



**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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