



Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD)

**Strategic Environmental Assessment (SEA) &
Habitats Regulations Assessment (HRA)
Screening Report – January 2019**



Contents

1.	Introduction	1
1.1	The Purpose of this Report	1
1.2	The Essex Coast RAMS Planning Context	1
2.	Legislative Background	4
2.1	Strategic Environmental Assessment (SEA)	4
2.2	Habitats Regulations Assessment (HRA)	5
3.	SEA Screening	6
3.1	When is SEA Required?	6
3.2	Likely Significant Effects on the Environment resulting from the SPD	8
4.	HRA Screening	18
4.1	Introduction	18
4.2	Consideration of whether the SPD requires HRA Screening	19
5.	Conclusions	21
5.1	Strategic Environmental Assessment (SEA) Screening	21
5.2	Habitats Regulations Assessment (HRA)	21
	Appendix 1: Habitats (European) sites covered by the RAMS	22
	Appendix 2: Broad illustration of the Zone of Influence for the RAMS	23
	Appendix 3: Consultation Comments	24
A3.1	Consultation with Statutory Consultees	24



List of Tables

Table 1: Exploring whether the Principle of the SPD would warrant SEA 6

Table 2: Assessment of Likely Significant Effects on the Environment 8

Table 3: Consultation comments from the statutory consultees and resulting actions 24

1. Introduction

1.1 The Purpose of this Report

This Screening Report is an assessment of whether or not the contents of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (the 'RAMS') Supplementary Planning Document (SPD) require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/ EC and associated Environmental Assessment of Plans and Programmes Regulations. A SEA is required if a SPD is deemed to have a likely significant effect on the environment.

This report will also discuss whether the SPD requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) and (4) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2017. A HRA is required when it is deemed that likely significant effects may occur on protected Habitats (European) Sites (Natura 2000 sites) as a result of the implementation of a plan or project. Please note that this screening report takes account of the legal ruling *People over Wind, Peter Sweetman v Coillte Teoranta*.

This SEA/HRA screening report is based on the SPD which is being consulted upon and the report itself will be subject to statutory consultation.

1.2 The Essex Coast RAMS Planning Context

1.2.1 The duties of Local Planning Authorities (LPAs)

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.

1.2.2 Growth in Essex and the need for strategic mitigation

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.

The published Habitats Regulations Assessments (HRAs) for the 12 relevant LPAs within Essex

have identified recreational disturbance as an issue for all of the Essex coastal Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsars (wetland sites designated to be of international importance under the Ramsar Convention)¹. These LPAs are:

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

Mitigation measures have been identified in the HRA (screening and/or Appropriate Assessments) for many of the above LPAs' Local Plans; either adopted or emerging. There are similarities in the mitigation measures proposed, reflecting the identification of 'in-combination' effects resulting from planned and un-planned growth across all of the 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.

Other housing schemes, particularly again those located close to a Habitat site boundary or large-scale developments, may need to provide mitigation measures to address site-specific impacts over and above the mitigation required through the RAMS. This would also be assessed and, where appropriate, mitigated through the project level Habitats Regulations Assessment (HRA). The local planning authority, in consultation with Natural England, would advise on these cases.

¹ The Habitats Sites to which this SPD applies are: 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; and Thames Estuary and Marshes SPA and Ramsar.

1.2.3 Summaries of the RAMS and the SPD

1.2.3.1 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 effects on site integrity. The RAMS identifies a detailed programme of strategic mitigation measures which would be funded by contributions from residential development schemes. 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 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 RAMS approach 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'. 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-level HRA.

1.2.3.2 The SPD

The SPD applies to new residential dwellings that will be built in the Zone of Influence (Zol) of the Habitats sites. Residential development will need to include a mitigation package which would incorporate a contribution to the RAMS to mitigate the 'in-combination' effects. This is secured through a tariff for all developments where there is a net increase in dwelling numbers, regardless of size. 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.

In order to arrive at a per dwelling contribution figure, the strategic mitigation package cost was divided by the total number of 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. The SPD proposes that applicants secure this mitigation through a direct payment or a Section 106 agreement and the tariff per dwelling is £122.30.

2. Legislative Background

2.1 Strategic Environmental Assessment (SEA)

Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment states that,

'Environmental assessment is an important tool for integrating environmental considerations into the preparation and adoption of certain plans and programmes which are likely to have significant effects on the environment.'

(10) All plans and programmes which are prepared for a number of sectors and which set a framework for future development consent of projects listed in Annexes I and II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment(7), and all plans and programmes which have been determined to require assessment pursuant to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna(8), are likely to have significant effects on the environment, and should as a rule be made subject to systematic environmental assessment. When they determine the use of small areas at local level or are minor modifications to the above plans or programmes, they should be assessed only where Member States determine that they are likely to have significant effects on the environment.

(11) Other plans and programmes which set the framework for future development consent of projects may not have significant effects on the environment in all cases and should be assessed only where Member States determine that they are likely to have such effects.'

SEA incorporates the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the 'Strategic Environmental Assessment Regulations'), which implement the requirements of the European Directive 2001/42/EC (the 'Strategic Environmental Assessment Directive') on the assessment of the effects of certain plans and programmes on the environment.

The SPD may influence frameworks for future development, or become ancillary to those plans and programmes that do set such a framework, and as such it has been determined that the principle of the SPD should be screened for the necessary application of the SEA Directive.

The Report from the Commission to The Council, The European Parliament, The European Economic and Social Committee and the Committee of the Regions states, on the application and effectiveness of the Directive on Strategic Environmental Assessment (Directive 2001/42/EC), that

'the following P&P, and modifications to them, are covered when prepared and/or adopted by an authority[2] and required pursuant to legislative, regulatory or administrative provisions:

- P&P prepared for certain sectors and which set the framework for future development consent in respect of projects under the Environmental Impact Assessment-EIA-Directive.*
- P&P requiring an assessment under the Habitats Directive (92/43/EEC).*
- P&P setting the framework for development consent in respect of projects (not limited to those listed in the EIA Directive; see above) and determined by "screening" as being likely to have significant environmental effects.'*

This report represents this screening process in regard to the content and influence of the SPD.

2.2 Habitats Regulations Assessment (HRA)

Under the provisions of the EU Habitats Directive and translated into English law by the Habitats Regulations (*The Conservation of Habitats and Species (Amendment) Regulations 2017*), a competent authority must carry out an assessment of whether a plan or project will significantly affect the integrity of any European Site (also referred to as Habitats Sites in the National Planning Policy Framework), in terms of impacting the site's conservation objectives. The assessment of effects is carried out through an "appropriate assessment (AA)".

HRA is a screening assessment of the impacts of a land use proposal against the conservation objectives of Habitats (European) sites, in order to identify whether effects are likely so as to require a full appropriate assessment. Specifically, it is to ascertain whether or not a proposal (either alone or in combination with other proposals) would potentially damage the internationally designated features of that site. European sites are also known as Natura 2000 sites. A brief explanation of Habitats sites is offered below.

Plans, including SPDs, should be screened for effects as set out above. The SPD and the RAMS have been developed in accordance with the findings and recommendations of numerous AAs undertaken by the 12 LPAs as the competent authorities. This report discusses the implications of the SPD in regard to the procedural need for HRA (screening).

3. SEA Screening

3.1 When is SEA Required?

SEA is a tool used at the *plan-making stage* to assess the likely effects of the plan when judged against reasonable alternatives.

SEA for an SPD alone can be required, but usually only in exceptional situations. This is usually only applicable to SPDs which themselves could cause significant environmental effects that have not been previously considered.

Planning Practice Guidance – Strategic environmental assessment and sustainability appraisal (Paragraph: 008 Reference ID: 11-008-20140306) states that,

‘Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan.

A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.’

Articles 2 and 3 of the SEA Directive set out the circumstances in which an SEA is required. Table 1 sets out the assessment of whether the SPD will require a full SEA.

Table 1: Exploring whether the Principle of the SPD would warrant SEA

Q	Criteria	Response	Outcome	Commentary
1	Is the Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through legislative procedure by Parliament or Government	Yes	Go to question 2	The SPD has been subject to preparation and/or adoption by a national, regional or local authority.
2	Is the Plan required by legislative, regulatory or administrative provision ²	Yes	Go to question 3	The SPD would be considered as falling within the category of an ‘administrative provision’.

² Typical characteristics of "administrative provisions" are that they are publicly available, prepared in a formal way, probably involving consultation with interested parties. The administrative provision must have sufficient formality such that it counts as a "provision" and it must also use language that plainly requires rather than just encourages a Plan to be prepared.

Q	Criteria	Response	Outcome	Commentary
		No	DOES NOT REQUIRE SEA	
3	Is the Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive?	Yes to both criteria	Go to question 5	The SPD has been prepared for town and country planning and contributes to wider frameworks for future development consent.
		No to either criteria	Go to question 4	
4	Will the Plan, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive?	Yes	Go to question 5	The Plan's likely effect on sites and requirement for an assessment under Article 6 or 7 of the Habitats Directive is explored in Section 4 of this Report.
		No	Go to question 6	
5	Does the Plan determine the use of small areas at local level, OR is it a minor modification of a Plan likely to require assessment under the Habitats Directive?	Yes to either criteria	Go to question 8	The SPD can be considered to affect the determination of the use of small areas at the local level commensurate to its status in determining planning applications in the 12 LPA areas.
		No to both criteria	Go to question 7	
6	Does the Plan set the framework for future development consent of projects (not just projects in the Annexes of the EIA Directive)?	Yes	Go to question 8	The SPD has been prepared for town and country planning and contributes to wider frameworks for future development consent.
		No	DOES NOT REQUIRE SEA	
7	Is the Plans sole purpose to serve national defence or civil emergency, OR is it a financial or budget Plan, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7	Yes to any criteria	DOES NOT REQUIRE SEA	The SPD does not serve a purpose related to national defence or civil emergency, a financial or budget Plan. The SPD is not co-financed by structural funds or EAGGF programmes 2000 to 2006/7.
		No to all criteria	REQUIRES SEA	
8	Is it likely to have a significant effect on the environment?	Yes	REQUIRES SEA	Likely significant effects are explored in more detail in Section 3.2 of this Screening Report. The 'conclusions' section of the Report outlines whether the SPD requires SEA or not due to having a significant effect on the environment.
		No	DOES NOT REQUIRE SEA	

The following section looks at the identified effects of the SPD in line with the criteria for assessing effects as per Article 3(5) of Directive 2001/42/EC (the SEA Directive). Crucially, it will determine whether there are any likely significant effects on the environment.

3.2 Likely Significant Effects on the Environment resulting from the SPD

The following assessment will consider the likelihood of the SPD (at the time of writing) to have significant effects on the environment. The table below will explore the likelihood of effects on the following required themes, as included within Annex I of the SEA Directive (2001/42/EC):

- Biodiversity;
- Population;
- Human health;
- Fauna;
- Flora;
- Soil;
- Water;
- Air;
- Climatic factors;
- Material assets;
- Cultural heritage including architectural and archaeological heritage;
- Landscape; and
- The interrelationship between the above factors.

Table 2: Assessment of Likely Significant Effects on the Environment

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The purpose of the 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. The level of planned growth within the ZOI is outlined in the 12 LPAs' Local Plans (adopted or emerging) within those plan periods. These Local Plans have all been subject to SA and HRA mandatorily, which

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	explores the environmental effects of growth in LPA areas and the land-use allocations with those Plans. The degree to which the SPD sets a framework for projects is therefore relatively low; the SPD relates to the level of developer contributions being sought for strategic mitigation and how and when applicants should make contributions to provide the mitigation needed as a result of growth within the Zol across the 12 LPA areas.
The degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	Adopted and emerging Local Plans will set the requirements of development in the 12 LPA areas. The SPD provides greater detail and clarity on the level of developer contributions being sought for strategic mitigation and how and when applicants should make contributions, but is not a standalone document and must be read in conjunction with other Local Plan policies. The degree to which the SPD influences other programmes is therefore moderate.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	The primary aim of the SPD is to ensure that sustainable outcomes can be forthcoming in the form of the provision of strategic mitigation for recreational disturbance on Habitats sites related to the Essex coast. The RAMS provides developers, agents and planning authorities with a comprehensive, consistent and efficient way to ensure that appropriate mitigation for residential schemes within the Zol is provided in an effective and timely manner. The SPD provides greater detail and clarity on the level of developer contributions being sought for strategic mitigation and how and when applicants should make contributions. In short, the SPD sets out how each LPA will deliver the RAMS through the planning process. The SPD is therefore relevant to the integration of environmental considerations in particular with a view to promoting sustainable development.
Environmental problems relevant to the plan.	The SPD relates to a large area covering much of the 12 LPA areas across Essex and the content serves to address environmental issues. The policy content of adopted and emerging Local Plans will additionally apply to forthcoming development proposals which include numerous thematic policies related to environmental protection. All Local Plan policies have been subject to Sustainability Appraisal within the context of the preparation of Local Plans at the individual LPA level, as well as HRA/AA that also incorporates in-combination effects. This Screening Report focuses on those (direct / indirect) environmental problems or sources of potential problems relevant to the SPD specifically, as identified within HRA/AAs and the RAMS document: • Most of the Essex coast is designated under the UK Conservation of Habitats and Species Regulations 2017 (the

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	'Habitats Regulations') as part of the European Natura 2000 network a series of these sites across Europe. • 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 (both breeding and overwintering) and their habitats, unless adequately managed. • The 12 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). • Recreational pressure adds to the stresses of defending a territory, laying eggs and rearing chicks, and overwintering which means that SPA birds are often more vulnerable, and although effects are all-year-round, levels of public access to breeding areas can rise in the summer months. • The Habitats sites in Essex relevant to the RAMS (and SPD) are: - 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 • Key breeding roosts are known on particular estuaries/shorelines and in specific locations where habitat and conditions enable territories to become established. 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. • Walkers and dogs as well as other recreational activities can have a major impact on not just UK breeding birds but overwintering birds of far higher numbers during a vulnerable time when they are already at risk of cold and starvation.

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	- Functionally Linked Land (FLL) also needs to be protected from disturbance e.g. key areas of farmland and grassland for Brent geese. The RAMS identifies the following potential for disturbance of birds (by increased visitor access), for each of the Habitats sites: <u>Stour Estuary SPA & Ramsar</u> - Percentage of mudflat within 60m of the shore are mostly quite low, though WeBS³ 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. - There are paths all along southern shore but high path densities around the eastern and western ends, suggesting more current access around Harwich and Manningtree. <u>Hamford Water SAC, SPA and Ramsar</u> - 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. - 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. <u>Colne Estuary SPA and Ramsar (including Essex Estuaries SAC)</u> - Percentage of mudflat within 60m of the shore values are moderate, suggesting a relatively high proportion of mudflat is close to shoreline areas. - Western shoreline and to some extent northern parts with little or no paths (including large area owned by MOD). - Development at Robinson Road will impact site. <u>Dengie SPA and Ramsar</u>

³ WeBs: 'Wetland Bird Survey'

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	• All WeBS sectors with relatively high average percentages suggesting relatively high importance across site. • Very little existing paths. • No parking identified. <u>Blackwater Estuary SPA and Ramsar</u> • 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. • RSPB Old Hall Marshes shown to be particularly important from average WeBS values. <u>Crouch and Roach Estuaries SPA and Ramsar</u> • 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. • High weighted housing values for South Woodham Ferrers, Hullbridge and around Burnham on Crouch, suggesting access levels higher in these areas. • Some parts of north shore seem to have limited or little paths. <u>Foulness SPA and Ramsar</u> • 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. • High weighted housing values for South Woodham Ferrers, Hullbridge and around Burnham on Crouch, suggesting access levels higher in these areas. • 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

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	<u>Benfleet and Southend Marshes SPA and Ramsar</u> • North side of Canvey Island has highest average WeBS values. • 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. • Weighted housing values all high, particularly around north side of Canvey, suggesting these areas have high levels of current access. • Car-parking relatively evenly spread around shore <u>Thames Estuary & Marshes SPA and Ramsar</u> • 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. • Relatively low path density for whole area. • Limited parking. Other more general disturbance includes: • Motorbike, horseriding and fishing. • Community walk disturbance. • Unauthorised access. • Illegal off-roading. • Boat-landing. • Vehicles damaging saltmarsh. • Trampling of saltmarsh. • High access if Country Park location. • Access damaging important habitat. • Dog-walking.
The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	The content of the SPD is not in conflict with those relevant planning documents within the wider district and county area related to waste management or water protection.

Criteria for determining the likely significance of effects (Annex II SEA Directive)		Likelihood and summary of significant effects
The probability, duration, frequency and reversibility of the effects on the following factors:		The following impacts have been identified within this Screening Assessment:
Sustainability Theme	- Biodiversity	The RAMS and the SPD have been devised in order to ensure strategic mitigation required from recreational disturbance on Habitats sites is suitable and can be delivered. The need for mitigation has been identified from the HRA / AA work done for the 12 LPAs Local Plans, is reflective of growth numbers and this work has included the assessment of in-combination effects. It is important to acknowledge that the SPD and the RAMS are focused solely on recreational impacts on the Essex coast Habitats sites. Section 3.4 of the RAMS states that, <i>'the Essex Coast RAMS Strategy <u>does not</u> provide:</i> <i>A mechanism to deliver mitigation for recreational impacts from individual residential developments <u>alone</u>; this must be provided on/near the development site;</i> <i>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;</i> <i>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.'</i> The SPD specifically has not been identified as having any effects on biodiversity, in so far as it responds to a need to provide a planning context to the RAMS in the form of a tariff per net increase of residential dwellings. The RAMS in itself exists to ensure no effects related to recreational disturbance are experienced on Habitats sites within Local Plan periods.
	- Population	Strategic mitigation in the forms espoused in the RAMS are unlikely to offer any wider benefits to new and existing communities, however negative effects can be expected to be avoided at the non-strategic level through localised recreation and open space provision to serve new development. The SPD in itself will not have any effects related to population as it provides a mechanism for which the RAMS can be implemented.
	- Human health	Strategic mitigation in the forms espoused in the RAMS are unlikely to offer any wider benefits regarding human health, however negative effects can be expected to be neutralised at the non-strategic level through localised recreation and open space provision to serve new development. The SPD in itself will not have any effects related to

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	human health as it provides a mechanism for which the RAMS can be implemented. - Fauna The primary aim of the RAMS is to seek strategic mitigation regarding recreational disturbance on Habitats sites emanating from increased growth in the 12 LPA areas. Habitats sites relate to SPAs and SACs, which are both designated for wild fauna, and also Ramsar sites which are wetlands of international importance and provide habitats for wild birds. Strategic mitigation as identified within the RAMS ensures that a significant step is being taken to protect fauna and ensure no likely significant effects will be experienced. The SPD in itself will not have any effects related to fauna as it provides a mechanism for which the RAMS can be implemented. - Flora The primary aim of the RAMS is to seek strategic mitigation regarding recreational disturbance on Habitats sites emanating from increased growth in the 12 LPA areas. Habitats sites relate to SACs, which are designated for wild fauna and flora, and also SPAs and Ramsar sites which are designated for wild birds and wetlands of international importance. Strategic mitigation as identified within the RAMS ensures that a significant step is being taken to protect flora (either directly or as habitats for fauna) and ensure no likely significant effects will be experienced. The SPD in itself will not have any effects related to flora as it provides a mechanism for which the RAMS can be implemented. - Soil The SPD in itself will not have any effects related to soil quality or the loss of the best and most versatile agricultural land as it provides a mechanism for which the RAMS can be implemented. - Water The RAMS is related to recreational disturbance only, and does not regard any mitigation that might be needed regarding water quality that may have a significant effect on Habitats sites as a result of development within the Zol. All development within the Zol will still be required to undergo the process of project-level HRA to determine other effects (such as regarding water quality) on Habitats sites. These effects are outside the scope of the RAMS and the SPD. The SPD in itself will not have any effects related to water as it provides a mechanism for which the RAMS can be implemented. - Air The RAMS is related to recreational disturbance only, and does not regard any mitigation that might be needed regarding air quality that may have a significant effect on Habitats sites as a result of development within the Zol.

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
- Climatic factors - Material assets⁴ - Cultural heritage - Landscape	All development within Zols will still be required to undergo the process of project-level HRA to determine other effects (such as regarding air quality) on Habitats sites. These effects are outside the scope of the RAMS and the SPD. The SPD in itself will not have any effects related to air quality as it provides a mechanism for which the RAMS can be implemented. The SPD in itself will not have any effects related to climatic factors as it only relates to a mechanism for which the RAMS can be implemented. The RAMS is not considered to have any negative implications regarding material assets, as there is no identified need for any built development as a result of the mitigation proposals (water recreation restrictions, access restrictions and new 'Ranger' provision in key locations). The SPD in itself will not have any effects related to material assets as it only relates to a mechanism for which the RAMS can be implemented. The RAMS is not considered to have any negative implications regarding cultural heritage, as there is no identified need for any built development as a result of the mitigation proposals (water recreation restrictions, access restrictions and new 'Ranger' provision in key locations). The SPD in itself will not have any effects related to cultural heritage as it only relates to a mechanism for which the RAMS can be implemented. The RAMS is not considered to have any negative implications regarding landscape, as there is no identified need for any built development as a result of the mitigation proposals (water recreation restrictions, access restrictions and new 'Ranger' provision in key locations). The SPD in itself will not have any effects related to landscape as it only relates to a mechanism for which the RAMS can be implemented.
The cumulative nature of the effects against the (above) Sustainability Themes.	In line with the above considerations that explore the possible individual effects of the Plan's content, no significant cumulative effects are considered to be likely to warrant the requirement for the application of the SEA Directive and the formulation of a SEA Environmental Report.
The trans-boundary nature of the effects.	Relevant to the scope of the RAMS and SPD regarding recreational impacts on Habitats sites, the nature of strategic mitigation responds

⁴ Examples of 'material assets' include: *built assets* such as infrastructure and housing; and *natural assets* such as minerals, watercourses supporting natural drainage and flood prevention processes, forestry and woodland.

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Likelihood and summary of significant effects
	directly to addressing possible trans-boundary effects, as identified in the Local Plan AAs of the 12 LPAs. Regarding other environmental considerations, as addressed above, no significant trans-boundary effects are considered to be likely to warrant the requirement for the application of the SEA Directive and the formulation of a SEA Environmental Report.
The risks to human health or the environment (e.g. due to accidents).	There is limited risk to human health or the environment as a result of the RAMS mitigation proposals which are unlikely to give rise to any accidents that can be considered to have a significant risk to human health or the environment. The SPD in itself will not have any effects related to accidents as it only relates to a mechanism for which the RAMS can be implemented.
The magnitude spatial extent of the effects (geographical area and size of the population likely to be affected).	The RAMS relates to a large area however seeks positive outcomes on Habitats sites as a result of planned growth. The SPD in itself will not have any effects related to any environmental themes as outlined above as it only relates to a mechanism for which the RAMS can be implemented. As such, no significant effects are identified within this Screening Report.
The value and vulnerability of the area likely to be affected due to: • special natural characteristics or cultural heritage • exceeded environmental quality standards • intensive land use	As highlighted above in the screening of the SPD per sustainability theme, the SPD has been assessed as having no potential for significant effects that would warrant further assessment through SEA.
The effects on areas or landscapes which have a recognised national, community or international protection status.	The RAMS is not considered to have any negative implications regarding landscape, as there is no identified need for any built development as a result of the mitigation proposals (water recreation restrictions, access restrictions and new 'Ranger' provision in key locations). The SPD in itself will not have any effects related to landscape as it only relates to a mechanism for which the RAMS can be implemented.

4. HRA Screening

4.1 Introduction

Under the provisions of the EU Habitats Directive and translated into English law by the Habitats Regulations (The Conservation of Habitats and Species (Amendment) Regulations 2017), a competent authority must carry out an assessment of whether a *plan or project* will significantly affect the integrity of any European Site, in terms of impacting the site's conservation objectives.

Habitats Regulations Assessment (HRA) as required by Regulation 63 of The Conservation of Habitats and Species Regulations 2017. Regulation 63 states that,

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.

HRA is the first stage of the process and involves a screening assessment of the impacts of a land use proposal against the conservation objectives of Habitats (European) sites to establish whether likely significant effects would arise. Specifically, it is to ascertain whether or not a proposal (either alone or in combination with other proposals) would potentially damage the internationally designated features of that site. Habitats (European) sites are also known as Natura 2000 sites and are made up of Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites.

4.1.1 Explanation of SPAs, SACs and Ramsar sites

Special Protection Areas (SPAs)

SPAs are areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within EU countries. Example: Stour and Orwell Estuaries is internationally important for wintering waterfowl. *Legislation: EU Birds Directive.*

Special Areas of Conservation (SACs)

SACs are areas designated to protect habitat types that are in danger of disappearance, have a small natural range, or are highly characteristic of the region; and to protect species that are endangered, vulnerable, rare, or endemic. Example: Essex Estuaries SAC has Atlantic salt meadows, mudflats and sandflats. *Legislation: EU Habitats Directive.*

Wetlands of International Importance (Ramsar Sites)

Ramsar Sites are designated to protect the biological and physical features of wetlands, especially

for waterfowl habitats. For example, Colne Estuary (Mid-Essex Coast Phase 2) Ramsar site is important due to the extent and diversity of saltmarsh and the site supports 12 species of nationally scarce plants and at least 38 Red Data Book invertebrate species. Ramsar sites often overlap with SACs and SPAs and UK planning policy determines that they should be accorded the same importance when developments are proposed. *Legislation: Ramsar Convention (1971) – Wetlands of International Importance.*

4.2 Consideration of whether the SPD requires HRA Screening

The SPD focuses on the mitigation that is necessary to ensure that no significant effects regarding recreational disturbance are experienced on the Essex coast, and how this mitigation will be funded. It 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').

The published Habitats Regulations Assessments (HRAs) for the relevant emerging 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 HRAs (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.

It is important to note that the role of the SPD is to provide a framework to assist the implementation of the RAMS and in turn allow the recommendations of the HRA/AAs to be incorporated into Local Plans and ensure their soundness. Neither the RAMS nor the SPD allocates land for development; the RAMS' proposed mitigation options regard water recreation restrictions and restricted access to the coast in some locations, as well as the provision of new Rangers. In consideration of this, and of themselves, the RAMS and the SPD can not have any negative effects.

It is further important to acknowledge that the RAMS and SPD will not take the place of the duties of the Essex Authorities under the Habitats Regulations and Habitats Directive. In particular, it will not replace screening or appropriate assessment which will still be required of new development proposals within the ZOI. 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 HRA (including AA where necessary). The LPAs, in consultation with Natural England, would advise on applicable cases.

The RAMS and SPD do not relate to other effects on Habitats sites, such as land take by development, impacts on protected species outside the protected sites, and water quantity and quality. Instead, the scope of the RAMS and SPD:

- a) establish an in-principle decision that certain types of development within the ZOI of the Essex Coast RAMS will be likely to have a significant effect on the Habitats sites within scope,

- b) establish that without mitigation those types of development will give rise to recreational pressure which will adversely affect the integrity of the Habitats Site/s in question,
- c) provide for a strategy which will provide for the mitigation measures necessary to prevent those impacts, and
- d) set out a tariff regime which will apportion the costs of those measures according to the amount of development proposed.

As a result, and in consideration of its emergence in ensuring that HRA outcomes and AA recommendations are forthcoming, the screening of the SPD in regards to HRA is not considered to be needed.

5. Conclusions

5.1 Strategic Environmental Assessment (SEA) Screening

The SPD has been prepared for town and country planning purposes. Planning Practice Guidance – Strategic environmental assessment and sustainability appraisal (Paragraph: 008 Reference ID: 11-008-20140306) states that,

‘Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the Local Plan.

A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.’

This Screening Report determines that there would be no significant effects on the environment resulting from the SPD. The SPD is solely focused on strategic mitigation as espoused in the RAMS, and sets out a tariff regime which will apportion the costs of those measures according to the amount of development proposed. No development is proposed in either the RAMS or the SPD that could give rise to environmental effects.

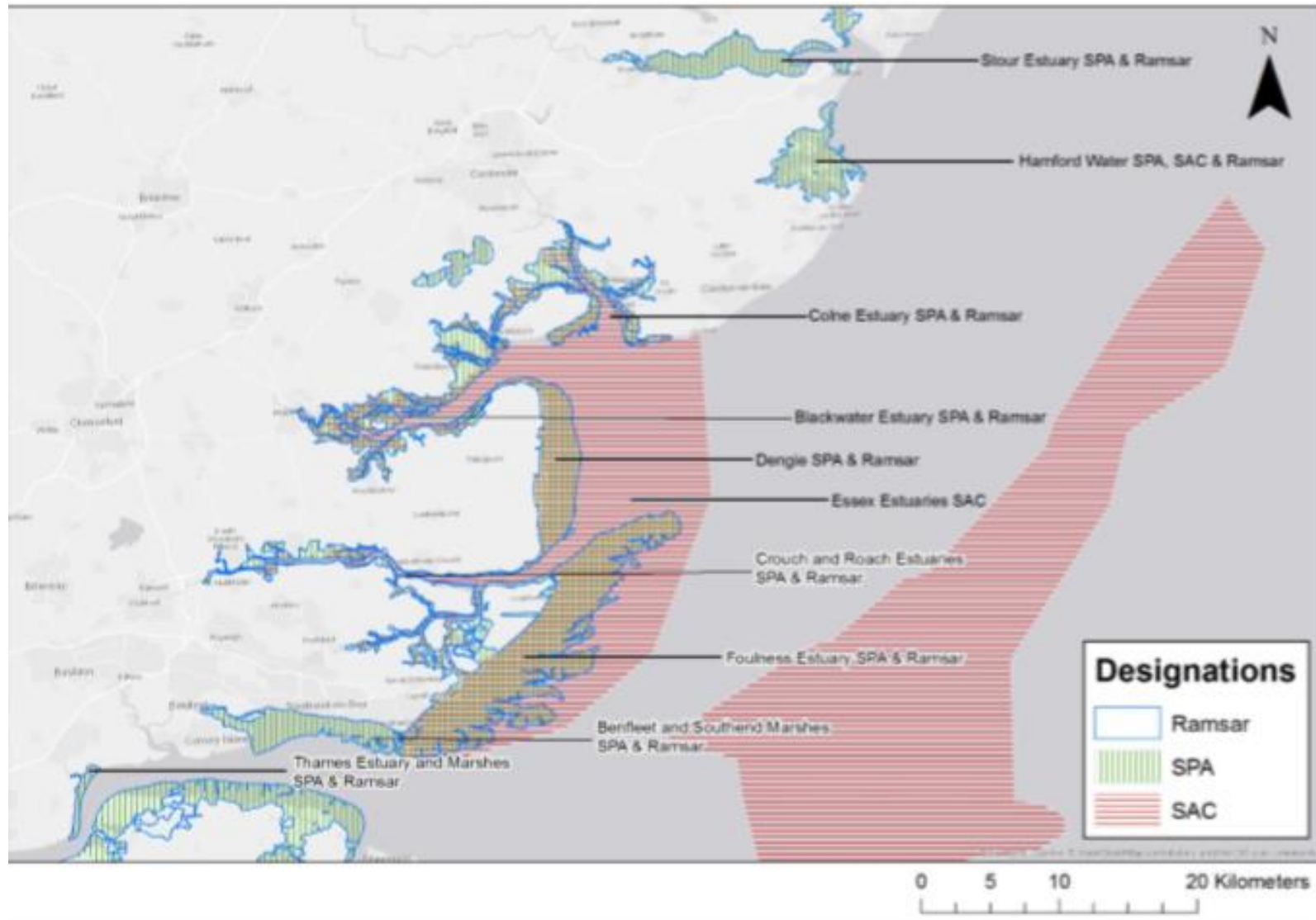
The SPD can therefore be **screened out** for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC.

5.2 Habitats Regulations Assessment (HRA)

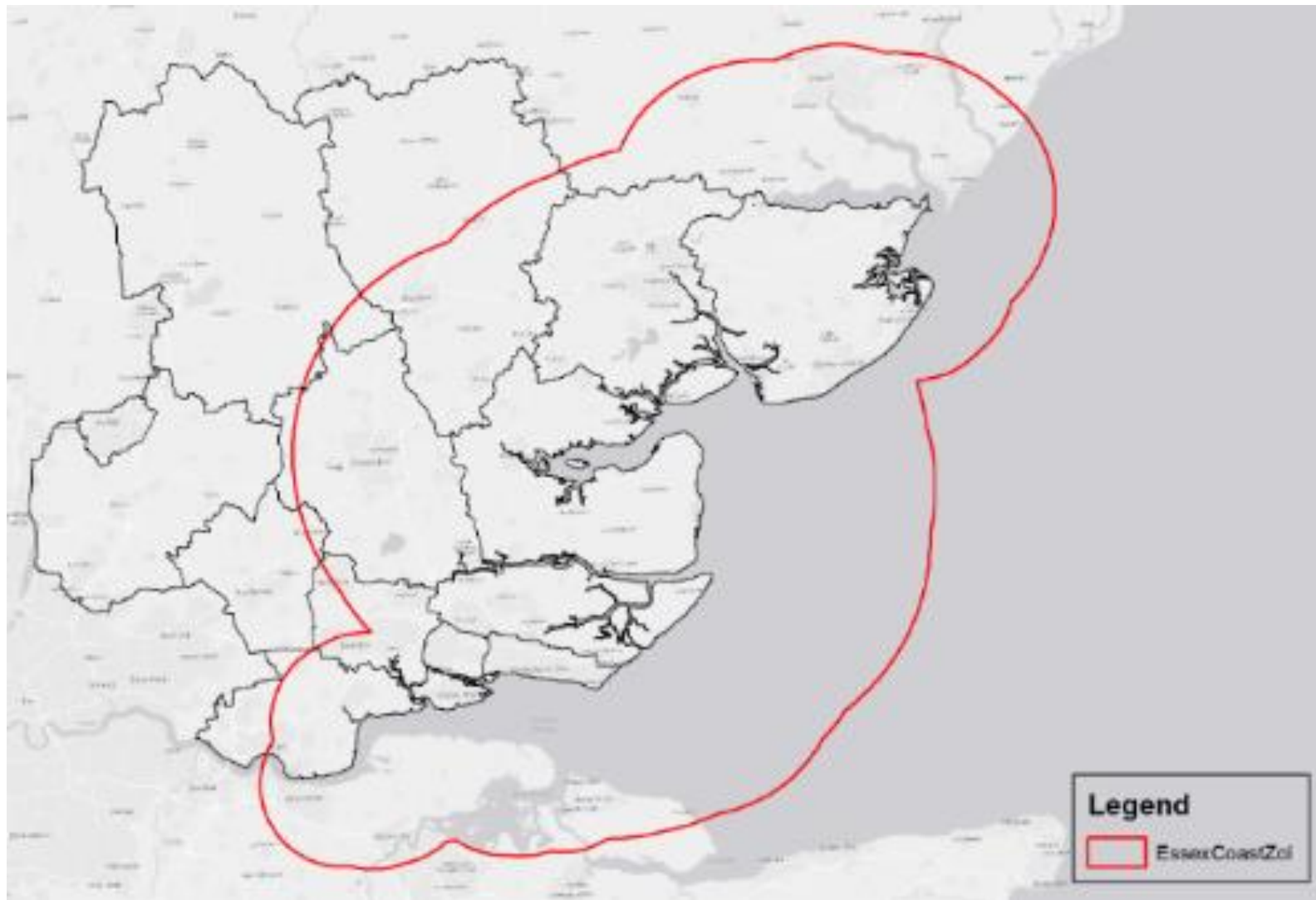
The role of the draft SPD is to provide a framework to assist the implementation of the RAMS and in turn allow the recommendations of the HRA/AAs to be incorporated into Local Plans and ensure their soundness. Neither the RAMS nor the SPD allocates land for development; the RAMS’ proposed mitigation options regard water recreation restrictions and restricted access to the coast in some locations, as well as the provision of new Rangers. In consideration of this, and of themselves, the RAMS and the SPD can not have any negative effects.

The requirement for the SPD to undertake further assessment under the Habitats Regulations 2017 is therefore not considered necessary and as a result can be **screened out**.

Appendix 1: Habitats (European) sites covered by the RAMS



Appendix 2: Broad illustration of the Zone of Influence for the RAMS



Appendix 3: Consultation Comments

A3.1 Consultation with Statutory Consultees

A five-week consultation on a draft version of the Essex Coast RAMS SPD SEA / HRA Screening Report was undertaken with the statutory consultees of the Environment Agency, Historic England and Natural England in October – November 2019, as required by the SEA regulations.

The comments from this consultation, and the actions undertaken in response within this Screening Report, are outlined in the following table.

Table 3: Consultation comments from the statutory consultees and resulting actions

Consultee	Comments	Actions
Environment Agency	There is reference to recreational activities having impact on breeding birds in SPAs but nothing on impacts to overwintering birds. Research on the Stour and Orwell estuaries SPA and elsewhere in the UK has shown that walkers and dogs as well as other recreational activities can have a major impact on not just UK breeding birds but overwintering birds of far higher numbers during a vulnerable time when they are already at risk of cold and starvation. If proposed mitigation gives the impression that the breeding season is the main risk time this could unwittingly cause a relaxation in attitude during the winter when there is 'nothing there out in the middle of nowhere on the mud' and letting dogs run free (a major problem close to mudflats in winter) and other recreational activities could actually make the problem worse at this critical time. In this case any ill-informed and incomplete mitigation could perversely exacerbate the situation and cause a significant effect on the over wintering waders and wildfowl.	The mitigation package of the RAMS includes provisions for overwintering birds. This was erroneously not included within this SEA / HRA Screening Report and has been inserted as an 'environmental problem relevant to the plan' in Table 2 of this report. This Screening Report focuses on the SPD itself, which predominantly sets out the funding mechanism to pay for the mitigation of the RAMS. As such, the SPD screens out the need for the full application of SEA. The RAMS itself has been derived from the AAs of multiple LPAs in producing their Local Plans, and all-year-round effects regarding recreational impacts are covered in that document.
	The document includes an appraisal of WEBS counts along existing paths on SPAs & SACs and discussion of vulnerable areas of disturbance from existing paths but by the time the	The mitigation package (the RAMS), states that, 'The Essex Coast RAMS Strategy does not provide Mitigation for the England Coast Path (ECP). This is a Natural England project, which aims to

Consultee	Comments	Actions
	residents have moved into these new houses in the ZOI there will be a wider network of public paths near the shore with the new England Coast Path. This appears to be an obvious omission that has not been considered and will need to be assessed during the mitigation planning.	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.' The ECP can therefore be expected to mitigate its own effects, per stretch, and it is not reasonable for the Essex Coast RAMS (and SPD) to seek the mitigation of effects not relevant to Local Plan growth in the 12 LPA areas.
Natural England	As agreed with the Steering Group, Natural England's comments on this SEA / HRA Screening Report will follow in due course as part of the wider consultation on the SPD itself.	
Historic England	Did not respond.	N/A



Place Services

Essex County Council

County Hall, Chelmsford, Essex CM1 1QH

T: +44 (0)333 013 6840

E: enquiries@placeservices.co.uk

www.placeservices.co.uk

January 2019



Essex County Council