



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
PLANNING AND LICENSING COMMITTEE
19 JULY 2018**

**ESSEX COASTAL RECREATIONAL AVOIDANCE AND MITIGATION
STRATEGY (RAMS) UPDATE**

1. PURPOSE OF THE REPORT

- 1.1 This report provides an update on the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS). The matters in this report may affect the Council's planning policies and decision-making. Therefore, further reports will need to be made to this Committee for decision as the Strategy progresses.

2. RECOMMENDATION

That the Committee reviews and comments on the Recreational Avoidance and Mitigation Strategy (RAMS) update outlined in this report. Comments from the Committee are sought as there are matters in this report which may affect future planning policies and procedures.

3. SUMMARY OF KEY ISSUES

3.1 Background

- 3.1.1 There are ten international and nationally protected wildlife sites on the Essex Coast. This includes four wholly, or partly within the District at:
 - Blackwater Estuary: Special Protection Area (SPA) and Ramsar
 - Dengie: SPA and Ramsar
 - Crouch and Roach Estuaries: SPA and Ramsar
 - Essex Estuaries: Special Area of Conservation (SAC)
- 3.1.2 These sites are protected by the Conservation of Habitats and Species Regulations 2017 for their exceptional wildlife including large numbers of wintering water birds, a range of breeding species and habitats.
- 3.1.3 These birds, other coastal species and habitats can be vulnerable to disturbance from recreation so there is the potential for conflict with people. This issue is particularly acute along coasts and estuaries which have a strong draw for visitors. In general, the areas attractive to people and wildlife coincide along a narrow strip of land along the water's edge adding to the potential severity of the impacts.

3.1.4 The Regulations were originally published in 2010, but were updated and consolidated into the Conservation of Habitats and Species Regulations 2017 which came into effect on 30 November 2017. Both sets of Regulations require Local Planning Authorities (LPA) to demonstrate that their Local Plans will not adversely affect the integrity of a protected site(s) through a Habitats Regulations Assessment (HRA). Similarly, the Regulations require the Council as a ‘competent authority’ to ensure that planning permission is not granted for development that will have an adverse impact upon a protected site in the District, unless appropriate mitigation is sought. Any mitigation is a requirement of legislation so must be delivered.

3.1.5 A significant amount of housing is being proposed by the other Essex Local Plans. Of the seven in the public domain at present (Basildon, Braintree, Brentwood, Chelmsford, Colchester, Rochford and Tendring) approximately 94,500 dwellings are identified. Natural England expects this ‘in combination’ to increase recreational activity in or near the Essex coast, including impacting on the integrity of Maldon’s protected sites, which is contrary to national legislation.

3.1.6 The seven Local Plans are being produced with broadly similar timeframes. This provides a significant opportunity to deliver a comprehensive, strategic solution to recreational impact on the Essex Coast and influence planning policy which can inform these Plans (and other future plans) and ensure the most appropriate policies are in place to protect areas, understand the likely impact and secure funding and resources to mitigate impacts. Natural England has identified that a Recreation Avoidance and Mitigation Strategy (RAMS) will provide the necessary confidence that mitigation will be delivered in the right places to address the impacts identified, at the right time, as a consequence of new development.

3.2 **Progress to date**

3.2.1 The RAMS is expected to be a lengthy, detailed, technical document and will cover the plan period for all participating authorities Local Plans i.e. to 2038. But the nature of the document means that it is likely to be reviewed every five years and monitored annually.

3.2.2 The RAMS will comprise of a Technical Evidence Report and a Technical Mitigation Report. Both will be brought to this Committee in due course. But to aid Members understanding of the process the likely content (that is known to date) is discussed below.

4. **TECHNICAL EVIDENCE REPORT**

4.1 This part of the report will set out:

- why the RAMS is needed;
- background evidence and analysis;
- information about the winter and summer visitor surveys: their location, the survey methodology and questionnaire (previously brought to this Committee in March and June 2018). At the request of the Vice Chairman of this Committee, the winter survey results are provided as **APPENDIX 1**. The summer survey results are not yet available (see paragraph 4.2.1 below);

- the approach taken to stakeholder workshops, including comments made at the three events (the outputs of the first two stakeholder workshops were brought to this Committee in June 2018);
- the zones of influence (see paragraphs 4.3.1 – 4.3.9 below).

4.2 Summer surveys

4.2.1 In May, summer visitor surveys were undertaken for the Blackwater Estuary at Tollesbury Wick and near Bradwell Marina. This included dates on a weekend and in the Spring Bank holidays. A good response was received and photographic evidence was also secured of other recreational activity, such as watersports. This will be used to inform the mitigation report. The results will be available for September Committee.

4.3 Zones of influence

4.3.1 Each protected site currently has a Zone of Influence (ZOI) which is the likely distance visitors are prepared to travel to reach that site for recreation. The zones of influence vary significantly (from, for example, 8km to 24km) and overlap. The purpose of the winter and summer surveys is to confirm the zones of influence of each protected site.

4.3.2 The ZOIs are based on the 75th percentile of postcode data taken from the winter surveys for all sites excluding the Blackwater Estuary (where summer surveys have been undertaken – see paragraph 4.2.1 above) – officers are advised this is best practice and Natural England use the 75th percentile for all the ZOIs currently in place across England. The zones are important because they will provide the basis for determining which development is ‘RAMS liable’ and could be required to contribute to mitigation. The new ZOIs for nine sites are set out in Table 1 below and shown in **APPENDIX 2**. Those that cover Maldon are highlighted.

Protected site	Original ZOI (km)	Updated ZOI - raw data	Updated ZOI – refined data	Updated ZOI – raw data	Updated ZOI – refined data	FINAL ZOI (km)
Essex Estuaries SAC	24	9.7	9.7	-	-	9.7
Hamford Water SPA / Ramsar	8	-	-	-	-	8
Stour and Orwell Estuaries SPA / Ramsar	13	-	-	-	-	13
Colne Estuary SPA / Ramsar	24	9.7	9.7	-	-	9.7
Blackwater Estuary SPA / Ramsar	8	14.2	14.2	TBC	TBC	TBC*
Dengie SPA / Ramsar	13	27.3	20.8	-	-	20.8
Crouch and Roach Estuaries SPA / Ramsar	10	4.5	4.5	-	-	4.5
Foulness Estuary SPA / Ramsar	13	-	-	-	-	13

Protected site	Original ZOI (km)	Updated ZOI - raw data	Updated ZOI – refined data	Updated ZOI – raw data	Updated ZOI – refined data	FINAL ZOI (km)
Benfleet and Southend Marshes SPA / Ramsar	10	4.1	4.1	-	-	4.1
Thames Estuary and Marshes SPA / Ramsar	10	8.1	8.1	-	-	8.1

* see paragraph 4.3.5.

4.3.3 Several of the ZOIs have decreased as a result of the up to date dataset. The decrease of the ZOI for the Essex Estuaries was expected – it now reflects only those visitors using the site for recreation, rather than for a range of other reasons. The ZOIs for Hamford Water, the Stour and Orwell and Foulness had recently been agreed through updated visitor surveys undertaken for the North Essex Local Plan so have not been updated by the RAMS.

4.3.4 However, the Dengie ZOI has increased from 13km to 20.8km - the raw data increased the ZOI to 27.3km but this was refined to 20.8km to take account of the number of visitors surveyed who were not expected to have a recreational impact on the protected site (on the day of the survey the questionnaires showed that a concert was being held at St Peter's Chapel and several respondents were visiting the area to attend the concert only. If these visits had been recorded it would have skewed the survey results and would be open to challenge).

4.3.5 The ZOI for the Blackwater Estuary has not been finalised. Based on the winter survey alone it may have increased, but once the summer surveys for the Blackwater Estuary have been analysed, Natural England will combine the data with that from the winter surveys to produce its zone. The same process will be used as for the other sites.

4.3.6 **APPENDIX 2** shows that the outer extent of the ZOIs for Maldon's protected sites extend to the centre of Chelmsford, and cover South Woodham Ferrers, Tiptree and Colchester as well as the proposed Garden Communities at Marks Tey and at Colchester /Tendring. Therefore, mitigation projects in these zones could benefit from development taking place both from in and outside the District. It should be noted that the scale of mitigation will not necessarily be proportionate to the scale of each zone. The extent of mitigation in each zone and their priorities will be determined by the Mitigation Report (see paragraphs 4.6.1 – 4.6.2). Further information is expected to be available at September meeting of this Committee.

4.3.7 Once the ZOIs are all known the next step is to identify the amount of housing within the zones. But because many of the ZOIs overlap, the number of RAMS liable dwellings will be the number of dwellings that fall within the overall extent of the zones. This ensures that no 'double dipping' takes place - dwellings will only be counted once (i.e. so only one contribution per RAMS liable dwelling can be secured) - this is because a visitor to the coast can only be at one site at any time.

4.3.8 The approach taken to 'RAMS liable' housing in Maldon is relatively straightforward: **APPENDIX 2** shows that all of the District falls within a ZOI of a protected site. As

the majority of LDP allocations have planning permission, at this stage, the RAMS will only apply to the two outstanding allocations without planning permission at S2h: Heybridge Swifts and S2k: land east of Burnham on Crouch (191 dwellings in total), the neighbourhood plan allowance (100 dwellings) and the remaining windfall allowance (231 dwellings).

- 4.3.9 For all authorities the number of RAMS liable dwellings will be sites in Local Plans within a ZOI that do not have planning permission at the date the SPD (Supplementary Planning Document) is adopted and windfalls from the date the SPD is adopted. To ensure consistency and transparency between each partner, a detailed methodology for identifying the number of dwellings in these situations is being produced. Prior to the adoption of the SPD the housing figures will be re-considered to deduct any houses that have been granted planning permission in the interim.
- 4.3.10 Further work is also being undertaken to ensure dwelling occupancy is appropriately reflected dependent on the number of bedrooms. This will ensure that the impacts generated by a four bed dwelling when compared to a one bed property are appropriately captured. Exemptions are also being considered. For instance, in RAMS elsewhere, care homes (in Use Class C2) have not been included, as this type of development has not been considered to have a likely significant effect with regard to recreational impacts.

4.4 Second Stakeholder workshop

- 4.4.1 A second workshop was held on the 15 June 2018 at Colchester Borough Council. The Vice-Chairman of this Committee attended along with the Council's Coast and Countryside Manager. The Council's Principal Planning Policy Officer helped facilitate. The focus of the second workshop was to identify appropriate and effective mitigation to address the impacts identified from the first workshops, the survey data, as well as from other evidence base work undertaken to date.
- 4.4.2 The workshop was well attended with over 25 partners from a range of organisations present. Unfortunately several invitees were unable to attend. They will be contacted separately to ensure their views are captured. This means that the evidence will continue to evolve in the coming weeks.
- 4.4.3 A range of site-specific mitigation solutions were proposed for the ten protected sites, but the consensus of the attendees was that the three most common forms of generic mitigation were: habitat creation, education and communication. The outputs of the workshop will help inform the Mitigation Report. The notes of the workshop are being analysed and will be brought to the September meeting of this Committee.

4.5 Elected Members Forum

- 4.5.1 To ensure that Members from the participating authorities have the opportunity to have meaningful engagement in the RAMS process a Members' Forum will be established as part of each Council's Duty to Cooperate requirements. The first Forum is to be held on 31 July 2018 - Maldon District Council will host and administer the Forum meetings.

4.5.2 This is timed to enable Members to discuss the emerging Technical Evidence Report and have an early input into the Technical Mitigation Report. Forums are likely to take place at other key milestones, such as when the Technical Mitigation Report and the draft SPD is being finalised, and following the consultation on the SPD. This will ensure that the outputs from the Forum are meaningful and add value to the RAMS process.

4.6 **Technical Mitigation Report**

4.6.1 Work has only just commenced on the Mitigation Report. This will cover:

- The amount of new homes likely to contribute and the amount of additional visitor impact this will generate;
- The mitigation projects, priorities and their governance;
- The best way to secure financial contributions from new development, the impact upon the viability of new development;
- How the contributions should be managed and distributed;
- Options for governance; and
- Details about monitoring and review.

4.6.2 It is important that each project identified has a measurable outcome to ensure that the RAMS process is meaningful and mitigates the impacts new housing is having on the Maldon environment and the rest of the Essex Coast. However, the Mitigation Report must also be pragmatic and realistic – the projects identified will need to reflect the delivery timescales of new housing development expected to come forward.

Although the RAMS must be in place prior to the adoption of the first local plan in the Essex Coastal area (excluding Maldon), the majority of the housing likely to be RAMS liable does not have planning permission yet, and many of the larger allocations and Garden Communities in particular are expected to have long lead-in times. This means that it may take some time for the majority of funding to be generated. The projects identified, particularly in the short term, will need to reflect this.

4.7 **Bird Aware**

4.7.1 A key issue that was highlighted at the stakeholder workshop was the importance of communication and education. RAMS is a technical term designed to deliver a specific output in relation to the local planning process, is not particularly user friendly and it is not clear from its name what its purpose is.

4.7.2 In response, the Solent RAMS have established Bird Aware, a not-for-profit partnership which is essentially a marketing tool, designed to educate and raise awareness of the birds that spend the winter on the Solent, so that people can enjoy the coast and its wildlife without disturbing the birds. The brand:

- Focuses on the core aim of the organisation – to be aware of waders and wildfowl especially in intertidal areas. The regional element - i.e. Bird Aware Solent - draws focus to the required regional level;

- Is an easy mnemonic – audiences are likely to remember the title, providing much greater word of mouth reach.

4.7.3 Bird Aware Solent achieved considerable success from the outset. It has a successful webpage (at www.birdaware.org) and has seen a 2,550% increase in page views online in the first year. It is also achieving positive feedback on other social media channels, for example there has been an 87% increase of Twitter followers within four months. The tool is not solely online, it has had a 93% increase in outreach over the same period and its content is also available in print.

4.7.4 Being involved in a national brand would generate greater awareness – by representing more of the environment, more mitigation and a larger public audience means the brand holds more weight in the statements it makes. This could make the process more credible to developers.

4.7.5 Natural England and the Royal Society for the Protection of Birds (RSPB) have been involved in developing the brand and recognise it as suitable for representing mitigation partnerships across the country. Attendees of the stakeholder workshop were extremely positive about the initiative and recommended further consideration for the Essex Coast. This will include cost/benefits of the scheme. This will be undertaken as part of the work for the Mitigation Report.

5. **NEXT STEPS**

5.1 There are various work streams underway:

- a) The Technical Evidence Report is being put together, with the next key milestone being its publication in September 2018;
- b) The first Members Forum on 31 July 2018 will be able to consider the emerging report;
- c) Work on the Technical Mitigation Report has just started (see paragraph 4.6.1). This will identify mitigation projects and their priorities. Members will have the opportunity to discuss this at a Members Forum later in the year.

6. **CONCLUSION**

6.1 The Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) is a joint initiative between 11 Essex authorities to identify the recreational impacts new homes will have on the international and nationally protected sites along the Essex Coast. The project is moving towards the end of the evidence gathering stage. Work is ongoing on a range of work streams. Further reports will be brought back to this Committee to provide information updates and also for decision-making, where appropriate.

7. IMPACT ON CORPORATE GOALS

7.1 The Recreation Avoidance and Mitigation Strategy will have a positive impact on the corporate goals which underpin the Council's vision for the District, in particular protecting and shaping the District and balancing the future needs of the community.

8. IMPLICATIONS

- (i) **Impact on Customers** – This report provides customers with the most up-to-date progress on RAMS. Clear strategy working with other authorities in Essex provides certainty to residents and businesses in the District.
- (ii) **Impact on Equalities** – The SPD will be subject to an Equalities Impact Assessment.
- (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 protected 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.
- (iv) **Impact on Resources (financial)** – The summer surveys are being undertaken within the Council's identified budget. RAMS is expected to generate financial contributions from new development to help deliver mitigation projects in the District. This resource is not known at this point. Being involved in a strategic project is cost-effective and means that the cost of the project is shared between 11 authorities rather than being funded solely by the Council.
- (v) **Impact on Resources (human)** – Project management of the RAMS is by Essex County Council: Place Services. The Council's project lead is in-house. The SPD will provide a robust and transparent process within which to negotiate financial contributions from new development. The SPD will enable the development management process to be streamlined and be more efficient and effective.
- (vi) **Impact on the Environment** – RAMS promotes sustainable development and safeguards the character and distinctiveness of the District. A Strategic Environment Assessment (SEA) Screening Report will be undertaken for the SPD. By securing financial contributions to deliver mitigation for recreational impacts could generate significant positive impacts for the District's environment.

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.

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