bird and habitat disturbance from recreational activities through a series of management measures which encourage visitors to enjoy their visits responsibly. Natural England has identified the need for a RAMS to ensure compliance with the Habitat Regulations.
- 3.3 The RAMS enables a developer to make a financial contribution towards the delivery of strategic mitigation measures to help address recreational pressures that would otherwise occur, instead of needing to provide bespoke mitigation themselves. The

Essex RAMS Supplementary Planning Document (SPD) will provide a county-wide mechanism for securing developer contributions to fund measures identified in the Strategy. The draft SPD is attached at **APPENDIX A**.

- 3.4 The RAMS Strategy was the subject of a detailed Committee Report to this Committee on 24 January 2019. This Committee approved the draft Essex Coast RAMS Strategy for public consultation (minute no. 779) . In March 2019, the Strategy was amended following comments received from Natural England. The RAMS Strategy is provided in **APPENDIX B**, and the schedule of changes is provided in **APPENDIX C**.
- 3.5 The draft RAMS SPD distils the Strategy into a practical document for use by local planning authorities, developers and the public. It 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 (or tariff) being sought for strategic mitigation, and
 - How and when applicants should make contributions
- 3.6 The money collected will be paid by the developer on commencement of development through a planning obligation secured through a S106 Agreement, Unilateral Undertaking or an up-front payment. This approach is considered compliant with the statutory tests applied to planning obligations. The contributions would fall outside the Community Infrastructure Levy (CIL).
- 3.7 For the vast majority of developers, it will be easier, quicker and cheaper to make a financial contribution towards the RAMS. However, the RAMS tariff is voluntary and there would remain an option for developers to put forward alternative mitigation packages. These would need to be agreed to ensure compliance with the Habitats Regulations.
- 3.8 The draft Essex Coast RAMS SPD was not presented to Committee in January as a number of participating local authorities were seeking additional legal advice on elements of the details in the SPD. To avoid delaying the project, this report recommends that any changes as a result of this legal advice are delegated to the Director of Strategy, Performance and Governance, in consultation with this Committee's Chairman (or the Chairman of Strategy and Resources Committee, should this be after 3 October 2019).
- 3.9 **Consultation**
- 3.9.1 The participating Councils and Essex Place Services will undertake the consultation for the draft RAMS Strategy **and** the draft SPD at the same time.
- 3.9.2 The consultation will follow the same process that Maldon District Council uses for all other draft SPDs. The consultation is expected to take place during the autumn /

winter 2019. If at that time, the Committee wishes to make representations on the SPD, it may do so through the consultation process.

4. CONCLUSION

- 4.1 The draft Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) is a joint initiative between 12 Essex authorities to identify the recreational impacts new homes will have on the Habitats sites along the Essex Coast. The draft RAMS SPD distils the Strategy into a practical document for use by local planning authorities, developers and the public. Once approved for public consultation by all the participating Councils, the consultation on the draft RAMS SPD will take place autumn/winter 2019.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The draft Recreation disturbance Avoidance and Mitigation Strategy SPD will have a positive impact on the following strategic themes:
- Performance and efficiency – outcome led engagement & smart partnering
 - Place – Environment:
 - Partnership working to protect our coast and countryside
 - Sound and tested environmentally friendly initiatives delivered.

6. IMPLICATIONS

- (i) **Impact on Customers** – Clear strategy working with other authorities in Essex provides certainty to residents and businesses in the District. Planning applications for housing proposals will be determined in accordance with the RAMS ensuring housing has no adverse impacts upon the environment.
- (ii) **Impact on Equalities** – not applicable
- (iii) **Impact on Risk** – A RAMS is required in accordance with national legislation. The Council is a competent authority and must ensure that new development does not adversely impact upon Habitats sites in the District. The RAMS will provide greater certainty to the Council, developers and the local community in relation to the costs associated with development. The RAMS reduces the risk of legal challenges by ensuring that all applications that pay the tariff comply with the Habitat Regulations.
- (iv) **Impact on Resources (financial)** – The majority of the costs related to the stakeholder and public consultation will be met through the consultant's commission. Due to General Data Protection Regulations (GDPR), each Council will need to notify its own consultees of the consultation. The receipt and analysis of the consultation responses and will be managed by Place Services, as part of their contract. The RAMS sets out the evidence base for securing financial contributions from new housing.

- (v) **Impact on Resources (human)** – Project management of the RAMS is by Essex County Council: Place Services. The Council’s project lead is inhouse. Due to GDPR, each Council will need to notify its own consultees of the consultation. The RAMS provides a robust and transparent evidence base within which to negotiate financial contributions from new development. The RAMS will enable the development management process to be streamlined and be more effective.
- (vi) **Impact on the Environment** – RAMS promotes sustainable development and safeguards the character and distinctiveness of the District. The RAMS is expected to generate significant positive impacts for the District’s environment.
- (vii) **Impact on Strengthening Communities** – N/A

Background Papers:

- Local Development Plan 2014-2029
- Maldon District Local Development Plan Post Examination Sustainability Appraisal Report incorporating Strategic Environmental Assessment and Habitats Regulations Assessment, 2017
- Conservation of Habitats and Species Regulations 2017
- Interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Conservation of Habitats and Species Regulations 2017, Natural England, August 2018

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Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

Supplementary Planning Document (SPD) 2019

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Contents

Introduction	3
A Summary of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy	3
Scope of the SPD.....	8
Mitigation.....	12
What the applicant needs to do.....	15
Alternative to paying into the RAMS.....	18
Monitoring of this SPD.....	19
Consultation	20
Glossary	21
Acronyms	23
Appendix 1. Strategic Mitigation.....	24
Appendix 2. Essex Coast RAMS Guidelines for proposals for student accommodation.....	31

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Introduction

This 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 housing development in combination with other plans and project, and how this mitigation will be funded.

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').

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.

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

The importance of the Essex coast

The Essex coastline is one of importance for people and wildlife. It provides recreational opportunities for Essex residents, and it is home to internationally important numbers of breeding and non-breeding birds and their coastal habitats.

The coast is a major destination for recreational use such as walking, sailing, bird-watching, jet skiing and dog walking. Evidence, described in detail in the RAMS, suggests that the majority of this activity is undertaken by people who live in Essex.

Although only Tendring District, Colchester Borough, Chelmsford City, Maldon District, Rochford District, Southend Borough, Castle Point Borough and Thurrock Councils lie on the coast, residents from, Basildon Borough, Brentwood Borough, Uttlesford District and Braintree District are also likely to travel to the coast for recreational use.

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

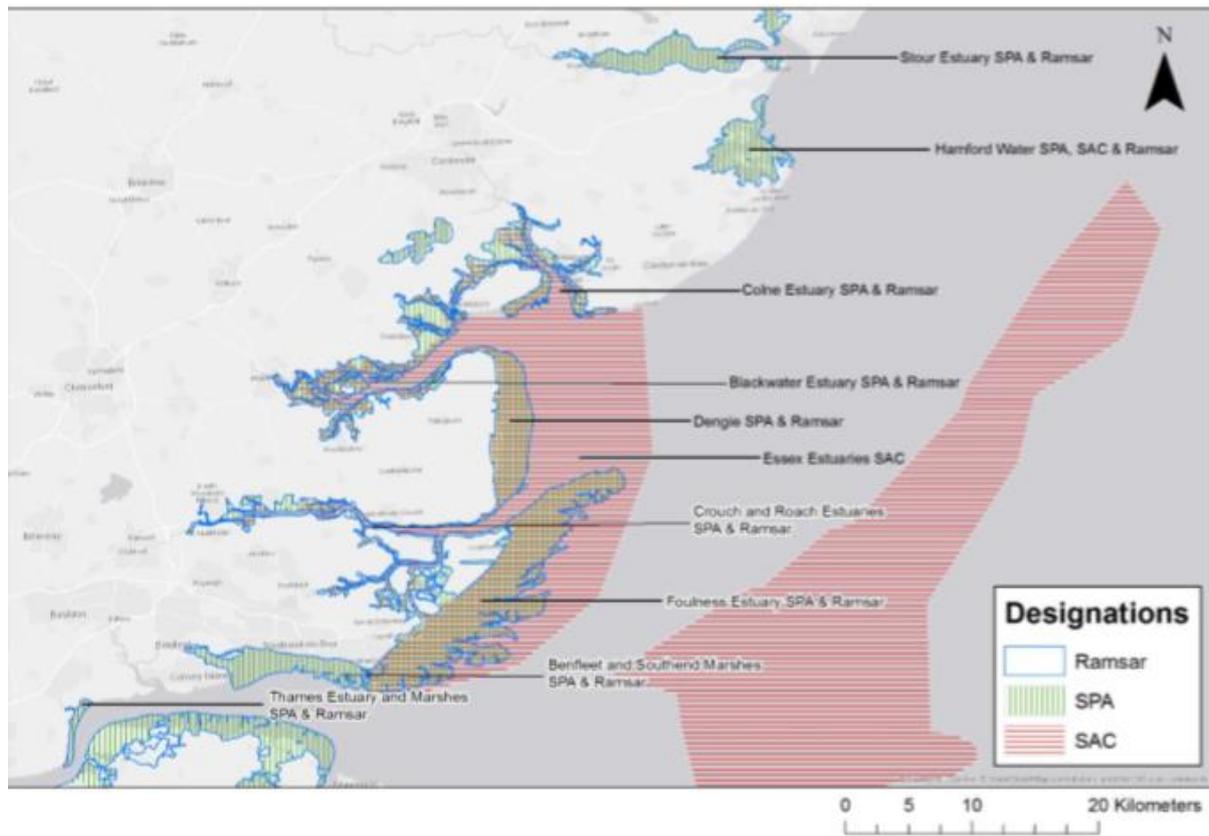
under the Habitats Regulations as part of the European Natura 2000 network: for the purposes of this SPD these are Special Protection Areas, Special Areas of Conservation and Ramsar sites. These sites are also defined as 'Habitats Sites' in the National Planning Policy Framework (2018).

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
- Thames Estuary and Marshes SPA and Ramsar

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Figure 2.1: 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 for Conservation (SACs) are sites which support high-quality habitats and species.



The duties of Local Planning Authorities

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.

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 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.

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

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.

Mitigation measures have been identified in the HRA (screening and/or Appropriate Assessments) 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 of this, Natural England recommended a strategic approach to mitigation along the Essex coast.

Furthermore, each Habitats site or complex of sites in England has a Site Improvement Plan (SIP), developed by Natural England and recreational disturbance is identified as an issue for all ten of the Habitats sites considered in this strategy.

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.

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 Habitats Regulations Assessment (HRA) (including AA where necessary). The local planning authority, in consultation with Natural England, would advise on applicable cases. Therefore, the implementation of this SPD does not negate the need for an appropriate assessment for certain types of development.

A summary of the RAMS

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 wildlife 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 mitigation for residential schemes within the Zone of Influence is provided in an effective and timely manner.

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'¹. 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.

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 planned housing growth may lead to disturbance of birds in coastal Habitats (European) sites within and beyond each individual LPA boundary.

¹ '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.



Scope of the SPD

Where does the RAMS apply?

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

The SPD applies to new residential dwellings that will be built in the Zone of Influence (Zoi) of the Habitats sites. The Zoi identifies the distance within which new residents are likely to travel to the Essex coast Habitats sites for recreation.

The Habitats sites are shown on the Magic maps along with the RAMS Zoi. This Zoi 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 Zoi is based on the 75th percentile of postcode data. This provides the Zoi distance.

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 zone are illustrated in table 3.1 (below).

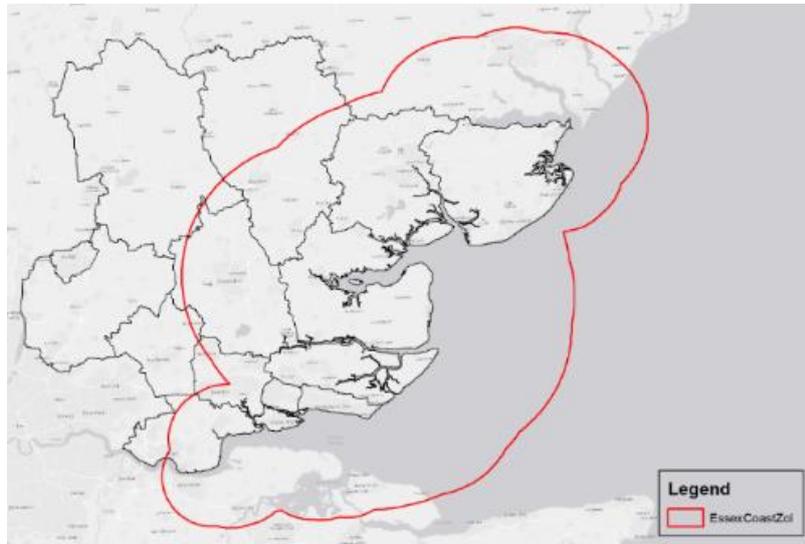
Table 3.1: Zones of Influence for the Essex Coast RAMS

European designated site	Final distance to calculate RAMS Zoi (km)
Essex Estuaries SAC	-*
Hamford Water SPA and Ramsar	8
Stour and Orwell Estuaries SPA and Ramsar	13
Colne Estuary SPA and Ramsar	9.7
Blackwater Estuary SPA and Ramsar	22
Dengie SPA and Ramsar	20.8
Crouch and Roach Estuaries Ramsar and SPA	4.5
Foulness Estuary SPA and Ramsar	13
Benfleet and Southend Marshes SPA and Ramsar	4.3
Thames Estuary and Marshes SPA and Ramsar	8.1

* 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.

The Zol has been calculated from these distances and can be accessed via Magic Maps, (<https://magic.defra.gov.uk/MagicMap.aspx>) where you will find the definitive boundaries. A broad illustration of extent of the RAMS Zol is shown in figure 3.1, below.

Figure 3.1: Broad Illustration of the Zone of Influence for the Essex Coast RAMS



What types of dwellings does this apply to?

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?

It applies to all schemes regardless of size. The [National Planning Practice Guidance](#) 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.

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.
C2A Secure Residential Institution	Military barracks.
C3 (a) 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 will be considered on a case-by-case basis according to the type of development.

A guide on student accommodation and RAMS is included as Appendix 2. What types of application does this apply to?

The RAMS applies to all full applications, outline applications, hybrid applications, permitted development (see below) **and reserved matters applications where no contribution was made at the outline application or hybrid application stage.** This includes affordable housing.

In order to consider RAMS contributions at the outline application stage, the application should indicate a maximum number of dwelling units.

The General Permitted Development Order (GPDO) allows for the change of use of some buildings and land to Class C3 (dwelling houses), 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 ZoI.

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.

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.

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Mitigation

Measures to avoid and mitigate adverse impacts on the Habitats sites are statutory requirements. Mitigation measures, which are required for any residential development within the areas of the LPAs that falls within a Zone of Influence, are identified in this SPD.

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 (overleaf):

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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 wildlife and 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	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
Cycle access	Promote appropriate routes for cyclists to avoid disturbance at key locations
Vehicular access and car parking	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	Saltmarsh recharge, regulated tidal exchange and artificial islands may fit with Environment Agency Shoreline Management Plans
Partnership working	Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.
Monitoring and continual improvement	Birds and visitor surveys with review of effectiveness of measures with new ideas to keep visitors wanting to engage



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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 the applicant needs to do

What is the tariff?

The current tariff is £122.30 per dwelling as of 2019/20. This will be indexed linked, with a base date of 2019. This will be reviewed periodically and published.

In order to arrive at a per dwelling contribution figure, the strategic mitigation package cost was divided by the total number of dwellings (79,582 dwellings) which will be built in the Zol over the Local Plan periods until 2038. This includes dwellings which have not received Full/Reserved matters consent. Any houses already consented in the Plan period are not included in this calculation.

When will the tariff be paid?

Contributions from housing 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.

Where development is built in phases this will apply to each phase of house building. A S106 agreement will be used to ensure compliance.

How will the tariff be paid?

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.

This contribution is payable in addition to any Community Infrastructure Levy liability and/or any other S106 or S278 contributions for other types of contribution and there may be other site-specific mitigation requirements in respect of Habitats sites and ecology as outlined above.

The mitigation measures identified in this SPD are specifically sought to avoid additional recreational pressures on Habitats sites and do not provide wider benefit or represent the provision of infrastructure. These contributions are not classed as providing infrastructure so can be secured through section 106 obligations without any restriction on pooling of contributions from 5 or more developments (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.



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.

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) 2018 set out the Government's policy on planning obligations. The obligation can be a unitary obligation, referred to as a 'Unilateral Undertaking' or multi party agreement, referred to as a 'Section 106 agreement'.

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 Regulation, 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. This contribution is therefore fairly and reasonably related in scale and kind to the development.

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.

Schemes under 10 dwellings



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.

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

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. Please send a separate payment for this fee . This may be increased if the matter is particularly complex.

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 LPA's website.

Schemes 10 dwellings or more

In the case of larger or more complicated developments including matters beyond RAMS contributions, the most appropriate route for securing contributions will be via a multi-party Section 106 Agreement.

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.

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 charge.



Alternative to paying into the RAMS

The 12 RAMS partner LPAs encourage mitigation to be secured via the strategic approach and prefer developer contributions to the RAMS. This approach will facilitate the planning application process and ensures the adequate and timely delivery of effective mitigation at the Habitats sites and is likely to be more cost effective for applicants.

As an alternative, applicants may choose to conduct their own visitor surveys to 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.

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Monitoring of this SPD

To monitor the effectiveness of the RAMS and this SPD, a strategic monitoring process is in place and will be managed by the delivery officer in liaison with LPA monitoring officers.

Monitoring will be undertaken annually and a report provided to each LPA to inform their Annual Monitoring Report (AMR). As competent authorities under the Habitats Regulations, the delivery of the Essex Coast RAMS is the responsibility of the LPA needing it to ensure their Local Plan is sound and legally compliant.

The Steering Group, which includes a representative from each of the partner LPAs, shall work with the Essex Coast RAMS team to establish the monitoring procedure, which will include SMART targets to effectively gauge progress.

To ensure the monitoring process is fit for purpose, there will be various monitoring activities which will be undertaken at different times and at an appropriate frequency. For example, visitor survey updates will be scheduled for after 2 and then 5 years.

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Consultation

This draft SPD is published for consultation between **x and x** in accordance with the planning consultation requirements of each LPA..

Comments should be submitted online:

Alternatively comments can be emailed or posted to Place Services:

Following the close of the consultation all comments will be considered and where necessary amendments made to the draft SPD prior to adoption by each LPA.

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Glossary

Appropriate Assessment	Forms part of the Habitats Regulations Assessment
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
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.
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.
Natural England	Natural England - the statutory adviser to government on the natural environment in England.
Local Planning Authority	The public authority whose duty it is to carry out specific planning functions for a particular area.
Ramsar site	Wetland of international importance designated under the Ramsar Convention 1979.
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.
Zone of Influence	A designated distance that establishes where development is permitted.

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Acronyms

AA Appropriate assessment

GPDO General Permitted Development Order

HRA Habitat Regulations Assessment

LPA Local Planning Authority

RAMS Recreational disturbance Avoidance and Mitigation Strategy

SAC Special Area of Conservation

SPA Special Protection Area

SPD Supplementary Planning Document

UU Unilateral undertaking

Zol Zone of Influence

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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 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
		Partnership Executive Group		(LPA £1,000)	19	£0	This would need to be an 'in kind' contribution from the 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 HLF guidance. Approx. 9 boards, one per Site. Cost allows for one replacement in plan period



Mitigation package costed for 2018-2038

	Monitoring	Levels of new development				£0	No cost as undertaken as part of LPA work in Development Management and s106 or Infrastructure officers
		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/Habitats site. Liaise with NE & ECC PROW re England Coast Path
		Visitor numbers and recreational activities	£5000 (£500/Habitats site/yr)			£5,000	Rangers, partner organisations, LPAs
		Consented housing development within Zol.	£0/ Habitats site/yr)			£0	S106 officers to Track financial contributions for each development for all LPAs; liaise with LPA contributions officers
	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 users groups				£0	Covered by salary costs for Delivery officer



Mitigation package costed for 2018-2038

		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 etc. Liaise with dog clubs & trainers;
	Water sports zonation		£10,000			£10,000	Approx. costs only to be refined when opportunity arises
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 plan period and include dog and water borne recreation focussed pages on RAMS/Bird Aware Essex Coast website plus merchandise eg dog leads.
Year 5	Monitoring	Update Visitor surveys at selected locations in summer (with questionnaires)	£45,000			£45,000	Estimated cost £5000/Habitats site/year for 9 Sites. Liaise with NE & ECC PROW re England Coast Path and LPAs re 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..



Mitigation package costed for 2018-2038

		Signage and interpretation	£14,500			£14,500	£14500 allows for 3 sets of discs - 3 designs, 1500 of each; e.g. paw prints in traffic light colours to show where no dogs, dogs on lead and dogs welcome. This may linking with a timetable eg Southend with dog ban 1 st May to 30 th Sept
	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 eg 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



Mitigation package costed for 2018-2038

	Habitat creation - Alternatives for birds project – and long term management	Work with landowners & EA to identify locations eg 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 Lt 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 RSPB, NE & EWT 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
	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



Mitigation package costed for 2018-2038

Year 10, 15 & 20	Monitoring	Update Visitor surveys at selected locations in summer (with questionnaires)	£45,000			£135,000	Estimated cost £5/Habitats site. Liaise with NE & ECC PROW re England Coast Path
	Route diversions	Work with PROW on projects	£15,000			£15,000	Approx. costs only to be refined when opportunity arises

TOTAL MITIGATION PACKAGE

COSTS £8,105,862

DRAFT



10% contingency £810,586

TOTAL COST £8,916,448

DRAFT



Appendix 2. Essex Coast RAMS Guidelines for proposals for student accommodation

Introduction

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.

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

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.

It would not be appropriate to expect the RAMS tariff of £122.30 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.

In the first instance, 2.5 student accommodation units will be considered a unit of residential accommodation.

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 dwelling houses (use class C3 of the Use Classes Order b).



Research from the Solent Disturbance Mitigation Project showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of 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:

$$100/2.5 = 40$$

$$40/2 = 20$$

$$20 \times \text{£}122.30 = \text{£}2,446$$

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

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.



Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS)

Habitats Regulations Assessment
Strategy document
2018-2038

January 2019

Final version incorporating Natural England comments March 2019

Page 219

Contents

Executive Summary

1	Introduction	1
2	Background to the Strategy	18
3	Purpose of the Strategy	19
	The Technical Report – Evidence Base	22
4	The Baseline	22
5	Housing planned in the Zones of Influence	34
6	Exploring mitigation options	37
	The Mitigation Report	49
7	Overview of Essex Coast RAMS Mitigation Options	49
8	Costed Mitigation Package and Mitigation Delivery	56
9	Monitoring and Review	65
10	Conclusions and next steps	68
11	Abbreviations/Glossary	69

List of Tables

Table 1.1: Habitats Sites in Essex relevant to the Strategy

Table 1.2: Effects of recreational disturbance on non-breeding SPA birds

Table 2.1 LPAs and their relevant Habitats Sites

Table 2.2: Options for preparing Essex Coast RAMS

Table 2.3: Brief for the Essex Coast RAMS Brief

Table 3.1: Planning Use Classes

Table 4.1: North Essex visitor survey details

Table 4.2: South Essex visitor surveys required to identify impacts on the designated features

Table 4.3: Designation features per Habitats site (MAGIC, 2018) and visitor surveys undertaken to assess disturbance

Table 4.4: ZOI calculations for Essex Coast Habitats sites

Table 5.1: Housing to be delivered in the Essex coast RAMS overall Zol

- Table 6.1: Potential for disturbance to birds in Stour Estuary (Essex side only)
- Table 6.2: Potential for disturbance of birds in Hamford Water
- Table 6.3: Potential for disturbance to birds and mitigation options in Colne Estuary (including Essex Estuaries SAC)
- Table 6.4: Potential for disturbance to birds and mitigation options in the Dengie
- Table 6.5: Potential for disturbance to birds and mitigation options in Blackwater Estuary
- Table 6.6: Potential for disturbance to birds and mitigation options in Crouch and Roach Estuaries
- Table 6.7: Potential for disturbance to birds and mitigation options in Foulness
- Table 6.8: Potential for disturbance to birds and mitigation options in Benfleet and Southend Marshes
- Table 6.9: Potential for disturbance to birds and mitigation options in Thames Estuary & Marshes (Essex side only)

Table 7.1: The Essex coast RAMS toolkit

Table 8.1: Phasing of housing delivery 2018-2038

Table 8.2: Mitigation package costed for 2018-2038

Table 8.3: Housing number and cost of mitigation for each LPA

Table 9.1: Monitoring Report

Figures

Figure 1.1: Habitats (European) sites on the Essex coast

Figure 4.1: Locations of Visitor surveys undertaken 2018

Figure 4.2 Overall Zone of Influence for Essex Coast RAMS

Figure 5.1: North Essex - distribution of housing allocations and numbers of units

Figure 5.2: South Essex - distribution of housing allocations and numbers of units
(NB Castle Point and Southend have a single dot instead of sites)

Figure 6.1: Types of recreational disturbance reported at Essex Coast RAMS workshops

Figure 6.2: Key mitigation options identified at Essex Coast RAMS workshops

Figure 7.1: Sources of disturbance and RAMS mitigation proposals

Maps

Map 4.1 Key SPA bird roosts/breeding areas and access points for North Essex

Map 4.2 Key SPA bird roosts/breeding areas and access points for South Essex

Executive Summary

The Essex coast Recreational disturbance Avoidance and Mitigation Strategy (the “Essex coast RAMS” or the Strategy) 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 effect on site integrity. All new residential developments within the evidenced Zone 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.

The 11 Local Planning Authorities (LPAs) which are partners in and responsible for the delivery of the Essex Coast 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

The published Habitats Regulations Assessments (HRAs) for the relevant Local Plans have identified recreational disturbance as an issue for all of the Essex coastal Habitats sites.

Mitigation measures have been identified in the HRA (screening and/or Appropriate Assessments) 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.

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. In recognition of this, Natural England recommended a strategic approach to mitigation along the Essex coast.

This strategic approach has the following advantages:

- It meets the requirements of planning legislation: necessary to make a development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to a development;
- 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 wildlife & habitats of the Essex coast and will help to reduce the time taken to reach planning decisions;
- It allows for detailed evidence to be gathered to understand the recreational disturbance patterns and provide an effective mitigation package;
- 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 developers, agents and planning authorities with a comprehensive, consistent and efficient way to ensure that appropriate mitigation for residential schemes within the Zone of Influence is provided in an effective and timely manner.

The mitigation measures in the Essex Coast RAMS toolkit are summarised below:

Action area	Examples
Education and communication	
Provision of information and awareness raising	<p>This could include:</p> <ul style="list-style-type: none"> • Information on the sensitive wildlife and 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 etc. and local businesses.
Habitat based measures	
Fencing/waymarking/screening	Direct visitors away from sensitive areas and/or provide a screen to minimise their impact
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

Cycle access	Promote appropriate routes for cyclists to avoid disturbance at key locations
Vehicular access and car parking	Audit of car parks and capacity to identify hotspots and opportunities for “spreading the load”
Enforcement	<ul style="list-style-type: none"> Establish how Water Rangers operating the patrol boats can 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 e.g. for bait digging, dogs on a lead
Habitat creation	Saltmarsh recharge, regulated tidal exchange and artificial islands may fit with Environment Agency Shoreline Management Plans
Project delivery	
Partnership working	Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.
Monitoring and review	Birds and visitor surveys with review of effectiveness of measures with new ideas to keep visitors wanting to engage

The overall cost for the mitigation package is £8,916,448 in total **from today 14 Feb 2019** until 2038. **The tariff per dwelling for this period is currently calculated at £122.30.**

Existing visitor pressure at Habitats sites will need to be mitigated through alternative means and any pressure that would arise from different types of development would be addressed through the relevant project HRA.

Ahead of the production of the Essex coast RAMS, LPAs have had an interim approach to delivering the requirements of the Habitats Regulations. The publication of the RAMS begins the strategic mitigation phase and the Essex Coast RAMS allows LPAs to collect developer contributions for applications for new residential dwellings which fall within the Zone of Influence of the Essex coast Habitats sites. The Essex Coast RAMS will be accompanied by a Supplementary Planning Document, which will facilitate its delivery.

Place Services
11 January 2019

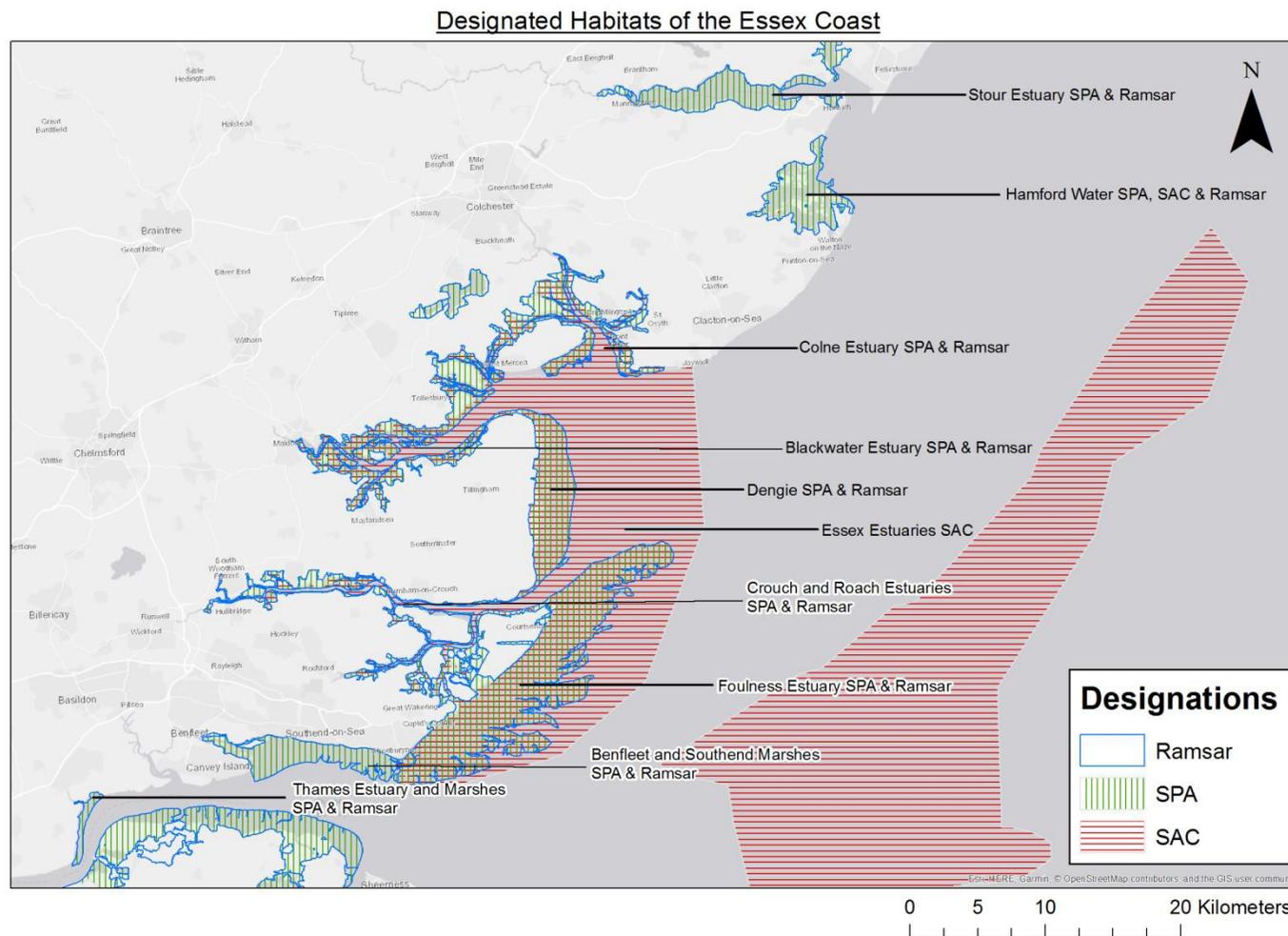
1 Introduction

- 1.1 The Essex coastline stretches for just over 350 miles, extending from the Thames Estuary in the south, northwards to the port of Harwich and the Stour Estuary. The coastline is extremely diverse and features a variety of habitats and environments and which are internationally important for wildlife as shown on Fig. 1.1.
- 1.2 Most of the Essex coast is designated under the UK Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') as part of the European Natura 2000 network a series of these sites across Europe. For the purposes of this Strategy this means Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites. A key purpose of these designations is to protect internationally important numbers of breeding and non-breeding birds and their coastal habitats.
- 1.3 The Habitats Regulations usually refer to these sites as 'European Sites', however as SPAs and SACs (designated under the EU Birds and Habitats Directives) are now defined as 'Habitats sites' in the National Planning Policy Framework (NPPF) (2018) they will be referred to as Habitats sites in this Strategy. The NPPF (para 176) gives the same protection to Ramsar sites (wetlands of international importance designated under the Ramsar convention). For this Strategy, the term Habitats Sites will therefore also include Ramsar sites.
- 1.4 The Essex coast also provides opportunities for recreation. Housing and consequent population growth in Essex is likely to increase the number of visitors to these sensitive coastal areas, creating the potential for impacts from increased recreational disturbance of the birds and their habitats, unless adequately managed.
- 1.5 This Recreational disturbance Avoidance and Mitigation Strategy (RAMS) will support sustainable residential growth in Essex. It will deliver mitigation to protect coastal Habitats sites and the wildlife they support, from the increased recreational disturbance associated with a growth in population.
- 1.6 This mitigation must keep ahead of the rate of population growth to avoid any adverse effects on the integrity of coastal Habitats sites.
- 1.7 The Essex Coast RAMS will be deemed successful if the level of bird disturbance is not increased despite an increase in population and the number of visitors to the coastal sites for recreation.

- 1.8 The network of Habitats sites within the UK covers over 8.5% of the land area or 920 sites in total. There are 10 of these sites in the Essex Coast RAMS area¹ (see Figure 1.1 overleaf for more details). This means that almost the entire Essex coast is protected by an international designation for its wildlife interest.
- 1.9 Each Habitats site is underpinned by one or more Site of Special Scientific Interest (SSSI) as defined by Natural England advice.
- 1.10 Natural England is the Government's advisor for the natural environment in England and has published a set of mapped Impact Risk Zones (IRZs) for all Sites of Special Scientific Interest (SSSIs). These are defined on the Natural England website as "a GIS tool developed by Natural England to make a rapid initial assessment of the potential risks posed by development proposals to: Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites. They define zones around each site which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts."
- 1.11 The IRZs have been identified for all SSSIs, with different trigger distances for a variety of types of developments. This study has defined Zones of Influence (ZOIs) for each Habitats site, based purely on recreational disturbance from residential dwellings.
- 1.12 11 of the 14 Essex Local Planning Authorities (LPAs) lie wholly or partly within the IRZs of these coastal Habitats sites. The 11 LPAs that are therefore partners to this strategy are:
- 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-on-Sea Borough Council
 - Tendring District Council
 - Thurrock Council

¹ Abberton Reservoir and Epping Forest are also Habitats sites in Essex, but these are not within scope for the Essex Coast RAMS.

Figure 1.1: Habitats (European) sites on the Essex coast



Notes:

- Ramsar sites are areas of wetland which are designated of international importance under the Ramsar Convention (1971)¹.
- Special Protection Areas (SPAs) are sites which support rare, vulnerable and migratory birds.
- Special Areas for Conservation (SACs) are sites which support high-quality habitats and species.

- 1.13 Together, these LPAs are aiming to deliver approximately 80,000 new homes in the next 20 years according to growth set out in current and emerging Local Plans. This will potentially result in around 190,000 new residents in this area between 2018 and 2038 (based on a 2.4 person per household average household occupancy).
- 1.14 Harlow and Epping Forest Districts are not included in the Essex Coast RAMS because their geographical areas were outside the Zones of Influence for the coastal Habitats sites. However now that the ZOI for the Blackwater Estuary SPA & Ramsar site includes a small part of Uttlesford District, the District Council may decide to join as a partner for adoption of SPD and the delivery phase of the Essex Coast RAMS.
- 1.15 Under the Habitats Regulations, each of the partner LPAs is defined as “competent authority”, which is a term used for any public body or individual holding public office. In practice, this means that these LPAs have a duty to comply with the Habitats Regulations and ensure that plans and projects under their jurisdiction do not lead to adverse effects on the integrity of Habitats sites.
- 1.16 The published Habitats Regulations Assessments (HRAs) for the relevant Local Plans have also identified recreational disturbance as an issue for all of the Essex coastal Habitats Sites.
- 1.17 Each Habitats site or complex of sites in England has a Site Improvement Plan (SIP), developed by Natural England.
- 1.18 SIPs provide a high level overview of the issues (both current and predicted) affecting the condition of the designation features on the Habitats site(s) and outlines the priority measures required to improve the condition of the features. It does not cover issues where remedial actions are already in place or ongoing management activities which are required for maintenance.
- 1.19 The SIP consists of three parts: a Summary table, which sets out the priority Issues and Measures; a detailed Actions table, which sets out who needs to do what, when and how much it is estimated to cost; and a set of tables containing contextual information and links.
- 1.20 The SIPs are based on Natural England's current evidence and knowledge. The SIPs are not legal documents; they are live documents that are continually updated.
- 1.21 The planned growth in population is expected to increase the number of residents

using recreational spaces within reach of the new housing, including the Essex coast where people can undertake a range of recreational activities including picnics, hiking, walking their dogs, swimming, sailing and many other land and water based activities.

- 1.22 The Essex coast Habitats sites already experience recreational pressures but the planned level of population growth in Essex is likely to increase the number of visitors to these sensitive coastal areas. Unless adequately managed, this creates a potential for conflict between recreational activities and the conservation of internationally important assemblages of birds and habitats.
- 1.23 In response to the evidence for potential for recreational disturbance impacts from housing allocations in Local Plans, Natural England provided a list of Habitats sites to be included in a strategic approach to mitigation on the Essex coast. These are listed in Table 1.1 and shown on Figure 1.1:

Table 1.1: Habitats sites in Essex relevant to the Strategy

Habitats Sites on the Essex Coast
Essex Estuaries SAC
Hamford Water SAC, SPA and Ramsar
Stour and Orwell Estuaries 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
Thames Estuary and Marshes SPA and Ramsar

Notes:

- *Ramsar sites are areas of wetland which are designated of international importance under the Ramsar Convention (1971)².*
- *Special Protection Areas (SPAs) are sites which support rare, vulnerable and migratory birds.*
- *Special Areas for Conservation (SACs) are sites which support high-quality habitats and species.*

² Listed or proposed Wetlands of International Importance under the Essex Coast Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

- 1.24 Evidence for a link between population increase, increased recreational pressure on the Essex coast and the resultant impact on wildlife comes from a study by Footprint Ecology commissioned by Natural England (Panter, C & Liley, D 2016). The following text box provides further details.

Table 1.2: Effects of recreational disturbance on non-breeding SPA birds
(Reproduced from Panter, C & Liley, D. 2016)

1.3	<p>Disturbance has been identified by Natural England as a generic issue across many European Marine Sites (see Coyle & Wiggins 2010), and can be an issue for a range of species. During the winter/passage periods there can be high numbers of birds present, and competition for food and resources (Caldow <i>et al.</i> 1999; Goss-Custard <i>et al.</i> 2002, 2006; Stillman <i>et al.</i> 2007). Disturbance to wintering and passage waterfowl can result in:</p> <ul style="list-style-type: none"> • A reduction in the time spent feeding due to repeated flushing/increased vigilance (Fitzpatrick & Bouchez 1998; Stillman & Goss-Custard 2002; Bright <i>et al.</i> 2003; Thomas, Kvitek & Bretz 2003; Yasué 2005) • Increased energetic costs (Stock & Hofeditz 1997; Nolet <i>et al.</i> 2002) • Avoidance of areas of otherwise suitable habitat, potentially with birds feeding at poorer quality locations (Cryer <i>et al.</i> 1987; Gill 1996; Burton <i>et al.</i> 2002; Burton, Rehfish & Clark 2002) • Increased stress (Regel & Putz 1997; Weimerskirch <i>et al.</i> 2002; Walker, Dee Boersma & Wingfield 2006; Thiel <i>et al.</i> 2011)
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- 1.25 For breeding SPA birds, different issues result from recreational disturbance. Key breeding roosts are known on particular estuaries/shorelines and in specific locations where habitat and conditions enable territories to become established. Recreational pressure adds to the stresses of defending a territory, laying eggs and rearing chicks which means that SPA birds are often more vulnerable, and levels of public access to breeding areas can rise in the summer months too. During the breeding season, recreational disturbance can affect breeding success as it can result in nest desertion, potential trampling of eggs and an increase in predation rates etc. (Liley & Sutherland 2007).
- 1.26 Since this Footprint Ecology study was published, mitigation schemes across the UK have provided data which accords with the conclusions of this study.
- 1.27 The maps in Appendix 11 for each Habitats site, are annotated with existing recreational disturbance issues evidenced by Managers of these sites.
- 1.28 The potential ways in which species and their habitats are impacted by recreational disturbance, are considered in this Strategy. The Essex Coast RAMS identifies the baseline:

- The current condition of the Habitats sites, such as the existing pressures upon them, the effects on species and habitats;
- The level of recreational disturbance to non-breeding and breeding birds, trampling of sensitive vegetation e.g. saltmarsh, and nutrient enrichment and erosion of habitats; and
- The mitigation currently in place.

1.29 The Strategy then predicts the future situation without any mitigation and suggests suitable recreational disturbance avoidance and mitigation measures to negate possible significant effects on the Habitats sites.

1.30 The baseline will be used to assess the effectiveness of the Essex Coast RAMS.

1.31 A separate Supplementary Planning Document (SPD) will set out how each LPA will deliver the Essex Coast RAMS through the planning process. This SPD will build upon and provide more detailed guidance about the policies in the Local Plans prepared by the 11 Local Planning Authorities (LPAs) for adoption.

2 Background to the Strategy

Policy Context

- 2.1 This Strategy complies with the relevant legislation and national guidance, including:
- Article 6 of the Habitats Directive (92/43/EEC) 1994
 - European Commission (2001) Assessment of plans and projects significantly affecting Habitats sites – Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC ³
 - Government Circular 06/2005
 - Conservation of Habitats and Species Regulations 2017
 - The National Planning Policy Framework (NPPF) 2018
- 2.2 The Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the Habitats Regulations) transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into UK law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations came into force on 30th November 2017 and extend to England.
- 2.3 The Habitats Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites (henceforth referred to as Habitats sites in accordance with the NPPF).
- 2.4 Regulations 63 and 64 of the Habitats Regulations require a series of steps and tests to be followed for plans or projects that could potentially affect a Habitats site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' (HRA) process that competent authorities must undertake to consider whether a proposed development plan or programme is likely to have significant effects on a Habitats site.
- 2.5 HRA is often referred to as 'Appropriate Assessment' (AA) although the requirement for AA is first determined by an initial HRA 'Screening' stage undertaken as part of the full HRA.

³

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

2.6 Specifically, Regulation 63 states:

63.—(1) *A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications of the plan or project for that site in view of that site’s conservation objectives.

2.7 The Regulation 63 of the Habitats Regulations refers to “the competent authority”. These are the body or bodies responsible for the application of the Habitats Regulations Assessment process, on a case-by-case basis to ensure compliance with the Habitats and Birds Directives. A competent authority is defined in Regulation 7 of the Habitats Regulations so as to include:

a) Any Minister of the Crown (as defined in the Ministers of the Crown Act 1975(1)), government department, statutory undertaker, public body of any description or person holding a public office;

b) the Welsh Ministers; and

c) any person exercising any function of a person mentioned in sub-paragraph (a) or (b).

and public body includes:

a) the Broads Authority(4);

(b) a joint planning board within the meaning of section 2 of the TCPA 1990 (joint planning boards)(5);

(c) a joint committee appointed under section 102(1)(b) of the Local Government Act 1972 (appointment of committees)(6);

(d) a National Park authority; or

(e) a local authority, which in this regulation means—

(i) in relation to England, a county council, a district council, a parish council, a London borough council, the Common Council of the City of London, the sub-treasurer of the Inner Temple or the under treasurer of the Middle Temple;

(ii) in relation to Wales, a county council, a county borough council or a community council;

- 2.8 The Habitats Regulations also use the following terms, which are used in this Strategy and are defined below:

Likely Significant Effect – *this is a possible adverse effect that would undermine the conservation objectives for a Habitats (European) site and which cannot be ruled out based on clear verifiable objective information.*

Alone – *consideration given to the details of the plan or project which may result in effects on a Habitats site*

In combination with other plans and projects – *consideration needs to also be given to the cumulative effects which will or might result from the addition of the effects of other relevant plans or projects.*

- 2.9 The Government has produced core guidance for competent authorities and developers to assist with the HRA process. This can be found online ⁴
- 2.10 HRA is thus a vital part of a Local or Strategic Plan's evidence base: for Plans to be considered legally compliant and sound, as set out in section 35 of the National Planning Policy Framework 2018, each LPA must provide mitigation.

Identifying the problem

- 2.11 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 planned housing growth may lead to disturbance of birds in coastal Habitats (European) sites within and beyond each individual LPA boundary.
- 2.12 HRA work relating to the Essex coast Habitats sites undertaken to date at the plan level and project level across the 11 LPAs is detailed in Table 2.1.

4

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/82706/habitats-simplify-guide-draft-20121211.pdf

Table 2.1 LPAs and their relevant Habitats Sites

LPAs	Work undertaken	Relevant Habitats sites
Basildon Borough Council	Basildon Borough Council Local Plan 2014-2034 and HRAs (Oct 2018) at the plan and project level	The HRA identifies that new residential development is likely to result in significant effects on the Essex coast Habitats sites due to the draw of the coast for recreation.
Braintree District Council	North Essex Authorities Shared Section 1 Local Plan HRA (May 2017) Braintree District Council Section 2 Local Plan HRA (May 2017) Braintree District Council has prepared project level HRAs for residential developments in Hatfield Peverel, Cressing, Braintree and Coggeshall.	The HRA identifies that new residential development is likely to result in significant effects on the Essex coast Habitats sites due to the draw of the coast for recreation.
Brentwood	Brentwood Local Plan Habitat Regulations Assessment (January 2018)	The HRA identifies that new residential development is likely to result in significant effects on the Essex coast Habitats sites due to the draw of the coast for recreation.
Castle Point	Castle Point Local Plan HRA is currently being undertaken	<ul style="list-style-type: none"> • Crouch and Roach Estuaries • Foulness Estuary • Benfleet and Southend Marshes • Outer Thames Estuary
Chelmsford	Chelmsford City Council's Pre-Submission Local Plan Habitats Regulations Assessment (January 2018) and an update dated June 2018	The HRA identifies the possibility of significant effects on European sites. In the Pre-Submission Local Plan, the Council has committed to the adoption of the RAMS SPD. Plan level mitigation measures are considered to be both achievable and likely to be effective. Additional provision and master planning requirements are included to minimise effects on the Crouch and Roach Estuaries.
Colchester Borough Council	North Essex Authorities Shared Section 1 Local Plan HRA Colchester Borough Council Section 2 Local Plan HRA <ul style="list-style-type: none"> - HRA screening for Boxted Neighbourhood Plan (2014-2029) - HRA screening for West Bergholt Neighbourhood Plan (2018-2033) - HRA re-screening for Wivenhoe Neighbourhood Plan (2017-2032) 	Colne Estuary, Hamford Water, the Blackwater Estuary the Stour and Orwell Estuaries.

LPAs	Work undertaken	Relevant Habitats sites
Maldon District Council	Maldon District Council Local Development Plan Sustainability Appraisal Report (March 2017) incorporating Strategic Environmental Assessment and Habitats Regulations Assessment Nine LDP allocations with planning permission or planning consent subject to a S106 agreement have project level HRAs. Only two LDP allocations without consent have not had project level HRAs.	Maldon's Local Development Plan was approved in 2017 and all mitigation identified through its HRA was reflected in relevant LDP policies and has been secured via project level HRAs for each allocation.
Rochford District Council	Rochford District Council Local Plan HRA (January 2013) HRA Maylons Farm, West Hullbridge and Wallasea Island	<ul style="list-style-type: none"> • Crouch and Roach Estuaries • Foulness Estuary • Benfleet and Southend Marshes • Outer Thames Estuary
Southend Council	Southend Council Local Plan HRA (September 2010) Southend Central Area Action Plan (February 2018)	<ul style="list-style-type: none"> • Crouch and Roach Estuaries • Foulness Estuary • Benfleet and Southend Marshes • Outer Thames Estuary
Tendring District Council	North Essex Authorities Shared Section 1 Local Plan HRA (May 2017) Tendring District Council Section 2 Local Plan HRA (May 2017) Adopted project level HRAs for development	<ul style="list-style-type: none"> • Colne Estuary, • Hamford Water, • Blackwater Estuary • Stour and Orwell Estuaries
Thurrock	Thurrock Local Plan Local Development Scheme (December 2015)	<ul style="list-style-type: none"> • Crouch and Roach Estuaries • Foulness Estuary • Benfleet and Southend Marshes • Outer Thames Estuary

Notes: Not all of the LPAs have prepared project level HRAs for residential developments within the IRZs³ of the SSSIs that underpin each Habitats site. Uttlesford is only affected by a small geographical area on its eastern boundary within the ZOI of Blackwater Estuary SPA & Essex Coast Ramsar and this component of the Essex Estuaries SAC. This also applies to strategic plans eg Joint Strategic Plan and north Essex

⁴ Natural England has published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs to help consider whether a proposed development is likely to affect a SSSI and determine whether they need to consult Natural England to seek advice on the nature of any potential SSSI impacts, their avoidance or mitigation. The dataset and user guidance can be accessed from the [gov.uk website](http://gov.uk).

Identifying the need for a strategic solution

- 2.13 In 2017, Natural England's West Anglia Team identified the Essex coast as a priority for strategic and proactive planning engagement and mitigation. This was due to the high numbers of dwellings that were likely to come forward for each Plan alone and also in combination within the relevant Local Plans by 2038 to meet projected housing needs, and the potential recreational impact these new residents could have upon the Habitats sites.
- 2.14 In September 2017, Natural England proposed a strategic approach to LPAs and recommended identifying the scale of the disturbance and implementing measures to mitigate impacts through the preparation of a joint Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Based on existing evidence of visitor pressures, Natural England advised that 11 district/borough Councils across Essex should be partners in the preparation of the Strategy. To reflect the differing Local Plan adoption dates of these authorities, Natural England advised that a Supplementary Planning Document should be the mechanism to secure developer contributions towards the mitigation measures identified as necessary by the Strategy.
- 2.15 Natural England's advice was that the Local Plans must have a clear policy commitment to producing a Mitigation Strategy, with a clear timeframe for its completion. This should be by the time the plan is adopted to ensure any developments coming forward as part of the plan have certainty that there are mitigation measures which can be implemented as soon as the plan is live.
- 2.16 Local Plans are advancing across Essex. The number of Local Plan consultations that are scheduled further increases the urgency to produce the strategy and secure a delivery mechanism for an effective mitigation package.
- 2.17 Mitigation measures have been identified in the HRA (screening and/or Appropriate Assessments) for many of the Local Plans. There are similarities in the mitigation measures proposed, reflecting the identification of in-combination effects resulting from growth in LPA areas. In recognition of this, Natural England recommended a strategic approach to mitigation along the Essex coast.
- 2.18 The LPAs agreed that a strategic solution to mitigate the impacts of recreational disturbance from Local Plans was a sensible approach to take the support of Natural England and Essex County Council. Strategic solutions are usually driven by challenges and opportunities arising from planning issues. They apply more broadly than at a single designated site and often include aims such as cutting down on unnecessary consultations, providing strategic scale mitigation or developing a generic approach to evidence collection and use. The development plan process provides huge opportunities to influence planning policy and create solutions that

can filter down to the application stage, providing confidence that mechanisms exist to deliver much needed development in the right places whilst also ensuring the natural environment is fully considered. Under planning legislation, LPAs have a statutory 'duty to cooperate' with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. This includes the Essex Coast RAMS.

2.19 The initial Essex Coast RAMS meeting was held in November 2017 under the umbrella of the Essex Planning Officers Association (EPOA), with all Essex LPAs invited to discuss the rationale for taking a strategic approach to securing a solution to support their Local Plans. Natural England explained the need for Local Plans to provide mitigation in order that sustainable housing growth can be delivered whilst at the same time, adequately protecting Habitats sites from harm that could potentially occur because of increased recreational pressure arising from the new housing growth.

2.20 Natural England's guidance provided at the meeting held on 13 September 2017 outlined that a mitigation strategy should:

- Set clear parameters, providing a mechanism by which pressure from increased recreation can be avoided and mitigated for, thus enabling rather than stalling the progression of planned housing growth within local Plans;
- Be based on evidence and be precautionary where uncertainties remain;
- Provide a good degree of certainty that the required measures can be delivered;
- Be solutions focused, seeking to find robust means of mitigating for impacts to allow development to proceed, incorporating such mitigation at the plan level wherever possible so that these requirements are clear to developers and are consistently applied;
- Build upon work undertaken to date as part of the HRAs for the various Local Plans;
- Reflect best practice; and
- Include monitoring.

2.21 At the same meeting, Natural England also set out the key lessons learnt from strategic mitigation schemes in other parts of the country. These are:

- Early engagement is key to ensuring issues and opportunities are identified from the outset when time is on our side to deliver real solutions
- Embedding strategies – whilst a robust evidence base and options for avoidance and mitigation are crucial, the policy framework within a LPA's development Plan needs to be clear and reflect what is required at project stage to ensure successful delivery
- Stepping back and seeing the "bigger picture"

- Sharing and learning to embed strategic solutions is hugely important and enables lessons to be learnt and to apply best practice elsewhere.

2.22 Mitigation measures applied for the protection of Habitats sites through development should be those that :

- Are essential for and relevant to the planning permission being granted
- Provide certainty that housing development can proceed without adverse effect on the Habitats sites
- Are proportionate to the potential impact that may be generated, evidence based and cost effective.

Developing the Essex Coast RAMS project

2.23 The three options for the scale of joint working were discussed by the Essex LPAs present at the initial Essex Coast RAMS meeting. These are outlined in Table 2.2 below.

Table 2.2: Options for preparing an Essex Coast RAMS

<p style="text-align: center;"><u>Option 1 – No Joint Project</u></p> <p>In the absence of some form of joint project, it would fall upon those LPAs with likely effects predicted on European Sites to prepare the Essex Coast RAMS. However, in order for them to do this, information was required on housing growth from the other LPAs for the full extent of recreational impacts to be determined. Furthermore, those other LPAs would still be under a legal obligation to fulfil their duties under the Habitats Regulations, including managing residual recreational impacts on Habitats sites. In this situation, it would be the LPA with the Essex Coast RAMS determining how this could be resolved with no input from those other LPAs, potentially resulting in disputes over the appropriateness of projects and their costs. This did not appear to be an appropriate approach given the scale and cross-boundary nature of the problem.</p>
<p style="text-align: center;"><u>Option 2 – Sub-regional Projects</u></p> <p>LPAs are familiar with working across their housing market areas in order to deliver evidence-based projects and elements on plan making. This option offered some benefits in terms of utilising existing working arrangements. However, the housing market areas do not align with the ZOIs for the Habitats sites along the Essex coast and therefore there would still be a need for each sub-region to look at the Essex Coast RAMS beyond their area in order to determine their full impact on Habitats sites.</p> <p>Additionally, different approaches between these sub-regions may give rise to areas of dispute over the appropriateness and cost of projects, although this risk is not considered to be as significant as for Option 1. A further issue with this option is that some LPAs in Essex, such as Maldon are not part of a sub-regional working group because Maldon sits within its own housing market area. Given these issues, normal patterns of sub-regional working may not be appropriate in this instance.</p>
<p style="text-align: center;"><u>Option 3 – Essex-wide Project</u></p> <p>In order to cover all of the coastal Habitats Sites, and all of the Essex LPAs within the ZOIs, an Essex coast RAMS could be prepared jointly by the 11 LPAs considered likely to be affected. This was considered to be the</p>

most effective approach in terms of capturing all cross-boundary interactions between the different LPAs involved, and ensures that all authorities affected would have a stake in the final selection of mitigation projects and are aware of the costs associated with these.

Without a co-ordinated approach, it may be very difficult for LPAs to deliver bespoke mitigation measures particularly for those at a distance from the Essex coast.

However, experience with the Gypsy & Traveller Accommodation Assessment, as an example, has shown that it is difficult to manage a project with this number of authorities and therefore a dedicated project management would be a requirement, particularly if it is to deliver in a timely manner.

- 2.24 It was concluded that the best outcomes in terms of delivering an Essex coast RAMS which addresses the issues in an effective and equitable way will be achieved through joint working at an Essex wide level i.e. Option 3. However, this option presented the greatest challenge in terms of project management. It was agreed by the LPAs present that Option 3 would be taken forward.
- 2.25 The Essex LPAs appointed Place Services to prepare the Essex Coast RAMS and undertake project management.

What will the Strategy achieve?

- 2.26 A Steering Group (comprising officers from the 11 LPAs, from Essex County Council and Natural England and consultants from Place Services, Essex County Council) was established to lead this project. The initial work of the Steering Group focused on approval of the project plan, signing of a Memorandum of Understanding which set out the commitment to undertaking this project, an initial review of existing information sources (Baseline Evidence Report), and planning for stakeholder events to aid information sharing. The need for visitor surveys to provide a robust evidence base was subsequently agreed with Natural England.
- 2.27 The initial brief for the Essex Coast RAMS is set out in Table 2.3 although details were considered in consultation with Natural England along the journey of producing the Strategy. It was decided by the Steering Group that governance and resourcing would be a separate piece of work to the Strategy.

Table 2.3: The Brief for the Essex Coast RAMS

1. Patterns of use of SPAs/SACs/Ramsar sites	a) Review existing sources of information, and produce report/paper to present to the Steering Group
	b) Agree with Natural England whether sufficient information exists.
	c) Obtain further primary data where necessary.

	d) Analyse data to identify the locations where new development may lead to an impact in order for the LPAs to justify contributions being sought.
2. Mitigation and visitor monitoring	a) Based upon the conclusions from the patterns of use, identify which Habitats sites are relevant to which growth locations/ LPA.
	b) Identify mitigation and visitor monitoring objectives (i.e. what needs to be monitored, how often and to identify what methodologies to use).
	c) Identify specific existing or proposed on-site/off-site mitigation and site management measures which would address the HRA requirements. This must reflect HRA recommendations, set out the governance arrangements and likely delivery partners.
	d) Identify gaps (e.g. SAC/SPAs/Ramsar sites or parts of these Habitats sites where no mitigation or visitor monitoring is planned or where no or insufficient management is in place or planned, or where no delivery partner can be identified).
3. Funding	a) Identify what measures have already been funded and provide detail of how the current funding mechanisms work.
	b) Calculate the total cost of mitigation measures over the period of the local plans (based on the longest plan period of the project partners as in preparation now).
	c) Identify planned growth in the locations identified under 2c (above).
	d) Identify mechanisms for securing funding for each mitigation measure.
	e) Identify effective mechanisms for a Strategic Mitigation Scheme(s), to include collecting and holding contributions for 11 separate LPAs, prioritising spend and transfer of funds to delivery partners/organisations.
4. Monitoring of the Strategy	a) Identify mechanisms for monitoring the delivery and effectiveness of the mitigation strategy (e.g. outputs and outcomes – the former might be monitored more regularly).
	b) Provide recommendations related to future growth e.g. how might the strategy take account of growth in the longer term (beyond most plan periods) which would be subject to new HRAs and how should the results of monitoring feed into decisions about locations / scale of future growth.
	c) Identify how monitoring results will be analysed and used effectively.
5. Strategy finalised with recommendation for SPD	a) Incorporate areas above into strategy.
	b) Agree strategy with the Steering Group.

to facilitate implementation	c) LPAs to consult on draft SPD- targeted consultation with interested parties, but strategy publically available for comment.
6. Finalise SPD	a) Consider consultation responses.
	b) Amend and finalise SPD.
	c) Adopt SPD.

3 Purpose of the Strategy

- 3.1 The Essex Coast RAMS will support sustainable residential growth in Essex while protecting Habitats sites and their wildlife from the increased disturbance from recreation associated with a growth in population. The Essex Coast RAMS will identify specific avoidance and mitigation measures that will be necessary to enable the planned housing and associated population growth within the strategy area to go ahead, without adversely affecting the designated features of the Habitats sites.
- 3.2 The Essex Coast RAMS will identify:
- the likely in combination impacts from recreational disturbance;
 - a range of effective mitigation measures;
 - when the mitigation measures are required;
 - where the mitigation is required;
 - how mitigation relates to development (or development locations);
 - how mitigation measures will be funded;
 - how the Strategy will be implemented
 - how the success of the mitigation measures will be monitored; and
 - how best to incorporate monitoring data and other information and best practice into future reviews of the strategy and Local Plans.
- 3.3 The Strategy does not cover any additional site-specific infrastructure, such as Country Parks, which are often referred to as Suitable Alternative Natural Greenspaces (SANGs). The issue of SANG is slightly different as, given that the coast cannot be replicated inland, SANGs do not tend to form part of coastal mitigation strategies. However, there is some evidence from the Solent HRA Mitigation project and corresponding website⁴ that if people are only visiting the coast because it is their nearest greenspace, then they can be drawn away from the coast by providing an attractive site nearer to their home. Natural England therefore may advise that on-site greenspace should be provided as part of individual developments (e.g. to include circular walks, dogs off lead areas etc.) to take some of the pressure off the coastal sites. However, this will not remove residents' overall desire to visit the coast, so a contribution to the mitigation measures at the coastal Habitats sites still needs to be made in all cases.

⁵ <http://www.birdaware.org/>

3.4 The Essex Coast RAMS Strategy does not provide:

- A mechanism to deliver mitigation for recreational impacts from individual residential developments alone; this must be provided on/near the development site;
- A mechanism for measures necessary to avoid likely significant effects from non-recreational impacts e.g. air or water quality, identified through project level HRAs prepared for individual planning application;
- Any mitigation needed to reduce or avoid *existing* impacts from recreational or other activities identified by Natural England in the SIPs for each Habitats site along the Essex coast;

or

- Mitigation for the England Coast Path (ECP). This is a Natural England project, which aims to create a new National Trail around the entirety of England's coast. For each section of the ECP, Natural England undertakes an "Access and Sensitive Features Appraisal" (ASFA) which contains a bespoke HRA to mitigate for the effects of the Coast Path.

3.5 As listed in Natural England's letters to LPAs (Interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations, November 2017 & August 2018) provided in Appendix 1, the Strategy applies to all net increases in residential dwellings that fall within the ZOI which are in the Planning Use Classes listed in Table 3.1, overleaf (excluding replacement dwellings and extensions).

Table 3.1: Planning Use Classes

Planning Use Class*	Class Description
C2 Residential institutions	Residential care homes, boarding schools, residential colleges and training centres.
C2A Secure Residential Institution	Military barracks.
C3 (a) 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, included as Appendix 1) 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 will be considered on a case-by-case basis according to the type of development.

- 3.6 The applications in scope for consideration will be confirmed in the SPD and should include:
- Full planning applications;
 - Reserved Matters planning applications where the outline planning consent that were not previously assessed through the HRA process and assessed under the Essex Coast RAMS where updated evidence is now available; and
 - Permitted Development as clarified by SPD.
- 3.7 A strategic, coordinated approach will reduce the burden on the LPAs and developers for project-level HRAs and offer a straight-forward, efficient and effective option for residential developers to provide appropriate mitigation measures, to ensure development accords with the Habitats Regulations.
- 3.5 Without a co-ordinated approach, it may be very difficult for LPAs to deliver effective bespoke mitigation measures particularly for locations that are on the outer edge of the Essex coast RAMS ZOI.

The Technical Report – Evidence Base

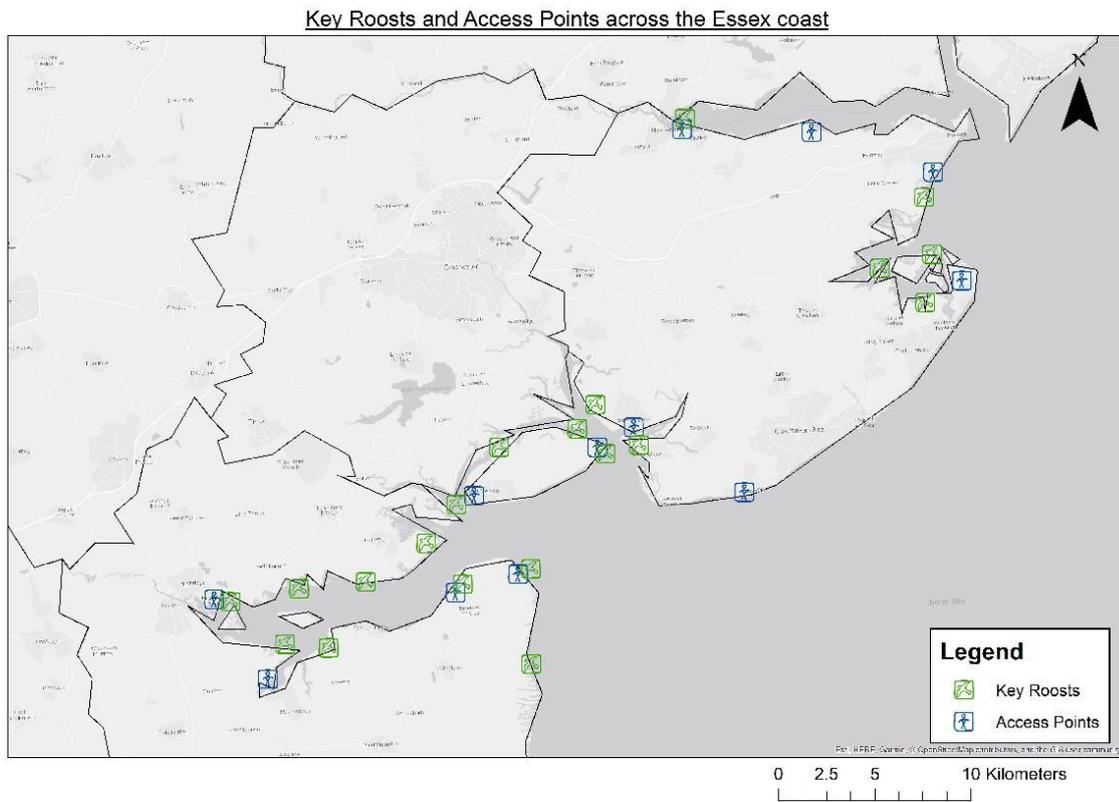
4 The Baseline

- 4.1 In order to determine the baseline, the following methodology was followed in the review process to determine patterns of visitor use of designated sites:
- Desk studies to determine what evidence existed and identify any gaps;
 - Visitor surveys to supplement the desk studies and gain an understanding of the origins of visitors to the Habitats sites and thereby determine the ZOIs;
 - Continual engagement with Natural England to discuss and agree the methodology, location and results of the studies to provide robust evidence on which to develop the Strategy; and
 - Stakeholder meetings with those parties with a responsibility for or an interest in the Habitat sites to gain a fuller understanding of the Habitats sites, the recreational pressures they are under presently, those that would arise with an increase in population and an understanding of what mitigation has been undertaken to date and how effective this is. Full details of the workshop attendees can be found in Appendix 10.

The Importance of the Essex coast Habitats sites – Desktop review

- 4.2 A desktop review looked at the existing data on the Habitats sites and the species therein.
- 4.3 Forty different bird species – predominantly waders and wildfowl – are specifically listed by Natural England as designated Interest Features for at least one of the Habitats sites.
- 4.4 Discussion with the Royal Society for the Protection of Birds (RSPB) on data available on key bird roost locations which are sensitive to disturbance has identified 20 key sites, which are shown on the maps 4.1 and 4.2. Because breeding information is confidential, the maps do not distinguish breeding and non-breeding roosts.
- 4.5 [Functionally Linked Land](#) (FLL) also needs to be protected from disturbance e.g. key areas of farmland and grassland for Brent geese. This will need to be mapped and has been included as a project in the mitigation package set out in this Strategy.

Map 4.1 Key SPA bird roosts/breeding areas and access points for North Essex



Map 4.2 Key SPA bird roosts/breeding areas and access points for South Essex



- 4.12 As key roosts are used by SPA birds at different times of the year (breeding and non-breeding), there are seasonal variations as well as daily variations in usage due to the tidal cycle. Key locations for SPA birds and the state of the tide can mean birds are closer or further from the shoreline and potential disturbance.
- 4.13 During harsh winters, a prolonged cold spell can mean birds struggle to get sufficient feeding time in between tides and any disturbance in these conditions is more significant to bird populations. Some roost sites hold large concentrations of birds but numbers may change as use fluctuates and factors other than disturbance or habitat degradation may be an issue in some locations.
- 4.14 [The Wetland Bird Survey](#) (WeBS) data has also been reviewed. WeBS monitors non-breeding waterbirds in the UK. There is a WeBS Alerts system which provides a method of identifying changes in numbers of water birds at a variety of spatial and temporal scales and reports are written every 3 years. It would be beneficial to integrate WeBS counts with the Essex Coast RAMS bird monitoring programme. Species that have undergone major changes in numbers are flagged, by the issuing of an Alert. Alerts are intended to be advisory; subject to interpretation, they should be used as a basis on which to direct research and subsequent conservation efforts if required.

Identifying visitor patterns of use of Habitats sites

- 4.15 Visitor surveys were undertaken to inform the Strategy, with the aim of gathering information on the number of visitors expected at coastal Habitats sites and evidence of the distances visitors to the sites will travel to access coastal locations for recreation purposes. This evidence is then used to calculate the Zones of Influence.

Visitor surveys

- 4.16 Where visitor data existed for Habitats sites, which had been previously collected by the LPAs, this was collated, and gaps identified in a baseline report to the Steering Group.
- 4.17 Visitor data (for the Stour & Orwell Estuaries SPA and Ramsar site, Hamford Water SAC, SPA and Ramsar site, the Colne SPA and Ramsar site and the Essex Estuaries SAC) was collected over a three-year period (from 2011 to 2013) as required by the appropriate assessments of Colchester and Braintree's adopted development plans and Tendring's emerging Local Plan.
- 4.18 On the advice of Natural England, the Essex Coast RAMS Steering Group agreed that the sites which would be subject to visitor surveys needed to be prioritised due

to resourcing and time constraints. Surveys at locations with no data were therefore prioritised so that there were data on which to base the ZOIs for all Habitats sites.

- 4.19 Tables 4.1 and 4.2 below show the visitor survey data which had previously been completed, and also the location of surveys needed to fill in the gaps.
- 4.20 ZOIs for the Habitats sites in North Essex were informed by the survey and monitoring work undertaken as a requirement of the Appropriate Assessments of Colchester and Braintree's adopted development plans and Tendring's emerging Local Plan. Since this joint survey work the North Essex LPAs have submitted an Appropriate Assessment (AA) for the North Essex Authorities Shared Strategic Part 1 for Local Plans Pre-submission (Regulation 19) prepared by Land Use Consultants (LUC) May 2017.
- 4.21 The AA for this joint plan identifies an increased prevalence and occurrence of negative recreational effects to the Habitats sites, which in the absence of effective mitigation is likely to lead to adverse effects on the sites' integrity.

Table 4.1: North Essex visitor survey details

Survey Location	Habitats Site	Source of existing information?	Seasons which information is needed for: Summer (May-July) Winter (August to April)
Mistley Walls	Stour and Orwell Estuaries	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
Stour Wood	Stour and Orwell Estuaries	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
Kirby Quay	Hamford Water	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
The Naze	Hamford Water	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
Brightlingsea Marsh	Colne Estuary	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
Cudmore Grove CP, Mersea	Colne Estuary	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
Wivenhoe Barrier	Colne Estuary	None	Winter
Strood Channel	Blackwater Estuary	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
Old Hall Marshes (owned by RSPB)	Blackwater Estuary	North Essex surveys over winter and summer months from 2010-2013.	Summer and winter
Tollesbury Wick (owned by EWT)	Blackwater Estuary	None	Summer and Winter
Promenade Park Maldon (Northey Island Causeway)	Blackwater Estuary	None	Winter
Bradwell Marina	Blackwater Estuary	None	Summer and winter
Dengie (St Peters Chapel)	Dengie	None	Winter

Table 4.2: South Essex visitor surveys required to identify impacts on the designated features

Survey Location	Habitats Site	Existing information?	Season
			Summer (May-July) Winter (August to April)
Burnham-on-Crouch	Crouch and Roach Estuaries	None	Winter
Blues House Farm (EWT), North Fambridge	Crouch and Roach Estuaries	None	Winter
Wallasea Island	Crouch and Roach Estuaries	Total visitor numbers recorded by RSPB from 2008-2016 and visitor numbers to the sea wall and number of cars from Apr-Sep 2017.	All
Thameside Nature Park (EWT)	Thames Estuary and Marshes	None	Winter
Coalhouse Fort	Thames Estuary and Marshes	None	Winter
Cinder Path, Leigh-on-Sea	Benfleet and Southend Marshes	None	Summer and Winter
Gunners Park, Shoebury	Benfleet and Southend Marshes	None	Winter
Two Tree Island, Leigh-on-Sea	Benfleet and Southend Marshes	None	Summer

Additional evidence gathered and analysis

- 4.22 The first round of visitor surveys took place in winter 2017/18, when non-breeding waders and wildfowl which are designated features of the Habitats sites are present along the Essex coast (August to April). The second round of visitor surveys took place on the Blackwater Estuary during the spring of 2018 when breeding birds such as the Little Tern and Ringed Plover, which are designated features of this Habitats site, use it for nesting. Benfleet and Southend Marshes SPA provide habitat for SPA birds which could be impacted by trampling during the summer months used by non-breeding species over winter.

Table 4.3: Designation features per Habitats site (MAGIC, 2018) and visitor surveys undertaken to assess disturbance

Habitats Site	Designation features sensitive to recreational disturbance and surveys undertaken				
	Habitats	Breeding birds (May to July)	Summer survey completed?	Non-breeding birds August to April	Winter survey completed?
Stour and Orwell Estuaries	Yes	Yes	Yes	Yes	Yes
Hamford Water	Yes	Yes	Yes	Yes	Yes
Colne Estuary	Yes	Yes	Yes	Yes	Yes
Blackwater Estuary	Yes	Yes	Yes	Yes	Yes
Dengie	Yes	No	N/A	Yes	Yes
Crouch and Roach Estuaries	Yes	No	No	Yes	Yes
Foulness Estuary	Yes	No	No	Yes	No**
Benfleet and Southend Marshes	Yes	No	Yes	Yes	Yes
Thames Estuary and Marshes	Yes	No	No	Yes	Yes
Essex Estuaries	Yes	No*	No*	No*	No*

*The Essex Estuaries comprise the Colne Estuary, Blackwater Estuary Dengie, Crouch and Roach Estuaries and Foulness Estuary and so follow the respective Zols throughout.

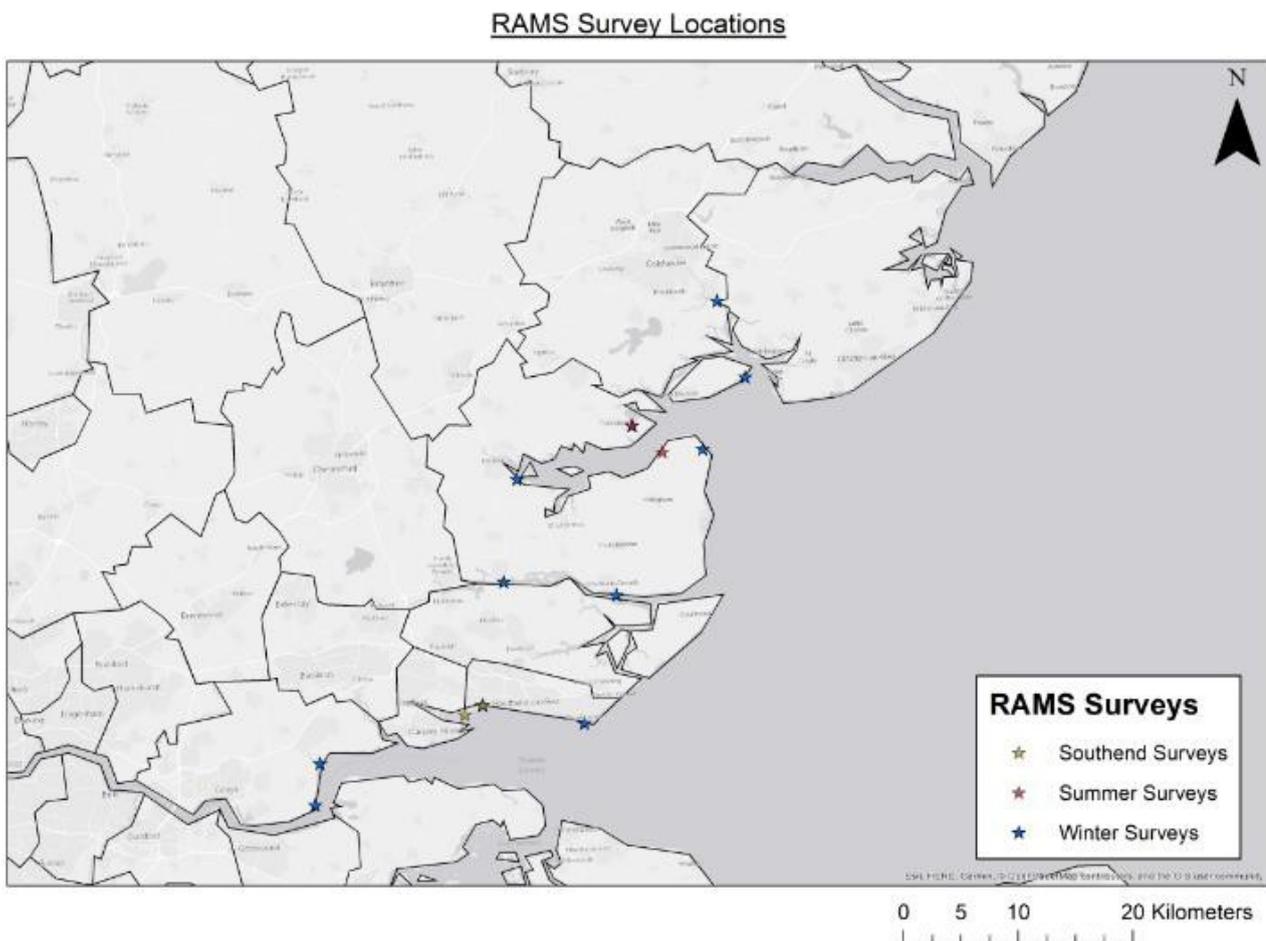
** As Foulness Estuary has limited access due to military control of much of the land, no surveys were considered necessary by Natural England.

- 4.23 Foulness Estuary, which is located within the Foulness Estuary SPA and Ramsar site, is Ministry of Defence (MoD) land and public access is restricted. For that reason, recreational disturbance from visitors is likely to be minimal or non-existent. As a result, no visitor surveys were carried out in this location.
- 4.24 A copy of the Visitor Survey methodology is included in Appendix 2, the questionnaire in Appendix 3 and the results for the Winter Visitor Surveys are in Appendix 4. Summer Visitor Survey results for the Blackwater Estuary and Benfleet and Southend Marshes are in Appendix 5.
- 4.25 The survey questionnaires were the same for both winter and summer, with the addition of a question relating to water borne recreational activities for the summer surveys. This was in response to the particularly high level of water borne recreation in the Blackwater Estuary when compared to other sites. The content of the survey questionnaires was agreed by the Steering Group and Natural England.
- 4.26 Cudmore Grove Country Park situated on the Colne Estuary was surveyed from 2011-2013, in the first north Essex surveys. This was repeated in 2018 as the ZOI was a lot higher than anticipated and the data was potentially skewed based on the

surveyor's location. As Cudmore Grove is a Country Park that attracts visitors from afar, the Essex Coast RAMS needed to clarify which of these visitors were there to use the facilities within the park and not at risk of causing disturbance to the coast. Therefore surveys were repeated with surveyors being focussed on locations where key bird roosts or habitats were likely to be disturbed by recreational activities. This enabled efforts to capture disturbance to coastal Habitats sites and no other recreational activities such as the children's play area.

4.27 Figure 4:1 shows the existing (completed) and additional allocations for visitor surveys on the Essex coast in 2018.

Figure 4.1 Locations of Visitor surveys undertaken 2018



- 4.28 Further visitor surveys were completed during May/June 2018 for the Blackwater Estuary SPA, when breeding SPA designated birds e.g. Little Tern & Ringed Plover use the site for nesting. Survey locations within the Blackwater Estuary were at Bradwell Marina and Tollesbury Wick. Additional visitor surveys were also undertaken by Southend Council in August 2018 for Benfleet and Southend Marshes SPA & Ramsar site with surveyors at Cinder Path and Two Tree Island. All locations were agreed with Natural England to ensure the results would inform recreational disturbance of Habitats sites features.
- 4.29 The visitor surveys provided data to add to the picture painted by attendees at the workshops. Indeed the significant visitor pressure experienced on the foreshore at Southend with over 7 million day visitors a year, principally in the summer months, includes dog walking at the Garrison in Shoebury as well as along the foreshore in the winter months when dogs are permitted on the beach.
- 4.30 The 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. The datasets collected for surveys of people visiting the Habitats sites on the Essex coast are therefore up to date and the best available. Natural England, as well as the LPAs and other key stakeholders are satisfied that they are acceptable to inform the mitigation strategy. It will therefore be used as a robust basis for identifying the mitigation measures necessary for this Strategy.
- 4.31 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 for the Dengie SPA & Ramsar. The total number of visitors completing questionnaires was below the number considered by Visit Britain guidelines to provide a comprehensive picture of recreational activities to draw them to this site (i.e. below 400). This is in addition to repeat visitor surveys throughout the lifetime of the Local Plan periods for all Habitats sites to ensure that the ZOIs remain fit-for-purpose, for example in the context of new development, infrastructure and advances in technology.

Identifying Zones of Influence (Zol) for Essex coast Habitats sites

- 4.32 Data from both the winter and summer visitor surveys has been used primarily to calculate the ZOIs for each Habitats site, and also to collate information on current recreational activities at Habitats sites and predict likely impacts from increased use by additional residents.
- 4.33 The consideration of mitigation needed at each Habitats site and assessment of need, based on site sensitivity and housing allocated within the ZOI will be included

in the mitigation section of this report.

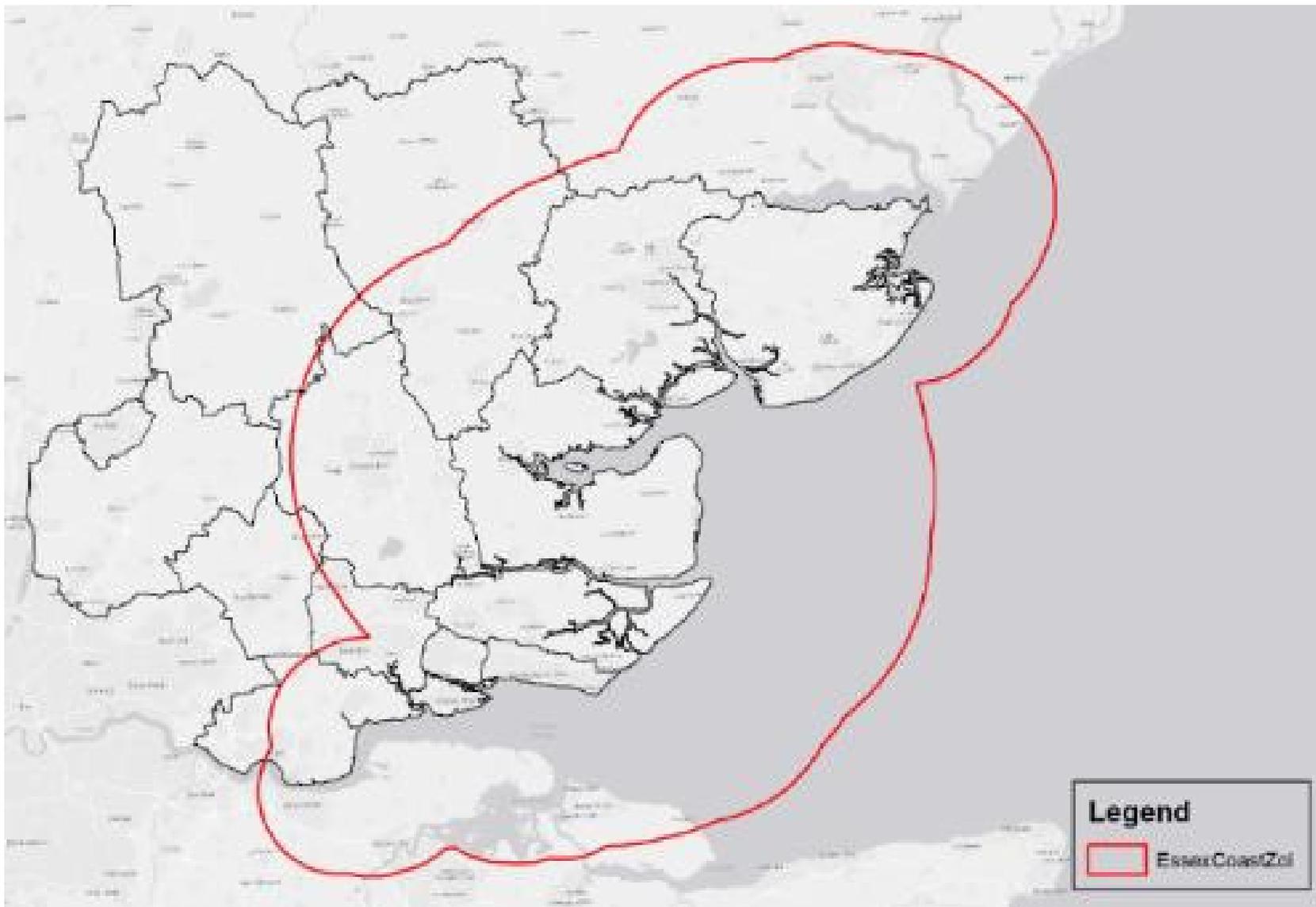
- 4.34 The results of the winter and summer visitor surveys provided substantial evidence relating to who uses the Habitats sites, where they travel from, how often they visit and why..
- 4.35 The data used to calculate the ZOIs defined in Table 4.4 has been refined to eliminate surveys where people were unlikely to cause disturbance to the coast. Although surveyors were placed in locations to capture the most potential disturbance in sensitive coastal areas, some sites had facilities that could be used for alternative recreational activities. For example, in the Dengie surveyors were located by St. Peters Chapel where some visitors were there solely for the use of the Chapel and were unlikely to cause recreational disturbance. Therefore an adjustment was made. Without refinement this would have increased the ZOI and affected the credibility of the data.
- 4.36 The ZOIs were calculated by ranking the distances travelled by visitors to the coast based on the home town postcode data they provided. Not all postcode data is used as this can skew the results. Instead the ZOIs are based on the 75th percentile of postcode data (i.e. the distance where the closest 75% of visitors come from) taken from the winter.
- 4.37 This method was used for a number of strategic mitigation schemes, including the emerging Suffolk Coast RAMS and is considered by Natural England to be best practice.
- 4.38 The ZOIs identify the distance within which new residents are likely to travel to the Essex coast Habitats sites for recreation. The ZOIs presented within this report will guide the requirement for residential developments to provide a financial contribution towards visitor management to mitigate for in-combination impacts on all the Habitats sites. Natural England have reviewed their IRZs, on MAGIC website on the basis of the overall Zoi because the data collected for this Strategy is the most comprehensive and up-to-date available.
- 4.39 ZOIs will be used to trigger developer contributions for delivery of mitigation measures for the Habitats sites. This will enable the delivery of mitigation measures to avoid impacts from increased recreational pressure.
- 4.40 Figure 4.4 below shows the overall ZOI for the Essex Coast RAMS to be used by each LPA to secure developer contributions for the Essex Coast RAMS package of measures. NB This excludes areas within the adjoining counties of Suffolk and Kent.

Table 4.4: ZOI calculations for Essex Coast Habitats sites

European designated site	Original ZOI (km) from Natural England's interim advice letter (Nov 2017)	Updated ZOI based on winter Essex Coast RAMS visitor surveys (RAW DATA)	Updated ZOI based on winter Essex Coast RAMS visitor surveys (REFINED DATA)	Updated ZOI based on summer Essex Coast RAMS visitor surveys (RAW DATA)	Updated ZOI based on summer Essex Coast RAMS visitor surveys (REFINED DATA)	Final ZOI (km)
Essex Estuaries SAC	24	-	-	-	-	.*
Hamford Water SAC, SPA and Ramsar	8	-	-	-	-	8
Stour and Orwell Estuaries SPA and Ramsar	13	-	-	-	-	13
Colne Estuary SPA and Ramsar	24	9.7	9.7	-	-	9.7
Blackwater Estuary SPA and Ramsar	8	14.2	14.2	22	22	22
Dengie SPA and Ramsar	13	27.3	20.8	-	-	20.8
Crouch and Roach Estuaries SPA and Ramsar	10	4.5	4.5	-	-	4.5
Foulness Estuary SPA and Ramsar	13	-	-	-	-	13
Benfleet and Southend Marshes SPA and Ramsar	10	4.1	4.1	4.9	4.3	4.3
Thames Estuary and Marshes SPA and Ramsar	10	8.1	8.1	-	-	8.1

*The Essex Estuaries comprise the Colne Estuary, Blackwater Estuary, Dengie, Crouch and Roach Estuaries and Foulness Estuary and so follow the respective ZOIs throughout.

Figure 4.2: Overall Zone of Influence (Zoi) for Essex Coast RAMS



5 Housing planned in the Zones of Influence

- 5.1 Tables 5.1 and figures 5.1 and 5.2 represent the amount of housing that is being planned for in each Local Plan. All LPAs are at different stages of the plan making process. Some figures will be based on Local Plan allocations, but where that is not possible LPAs have provided an informed estimate based on evidence from housing trajectory documents and past housing delivery rates.
- 5.2 The housing data goes up to 2038, which is the longest Plan period for a partner LPA. These housing numbers will be reviewed and, where necessary, updated over the lifetime of the strategy in accordance with LPA monitoring data, as part of the Essex Coast RAMS monitoring and review process.
- 5.3 The housing numbers supplied in Table 5.1 below are based on the quantity of net new dwellings that are expected to fall within the ZOI for the Essex Coast RAMS. Basildon, Braintree, Brentwood, Chelmsford, and Thurrock are all partially covered by the ZOI, and therefore only the numbers of homes that are expected to be built within the ZOI have been included in the figures in the tables below. All the other authorities are wholly covered by the ZOI. Estimated windfall is the amount expected for the length of the strategy.

Table 5.1: – Housing to be delivered in the Essex coast RAMS overall Zol

	Included in calculations for RAMS mitigation package for Local Plans							
		Phasing of dwellings from allocations within ZOI				A	A2	A3
Local planning authority	Estimated total windfall Nov 2017-2038	2017 - 2022/23	2023/24 - 2027/28	2028/29 - 2032/33	2033/34 - 2037/38	Total dwellings within ZOI	Of the total dwellings (column A), how many have been consented ?	Dwellings to include in the RAMS tariff = A-A2.
Basildon	686	2669	2625	3758	2133	11871	2431	9440
Braintree	582	3169	5269	3659	1300	13979	209	13770
Brentwood	41	0	0	0	0	41	0	41
Castle Point	300	1369	1867	886	470	4892	171	4721
Chelmsford	1222	2149	2969	2964	1672	10976	2205	8771
Colchester	315	1407	3266	3851	455	9294	150	9144
Maldon	300	1795	1421	130	0	3646	0	3646
Rochford	300	471	701	0	0	1472	150	1322
Southend-on-Sea	3843	2450	2073	193	0	8559	911	7648
Tendring	1195	185	1384	1545	4568	8877	448	8429
Thurrock	375	3500	2100	0	0	5975	0	5975
Total	9159	19164	23675	16986	10598	79582	6504	72907

Figure 5.1: North Essex - distribution of housing allocations and numbers of units

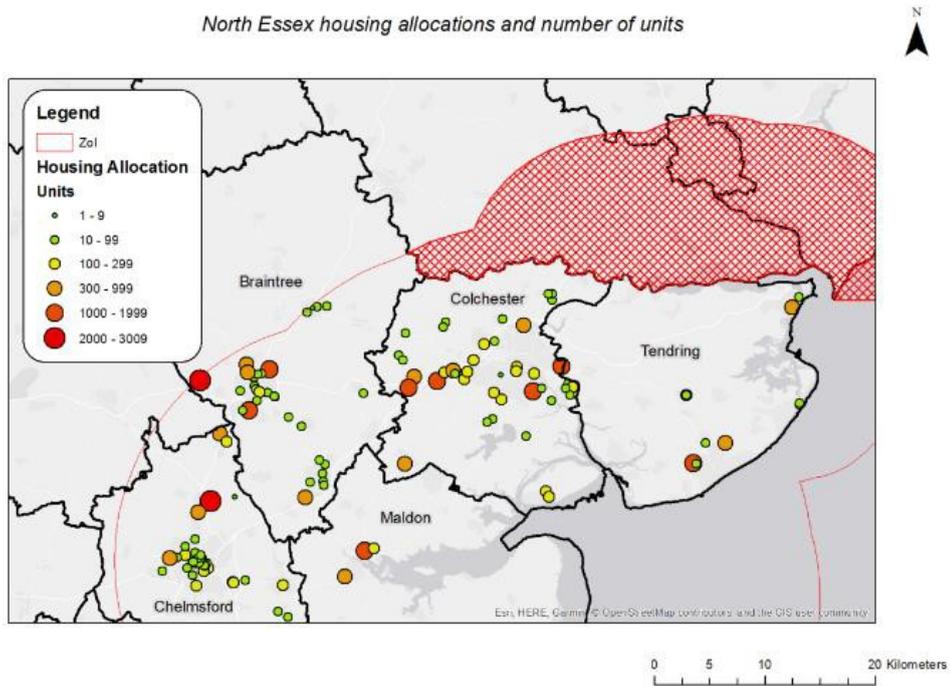
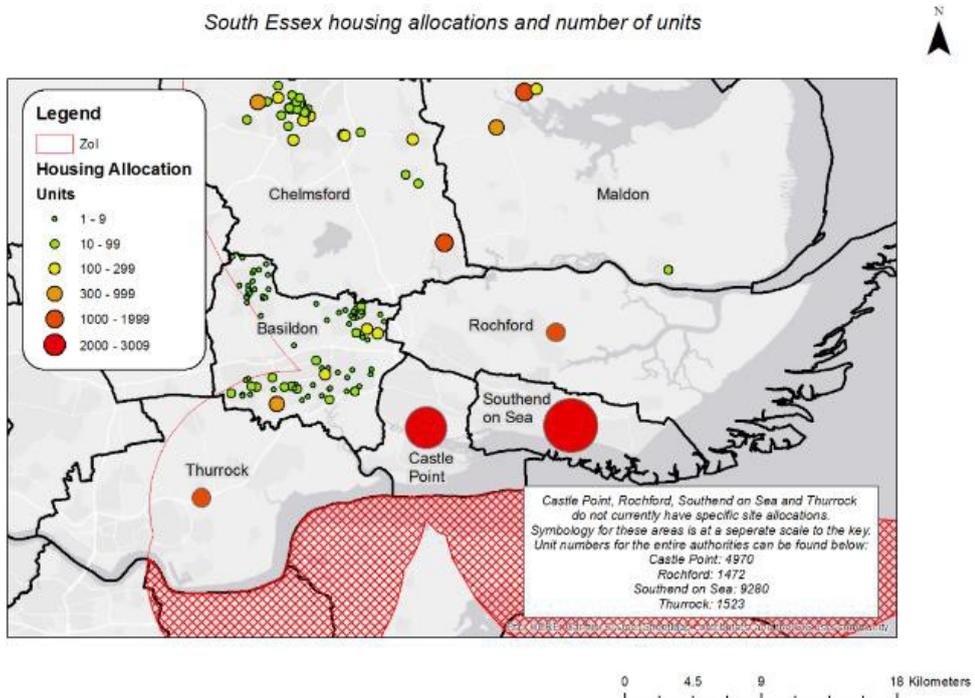


Figure 5.2: South Essex - distribution of housing allocations and numbers of units (NB Castle Point and Southend have a single dot instead of sites)



6 Exploring mitigation options

- 6.1 Two initial workshops were held for key stakeholders in February and March 2018 to gather local and specialised knowledge from organisations and individuals on the following:
- The locations of visitors at the coast and the recreational activity currently taking place;
 - Current recreational disturbance problems; and
 - Current mitigation measures in place.
- 6.2 A follow-up workshop held with key stakeholders in June provided an opportunity to capture the mitigation measures considered as most effective to avoid the impacts likely to result from increased recreational pressure on the Essex coast on Habitats sites in the future.
- 6.3 For each Habitats site, stakeholder input has helped to identify current issues of recreational disturbance which have provided a focus for and will help prioritise measures in the Essex Coast RAMS. The results of the workshop are summarised in the tables below and full details of the workshops is in Appendix 7.
- 6.4 It was explained to workshop attendees that the Essex Coast RAMS funds are targeted at non-infrastructure measures which are needed for in-combination effects from the overall quantum of residential development.
- 6.5 The provision of Suitable Accessible Natural Greenspaces (SANGs) (see Section 3.3) are not within the scope of the Essex Coast RAMS, since this provision is required to deal with impacts from an individual development scheme (i.e. identified by the project level HRA for that scheme). Furthermore, SANGs would have to be funded by the Community Infrastructure Levy, rather than the use of Section 106 (s106) Planning Obligations/agreements. Since no more than five s106 agreements may currently be pooled to contribute to infrastructure projects it will be up to the Project Board to determine whether any of these are a priority or if pooling restrictions are amended, it will however be important for LPAs involved with SANG provision to liaise closely with the Essex Coast RAMS Rangers to deliver the same messages to avoid recreational disturbance.
- 6.6 LPAs could decide to identify SANG(s) to be provided through separate funding streams (CIL) or enhancements such as the Local Growth Fund and Local Enterprise Partnership, where appropriate. Examples discussed by the Steering Group include:
- expand Belhus and/or Hadleigh Castle Country Parks

- upgrade other open space areas near the coast to attract visitors away from the beach areas
- provide a new Country Park/open space facility to the northeast of Southend as identified in the adopted Southend-on-Sea Core Strategy.

6.7 The information gained from the workshops has been summarised in the following tables as well as in Figures 6.1 and 6.2. They show the current recreational disturbance by increased visitor access, existing mitigation in place and identification of any gaps in mitigation which could be considered to be part of the Essex Coast RAMS.

Figure 6.1: Types of recreational disturbance reported at the Essex Coast RAMS workshops

Sources of disturbance on the Essex Coast

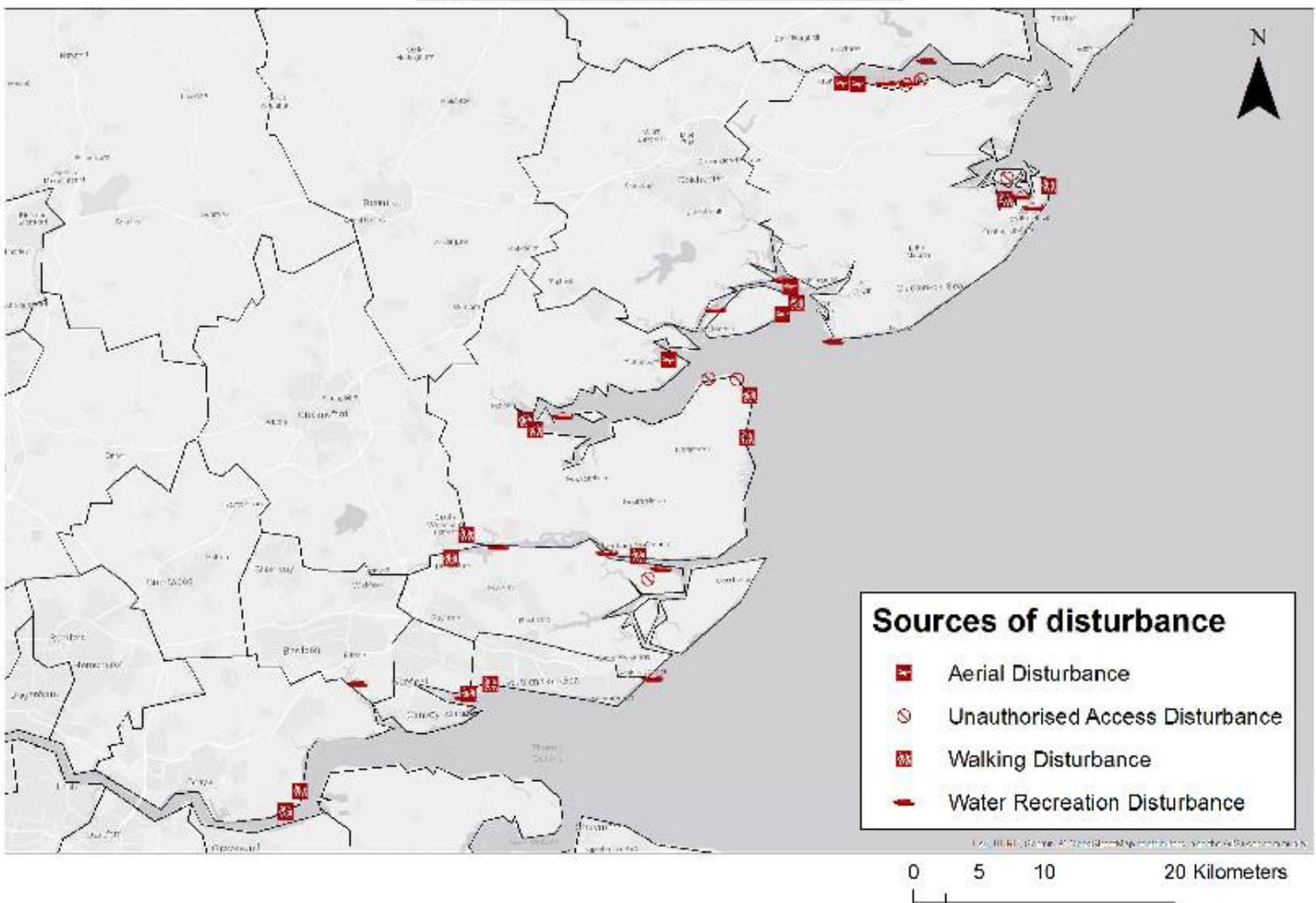


Figure 6.2: Key mitigation options identified at the Essex Coast RAMS workshops

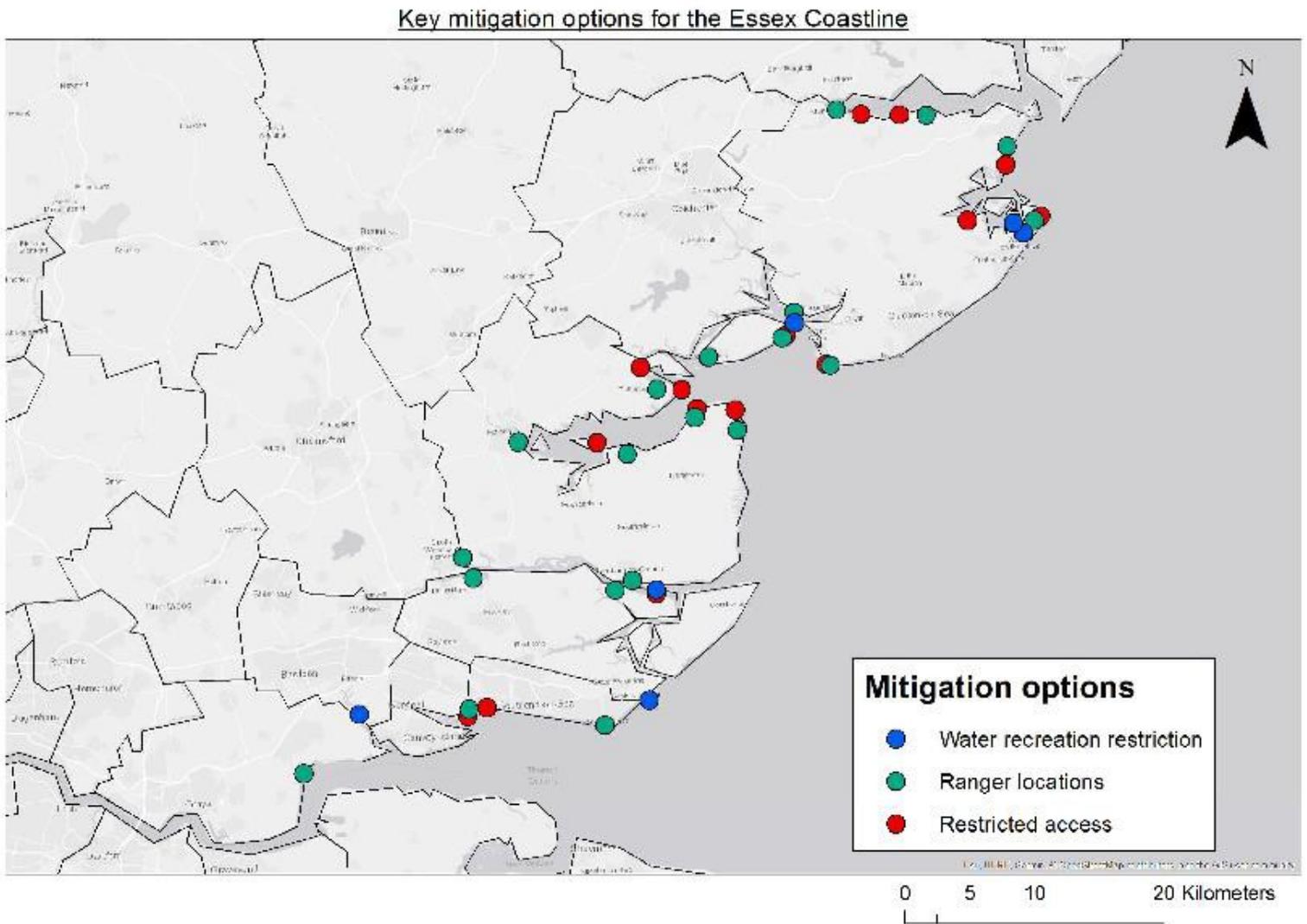


Table 6.1: Potential for disturbance to birds in Stour Estuary (Essex side only)

Stour Estuary SPA and Ramsar (Essex side only)		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - Average percentage from WeBS for southern sectors is relatively low suggesting relatively even distribution of birds across southern part of estuary. - Relatively few roost sites mapped suggest that those mapped may hold large numbers of birds. - Percentage of mudflat within 60m of the shore are mostly quite low, though WeBS sector at Mistley relatively high suggesting shoreline access here has potential to affect a high proportion of open mud feeding areas. - Shoreline near Manningtree and Harwich has high levels of local housing suggesting access levels could be potentially high at access points creating hotspots for recreation. One WeBS section with high housing near Harwich is identified as not having easy access to the estuary. - Paths all along southern shore but high path densities around eastern and western ends, suggesting more current access around Harwich and Manningtree. Relatively few car-parks mapped. 	<ul style="list-style-type: none"> - There is a visual screening and a bird hide on the southern shore of the estuary at RSPB Stour Wood. This ensures that an area looks more important for overwintering birds, with the aim of creating a better public attitude on how the area is used. - Oyster shell recharge projects are being undertaken to help create habitats for Little Terns - The Stour estuary has few access points to the Habitats site on the Essex side. Main points include Mistley Walls, Bradfield foreshore, Wrabness foreshore from Stone Lane and RSPB Stour Wood, Essex Coast Ramsey. - EWT manage the Wrabness nature reserve with a volunteer on site visual screening. However walkers use seawall which is not PROW from Wall Lane towards Bradfield and a lot of signage on site for visitors - EWT also manage some of the Wrabness Marsh fields which are adjacent to the Nature Reserve; these have no access and have been improved with scrapes and bunds to retain more water on site. There is a hide and the marsh fields under EWT management which will be extended following a purchase of additional land. - To the north of Harwich international port and Parkeston the estuary is relatively inaccessible due to the lack of PROW and the private ownership of the port. - At the RSPB Stour Estuary reserve there is already a ban on dogs for parts of the site, rangers, screening and hides. 	<ul style="list-style-type: none"> - Recreational disturbance is focused in the Manningtree and Mistley area. Although the shoreline near Harwich is within a short distance of housing, there is limited access due to a lack of PROW and private ownership of the port. - Essex coast RAMS measures should tie in with Suffolk Coast RAMS measures for this estuary, particularly at the western end near Cattawade Marshes and a high tide roost on the Brantham side which is relatively close to the Essex shoreline. - Drone activity and paramotors over SSSI/SPA – witnessed at Manningtree and Mistley Walls - Kayakers accessing saltmarsh at inappropriate times, e.g. close to high tide roosts - Increased mid-estuary mooring - Water skiing is common in Holbrook Bay and speed limits are not kept to in Jacques Bay. This should be enforced to reduce disturbance. - Saltmarsh is driven over and trampled at Jacques Bay (accessed via Shove Lane, Bradfield): possible reduction in access to avoid habitat erosion. - Unauthorised access along sea wall in front of screen at Wrabness NR (not on PROW) should be managed; this could be through better screening or wardening to encourage use of PROW through Wrabness NR. - There are bait diggers at Jacques Bay which should be made seasonal and have location restrictions. - Pedestrian access from at Wall Lane, Wrabness (no car park) along PROW on landward edge of saltmarsh to high tide roosts can cause disturbance as well as recreational water craft particularly kayakers and paddle boarders. Access and locations of activities should be restricted in conjunction with local landowners.

Table 6.2: Potential for disturbance of birds in Hamford Water

Hamford Water SAC, SPA and Ramsar		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - Garnham Island and Horsey Island have highest average percentage values from WeBS for Hamford Water, suggesting these areas are particularly important - Large and important gull colonies - Breeding Little Tern and Ringed Plover at a range of beaches around the site - Percentage of mudflat within 60m of the shore for WeBS sectors near Walton and Great Oakley relatively high, suggesting shoreline access in these areas has potential to affect a high proportion of open mud feeding areas - Weighted housing values are mostly relatively low compared to other sites, suggesting few local residents - Some of the shoreline near the south-east of the site is identified as having no access and also has some higher values for local housing, suggesting high numbers of local residents within 'visiting' range - Western side (opposite Garnham) appears to have relatively little or no access and little path infrastructure and is likely to be relatively undisturbed - Limited path network and parking 	<ul style="list-style-type: none"> - Bramble Island has no access and is a quiet area as it is known as an area that is sensitive to wintering and breeding birds - Much of the site is inaccessible but the impact of the England Coast Path (ECP) is difficult to assess at this stage - Low risk to grassland habitat due to its wide nature and known location - Skippers Island has regular visits by a volunteer warden who speaks to visitors - Skippers Island has no landing signage on site - At EWT John Weston reserve there is very little recreation disturbance as 50% of the site has restricted access. However this has led to dog walkers and public users using the other half of the site and has made it worse. This is now being promoted as a safe, dog exercise area - Voluntary regulated speed limits are in place for boats to avoid disturbance to wildlife 	<ul style="list-style-type: none"> - Breeding Little Tern and Ringed Plover nest at a range of beaches and Garnham & Horsey Islands have the highest average WeBS value for the SPA so are important to protect waders and wildfowl from disturbance - Some of the key threats to SPA birds are sailing and jet skiing out of Titchmarsh marina and Walton Yacht Club - The location of the grassland habitat close to the southern PROW is susceptible to trampling and nutrient enrichment. Walking on the saltmarsh is also disturbing birds on the south easterly side of Hamford Water - At John Weston Essex Wildlife Trust reserve dog walkers and public use the accessible half of the site and has made it worse, this is now being promoted as a safe, dog exercise area - Enforcement on unauthorised quadbikes and motorbikes is needed - If a permissive bridle path was created at the western side of Hamford Water, this would draw horses away from the seawalls and give landowners income stream through stabling and grazing - Create shorter circular paths off coastal path with particular access from car parks. A main car park on public open space away from The Naze may encourage people to walk their dogs there instead of sensitive areas - Promote alternative sites for wind surfers and canoeists away from The Naze such as St. Osyth Lake/Jaywick/end of Clacton beach - The Naze would benefit from seasonal access rather than all year round day access

Table 6.3: Potential for disturbance to birds and mitigation options in Colne Estuary (including Essex Estuaries SAC)

Colne Estuary SPA and Ramsar (including Essex Estuaries SAC)		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - All average percentage values from WeBS are relatively low; creeks around Mersea Island have highest average values for the site - Percentage of mudflat within 60m of the shore values are moderate, suggesting a relatively high proportion of mudflat is close to shoreline areas - MOD land at Fringringhoe holds range of breeding bird species including Marsh Harrier and Pochard - Weighted housing is highest around Brightlingsea, otherwise relatively low levels of housing nearby and sections of shore identified as having no access - Areas around Brightlingsea and St. Osyth with high density of paths; Fringringhoe Ranges and Eastmarsh Point currently appear to have no access - Path network (and parking) focused around Brightlingsea, St Osyth and towards Clacton - Western shoreline and to some extent northern parts with little or no paths (including large area owned by MOD). - Very few slip ways and potentially limited access to water for those with boats - Development at Robinson Road will impact site 	<ul style="list-style-type: none"> - Natural England and EWT manage many of the key areas - The Colne Point is wardened and as such is likely to be resilient to increased visitor impacts although this provides a good opportunity for engagement with visitors. The Brightlingsea Marsh part of the site is only accessible by permit holders - Western edge of the Colne channel is sensitive to disturbance but this is on MOD land where access is difficult - St Osyth Stone Point and Brightlingsea Creek is another area where potential conflict could take place, however these areas are relatively remote - Conflict between water birds and water sports is also recognised on this SPA - Paramotors at Cudmore Grove – Natural England have held a meeting with Mersea Paramotors Club to discuss code of conduct - Ray Island has no landing signs which have proven ineffective. More recently new no access signs, a new gate and fence have been implemented onto the landward access through Bonner Saltings - EWT Fringringhoe Wick Nature Reserve has a no landing sign on Raised Beach which is very effective as well as a warden. Fringringhoe Wick Nature Reserve extension area has no landing signs on the sea wall and outside the wall by the saltmarsh; this reserve also has a warden - EWT Fringringhoe Wick Nature Reserve, Geedon Bay and Saltmarsh belonging to MOD have multiple no landing and keep off signs and a warden - Colne River between Tide Barrier and Point where Alresford Creek joins the Colne Estuary has a warden 	<ul style="list-style-type: none"> - Housing within easy reach of access points is highest around Brightlingsea and St Osyth and this area has a high density of PROW so this is a key area for Essex Coast RAMS ranger patrols - Another key location for mitigation is Mersea and Cudmore Grove Country Park in particular. Strandline/sand/shingle vegetation along the south side of Mersea and Cudmore Grove is currently being damaged by trampling and fires; mitigation is required to reduce impact. Current access levels at Cudmore Grove already cause some damage to vegetation and reduce breeding success for ringed plover. Access to the foreshore at Cudmore Grove at ebb tide causes disturbance to feeding waders - Powered hang gliders currently take off from a field in Mersea which affects a large area, these occasionally fly low and fly over the Colne and Blackwater SPAs. Paramotors have also caused disturbance at Cudmore Grove and it will be important to work with Mersea Paramotors Club - Jet skis and canoes disturbing wader high tide roosts in main channel of the Colne Estuary and Strood Channel. Water based recreation of Strood Channel in summer can also impact on breeding Little Terns - Breeding Ringed Plover and potentially Little Tern are heavily disturbed by the passenger ferry route from Mersea to Brightlingsea - Colne Point is by far the most important area for sand/shingle vegetation and breeding Ringed Plover so should be protected. Saltmarsh is vulnerable to increased visitor pressure at the EWT and National Nature Reserve (NNR) - Natwurst beach - dune vegetation badly damaged in places and may benefit from fencing - The popular beach by Point Clear commonly has kiteboarding which is disturbing terns and ringed plovers - Habitat creation could be used to move roosting birds away from the shoreline - As this SAC is designated for estuary and shoreline habitats eg mudflats, saltmarsh & sandbanks that support SPA birds, the measures specific to this Habitats site are to avoid trampling and degradation by promoting visitor behaviour including codes of conduct

Tables 6.4: Potential for disturbance to birds and mitigation options in the Dengie

Dengie SPA and Ramsar		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - All WeBS sectors with relatively high average percentages suggesting relatively high importance across site - All WeBS sectors with relatively low percentage of mudflat within 60m of the shore, suggesting open mudflat is mostly away from shoreline areas. - Weighted housing densities are all low - Very little existing paths - No parking identified - No infrastructure providing access to water for boats 	<ul style="list-style-type: none"> - This is not a managed access restriction but as the south-east area of Dengie has poor access it means that it is only occasionally used. 	<ul style="list-style-type: none"> - Canoeists disturb high tide roosts on the River Blackwater although there is no infrastructure providing access to water for boats - There is often illegal off-roading of motorcycles and quadbikes on the seawalls and saltmarsh beach by Bradwell PowerStation - The north east Dengie area is too disturbed for high tide roosts although the open mudflat is mostly away from the shoreline and weighted housing densities are all low for this SPA - Othona Community and St Peters Church area is known to have walkers cross the saltmarshes in all directions. This should be an issue for the ECP to mitigate and Essex Coast RAMS Rangers to explain when they are in this area

Table 6.5: Potential for disturbance to birds and mitigation options in Blackwater Estuary

Blackwater Estuary SPA and Ramsar		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - RSPB Old Hall Marshes shown to be particularly important from average WeBS values - Gull colony and breeding Ringed Plovers on Peewit Island - Important concentration of breeding birds around Old Hall Marshes - Sectors near Maldon coast, Mayland and St Lawrence have relatively high percentages of mudflat within 60m of the shore, indicating access in these areas has potential to affect higher proportion of open mudflat - Weighted housing values are high around Maldon suggesting higher levels of access here - Path network shows some sections of shoreline with high path density, suggesting much access. Other areas, such as large section of northern shore have just single routes along shoreline - Parking concentrated at western end of estuary near Maldon 	<ul style="list-style-type: none"> - RSPB Old Hall Marshes has a Little Tern colony and has a managed restricted access by boat in the summer - Despite efforts made to gather stakeholder information at workshops and follow-up questionnaires, there are fewer existing measures identified for some SPA sites. It will therefore be important for the Essex Coast RAMS rangers to ensure local stakeholders can add to these lists, and any additional measures and their efficiency are understood before trialling new ones 	<ul style="list-style-type: none"> - Boat landing at Old Hall point (breeding little terns) needs mitigation - Kite surfing and Para hang-gliding are a problem on the wider parts of the estuary and paramotors have caused disturbance at Tollesbury - Dog walking causes disturbance to Little Terns - Weighted housing values are high around Maldon and parking is concentrated in this locality so will be a key area for Essex Coast RAMS ranger patrols - Mayland & St Lawrence also have relatively high percentages of mudflat within 60m of the shore indicating these areas could be subject to disturbance from access - Maldon District Council jet-ski patrols should be supported - Work with Natural England to Keep National Trust Northey Island free of England Coast Path spreading room (access to foreshore) - Goldhanger had a former Little Tern colony - East Osea is a very popular picnic area which is un-authorised - Keep shingle spit free from public access at Tollesbury Wick - Stationary electronic people counters have been used by Essex County Council (Highways) to determine visitor numbers to areas in Essex which will be useful for monitoring the strategy and its effectiveness

Table 6.6: Potential for disturbance to birds and mitigation options in Crouch and Roach Estuaries

Crouch and Roach Estuaries SPA and Ramsar		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - Central part of site has highest average WeBS values - WeBS sectors around Wallasea have relatively high percentage of mudflat within 60m of the shore, indicating access in these areas has potential to affect higher proportion of open mudflat. Creeks here are relatively narrow - High weighted housing values for South Woodham Ferrers, Hullbridge and around Burnham on Crouch, suggesting access levels higher in these areas - Areas near Brandy Hole and Bridgemarsh Island likely to be currently relatively undisturbed - Path network variable, with some areas with high density of paths (suggesting good current access provision and use), particularly around the settlements and for much of shoreline continuous routes. Some parts of north shore seem to have limited or little paths - Wide range of parking locations scattered around the estuary 	<ul style="list-style-type: none"> - Essex County Council parks such as Fenn Washland and Chelmsford City Council's Saltcoats Park are alleviating pressures on Habitats Sites as they provide good facilities such as dog walking, car parking, play and sports facilities. - EWT manages Blue House Farm - There is signage on the sea walls and Public Rights of Way (PROW). - RSPB Wallasea Island Nature Reserve (Allfleets Marsh is soon to be a designated SPA) 	<ul style="list-style-type: none"> - Although there is a wide range of parking opportunities around the estuaries, high weighted housing values for South Woodham Ferrers, Hullbridge and Burnham on Crouch suggest access levels are highest in these areas. These should be key patrol areas for Essex Coast RAMS rangers. - Dogs off lead require mitigation and maybe free leads being available from Essex Coast RAMS rangers - Trespass - regular occurrences of public access to private areas of the RSPB Wallasea reserve - generally on foot, but recently on motorcycles - Unauthorised boat activity – entering Allfleets Marsh to fish (which is the northern section of the island where the first seawall breaches took place) - Unauthorised fishing off the old seawalls on Allfleets Marsh - “Recreational” use of high speed watercraft including unauthorised temporary mooring to the conveyor pontoon in both the Crouch and Roach estuaries - Drone flying in this area causes disturbance to SPA birds & needs code of conduct for clubs - Better signage to minimise cycling on the seawall as it's a public footpath) - Use the Southend Council foreshore officers to enforce byelaws and speed limits for water sports such as jet-skis

Table 6.7: Potential for disturbance to birds and mitigation options in Foulness

Foulness SPA and Ramsar		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - Central part of site has highest average WeBS values - WeBS sectors around Wallasea have relatively high percentage of mudflat within 60m of the shore, indicating access in these areas has potential to affect higher proportion of open mudflat. Creeks here are relatively narrow - High weighted housing values for South Woodham Ferrers, Hullbridge and around Burnham on Crouch, suggesting access levels higher in these areas - Areas near Brandy Hole and Bridgemarsh Island likely to be currently relatively undisturbed - Path network variable, with some areas with high density of paths (suggesting good current access provision and use), particularly around the settlements and for much of shoreline continuous routes. Some parts of north shore seem to have limited or little paths 	<ul style="list-style-type: none"> - This site is under MoD management and heavily restricted access or no public access at all - This site has 31 SSSI units that are unaffected by recreational pressure 	<ul style="list-style-type: none"> - Currently there is access for jet-skis in the north of Shoebury which causes disturbance and possible restrictions should be considered

Table 6.8: Potential for disturbance to birds and mitigation options in Benfleet and Southend Marshes

Benfleet and Southend Marshes SPA and Ramsar		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - North side of Canvey Island has highest average WeBS values - No data on the distribution of roost sites - WeBS sectors tend to have relatively low values for percentage of mudflat within 60m of shore, reflecting expansive areas of intertidal. - Weighted housing values all high, particularly around north side of Canvey, suggesting these areas have high levels of current access - Very high path density around most of shoreline particularly at Southend which experiences over 7 million day visitors a year to its tourist facilities centred on the coast which displaces local residents - Car-parking relatively evenly spread around shore 	<ul style="list-style-type: none"> - Signage at various locations along the length of the foreshore about the different types of birds and habitats raising awareness - Southend Council dog controls are in force in the summer months preventing dogs from entering the beach areas from 1st May to 30th September - Bait diggers are a common sight on the foreshore and their activities are controlled by local bye-laws. They can be seen travelling quite a way out from the shore - Significant water recreation takes place along the foreshore including sailing (5 clubs, jet skiing and rowing). Bye-laws are available to control accessibility to the foreshore and jet-ski use - EWT lease the nature reserves at Two Tree Island and Gunners Park from Southend-on-Sea BC and manage these areas 	<ul style="list-style-type: none"> - Two Tree Island has been highlighted as key area of habitat disturbance for breeding birds (eastern saltmarsh, island and eastern lagoons). Two Tree Island is subject to a wildfowling shooting agreement made in the 1950s. The agreement was made in perpetuity - The foreshore is accessible (with the exception of Gunners park) for its entire length and is regularly visited by residents and tourists. In the summer months the area experiences significantly high volumes of visitors with residents tending to be dispersed to the west which impacts on the SPA features and east foreshore which is also sensitive to disturbance in winter, Thameslink pathway near Two Tree Island is heavily used (Two Tree to Hadleigh Loop) - Leigh Cackle Sheds provide access to mudflats – people take their dogs which causes degradation of the habitat which impacts birds over the winter - Foreshore Officers have been significantly reduced in recent years. This and a lack of enforcement powers to implement by-laws and codes of conduct is resulting in some habitat degradation. On busy days in the summer, Foreshore officers are focused in central Southend to the detriment of other sensitive areas. Southend BC is working with Natural England to identify a solution - Delivering the sustainable links between Southend-on-Sea and Rochford as set out in the urban habitats strategy would provide relief to the coastal areas - Motorbiking, horse riding and trespassing for fishing in this SPA are activities which require mitigation

Table 6.9: Potential for disturbance to birds and mitigation options in Thames Estuary & Marshes (Essex side only)

Thames Estuary & Marshes SPA and Ramsar (Essex side only)		
Potential for disturbance of birds by increased visitor access	Access management and monitoring measures currently in place	Discussion of mitigation options
<ul style="list-style-type: none"> - No variation in average WeBS values and all moderately high - WeBS sector near Thurrock has high percentage of mudflat within 60m of the shore, suggesting little mudflat is away from shoreline areas - No data on the distribution of roost sites - Little variation in weighted housing and all currently moderate - Relatively low path density for whole area - Limited parking 	<ul style="list-style-type: none"> - Thameside Nature Park (Essex Wildlife Trust) is set to expand – this park has rangers and opening / closing times to the car park restricting access - East Tilbury Quarry is anticipated to restore provide recreational facilities/areas away from the coast 	<ul style="list-style-type: none"> - Thameside Nature Park run by EWT will be a key location for the Essex Coast RAMS rangers to complement the existing resource - Restoration of East Tilbury Quarry is anticipated to provide recreational facilities away from the coast - Unauthorised activities involving motorbikes, horse riding and trespassing for fishing are problems which will require input to resolve - Holehaven Creek is proposed as an extension to this SPA so may be a focus for the Essex Coast RAMS rangers to visit - There is little mudflat away from the shoreline in this WeBS sector and jet skis from Wat Tyler Park using this part of the coast are a problem. This issue could benefit from better signage and working with this supplier and clubs in the wider area

The Mitigation Report

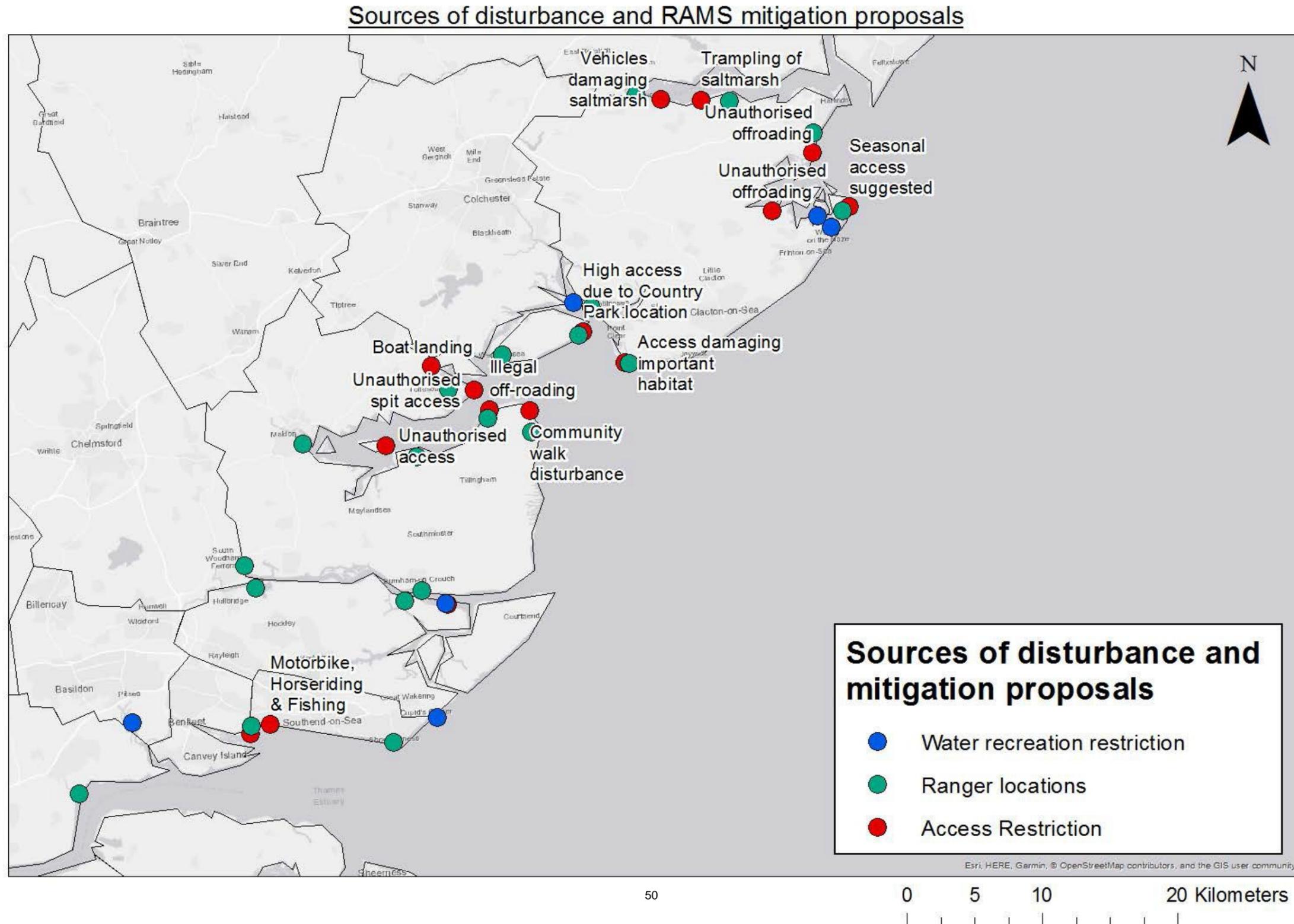
7 Overview of Essex coast RAMS mitigation options

- 7.1 This report has used the evidence gathered in the Technical report (sections 4- 6) to identify the package of effective measures considered necessary to avoid and mitigate the impacts of recreational disturbance from planned residential growth over the next 20 years in each participating LPA area. It is not designed to mitigate or reduce the current level of recreational disturbance in the Essex coastal sites although the measures identified for delivery will promote good visitor behaviour, which will have a positive impact where there are existing problems.
- 7.2 This chapter contains sections that address the following parts of the brief:
- a) effective mitigation measures;
 - b) when the mitigation measures are required;
 - c) where the mitigation is required;
 - d) how mitigation relates to development;
 - e) how mitigation measures will be funded;
 - f) How the mitigation will be implemented;
 - g) how the success of the mitigation measures will be monitored; and
 - h) how best to incorporate monitoring data and other information and best practice into future reviews of the strategy and Local Plans.

Recommended measures to avoid impacts from planned residential growth in Essex

7.3 The key measures proposed in the mitigation package are shown in Figure 7.1 below:

Figure 7.1 Sources of disturbance and Essex Coast RAMS mitigation proposals



- 7.4 The geographical distribution of recommended mitigation measures shown on Figure 7.1 indicate key locations where resources should be focussed. However it is possible that during the winter, one ranger would ideally be dedicated to one or two Habitats sites when disturbance of over-wintering birds is likely, where additional new housing delivery numbers are greatest in this part of the Essex Coast RAMS Zone of Influence. Ranger visits in the winter months will be focussed on key locations to counter problems e.g. associated with bait digging, oyster pickers and dog walkers allowed on to the beaches at Southend during these months.
- 7.5 In the summer months (May to September), Ranger efforts should be dedicated to locations within Habitats sites where trampling of sensitive habitats and SPA breeding birds in the spring & summer months are the focus e.g. Blackwater Estuary SPA, Benfleet & Southend Marshes SPA, Essex Estuaries & Hamford Water SACs. Clearly, the prioritisation of the implementation of these measures will need to consider which measures will achieve the greatest impact, the cost of the measures and the amount of funds available in the Essex Coast RAMS budget and the complexity of projects, for example some may require long term planning and feasibility work.
- 7.6 The package of mitigation measures, some coast-wide and others specific to an individual Habitats site, will need to be implemented “in perpetuity” although the costs are limited to the lifetime of the Local Plans 2018-2038. The term “in perpetuity” has a legal definition of 125 years (The Perpetuities and Accumulations Act 2009) and it has been accepted in strategic mitigation schemes for European sites such as those in place for the [Thames Basin Heaths](#) and [Dorset heathlands](#). Existing RAMS partnerships elsewhere in England invest some of the developer contributions to ensure that mitigation for impacts from residential development can be delivered for the Local Plan periods without the need for successive funding. BirdAware Solent currently invest 40% of all such contributions. After the current Strategy lifetime, future timetables will need to be prepared based on reviews of the Strategy itself and its evidence base.
- 7.7 The interventions for the Essex Coast RAMS Rangers are broadly categorised as education, communication and habitats based and are listed in Table 7.1 Essex Coast RAMS toolkit. Education and communications is discussed in sections 7.8 – 7.14. Partnership working, monitoring and review will be essential tasks for the partner LPAs

Table 7.1 – The Essex coast RAMS toolkit

Action area	Examples
Education and communication	
Provision of information and awareness raising	<p>This could include:</p> <ul style="list-style-type: none"> • Information on the sensitive wildlife and 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 etc and local businesses.
Habitat based measures	
Fencing/waymarking/screening	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
Cycle access	Promote appropriate routes for cyclists to avoid disturbance at key locations
Vehicular access and car parking	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	Saltmarsh recharge, regulated tidal exchange and artificial islands may fit with Environment Agency Shoreline Management Plans
Partnership working	Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.
Monitoring and review	Birds and visitor surveys with review of effectiveness of measures with new ideas to keep visitors wanting to engage

Education and communication

- 7.8 A cost-effective approach which has been successfully implemented in North Kent and the Solent, is to develop a brand and use positive and clearly understandable message to engage with visitors. This positive and comprehensible approach is more engaging than an explanation of the Essex Coast RAMS and the intricacies of planning and conservation law. The latter would be provided on the website for interested parties.
- 7.9 The Solent partnership uses “Bird Aware” and North Kent uses “Bird Wise”, which is based upon the Bird Aware model. The use of the ‘Bird Aware’ brand for Essex Coast RAMS would not mean that the entire focus of the Essex Coast RAMS was on SPA birds as designated habitat features must be protected in their own right through the Essex Coast RAMS and these would not be forgotten about if this branding was used.
- 7.10 The Solent Coast RAMS project now offers a portal for information and partners under the Bird Aware brand which has a ready-made communication package including an established website - www.birdaware.org . This would be available for the Essex coast RAMS team to purchase and would include a bespoke Bird Aware Essex Coast webpage and an initial print run of Essex Coast with leaflets containing relevant local photos. A strategic approach / campaign is usually most effective where an easily understandable, clear, persuasive and memorable message/brand is presented to the target audience at the point of contact (recreational users of the sites in this case). For example, the RSPB have built an easily recognisable and well respected brand and, although their key focus is on protecting birds, their educational materials etc. advocate the conservation of other species and habitats too which improves people’s awareness of these as well. With this in mind, we just need to be mindful that the educational materials, ranger interactions with the public etc. should cover wider coastal habitat protection as well as birds.
- 7.11 Using a brand would complement the use of the Essex Coast RAMS rangers and the provision of rangers was a measure that was commonly cited in the Essex Coast RAMS workshops as being very effective. This face-to-face engagement with visitors is the main feature of other mitigation schemes such as the Solent (Bird Aware partnership), in the [Thames Basin Heaths](#) and [Dorset heathlands](#). Encouraging people to avoid disturbance of roosting and /or feeding wildfowl and waders has been identified as one of the most effective mitigation measures by wardens of Habitats sites.
- 7.12 The RAMS Rangers will form a small mobile team that spend the majority of their time outside at the coastal sites, educating and communicating with visitors, influencing how visitors behave and showing people wildlife. The advantage of such an approach is that the staff can focus their time at particular priority sites/locations as required, such as those with the best visitor access and those likely to result in disturbance of key roosts (see Figures 4.1 and 4.2).
- 7.13 The roles of the Essex Coast RAMS team as allocated by the RAMS Delivery co-ordinator would also include helping with the delivery of site-specific and local projects and monitoring of

visitors. As the Strategy is rolled out, the work of the Rangers will change to include publicity, events, monitoring, reporting and working on some of the longer-term measures.

- 7.14 Apart from the 20 identified key roosts and feeding areas, for Ranger visits across the Essex Coast RAMS area, other less sensitive sites will require additional visits. Locations identified should also include those with high visitor numbers regardless of risk to Habitats site features. Based on information provided by Bird Aware Solent Rangers, key locations should receive weekly visits as High Risk sites for recreational disturbance, whilst other locations should be categorised as Medium (with monthly visits scheduled) or Low (seasonal visits required). This frequency of visits to specific sites within each Ranger's geographical work area is aimed at maximising public engagement at the appropriate time of year which may be year-round in some locations. Rangers should aim to visit 2 sites each day on 3 days/week to allow for other work commitments. This calculation supports the inclusion of three Essex Coast RAMS Rangers within the mitigation package and any additional seasonal rangers will need to be assessed based on developer contributions collected and priorities for mitigation in any specific areas.
- 7.15 Rangers could also carry out further visitor surveys over the lifetime of the Essex Coast RAMS to provide updated baseline for ZOIs as part of the monitoring programme. This would ideally be prioritised as follows:
- Summer visitor surveys at all sites as the Ramsar sites and Essex Estuaries SAC include habitat features sensitive to recreational pressure at all times of the year, especially from water-based recreation. The ZOI should then be calculated from the combined dataset from summer visitors as well as over winter too.
 - Winter and summer visitor surveys at Hamford Water as these had been covered as part of Colchester, Braintree & Tendring visitor survey programme 2013-15.
 - Winter visitor surveys at the Stour Estuary as these were covered as part of Colchester, Braintree & Tendring visitor survey programme 2013-15.
 - Winter and/or summer visitor surveys for those sites which were surveyed as part of the Essex Coast RAMS programme but which had a dataset lower than 400 as per the Visit Britain guidelines.

Coordination of the Essex Coast RAMS

- 7.16 Delivering the Essex Coast RAMS will require the appointment of a delivery co-ordinator to overseeing the implementation of the different themes. This officer would report to a Project board. Options for governance of the Strategy implementation are to be dealt with in a separate report.

- 7.17 The delivery co-ordinator would act as the main contact point for the Essex Coast RAMS and report to the project board and Steering Group and other liaison as directed by the Governance report and relevant Terms of Reference.
- 7.18 The Essex Coast RAMS rangers would report to the Essex Coast RAMS Delivery co-ordinator and work with existing teams towards similar ends on the Essex coast. This could include the Coastal Guardians trained by Essex Wildlife. These volunteers promote visitor awareness by talks and the management of signage. The details will be finalised when the Essex Coast RAMS governance has been agreed with the partners.
- 7.19 The delivery co-ordinator will need to ensure that the Strategy complements other work to protect Habitats sites e.g. England Coast Path (Natural England), other projects delivered by stakeholders e.g. landowners, EWT, RSPB; and potentially also bringing additional benefits from funding elsewhere, whereby match funding can open enhancement opportunities over and above the mitigation requirement. As such the delivery co-ordinator would have the following duties:
- Develop projects and help with their implementation, working with stakeholders (landowners, NGOs, statutory bodies, LPA foreshore officers etc.) as necessary;
 - As funds are available, assist with recruitment of and oversee the Ranger's work programme. Tasks may include each ranger visiting sites each day and plan to maximise the numbers of people encouraged to avoid disturbance when visiting the coastal Habitats sites. The number of locations possible to visit each week will depend on the distance travelled in between Habitats sites as housing schemes come forward and the key hotspots for birds and people;
 - Report to the project board, Steering Group, liaise with Development Management planners and others e.g. s106 officers regarding development implemented and strategy work completed;
 - Organise funding for projects, both gaining funding from the developer contributions 'pot' through the Project Board but also linking with stakeholders and seeking other opportunities for additional funding, for example through reserve-based projects, tourism initiatives and the Heritage Lottery Foundation;
 - Oversee the project webpages and other publicity opportunities, explaining the strategy and providing information making full use of BirdAware or similar and other resources; and
 - Monitoring and review of the Strategy⁵.

⁵ It is recommended 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 ZoIs. 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 co-ordinator, once they are in post.

8 Costed Mitigation Package and Mitigation Delivery

- 8.1 The costed mitigation package in Table 8.2 has been based on measures considered necessary to avoid likely disturbance at key locations with easy public access (as shown on Figure 7.1). A precautionary approach to avoid adverse effects has been adopted, with priority areas for measures identified as those which have breeding SPA birds which could conflict with high number of visitors to the coast in the summer and those with important roosts and foraging areas in the winter. Sensitive habitats are also at risk from damage by high numbers of visitors and potential hotspots have been identified for ranger visits which may including water rangers. The package includes an effective mixt of avoidance and mitigation measures to provide flexibility and deliverability, based on costed similar provision elsewhere in England.
- 8.2 This has been developed through identifying best practice measures and gathering local nature conservation practitioner expertise, from a new dedicated staff resource to focussing on awareness raising and appropriate behaviour with a wide range of recreational user groups at Habitats sites. The package particularly prioritises measures considered to be effective at avoiding and mitigating recreational disturbance by Habitats sites managers and Maldon DC in managing water sports on the Blackwater estuary. These measures can be justified as necessary, relevant and reasonable and enables the LAs to demonstrate that as competent authorities, they can avoid adverse effects on the integrity of Habitats sites.
- 8.3 The proposal to bolster the terrestrial RAMS Ranger visits with water based RAMS Ranger patrols is aimed at encouraging all users to take an active role in avoiding impacts from recreational activities on the coast waters. It is hoped that codes of conduct and zonation of sensitive waters near SPA bird roosts and foraging areas can be implemented, similar to measures on the Exe Estuary.
- 8.4 There is a potential need for additional rangers following the first five years of the project based on the predicted peak in housing delivery at this time, though evidence for this spend will be based on the findings of the rangers patrolling the coast. To provide flexibility for strategic deployment of resources, indicative locations are identified though “ground- trothing” from Ranger visits and updated surveys for the Essex Coast RAMS project Board and Delivery co-ordinator to account for any unforeseen circumstances.
- 8.5 The phasing of housing delivery, as shown below (taken from Table 4.4) indicates that most development within the overall ZOI for the Essex coast RAMS will take place in the period 2023/24-2027/28. The third Essex Coast RAMS Ranger is likely to be triggered in this time period.

Table 8.1 Phasing of housing delivery 2018-2038

Phasing of dwellings				Total to be included in the Essex Coast RAMS
2018/19 - 2022/23	2023/24 - 2027/28	2028/29 - 2032/33	2033/34 - 2037/38	
19,164	23,675	16,986	10,598	79,582

- 8.6 The per dwelling tariff is calculated by dividing the total cost of the Essex Coast RAMS mitigation package by the total number of houses still to be delivered over the Local Plans period i.e. any houses already consented having come forward early, are not included in this calculation.
- 8.7 As the above figures may change before the SPD is adopted, the tariff will require re-assessment beforehand. It will also be required as part of the monitoring process.

Table 8.2: 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 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
		Partnership Executive Group		(LPA £1,000)	19	£0	This would need to be an 'in kind' contribution from the 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 HLF guidance. Approx. 9 boards, one per Site. Cost allows for one replacement in plan period

Table 8.2: Mitigation package costed for 2018-2038

	Monitoring	Levels of new development				£0	No cost as undertaken as part of LPA work in Development Management and s106 or Infrastructure officers
		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/Habitats site. Liaise with NE & ECC PROW re England Coast Path
		Visitor numbers and recreational activities	£5000 (£500/Habitats site/yr			£5,000	Rangers, partner organisations, LPAs
		Consented housing development within ZOI.	£0/ Habitats site/yr)			£0	S106 officers to Track financial contributions for each development for all LPAs; liaise with LPA contributions officers
	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 users groups				£0	Covered by salary costs for Delivery officer

Table 8.2: Mitigation package costed for 2018-2038

		Promotional materials				£5,000	Use BirdAware 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 BirdAware design for leaflets & website text, liaison with specialist consultants (Dog focussed), liaison with dog owners etc. Liaise with dog clubs & trainers;
	Water sports zonation		£10,000			£10,000	Approx. costs only to be refined when opportunity arises
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 plan period and include dog and water borne recreation focussed pages on Essex Coast RAMS / Bird Aware Essex Coast website plus merchandise eg dog leads.
Year 5	Monitoring	Update Visitor surveys at selected locations in summer (with questionnaires)	£45,000			£45,000	Estimated cost £5000/Habitats site/year for 9 Sites. Liaise with NE & ECC PROW re England Coast Path and LPAs re 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 Essex Coast RAMS which could be used for alternative measures.

Table 8.2: Mitigation package costed for 2018-2038

		Signage and interpretation	£14,500			£14,500	£14500 allows for 3 sets of discs - 3 designs, 1500 of each; e.g. paw prints in traffic light colours to show where no dogs, dogs on lead and dogs welcome. This may linking with a timetable eg Southend with dog ban 1 st May to 30 th Sept
	Water based Rangers 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 eg Colne Estuary, Hamford Water, and other locations eg Southend to prevent damage during the summer. Explore shared use at different times of year eg winter use at other Habitats sites.
		Additional River Ranger where needed		£120,000	15	£2,029,342	Given increased recreation predicted,
	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

Table 8.2: Mitigation package costed for 2018-2038

	Habitat creation - Alternatives for birds project – and long term management	Work with landowners & EA to identify locations eg 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 Lt 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 RSPB, NE & EWT when project is prioritised
Longer term projects	Car park rationalisation	Work with landowners, Habitats site managers & partner organisation	£50,000			£50,000	Approx. costs only to be refined when opportunity arises
	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

Table 8.2: Mitigation package costed for 2018-2038

Year 10, 15 & 20	Monitoring	Update Visitor surveys at selected locations in summer (with questionnaires)	£45,000			£135,000	Estimated cost £5/Habitats site. Liaise with NE & ECC PROW re England Coast Path
	Route diversions	Work with PROW on projects	£15,000			£15,000	Approx. costs only to be refined when opportunity arises

TOTAL MITIGATION PACKAGE
10% contingency
TOTAL COST

COSTS £8,105,862
£ 810,586
£8,916,448

- 8.8 The total cost for calculation per dwelling tariff is based on the total number of dwellings identified in each Local Plan which have not received Full/Reserved matters consent i.e. any houses already consented having come forward early, are not included in this calculation. **This figure is therefore £8,916,448 divided by 72,907 which means the recommended tariff is £122.30 rounded to nearest pence.**
- 8.9 As set out in Table 8.3 below, the split of the total cost for the Essex Coast RAMS mitigation package for each LPA to collect (i.e. the proportion of the costs to be collected from developers) is based on their housing figures to be delivered by the Local Plan. If predicted housing numbers are not realised, the associated impacts will also be less so the cost of the mitigation necessary will be reduced.

Table 8.3 Housing number and cost of mitigation for each LPA

(to include Habitats site specific measures plus over-arching measures e.g. delivery co-ordinator and Essex Coast RAMS Rangers.)

Charging Zone	Dwellings coming forward up to the end of Essex Coast RAMS plan period not already consented	Cost per dwelling tariff (rounded to nearest pence)	Cost of mitigation per LPA area
Basildon	9,440	£122.30	1,154,502.00
Braintree	13,770	£122.30	1,684,056.00
Brentwood	41	£122.30	5,014.26
Castle Point	4,721	£122.30	577,373.20
Chelmsford	8,771	£122.30	1,072,684.00
Colchester	9,144	£122.30	1,118,301.00
Maldon	3,646	£122.30	445,901.90
Rochford	1,322	£122.30	161,679.20
Southend-on-Sea	7,648	£122.30	935,342.20
Tendring	8,429	£122.30	1,030,858.00
Thurrock	5,975	£122.30	730,736.10
Total (Cost of package plus 10% contingency)	72,907		£8,916,448.00

- 8.10 The cost of implementing the mitigation measures will increase with inflation so the per dwelling tariffs will be updated each year in line with the Retail Price Index.

- 8.11 A proportion of all developer contributions collected (% to be determined by the Essex Coast RAMS Board) will be invested to cover the cost of delivering the visitor management measures in perpetuity, as the number of new residents will be permanent.
- 8.12 To avoid impacts, delivery of mitigation needs to be in advance of new residents occupying additional homes so triggers for payment should be prior to commencement of house building.

9. Monitoring and review

- 9.1 The Essex Coast RAMS sets out the baseline, status and disturbance evidence from which to monitor change and the impact of the Essex Coast RAMS in the future.
- 9.2 The effectiveness of mitigation measures and their timely delivery will be monitored and reviewed by the Essex Coast RAMS team, reporting to the Essex Coast RAMS Steering Group.
- 9.3 Monitoring will be undertaken annually and a report provided to each LPA to inform their Annual Monitoring Report (AMR). As competent authorities under the Habitats Regulations, the delivery of the Essex Coast RAMS is the responsibility of the LPA needing it to ensure their Local Plan is sound and legally compliant.
- 9.4 The Steering Group shall work with the Essex Coast RAMS team to establish the monitoring procedure, which will include SMART targets to effectively gauge progress.
- 9.5 To ensure the monitoring process is fit for purpose, there will be various monitoring activities which will be undertaken at different times and at an appropriate frequency. For example, visitor survey updates will be scheduled for after 2 and then 5 years.
- 9.6 Table 9.1 provides an example of what the monitoring approach may look like.

Table 9.1: Monitoring Report

Monitoring type	Objective	Responsibility	Action	Notes
Visitor numbers and recreational activities	Collect data on use and type of activity at different locations; assess change in behaviour likely to cause disturbance	Ranger / site warden team	Car park counter data; collated every 2 years with counters shared at different locations over plan period	
Visitor surveys with questionnaires	Collect repeat or additional post code data to review Zones of Influence for each Habitats site using the same methodology	Ranger/ site warden team	Minimum one face to face survey on each Habitats site location during the plan period	
Bird numbers and roost/feeding locations	Identify numbers and behaviour of designated birds	Ranger and volunteers e.g. WeBS on estuaries, continued monitoring of Little Terns	WeBS and breeding bird surveys	
Vegetation monitoring	Targeted at identifying impacts of trampling and triggers for mitigation	Site wardens/ managers		
Effectiveness of mitigation measures	Check that projects deliver status quo or improvements	Ranger/ site warden team/Habitats site staff	Questionnaires for behaviour and incident logs,	
Delivery of mitigation measures	Audit of projects delivered with feedback on implementation to LPAs refunds spent on each Habitats site.	Delivery officer	Project management tools e.g. membership of dog project, numbers of visitors engaged at different events	

- 9.7 Any future decrease (or increase) in bird populations cannot be the only measure of success for the Essex Coast RAMS in this respect as the designated habitats require protection too and effects could not be attributed solely to the implementation of the Essex Coast RAMS. This is due to multiple other factors at play on a local scale (e.g. predation, weather, habitat loss, coastal squeeze) and international scale (e.g. success at breeding or wintering grounds elsewhere etc.). Therefore, a range of monitoring identified for the Essex Coast RAMS delivery is needed and disturbance events reported
- 9.8 Working closely with partner organisations will be essential to understand these factors, evaluate success and provide feedback to inform reviews of the Essex Coast RAMS work programme. Both Place Services and Natural England recommended that the Essex Coast RAMS team regularly liaise with local nature conservation practitioners for this purpose.
- 9.9 Formal records will need to be kept of what, where and how the Essex Coast RAMS measures have been implemented e.g.:
- Most sensitive European site locations e.g. key bird roosts & breeding areas (noting that some of this is ecologically sensitive information);
 - Pending projects i.e. all mitigation priorities reflected in the above tables;
 - Live projects i.e. those underway; and
 - Completed projects i.e. those chalked off as the strategy progresses.
- 9.10 These will support the audit trail for spending against priorities set for the whole Strategy but also for the funds collected for each Habitats site by the Local Authorities. The latter is essential as the numbers of dwellings consented in Zols which will be subject to developer contributions and will provide the Essex Coast RAMS budget available for spending in each financial year.

10 Conclusions and next steps

- 10.1 Each LPA partner to the Essex Coast RAMS made a commitment to developing a strategic mitigation solution to address potential significant recreational impacts, in combination with other plans and projects, arising from new housing on the Habitats Sites on the Essex Coast.
- 10.2 The evidence base for the strategic mitigation package is set out in the Essex Coast RAMS which will be accompanied by an Essex Coast RAMS SPD.
- 10.3 The Essex Coast RAMS per dwelling tariff (currently £122.30) for new dwellings in the Zone of Influence is to be adopted by the LPAs to fund the mitigation measures set out in this Strategy.
- 10.4 Place Services recommend that the LPAs now finalise the SPD to ensure that tariff contributions are collected to implement the Essex Coast RAMS and avoid adverse effects on integrity for the Habitats sites identified in this Strategy document.
- 10.5 Governance and delivery models are still being discussed by the LPAs.
- 10.6 Place Services recommend that a model similar to that used by the Solent Recreation Mitigation Partnership and that used in North Kent would provide an effective way to deliver the Essex Coast RAMS. Strong branding, such as use of the Bird Aware brand, gives a powerful and intelligible wildlife conservation message and would help deliver elements of the Strategy in a positive and effective way. It also provides a tried and tested model for governance, delivery of measures and communications
- 10.7 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 recreational visitors to the coastal sites.

11 Glossary

Appropriate Assessment	Forms part of the Habitats Regulations Assessment
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
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.
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.
Natural England	Natural England - the statutory adviser to government on the natural environment in England.
Local Planning Authority	The public authority whose duty it is to carry out specific planning functions for a particular area.
Ramsar site	Wetland of international importance designated under the Ramsar Convention 1971.
Responsible Officer	Natural England officer responsible for a particular habitats site.
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.
Zone of Influence	A designated distance that establishes where development is permitted.

Abbreviations

AA	Appropriate Assessment
AMR	Annual Monitoring Report
ASFA	Access and Sensitive Features Appraisal
BTO	British Trust for Ornithology
CIL	Community Infrastructure Levy
EA	Environment Agency
ECP	England Coast Path
EPOA	Essex Planning Officers Association
EWT	Essex Wildlife Trust
FLL	Functionally Linked Land
GTAA	Gypsy and Traveller Accommodation Assessment
HRA	Habitats Regulations Assessment
IRZ	Impact Risk Zone
LEP	Local Enterprise Partnership
MoD	Ministry of Defence
NE	Natural England
NGOs	Non-Government Organisations
LPA	Local Planning Authority
PROW	Public Rights of Way
RO	Responsible Officer, Natural England
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SANG	Suitable Alternative Natural Greenspace
SIP	Site Improvement Plan
SPA	Special Protection Area
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
WeBS	Wetland Bird Survey
Zol	Zone of influence

11 Glossary

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Zone of Influence	A designated distance that establishes where development is permitted.

Abbreviations

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SPA	Special Protection Area
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
WeBS	Wetland Bird Survey
Zol	Zone of influence

**Essex Coast
Recreational disturbance Avoidance
& Mitigation Strategy (RAMS)**

Habitats Regulations Assessment
Strategy document
2018-2038

Appendices

Contents

Appendix 1: Natural England Revised Interim Advice Letters (Nov 2017 & Aug 2018)	3
Appendix 2: Visitor Survey Methodology	22
Appendix 3: Winter visitor survey questionnaire	23
Appendix 4: Winter Visitor Survey Results 2018/19	26
Appendix 5: Summer visitor surveys at the Blackwater Estuary and Benfleet & Southend Marshes	83
Appendix 6: Summer Survey Results	50
Table A6.2: Passers-by and water activity per survey site	50
Table A6.3: Dates of summer surveys	50
Figures A6.1- A6.2: Graphs showing results for main activity	55
Figures A6.3- A6.4: Graphs showing results for visit frequency.....	56
Figures A6.5- A6.6: Graphs showing results for question ‘What made you visit?’	57
Figures A6.7- A6.8: Graphs showing results for visiting time	58
Figures A6.9- A6.10: Graphs showing results for length of visit	59
Figures A6.11- A6.12: Graphs showing results for seasonal visiting.....	60
Figures A6.13- A6.14: Graphs showing results for question ‘Plan visit in relation to the tide?’	61
Figures A6.15- A6.16: Graphs showing results for new park design	62
Figures A6.17- A6.18: Graphs showing results for mode of transport.....	63
Figures A6.19- A6.20: Graphs showing results for awareness of habitat importance	64
Figures A6.21- A6.22: Graphs showing results for main activity	65
Figures A6.23- A6.24: Graphs showing results for visit frequency	66
Figures A6.25- A6.26: Graphs showing results for question ‘What made you visit?’	67
Figures A6.27- A6.28: Graphs showing results for visiting time.....	68
Figures A6.29- A6.30: Graphs showing results for length of visit.....	69
Figures A6.31- A6.32: Graphs showing results for seasonal visiting	70
Figures A6.33- A6.34: Graphs showing results to question ‘Plan visit in relation to the tide?’	71
Figures A6.37- A6.38: Graphs showing results for mode of transport.....	73
Figures A6.39- A6.40: Graphs showing results for awareness of habitat importance	74
Appendix 7: Initial Stakeholder Workshop Results	75
Access management measures currently in place:.....	76
Potential mitigation solutions:.....	77
Appendix 8: Baseline Visitor Survey Data	80
Appendix 9: Survey postcode data and methodology	86
Appendix 10: Follow up Stakeholder Workshop Outputs	97

Southend and Benfleet Marshes.....98
Crouch and Roach Estuaries.....99
Colne Estuary.....99
Stour and Orwell Estuaries 101
Blackwater Estuary 102
Foulness Estuary 103
Hamford Water..... 103
Thames Estuary and Marshes 104
Dengie 105
All sites..... 105
Appendix 11: Annotated Maps of Habitats sites showing recreational disturbance 140

Appendix 1: Natural England Interim Advice Letters (Nov 2017 & Aug 2018)

Date: 16 November 2017
Our ref: 231488



Basildon Borough Council
Braintree District Council
Brentwood Borough Council
Chelmsford Borough Council
Colchester Borough Council
Maldon District Council
Rochford District Council
Southend-on-Sea Borough Council
Tendring District Council
Thurrock Borough Council

Customer Services
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Crewe Business Park
Electra Way
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Cc. Graham Thomas, Growing Essex Future Development
Essex Place Services
Essex County Council
Epping Forest District Council
Harlow Council
Uttlesford District Council

BY EMAIL ONLY

Dear All

Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS) – Interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations¹

This letter provides Natural England's follow-up advice to the meetings with your authorities on the 13th September and 9th November 2017. During these meetings we discussed the need to take forward a strategic approach to mitigating recreational disturbance impacts from residential growth proposed in your local plans to European designated sites in and around the coastal zone of Essex. We found the discussion at the meetings very helpful and constructive and it was agreed in principle by all present that we would work together to prepare an Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure that all local plans coming forward would be compliant with the Habitats Regulations and deliver positive outcomes for the natural environment. We consider that such an approach is the most effective and efficient means for planning authorities, developers and Natural England to ensure that housing growth is sustainably integrated alongside nature conservation in the long term.

One of the actions from the meeting on the 9th November 2017 was that we would provide you with some interim advice to ensure that any residential planning applications coming forward ahead of the Essex RAMS which have the potential to impact on coastal European designated sites are compliant with the Habitats Regulations.

¹ Conservation of Habitats and Species Regulations 2010, as amended (commonly known as the 'Habitats Regulations')

This advice specifically relates to additional recreational impacts that may occur on the interest features of the following European designated sites:

- Essex Estuaries Special Area of Conservation (SAC)
- Hamford Water Special Protection Area (SPA) and Ramsar site²
- Stour and Orwell Estuaries SPA and Ramsar site (Stour on the Essex side only)
- Colne Estuary SPA and Ramsar site
- Blackwater Estuary SPA and Ramsar site
- Dengie SPA and Ramsar site
- Crouch and Roach Estuaries SPA and Ramsar site
- Foulness Estuary SPA and Ramsar site
- Benfleet and Southend Marshes SPA and Ramsar site
- Thames Estuary and Marshes SPA and Ramsar site (Essex side only)

For further information on these sites, please see the [Conservation Objectives and Information Sheets on Ramsar Wetlands](#) which explain how each site should be restored and/or maintained.

The Habitats Regulations Assessment (HRA) reports produced for your local plans have identified recreational disturbance as an issue which can impact on the interest features of coastal SPAs and Ramsar sites. The HRA reports have also identified the potential for other recreational impacts on the interest features of the Essex Estuaries SAC, which includes coastal and intertidal habitats; some of these features are at threat from physical damage (e.g. trampling, erosion from wave damage etc.) which can be caused by land and water-based activities including walking, fishing and water sports.

The local plan HRA reports have also identified a number of zones of influence which determine the distance at which new development may result in changes in recreational use, and therefore where mitigation is necessary. Some of these zones of influence are based on visitor survey information, whereas others have been determined using the best available evidence from other locations (e.g. local habitats of a similar nature). In order to strengthen the evidence base behind the zones of influence within which the Essex RAMS will apply, it was agreed at the meeting that these will be refined, as required, through visitor surveys carried out in the interim period. However, the current zones of influence as defined in the Local Plan HRA reports are as follows:

Table 1

European designated site	Zone of influence (Km)	Based on site specific evidence such as visitor surveys?
Essex Estuaries SAC	24	Yes - some
Hamford Water SPA / Ramsar	8	Yes - some
Stour and Orwell Estuaries SPA and Ramsar	13	Yes - some
Colne Estuary SPA and Ramsar	24	Yes - some
Blackwater Estuary SPA and Ramsar	8	Yes - some
Dengie SPA and Ramsar	Not yet determined*	Not applicable
Crouch and Roach Estuaries Ramsar and SPA	10	No

² Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites



Foulness Estuary SPA and Ramsar	Not yet determined*	Not applicable
Benfleet and Southend Marshes SPA and Ramsar	10	No
Thames Estuary and Marshes SPA and Ramsar	10	No

* Note: where a zone of influence has not yet been identified, we advise that 13 km should be used in the interim period on a precautionary basis

It is recognised that a considerable proportion of the residential allocations in your local plans will already be coming forward as planning applications, prior to the adoption of the Essex RAMS.

It is therefore important to ensure that any recreational impacts from these residential allocations which fall within the identified zones of influence are considered in terms of the Habitats Regulations.

Natural England has already developed a set of [Impact Risk Zones \(IRZs\)](#) which helps guide planning authorities on the scale of residential development that we should be consulted on, in part to assess impacts from increased recreational disturbance. For example, the Stour Estuary residential IRZs are as follows:

- *Within 50 m* – we should be consulted on all planning applications (including all residential development) except householder applications
- *Within 200 m* – we should be consulted on residential development of 10 units or more within an existing settlement or all residential development outside an existing settlement
- *Within 1 km* – we should be consulted on residential development of 50 units or more within an existing settlement or all residential development outside an existing settlement
- *Within 2 km* – we should be consulted on residential development of 50 units or more within an existing settlement or 10 units outside an existing settlement
- *Within 5 km* – we should be consulted on 50 units or more outside an existing settlement

We advise that Natural England should continue to be consulted in line with the current IRZ arrangements for each site in order to provide bespoke advice on these applications.

However, for new residential development which falls outside the current IRZ consultation arrangements but within the zones of influence shown in Table 1 (subject to review), we advise that the following interim protocol should be followed to ensure consistency and fairness in securing strategic level mitigation for these developments:

Interim approach to avoidance and mitigation measures

- Appropriate funding should be collected on the basis that it can be used to fund strategic measures at the relevant European designated sites, proportionate to the level of housing development.

- A delivery mechanism for the agreed measures must be secured and the measures implemented from the first occupation of dwellings, thereby ensuring that the level of recreational disturbance is not increased by future residential development.
- Your councils may wish to consider identifying and funding specific projects which can be delivered in the interim period to increase the resilience of European designated sites to recreational pressures. Identifying projects to be funded now can provide certainty and reduce the risk of receiving funds without a delivery mechanism in place. Natural England would be happy to work with you to help identify potential 'off-site' mitigation projects (i.e. in and around European designated sites) which could be delivered using developer contributions for recreational disturbance impacts prior to the adoption of the Essex RAMS.
- It should be ensured that emerging Local Plans have a policy that sets out how likely recreational disturbance impacts from new residential development will be mitigated. This should include a policy commitment to the production and implementation of the Essex RAMS.
- In the absence of a relevant policy or a Local Plan in place, an alternative approach would be to consider developing an Interim Policy Statement, or similar mechanism. This letter may help inform any such interim policy statement.

We would be happy to discuss this further. If you require any further clarification then please do not hesitate to contact us.

Yours sincerely



Sarah Fraser
Senior Adviser – West Anglia Team



Date: 16 August 2018
Our ref: 244199



Basildon Borough Council
Braintree District Council
Brentwood Borough Council
Castle Point Borough Council
Chelmsford Borough Council
Colchester Borough Council
Maldon District Council
Rochford District Council
Southend-on-Sea Borough Council
Tendring District Council
Thurrock Borough Council
Uttlesford District Council
Essex Place Services

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BY EMAIL ONLY

Dear All

Emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) – Revised interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations¹

This letter provides Natural England's revised interim advice further to that issued on 16th November 2017. This advice is provided to ensure that any residential planning applications coming forward ahead of the Essex Coast RAMS which have the potential to impact on coastal European designated sites are compliant with the Habitats Regulations. It specifically relates to additional recreational impacts that may occur on the interest features of the following European designated sites:

- Essex Estuaries Special Area of Conservation (SAC)
- Hamford Water Special Protection Area (SPA) and Ramsar site²
- Stour and Orwell Estuaries SPA and Ramsar site (Stour on the Essex side only)
- Colne Estuary SPA and Ramsar site
- Blackwater Estuary SPA and Ramsar site
- Dengie SPA and Ramsar site
- Crouch and Roach Estuaries SPA and Ramsar site
- Foulness Estuary SPA and Ramsar site
- Benfleet and Southend Marshes SPA and Ramsar site
- Thames Estuary and Marshes SPA and Ramsar site (Essex side only)

¹ Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the 'Habitats Regulations')

² Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 176 of the National Planning Policy Framework applies the same protection measures as those in place for European sites

For further information on these sites, please see the [Conservation Objectives](#) and [Information Sheets on Ramsar Wetlands](#) which explain how each site should be restored and/or maintained.

Recreational 'Zones of Influence' (Zols)

As part of the work required to inform the Essex Coast RAMS evidence base, visitor surveys have been undertaken to determine the distances that visitors will travel from their residences to visit the European designated sites to undertake recreation. Following collation and analysis of the survey data, the Zols currently agreed by the Essex Coast RAMS Steering Group are as follows:

Table 1:

European designated site	Underpinning SSSIs ³	Zols (km)
Stour and Orwell Estuaries SPA and Ramsar	Orwell Estuary SSSI Stour Estuary SSSI Cattawade Marshes SSSI	13
Hamford Water SPA and Ramsar	Hamford Water SSSI	8
Colne Estuary SPA and Ramsar	Colne Estuary SSSI	9.7
Blackwater Estuary SPA and Ramsar	Blackwater Estuary SSSI	22
Dengie SPA and Ramsar	Dengie SSSI	20.8
Crouch and Roach Estuaries Ramsar and SPA	Crouch and Roach Estuaries SSSI	4.5
Foulness Estuary SPA and Ramsar	Foulness SSSI	13
Essex Estuaries SAC	Blackwater Estuary SSSI Colne Estuary SSSI Crouch and Roach Estuaries SSSI Dengie SSSI Foulness SSSI	-*
Benfleet and Southend Marshes SPA and Ramsar	Benfleet and Southend Marshes SSSI	4.1†
Thames Estuary and Marshes SPA and Ramsar	Mucking Flats and Marshes SSSI	8.1

*Note 1: The Essex Estuaries comprise the Colne Estuary, Blackwater Estuary, Dengie, Crouch and Roach Estuaries and Foulness Estuary and so follow the respective Zols throughout.

†Note 2: The Benfleet and Southend Marshes Zol is to be confirmed following summer visitor surveys.

In the context of your duty as competent authority under the provisions of the Habitats Regulations⁴, it is anticipated that new residential development within these Zols constitutes a likely significant effect (LSE) on the sensitive interest features of the above designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. As you will be aware, the Essex Coast RAMS is a large-scale strategic project which involves all of the Essex authorities listed above working together to help mitigate these effects. Once adopted, the RAMS will comprise a package of strategic mitigation measures to address such effects, which will be costed and funded through developer

³ Underpinning SSSIs are listed here as these are what the IRZs are aligned to

⁴ Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the 'Habitats Regulations'). Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website.
<http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>



contributions. However, it is recognised that a considerable proportion of the residential allocations in your local plans will already be coming forward as planning applications, prior to the adoption of the Essex Coast RAMS. In the interim period until the RAMS is in place and the necessary developer contributions are known, it is therefore important that any recreational impacts from residential schemes such as these are considered in terms of the Habitats Regulations through a project-level Habitats Regulations Assessment (HRA). We offer the following advice to guide you on this:

Consultation arrangements

Natural England has already developed a set of [Impact Risk Zones \(IRZs\)](#) which helps guide planning authorities on the types and scale of development that we should be consulted on. We advise that we should continue to be consulted in line with these arrangements (i.e. where there are other IRZs are triggered in addition to the Essex Coast RAMS)

We will shortly be refining the residential IRZs for the above designated sites to align with Essex Coast RAMS project and capture new residential development which falls within the Zols shown in Table 1 above; these updates are currently scheduled for September 2018 and relate to the following development types:

- New dwellings of 1+ units (excludes replacement dwellings and extensions)
- Houses in Multiple Occupancy (HMOs)
- Student Accommodation
- Residential care homes and residential institutions (excludes nursing homes)
- Residential caravan sites (excludes holiday caravans and campsites)
- Gypsies, travellers and travelling show people plots

We advise that the applications in scope for consideration should include all new applications as well as those with outline planning permission where this issue has not previously been assessed through the HRA process.

To help you screen applications prior to our IRZs being updated, we have included some maps in ANNEX A to this letter to show the current Essex Coast RAMS Zol.

Approach to avoidance and mitigation measures for recreational disturbance

We have included within ANNEX B to this letter a suggested HRA record template which can be used to record the conclusions of both the Screening and Appropriate Assessment stages of HRAs for planning applications within scope of the Essex Coast RAMS for which recreational disturbance to the above sites is the only HRA issue. The use of this template is not mandatory but we have provided it in an attempt to streamline the process and make it as straightforward and consistent as possible for the authorities involved in the RAMS.

For any queries relating to the specific advice in this letter only, please contact Jack Haynes on 0208 02 64857 or at jack.haynes@naturalengland.org.uk. In the context of the above advice, we would be happy to provide you with some training on the use of our IRZs, the HRA process, the use of the HRA record template etc. through our charged Discretionary Advice Service (DAS), further details on which are available [here](#). The way to progress your request is to complete a [DAS Request Form](#), including the training request, and send it to our consultations hub (consultations@naturalengland.org.uk).

Yours sincerely

Jack Haynes, Lead Adviser, Natural England

Figure A1.1

ANNEX A – Essex Coast RAMS 'zone of influence' (Zol) maps

Tendring, Colchester, Maldon, Rochford, Castle Point, Southend – The whole of the LPA area is within the Zol so all relevant development is in scope of the RAMS

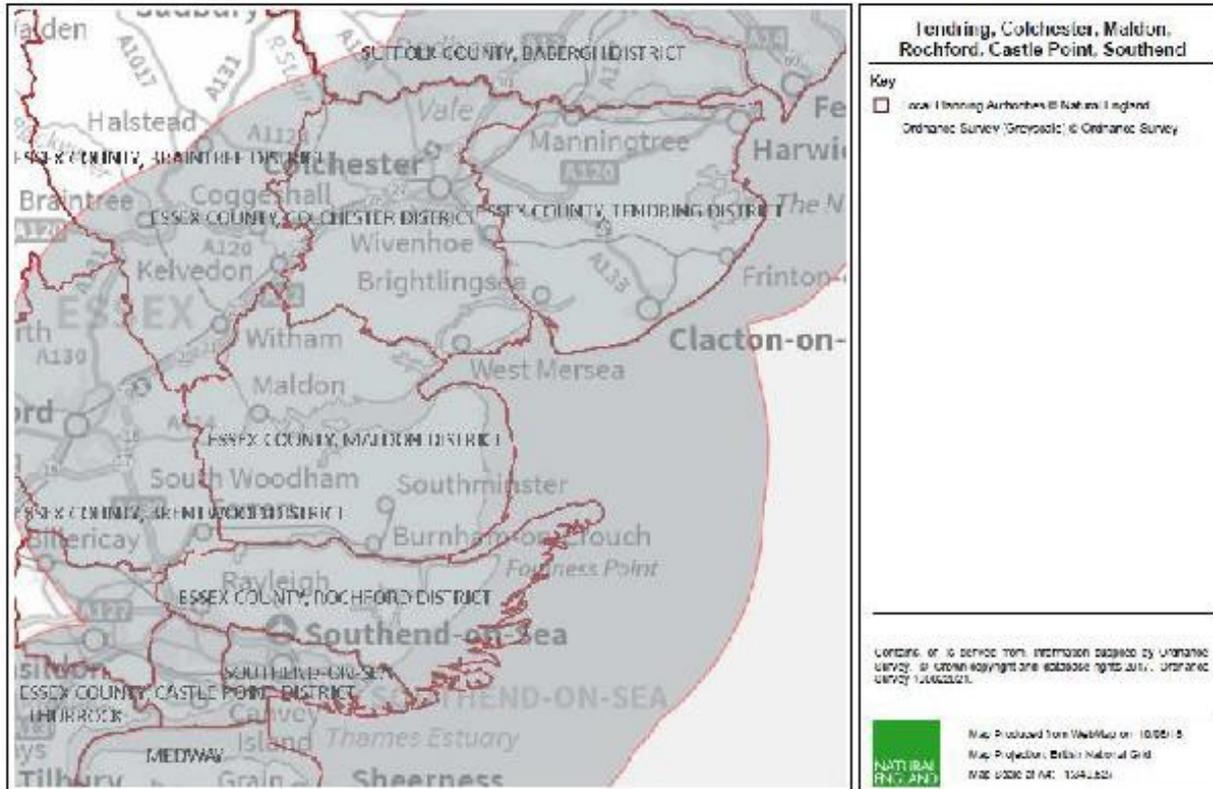




Figure A1.2

Braintree – Relevant development within the shaded area is in scope of the RAMS

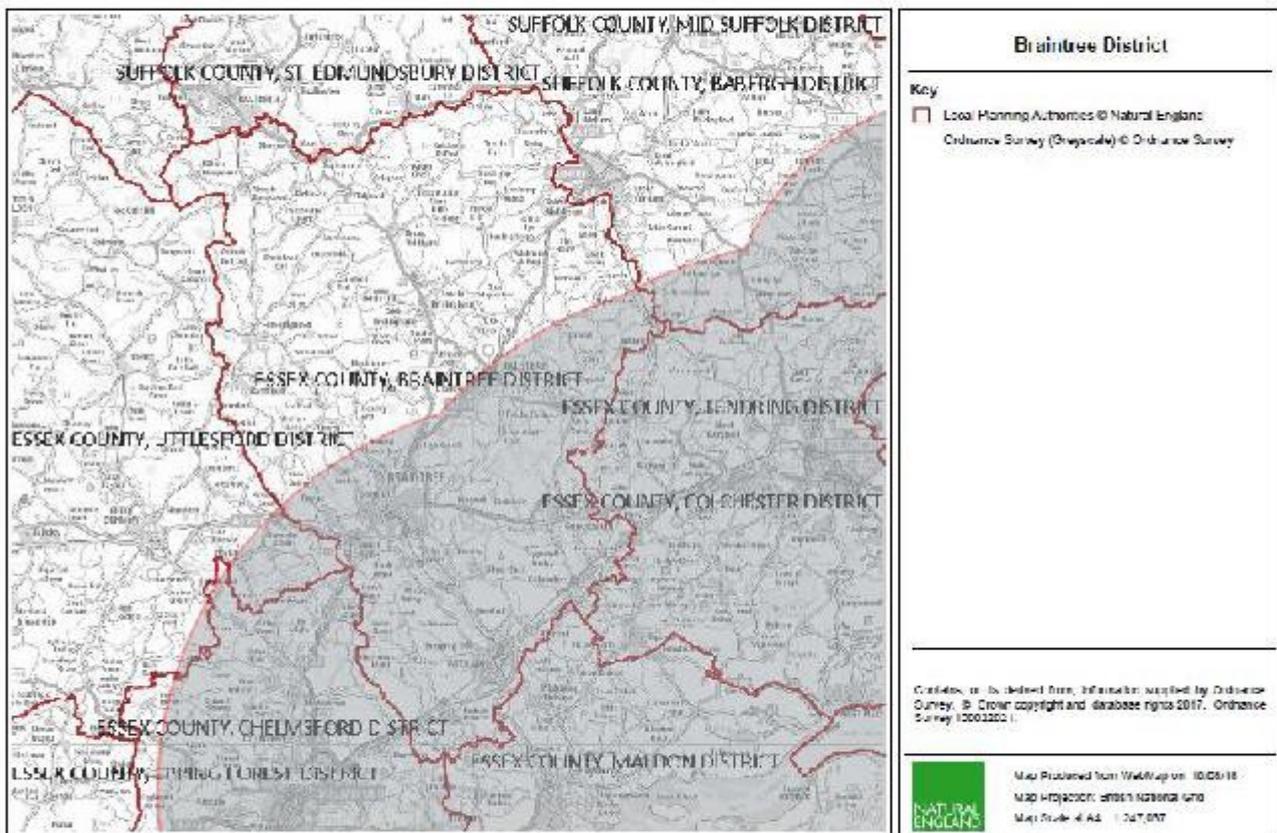




Figure A1.4

Chelmsford – Relevant development within the shaded area is in scope of the RAMS

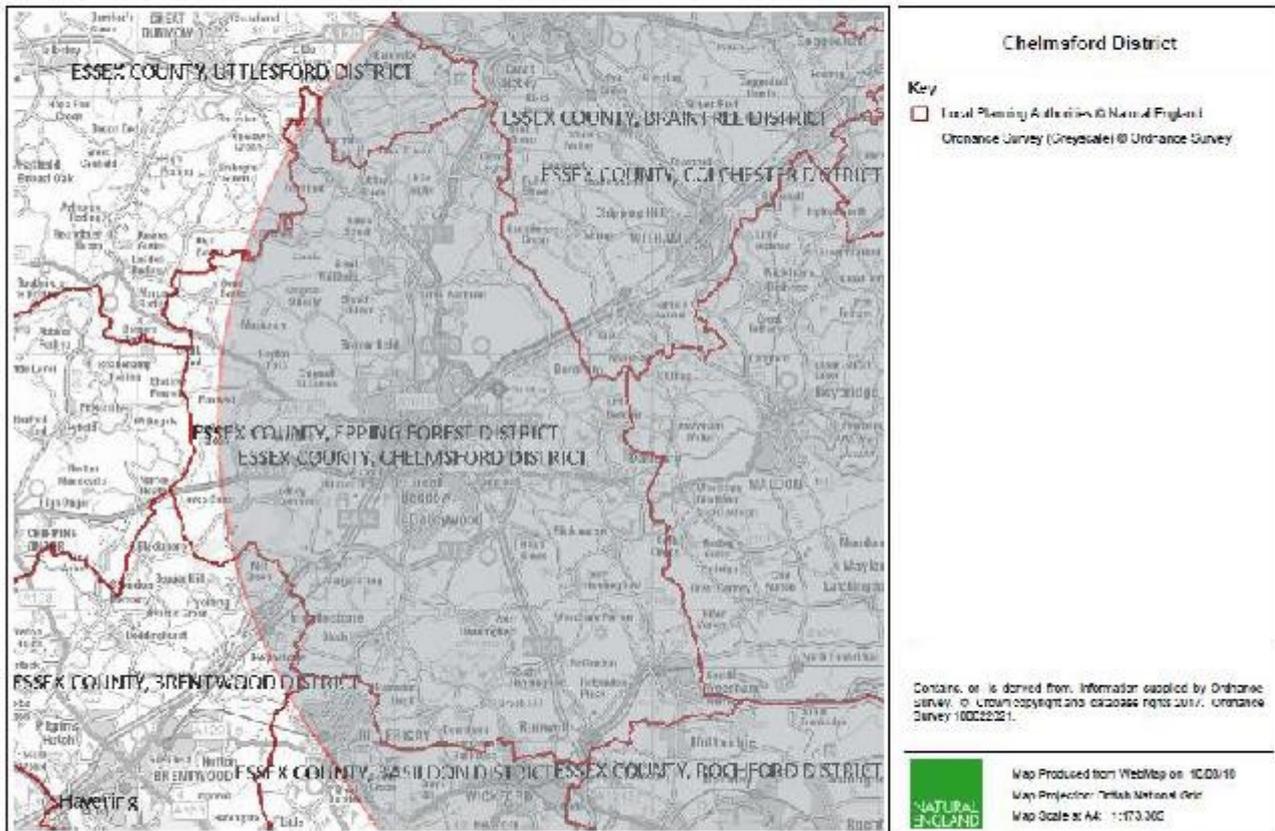


Figure A1.5

Basildon – Relevant development within the shaded area is in scope of the RAMS

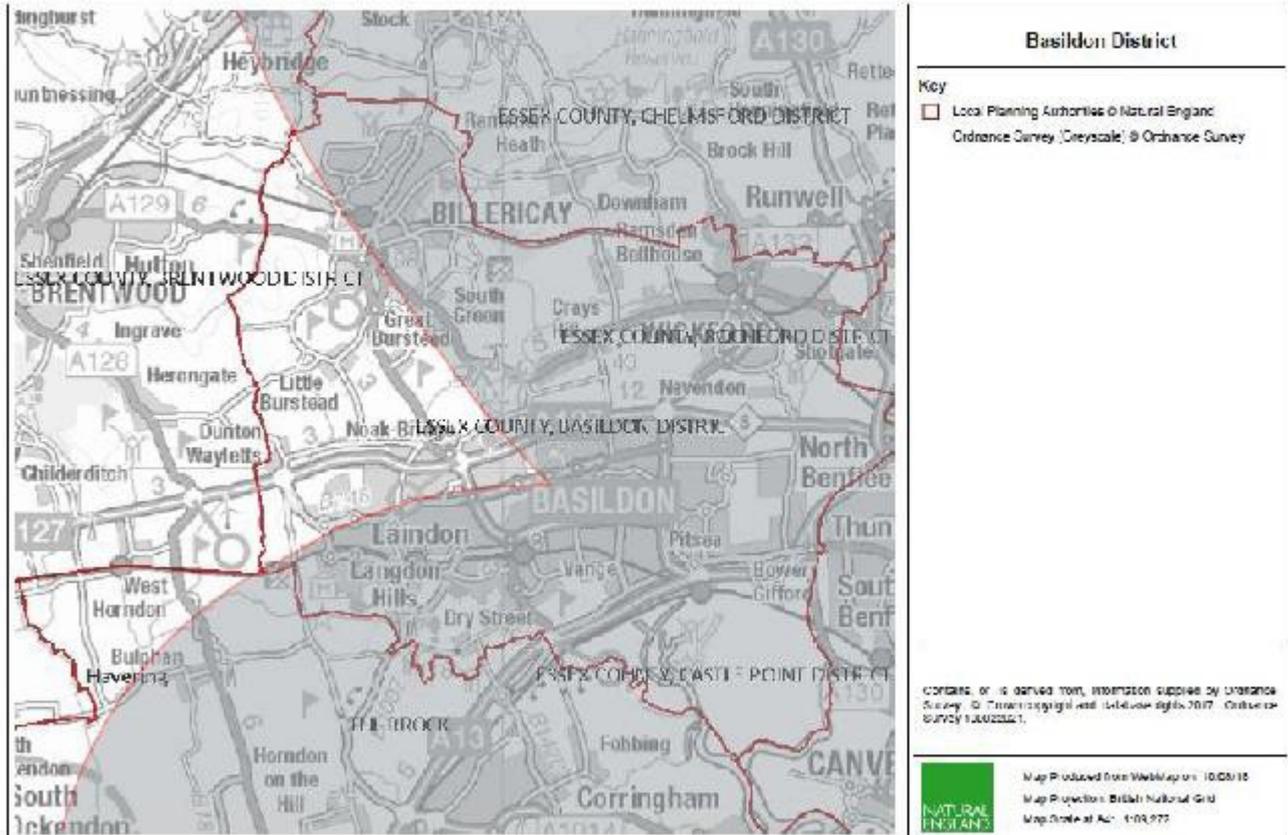




Figure A1.6

Brentwood – Relevant development within the shaded area is in scope of the RAMS (Note: the Zol clips the southeast corner of the district)

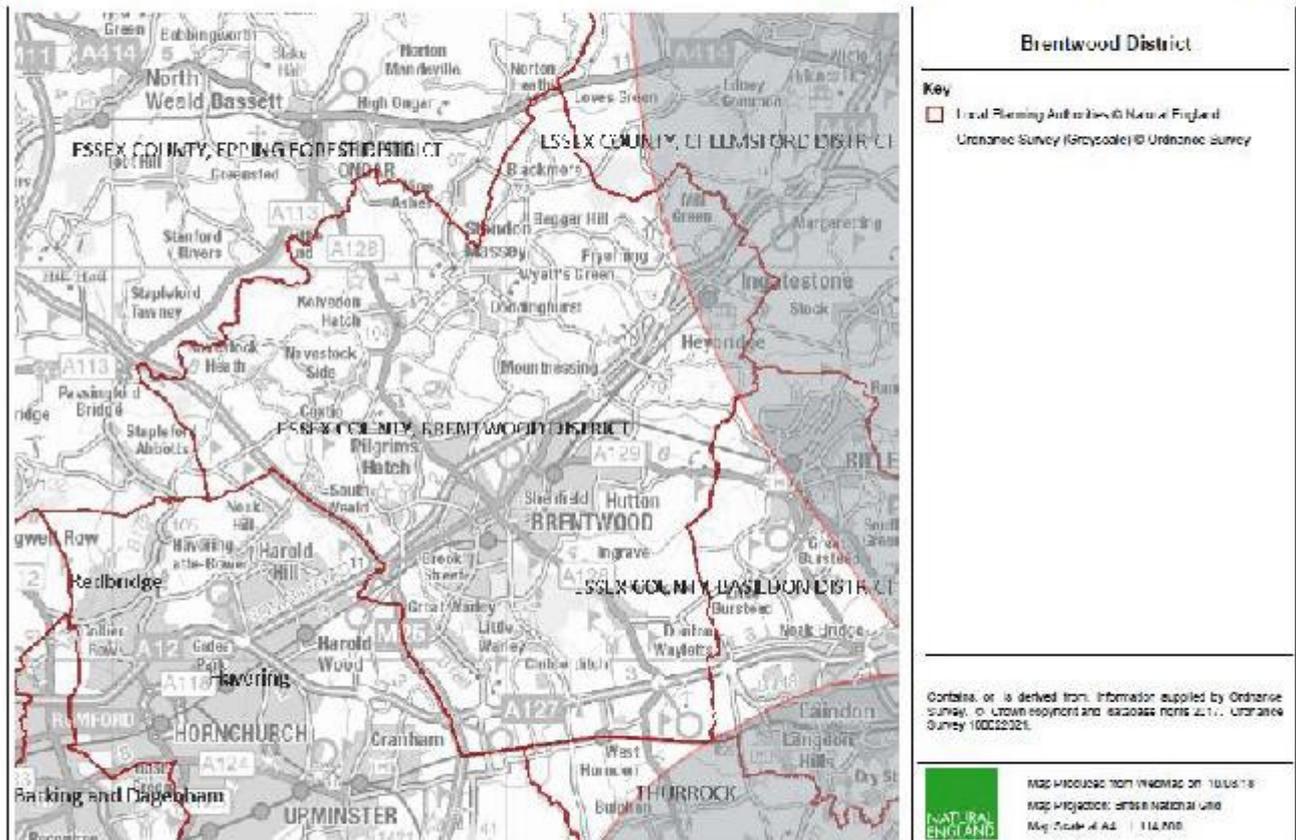
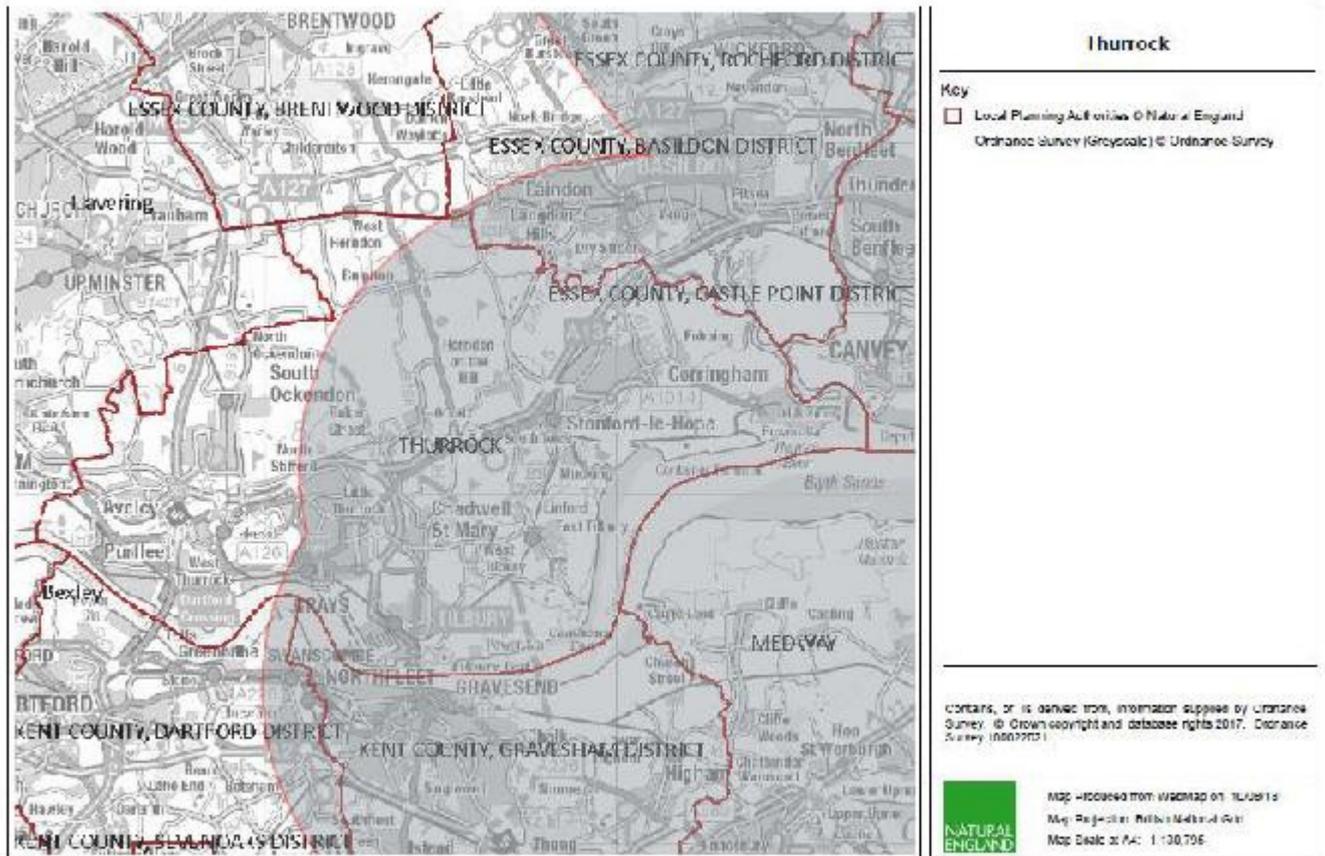


Figure A1.7

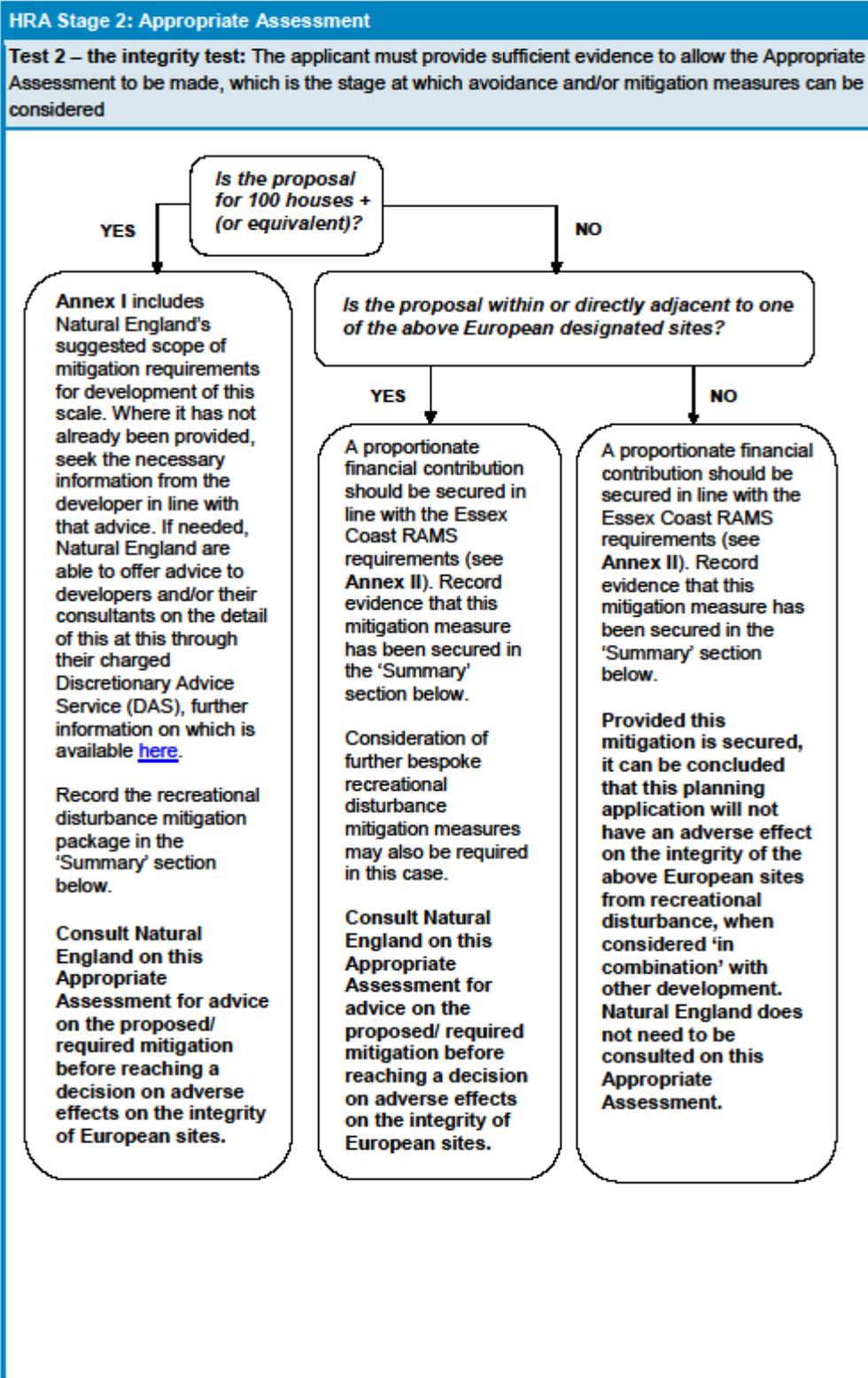
Thurrock – Relevant development within the shaded area is in scope of the RAMS





Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record

Application details	
Local Planning Authority:	
Case officer:	
Application reference:	
Application description:	
Application address:	
Status of Application:	
Grid Ref:	
HRA Stage 1: screening assessment	
<p>Test 1 – the significance test: Based on the development type and proximity to European designated sites, a judgement should be made as to whether the development constitutes a 'likely significant effect' (LSE) to a European site in terms of increased recreational disturbance</p>	
<p><i>Is the development within the zone of influence (Zoi) for the Essex Coast RAMS with respect to the below sites?</i></p> <ul style="list-style-type: none"> • Essex Estuaries Special Area of Conservation (SAC) • Hamford Water Special Protection Area (SPA) and Ramsar site • Stour and Orwell Estuaries SPA and Ramsar site (Stour on the Essex side only) • Colne Estuary SPA and Ramsar site • Blackwater Estuary SPA and Ramsar site • Dengle SPA and Ramsar site • Crouch and Roach Estuaries SPA and Ramsar site • Foulness Estuary SPA and Ramsar site • Benfleet and Southend Marshes SPA and Ramsar site • Thames Estuary and Marshes SPA and Ramsar site (Essex side only) 	
YES	NO
<p><i>Does the planning application fall within the following development types?</i></p> <ul style="list-style-type: none"> • New dwellings of 1+ units (excludes replacement dwellings and extensions) • Houses In Multiple Occupancy (HMOs) • Student Accommodation • Residential care homes and residential institutions (excludes nursing homes) • Residential caravan sites (excludes holiday caravans and campsites) • Gypsies, travellers and travelling show people plots 	<p>Conclude no LSE to the above designated sites in terms of recreational disturbance:</p> <ul style="list-style-type: none"> • An Appropriate Assessment (AA) is not required where recreational disturbance to these sites is the only issue or recreational disturbance to these sites can be scoped out of any HRA covering other issues. • Check NE IRZs to see whether recreational disturbance is an issue for non-coastal European sites or Sites of Special Scientific Interest (SSSIs). If so, this will also need assessing outside of this HRA form.
YES	NO
<p>Conclude LSE. This proposal is within scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type as listed above. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated site(s) through increased recreational pressure, when considered either alone or in combination. Therefore:</p> <ul style="list-style-type: none"> • Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites • Check IRZs to see whether recreational disturbance is an issue for non-coastal European sites or Sites of Special Scientific Interest (SSSIs). If so, this will also need assessing outside of this HRA form. 	<p>The proposal is outside the scope of the Essex Coast RAMS. However, applications involving tourist accommodation (including holiday caravans and campsites), for example, could still potentially have recreational disturbance impacts (and other impacts) on designated sites, including those listed above. In cases such as these, consult Natural England for bespoke advice before concluding no LSE.</p>





Summary of the Appropriate Assessment : To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England (where necessary)

Summary of recreational disturbance mitigation package

[INSERT]

Conclusion

Having considered the proposed avoidance and mitigation measures above, [INSERT LPA] conclude that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS.

Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that (those) site(s)'s conservation objectives, and having consulted Natural England and fully considered any representation received (where necessary), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Local Planning Authority Case Officer comments, signed and dated:

Annex I – Natural England's recommendations for larger scale residential developments within the Essex Coast RAMS zone of influence (100 units +, or equivalent, as a guide)

Developments of this scale should include provision of well-designed open space/green infrastructure, proportionate to its scale. Such provisions can help minimise any predicted increase in recreational pressure to the European sites by containing the majority of recreation within and around the development site boundary away from European sites. We advise that the Suitable Accessible Natural Green Space (SANGS) guidance [here](#) can be helpful in designing this; it should be noted that this document is specific to the SANGS creation for the Thames Basin Heaths, although the broad principles are more widely applicable. As a minimum, we advise that such provisions should include:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km⁵ within the site and/or with links to surrounding public rights of way (PRoW)
- Dedicated 'dogs-off-lead' areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long term maintenance and management of these provisions

Natural England would be happy to advise developers and/or their consultants on the detail of this at the pre-application stage through our charged Discretionary Advice Service (DAS), further information on which is available [here](#).

However, the unique draw of the above European sites means that, even when well-designed, 'on-site' provisions are unlikely to fully mitigate impacts when all residential development within reach of the coast is considered together 'in combination'. We therefore advise that consideration of 'off-site' measures (i.e. in and around the relevant European designated site(s)) is also required as part of the mitigation package for predicted recreational disturbance impacts in these cases.

As such, in the interim period before the RAMS is adopted, a financial contribution should also be agreed with and collected from the developer, prior to commencement, on the basis that it can be used to fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)). These measures should be targeted towards increasing the relevant European site(s) resilience to recreational pressure and be in line with aspirations of the emerging RAMS. As an example in this interim period, this could include funding towards existing wardening schemes at the relevant European designated site(s). A suitable delivery mechanism for the measures must be agreed to secure them and ensure they are implemented from the first occupation of dwellings. Alternatively, we understand that it may be acceptable at the outline planning stage to include a suitably-worded planning condition which secures full adherence with the emerging Essex Coast RAMS at the Reserved Matters stage.

Once the RAMS has been adopted, a financial contribution should be secured from these developments prior to commencement.

Annex II – Natural England's recommendations for smaller scale residential developments within the Essex Coast RAMS zone of influence (0-99 units, or equivalent, as a guide) which are not within/directly adjacent to a European designated site

Whilst the provision of well-designed open space/green infrastructure on site or contributions towards strategic green infrastructure in your district is to be welcomed for developments of this scale, a proportionate financial contribution in line with/to the Essex Coast RAMS should be

⁵ Taken from Jenkinson, S., (2013), *Planning for dog ownership in new developments: reducing conflict – adding value. Access and greenspace design guidance for planners and developers*



secured as a minimum to help fund strategic 'off site' measures.

As such, in the interim period before the RAMS is adopted, a financial contribution should be agreed with and collected from the developer, prior to commencement, on the basis that it can be used to fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)). These measures should be targeted towards increasing the relevant European site(s) resilience to recreational pressure and be in line with aspirations of the emerging RAMS. As an example in this interim period, this could include funding towards existing wardening schemes at the relevant European designated site(s). A suitable delivery mechanism for the measures must be agreed to secure them and ensure they are implemented from the first occupation of dwellings. Alternatively, we understand that it may be acceptable at the outline planning stage to include a suitably-worded planning condition which secures full adherence with the emerging Essex Coast RAMS at the Reserved Matters stage.

Once the RAMS has been adopted, a financial contribution should be secured from these developments prior to commencement.

Appendix 2: Visitor Survey Methodology

The survey form to be used at each site has been included within Appendix 3 of this document and contains all the proposed questions for each highlighted site.

The visitor survey methodology for these surveys has been adapted from the Visitor Survey for Brantham regeneration area, The Landscape Partnership Ltd, Oct 2015, at Natural England's recommendation.

1. The surveys for each site are to be undertaken over a three week period. Specific days will be chosen in order to cover a larger demographic.
2. The surveyors will ask a set of questions to visitors passing their designated location. Visitors who decline interviews will also be recorded. Visitors who have been previously interviewed are not interviewed again. Surveyors will be asked to note the total number of people which pass while interviews are in progress.
3. Timings and locations of the surveys will be planned so that there is suitable coverage. This is to ensure that visitors with specific habits are not missed from the survey.
4. Surveys will begin at 0730 each day, to record early visitors. The survey will continue throughout the day until 1700, with surveyors taking 30 minute breaks every 2 hours. This equates to four two hour sessions at each site.
5. Surveyors will have short breaks during the day for welfare purposes, lunch and to travel between survey locations as part of the surveyor rotation. Surveyors are asked to interview any visitors they encounter while travelling between locations.
6. The survey window would be better to include some school term time dates and Bank Holidays if this is practicable during the survey period.
7. The questionnaire can be found within Appendix 3. The questionnaire will need to be agreed with the Local Planning Authorities, as well as with assistance from Natural England before the surveying starts. The current questions cover a range of topics which may change if objectives for the survey alter.
8. Surveyors are asked to remain in position, even during rainy days, to ensure visitors during all weathers are captured.



Appendix 3: Winter visitor survey questionnaire

This is an example questionnaire for Leigh-on-Sea, specific locations and geographical features were changed for each location.

Visitor Questionnaire

This questionnaire is to help work out how much difference new residential development might make to protected sites and species in the area. In particular, people using the coast might lead to disturbance of the birds on the estuary, beaches and saltmarsh.

1. What is your main activity when using the area?

- a. Dog walking always on lead
- b. Dog walking sometimes or always off lead
- c. Exercise e.g. jogging
- d. Walking
- e. Bird/nature watching
- f. Bait digging
- g. Cycling
- h. Playing
- i. Outing with the children
- j. Wildfowling
- k. Water sports: please specify type
- l. Other (please specify)

2. How often do you come to this location?

- a. Daily
- b. Most days (180+ visits)
- c. 1 to 3 times a week (40-180 visits)
- d. 2 to 3 times per month (15-40 visits)
- e. Once a month (6-15 visits)
- f. Less than once a month (2-5 visits)
- g. Don't know
- h. First visit
- i. On holiday / day visit in area

3. Have you come from home or are you visiting / on holiday in the area? What is your postcode? (Just for making sure we understand the results properly and won't be used for anything else or given to anyone)

- a. From Home
- b. On holiday / day visit in area
- c. Town
- d. Postcode / partial postcode / town__

4. What made you come here today rather than other places?

- a. Close to home
- b. Easy parking
- c. Free parking
- d. Good area to take the dog for a walk
- e. Space and facilities for natural play
- f. Peaceful
- g. Welcoming and safe
- h. Familiar
- i. Good choice of routes / places to walk

- j. Estuary views
- k. Wildlife
- l. Sense of wilderness
- m. Site history
- n. Other_

5. How do you normally travel to the site?

- 7.1 On foot
- 7.2 Bicycle
- 7.3 Public transport
- 7.4 Car
- 7.5 Other_
- 7.6 Don't know / no answer

6. If you arrived by car, where did you park?

- a. Mayflower car park
- b. Belton Bridge car park
- c. Other formal car park
- d. Layby
- e. Roadside parking
- f. Other
- g. Not sure / Don't know

7. Refer to map. Where did you enter the site?

- a. A – Leigh Marina
- b. B – Belton Bridge / Osbourne Bros Café
- c. C – High Street / The Mayflower
- d. D – Leigh Cliffs East via bridge
- e. E – Along seafront from Chalkwell / Westcliff-on-Sea
- f. Other – specify
- g. Not sure

8. Do you normally visit at a certain time of day?

- a. Before 9am
- b. Between 9am and 12
- c. Between 12 and 3pm
- d. Between 3 – 6pm
- e. After 6pm
- f. It varies
- g. Don't know / first visit

9. How long have you spent / will you spend along the seafront today?

- a. Less than 1 hour
- b. 1 – 2 hours
- c. 2 – 3 hours
- d. More than 3 hours

10. Do you plan your visit in relation to the tide?

- a. Yes
- b. No

11. Is there a time of year when you tend to visit more often?

- a. No, all year round
- b. Spring (Mar-May)
- c. Summer (Jun-Aug)
- d. Autumn (Sept-Nov)
- e. Winter (Dec-Feb)



- f. Don't know
- g. Only visited once

12. What would make you want to visit a new park for recreation if created in the area (if needed to relieve pressure on protected sites)?

- a. New paths
- b. Room for running around
- c. Dogs off lead area
- d. Play equipment
- e. Shelter from wind
- f. Sculptures
- g. Attractive landscaping
- h. Cycling routes
- i. Wildlife
- j. Free parking
- k. Views over the estuary
- l. Anything else? specify:

13. Are you aware that the river and shore is very important for wildlife, particularly water birds for most of the year?

- a. Yes
- b. No

14. If you indicated yes to the above question, can you detail the designation / designations?

15. Group size

- a. Number of people_
- b. Number of dogs on lead_
- c. Number of dogs off lead_
- d. Number of pushchair / wheelchair/ buggy

Interview time (24hr clock):

Interviewer:

Appendix 4: Winter Visitor Survey Results 2018/19

Table A4.1: Survey dates and location

Survey Location	Weekday	Weekend
Leigh-on-Sea – SE&BM	07.02.18	28.02.18
Gunners Park – SE&BM	12.02.18	04.02.18
Burnham-on-Crouch – C&R	06.02.18	28.01.18
North Fambridge – C&R	12.02.18	11.02.18
Northey Island – BW	16.02.18	11.02.18
Tollesbury Wick – BW	23.02.18	25.02.18
St Peters Chapel – D	22.02.18	18.02.18
	08.03.18	10.03.18
Coalhouse Fort – T	06.02.18	04.02.18
Thurrock Thames EWT – T	13.02.18	10.02.18
Cudmore Grove – C	22.02.18	25.02.18
Wivenhoe Barrier – C	01.03.18	04.03.18

Table A4.2: Number of survey responses per Habitats site 2018/19

SPA	Site	Weekday	Weekend	Total
Benfleet and Southend Marshes	<i>Gunners Park</i>	34	85	119
	<i>Cinder Path</i>	71	143	214
	Total	105	228	333
Crouch and Roach Estuaries	<i>Burnham-on-Crouch</i>	60	43	103
	<i>Blues House Farm</i>	15	25	40
	Total	75	68	143



Blackwater Estuary	<i>Northey Island</i>	10	14	24
	<i>Tollesbury</i>	10	39	49
	Total	20	53	73
Dengie	<i>St. Peters Chapel 1</i>	17	37	54
	<i>St. Peters Chapel 2</i>	7	16	23
	Total	24	53	77
Thames Estuary and Marshes	<i>Coalhouse Fort</i>	10	23	33
	<i>Thameside Nature Park</i>	32	17	49
	Total	42	40	82
Colne Estuary	<i>Cudmore Grove</i>	23	29	52
	<i>Wivenhoe Barrier</i>	33	38	71
	Total	56	67	123

Table A4.3: Passers-by and water activity per survey location for 2018/19

SPA	Site	Weekday		Weekend		Total	
		Passers by	Water activity	Passers by	Water activity	Passers by	Water activity
Benfleet and Southend Marshes	<i>Gunners Park</i>	78	0	127	1	205	1
	<i>Cinder Path</i>	181	6	434	2	615	8
	Total	259	6	561	3	820	9
Crouch and Roach Estuaries	<i>Burnham-on-Crouch</i>			317	22	317	22
	<i>North Fambridge</i>			15	1	15	1
	Total			332	23	332	23
Blackwater Estuary	<i>Northey Island</i>	3	0	3	0	6	0
	<i>Tollesbury</i>	21*	0	1	10	22	10

	Total	24	0	4	10	28	10
Dengie	<i>St. Peters Chapel 1</i>	4	2	8	0	12	0
	<i>St. Peters Chapel 2</i>	4	0			4	0
	Total	8	2	8	0	16	0
Thames Estuary and Marshes	<i>Coalhouse Fort</i>	19	17	0	7	19	24
	<i>Thameside Nature Park</i>			46*	7	46	7
	Total	19	17	46	14	65	31
Colne Estuary	<i>Cudmore Grove</i>	4	0	15	0	19	0
	<i>Wivenhoe Barrier</i>	18	0	21	0	39	0
	Total	22	0	36	0	58	0
* Tollesbury 10 in walking group / Thameside Nature Park 15 in walking group							



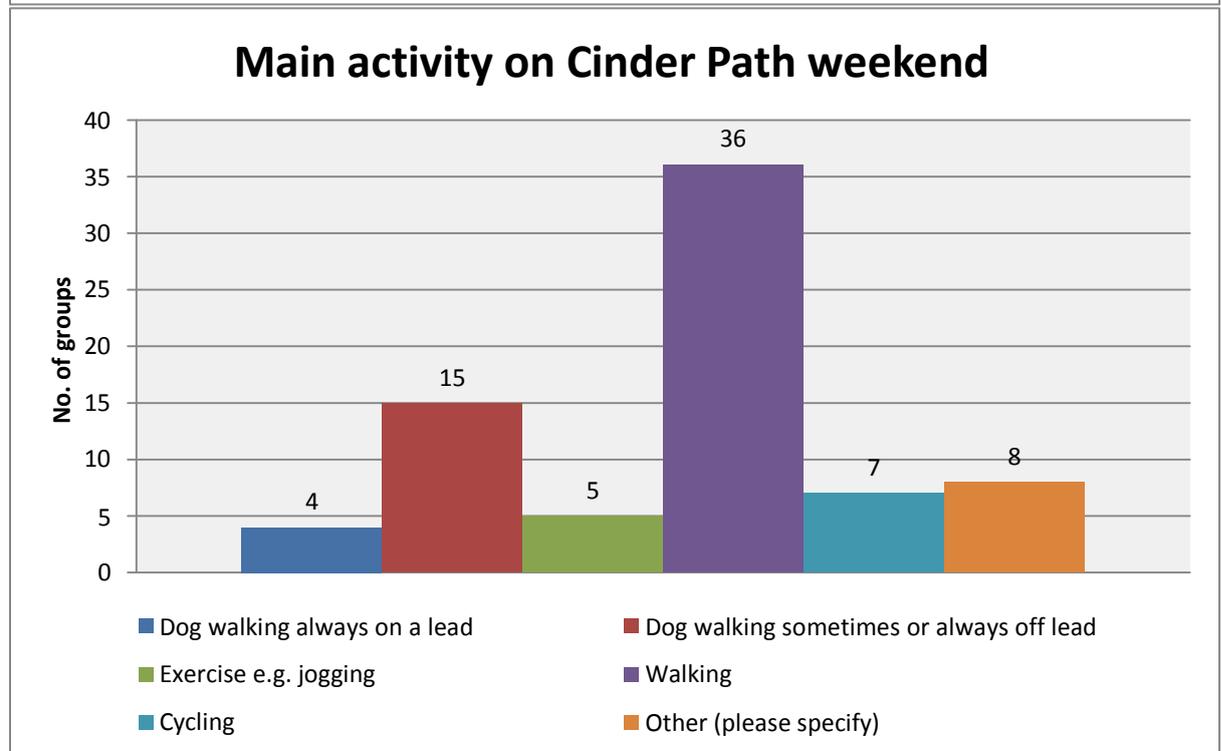
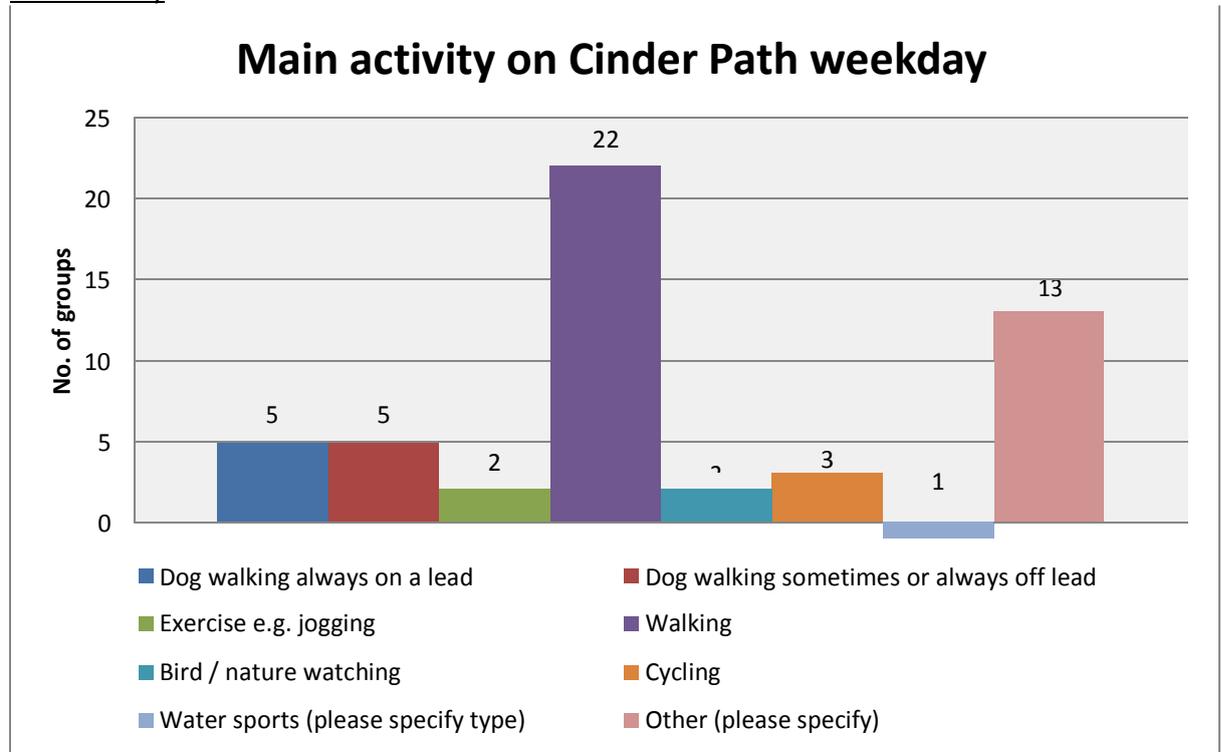
Appendix 5: Summer visitor surveys at the Blackwater Estuary and Benfleet & Southend Marshes

Southend summer survey results

Number of passers-by

Location	Weekday	Weekend	Total
Cinder Path	72	179	251
<u>Two Tree Island</u>	72	99	171
Total	144	278	422

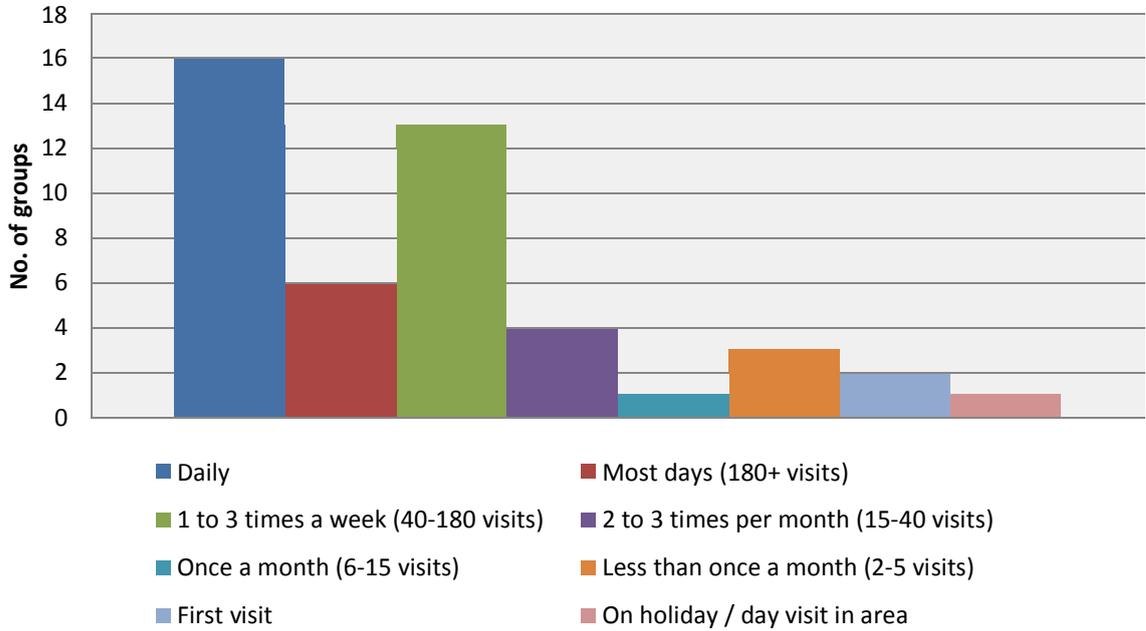
Cinder Path
Main activity



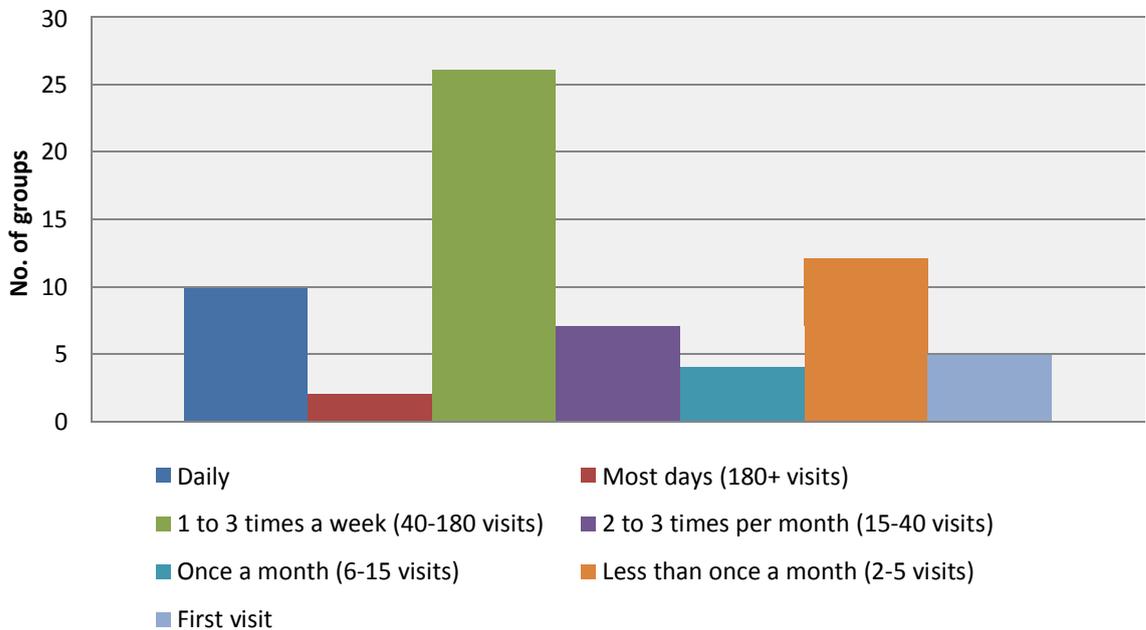


Visit frequency

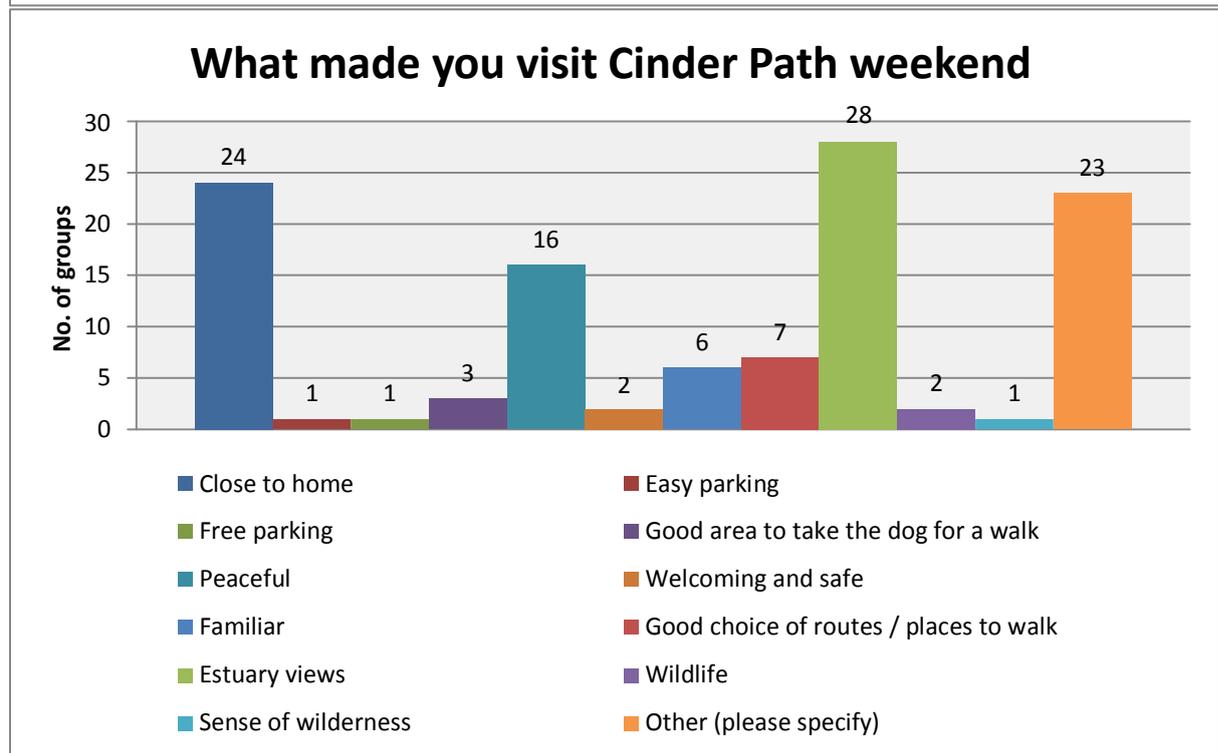
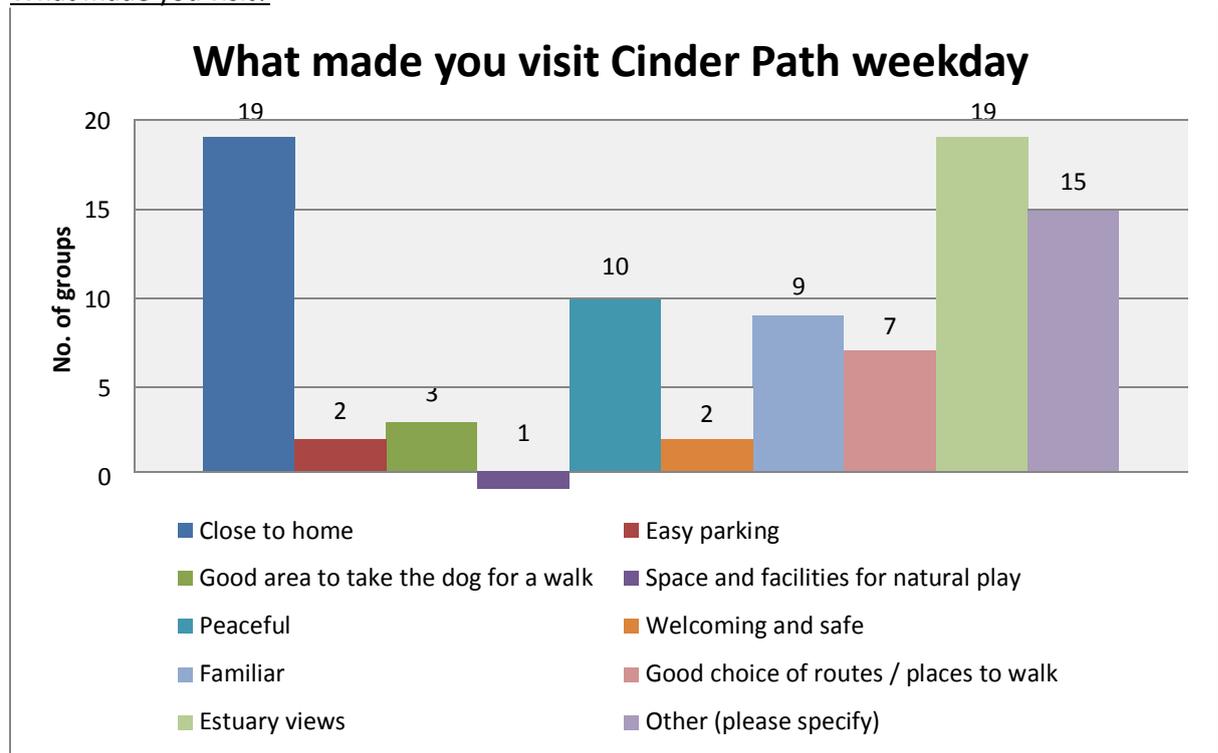
Visit frequency to Cinder Path weekday



Visit frequency to Cinder Path weekend

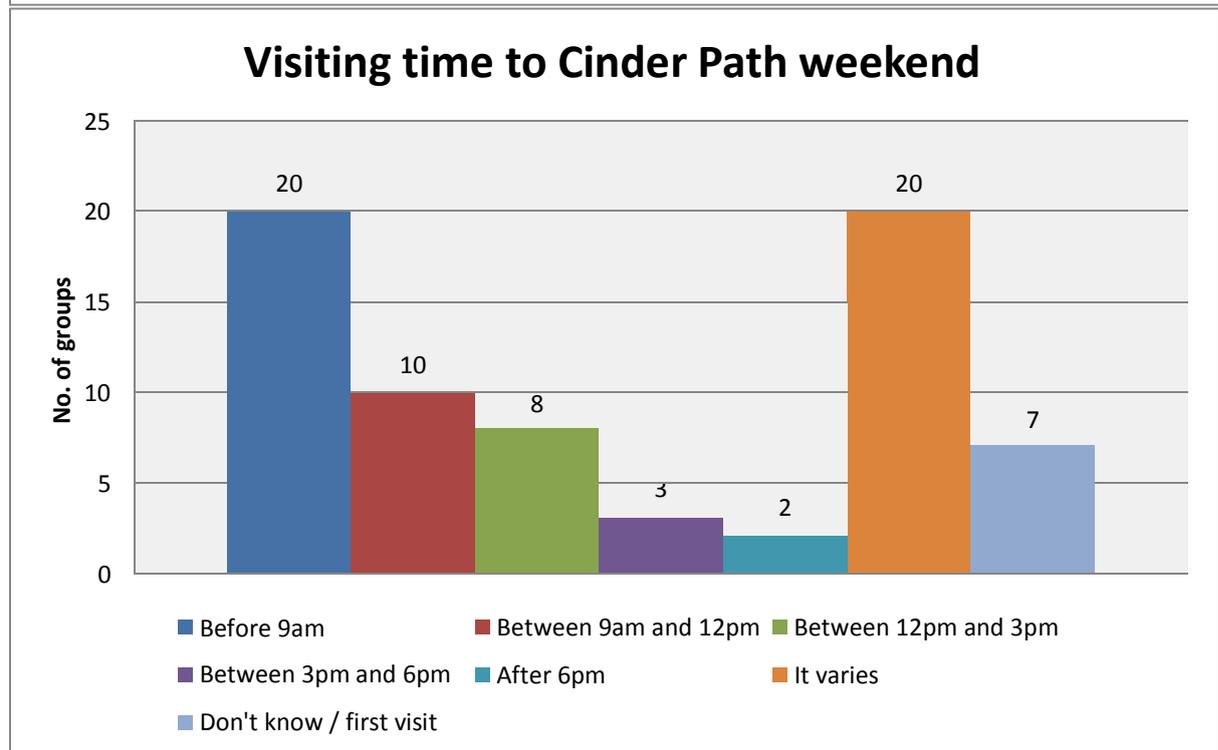
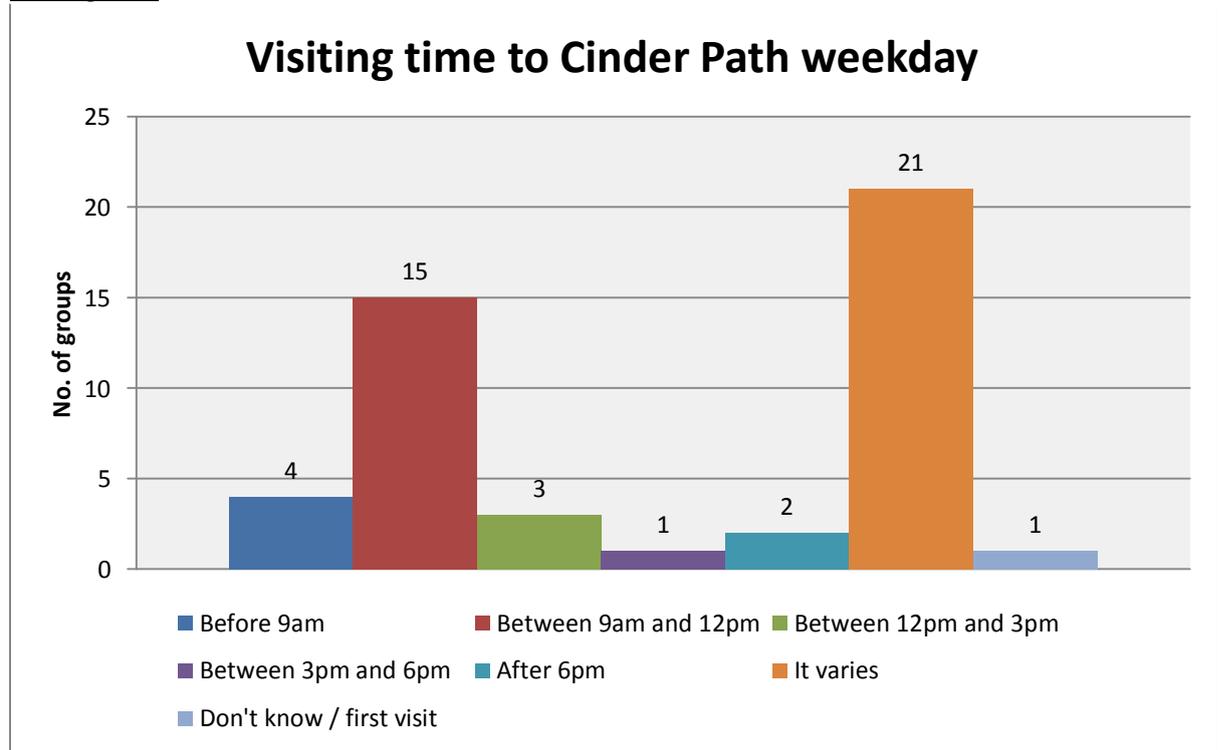


What made you visit?

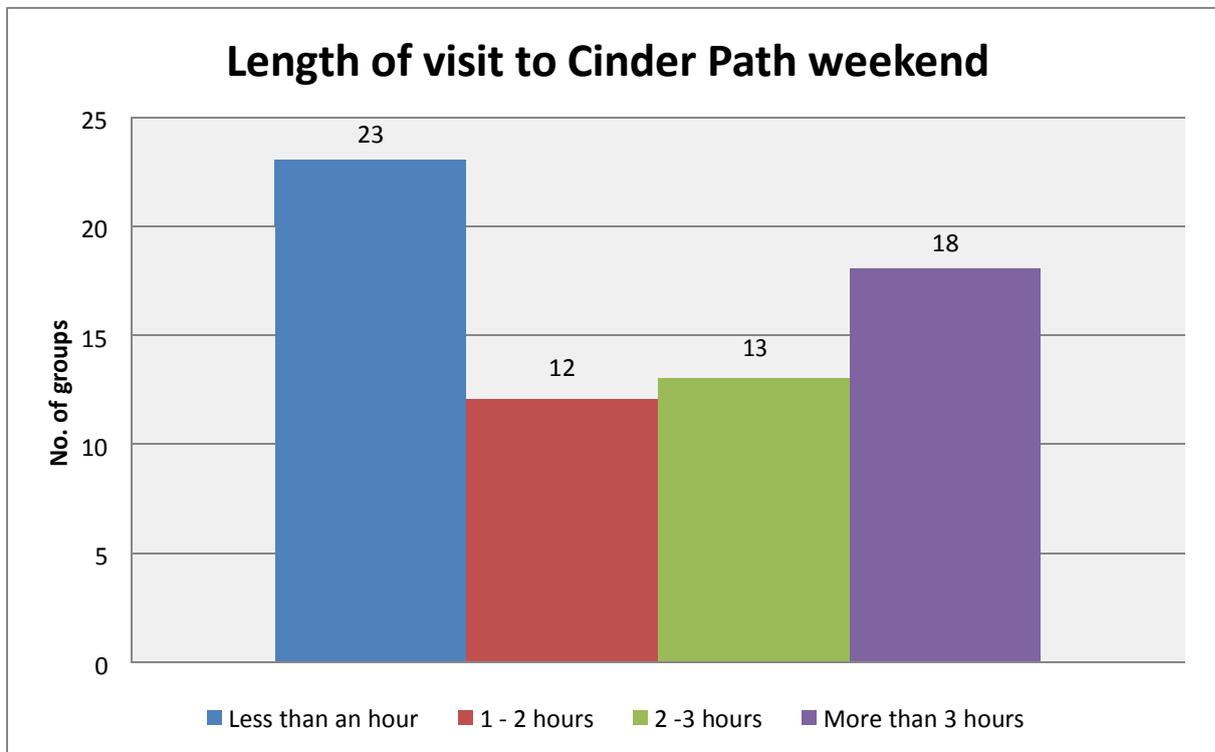
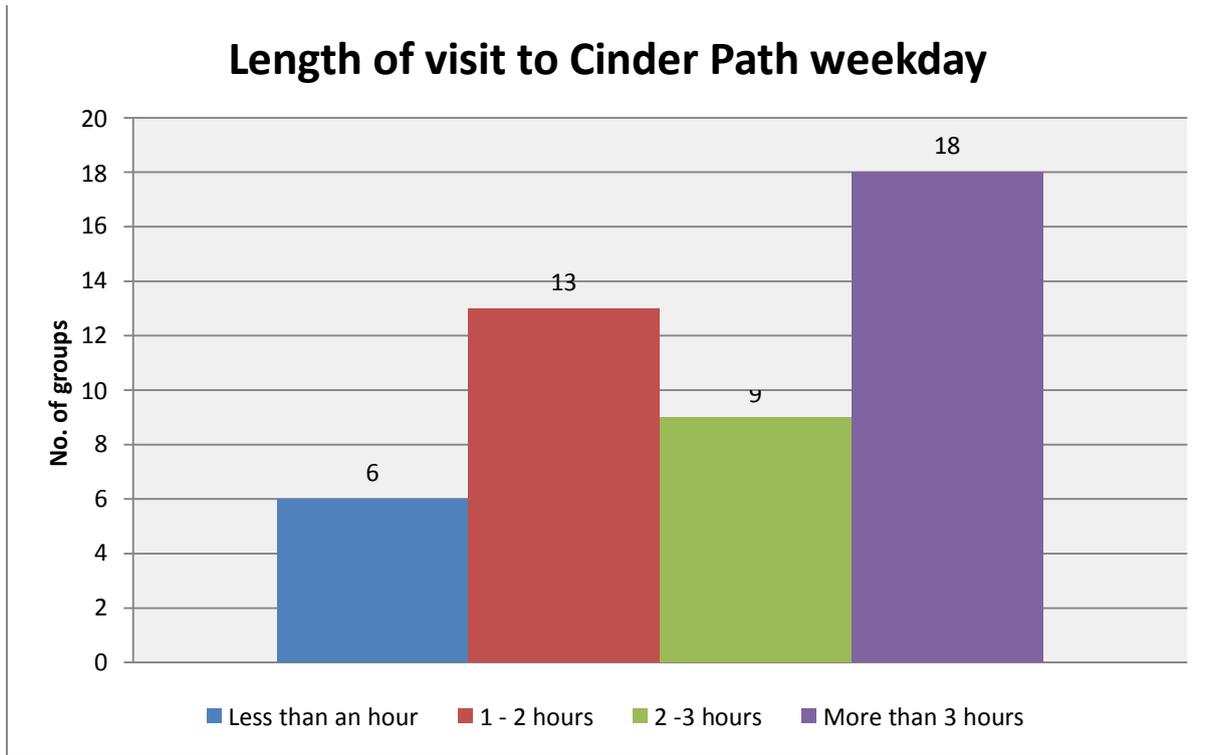




Visiting time



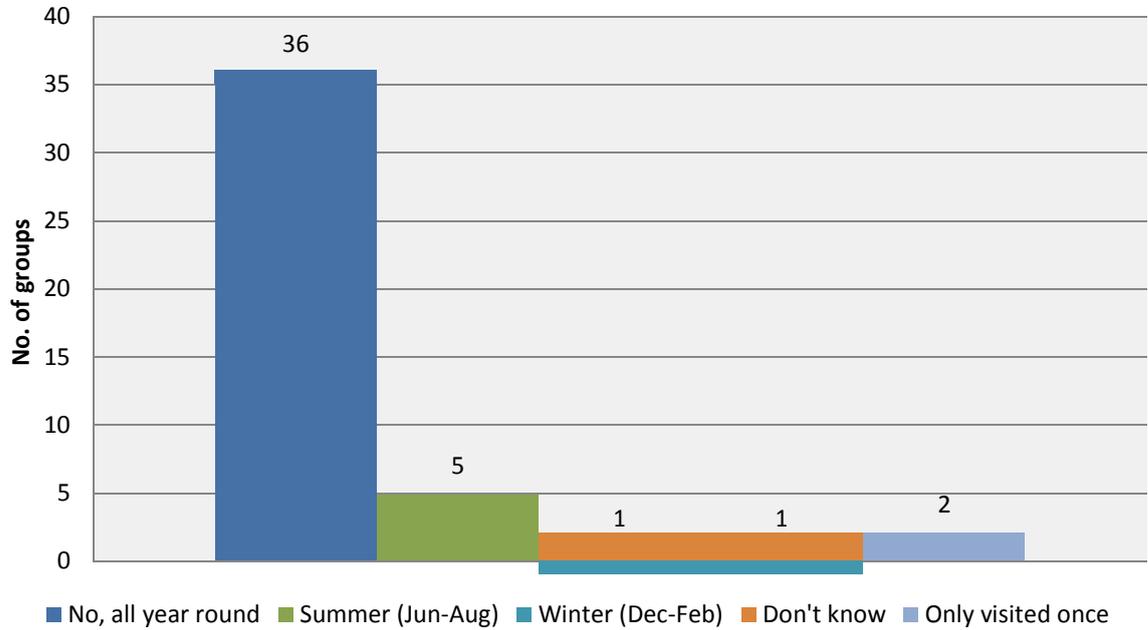
Length of visit



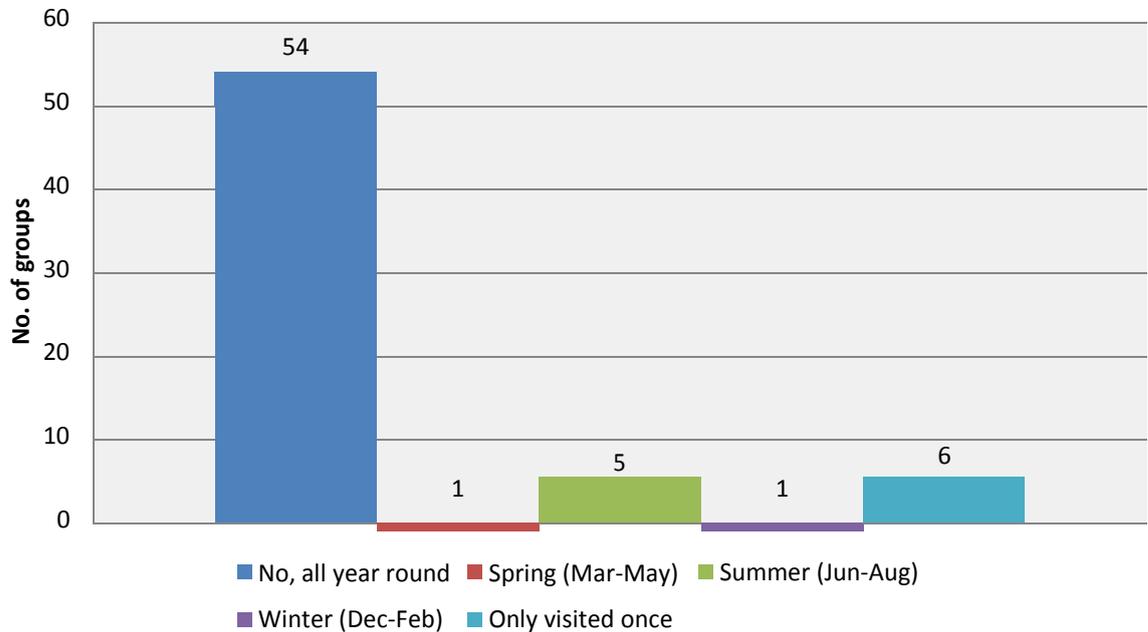


Seasonal visiting

Seasonal visiting to Cinder Path weekday

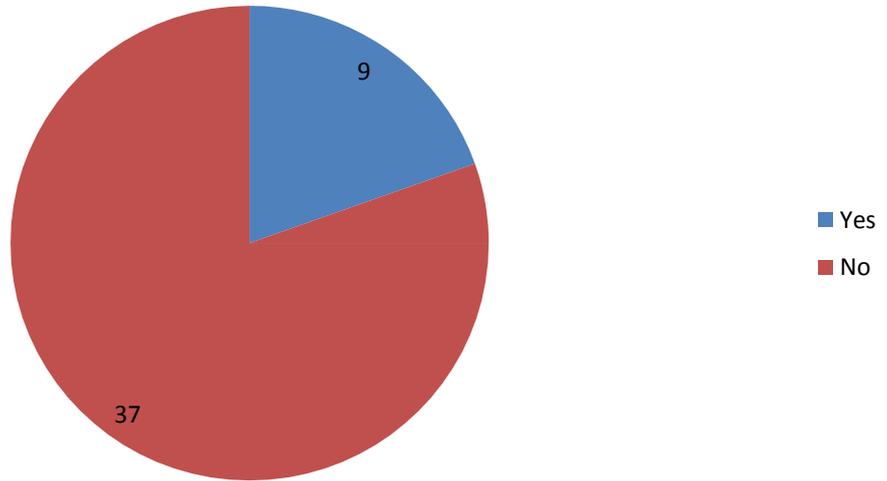


Seasonal visiting to Cinder Path weekend

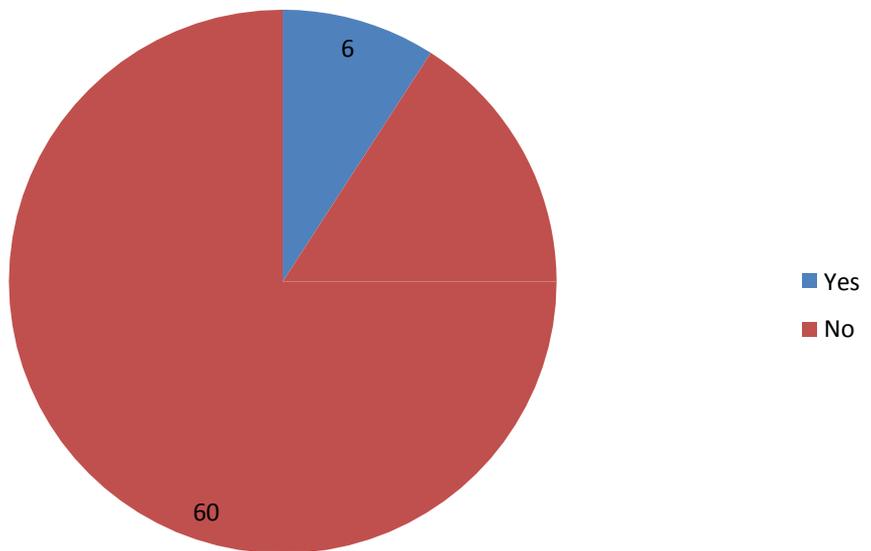


Plan visit in relation to the tide?

Plan weekday visit to Cinder Path in relation to tide?



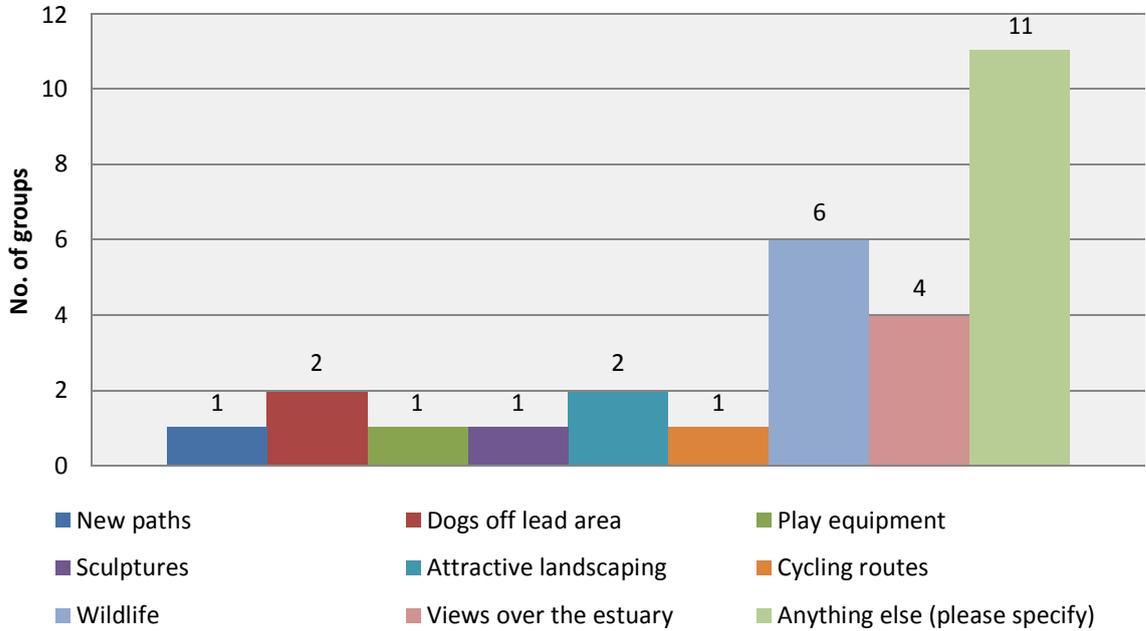
Plan weekend visit to Cinder Path in relation to tide?



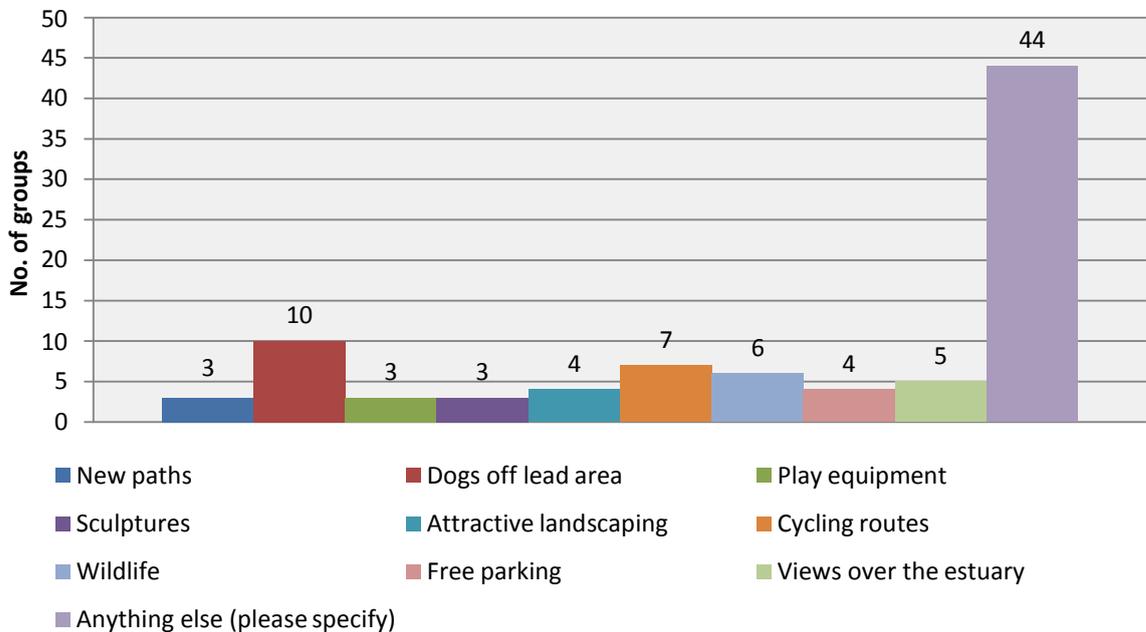


New park design

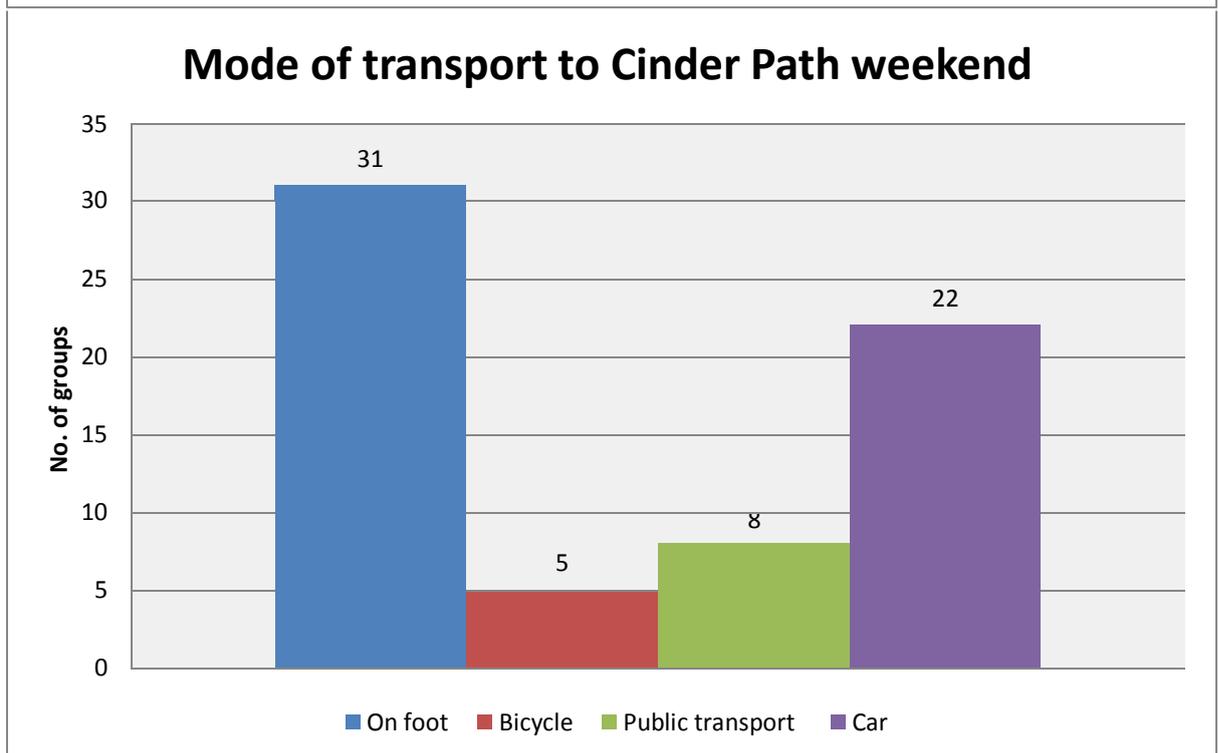
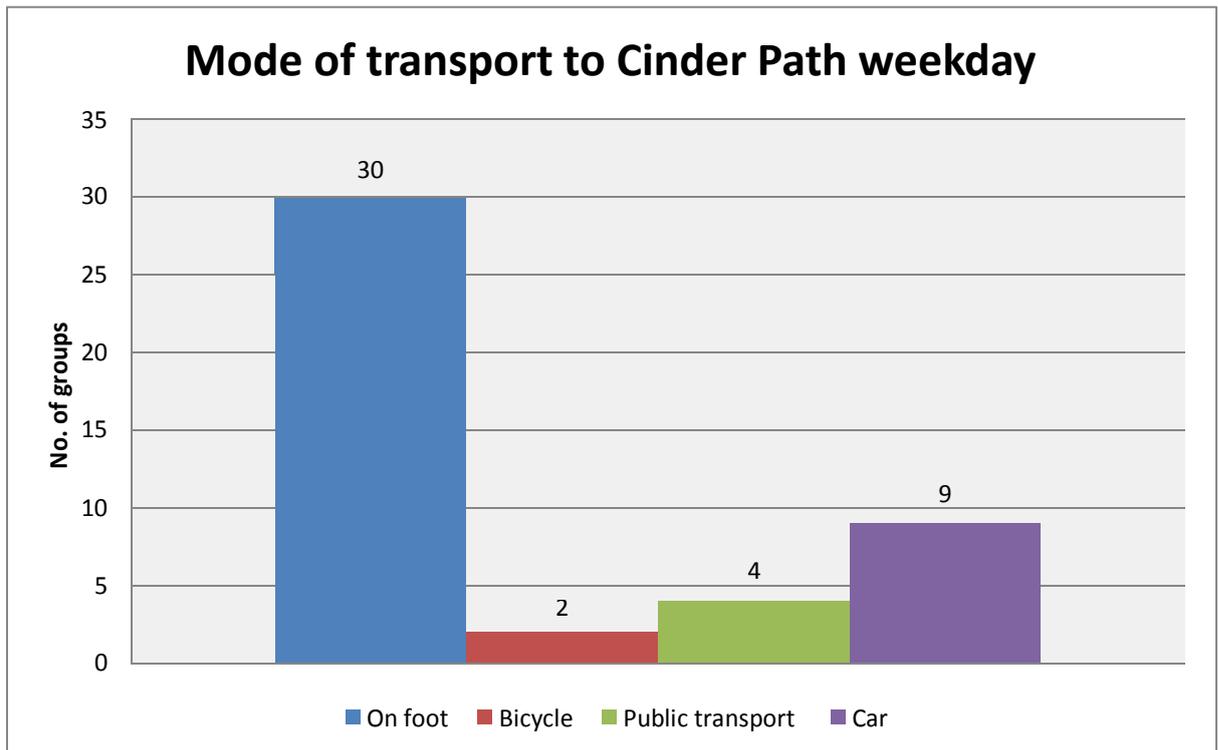
New park facilities Cinder Path weekday



New park facilities Cinder Path weekend



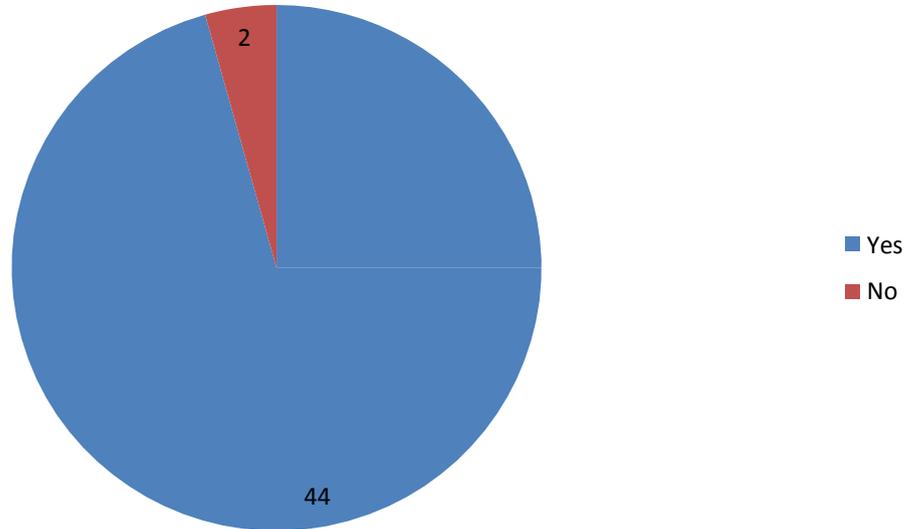
Mode of transport



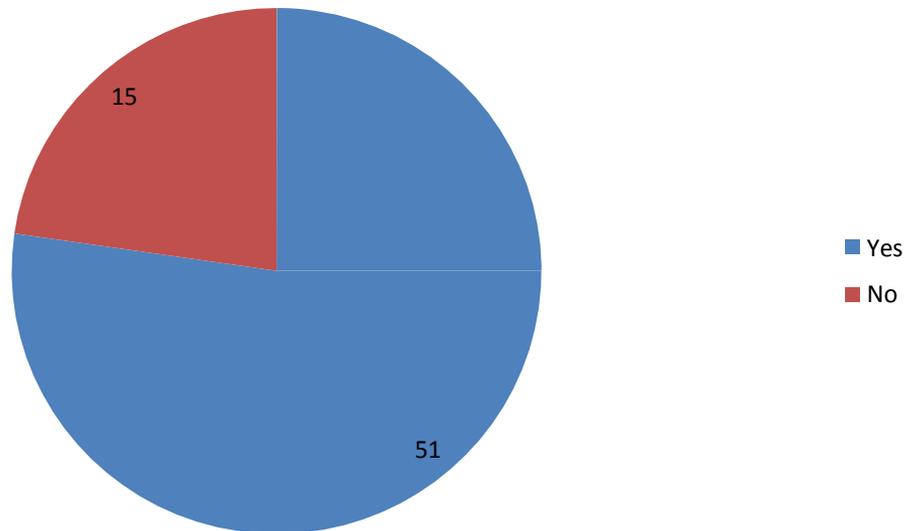
Aware of habitat importance



Aware of habitat importance? weekday

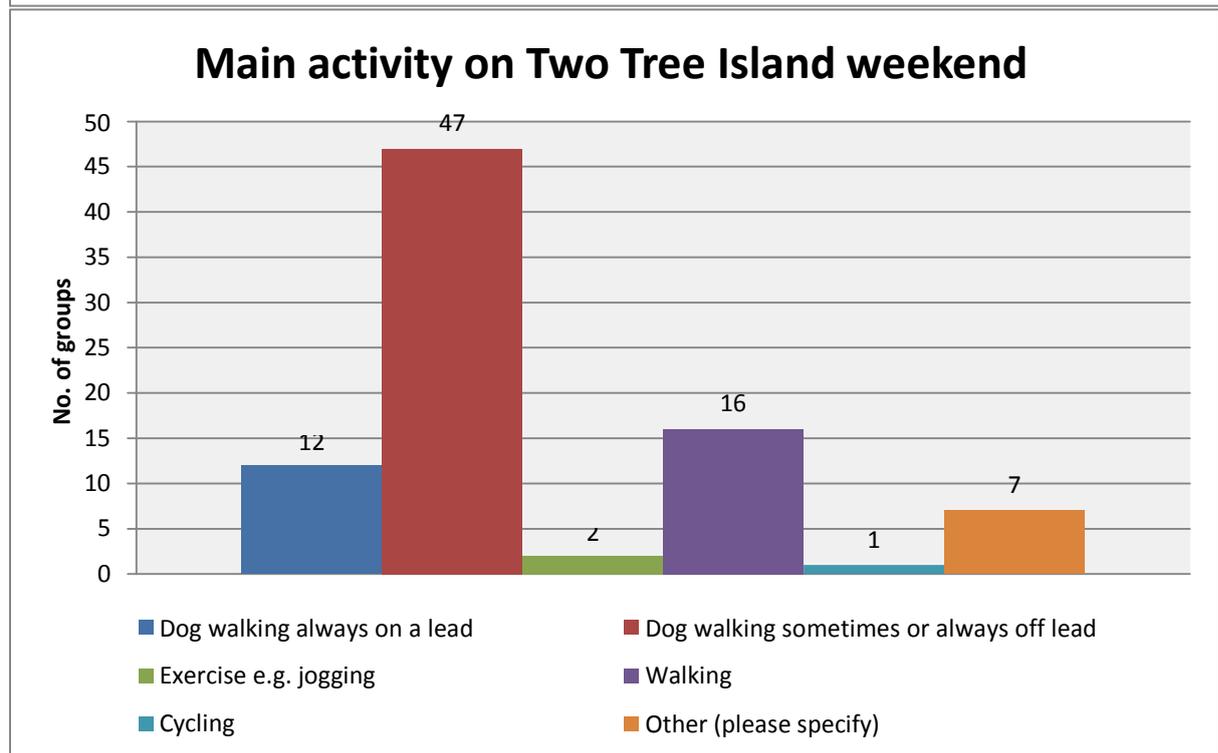
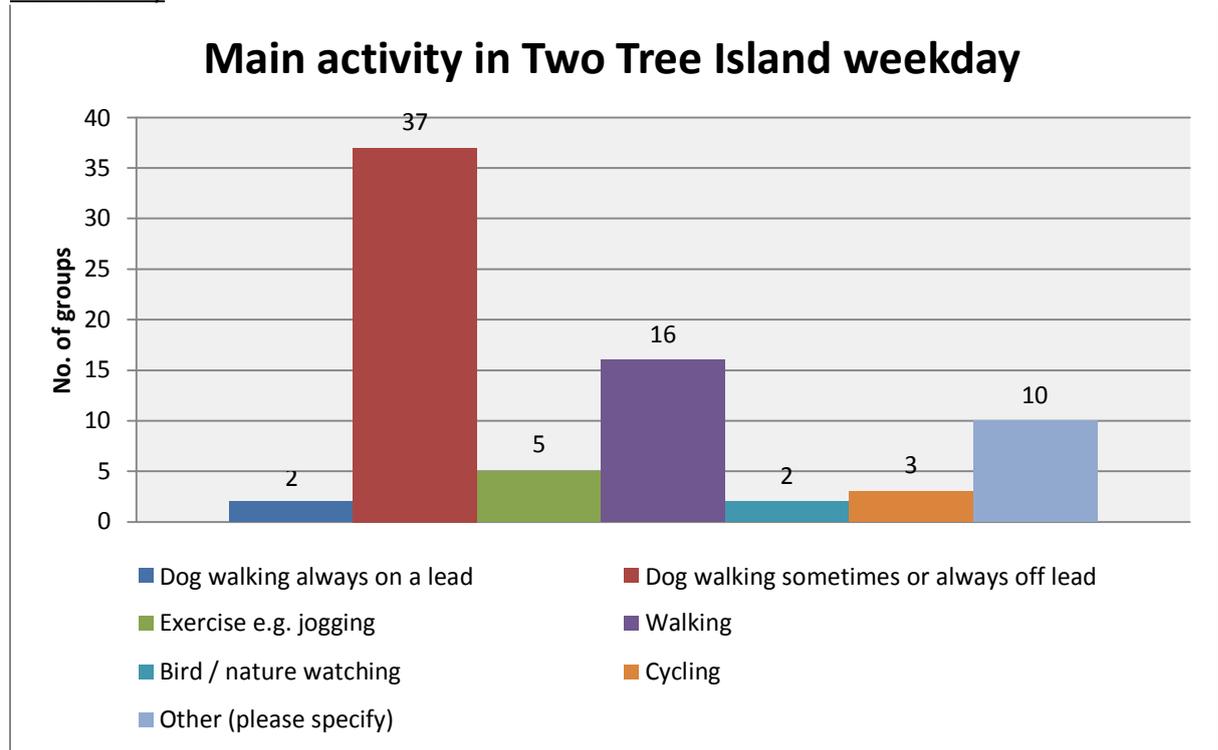


Aware of habitat importance? weekend



Two Tree Island

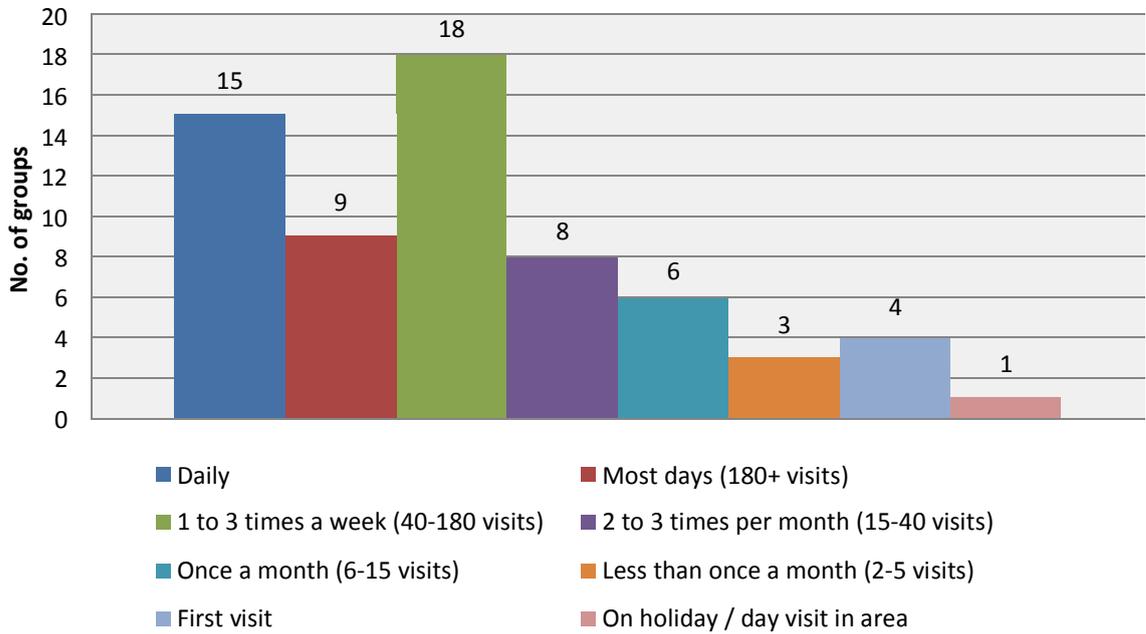
Main activity



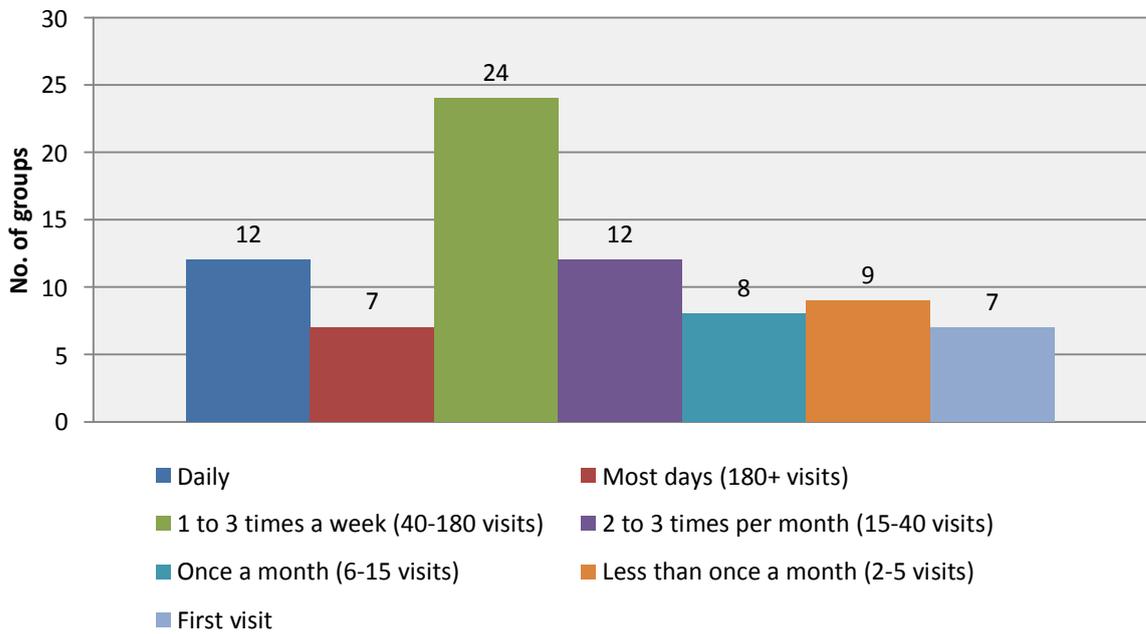
Visit frequency



Visit frequency to Two Tree Island weekday



Visit frequency to Two Tree Island weekend



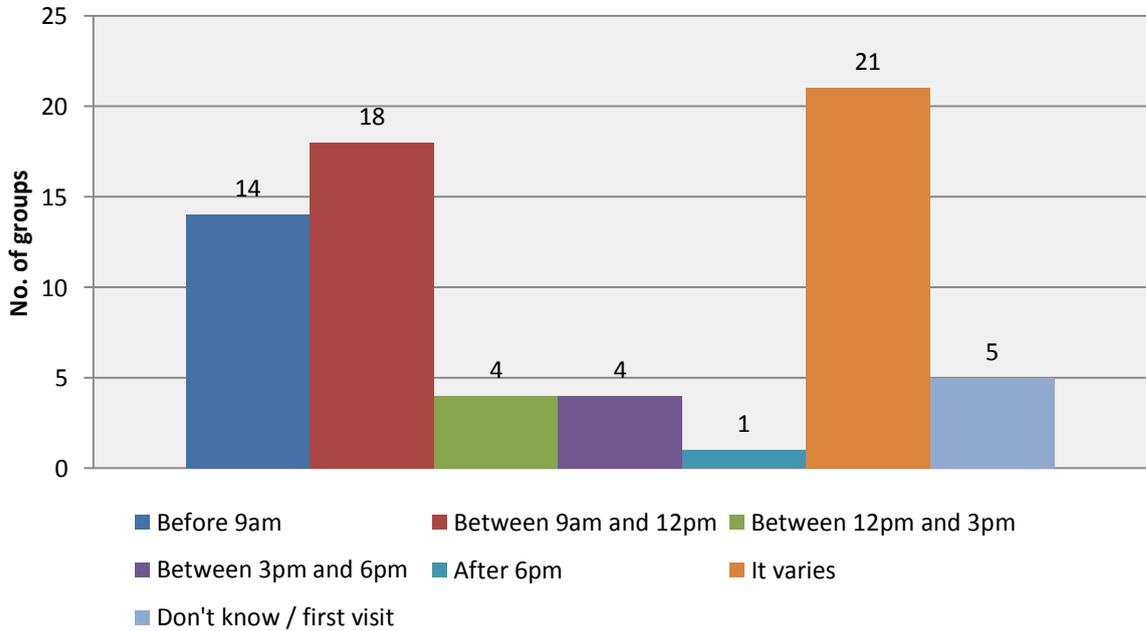
What made you visit?



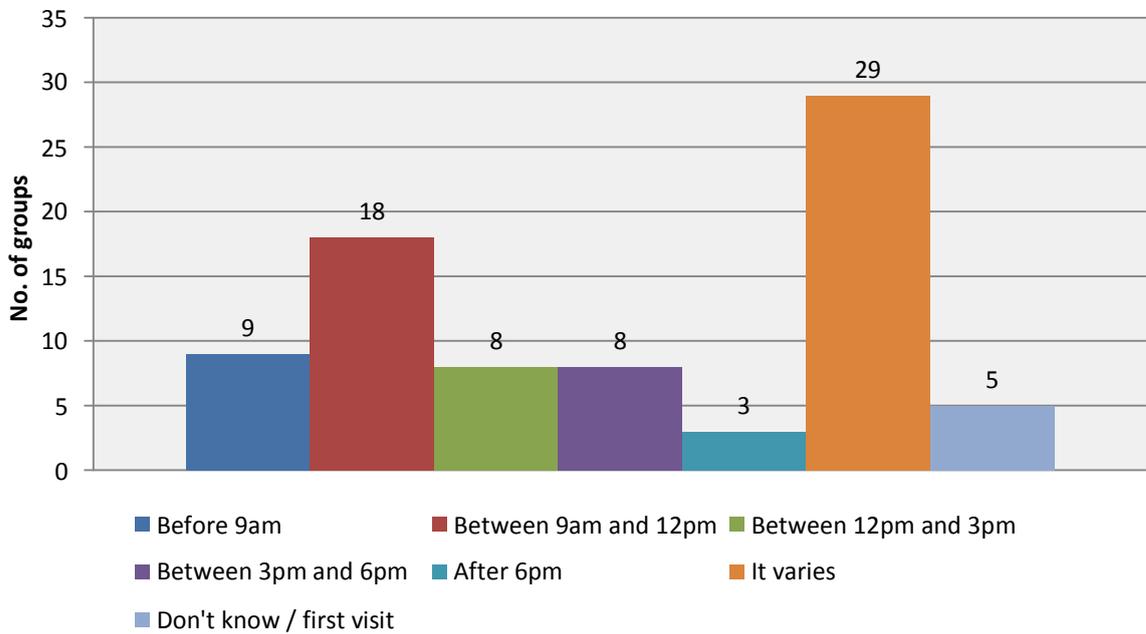


Visiting time

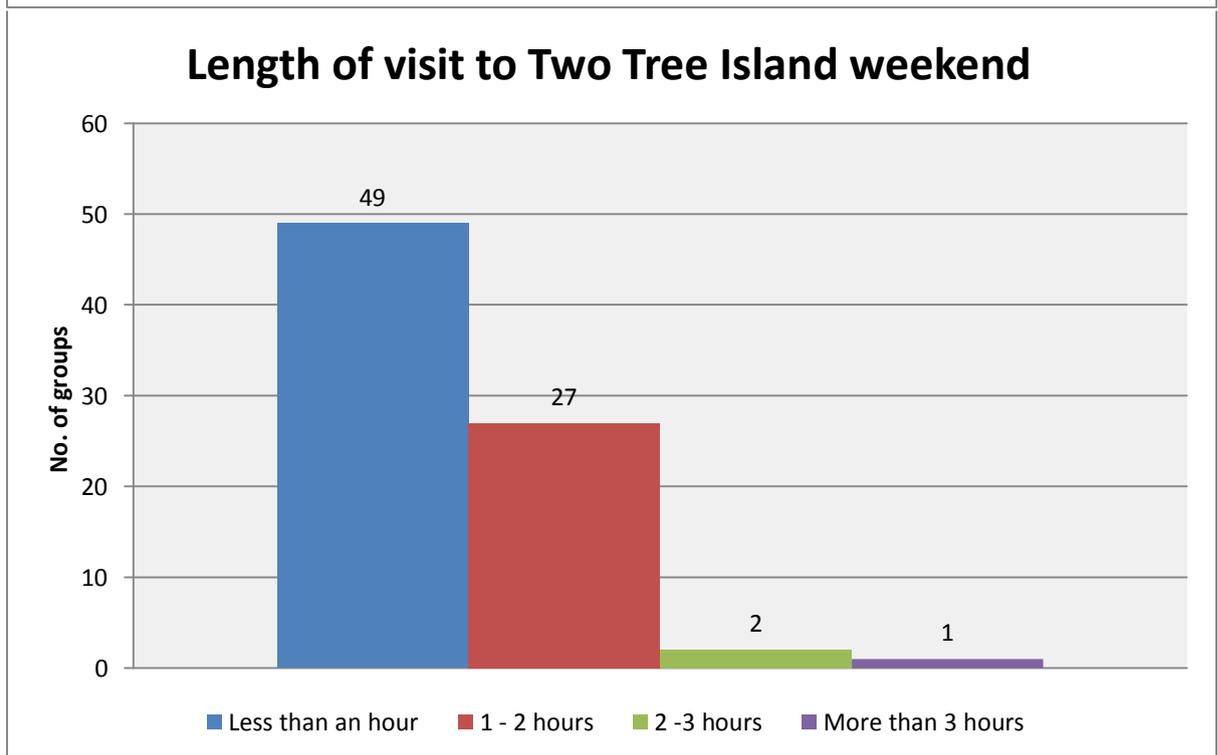
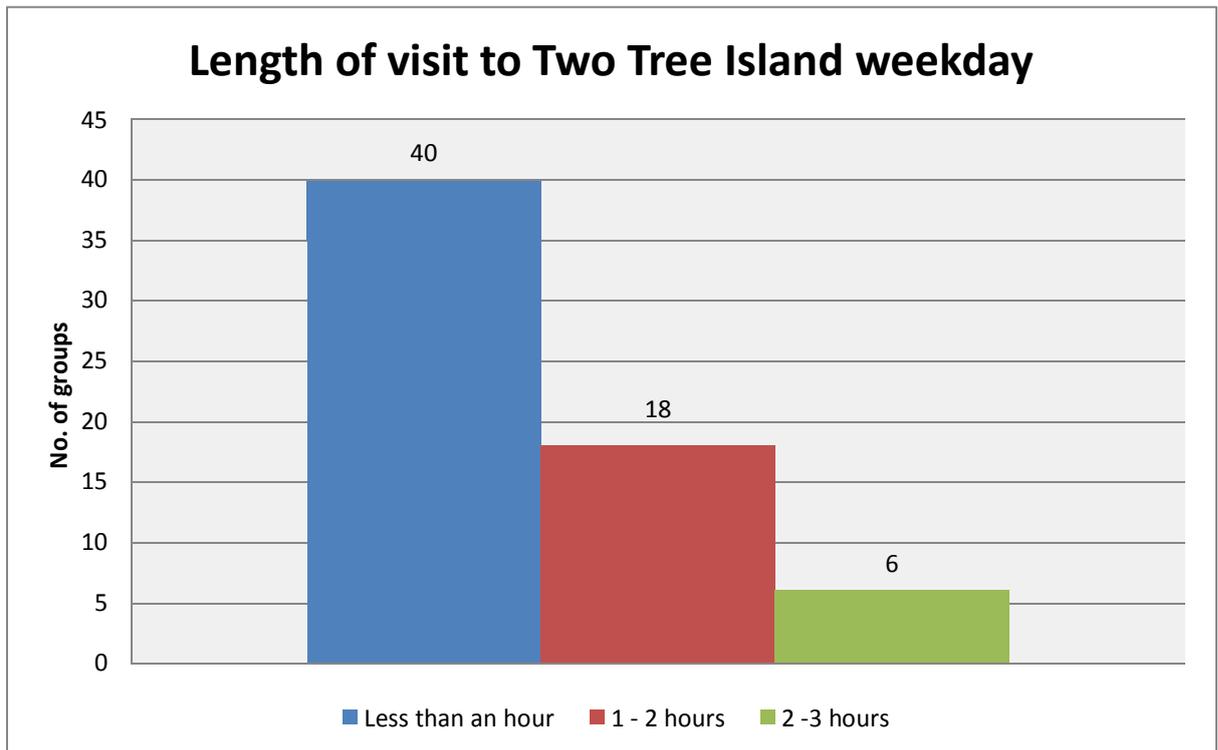
Visiting time to Two Tree Island weekday



Visiting time to Two Tree Island weekend



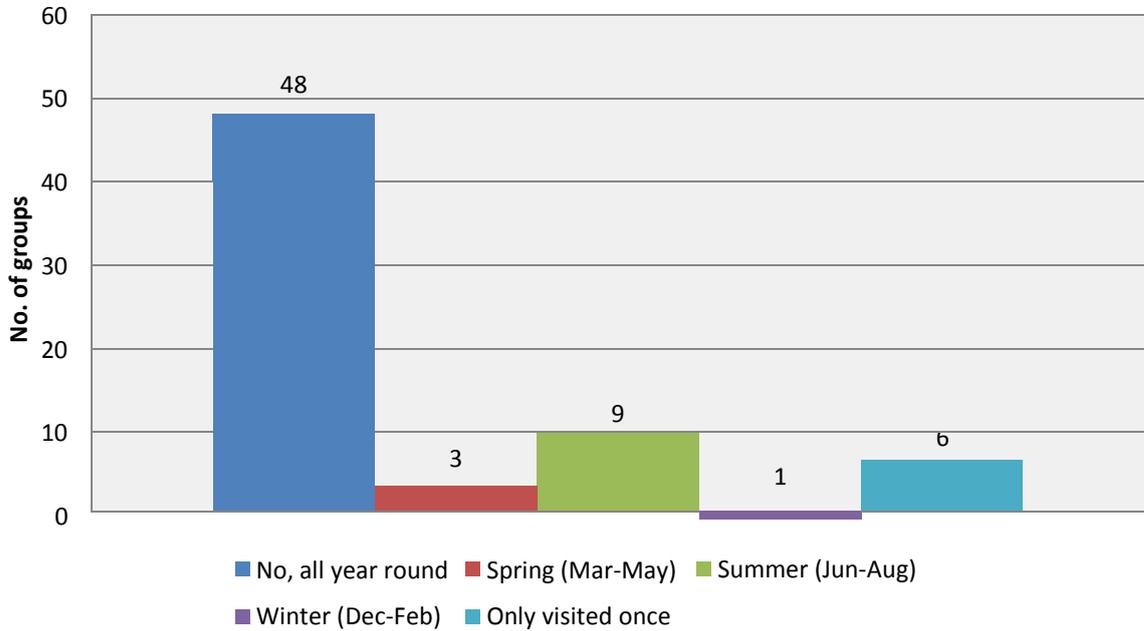
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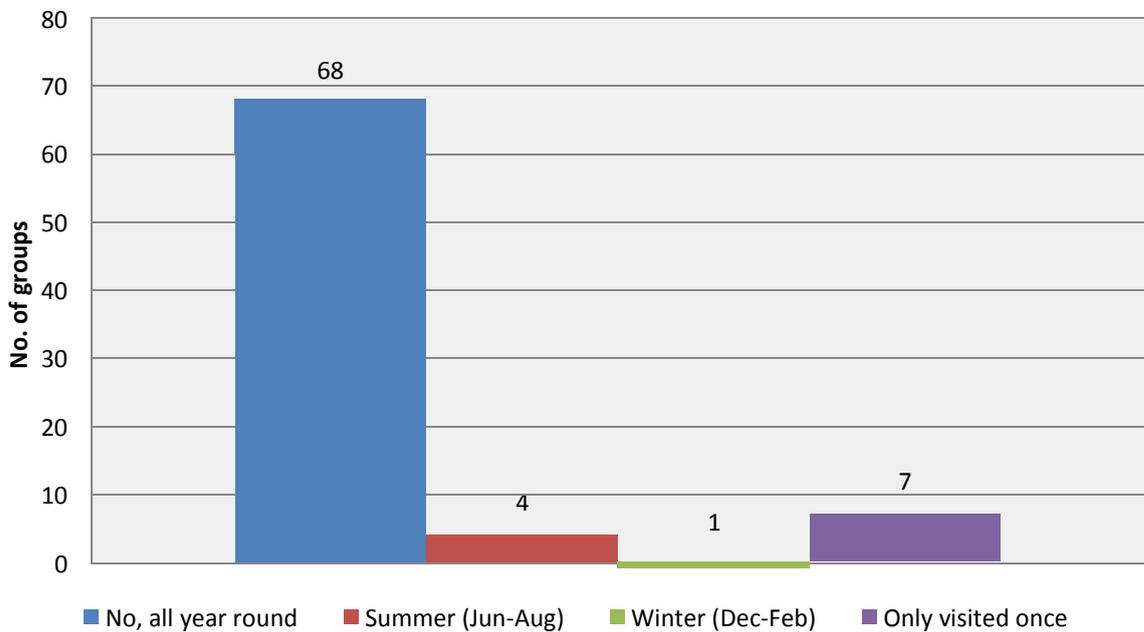


Seasonal visiting

Seasonal visiting to Two Tree Island weekday

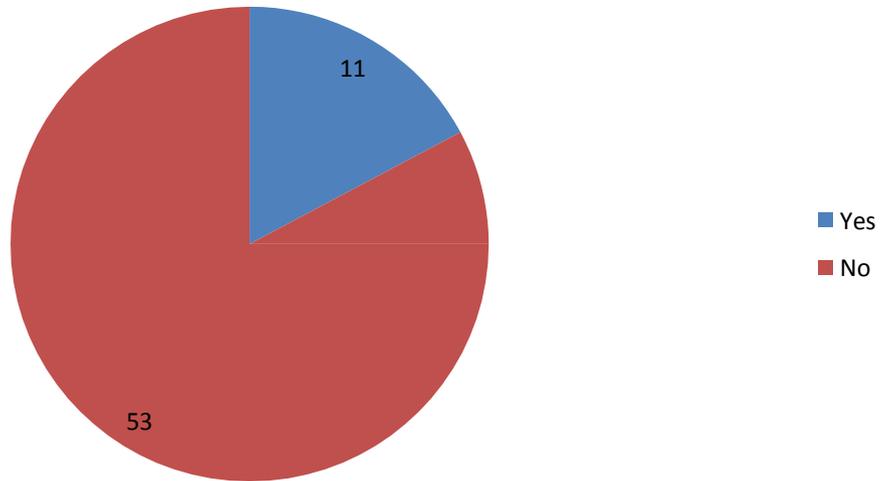


Seasonal visiting to Two Tree Island weekend

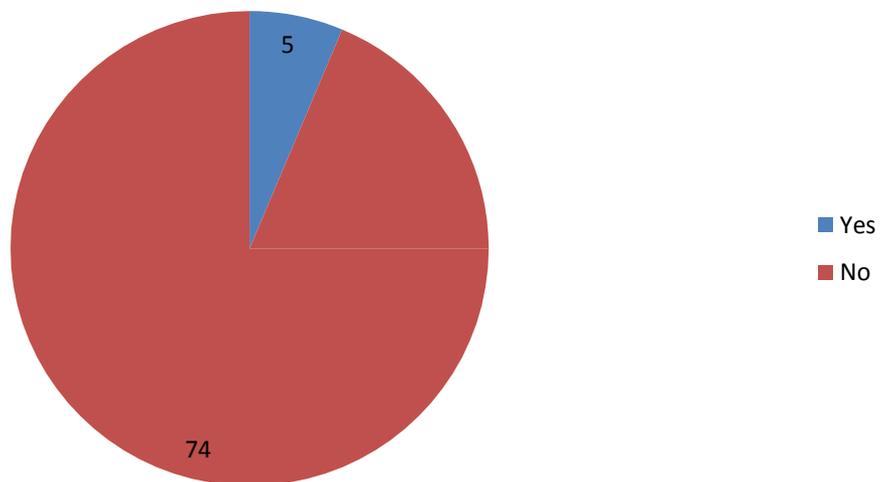


Plan visit in relation to the tide?

Plan weekday visit to Two Tree Island in relation to the tide?



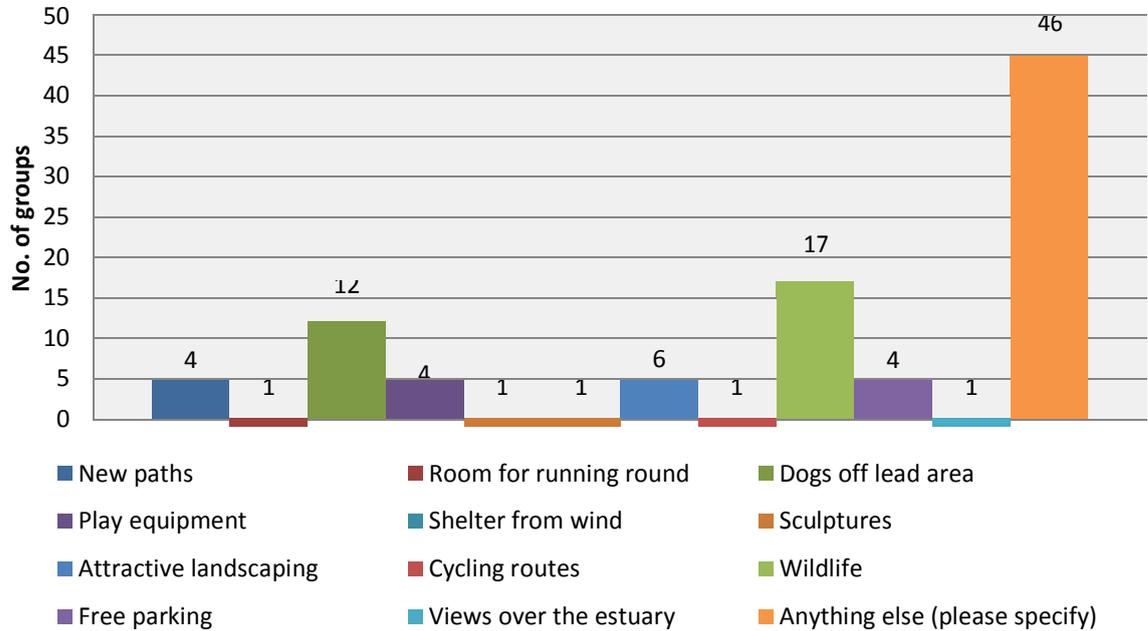
Plan weekend visit to Two Tree Island in relation to the tide?



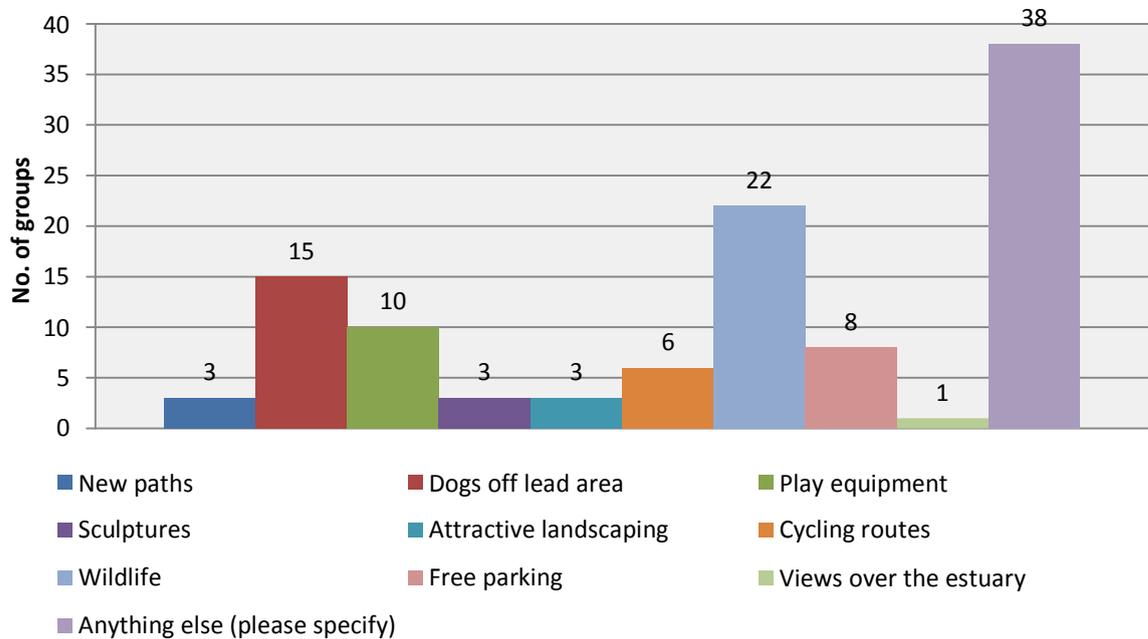


New park design

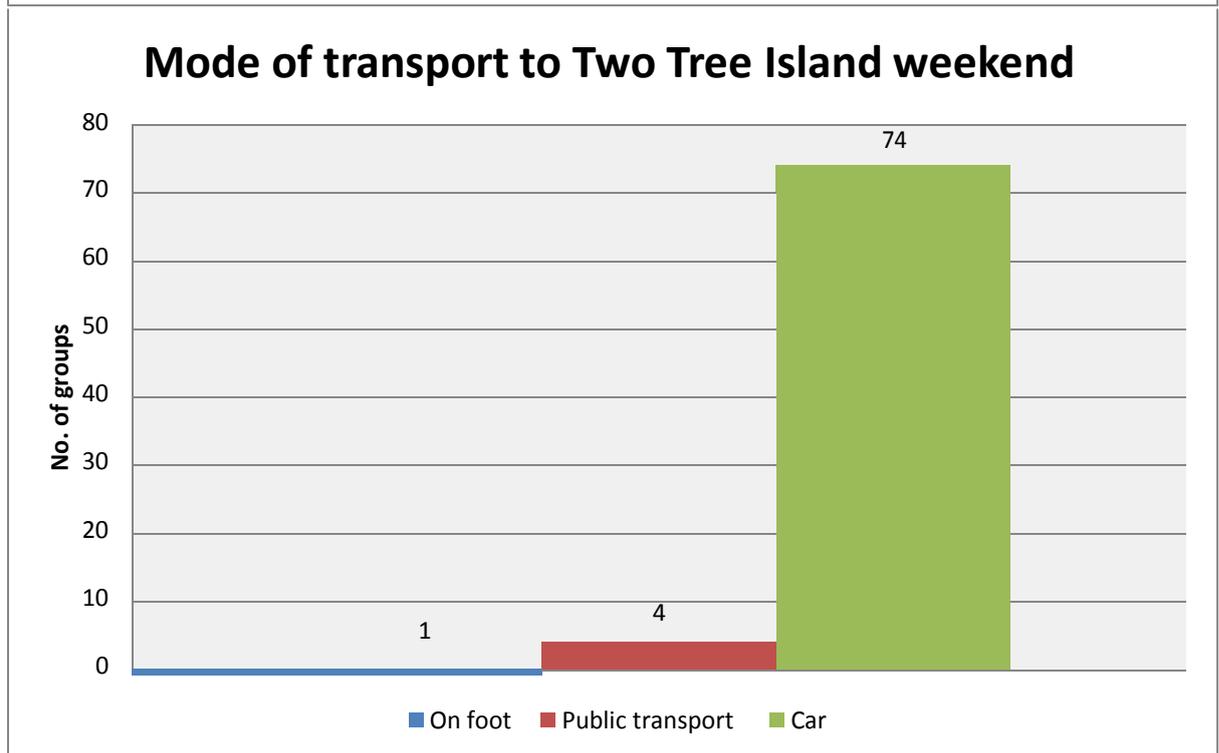
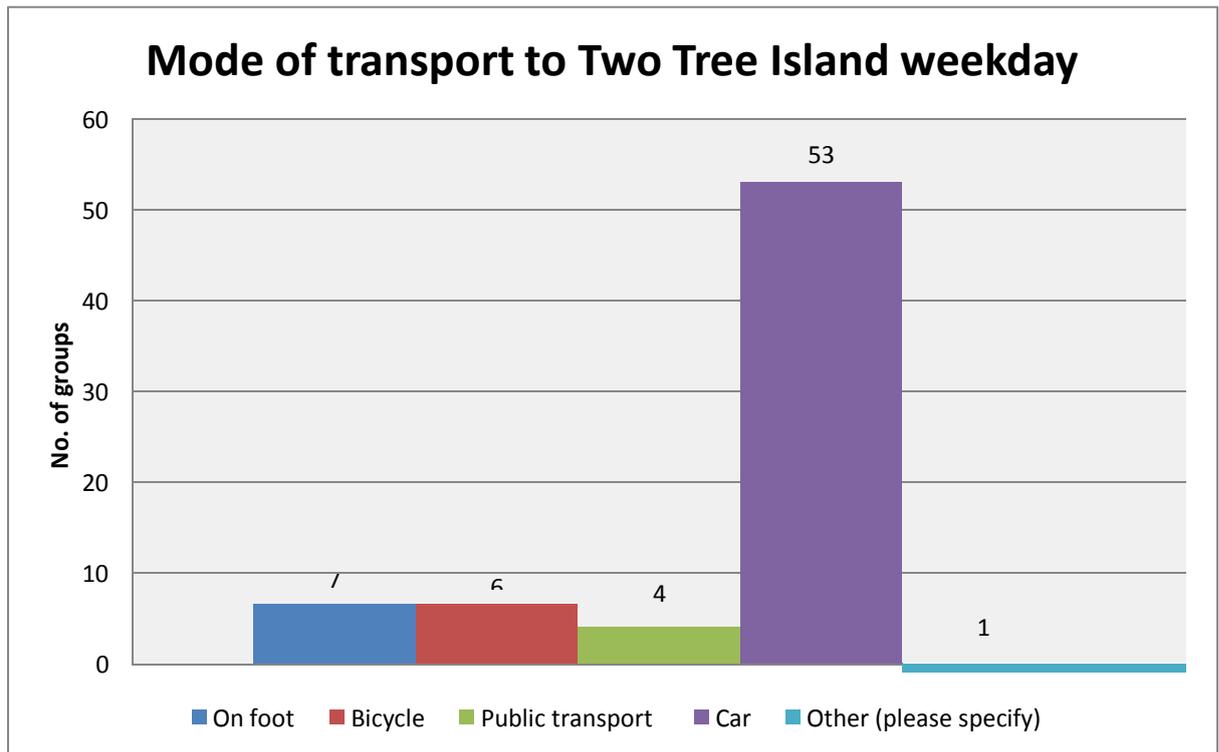
New park facilities Two Tree Island weekday



New park facilities Two Tree Island weekend



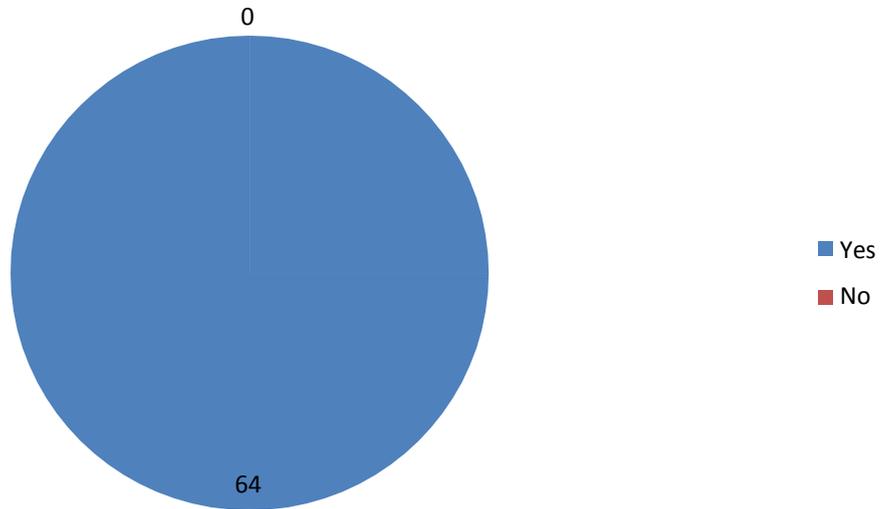
Mode of transport



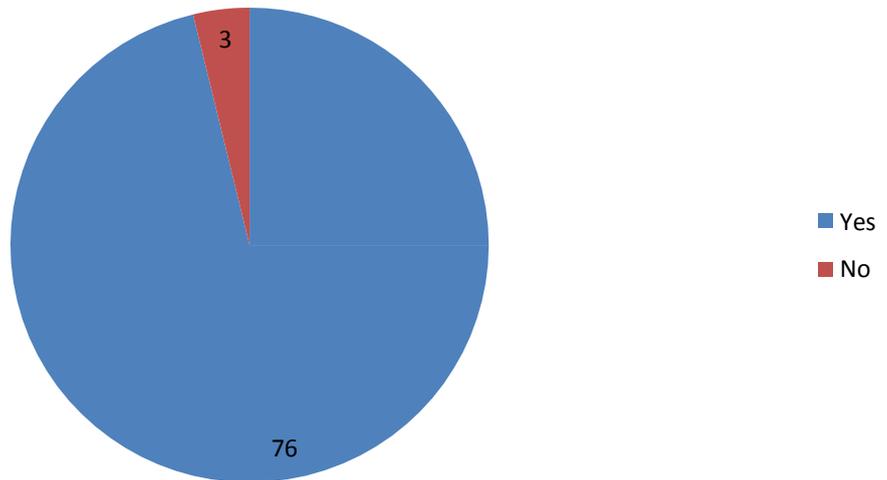


Aware of habitat importance

Aware of habitat importance? Two Tree Island weekday



Aware of habitat importance? Two Tree Island weekend



Appendix 6: Summer Survey Results

Table A6.1: Number of survey responses per survey site

SPA	Site	Weekday	Weekend	Total
Blackwater Estuary	Bradwell Marina	7	19	26
	Tollesbury Wick	16	38	54
	Total	23	57	80

Table A6.2: Passers-by and water activity per survey site

SPA	Site	Weekday		Weekend		Total	
		Passers-by	Water activity	Passers-by	Water activity	Passers-by	Water activity
Blackwater Estuary	Bradwell Marina	17 *	15	13	71	30	86
	Tollesbury Wick	0	7	20	25	20	32
	Total	17	22	33	96	50	118

* includes 12 cyclists

Table A6.3: Dates of summer surveys

Survey site	Weekday	Weekend
Bradwell Marina	24.05.2018	20.05.2018
Tollesbury Wick	31.05.2018	06.06.2018

Type of disturbance and bird responses

Response types

- No Response: no change in behaviour recorded at all
- Alert: birds become alert, changing behaviour (i.e. stopping feeding or standing alert if roosting)
- Walk/Swim: moving away from the source of disturbance without taking flight
- Minor Flight: short flights of less than 50m
- Major Flight: birds flushed and flying more than 50m



- Mobbing: applies to situations where birds believed to be nesting were repeatedly alarm calling and/or mobbing or undertaking distraction displays, suggesting that the disturbance was around the nest and/or chicks.

The tables below are the questionnaire results from the sites listed. The questionnaires were recorded both on a weekday and weekend.

Table A6.4: Bradwell Marina weekday

Activity	Amount witnessed	Amount of birds disturbed	Response type					
			No response	Alert	Walk/Swim	Minor flight	Major flight	Mobbing
Passers by	17 (includes 12 cyclists)	0						
Cycling	12	0						
Motorboat	5	0						
Sailing boat	10	0						
Quad bike	1	0						

Table A6.5: Bradwell Marina weekend

Activity	Amount witnessed	Amount of birds disturbed	Response type					
			No response	Alert	Walk/Swim	Minor flight	Major flight	Mobbing
Passers by	9	0						
Jogging	1	0						



Activity	Amount witnessed	Amount of birds disturbed	Response type					
			No response	Alert	Walk/Swim	Minor flight	Major flight	Mobbing
Cycling	4	0						
Jet ski	10	1					1	
Speed boat	4	0						
Kayaking	2	0						
Sailing boat	21	2				2		
Motorboat	34	11			4	6	1	

Table A6.6: Tollesbury Wick weekday

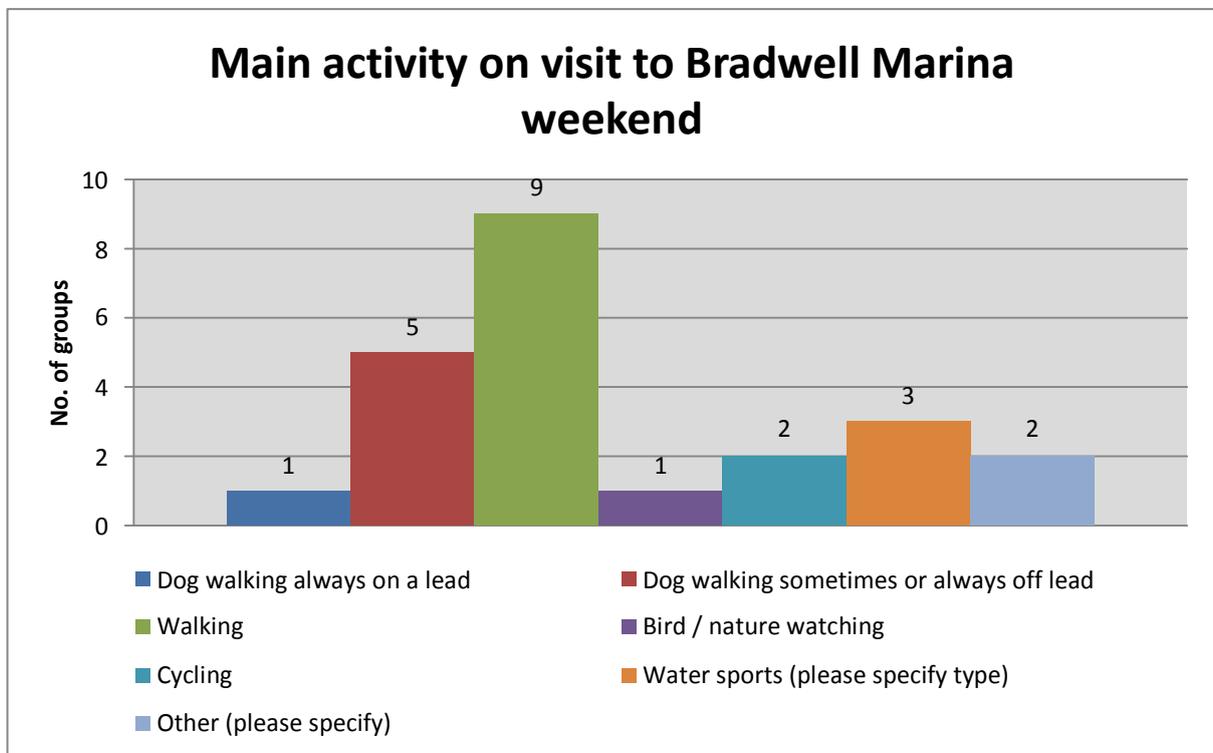
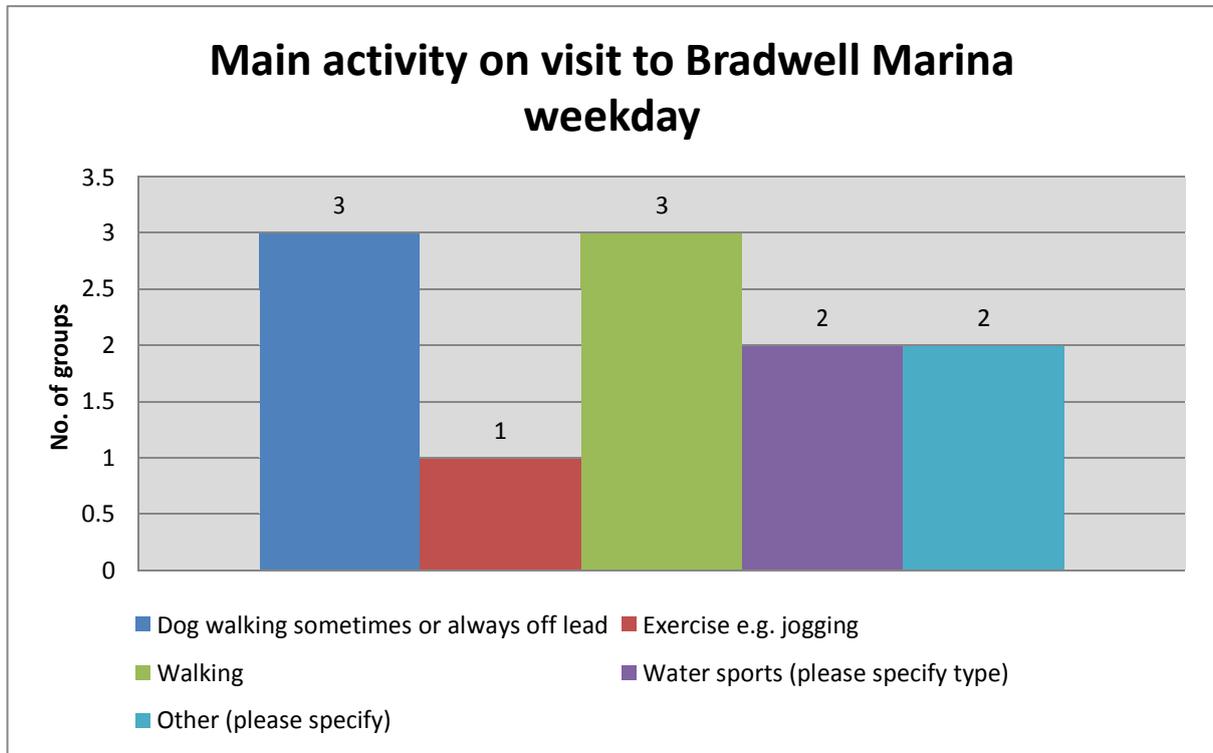
Activity	Amount witnessed	Amount of birds disturbed	Response type					
			No response	Alert	Walk/Swim	Minor flight	Major flight	Mobbing
Sailing boat	7	0						
Passers by	0	0						

Table A6.7: Tollesbury Wick weekend

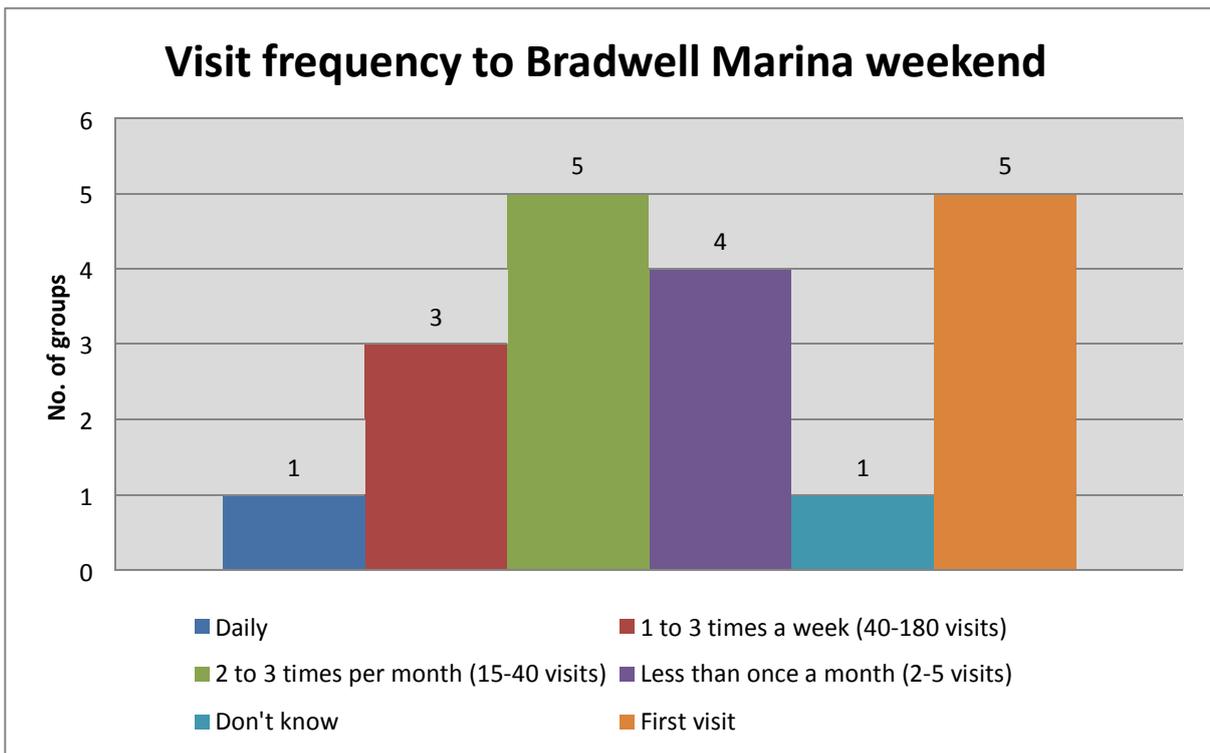
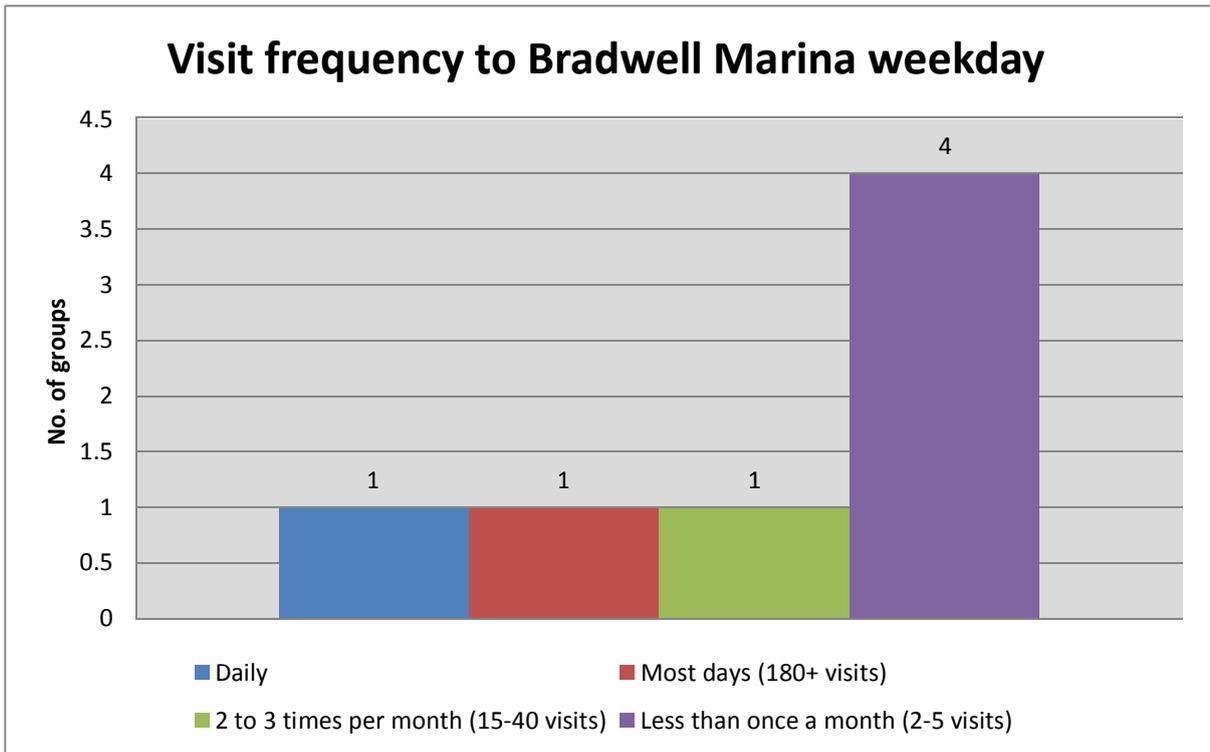
Activity	Amount witnessed	Amount of birds disturbed	Response type					
			No response	Alert	Walk/Swim	Minor flight	Major flight	Mobbing
Yacht	14	0						
Motorboats	8	0						
Kayaks	3	0						
Passers by	20	0						

Bradwell Marina

Figures A6.1- A6.2: Graphs showing results for main activity

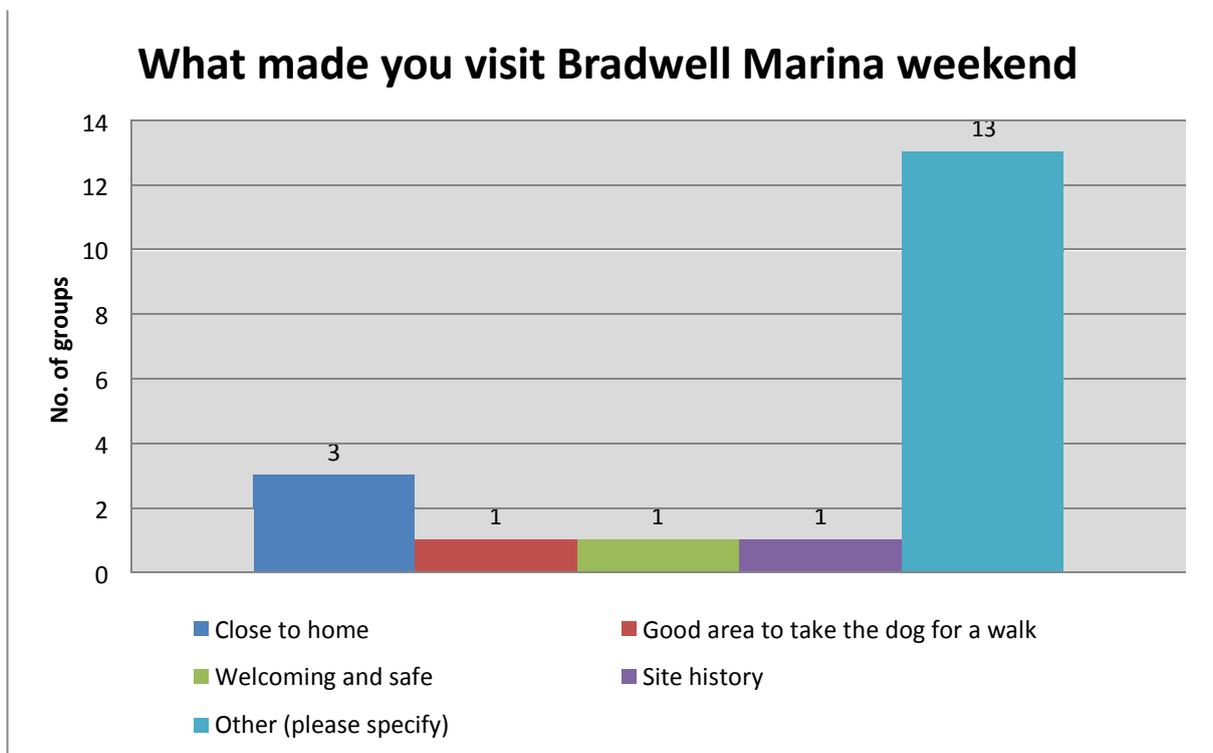
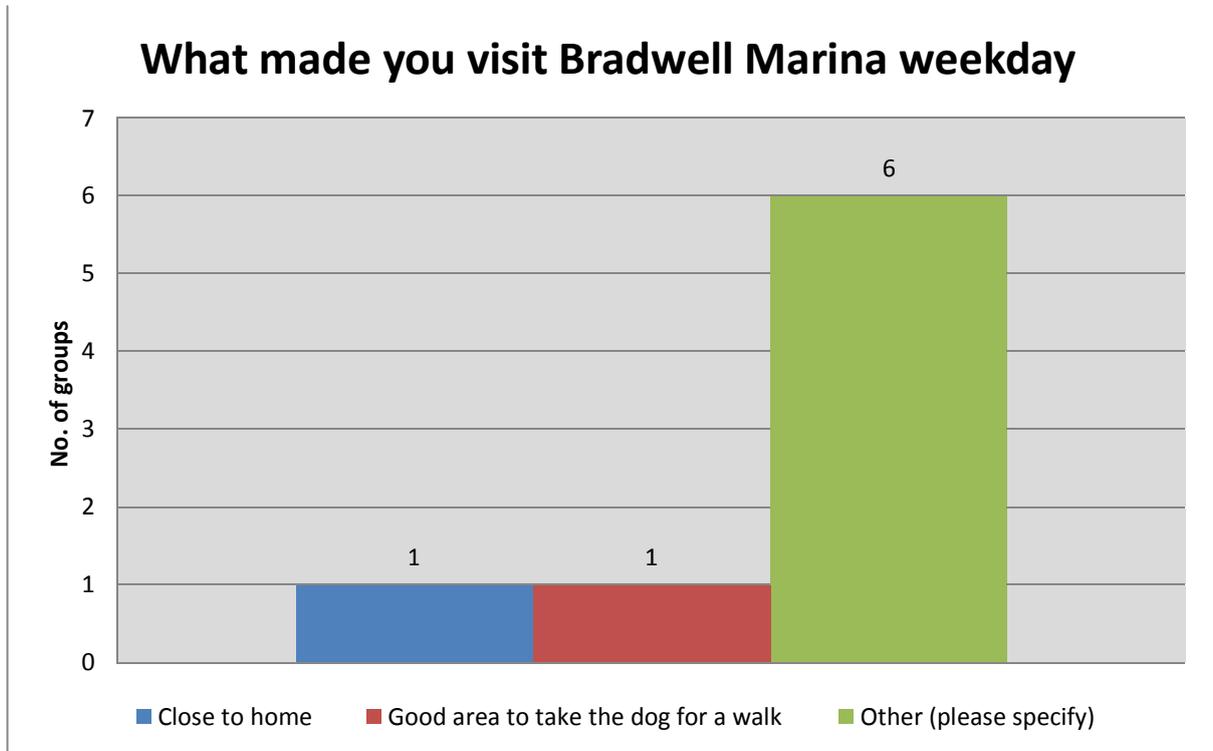


Figures A6.3- A6.4: Graphs showing results for visit frequency

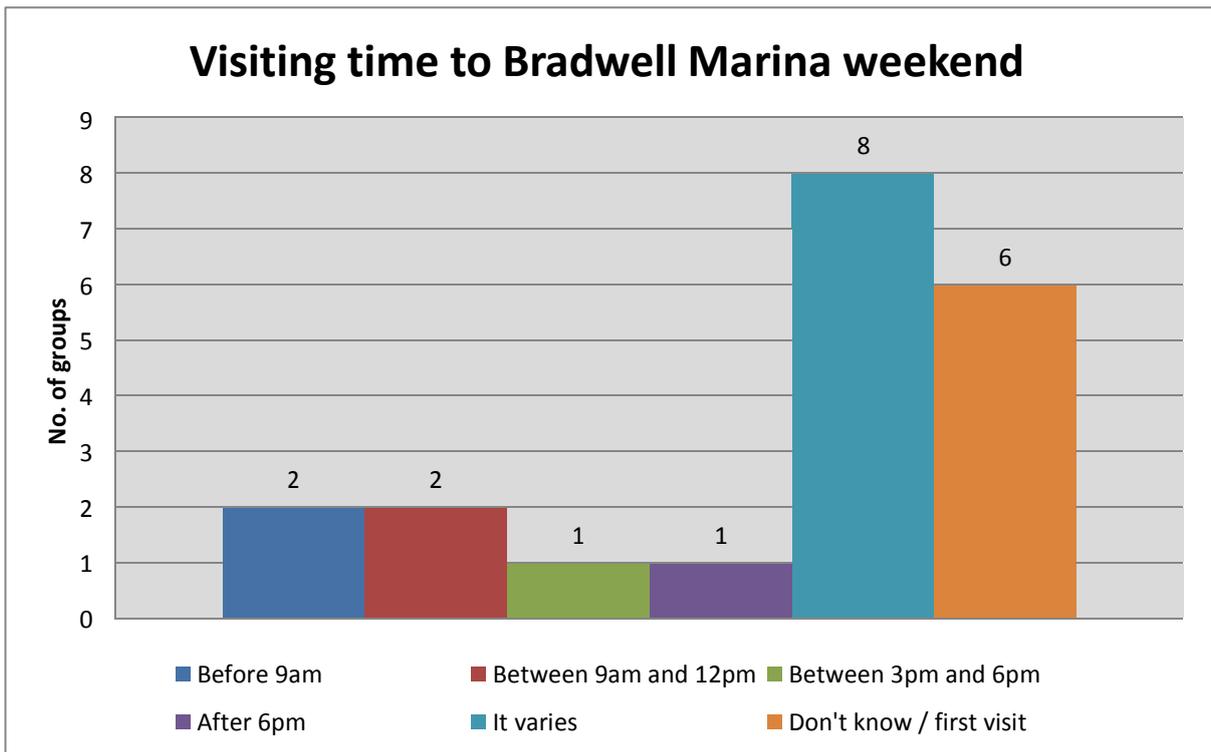
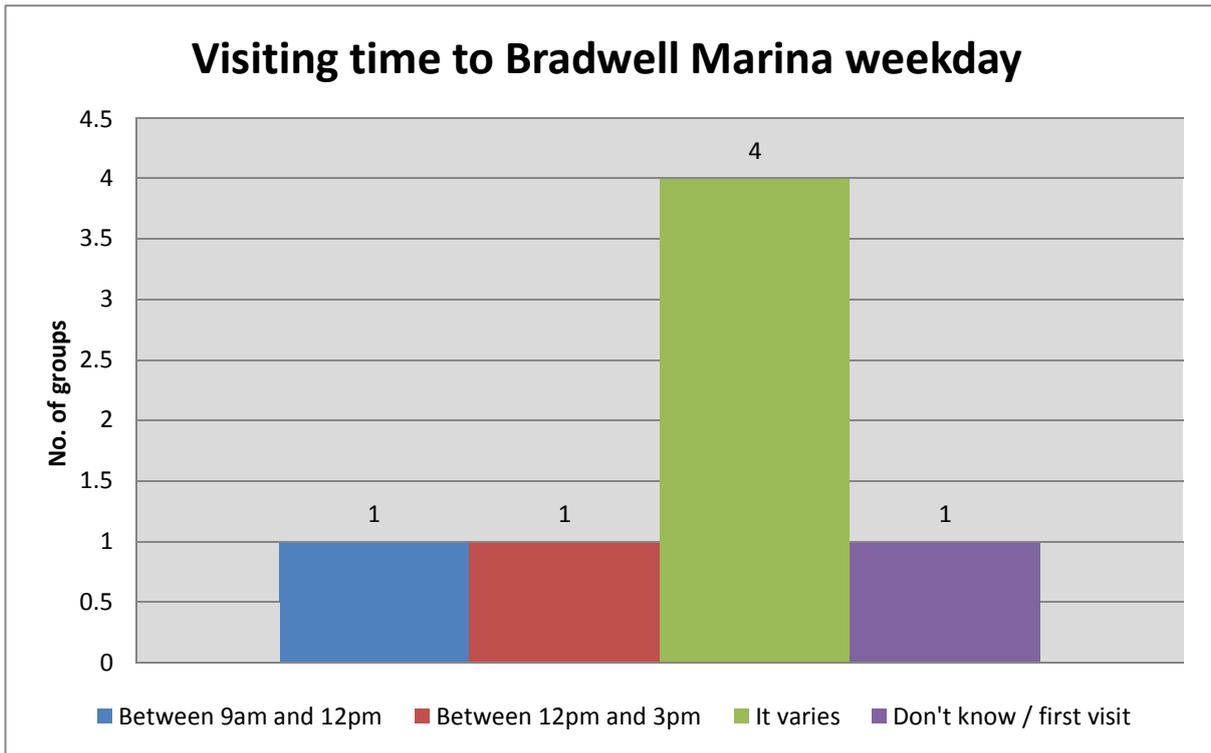




Figures A6.5- A6.6: Graphs showing results for question ‘What made you visit?’

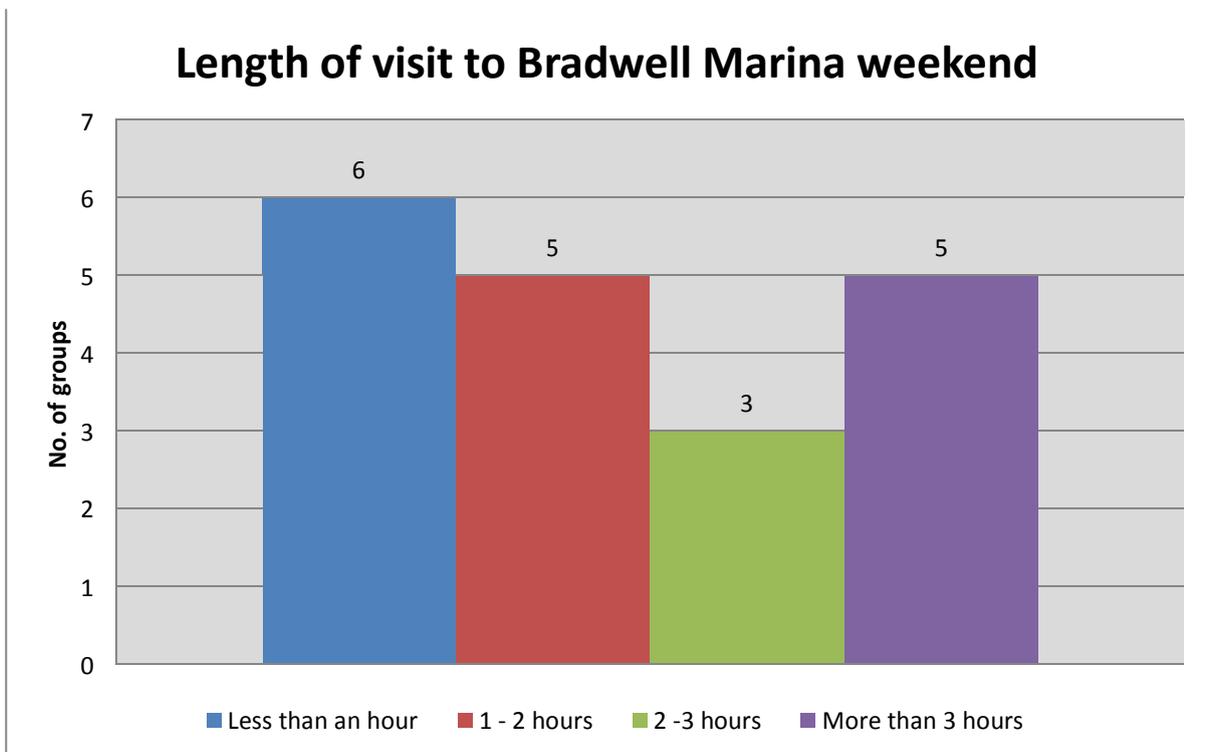
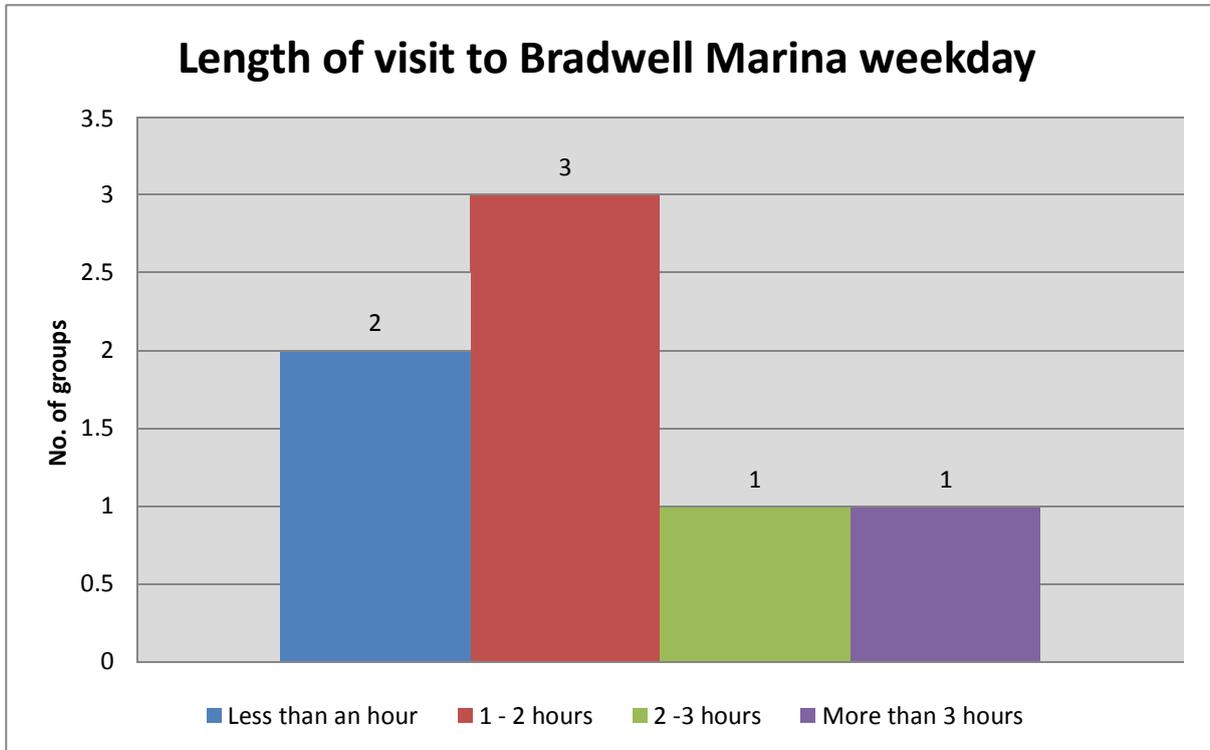


Figures A6.7- A6.8: Graphs showing results for visiting time

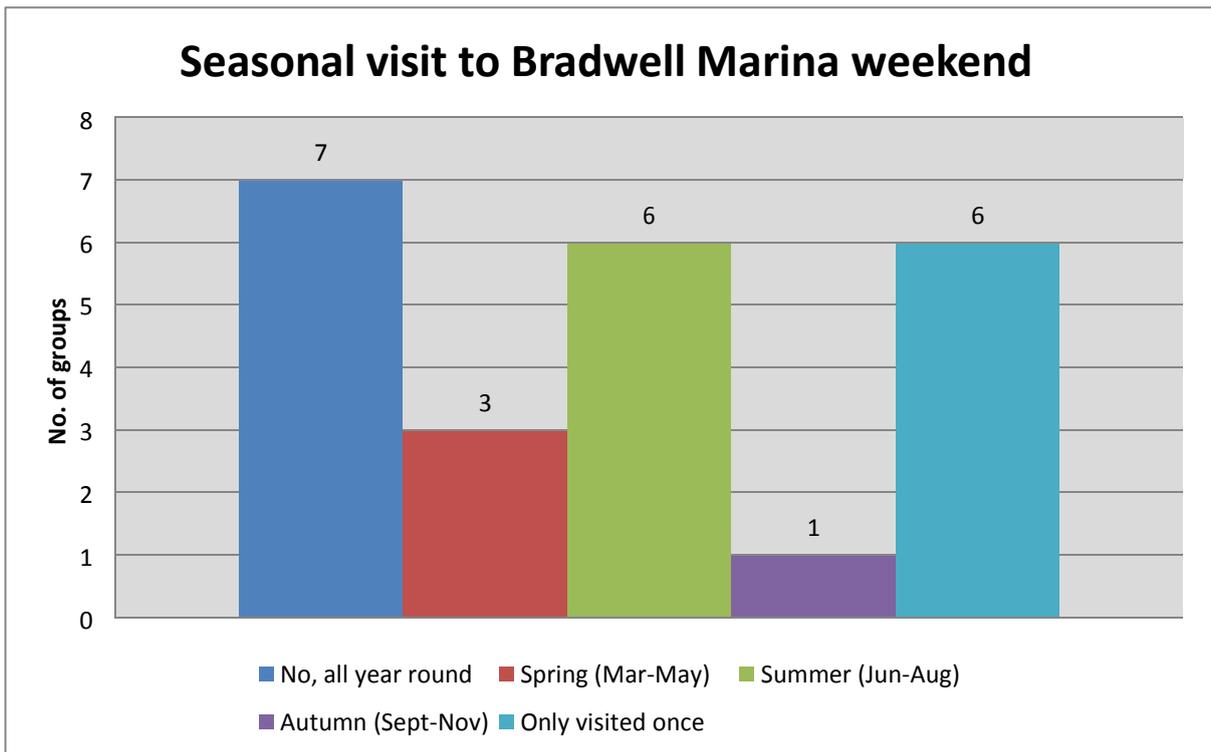
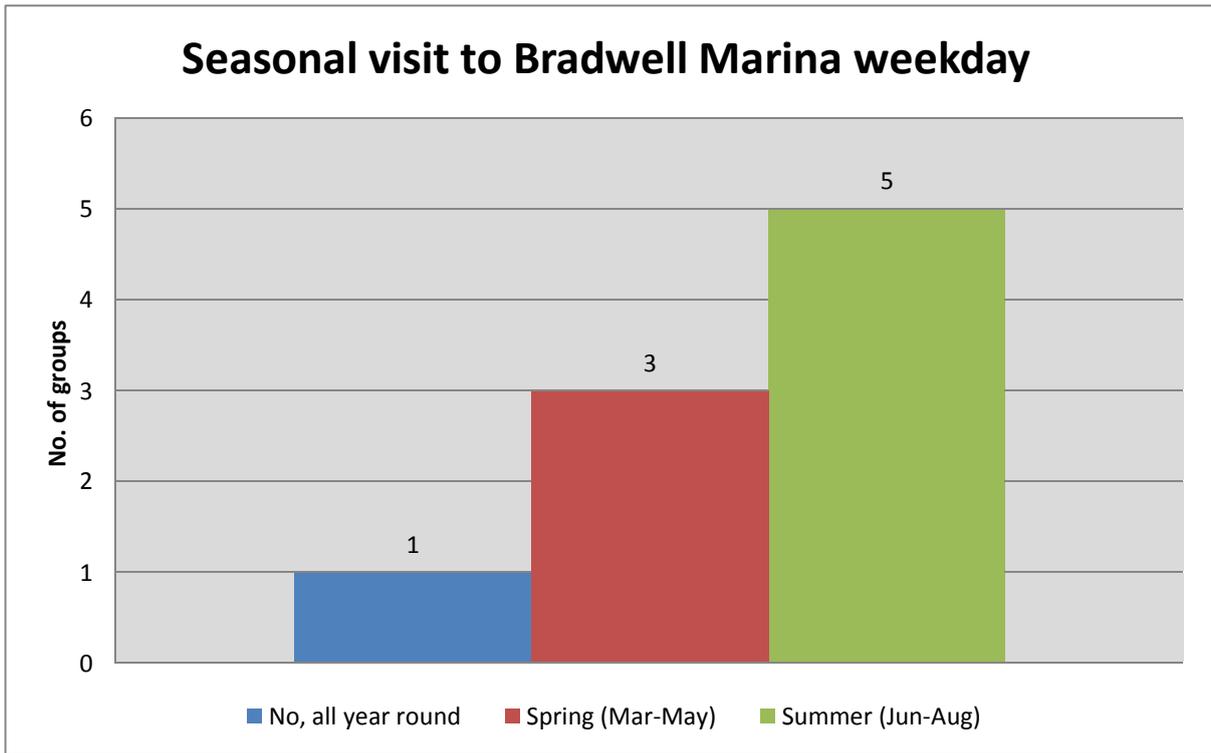




Figures A6.9- A6.10: Graphs showing results for length of visit



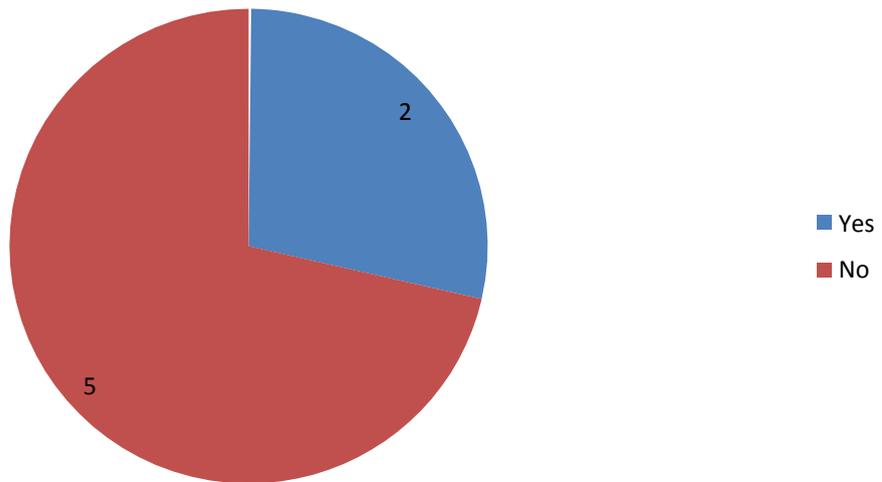
Figures A6.11- A6.12: Graphs showing results for seasonal visiting



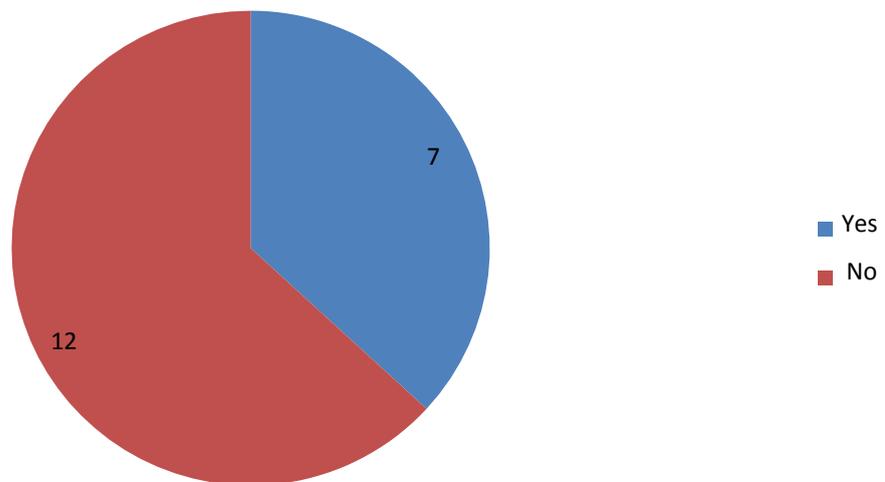


Figures A6.13- A6.14: Graphs showing results for question ‘Plan visit in relation to the tide?’

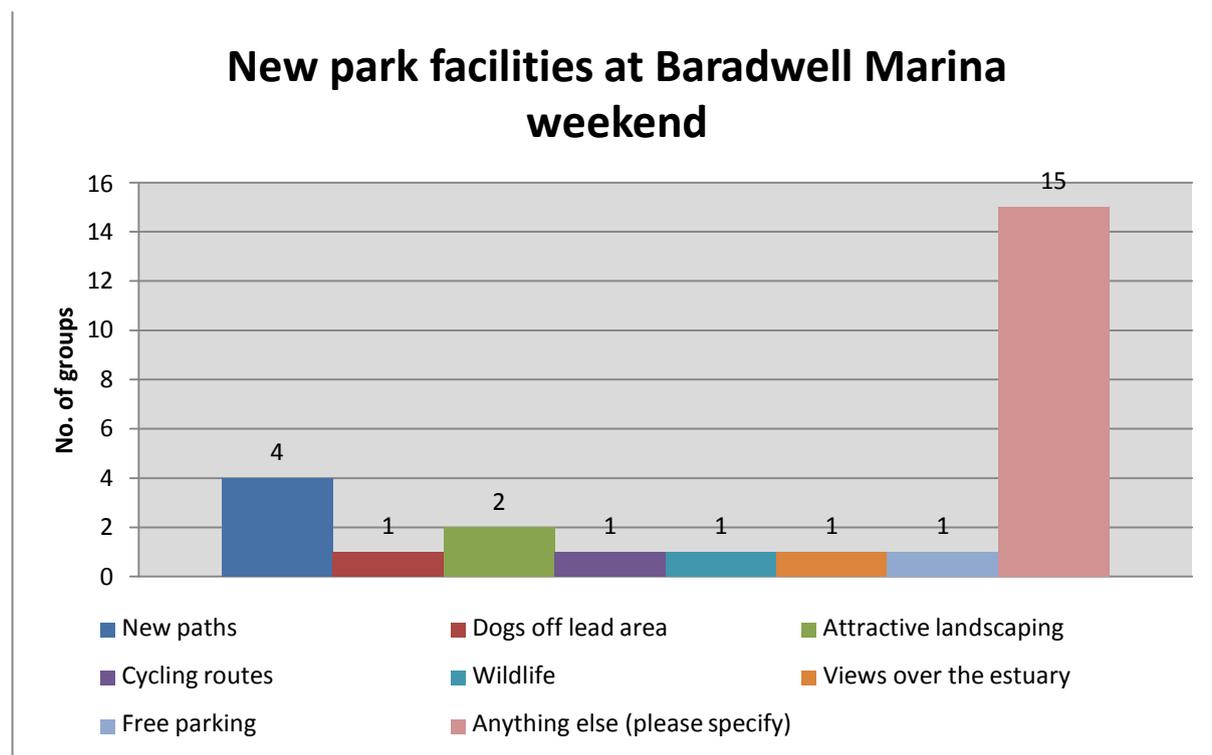
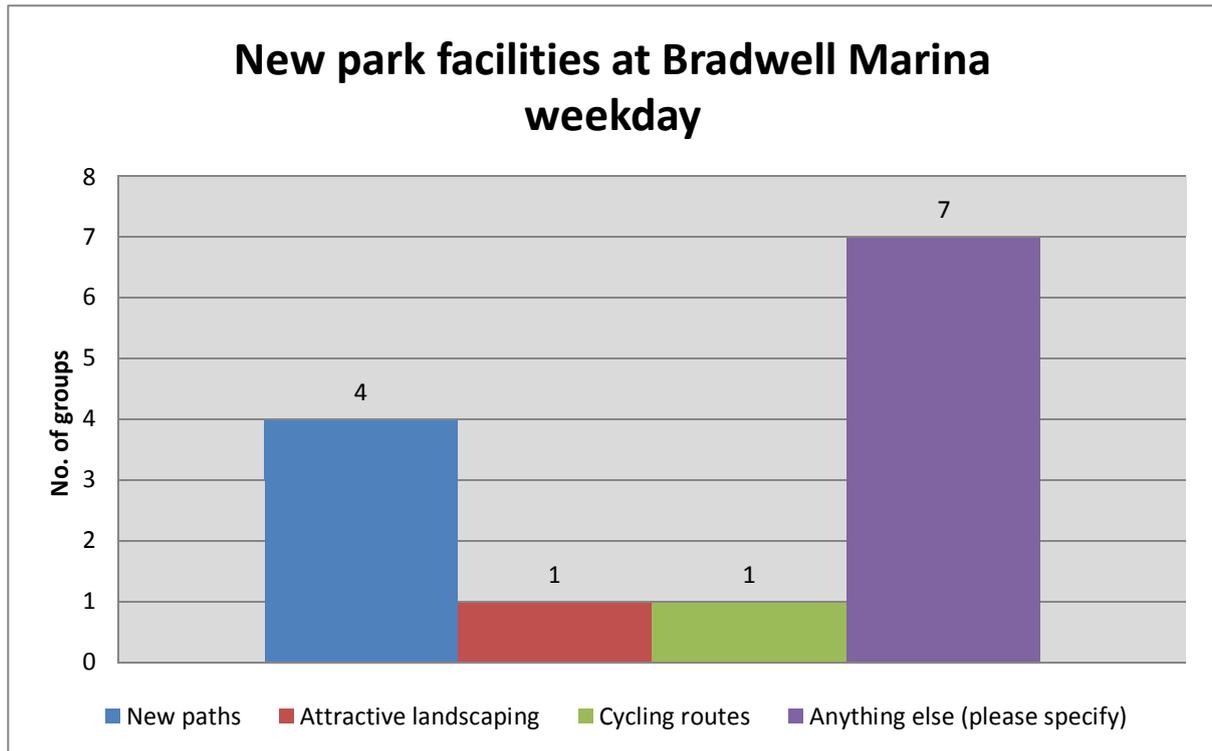
Plan weekday visit to Bradwell Marina in relation to tide?



Plan weekend visit to Bradwell Marina in relation to tide?

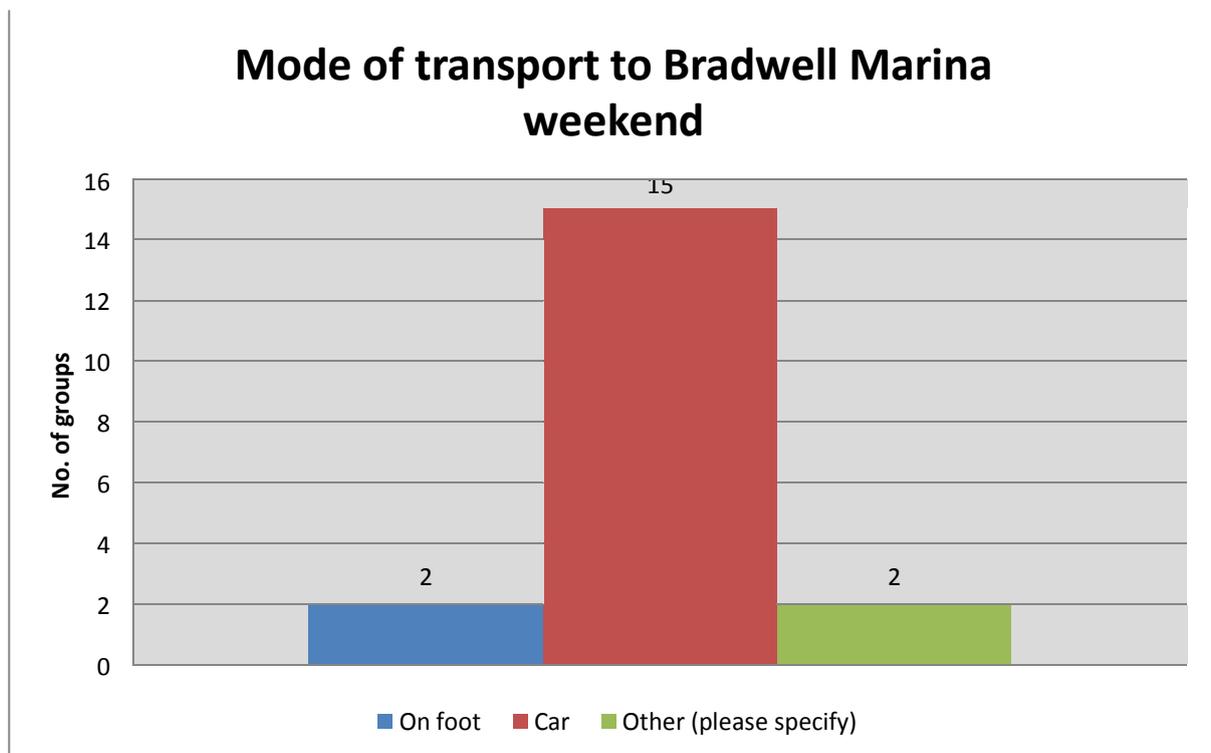
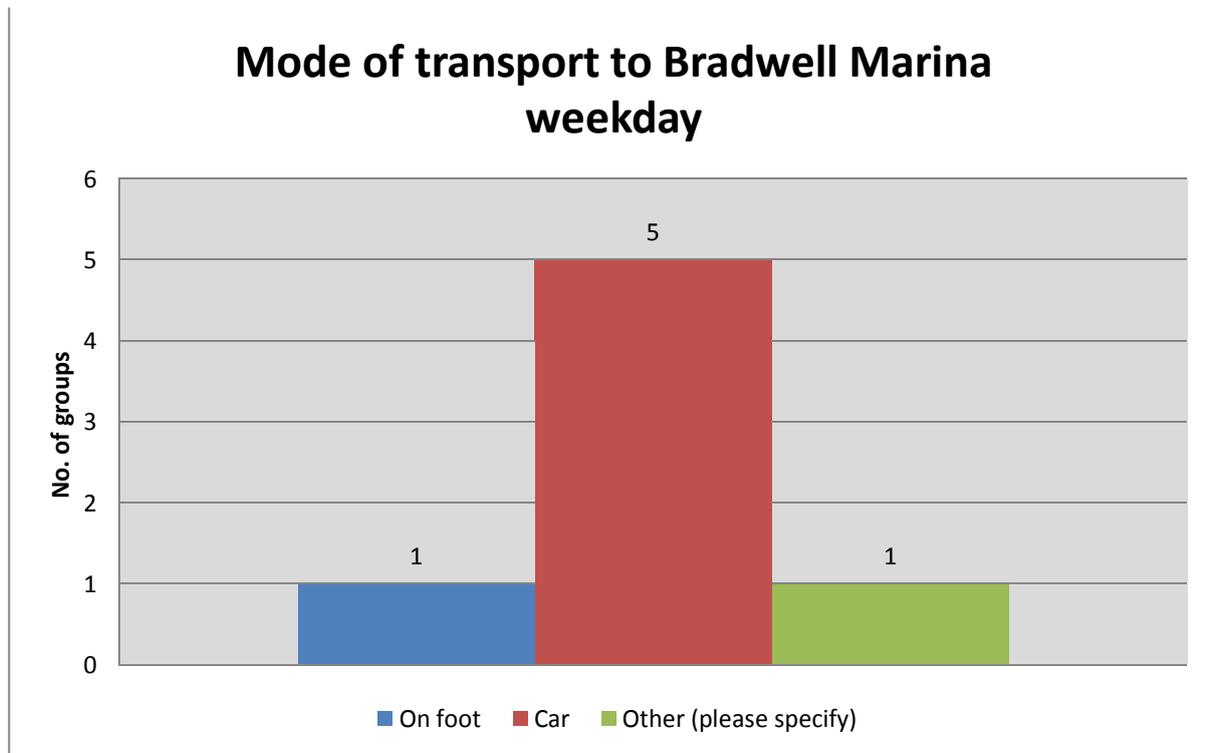


Figures A6.15- A6.16: Graphs showing results for new park design

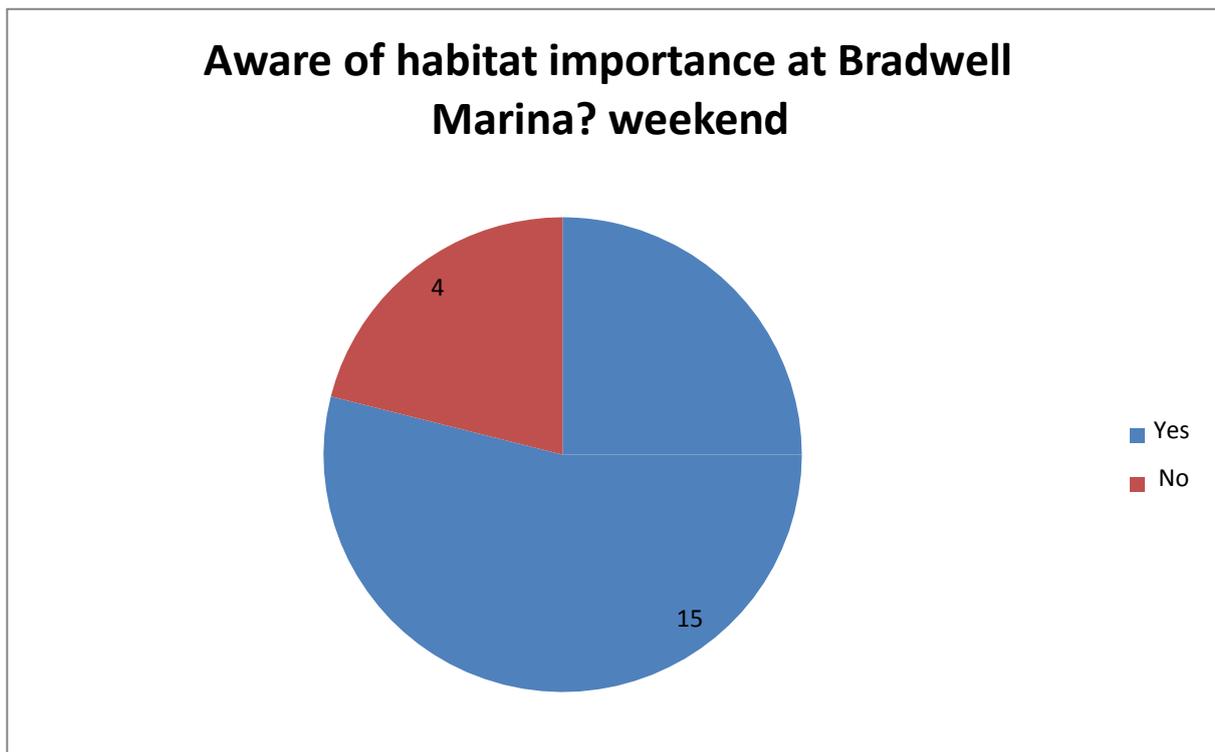
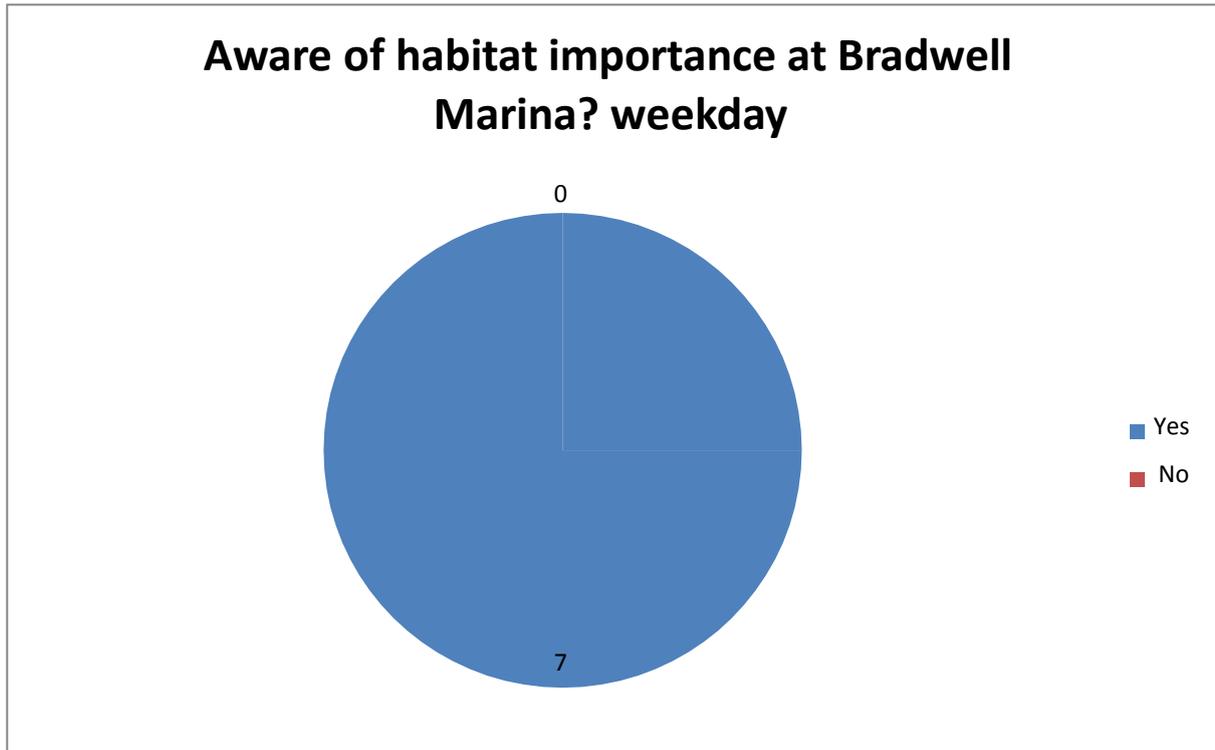




Figures A6.17- A6.18: Graphs showing results for mode of transport



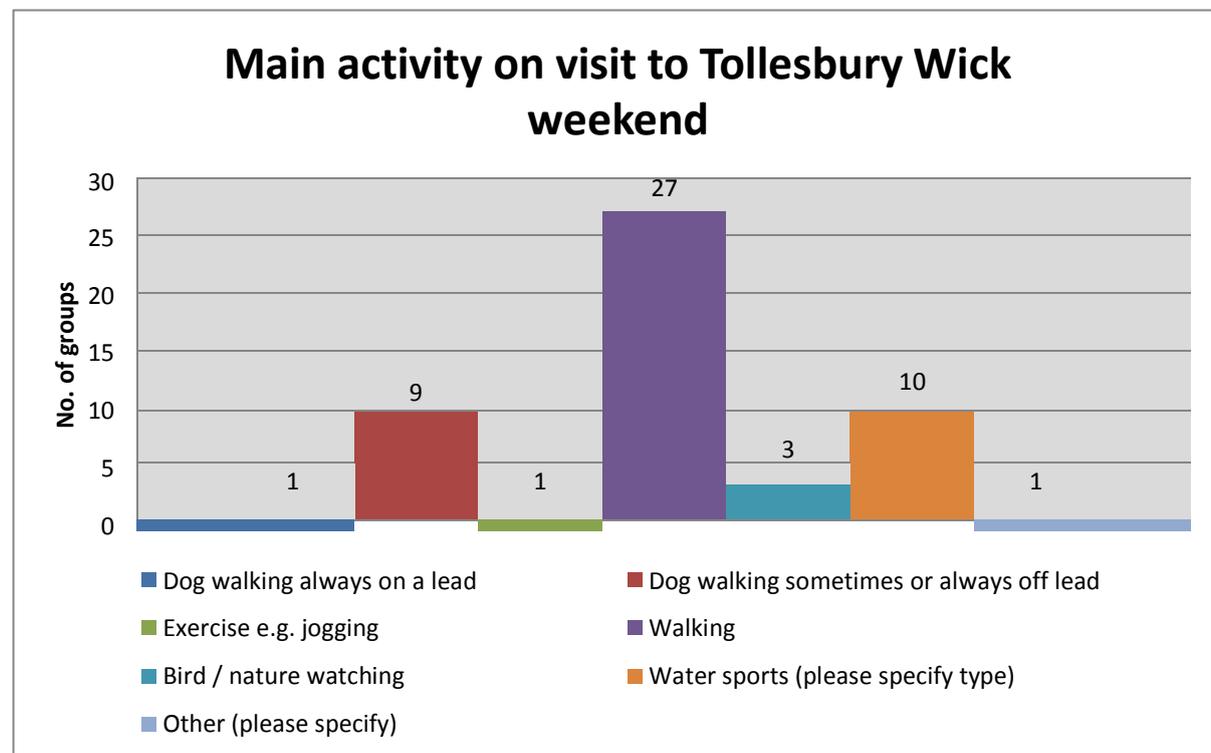
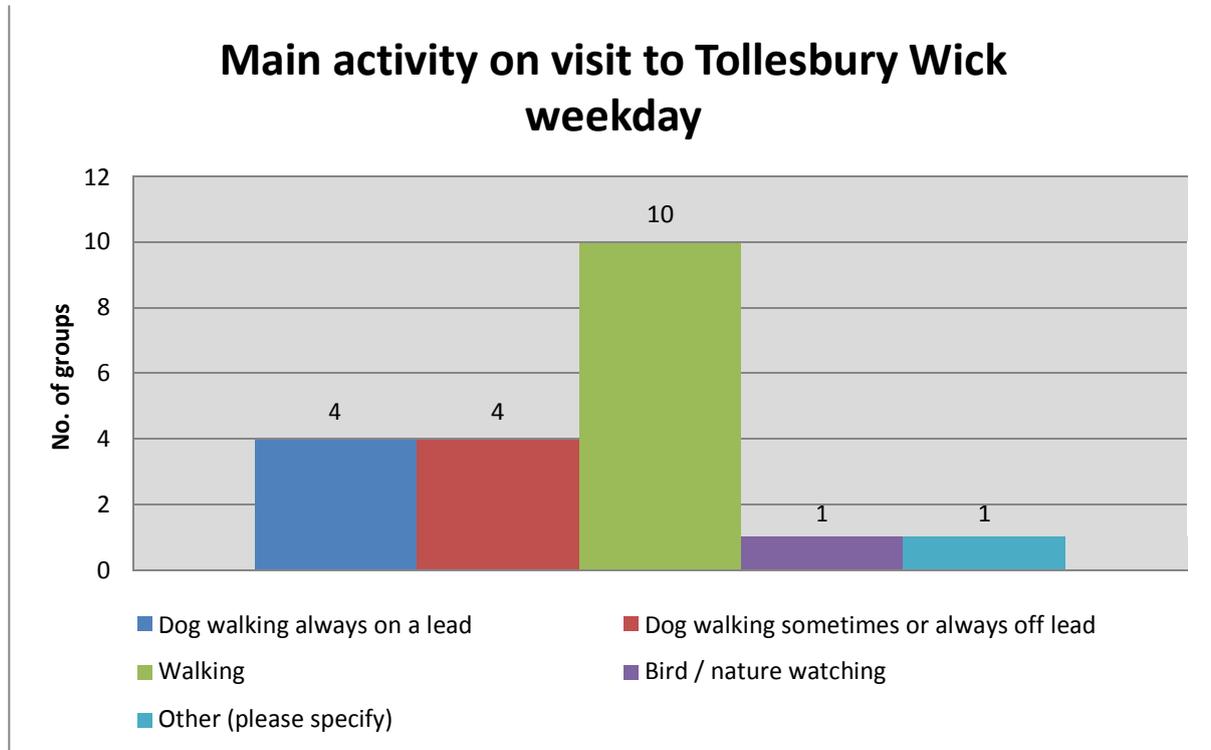
Figures A6.19- A6.20: Graphs showing results for awareness of habitat importance



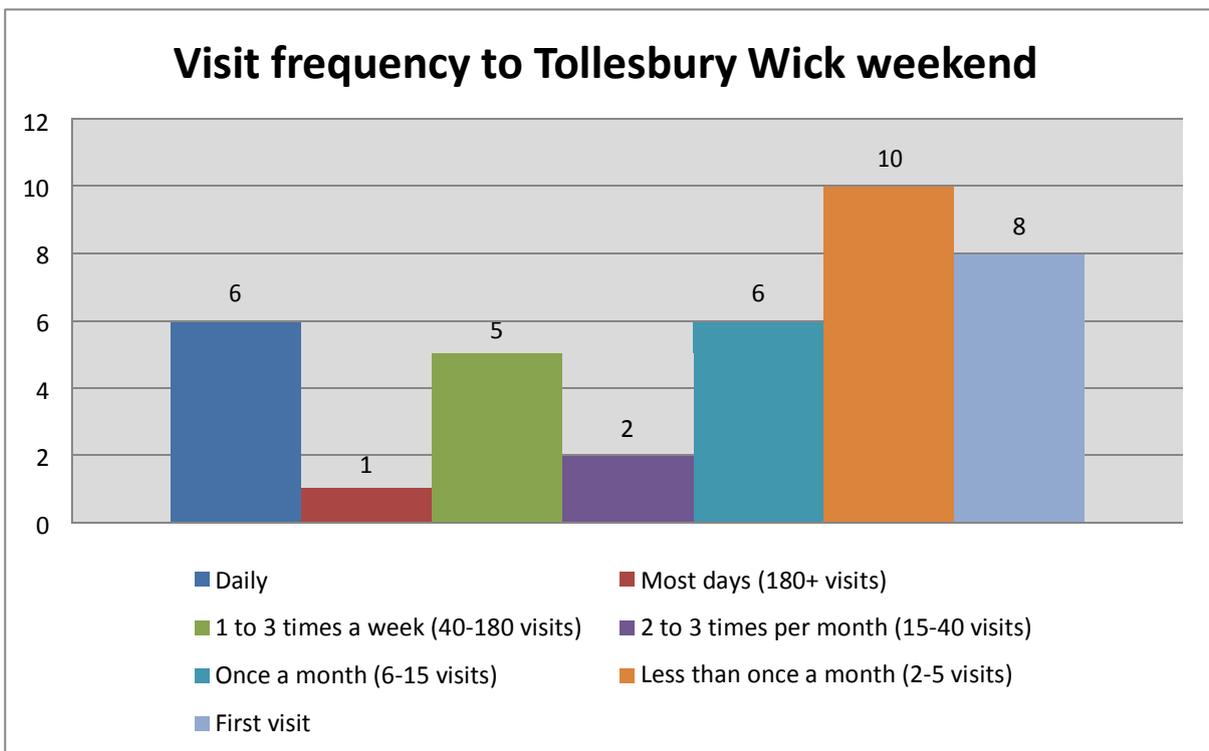
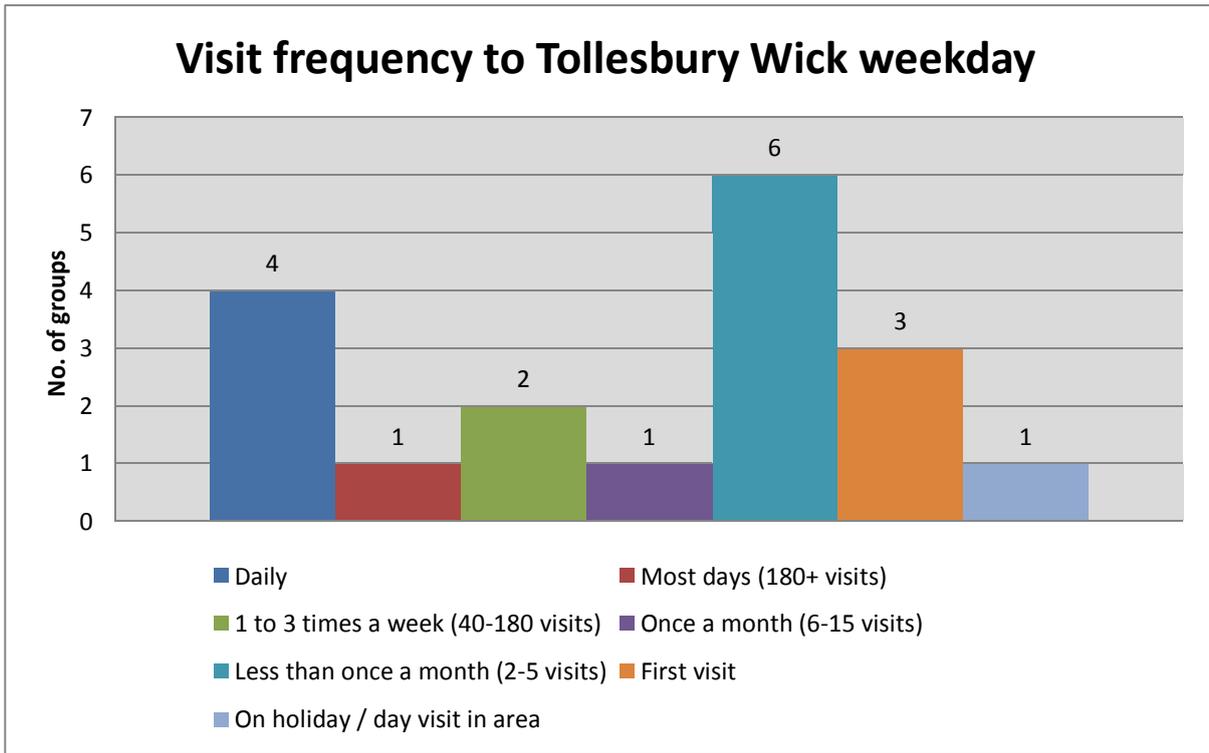


Tollesbury Wick

Figures A6.21-A6.22: Graphs showing results for main activity

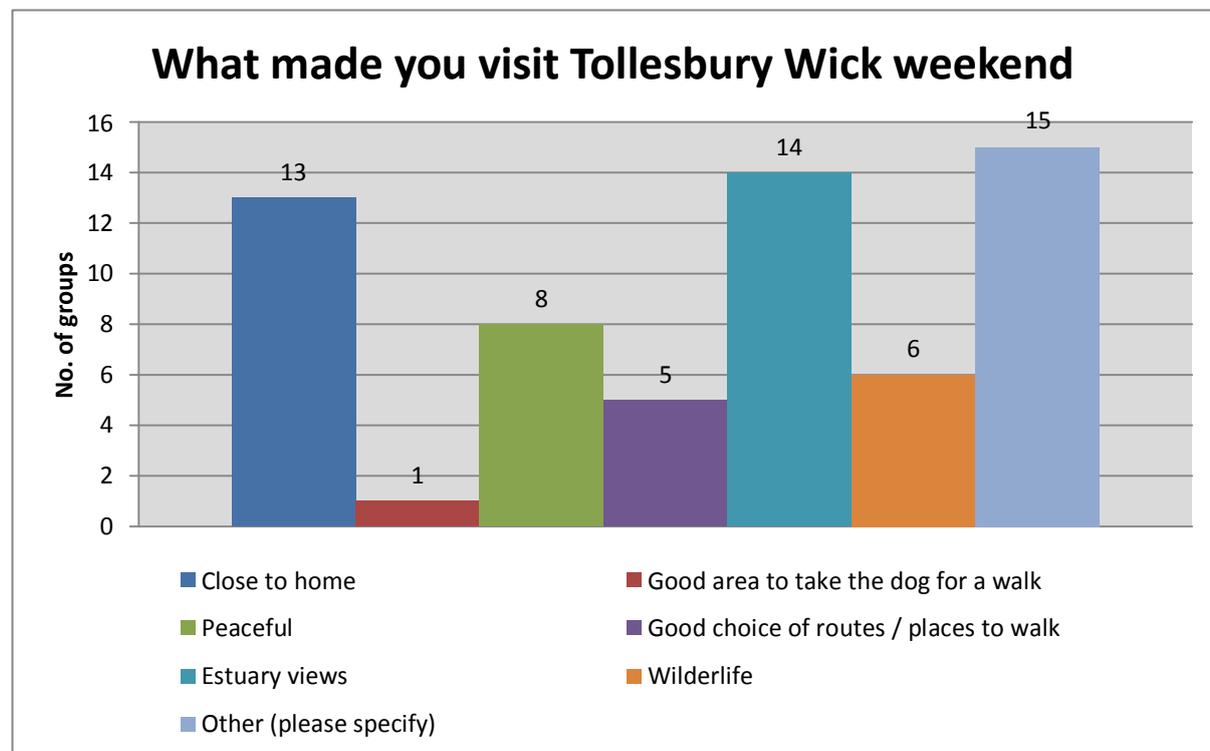
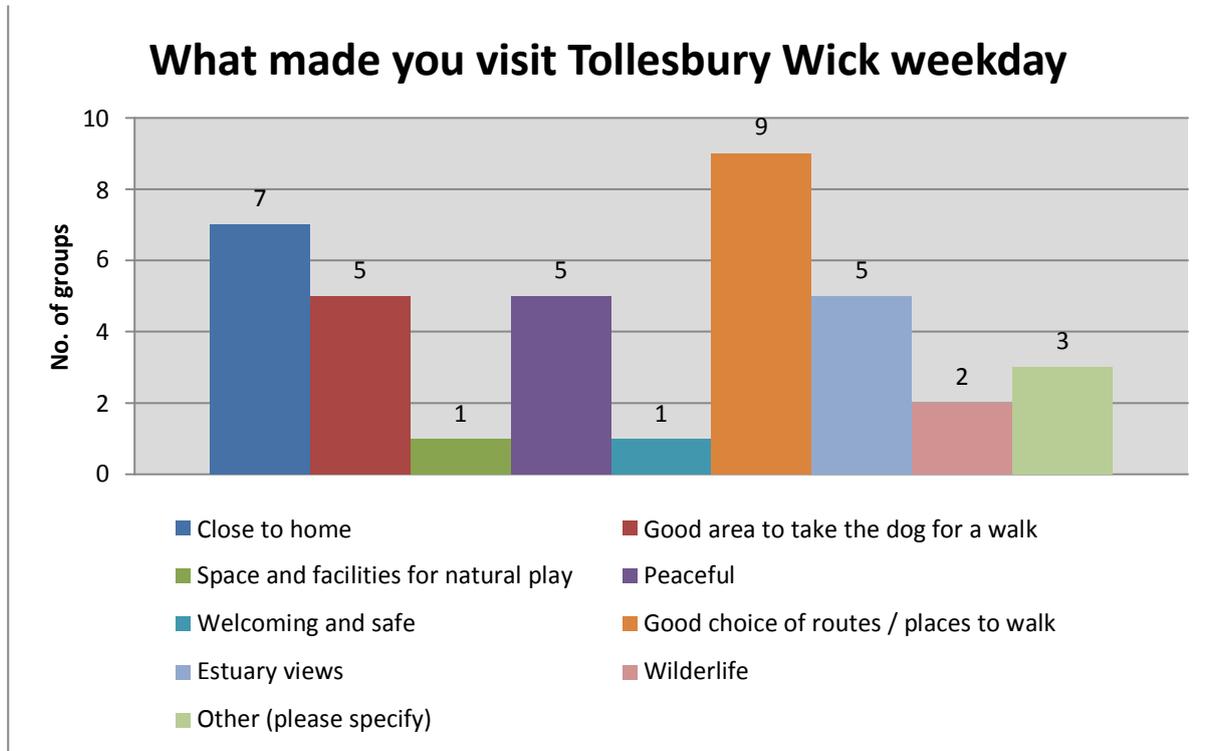


Figures A6.23- A6.24: Graphs showing results for visit frequency

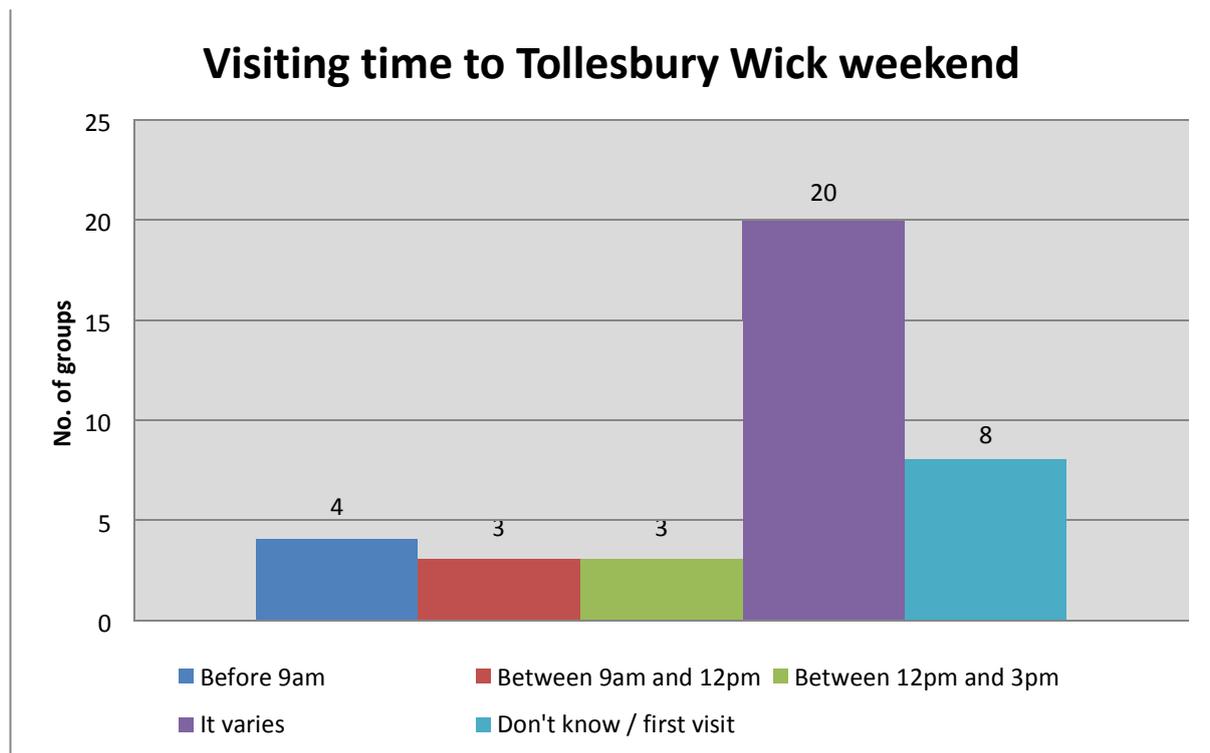
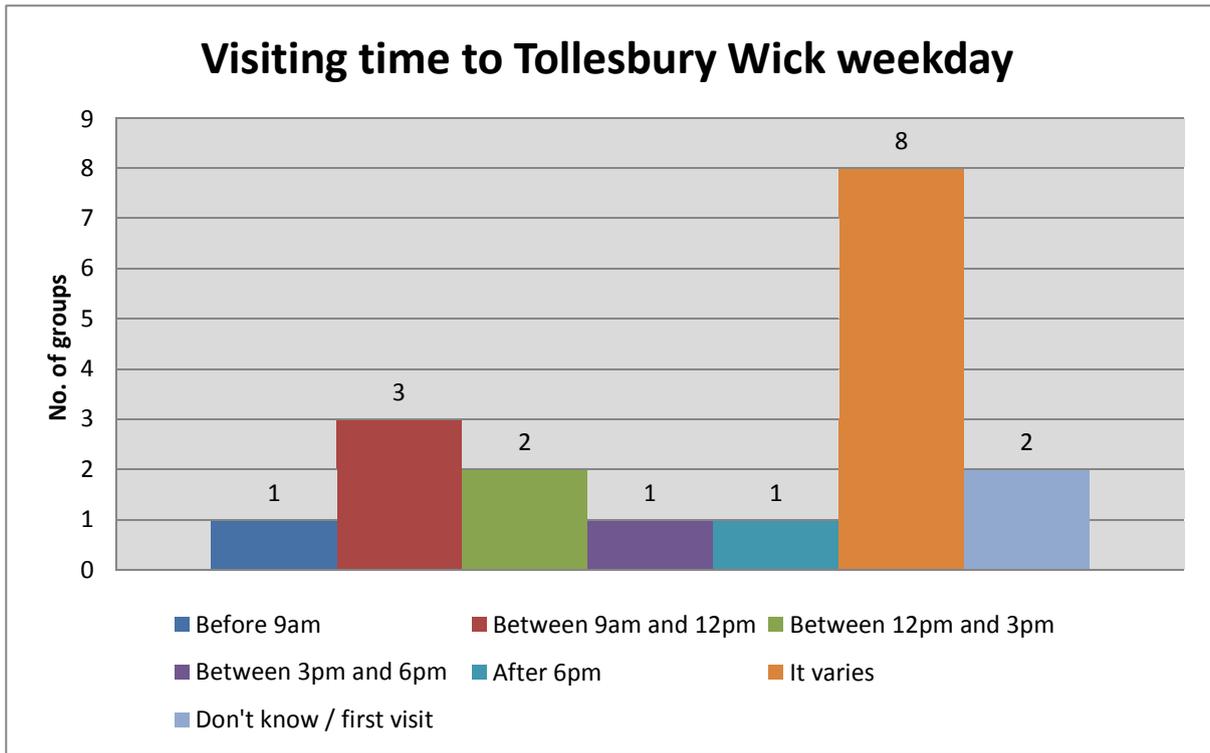




Figures A6.25- A6.26: Graphs showing results for question ‘What made you visit?’

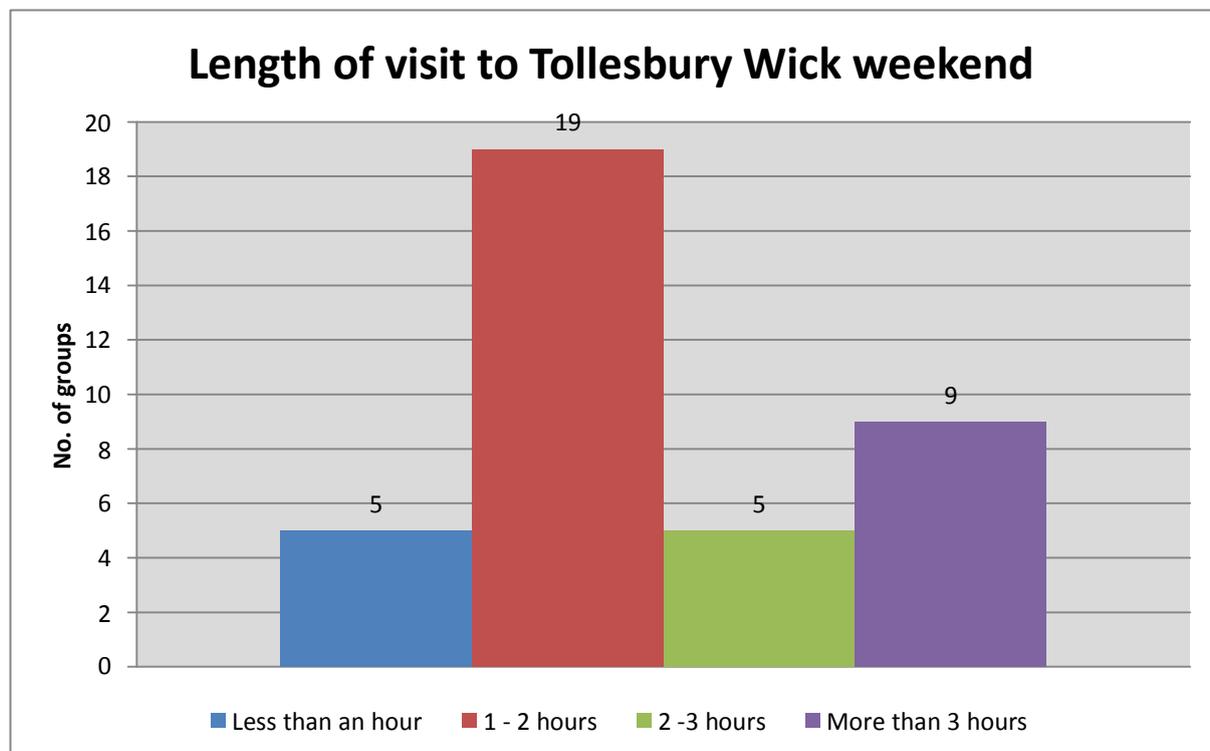
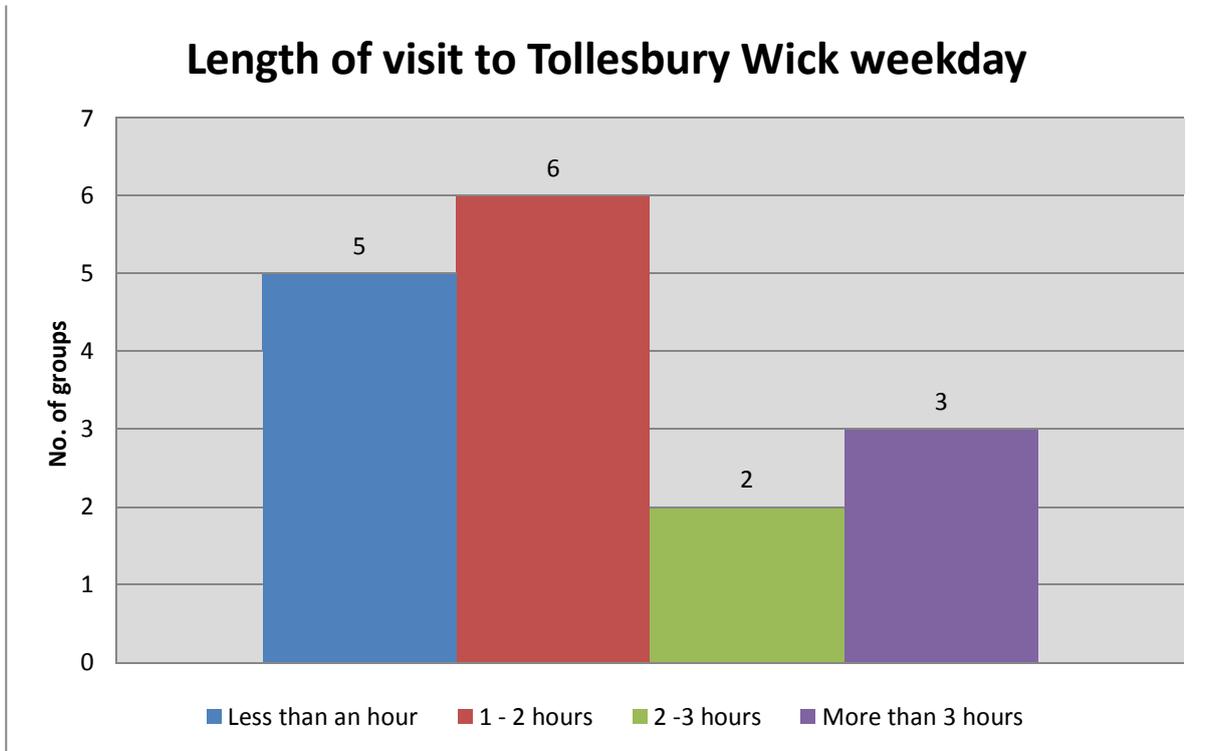


Figures A6.27- A6.28: Graphs showing results for visiting time

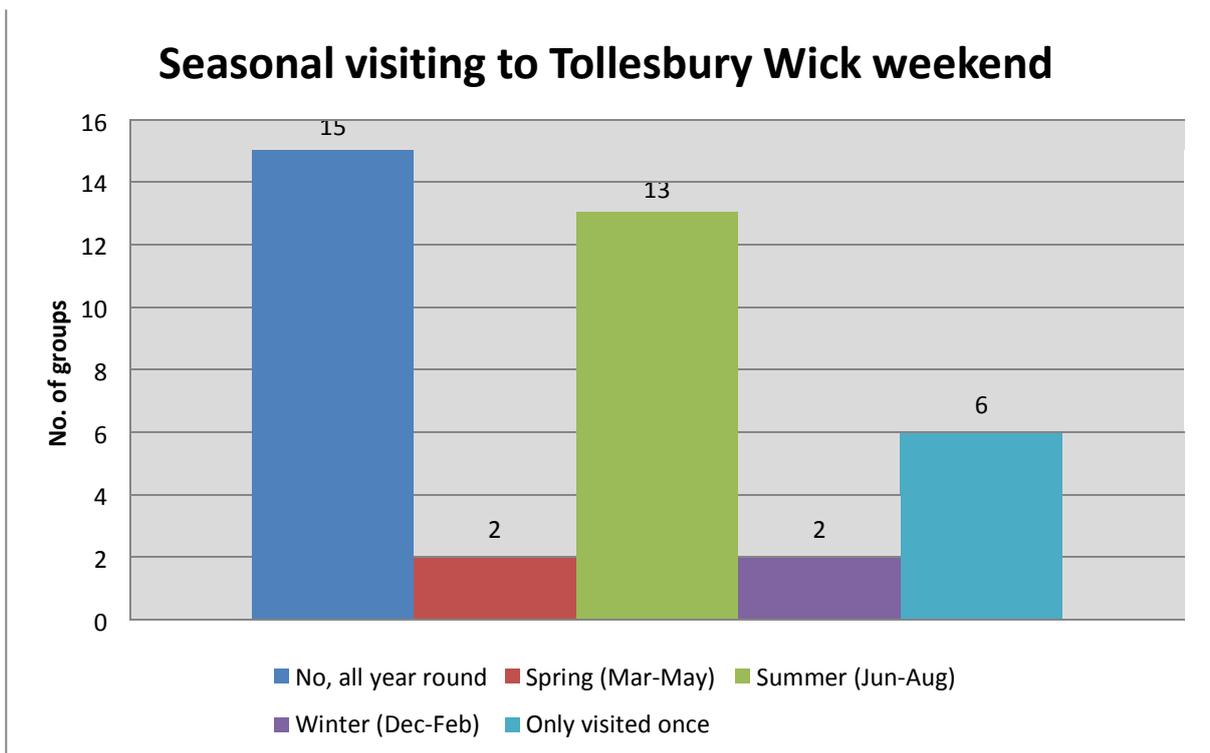
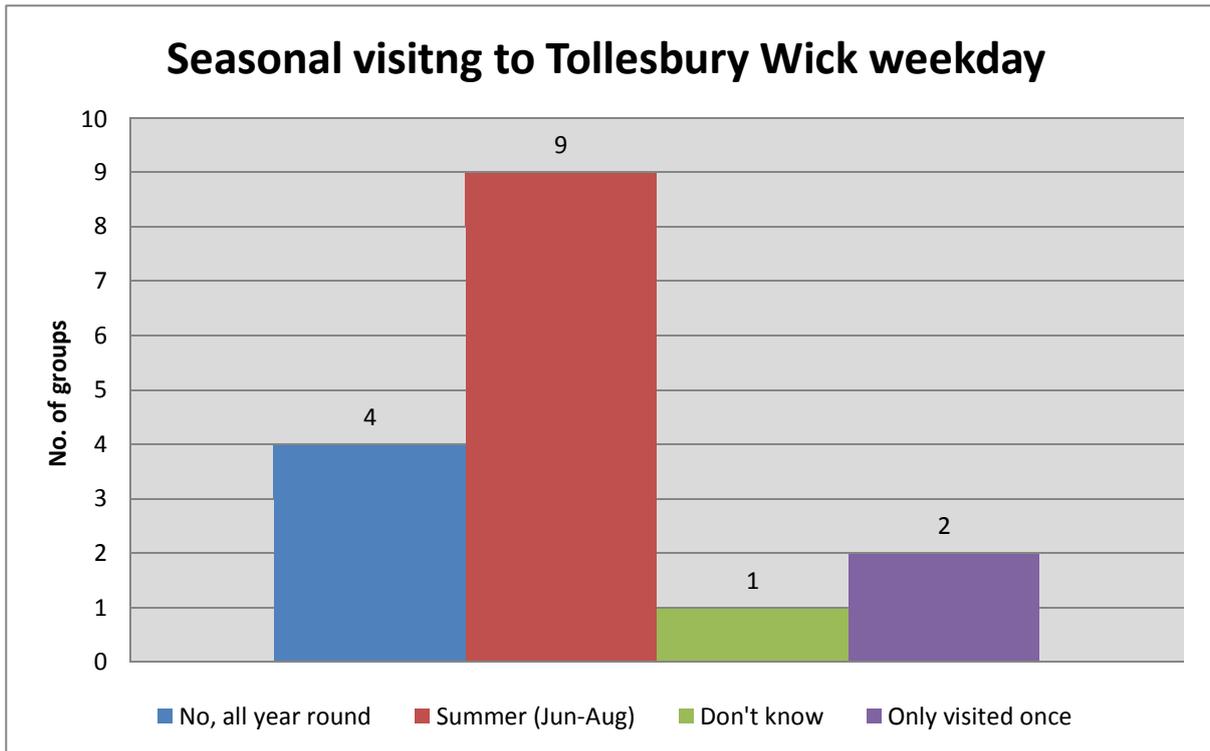




Figures A6.29- A6.30: Graphs showing results for length of visit

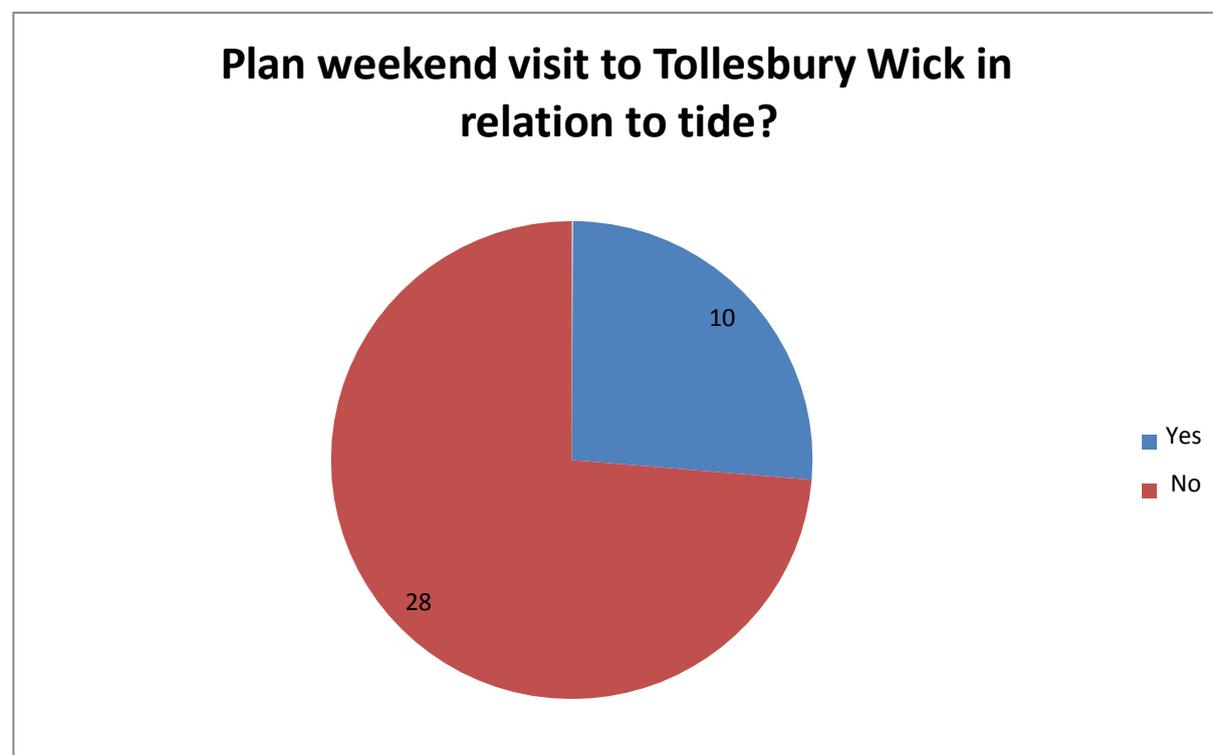
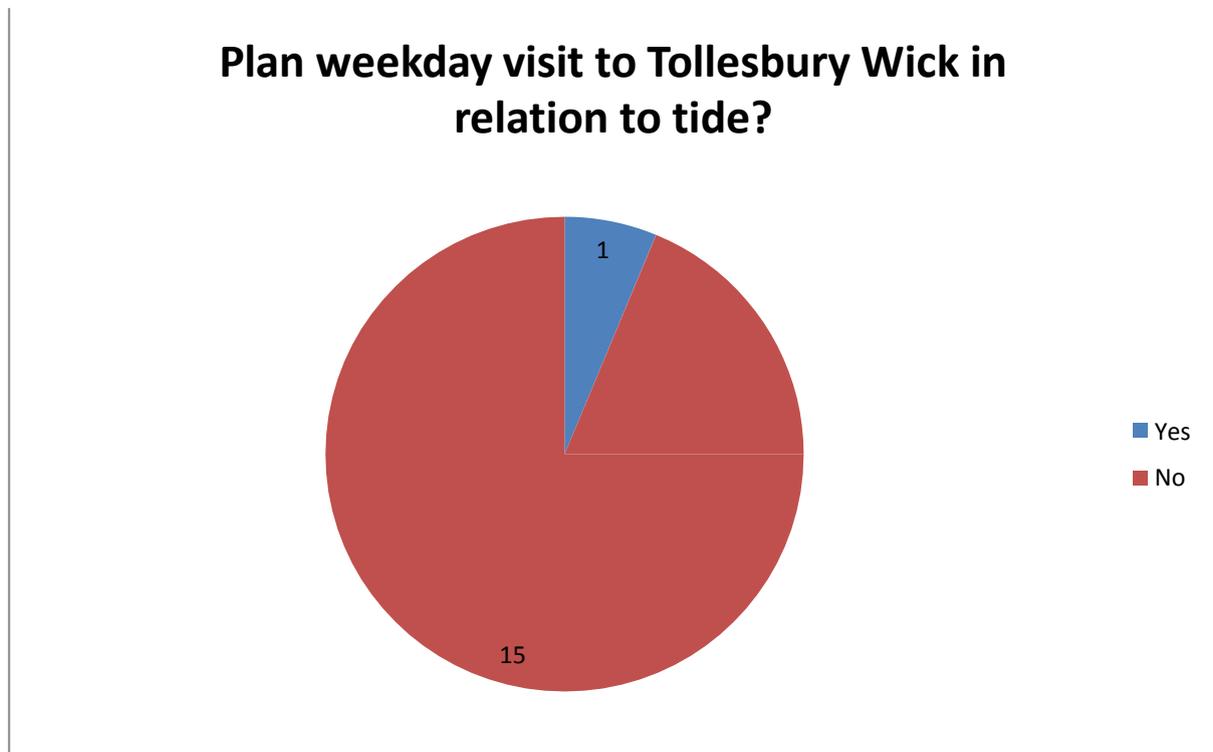


Figures A6.31- A6.32: Graphs showing results for seasonal visiting

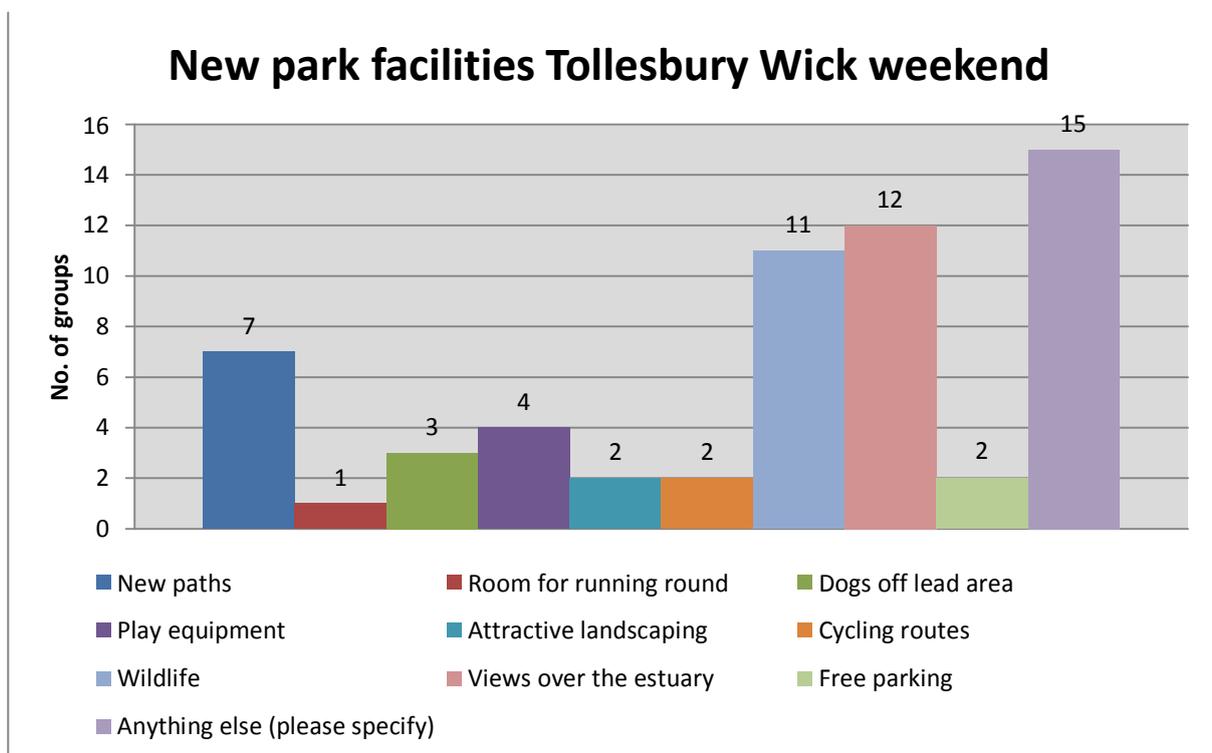
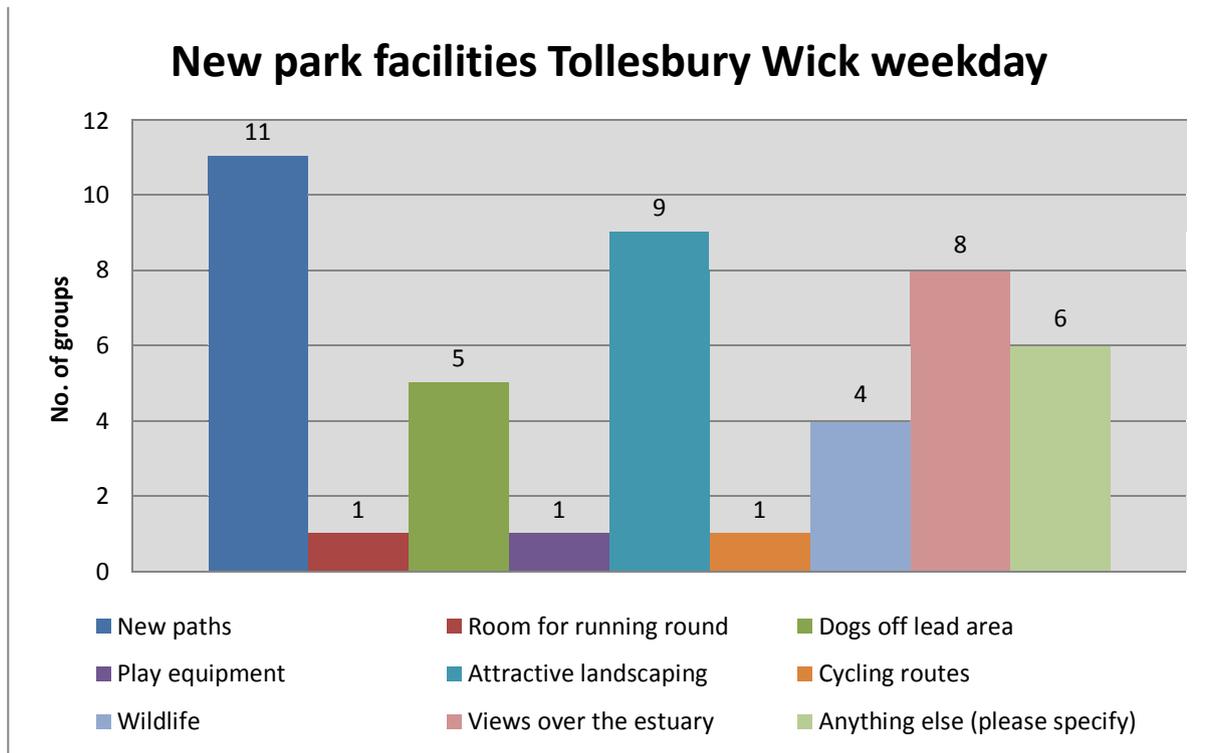




Figures A6.33- A6.34: Graphs showing results to question ‘Plan visit in relation to the tide?’

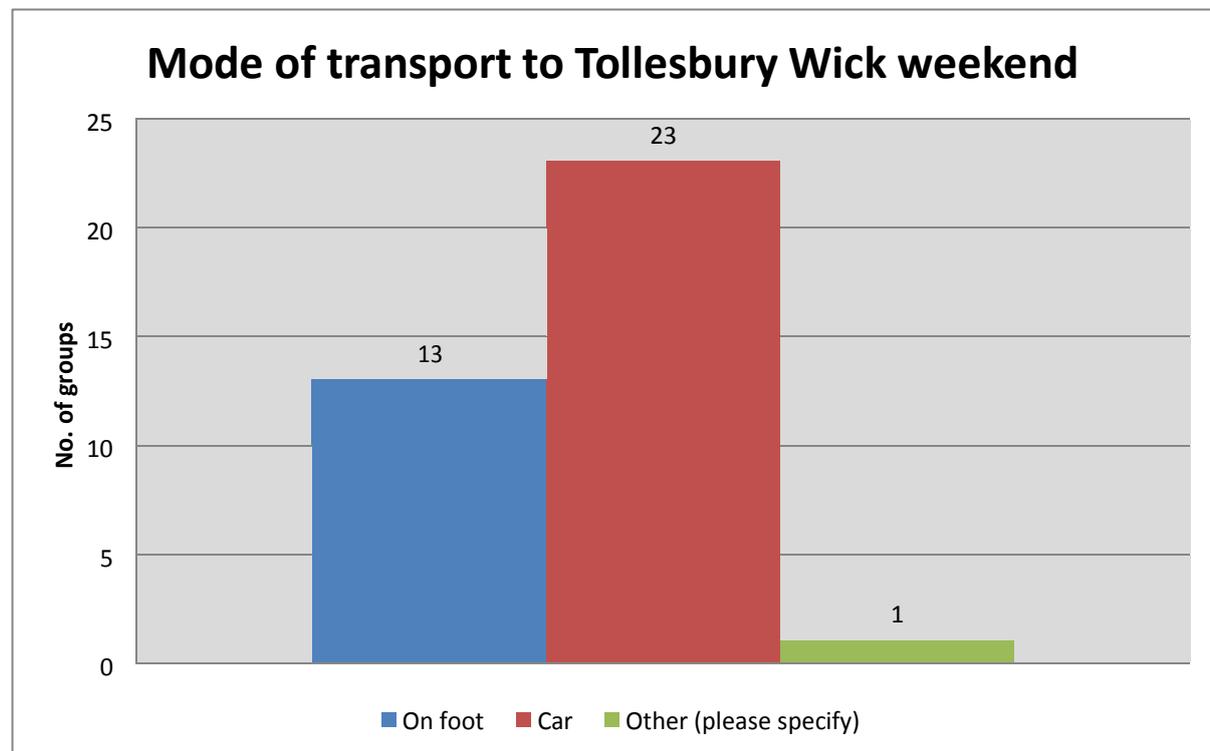
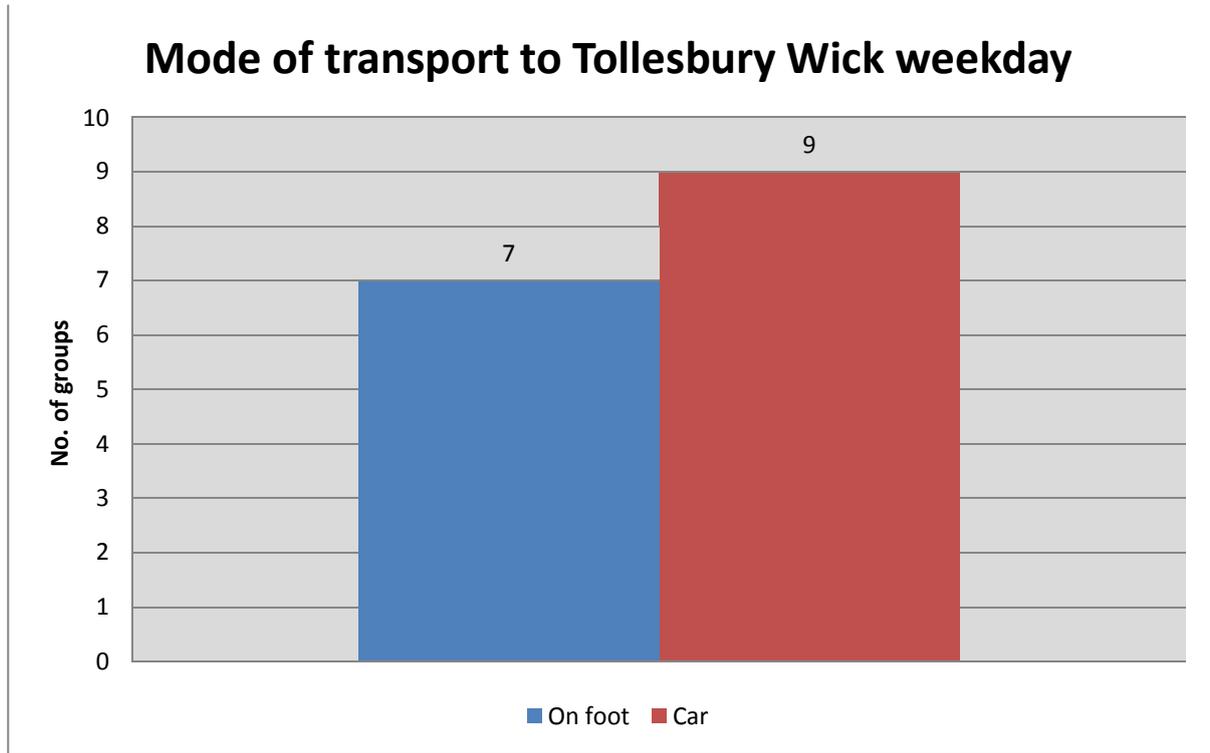


Figures: A6.35- A6.36: Graphs showing results for new park design

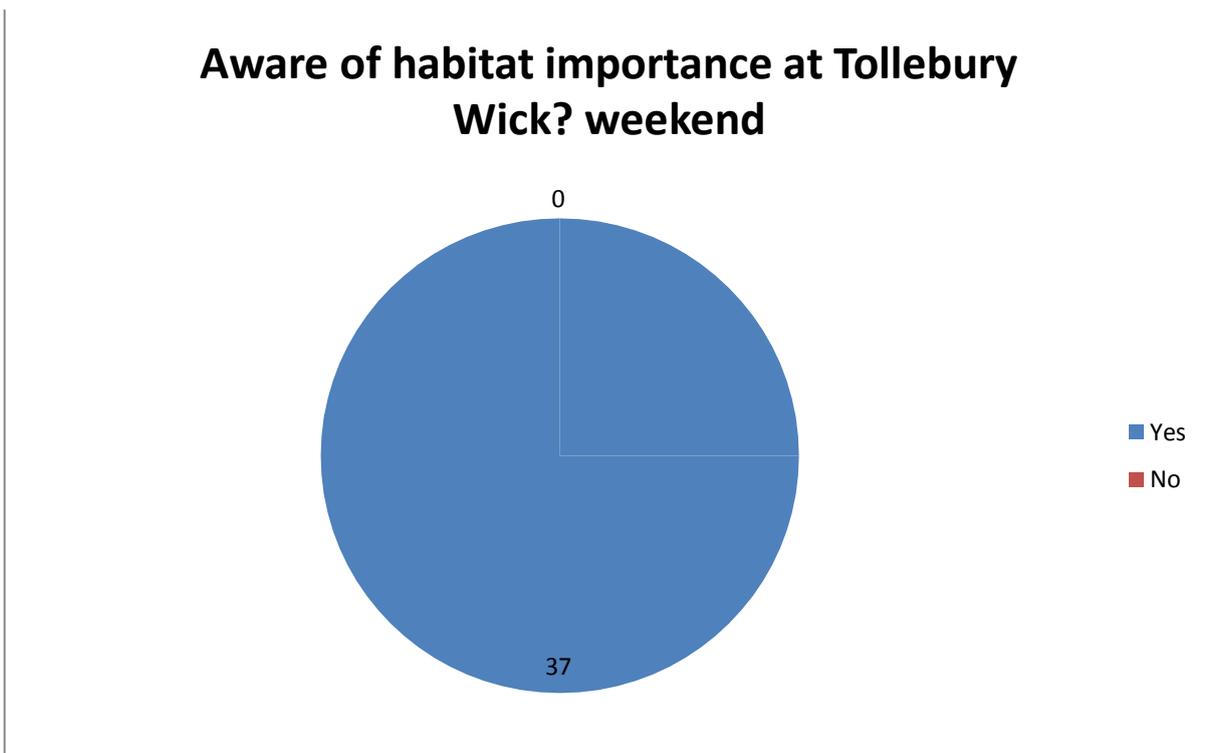
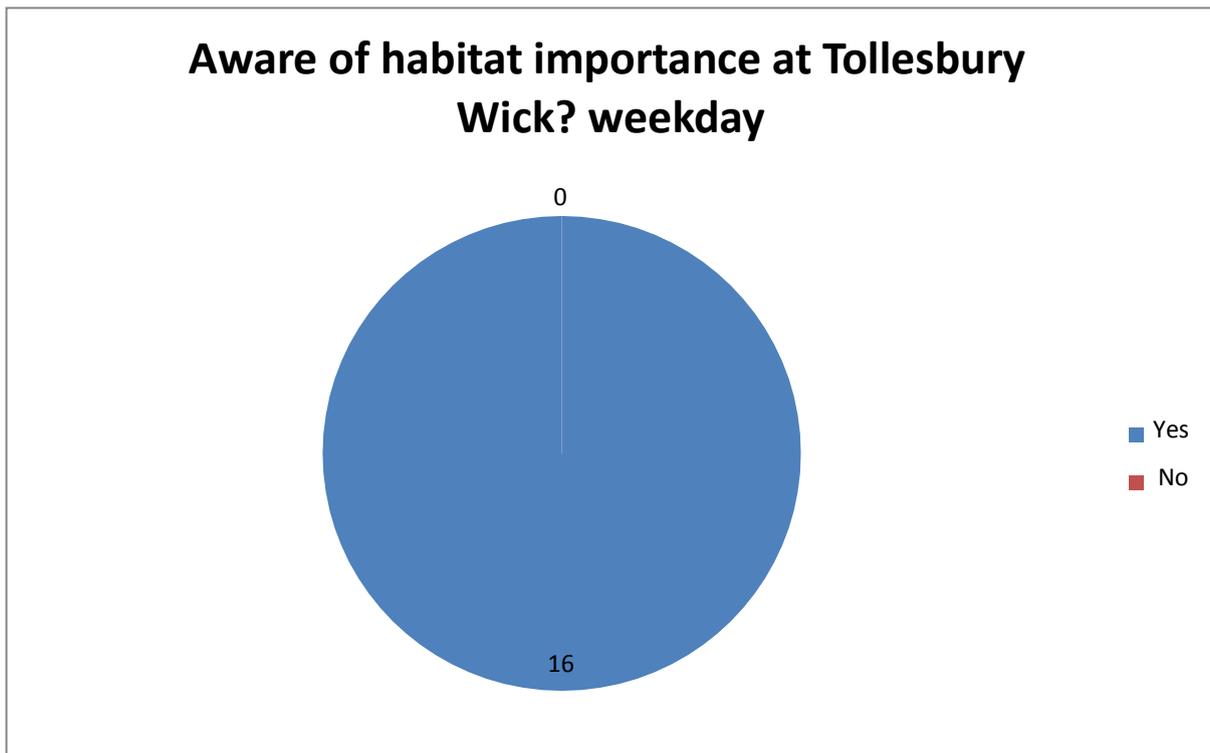




Figures A6.37- A6.38: Graphs showing results for mode of transport



Figures A6.39- A6.40: Graphs showing results for awareness of habitat importance





Appendix 7: Initial Stakeholder Workshop Results

The results of these workshops were based on individual attendee's opinions *and suggestions* rather than what mitigation measures will be implemented. A further follow up workshop and technical analysis will inform this.

Attendee List

North workshop	
Name	Organisation
Sue Hooton	Place Services
Lois Crisp	Place Services
Hamish Jackson	Place Services
Jack Haynes	Natural England (NE) – lead on RAMS project and planning team lead for Tendring Council.
Roy Read	NE - England coast path (ECP) representative
Chris Keeling	NE - responsible officer (RO) for Stour and Orwell and Blackwater Estuaries
Michael Parkin	NE - RO for the Dengie
Heather Read	NE – planning lead for Colchester, Maldon, Rochford and Southend-on-Sea councils.
Charlie Williams	NE - RO for the Colne Eaturay
Zoe Ringwood	NE - RO for Hamford Water
Gavin Rowsell	Farmer
David Eagle	Farmer
Cllr Andrew St Joseph	Maldon DC

South workshop	
Name	Organisation
Mark Summer	MOD / DIO
Jamie Melvin	NE – planning lead for Basildon, Castle Point and Thurrock councils
James Stack	QinetiQ
Charlie Williams	NE – RO for Crouch and Roach Estuaries
Phil Sturges	NE - ECP representative
Paul Woodford	Farmer
Lynne Main	Basildon Borough Council
Annie Gordon	Essex Wildlife Trust
Rachel Langley	Essex Wildlife Trust
Claire Stuckey	Chelmsford City Council
Mike Sharp	Motor Cruising Club
Steve Plumb	Thurrock Council
Mark Nowers	RSPB
Josey Travell	Southend Borough Council
Paul Jenkinson	Southend Borough Council
Jack Haynes	NE – NE lead for RAMS project
Amanda Parrott	Basildon Borough Council
Sue Hooton	Place Services
Lois Crisp	Place Services
Luke Pidgeon	Place Services
Maria Hennessy	Place Services

Shirley Anglin	Essex Highways
Mark Nowers	RSPB
Beverley McClean	Colchester BC

Comments made below may aid conclusions on what mitigations may be beneficial in certain locations but is not the sole basis for them.

Access management measures currently in place:

All Habitats sites

- Stationary electronic people counters have been used by Essex County Council (Highways) to determine visitor numbers to areas in Essex e.g. Maldon. Could it be possible that this data could be used to determine possible impacts? Could people counters be a viable way of determining visitor numbers to sensitive areas?
- Essex Wildlife Trust has been training volunteers (Coastal Guardians) to promote visitor awareness by talks and management of signs.

Stour and Orwell Estuaries

- There is visual screening and a bird hide on the southern shore of the estuary. This ensures that an area looks more important for overwintering birds, with the aim of causing a better public attitude on how the area is used.

Hamford Water

- Bramble Island has no access and is a quiet area as it is a known area for sensitive wintering and breeding birds.

Blackwater Estuary

- Old Hall Marshes has a Little Tern colony but is managed by restricted access by boat in the summer.

Dengie

- Not so much a mitigation measure but as access to the coast in the south-east Dengie area is poor it means that it is isolated and quiet with only occasional dog walkers, anglers and birdwatchers.

Crouch and Roach Estuaries

- Chelmsford Parks such as Fenn washland and Saltcoats Park are alleviating pressures on Habitats sites. These provide good facilities such as dog walking, car parking, sports facilities, good access points and no access to the sea wall.
- Currently there is signage on the sea walls and public rights of way (PROW).

Foulness Estuary

- Currently 31 SSSI areas that are not touched, so will cause little disturbance.
- There is no public access at MD land in Shoebury, and roughly 3km east of Sutton has no public access to the coastline.



- Foulness Island is roughly 8km long, if a ZOI of 13km was imposed this would mean little contributions from developers as there is little to no residential development on the MOD land.

Thames Estuary and Marshes

- Thameside Nature Park is set to extend further.
- East Tilbury Quarry is anticipated to restore biodiversity and provide recreational facilities/areas away from the coast.
- Lower Thames Crossing and adjacent Nationally Significant Infrastructure Projects (NSIPS) could close the most southerly part of the coast for a few years. This will encourage more people north from Coalhouse Fort to Thameside Nature Park or other areas that may not be on the coast.

Potential mitigation solutions:

All Habitats sites

- Stationary electronic people counters have been used by Essex County Council (Highways) to determine visitor numbers to areas in Essex e.g. Maldon. Could it be possible that this data could be used to determine possible impacts? Could people counters be a viable way of determining visitor numbers to sensitive areas?
- Essex Wildlife Trust has been training volunteers (Coastal Guardians) to promote visitor awareness by talks and management of signs.

Stour and Orwell Estuaries

- Saltmarsh is driven over and trampled at Jacques Bay (accessed via Shove Lane, Bradfield), possible reduction in access to avoid habitat erosion.
- Water skiing is common and speed limits are not kept to at Jacques Bay. This should be enforced to reduce disturbance.
- Unauthorised access along sea wall in front of screen should be managed; this could be through better screening or wardening.
- There are bait diggers at Jacques Bay which should be made seasonal and have location restrictions.
- Access along outer edge of saltmarsh to high tide roosts at Wall Lane causes disturbance as well as recreational water craft particularly kayakers and paddle boarders. Access and locations of activities should be restricted.
- There is easy access to the foreshore at Mistley Walls which impacts the birds that sit close to the path. Possibly reduce the ease of access or divert access point elsewhere.

Hamford Water

- Enforcement should be made to unauthorised quadbikes and motorbikes.
- A bridle path should be created at the western side of Hamford Water, this will draw horses away from the seawalls and give landowners income stream through stabling and grazing.
- Create shorter circular paths off coastal path with particular access from car parks.
- Promote alternative sites for wind surfers and canoeists away from The Naze such as St. Osyth Lake/Jaywick/end of Clacton beach.
- The Naze should have seasonal access rather than 365 day access.
- A main car park on public open space away from The Naze may encourage people to walk their dogs there instead of sensitive areas.
- Need to engage with developers especially national/big developers to see conservation areas as an attraction for selling houses and developers taking responsibility for conservation management.
- Post Brexit; bring access habitat management into subsidy schemes for farmers.
- Consider ideas for the environment bank.
- Walking on the saltmarsh is disturbing birds on the south easterly side of Hamford Water.

Colne Estuary

- Habitat creation is needed bringing birds away from the coast.
- Keep shingle recharge out of spreading room at all times.
- Strandline/sand/shingle vegetation along the south side of Mersea and Cudmore Grove is currently being damaged by trampling and fires, mitigation is required to reduce impact. Current access levels at Cudmore Grove already cause some damage to vegetation and reducing breeding success for ringed plover.
- Power gliders currently take off from a field in Mersea which affects a large area, these occasionally fly low and fly over the Colne and Blackwater SPAs.
- Jet skis and canoes disturbing wader high tide roosts in main channel of the Colne Estuary and Strood Channel.
- Breeding ringed Plover and potentially Little Tern are heavily disturbed by the ferry passenger route from Mersea to Brightlingsea.
- Colne Point is by far the most important area for sand/shingle veg and breeding ringed plover so should be protected. Saltmarsh is vulnerable to increased visitor pressure from the Essex Wildlife Trust (EWT) and National Nature Reserve (NNR).
- Natwurst beach - dune vegetation badly damaged in places.
- The poplar beach by Point Clear commonly has kiteboarding which is disturbing terns and ringed plovers.
- The new play area at Cudmore Grove has increased visitor numbers significantly and in turn increased recreational disturbance, possibly look at



ways of reducing numbers by creating large, high quality play areas away from the coast.

Blackwater Estuary

- Maldon DC jet ski patrols should be supported.
- Keep Northey Island free of spreading room.
- Goldhanger had a former Little Tern colony.
- East Osea is a very popular picnic area which is un-authorised.
- Flying paramotors at Tollesbury.
- Keep shingle spit free from public access at Tollesbury Wick.

Dengie

- Canoeists disturb high tide roosts on the River Blackwater.
- There is often illegal off-roading of motorcycles and quadbikes on the seawalls and saltmarsh beach by Bradwell PowerStation.
- The north east Dengie area is too disturbed for high tide roosts.
- Othona Community and St Peters Church area is known to have walkers cross the saltmarshes in all directions.

Crouch and Roach Estuaries

- Use the foreshore department to enforce byelaws and speed limits for water sports such as jet skis. If this is an option journey times to the coast will need to be considered.
- Encourage more people to use Chelmsford Parks for their recreational activities.
- Increase signage to inform the public.

Foulness Estuary

- Currently there is access to jet skis in the north of Shoebury, this causes disturbance. Possible restrictions to be put in place.

Southend and Benfleet Marshes

- Jet skiers and kite surfers north of Gunners Park are supposed to be ¼ mile out of coast but it is common that they are not. Enforcement should be considered to ensure they stay within their boundary.

Appendix 8: Baseline Visitor Survey Data

Basildon

Basildon Borough Council does not currently have any visitor survey data for the Habitats sites; future surveys to be undertaken will be outlined in section 3.

Braintree

Braintree District Council has funded visitor survey data to support North Essex Shared Section 1 Local Plan. Braintree contributed to a plan level Habitats Regulation Assessment in spring 2013 for the shared local plan, containing relevant survey data for many of the Habitats sites across Essex.

Additionally Braintree has s106 money available to fund further visitor surveys as required by several project level HRAs for developments within easy travelling distance of the coast (Place Services, 2017); however, details for these surveys are currently unknown.

Brentwood

Brentwood Borough Council does not currently have any visitor survey data for the Habitats sites; future surveys to be undertaken will be outlined in section 3.

Castle Point

Castle Point Borough Council does not currently have any visitor survey data for the Habitats sites; future surveys to be undertaken will be outlined in section 3.

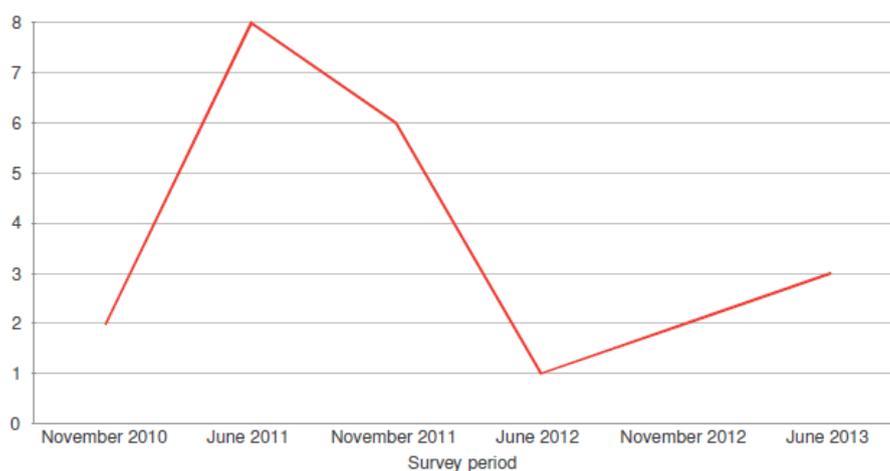
Chelmsford

Chelmsford City Council do not currently have any visitor survey data for the Habitats sites; future surveys to be undertaken will be outlined in section 3.

Colchester

Colchester Borough Council has provided visitor survey data to support North Essex Shared Section 1 Local Plan. Colchester produced a plan level Habitats Regulation Assessment in Spring 2013 for the shared local plan, containing relevant survey data for many of the sites across Essex.

Visitors to Old Hall Marshes

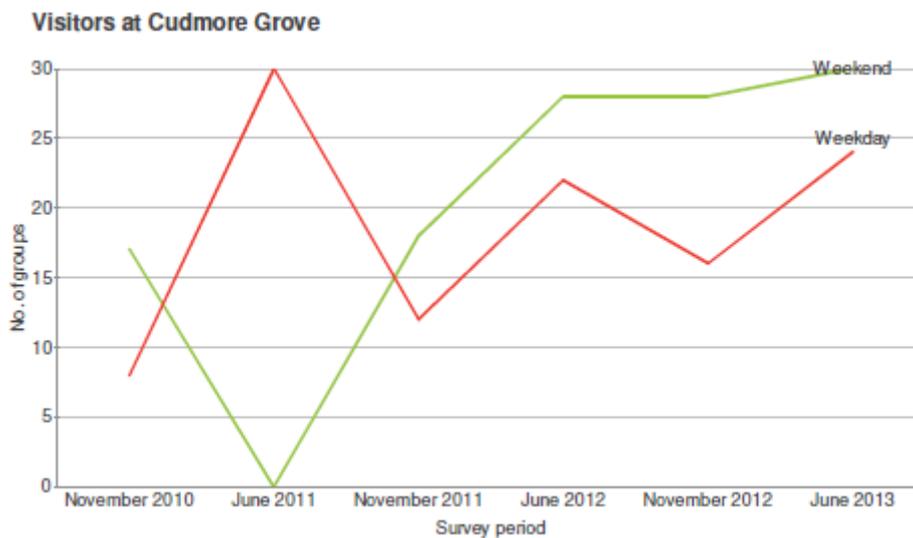




Counts Respondents	Total	Survey period					
		November 2010	June 2011	November 2011	June 2012	November 2012	June 2013
Base	56	12	9	16	5	4	10
SSSI Unit							
Strood Channel	56	12	9	16	5	4	10

Counts Respondents	Base	Survey period					
		November 2010	June 2011	November 2011	June 2012	November 2012	June 2013
Total	310	32	31	54	65	74	54
Weekday or weekend							
Weekday	142	14	15	28	24	25	36
Weekend	168	18	16	26	41	49	18

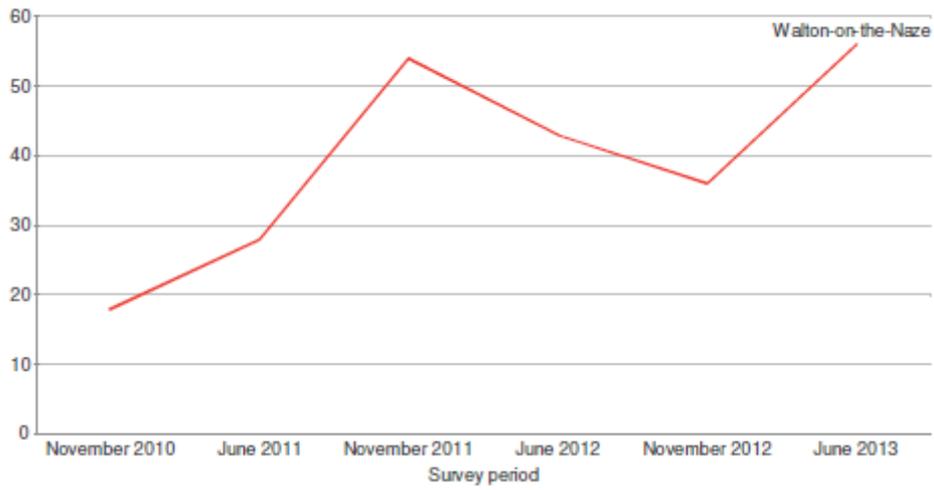
Table 15. Number of visitors at Brightlingsea Marshes over the three year survey period.



Counts Respondents	Base	Survey period					
		November 2010	June 2011	November 2011	June 2012	November 2012	June 2013
Total	35	6	2	7	4	6	10
SSSI Unit							
Kirby Quay	35	6	2	7	4	6	10

Table 17. Number of visitors at Kirby Quay over the three year survey period.

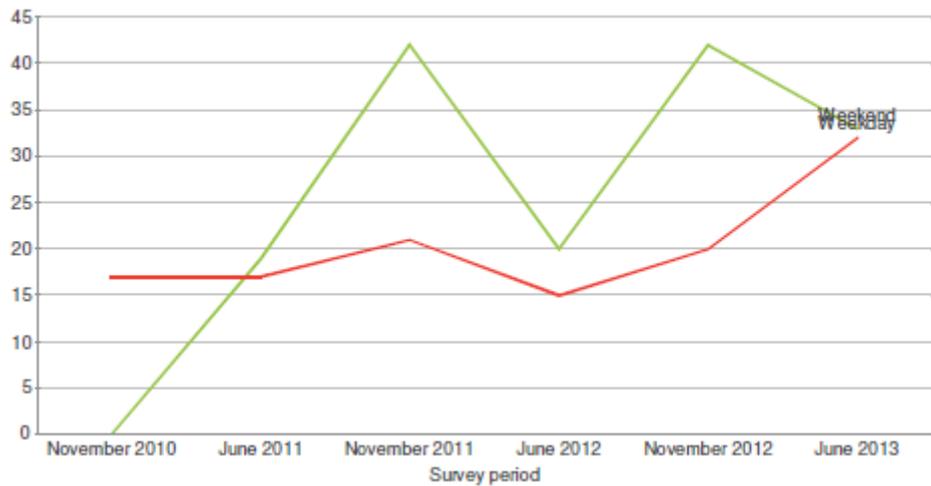
Number of visitors at Walton-on-the-Naze



Visitors at the Stour Estuary



Number of visitors at The Walls





Maldon

Maldon District Council currently has visitor survey data for the Habitats sites

Rochford

Rochford District Council currently has a visitor survey undertaken by the RSPB recording visitor numbers to Wallasea Island.

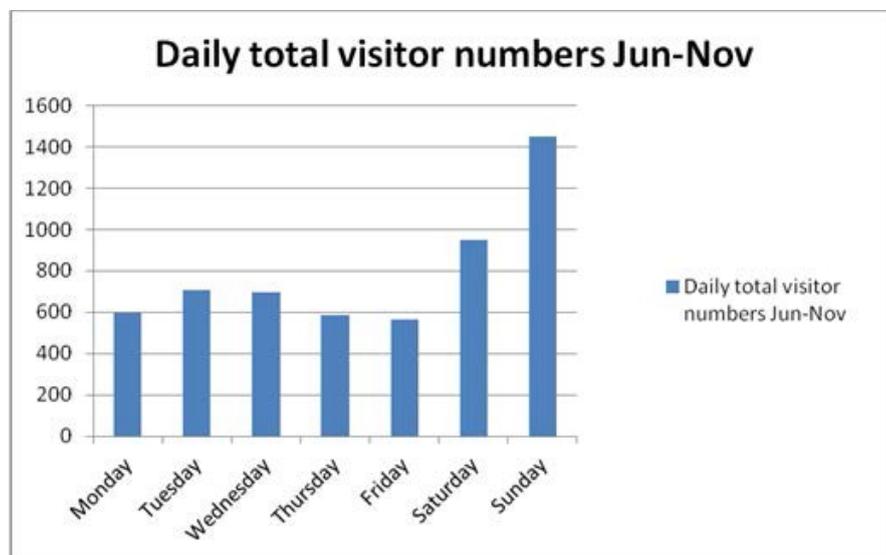
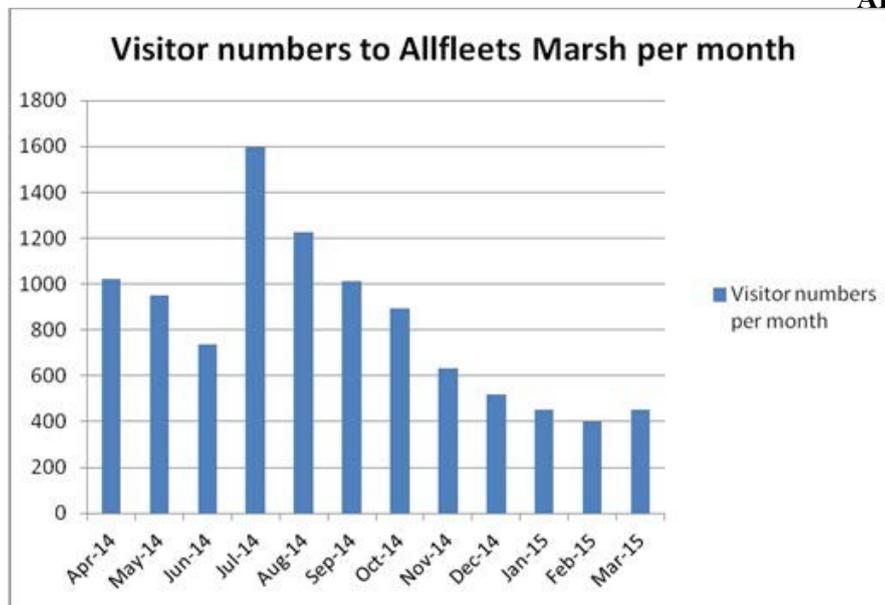
There is visitor number information available for the period 2008-2017 as shown in the tables below.

Table A8.1: Visitor numbers for 2017, including car counter

Date	Visits to seawall	No. of cars
Apr 17	1882	
May 17	1631	
Jun 17	1410	
Jul 17	1617	1442
Aug 17	1824	1720
Sep 17	1359	1239

Table A8.2: Total visitor numbers for period 2008-2016

Year	No. of visits
2008/09	3619
2009/10	4722
2010/11	5200
2011/12	7208
2012/13	7334
2013/14	7270
2014/15	9893
2015/16	11682



Southend-on-Sea

Southend-on-Sea Borough Council has data from visitor surveys undertaken on the main high street although as this location is not in the Natura 2000 site; it is not comparable data for the RAMS. Southend Borough attracts roughly 6 million visitors per annum and because of this, survey data for any area of the Borough is useful in determining impacts upon the natural and built environment, including the Habitats sites.

Table A8.3: Reasons for visiting in March and May (2013)

Reason for Visit	Wed 23 Mar	Fri 25 Mar	Sat 26 Mar	Mon 30 May	Total	%
Work	49	25	19	61	154	18%
Education	44	1	1	6	52	6%
Shopping	64	56	61	49	230	27%
Business	9	3	1	5	18	2%
Leisure	53	86	66	114	319	38%
Night Clubs	2	5	1	0	8	1%
Seafront/Amusements	3	11	5	23	42	5%
Other	12	7	5	2	26	3%
<i>Total</i>	236	194	159	260	849	



The questions were in regard to reasons for visiting. The data provides an insight into visitor habits.

Tendring

Tendring District Council has provided visitor survey data for the Habitats sites to support North Essex Shared Section 1 Local Plan and contributed to a plan level Habitats Regulation Assessment in Spring 2013 for the shared local plan, containing relevant survey data for many of the sites across.

Thurrock

Thurrock Borough Council currently has visitor survey data for the Habitats sites, produced by Essex Wildlife Trust and Coalhouse Fort.

Additionally, Thurrock has s106 money available to fund further surveys within the Thames Estuary SPA area however details for these surveys are currently unknown.

Essex County Council

In 2013 Place Services produced a project level Habitats Regulations Assessment Screening Report on behalf of ECC for Thames Estuary Pathways project. This document contained relevant visitor information for the Thames Estuary Pathways between Tilbury to Leigh-on-Sea.

Table A8.4: Estimated future use of Thames Pathways(2013)

Section	Mean number of path users per day	Winter path users per day	Estimated future mean number of path users per day	Estimated future mean number of winter path users per day
Tilbury to East Tilbury	50.9	15.3	76	22.8
East Tilbury to Stanford Le Hope	28.8	8.6	58	17.4
Stanford Le Hope to Pitsea	13.7	4.1	28	8.4
Pitsea to Benfleet	14.7	4.4	30	9
Benfleet to Leigh-on-Sea	354	106	443	132.9

Appendix 9: Survey postcode data and methodology

Surveyors asked visitors to the coast for their home town postcode data or location in order to calculate the distances travelled. Where a town eg Colchester was given, the distance was generated from this information. The Zones of Influence distances are based on the 75th percentile of postcode data (i.e. the distance where the closest 75% of visitors come from) taken from all surveys undertaken for each Habitats site (winter or winter/summer surveys depending on designation features).

This method was used for a number of strategic mitigation schemes nationally and is considered by Natural England to be best practice.

The tables below include the postcode data provided for all of the visitor surveys undertaken for this project.



Colne Estuary																
Location	co58ue	co58uw	co58uw	co7												
Distance	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4		
Location	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	
Distance	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	
Location	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	co7	
Distance	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	
Location	co7	co7	co7	co58tn	co79jh	co79bb	co79nu	co58dz	co79ra	co79fe	co58hl	co79ld	co79tb	co58gg	co58rd	
Distance	0.4	0.4	0.4	0.6	0.9	0.9	0.9	1	1	1	1.1	1.1	1.1	1.2	1.6	
Location	co58pr	co78ae	co79qq	co58qh	CO58NA	co20jn	co20ju	co43nb	co12bn	co4	co4	co4	co4	co29dr	co27hw	
Distance	1.6	1.6	1.8	2.3	2.5	4.3	4.6	5.5	5.6	6	6	6	6	6.7	6.7	
Location	co33ea	co33ng	colchester	co1	co1	co1	co33uz	co33qp	co34jg	co30rn	co30hp	co3	co3	co3	co3	
Distance	6.7	7.1	7.3	7.4	7.4	7.4	7.5	7.7	8.6	9.2	9.7	9.7	9.7	9.7	9.7	
Location	co3	co63ef	co5	c05	co5	co611s	co13									
Distance	9.7	10.6	11	11	11	11	11	11	11	11	11	11	11	12.4	12.4	
															12.5	

nce															
Location	co6	co62dx	co61qz	witham	cm34qu	cm79ua	cm79at	cm777ux	co93ps	cm16qz	cm74ra	cm248hp	da28eb	en87he	en14jd
Distance	15	16.1	17.4	19.2	24.1	24.7	26	27.1	28.7	29.4	36	50.8	61.8	66.3	69.4
Location	n16														
Distance	73.9														



Crouch and Roach Estuaries															
Postcode	cm08as	cm08haw	cm08rp	cm08rp	cm08bd	cm08hw	cm08jb	cm08js	cm36dq	cm08as	cm08ha	cm08ll	cm08ja	cm36ls	cm36lu
Distance	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2	0.2	0.2	0.2
Postcode	north fambridge	north fambridge	cm36lu	north fambridge	cm08hb	cm08la	cm08jg	cm08jy	cm08hq	cm08la	cm36lt				
Distance	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.3	0.3	0.3	0.3	0.3	0.3	0.3
Postcode	cm08er	cm08ld	cm36lz	cm36lz	cm36lz	cm08sz	cm08dy	cm08dx	cm08dx	cm08ed	cm08hf	cm08ed	cm08es	burnham	burnham
Distance	0.4	0.4	0.4	0.4	0.4	0.5	0.5	0.5	0.5	0.6	0.6	0.6	0.6	0.6	0.6
Postcode	burnham	burnham	cm36nf	cm36nf	cm08eh	cm08en	cm08bq	cm08ds	cm08bq	cm08ex	cm08sn	cm08bq	cm08dr	cm08rl	cm08dl
Distance	0.6	0.6	0.6	0.6	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.8	0.8	0.9
Postcode	cm08dn	cm08bw	cm08tr	cm08dq	cm08tt	cm08tf	cm08dd	cm08tx	cm36dt	cm08db	cm08tw	cm08ql	ss5	cm36je	cm36hp
Distance	0.9	0.9	1	1	1.1	1.1	1.1	1.2	1.2	1.2	2	2	2.3	2.4	2.6
Postcode	cm36bl	cm36jg	ss69ut	cm07bt	cm36jf	ss118rb	cm07bg	cm36px	cm07rx	cm07ap	cm36tw	cm0	cm0	cm0	cm0
Distance	2.7	2.7	2.8	3	3	3.1	3.5	3.9	4	4	4.1	4.2	4.2	4.2	4.2
Postcode	cm0	cm0	cm0	cm0	cm0	cm0	cm0	cm0	cm07al	cm38dg	cm07dj	cm07dg	ss68py	cm36ap	ss129ea
Distance	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.3	4.4	4.5	4.7	4.8	4.9
Postcode	cm34hp	cm36te	cm07rt	ss95bs	ss9	cm112uh	cm96ad	cm07pa	cm112ld	cm9	billericay	cm28by	cm120hr	cm129pn	ss156jz
Distance	5.1	5.3	5.5	6.2	6.4	8.9	9	9.2	10.1	10.5	11.2	11.7	11.8	12.2	13.1
Postcode	ss178er	cm40de	cm4	ss178en	cm8	cm3	cm3	cm82xe	cm31rs	rm162tj	rm176dn	rm113nn	cm79ll	se167dr	n41ay
Distance	14.7	14.7	14.7	14.7	16.8	17.9	17.9	18.1	21.1	23	23.7	25.1	26.5	45.5	47.5
Postcode	gu272jw	ireland													
Distance	108	501.8													

Dengie

Postcode	orthona	orthorna	cm07pp	cm07pp	cm07qh	cm07px	cm07q	cm07q	cm07px	batedudley	bradwell	bradwell	bradwell	tillingham
Distance	0.1	0.1	1.6	1.6	1.9	2	2	2	2	2.1	3.3	3.3	3.3	3.6
Postcode	tillingham	cm07hs	tillingham	cm07tw	asdeldhamcentre	cm07gr	cm07np	burnham	burnham	burnham	burnham	southminster	southminster	
Distance	3.6	3.7	3.9	4	5	5.5	5.8	7	7	7	7	7.1	7.1	
Postcode	southminster	southminster	southminster	cm0	cm0	cm0	steeple	mayland	althorne	cm36et	maylandsea	heybridge	cm9	
Distance	7.1	7.1	7.1	7.2	7.2	7.2	9	11	11	11.8	12	14	14.3	
Postcode	cm9	latchington	maldon	maldon	colchester	ss12ey	southern	coldnorton	hockley	cm8	ss9	southwoodhamferrers	cm7	
Distance	14.3	14.5	15.6	15.6	16.5	16.5	16.7	17.6	18.1	18.8	20.2	20.8	27.1	



Postcode	cm16nn	wickford	wickford	cm1	chelmsford	cm77	cm13ea	ss177nr	cm31ln	shenfield	ct13	ilford	ip139hn
Distance	27.1	27.3	27.3	29.1	30	30	32.1	33.6	34.3	41	48.5	58.6	59.3
Postcode	london	london	ip199lp	ha4	hp5	ng237nj	cirencester	de222g	cornwall				
Distance	73.6	73.6	77.5	92.1	104.2	192.7	200	211.1	415				

Benfleet and Southend Marshes

Postcode	ss12yt	ss91ea	ss08jj	ss07rl	chalkwell	chalkwell	chalkwell	ss91ed	chalkwell	chalkwell	westcliff	westcliff
Distance	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2
Postcode	ss08ht	westcliff	ss91dr	ss92dj	ss91as	ss92dg	ss08pu	ss91hb	westcliff	westcliff	westcliff	ss91as
Distance	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2

nce												
Postcode	gunners prk	ss39ez	ss91ad	ss9 1ad	ss12xa	ss39hl	ss39ls	ss13nj	ss0 7nn	ss9 2ht	ss9 2ax	ss9 2nq
Distance	0.3	0.3	0.3	0.3	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4
Postcode	ss9 2ax	ss0 7nn	ss39jw	ss39fw	ss92au	ss9 1rp	ss0 8pj	ss39by	leigh	leigh	leigh	leigh
Distance	0.4	0.4	0.5	0.5	0.5	0.5	0.5	0.6	0.6	0.6	0.6	0.6
Postcode	leigh	leigh	leigh	leigh	legh	leigh	leigh	leigh	leigh	leigh	leigh	leigh
Distance	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6
Postcode	leigh	leigh	leigh	leigh	leigh	leigh	legh	leigh	leigh	leigh	leigh	leigh
Distance	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6
Postcode	leigh	leigh	leigh	leigh	leigh	leigh	leigh	leigh	leigh	leigh	ss9 1ra	ss9 1sq
Distance	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6
Postcode	ss9 1rd	leigh	leigh	thorpe bay	thorpe bay	thorpe bay stn	thorpe bay	thorpe bay	thorpe bay	thprpe bay	ss13le	ss13nb
Distance	0.6	0.6	0.6	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7
Postcode	ss39ja	thorpe bay	ss9 1qx	ss9 2al	ss9 2an	ss9 2an	ss9 1qx	woodgr ange drive	ss9 1nj	ss12ub	ss39lz	ss89rd
Distance	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.8	0.8	0.8	0.8	0.8
Postcode	ss91ju	ss39qf	ss9	ss9 1st	ss39le	ss13je	ss12xw	ss9	ss9	ss9	ss9	ss9



ode			1nw									
Distance	0.8	0.8	0.8	0.8	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9
Postcode	ss9	ss9	ss9	ss9	ss13eh	ss12uf	southchurch	ss08ah	southchurch	ss9 2ta	thorpedean	ss24jp
Distance	0.9	0.9	0.9	0.9	1	1	1	1	1	1	1.1	1.1
Postcode	ss39wb	ss39wb	ss39gb	ss39la	garrison estate	garrison estate	garrison estate	garrison estate	ss07aq	ss9 3pn	ss9 2qp	ss13pp
Distance	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.2
Postcode	ss25az	ss93pj	ss93ea	ss71pg	ss9 3ea	SS9 3EJ	ss09dd	ss09dd	ss13sr	ss0 7bb	ss3 9pe	ss93db
Distance	1.2	1.2	1.2	1.2	1.2	1.2	1.3	1.3	1.3	1.3	1.4	1.4
Postcode	ss13qp	ss38ag	ss24np	ss39ap	ss93be	ss93fa	ss93dx	SS0 9RD	souyhend	ss25dh	ss13pu	ss24ht
Distance	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.5	1.5	1.5	1.5
Postcode	ss24nf	southern d	southern d	southern d	westliff southern border	southern d	ss39sg	ss24hp	hadleigh	hadleigh	hadleigh	shoeburyness
Distance	1.5	1.5	1.5	1.5	1.5	1.5	1.6	1.6	1.6	1.6	1.6	1.7
Postcode	shoebury	shoebury	shoebury	shoebury	ss25lu	hadleigh	ss0	hadleigh	ss0	ss0	shoebury rd	ss24rs
Distance	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.8	1.8

Postcode	ss9 4je	ss2 4dl	ss13nz	ss8 0qf	ss71hg	ss38bh	ss7 5eh	ss38xp	ss24rd	ss9 3tu	ss38yh	ss39yy
Distance	1.8	1.8	1.9	1.9	2	2	2	2.1	2.1	2.1	2.2	2.3
Postcode	benfleet	benfleet	benfleet	benfleet	benfleet	benfleet	benfleet	benfleet	benfleet	benfleet	ss7	ss24ay
Distance	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.4	2.4
Postcode	ss00pz	ss7	ss0 0py	ss9 4tj	thundersley	thundersley	ss7 2uh	ss75st	eastwood	eastwood	eastwood	ss3 0at
Distance	2.4	2.4	2.4	2.7	3.1	3.1	3.1	3.2	3.4	3.4	3.4	3.6
Postcode	ss30wl	ss30dx	ss9 5qx	ss9 5as	gt wakerin	wakerin g	wakerin g	gt wakerin g	wakerin g	wakerin g	ss30rh	great wakerin g
Distance	3.7	3.7	3.7	3.8	4	4	4	4	4	4	4	4
Postcode	great wakerin g	littl wakerin g	ss3	ss30jn	ss74sb	ss6	ss6 8rb	rayleigh	rayleigh	raighley	raighley	rochford
Distance	4	4.1	4.1	4.3	4.5	4.9	5	5.1	5.1	5.1	5.1	5.3
Postcode	ss30ls	rochford	rochford	ss41n q	ss13 1hz	ss13 1pp	ss54pu	ss54px	ss13 1ph	hockley	ss5	ss5
Distance	5.3	5.3	5.3	5.7	5.9	6.5	6.6	6.6	6.7	6.8	6.9	6.9
Postcode	ss54sj	ss43bj	ss5 4xd	ss141r p	basildon	basildon	basildon	basildon	ss55al	ss120n z	ashingdon	wickford
Distance	7	7	7.2	7.4	7.4	7.4	7.4	7.4	7.5	8.1	8.7	8.8



Postcode	ss14	ss14 2bd	ss154a h	ss178 nr	ramsde n heath	east tilbury	east tilbury	orsett	orsett	cm120 nb	cm3 6ql	rm175rp
Distance	8.8	9.1	11.8	12.3	12.8	12.9	12.9	14.7	14.7	15.6	16.3	18.3
Postcode	grays	cm4 0ad	brentwo od	CM2	cm13bj	upminst er	upminst er	upminst er	chelmsf ord	chelms ford	hornchu rch	hornchur ch
Distance	18.7	19.9	20.7	22.2	22.6	22.8	22.8	22.8	23	23	24.9	24.9
Postcode	rm30ww	rm2 5bu	dartford	romfor d	romford	east london	cm73dp	cm7 9ax	cm19 4eh	n8	north london	north london
Distance	25.1	26.7	27	27.9	27.9	36.1	37.8	38.6	42.5	47.5	47.7	47.7
Postcode	N1	london	west london	cambri dge	gu12 6rb	buckimg ham	norfolk	sheffiel d	ng60ar	devon	yorkshir e	glasgow
Distance	48.1	49	62.6	80.3	96.2	119.4	126.2	247.5	247.6	321	329	577

Thames Estuary and Marshes

Postcode	ss170eg	rm188pb	east til	east tilbury	east tilbury	east tilbury	ss17	ss17	ss17	ss17	ss17
Distance	0.6	0.7	1	1	1	1	1.5	1.5	1.5	1.5	1.5
Postcode	ss17	station rd	corringham	corringham	ss170nz	linford	linford	linford	linford	linford	ss177rg
Distance	1.5	1.6	1.7	1.7	1.7	2	2	2	2	2	2
Postcode	stanford	stanford	stanford	stanford	stanford	stanford,horndon	stanford le hope	stanford	stanford	stanford	stanford

Distance	2.2	2.2	2.2	2.2	2.2	2.2	2.2	2.2	2.2	2.2	2.2
Postcode	stanford le hope	stanford le hope	stanford	stanford	ss178qr	ss179el	ss178ph	horndon	rm18 8dj	rm188dx	chadwell
Distance	2.2	2.2	2.2	2.2	2.5	2.6	3.2	3.5	4	4.4	4.8
Postcode	tilbury	tilbury	tilbury	tilbury	rm187ah	ss16	ss14	rm175rg	rm16	laindon	basildon
Distance	4.9	4.9	4.9	4.9	5.5	6.4	7.1	7.2	7.2	7.6	8
Postcode	basildon	basildon	basildon	rm17	grays	grays	grays	grays	grays	chafford	ss7
Distance	8	8	8	8.1	8.2	8.2	8.2	8.2	8.2	8.9	9.9
Postcode	south ockendon	south ockendon	wickford	rm154bh	ss12	leigh on sea	cm133dq	hockley	ss11et	cm0	cm234es
Distance	10.1	10.1	12.3	12.4	12.6	13.5	15	16.8	17	30.6	45
Postcode	so32										
Distance	128										



Appendix 10: Follow up Stakeholder Workshop Outputs

The results of the follow up workshop will inform which mitigation measures may be effective in certain locations but is not the sole basis for them.

Essex coast RAMS Stakeholder Workshop Outputs 10:00 – 13:00 15th June – Colchester Borough Council Offices

Attendee List

Name	Organisation
Matt Wilson	Coast and countryside Manger (Maldon District Council)
Roy Read	England Coast Path representative (Natural England)
Charlie Williams	Responsible officer for Crouch and Roach (Natural England)
Leon Woodrow	Nature Conservation Officer (Tendring District Council)
Andrew St. Joseph	Maldon Councillor
Zoe Ringwood	Responsible officer for Hamford Water (Natural England)
Annie Gordon	Essex Wildlife Trust
Rachel Langley	Essex Wildlife Trust
David Piper	Blackwater Estuary Lead Ranger (National Trust)
Michael Parkin	Responsible officer for Dengie (Natural England)
Jack Haynes	Planning officer (Natural England)
Heather Read	Planning officer (Natural England)
Josey Travell	Environmental and greenspace officer (Southend Borough Council)
David Eagle	Farmer
Mark Sumner	Access and recreation advisor for Ministry of Defence
Mark Nowers	RSPB
Xavier Preston	Southend Borough Council
Shelley Blackaby	Colchester Borough Council
Karen Johnson	Maldon District Council
Sue Hooton	Place Services
Lois Crisp	Place Services
Hamish Jackson	Place Services
Luke Pidgeon	Place Services
Maria Hennessy	Place Services

Benfleet and Southend Marshes SPA and Ramsar

General Notes

- Two Tree Island, highlighted as key area of disturbance;
- Visitors are concentrated in the West (Two Tree), Centre (Golden Mile) and East (Gunnars Park). Residents are dispersed to the West and East, whereas, Tourists mainly visit the centre of the seafront;
- Thameslink pathway near Two Tree Island is heavily used (Two Tree to Hadleigh CP Loop);
- Leigh Cackle Sheds provide access to mudflats – people take their dogs.
- Bait diggers use a lot of the foreshore, can be seen travelling quite a way out.
- Staffing issues for the shoreline – on busy day's staff are focused in central Southend;
- Old Leigh has high visitor numbers;
- Two Tree Island Wildfowling – agreement is very old, made in the 1950s, wasn't aware of it until recently. Southend waiting for NE input;
- Potential to expand Belhus/Hadleigh Country Park? ;
- The England Coast Path is planned to run along the entire length of the coastline in Southend-on-Sea; and
- There is access by foot onto Canvey Point.

Table A10.1: Mitigation ideas

Location	Mitigation option	Notes
Two Tree Island	Employ new rangers to monitor the site.	Two Tree Island is currently heavily utilised during the busier tourist periods mainly by local residents.
	Habitat regeneration	Paths on the island are currently inadequate, and there are currently many wander lines.
	Implement information boards	The area features habitats which could be seen as unimportant due to their appearance. Inform visitors of the mudflat importance.
	Install buoy markers off of Two Tree Island	Paddle-boarders and Kayakers have the potential to disturb habitats at Two Tree as there is no designation in place.
	Interchangeable car park size	Car park is currently used for car meets, install barriers to prevent misuse of the car park.
Gunnars Park	Provide alternate green space	Southend currently has very little open green space. Provide green space elsewhere, it doesn't



		necessarily have to be a large area.
	Control dog walking in the area more	Despite the MOD designation on the foreshore, dog walkers are still accessing the area.
General	Mitigate disturbance	Employ rangers for the seafront who have the ability to enforce/influence.
	Potentially use County Council land for alternate green space use	The County Council may have land which is suitable for alternative green space to be provided eg former landfill sites.

Crouch and Roach Estuaries SPA and Ramsar

General Notes

- Referring to Burnham-on-Crouch – honey pot site, mostly seaward of coast;
- Referring to Paglesham/East End – Encouraging canoe trips? ;
- Referring East of North Fambridge – Wildfowling;
- Referring to both the rivers Crouch and Roach – Sailing and powerboats currently travelling into creeks, in turn disturbing birds;
- Referring to North Fambridge Marina – new ferry proposed which would travel from north to south of the river; and
- Oyster shell recharge projects are being undertaken to help create habitats for Little Terns.

Table A10.2: Mitigation ideas

Location	Mitigation option	Notes
West of Potton Island	Monitor the permitted use of narrow channels.	Narrow channels with wide areas of mud, boats and water activity cause bird disturbance.

Colne Estuary SPA and Ramsar

General Notes

- Referring to eastern side of Tollesbury Wick – picnicking and swimming popular at spit, potentially little terns nesting at this point, also lots of boating activity;
- Referring to eastern side of Old Hall Marshes – potential little tern nesting site;
- Referring to north-west Mersea Island – Water skiing and canoeing all year;
- Referring to south-west of Seawick – high level of beach activity because of caravan parks;

- Referring to stretch of coast northwards of Brightlingsea – Popular walking route;
- Ray Island has many walkers on Bonner Saltings to the island and boat landing mainly in the summer. The no landing signs that are currently there appear to be ineffective. More recently no access signs, new gates and fence have been implemented onto the landward access through Bonner Saltings; and
- Jet skis at Fingringhoe Wick NR, Geedon Bay and Saltmarsh commonly do not follow the 8 knot speed restriction in that area, ultimately the wash created from the jet skis causing an erosional effect on the saltmarsh.

Table A10.3: Mitigation ideas

Location	Mitigation option	Notes
Strood Channel	Communicate with user group to explain impacts. Provide guided walks and talks.	Canoeing up the channel at high tide
Colne Point	Rangers should identify Little Terns and fence off sites.	A range of measures are needed. Disturbance is adversely affecting birds – Ringed Plover and Little Tern.
	Caravan sites should be educated to understand importance of the spit as a habitat for birds	
	Restrict access at certain times of year to prevent disturbance.	
Eastern side of Tollesbury Wick	Fencing off nesting sites	Little Terns are known to nest at Tollesbury Wick, fencing to prevent access and mitigate disturbance.
South east of Wivenhoe	Managed realignment	Currently heavy disturbance for Little Terns, managed realignment has solved cases like this in other areas.
Ray Island	Enforce no access	Remove the National Trust 'Welcome' sign as it sends the wrong message.
Fingringhoe Wick Nature Reserve	Engagement with local clubs	Clubs could include boating clubs to improve behaviour.
Fingringhoe Wick Nature Reserve, Geedon Bay and Saltmarsh woned by MOD	Rangers and education	Add a warden for these areas and get them to engage with local boat clubs and liaise with the Harbour Master and River Police.



Stour and Orwell Estuaries SPA and Ramsar

General notes

- The Stour has very few access points to the coast. The main points on the Essex coast are Mistley Walls, Bradfield, Wrabness and Stour Wood, Ramsey;
- There is a no access sign to the beach at Wrabness but this is ignored; and
- There are numerous dog users at Wrabness and many do not use leads.

Table A10.4: Mitigation ideas

Location	Mitigation option	Notes
Mistley Walls	Ranger that will encourage people to move to an alternative beach that is located at Manningtree (opposite The Crown pub) which is close by and will have less of an impact.	The alternate beach is better suited for recreational activities but is not well known, once people know the location they could be more likely to use that beach rather than Mistley Walls.
Mistley Walls	Signage educating the public about when they are allowed to use the beach.	This could be a similar method that has been seen in other authorities that uses red, amber and green paw prints to show dog owners when their dog is allowed in certain areas.
Mistley Towers	Educate the user group about what behaviours could impact their surroundings.	There is an unofficial kayaking launch point from this location. Kayakers go into creeks at high tide.
Bradfield	Signage to about when they are allowed to launch boats etc.	Long term discussions to regulate use of launching point
Stour Wood, Ramsey	Rangers to promote positive behaviour and educate dog walkers.	This area has a high presence of dog walkers. There are currently RSPB patrol volunteers that help in that area plus EWT reserve no dogs.
Harwich Haven Authority	Find a water bailiff to enforce speed limits and positive behaviour or work more closely with Essex Marine Police.	It is not uncommon to witness speeding along the Stour, a bailiff would help keep speed limits in check.
Dovercourt	Promote jet ski launch points from Dovercourt.	This will encourage people to launch from here where there will be a lesser impact to birds.
Wrabness NR	Rangers through an Essex Wildlife Trust partnership.	There is an Essex Wildlife Trust ranger at Wrabness Nature Reserve adjacent to the estuary,

		where there is a high presence of dog walkers.
Wrabness NR	Education	Information days aimed at dog walkers on site as this was tried and received well in the past.
Wrabness NR	Behaviour change	Further encourage the public onto concrete paths and discourage from sensitive areas like marsh fields and estuary beach.

Blackwater Estuary SPA and Ramsar

General Notes

- Referring to Caravan Parks, Jet skiing is at present a big issue for the estuaries;
- Swimming within the estuary is gaining in popularity;
- Paddle-boarding is also undertaken in areas which are sensitive to bird interference;
- Aircrafts frequently fly over the estuary at low altitudes disturbing wildlife; and
- Walkers and canoeists regularly cause disturbance on Tollesbury Point and shingle spit.

Table A10.5: Mitigation ideas

Location	Mitigation Option	Notes
Northey Island	Saltmarsh recharge. 10 year project in the South corner.	National Trust is looking at more access to Northey.
Bradwell	Coastal realignment or habitat creation.	Creation of new offshore island.
General	Alteration to byelaws.	Partnership with Essex Marine Police, who have already undertaken work for Colchester.
Blackwater	Expansion of river bailiff services.	Blackwater is main enforcement area – jet ski enforcement in particular.
	New walking routes e.g. Heybridge Lakes.	This location is close to the Blackwater, but could provide a circular route.
	Expansion of ranger numbers.	Employ more rangers/roving rangers at key sites, to enforce
Maldon Promenade	Park extension.	Land available in the east, potential to expand promenade with specific dog walking area.



Blackwater Caravan Parks	Educate park owners and visitors.	Visitors and owners need to be educated about habitat zoning. Review jet-ski zones as they are typically of lesser quality.
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Foulness Estuary SPA and Ramsar

- There are a lot of walkers and dog walkers at Wakering Stairs

Hamford Water SAC, SPA and Ramsar

- John Weston Essex Wildlife Trust reserve has restricted access, with roughly 50% of the land with no access
- Currently there is a volunteer warden at John Weston

Table A10.6: Mitigation ideas

Location	Mitigation Option	Notes
Beaumont Quay	HLS government funded scheme to redirect horse riders from area. Capital works and on-going payments.	Created permissive pathway, around other farm area, to prevent sea wall usage, but is still legal.
Stone Point	Create a friend of the ringed plover group.	Local people provide on-site policing to prevent disturbance from dogs/walkers.
John Weston	Rangers	Hire a new ranger as there is a current vacancy for one.
	Habitat creation / improvement	Look at bird data to see if this would be viable and effective.
	Signs	Improve signs on the accessible entrances.
	Information	Improve the quality of information at The Naze visitor centre.
Skippers Island		
Operating from Titchmarsh Marina	Boat warden	Extend the hours for the boat warden service. Used to be all year round.
Local schools	School talks / education to encourage the love of local wildlife.	Changes behaviour of parent.
Tourist Information Centre – used to exist	Re-open TIC in local area.	Provide info for what they can do to protect the area.
Dog walker policing	Encourage dog-walkers to police other dog-walkers to	Self-policing.

	behave better.	
Hamford Water general	Branding for the protected area.	Put a recognisable logo on coffee cups and stickers. Tell people what is special about an area, and how they can help.
Coastal Path	Orientation boards along key access points.	Provide information, location and code for the area.
General	Warden for the area.	Post for education, policing and habitat management (including Skippers Island and John Weston).
	Create an app for the protected area.	Interactive app shows people more robust areas, 'quiet zones' & 'play zones'.
	Re-direct paddleboarders.	

Thames Estuary and Marshes SPA and Ramsar

General notes

- Referring to the estuary – there is currently no 'obvious' need for water based enforcement of sports/boats;
- Infrequent walkers and fisherman can be found by Mucking Creek;
- It is likely that there will be housing allocations at East Tibury which will increase visitor numbers; and
- Essex Wildlife Trust (Thameside Nature Park) will be expanding and will have restrictions to access as it does currently. This will move visitors away when the reserve is closed.

Table A10.7: Mitigation ideas

Location	Mitigation Option	Notes
Grays	Quarry restoration	Will move people away from the sea wall.
Coalhouse to southern boundary of Thameside NP	Improve surface of track.	Usage of the current track from walking/dog walking has degraded it.
Farmland west of Coalhouse	Potential here for habitat creation.	The option to create & provide high tide roosts.



Dengie SPA and Ramsar

General notes

- Bradwell beach commonly has illegal off road biking and quad-bikes that are disturbing habitats, fencing doesn't always prevent this;
- A lot of the access to the Dengie is limited as a lot of it is private access unless people are walking along the coast;
- Visitor numbers are currently low but are increasing;
- Need to look at the land immediately to rear of sea wall as Little Tern nest there at Bradwell. Need involvement from farmers/landowners as they are best placed to put in measures that will protect species. Could make it easier for birds to nest at high tide;
- There is a popular walking route along from the Nature Reserve car park along the seawall, which disturbs birds and affects the saltmarsh; and
- Illegal off-roading is common on the sea wall and saltmarsh.

Table A10.8: Mitigation ideas

Location	Mitigation Option	Notes
Bradwell	New habitat / coastal realignment	Saltmarsh restoration and re-creation, for example creating a new off-shore island near Bradwell. EWT and RSPB have identified sites where saltmarsh can be recharged. It could be a possibility to work in partnership to deliver these schemes.
Sea wall	Encourage movement of people away from sea wall to alternative locations.	Alternative locations could include Heybridge Lakes.

All sites

General Mitigation

- Bird Aware is a scheme used in the Solent that is the same concept as the Essex RAMS; this has a website, leaflets and promotes positive behaviours to recreational users. Essex should use this brand as start-up costs would be less and it could mean that the 'Bird Aware' campaign could become nationally recognised. The name Bird Aware should be the preferred name of the scheme compared to the RAMS as it is a clear cut term and is more user-friendly;
- Create partnerships with organisations such as Essex Wildlife Trust, RSPB and National Trust to help deliver measures with their Rangers; and
- Mitigation should include education/communication projects as well as physical projects.

Natural England's recommended amendments to the Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Strategy

The amendments below were incorporated into the final Strategy (March 2019):

Section	Natural England amendment
General	Correction of minor errors
Fig 1	Amend map to include Hamford Water SAC
Para 1.22	... Unless adequately managed, this creates a potential for conflict between recreational activities and the conservation of internationally important assemblages of birds and their habitats.
2.11	The majority of the HRAs, incorporating 'Appropriate Assessment', produced by Essex LPAs as part of the production of their respective Local Plans identified that the level of planned housing growth may lead to disturbance of birds in coastal SPAs <u>Habitats sites</u> within and beyond each individual LPA boundary.
4.15	Visitor survey work was undertaken to inform the Strategy, with the aim of gathering information on the number of visitors expected at protected coastal <u>Habitats sites</u> and evidence the distances visitors to the sites will travel to access coastal locations for recreation purposes. ...
4.35	...Therefore, these visitors were removed from the dataset used to calculate the ZOI distance was reduced. Without refinement this as their inclusion would have increased the ZOI which would have <u>and affected the credibility of the data.</u>
4.38	4.38 The ZOIs identify the distance within which new residents are likely to travel to the Essex coast <u>Habitats sites</u> for recreation...
6.8	Deleted – duplicated para 7.1
7.8-7.10	Amend this section to explain that use of the 'Bird Aware' brand would not mean that the entire focus of the RAMS would shift to protecting birds only.
8.2	This has been developed through identifying best practice measures <u>and gathering local nature conservation practitioner expertise</u> , from a new dedicated staff resource to focussing on awareness raising and appropriate behaviour with a wide range of recreational user groups at <u>Habitats sites</u> ...
9.7	Any future decrease (or increase) in bird populations cannot be the only measure of RAMS success <u>in this respect</u> as the effects could not be attributed solely to the implementation of the RAMS...
10.7	The RAMS will be deemed successful if the level of bird <u>and habitat</u> disturbance is not increased despite an increase in population and the number of recreational visitors to the coastal sites...

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
PLANNING AND LICENSING COMMITTEE
5 SEPTEMBER 2019**

**CHELMSFORD DRAFT LOCAL PLAN MAIN MODIFICATIONS
CONSULTATION**

1. PURPOSE OF THE REPORT

1.1 Chelmsford City Council has published its Main Modifications to the draft Chelmsford Local Plan for consultation. The primary role of the Local Plan is to set out the required housing delivery growth and other land use requirements; to allocate sites to meet that growth, and to produce policies for the determination of planning applications up to 2036. It also includes proposals for strategic development, in and around the city, including a strategic growth site allocation at South Woodham Ferrers. The purpose of this report is to consider the Council's response to the Main Modifications to the Local Plan. The closing date for responses to be submitted is Thursday 19 September 2019.

2. RECOMMENDATION

That Members' views are sought on the draft response to the Main Modifications to the draft Chelmsford Local Plan and, if required, the draft response is revised to take into account views of the Committee and approved by Officers, in consultation with the Chairman of the Planning and Licensing Committee and submitted as the Council's formal response to the Consultation.

3. SUMMARY OF KEY ISSUES

- 3.1 When making a response this Council needs to consider whether the Plan is:
- Legally compliant;
 - Complies with the Duty to Co-operate;
 - Sound.
- 3.2 In order to be considered 'sound' the Inspector must be satisfied that the plan is positively prepared, justified, effective and consistent with national policy. An explanation of soundness can be found in paragraph 182 of the National Planning Policy Framework (NPPF).
- 3.3 This Council was consulted on the Chelmsford Local Plan Preferred Options in spring 2017. Due to the short deadline for responses this Committee was informed of key

strategic issues and notified that a delegated response would be sent to Chelmsford City Council under the Council's Scheme of Delegation. (Minute No. 1228 refers). The response subsequently identified several concerns with the Preferred Options Plan. These concerns were addressed in the Pre-Submission draft Chelmsford Local Plan. This Council was consulted on the Pre-Submission draft Chelmsford Local Plan in March 2018 and raised no objections. (Minute No. 885 refers)

- 3.4 The Main Modifications are the changes proposed to the draft Plan following the Examination in 2018. The consultation on the Main Modifications closes on Thursday 19 September 2019. All responses to this consultation will be sent directly to the Inspector to consider in the Examination of the Local Plan.
- 3.5 Representations made at this stage need to focus on the modifications set out in the Schedule of Proposed Main Modifications and Schedule of Proposed Policies Map Changes. This is because it is these modifications that the Inspector will focus on in order to determine whether the Local Plan can be made sound.
- 3.6 The Main Modifications that are now proposed continue to address the concerns that were raised by this Council at the Preferred Options stage.
- 3.7 In addition, the Modifications to Policies S11 Infrastructure Requirements and Strategic Growth Site 7 – North of South Woodham Ferrers include an amendment to the Pre-Submission policies, which included a multi-user bridge across the B1012 in South Woodham Ferrers, linking the strategic growth site residential allocation to the town. To provide greater flexibility, this has been amended to 'multi-user crossings across the B1012 in South Woodham Ferrers, which may include a bridge or underpass.'

4. CONCLUSION

- 4.1 The Main Modifications to the draft Chelmsford Local Plan have been published for consultation. The majority of Maldon District Council's previous concerns expressed at the Preferred Options stage were addressed in the draft Local Plan. In particular, Policy S12 ensures that neighbouring authorities are involved in the planning process to ensure that the cumulative impact of development is considered and then mitigated. This will enable Maldon District Council to contribute in the master planning and infrastructure planning processes for the Strategic Growth Sites in Sandon and South Woodham Ferrers. The Main Modifications continue to support these previous amendments. Therefore, there are no substantive reasons for objecting to the Main Modifications to the draft Chelmsford Local Plan. Subject to this Committee's agreement, under our Duty to Cooperate obligations, Chelmsford City Council will be informed that this Council has no objections to the Schedule of Main Modifications.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The level of development proposed in the draft Chelmsford Local Plan has the potential to affect the corporate themes of Place, Community and Prosperity, through protection and improvements to the environment, delivery of sustainable growth and new infrastructure, and supporting economic growth and prosperity.

6. IMPLICATIONS

- (i) **Impact on Customers** – The proposals may impact on residents and businesses using either the A132 / A12 / A130 or train services, through increased traffic flows and passenger numbers. However, the Local Plan also plans for significant infrastructure to support the new development, which may mitigate the impact of the growth on the transport network.
- (ii) **Impact on Equalities** – The proposals would have a positive impact on equalities, through the Plan’s support for the provision of affordable housing and specialist residential accommodation, suitable for older people, students, Travellers and Travelling Showpeople and people with disabilities. The Plan’s support for energy efficient development will help reduce the number of households living in fuel poverty.
- (iii) **Impact on Risk** – The proposals would not have a direct impact on risk.
- (iv) **Impact on Resources (financial and human)** – The proposals would not have a direct impact on resources.
- (v) **Impact on the Environment** – The growth area proposals could result in impacts on designated European sites in the District through increased recreational activity. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) project will identify mitigation measures to reduce any potential impacts.
- (vi) **Impact on Strengthening Communities** – The adoption of the Chelmsford Local Plan would provide a clear development strategy for the Chelmsford City Council administrative area as well as providing a policy framework to ensure that Maldon District Council will be included in the consultation process for those sites that could impact on the District (e.g. South Woodham Ferrers and Sandon).

Background Papers: The draft Chelmsford Local Plan is available at:

<https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-newlocal-plan/new-local-plan/developing-the-new-local-plan/>

The Schedule of Proposed Main Modifications to the draft Chelmsford Local Plan and the Schedule of Proposed Policies Map Changes are available at:

<http://consult.chelmsford.gov.uk/portal>

Enquiries to: Julie King, Specialist – Local Plan, email: Julie.king@maldon.gov.uk, or Leonie Alpin Specialist Local Plan 01621-876278.

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**PLANNING AND LICENSING COMMITTEE
5 SEPTEMBER 2019**

SECTION 106 AGREEMENTS – INTERIM UPDATE

1. PURPOSE OF THE REPORT

1.1 This report puts forward a proposal to modify the existing timelines for periodic reporting to the various Committees. In addition, it provides an interim update, as requested, on the status of the current day to day operations of Section 106 (S106) and is to be read in conjunction with the Community Infrastructure Levy (CIL) Update also on the agenda.

2. RECOMMENDATIONS

- (i) Members are asked to note the progress in reviewing Section 106 and note that all future monitoring reports will refer only to previous periods.
- (ii) That the progress towards commencement of works (inhouse) to assess the potential for implementing a revised CIL Charging Schedule be noted.

3. SUMMARY OF KEY ISSUES

3.1 In 2015, the Government conducted an independent review into the Community Infrastructure Levy (CIL) and its relationship with planning obligations (S106). The Review (A New Approach to Developer Contributions) was meant to make improvements to the workings of the existing S106 / CIL regime and was published in February 2017.

3.2 More recently, several recommendations from the CIL Review Team, 2016, have been adopted. Some of the more notable changes, due to come into effect on 1st September 2019, are outlined below as follows:

- Requirement for councils to publish annual infrastructure funding statements, (Schedule 2) setting how much CIL is collected, how much is spent and what it is spent on, as well as making similar provision in relation to planning obligations, (Regulation 9).
- Removal of the pooling restriction (Regulation 11), which restricted the number of agreements that a charging authority could ‘enter into’ in funding local infrastructure (resulting in the removal of CIL Regulation 123).

- Addressing the time taken for local authorities to introduce or revise existing CIL charging schedules by reducing the consultation requirement from two rounds of consultation (before adoption) to one (Regulation 3).
- Allowances for councils to seek Section 106 contributions towards the monitoring and reporting of planning obligations (Regulation 10).
- Improving the administering of exemptions through the introduction of a small penalty for failure to submit a commencement notice (CIL form6); rather than loss of entitlement to CIL exemption (Regulation 6).

3.3 **Planning and Licensing Committee Update**

3.3.1 The Council has recently appointed two interim local plan specialists to oversee a review into the workings of the current Section 106 (S106) and Community Infrastructure Levy (CIL). Over the next three (3) months, this work will undertake an extensive review into the existing S106 systems, processes and procedures.

3.3.2 In addition, an inhouse review of the existing CIL evidence base will be undertaken with the view to making recommendations on the potential for adopting a revised charging schedule to support a more robust S106 / CIL regime.

3.3.3 Findings and Update

3.3.3.1 An initial assessment into the workings of S106 has determined that there are adequate measures in place to allow for the continuity of the Council's day to day monitoring and collection of existing obligations.

3.3.3.2 However, the preliminary stages of the review have also revealed an urgent need to update the existing committee reporting methodology. Essentially, this will mean that periodic S106 / CIL reports submitted to the relevant Committees, in the current period, should cover only financial and operational activities relating to the previous period.

3.3.3.3 For example, quarterly committee reports covering the first financial period (1st April - 30th June) will be submitted to Committees held in the second financial period (1st July - 30th September) and quarterly reports covering the third financial period (1st October - 31st December) will be submitted to Committees held in the fourth financial period (1st January - 31st March, of the following year).

3.3.3.4 Similarly, biannual Committee reports covering the first financial period (1st April - 30th September) will be submitted to the relevant Committees held in the second financial period (1st October - 31st March).

3.3.3.5 The proposed changes to the current reporting methodology are necessary to facilitate the new government requirements for the Council to publish annual infrastructure funding statements.

4. CONCLUSIONS

- 4.1 The Maldon District Council is well prepared in terms of monitoring S106s, forecasting S106 income and preparing PID (Project Initiation Document) for its existing projects. Regular meetings and communication are in place with all Maldon District Council service managers to share the latest information on S106 income and discuss possible funding for identified projects. The Council has set up a communication channel to the NHS England and the Essex County Council to ensure that all relevant information on S106 income is provided as soon as possible.
- 4.2 The requirement for all charging authorities to keep their charging schedules under review is emphasised in para. 2.2.6.3 of the CIL Guidance, February 2014. Therefore, should the Council choose to implement its charging schedule, it will need to demonstrate that the 2014 “levy charges remain appropriate over time”.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The use of section 106 agreements to prescribe, compensate and mitigate the impacts of development enables the Council to enhance services to meet new local demands, which supports the Strategic Theme of Place as set out in the Corporate Plan for sustainable growth and new infrastructure.

6. IMPLICATIONS

- (i) **Impact on Customers** – Plans to work in partnership with ECC and NHS England to ensure the delivery of key infrastructure within the Maldon District Council for the benefit of residents.
- (ii) **Impact on Equalities** – S106 projects are delivered to all sectors of the community in the District. All projects will go through the consultation of the local community and will be subject to an Equality Impact Assessment.
- (iii) **Impact on Risk** – The Maldon District Council needs to ensure that all contributions from S106 agreements are spent as per the specification in the legal agreement. It is important that the Council delivers key infrastructure, in a timely manner, to sustain the level of growth within the District.

Most S106 agreements are time limited by the developer in terms of allocating and spending the contribution. If a developer pays a contribution and the Council fails to allocate within the time period specified, the Council runs the risk that the developer might seek to clawback the contribution. The nearest clawback periods run until 2021 and programming has started to ensure that the risk of clawback is minimised.

Delays in getting projects underway as soon as possible after the contributions are received lead to additional risks. Once the S106 contributions have been received they are not protected against cost inflation, which can result in insufficient funding to provide facilities in full. Therefore, the programme of works needs to be closely aligned to the receipt of the contributions. All the

Maldon District Council's projects need to be delivered on time to minimise the Council's potential financial exposure.

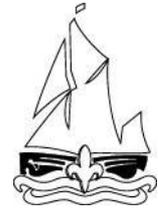
- (iv) **Impact on Resources (financial and human)** – The negotiation of Section 106 agreements remains part of the planning services core budget. Also, the developer pays for the Council's costs in drafting and completing the agreements.

Regular monitoring of S106 is essential to enable the delivery of infrastructure and new S106 / CIL regulations will introduce a monitoring fee. This new fee will provide an additional source of funding for monitoring more complex S106 applications. Particularly, where triggers for the obligations might be phased over long periods.

- (v) **Impact on the Environment** – Agreements can seek to compensate and mitigate for the impacts of development on the local environment. Infrastructure design and concept should respect the future social, environment and economic aspects of sustainable development. Infrastructure Delivery Programme will enable the Council to endorse sustainable development and safeguard the local environment.

Background Papers: None.

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**PLANNING AND LICENSING COMMITTEE
5 SEPTEMBER 2019**

COMMUNITY INFRASTRUCTURE LEVY UPDATE

1. PURPOSE OF THE REPORT

- 1.1 To provide Members with an update on the work previously completed to introduce a Community Infrastructure Levy (CIL) and to set out next steps toward the implementation of a CIL for the District.

2. RECOMMENDATIONS

- (i) That the progress to date in implementing a Community Infrastructure Levy (CIL) be noted;
- (ii) That a review of the viability evidence base commissioned in 2018 be undertaken to establish whether additional Evidence Base is required to support the implementation of CIL and, if required, Officers in consultation with the Chairman of Planning and Licensing Committee commission further work on the Charging Schedule and Evidence Base for consideration at Examination;
- (iii) That, subject to the conclusions of the updated viability evidence, a Draft Charging Schedule be brought back to Committee for approval for public consultation;
- (iv) That recommendations for corporate governance arrangements for prioritising CIL expenditure are brought back to Committee if and when approval is sought to submit CIL for Examination.

3. SUMMARY OF KEY ISSUES

3.1 Background

- 3.1.1 The Community Infrastructure Levy (CIL) is a planning charge introduced by the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 as amended. It is a tool for local authorities to help to deliver infrastructure to support new development.
- 3.1.2 The CIL came into effect in April 2010. It allows local authorities in England and Wales to raise funds from developers undertaking new building projects in their area.

Councils must spend the income on infrastructure that is needed to support new development.

- 3.1.3 CIL can fully fund or provide a contribution toward the infrastructure needed to facilitate growth and development. It is unlikely that CIL will, on its own, fully fund either the entire necessary infrastructure within the area or those critical infrastructure projects that support and enable the delivery of the adopted Local Development Plan and therefore further funding is also likely to need to be secured. The money collected through CIL can be used to fund a wide range of infrastructure, such as transport schemes, flood risk mitigation schemes, schools, community facilities, parks and leisure facilities, which are needed as a result of new development.
- 3.1.4 CIL funds are not ring fenced for specific schemes in the same way that Section 106 monies are, so the Council has more flexibility in deciding how to prioritise spending on infrastructure. Section 106 would still be used for site specific mitigation and affordable housing contributions and would operate alongside a CIL Charging Schedule.
- 3.1.5 The Council on 11 September 2014 considered a report providing background information on the CIL and seeking approval for the submission of the Draft Charging Schedule for Examination. The report also contained further details on the evidence base used to inform the Draft Charging Schedule at that time. Maldon District Council submitted the Draft Charging Schedule on 12 September 2014 for Examination. The Examination for the CIL was scheduled by the Planning Inspectorate to take place following the Examination into the Local Development Plan. However, with the delay to the approval of the Local Development Plan, the Council decided to review whether its evidence base and CIL Draft Charging Schedule was sufficiently up to date to provide a robust foundation for the CIL Examination.
- 3.1.6 In 2017 the Examiner that had been appointed to examine the Local Development Plan and CIL requested from the Council an update regarding its evidence base for CIL and whether the Council was relying on the evidence base submitted to the Inspectorate for Examination in 2014. A report to the Planning and Licensing Committee on 2 March 2017 recommended that prior to the CIL Examination, a review of the CIL Charging Schedule be undertaken to test its suitability for Examination and, if required, further work on the Evidence Base be commissioned. The recommendation was approved and some further updating work was commissioned in 2018. However, the CIL Examination did not proceed as the Council was awaiting the outcome of the Community Infrastructure Levy (Amendment)(England)(No.2) Regulations 2019. The work undertaken in 2018 now needs to be reviewed by Officers to establish whether the evidence base is complete and will be robust and up to date in supporting the implementation of a CIL Examination going forward.
- 3.1.7 Since 2014 the following circumstances have changed. The role of developer contributions continues to be subject to evolution and further regulation. The CIL Regulations were introduced in 2010 and have been updated several times. The Government has made it clear that CIL, as a floorspace charge for infrastructure, is the preferred method of obtaining contributions from development towards infrastructure costs. In addition, the economy has changed since the previously

published evidence base was completed in 2013-2014, and the Local Development Plan has now been adopted. Taking these changes into account, updated viability evidence will assess whether there is scope to introduce a CIL within the District and the rates that could be charged on development.

- 3.1.8 It is recommended that, subject to the outcome of updated viability evidence, a Draft Charging Schedule be brought back to Committee for consideration and approval for public consultation. Public consultation will allow the Council to seek the views of the community and development professionals in the District and allows further consideration of the implementation of a CIL for the District.

3.2 **What are the benefits of implementing CIL?**

- 3.2.1 CIL remains discretionary for the Local Planning Authority. In bringing forward the CIL regime the Government has clearly set out its intention that it expects all local planning authorities to fully understand the realities of infrastructure delivery and economic viability. Charging authorities need to strike an appropriate balance between the need to capture funds for infrastructure and the potential effects of the CIL rates upon the economic viability and delivery of development, taken as a whole across the authority's area.
- 3.2.2 The economic evidence on the potential to capture potential land value forms the basis for setting CIL charges. Viability is tested at a District wide level in setting CIL rates, compared to site by site negotiation under Section 106. It is expected that CIL will capture more of the land value uplift that results from development than Section 106 contributions are able to capture.
- 3.2.3 The updated viability evidence will focus on the rates of CIL that can be viably afforded by development across the District (including a Viability Workshop with key developers which is intended to share and to test the viability assumptions used in the evidence), not on the infrastructure that the money is spent on. In considering options to set CIL rates, the affordable housing rate is the factor that makes the most difference to the viability of setting CIL rates and small adjustments to the affordable housing rates can make significant changes to the CIL rates and potential CIL receipts. The viability evidence will set out rate setting options that balance potential CIL income with affordable housing.
- 3.2.4 CIL differs fundamentally from Section 106 obligations in that the funds collected are not tied to a specific development or to the provision of specific infrastructure. Unlike infrastructure provided through Section 106 obligations, which must be necessary to mitigate the impacts of a particular development and used only for that specific purpose, CIL funds can be used flexibly by the local planning authority to fund any infrastructure as defined within the regulations. CIL funds are also collected from a greater number of individual development schemes and once adopted, the CIL charge is a non-negotiable charge on all qualifying development. Although changes to the Section 106 process from September 2019 will remove the limit to the pooling of Section 106 contributions for the infrastructure that is needed to support new development, it is still likely that the Council could capture more of the land value uplift if it introduced a CIL, subject to updated viability evidence.

3.2.5 In accordance with the Community Infrastructure Levy (Amendment) Regulations 2013 a specific proportion of CIL receipts would be passed to town and parish councils in relation to development within their areas and as set out in the regulations. In locations with an adopted Neighbourhood Plan, 25% of CIL receipts would be passed to local communities to help fund local infrastructure in the location of the chargeable development. In all other locations, 15% of CIL receipts would be passed to local communities subject to annual limits as defined in the CIL Regulations (15% up to a maximum of £100 per dwelling per annum where there is no neighbourhood plan).

3.3 **What is the process for implementing CIL?**

3.3.1 There is a defined process for preparing and adopting a CIL including an independent examination to test the rates and robustness of the evidence. The process for preparation and approval of the Charging Schedule is set out in legislation (Planning Act 2008 part 11, the Community Infrastructure Levy Regulations 2010, the Community Infrastructure Levy (Amendment) Regulations 2011, the Community Infrastructure Levy (Amendment)(England)(No.2) Regulations 2019). This involves evidence gathering, consultation and testing at a public independent examination. Authorities wishing to implement CIL must produce a Charging Schedule setting out the levy rates for their area.

3.3.2 Charging authorities need to strike a balance between the need to capture funds for infrastructure and the potential effects of the CIL rates upon the economic viability and delivery of development, taken as a whole across its area. The evidence must demonstrate both that there is an infrastructure funding gap and that the proposed CIL rates are viable. An Infrastructure Delivery Plan was produced in 2014 as part of the evidence base for the Local Development Plan. It clearly shows that a funding gap exists between what is needed to support the delivery of the Local Development Plan and the identified funding.

3.3.3 The steps required to implement CIL are summarised below:

- Prepare Draft Charging Schedule;
- Public consultation;
- Revise Charging Schedule (if required) taking into account comments received;
- Submit Draft Charging Schedule for Examination;
- Examination in Public;
- Adoption by Council of CIL Charging Schedule.

3.3.4 Once approved, the Charging Schedule does not form part of the development plan but does support and enable delivery of the development strategy.

3.4 **Administration and monitoring costs**

3.4.1 As well as the preparation and approval of CIL, the administrative process to collect CIL if implemented will also need to be established. This will enable CIL to take effect as soon as possible after adoption. The CIL Regulations 2010 allow for 5% of

CIL income collected in the first three years of CIL to be used for set up costs incurred during those three years and/or for costs incurred before the Charging Schedule is published. From year 4 onwards, 5% of CIL income can be used for administrative costs incurred in the same year.

- 3.4.2 From September 2019 councils will be required to publish annual Infrastructure Funding Statements by December 2020 to include CIL and Section 106 receipts and expenditure and a list of projects that the Council intends will be funded by CIL.

4. CONCLUSION

- 4.1 The implementation of a CIL supports the delivery of the Local Development Plan. With the change in circumstances since 2014, an updated CIL viability evidence will demonstrate whether there is scope to implement a CIL within the District, which would enable the Council to maximise the collection of funding from development to contribute towards infrastructure costs.

5. IMPACT ON STRATEGIC THEMES

- 5.1 CIL has the potential to support the Council in providing excellent services and value for money, in being financially independent and sustainable, and in providing sustainable growth and new infrastructure, by enabling the Council to maximise the funding that it collects from development to contribute towards infrastructure funding.

6. IMPLICATIONS

- (i) **Impact on Customers** – The adoption of a CIL Charging Schedule for the District would provide Maldon District Council and Parish / Town Councils with greater certainty over the amount of financial contributions which can be gained from new development. CIL provides the opportunity for the District Council to have greater flexibility over the use of infrastructure funds and to prioritise investment as needed.
- (ii) **Impact on Equalities** – CIL is designed to make the process of obtaining contributions from development towards infrastructure fairer, faster and more transparent.
- (iii) **Impact on Risk** – There are no significant risks in updating the viability evidence base and identifying options for taking forward CIL charges. Risks may arise at later stages, when Council is asked to approve the submission of the final charging schedule for Examination. The risks will be minimised by proposing CIL rates that align with the viability evidence.
- (iv) **Impact on Resources (financial)** – The costs of implementing CIL will be met from the 5% of CIL income that the Council is allowed to keep for administration purposes in the long term. In the meantime it is being funded through the agreed departmental budget of the Strategy, Policy and Communications Team.

There will be a requirement to consider how CIL is administered internally and the governance around how it is to be spent. It is proposed that discussions are held internally, and recommendations are brought to this Committee when approval is sought to submit CIL for Examination.

Once adopted, CIL will be payable on all qualifying development and this may impact on Council owned land in terms of being a consideration in sales negotiations and in being levied when developing the Council's own schemes. However, the viability evidence undertaken to inform CIL charging rates will test the value at which rates can be set taking into account land values at an appropriate market value.

- (v) **Impact on Resources (human)** – The Strategy, Policy and Communications Team currently has interim resource in place until mid – October 2019. There is a risk that permanent resource will not be in place longer term, and an extension of the interim resource may be required. It is anticipated that Local Development Plan reserves will be used to fund the CIL Examination, but if necessary a supplementary estimate will be provided. Consideration will need to be given as to whether resources are sufficient to manage the collection of CIL, once adopted. If additional resource is required, this can be funded through the 5% of CIL monies that local authorities are allowed to keep to administer CIL.
- (vi) **Impact on the Environment** – CIL provides the opportunity for the Council to obtain a greater amount of contributions from development to be used for the provision of infrastructure in the District. This has the potential to have a positive impact on the environment as monies can be used towards providing infrastructure required to support new development.
- (vii) **Impact on Strengthening Communities** – CIL has the potential to strengthen communities through the funding of infrastructure required to support new development.

Background Papers:

Report to Maldon District Council 11 September 2014 (Maldon District Council Community Infrastructure Levy Draft Charging Schedule Consultation Update and Submission)

Report to Maldon District Council Planning and Licensing Committee 02 March 2017 (Community Infrastructure Levy)

National Planning Policy Framework (Ministry of Housing, Communities and Local Government (MHCLG), 2019)

The Community Infrastructure Levy Regulations (2010, 2013 amendments, 2014 amendments, 2019 amendments)

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