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sandra.scott@colchester.gov.uk
BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ms Scott,

Planning consultation: Wivenhoe Neighbourhood Plan Submission Consultation from Colchester Borough Council

Thank you for your consultation on the above dated 01 February 2018 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

1. Neighbourhood Plan

1.1 Para 7.2 Objective 2 - Natural England would recommend changing the word “foster” to “enhance” as this is more meaningful and sets out more clearly the overall ambition for the natural environment.

1.2 Section 18 and Policy WIV 32 Recreational Avoidance from New Housing in Wivenhoe and Mitigation Strategies. Natural England advises that as currently worded this policy is not compliant with the Habitats Regulations. However, Natural England understands that Colchester Borough Council have prepared some wording for inclusion in the Wivenhoe Neighbourhood Plan to ensure compliance with the Habitats Regulations and the Essex Recreational disturbance Avoidance and Mitigation Strategy (Essex RAMS). Natural England agrees with this wording and provided that this text (as detailed in Appendix 1 of this letter) is inserted into this section of the Neighbourhood plan we would be satisfied that the plan would be compliant with the Habitats Regulations. We would also recommend that the specific action listed in paragraph 18.5 of erecting a notice board which requires owners to keep their dogs on leads should also be part of policy WIV 32.

2. SEA Report and Addendum (including HRA Screening)

2.1 Paragraph 4.4.1 Wivenhoe Neighbourhood Plan HRA Screening Assessment - Natural England’s advice was that there would be no likely significant effect alone but there would be a likely significant effect in combination – this section of the HRA needs to be updated accordingly.

2.2 Provided the policy wording is strengthened in line with the our comments above we have no further comments to make on the SEA or the Habitats Regulations Assessment

This concludes Natural England’s advice at this stage which we hope you will find helpful.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Sarah Fraser by telephone on 02080261725 or email sarah.fraser2@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Sarah Fraser
Senior Adviser - West Anglia Team

Appendix 1

Recommended Habitat Regulations Assessment text for Wivenhoe Neighbourhood Plan

Habitat Regulations Assessments have been completed for Colchester Borough Council's Section 1 Local Plan and Section 2 Local Plan. Both of these assessments identified that the in-combination effects of the Section 1 and Section 2 Local Plans (including the in-combination effects of the Section 2 allocations), together with neighbouring local planning authorities Local Plans and neighbourhood plans are likely to adversely affect the integrity of European designated nature conservation sitesⁱ ('European Sites').

In view of that Colchester Borough Council is working with eleven other Greater Essex local planning authorities, and Natural England, on a Recreational disturbance Avoidance and Mitigation Strategy (RAMS). RAMS is a strategic solution to protect the Essex coast from the recreational pressures of a growing population. A RAMS is usually driven by challenges and opportunities arising from planning issues. RAMS generally applies more broadly than at a single designated European site, provides strategic scale mitigation and enables the development of a generic approach to evidence collection and use.

Financial contributions will be sought for all residential development, which falls within the zones of influence, towards a package of measures to avoid and mitigate likely significant adverse effects in accordance with policy SP2b of the Shared Strategic Section 1 Plan and policy ENV1 (Environment) of the Section 2 Colchester Borough Local Plan. This includes development allocated in Neighbourhood Plans within Colchester Borough. Details of the zones of influence and the necessary measures will be included in the Essex Coast RAMS Supplementary Planning Document (SPD).

In the interim period, before the Essex Coast RAMS is completed, proposals within the zones of influence for recreational disturbance to European sites will need to carry out a project level Habitat Regulations Assessment and implement bespoke mitigation measures to ensure that in-combination recreational disturbance effects are avoided and/or mitigated.

Policy. Recreational disturbance Avoidance and Mitigation

All residential development within the zones of influence of European Sites will be required to make a financial contribution towards mitigation measures, as detailed in the Essex coast RAMS, to avoid adverse in-combination recreational disturbance effects on European Sites. In the interim period, before the Essex Coast RAMS is completed, all residential development within the zones of influence will need to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.

ⁱ Colne Estuary Special Protection Area and Ramsar, Blackwater Estuary Special Protection Area and Ramsar and Essex Estuaries Special Area of Conservation.