



Matter 1: Legal and procedural requirements; Key Issues, Vision and Strategic Objectives (Chapter 1); Monitoring (paragraph 9.3 & Table 1)

Main issue: Have the relevant legal requirements been met in the preparation of the Section 1 Plan?

Do any amendments need to be made to Chapter 1 of the Section 1 Plan in order to ensure its soundness?

Does Table 1 provide an effective monitoring framework for the Section 1 Plan?

Questions:

- 1. Is there clear evidence that, in the preparation of the Section 1 Plan, the North Essex Authorities have engaged constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies on strategic matters and issues with cross-boundary impacts in accordance with section 33A of the Planning and Compulsory Purchase Act 2004, as amended [the 2004 Act]?***

Natural England confirms that from our perspective the North Essex Authorities have engaged constructively in relation to the biodiversity aspects of the plan. The key area of strategic importance with respect to biodiversity that requires a strategic approach is the potential impacts the plan could have on coastal European designated sites (Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites). The councils have agreed to work with Natural England and other Essex authorities to prepare a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which will be completed by the time the Plan is adopted.

- 2. Have the North Essex Authorities complied with the requirements of section 19(5) of the 2004 Act with regard to Sustainability Appraisal***

Natural England is satisfied that, with regards to the issues relevant to our remit, the Sustainability Appraisal has been undertaken in line with the requirements of section 19(5) of the 2004 Act.

- 3. Have the North Essex Authorities complied with the requirements of the Conservation of Habitats and Species Regulations 2017 with regard to Habitats Regulations Assessment [HRA]?***

Land Use Consultants (LUC) undertook a Habitats Regulations Assessment (HRA) of the Strategic Part 1 Plan which included an Appropriate Assessment (AA). Natural England agrees with the findings of the AA which concluded no adverse effect on the integrity of European sites either alone or in-combination, provided that the recommended policy rewording is undertaken, as detailed below in question 4. The changes we are requesting are also captured in a Statement of Common Ground.

4. Does the Section 1 Plan incorporate all the measures necessary to avoid adverse impacts on any European site, as recommended in the Land Use Consultants HRA Report for North Essex Authorities Shared Strategic Part 1 for Local Plans, May 2017?

Natural England advises that the following changes need to be made to the Strategic Part 1 Local Plan (Reference SDCBC/001/1/2 – June 2017 version) to ensure that all the necessary measures are in place to enable a conclusion of no adverse effect to be reached. These changes are also identified in the Statement of Common Ground:

- i) **Policy SP6 Place shaping Principles:** The following wording should be added after the third bullet point: ***“incorporate biodiversity creation and enhancement measures”***.
- ii) **Policy SP6 Place Shaping Principles:** The ninth bullet point is amended as follows: ***“Provide an integrated **and connected** network of ~~multi-functional~~ public open space and green and blue infrastructure ~~that connects with existing green infrastructure where possible~~ that delivers multiple benefits, including alleviating recreational pressure on designated sites”***.

We recommend that the last sentence of paragraph 7.3 is amended as follows: ***“Strategic scale and more local green infrastructure can make a vital contribution to quality of place, biodiversity **gains**, **alleviating recreational pressure**, and health outcomes if properly integrated into the design and delivery of new development. **Within new development, examples of design features include informal semi-natural areas with opportunities for circular dog walks of >2.7Km where possible with links to existing public rights of way, dogs off lead areas, dog waste bins and signage”*****.

- iii) **Policy SP6 Place Shaping Principles:** Additional wording is included to this policy as follows: ***“Contributions will be secured towards mitigation measures identified in the Essex wide Recreational disturbance Avoidance and Mitigation Strategy (RAMS), which will be completed by the time the Local Plan is adopted”***.
- iv) **Policy SP7 – Development and Delivery of New Garden Communities in North Essex:** Additional wording is required to criterion (iv) to ensure specific reference is made to the need to phase development with respect to waste water infrastructure being in place to ensure no adverse effects on any European protected site: ***“To ensure new development does not have an adverse effect on any European Protected sites, the required waste water treatment capacity must be available including any associated sewer connections in advance of any planning consent”***.
- v) **Policies SP8, SP9 and SP10:** The following sentence is recommended as an addition to policies SP8 (after criterion 20), SP9 (after criterion 21) and SP10 (after criterion 20): ***“Contributions will be secured towards mitigation measures identified in the Essex wide Recreational disturbance Avoidance and Mitigation Strategy (RAMS), which will be completed by the time the Local Plan is adopted”***.
- vi) **SP8 Tendring/Colchester Borders Garden Community:** The HRA for sections 1 and 2 identified that the Tendring and Colchester Borders Garden Community has potential value as off-site functional habitat for wintering bird species for which the nearby designated sites are in part notified. Additionally, the following

new criterion is therefore recommended to policy SP8 to follow criterion 20:
“Wintering bird surveys will be undertaken at the appropriate time of year as part of the DPD preparation to identify any offsite functional habitat. Should any be identified, development must firstly avoid impacts. Where this is not possible, it must be phased to deliver habitat creation and management either on- or off-site to mitigate any significant impacts”

8) Do paragraphs 1.25 to 1.29 appropriately identify the key issues and strategic priorities for the Section 1 Plan?

Natural England agrees that these paragraphs identify the strategic priorities for the Plan. However, we would like to see the wording in paragraph 1.26 strengthened to ensure that there is a commitment to achieving net environmental gains. We therefore suggest the following rewording “...growth does not erode the special environment, **but will also seek net environmental gains where possible...**”. This has been agreed in the Statement of Common Ground.

We would also recommend that the last bullet point of 1.29 is reworded to say “**Protection**” rather than “*conservation*”.

9) Do the Vision for North Essex and the Strategic Objectives provide an appropriate framework for the policies of the Section 1 Plan?

Natural England agrees that the vision for North Essex provides an appropriate framework and welcomes the commitment for new development to secure high standards for green infrastructure which creates sustainable places for people to live.

**10) Should they include reference to:
(a) the protection and enhancement of the natural environment?**

Natural England advises that the following wording is added to the second paragraph of the Vision: “...development of substantial new growth, while the countryside, **natural environment and heritage assets will be protected and enhanced**”. This has been agreed in the Statement of Common Ground.

11) Does Table 1 set out an effective means of monitoring the implementation of the Section 1 Plan’s policies?

Natural England recommends the following for inclusion in the monitoring programme:

- The amount of green infrastructure planned and delivered
- Number of hectares of biodiversity enhanced or created
- Number of planning permissions granted contrary to Natural England’s advice in relation to statutory protected sites.



Matter 2: Presumption in favour of sustainable development (policy SP1); Place-shaping principles (policy SP6)

Main issue: Are policies SP1 and SP6 positively prepared, justified, effective and consistent with national policy?

Questions:

**8) Should policy SP6 include reference to:
(a) the protection and enhancement of biodiversity?**

Natural England has identified how policy SP6 should be reworded in our answer to question 4 of Matter 1 and has been agreed as part of the Statement of Common Ground.



Matter 6: The proposed new garden communities – general matters (policies SP7, SP8, SP9 & SP10; paragraphs 9.1-9.2)

Main issue: Are the policies for the development and delivery of three new garden communities in North Essex justified, effective and consistent with national policy?

Questions:

14) Do the policies for the proposed garden communities make adequate provision for the protection and/or enhancement of the natural environment and biodiversity? Is there consistency between policy SP7 and policies SP8, 9 & 10 in these respects?

Natural England advises that the following changes need to be made to the Strategic Part 1 Local Plan (Reference SDCBC/001/1/2 – June 2017 version) to ensure adequate provision for the protection and/or enhancement of the natural environment and biodiversity. These changes are also identified in the Statement of Common Ground:

- **Policies SP8, SP9 and SP10:** The following amendment is recommended to criterion 20 of SP8: “**Avoidance**, protection and/or enhancement of heritage and biodiversity assets within and surrounding the site, **including Bullock Wood SSSI, Ardleigh Gravel Pits SSSI, Wivenhoe Pits SSSI and Upper Colne Marshes SSSI and relevant European protected sites**”. For consistency, the word “**Avoidance**” is recommended to be added to the beginning of criterion F21 of SP9 and F20 of SP10.

**16) Should policies SP7, 8, 9 & 10 include:
(c) reference to specific standards for green infrastructure?**

Natural England has advised throughout the development of the Plan that standards should be set for green infrastructure within the policies. However, we understand that this will be considered as part of the development of the DPDs and underpinning masterplanning work which will be prepared for each Garden Community. As long as the DPDs pick this up and use standards which result in adequate high quality green infrastructure being provided, Natural England is satisfied with this approach. This principle has also been agreed in the Statement of Common Ground: