

Report to Inform Habitats Regulations Assessment

Tiptree Neighbourhood Plan

Tiptree Parish Council

Project number: 60571087

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Quality information

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Table of Contents

1.	Introduction.....	5
	Legislation.....	5
2.	Methodology	7
	Introduction	7
	HRA Task 1 – Likely Significant Effects (LSE).....	7
	HRA Task 2 – Appropriate Assessment (AA).....	8
	HRA Task 3 – Avoidance and Mitigation.....	8
	Confirming Other Plans and Projects That May Act ‘In Combination’	9
3.	European Sites Relevant to the Neighbourhood Plan	10
	Abberton Reservoir SPA and Ramsar	10
	Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar	11
	Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar	13
	Essex Estuaries SAC	15
4.	Test of Likely Significant Effects	17
	Physical Scope of the HRA	17
	Impact Pathways.....	17
	Test of Likely Significant Effects of Neighbourhood Plan Policies	19
5.	Appropriate Assessment.....	23
	Introduction	23
	Water Pollution.....	23
	Recreational Pressure.....	25
	Functionally Linked Land	28
	In-combination Assessment	29
6.	Conclusions	31

Plates

Plate 1: Four Stage Approach to Habitats Regulations Assessment. Source GOV.UK, 2019.	7
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Tables

Table 1. Description of threats and pressures at Abberton Reservoir SPA and Ramsar and whether development in Tiptree could exacerbate them.	17
Table 2. Description of threats and pressures at the Mid-Essex Coast Estuary complex sites (SPA, SAC and Ramsar) and whether development in Tiptree could exacerbate them.	19
Table 3. Screening Assessment (Likely Significant Effect Test) of the Neighbourhood Plan Policies	20

1. Introduction

- 1.1 AECOM was appointed by Tiptree Parish Council to undertake a Habitats Regulations Assessment (HRA) for the Tiptree Neighbourhood Plan 2022 – 2033 (Reg 16). This is to inform the Tiptree Parish Council and Colchester Borough Council (the competent authority) of the potential effects of Neighbourhood Plan (NP) development on European Sites and how they are being, or should be, addressed in the NP.
- 1.2 The objectives of the assessment are to:
- Identify any aspects of the NP that would cause an adverse effect on the integrity of international sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs)) including, as a matter of Government policy, Ramsar sites, either in isolation or in combination with other plans and projects, and
 - To advise on appropriate policy mechanisms for delivering mitigation where such effects were identified.
- 1.3 The HRA of the NP is required to determine if there are any realistic linking pathways present between an international site and the NP and where Likely Significant Effects (LSE) cannot be screened out, an analysis to inform Appropriate Assessment (AA) to be undertaken to determine if adverse effects on the integrity of the international sites will occur as a result of the NP alone or in combination.

Legislation

- 1.4 The UK left the EU on 31 January 2019 under the terms set out in the European Union (Withdrawal Agreement) Act 2020 (“the Withdrawal Act”). This established a transition period, which ended on 31 December 2020. The Withdrawal Act retains the body of existing EU-derived law within our domestic law. During the transition period EU law applies to and in the UK. The most recent amendments to the Habitats Regulations – the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 – make it clear that the need for HRA has continued after the end of the Transition Period.
- 1.5 Under the Regulations, an appropriate assessment is required, where a plan or project is likely to have a significant effect upon an international site, either individually or in combination with other projects. The Directive is implemented in the UK by the Conservation of Habitats and Species Regulations 2017 (as amended) (the “Habitats Regulations”).

The legislative basis for Appropriate Assessment

Conservation of Habitats and Species Regulations 2017 (as amended)

With specific reference to Neighbourhood Plans, Regulation 106(1) states that:

‘A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority [the Local Planning Authority] may reasonably require for the purposes of the assessment under regulation 105 [which sets out the formal process for determination of ‘likely significant effects’ and the ‘appropriate assessment’]...’.

- 1.6 It is therefore important to note that this report has two purposes:
- a. To assist the Qualifying Body (Tiptree Parish Council) in preparing their plan by recommending (where necessary) any adjustments required to protect international sites, thus making it more likely their plan will be deemed compliant with the Conservation of Habitats and Species Regulations 2017 (as amended); and
 - b. On behalf of the Qualifying Body, to assist the Local Planning Authority (Colchester Borough Council) to discharge their duty under Regulation 105 (in their role as ‘plan-making authority’ within the meaning of that regulation) and Regulation 106 (in their role as ‘competent authority’).
- 1.7 The Habitats Regulations applies the precautionary principle to international sites: SAC, SPA, and Ramsar. For the purposes of this assessment candidate SACs (cSACs), proposed SPAs (pSPAs) and proposed Ramsar (pRamsar) sites are all treated as fully designated sites.

- 1.8 Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. This contrasts with the SEA Directive which does not prescribe how plan or programme proponents should respond to the findings of an environmental assessment; merely that the assessment findings (as documented in the 'environmental report') should be 'taken into account' during preparation of the plan or programme.
- 1.9 In 2018, the 'People Over Wind' European Court of Justice (ECJ) ruling determined that 'mitigation' (i.e. measures that are specifically introduced to avoid or reduce the harmful effects of a plan or project on international sites) should not be taken into account when forming a view on likely significant effects. Mitigation should instead only be considered at the AA stage. Appropriate assessment is not a technical term: it simply means 'an assessment that is appropriate' for the plan or project in question. As such, the law purposely does not prescribe what it should consist of or how it should be presented; these are decisions to be made on a case by case basis by the competent authority. An amendment was made to the Neighbourhood Planning Regulations in late 2018 which permitted NPs to be made if they required AA.
- 1.10 Over the years, 'Habitats Regulations Assessment' (HRA) has come into wide currency to describe the overall process set out in the Habitats Regulations, from screening through to identification of IROPI. This has arisen in order to distinguish the overall process from the individual stage of "Appropriate Assessment". Throughout this Report the term HRA is used for the overall process and restricts the use of AA to the specific stage of that name.

2. Methodology

Introduction

- 2.1 below outlines the stages of HRA according to current Ministry of Housing, Communities and Local Government guidance. The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations and any relevant changes to the Plan until no significant adverse effects remain.

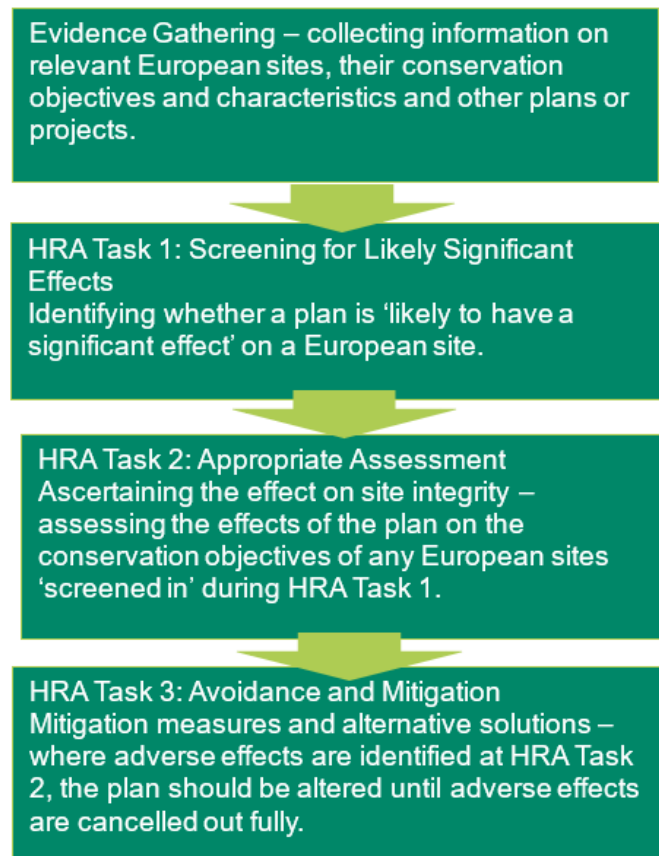


Plate 1: Four Stage Approach to Habitats Regulations Assessment. Source GOV.UK, 2019.

HRA Task 1 – Likely Significant Effects (LSE)

- 2.2 Following evidence gathering, the first stage of any Habitats Regulations Assessment is a Likely Significant Effect (LSE) test - essentially a risk assessment to decide whether the full subsequent stage known as Appropriate Assessment is required. The essential question is:

"Is the project, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?"

- 2.3 The objective is to 'screen out' those plans and projects that can, without any detailed appraisal, be said to be unlikely to result in significant adverse effects upon European sites, usually because there is no mechanism for an adverse interaction with European sites. This stage is undertaken in Chapter 4 of this report.

HRA Task 2 – Appropriate Assessment (AA)

- 2.4 Where it is determined that a conclusion of 'no likely significant effect' cannot be drawn, the analysis has proceeded to the next stage of HRA known as Appropriate Assessment. Case law has clarified that 'appropriate assessment' is not a technical term. In other words, there are no particular technical analyses, or level of technical analysis, that are classified by law as belonging to appropriate assessment rather than determination of likely significant effects.
- 2.5 During July 2019 the Ministry of Housing, Communities and Local Government published guidance for Appropriate assessment¹. Paragraph: 001 Reference ID: 65-001-20190722m explains: *'Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view of the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured'*.
- 2.6 As this analysis follows on from the screening process, there is a clear implication that the analysis will be more detailed than undertaken at the Screening stage and one of the key considerations during appropriate assessment is whether there is available mitigation that would entirely address the potential effect. In practice, the appropriate assessment takes any policies or allocations that could not be dismissed following the high-level screening analysis and analyses the potential for an effect in more detail, with a view to concluding whether there would be an adverse effect on integrity (in other words, disruption of the coherent structure and function of the European site(s)).
- 2.7 A decision by the European Court of Justice² concluded that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at the Likely Significant Effects or 'screening' stage of HRA. The UK is no longer part of the European Union. However, as a precaution, it is assumed for the purposes of this HRA that EU case law regarding Habitat Regulations Assessment will still be considered informative jurisprudence by the UK courts. That ruling has therefore been considered in producing this HRA.
- 2.8 Also, in 2018 the Holohan ruling³ was handed down by the European Court of Justice. Among other provisions paragraph 39 of the ruling states that *'As regards other habitat types or species, which are present on the site, but for which that site has not been listed, and with respect to habitat types and species located outside that site, ... typical habitats or species must be included in the appropriate assessment, if they are necessary to the conservation of the habitat types and species listed for the protected area'* [emphasis added]. This has been taken into account in the HRA process.

HRA Task 3 – Avoidance and Mitigation

- 2.9 Where necessary, measures are recommended for incorporation into the Plan in order to avoid or mitigate adverse effects on European sites. There is considerable precedent concerning the level of detail that a Neighbourhood Plan document needs to contain regarding mitigation for recreational impacts on European sites. The implication of this precedent is that it is not necessary for all measures that will be deployed to be fully developed prior to adoption of the Plan, but the Plan must provide an adequate policy framework within which these measures can be delivered.
- 2.10 When discussing 'mitigation' for a Neighbourhood Plan document, one is concerned primarily with the policy framework to enable the delivery of such mitigation rather than the details of the mitigation measures themselves since the Local Development Plan document is a high-level policy document. A Neighbourhood Plan is a lower level constituent of a Local Development Plan.

¹<https://www.gov.uk/guidance/appropriate-assessment#what-are-the-implications-of-the-people-over-wind-judgment-for-habitats-regulations-assessments> [Accessed: 05/04/2022].

² People Over Wind and Sweetman v Coillte Teoranta (C-323/17)

³ Case C-461/17

Confirming Other Plans and Projects That May Act 'In Combination'

- 2.11 It is a requirement of the Regulations that the impacts of any land use plan being assessed are not considered in isolation but in combination with other plans and projects that may also be affecting the European site(s) in question.
- 2.12 In considering the potential for combined regional housing development to impact on European sites the primary consideration is the impact of visitor numbers – i.e. recreational pressure and urbanisation.
- 2.13 When undertaking this part of the assessment it is essential to bear in mind the principal intention behind the legislation i.e. to ensure that those projects or plans (which in themselves may have minor impacts) are not simply dismissed on that basis but are evaluated for any cumulative contribution they may make to an overall significant effect. In practice, in-combination assessment is therefore of greatest relevance when the plan or policy would otherwise be screened out because its individual contribution is inconsequential.
- 2.14 The following plans and projects will be looked at in-combination:
- Colchester Borough Local Plan 2013 – 2033. Section 1 – North Essex Authorities' Shared Strategic Section 1 Plan (Adopted February 2021)⁴
 - Colchester Borough Local Plan 2017 – 2033. Section 2. (Adopted July 2022)⁵
 - Tiptree Jam Factory Plan (2012)⁶
 - Essex Minerals Local Plan (Adopted July 2014)⁷
 - Essex & Southend-on-Sea Waste Local Plan (Adopted July 2017)⁸
 - Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy (Essex County Council) (Adopted March 2019)⁹
 - Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy Supplementary Planning Document (Colchester Borough Council) (May 2020)¹⁰

⁴ Colchester Borough Council, 2021. Colchester Borough Local Plan 2013-2033. North Essex Authorities' Shared Strategic Section 1 Plan. Accessed 14/07/2022 via: [Colchester Borough Local Plan Section 1 \(colchester.gov.uk\)](https://www.colchester.gov.uk/colchester-borough-local-plan-section-1)

⁵ Colchester Borough Council, 2022. Colchester Borough Local Plan 2017-2033. Section 2. Accessed 14/07/2022 via: [Colchester Borough Local Plan Section 2 \(colchester.gov.uk\)](https://www.colchester.gov.uk/colchester-borough-local-plan-section-2)

⁶ Colchester Borough Council, 2012. Tiptree Jam Factory Plan. Accessed 14/07/2022 via: [Tiptree Jam Factory Plan 2012 \(colchester.gov.uk\)](https://www.colchester.gov.uk/colchester-borough-local-plan-section-2)

⁷ Essex County Council, 2014. Essex Minerals Local Plan. Accessed 15/07/2022 via: [Essex Minerals Local Plan 2014 \(essex.gov.uk\)](https://www.essex.gov.uk/essex-minerals-local-plan-2014)

⁸ Essex County Council & Southend-on-Sea Borough Council, 2017. Essex & Southend-on-Sea Waste Local Plan. Accessed 15/07/2022 via: [Essex & Southend-on-Sea Waste Local Plan 2017 \(southend.gov.uk\)](https://www.southend.gov.uk/essex-southend-on-sea-waste-local-plan-2017)

⁹ Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy, 2019. Accessed 26/07/2022 via: [Essex Coast RAMS 2019 \(essex.gov.uk\)](https://www.essex.gov.uk/essex-coast-rams-2019)

¹⁰ Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy SPD, 2020. Accessed 26/07/2022 via: [Essex Coast RAMS SPD 2020 \(colchester.gov.uk\)](https://www.colchester.gov.uk/essex-coast-rams-spd-2020)

3. European Sites Relevant to the Neighbourhood Plan

- 3.1 The locations of European sites in relation to Tiptree Parish are illustrated in **Figure 1: European sites within 10km of Tiptree Neighbourhood Plan Area**.

Abberton Reservoir SPA and Ramsar

- 3.2 Abberton Reservoir SPA and Ramsar is approximately 2.3km east of the Tiptree NP area. The site is a pumped storage freshwater reservoir in eastern England near the Essex Coast and covers approximately 726 ha. Numerous species of moulting, passage, wintering and feeding waterbirds utilise the site in nationally and internationally important numbers reaching a peak average of 23,000 individuals during the winter months.

Conservation Objectives

- 3.3 With regard to the SPA¹¹ and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;
- 3.4 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;
- The extent and distribution of the habitats of the qualifying features
 - The structure and function of the habitats of the qualifying features
 - The supporting processes on which the habitats of the qualifying features rely
 - The population of each of the qualifying features, and,
 - The distribution of the qualifying features within the site.
- 3.5 The 2019 Supplementary Advice on Conservation Objectives (SACO)¹² provides a more detailed view of the Conservation Objectives.

Qualifying Features

- 3.6 With regards to the SPA¹¹ the following are reasons for designation:
- *Podiceps cristatus*; Great crested grebe (Non-breeding)
 - *Phalacrocorax carbo*; Great cormorant (Breeding)
 - *Cygnus olor*; Mute swan (Non-breeding)
 - *Anas penelope*; Eurasian wigeon (Non-breeding)
 - *Anas strepera*; Gadwall (Non-breeding)
 - *Anas crecca*; Eurasian teal (Non-breeding)
 - *Anas clypeata*; Northern shoveler (Non-breeding)
 - *Aythya ferina*; Common pochard (Non-breeding)
 - *Aythya fuligula*; Tufted duck (Non-breeding)
 - *Bucephala clangula*; Common goldeneye (Non-breeding)
 - *Fulica atra*; Common coot (Non-breeding)

¹¹ Natural England, 2019. Abberton Reservoir SPA Conservation Objectives. Accessed 14/07/2022 via: [Abberton Reservoir SPA Conservation Objectives \(publications.naturalengland.org.uk\)](https://publications.naturalengland.org.uk/publication/51111)

¹² Natural England, 2019. Abberton Reservoir SPA Conservation Objectives Supplementary Advice. Accessed 14/07/2022 via: [Supplementary Advice on Conservation Objectives Abberton Reservoir SPA \(publications.naturalengland.org.uk\)](https://publications.naturalengland.org.uk/publication/51112)

3.7 With regards to the Ramsar¹³ the following are reasons for designation:

Ramsar Criterion 5 – Assemblages of international importance (wintering)

3.8 Species with peak counts in the winter – 23,787 waterfowl (5 year peak mean 1998/99 – 2002/03)

Ramsar Criterion 6 – Species/populations occurring at levels of international Importance

3.9 Species with peak counts in the spring/autumn;

- Gadwall *Anas strepera strepera* – 550 individuals representing 3.2% GB population (1998/99 – 2002/03)
- Northern shoveler *Anas clypeata* – 377 individuals representing 2.5% GB population (1998/99 – 2002/03)

3.10 Species with peak counts in the winter;

- Eurasian wigeon *Anas penelope* – 2,888 individuals representing 1.6% GB population (1991/92 – 1995/96)

Species/populations identified subsequent to designation for possible future consideration under Criterion 6;

- Mute swan *Cygnus olor* – 387 individuals representing 1% population (1998/99 – 2002/03)
- Common pochard *Aythya ferna* – 4,373 individuals representing 1.2% population (1998/99 – 2002/03)

Environmental Vulnerabilities

3.11 The 2014 Natural England Site Improvement Plan¹⁴ (SIP) identifies the following threats and pressures linked to the site:

- Siltation
- Public access/disturbance
- Planning permission: general
- Changes in species distributions
- Bird strike
- Water pollution
- Air pollution: risk of atmospheric nitrogen deposition

3.12 The 2019 Supplementary Advice on Conservation Objectives (SACO)¹⁵ provides a more detailed view of the threats and pressure.

Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar

3.13 Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar site is approximately 4.3km southeast and 6.4km south of the Tiptree NP area. The site is one of the largest estuarine complexes in East Anglia, consisting intertidal mudflats fringed by saltmarsh, shingle and shell banks and offshore islands and extends 4,395 ha between Maldor and Mundon in the west and Bradwell Waterside, West Mersea and Peldon in the east. The site supports a rich mosaic of habitats, outstanding assemblages of nationally scarce plants and rare invertebrates as well as nationally and internationally important numbers of waterbirds during the winter.

¹³ Joint Nature Conservation Committee, 1981. Information Sheet on Ramsar Wetlands. Accessed 14/07/2022 via [Information Sheet on Ramsar Wetlands - Abberton Reservoir \(jncc.gov.uk\)](https://www.jncc.gov.uk/information-sheet-on-ramsar-wetlands-abberton-reservoir)

¹⁴ Natural England, 2014. Abberton Reservoir SPA Site Improvement Plan. Accessed 14/07/2022 via: [Site Improvement Plan: Abberton Reservoir SPA \(publications.naturalengland.org.uk\)](https://publications.naturalengland.org.uk/publication/54444)

¹⁵ Natural England, 2019. Abberton Reservoir SPA Conservation Objectives Supplementary Advice. Accessed 14/07/2022 via: [Supplementary Advice on Conservation Objectives Abberton Reservoir SPA \(publications.naturalengland.org.uk\)](https://publications.naturalengland.org.uk/publication/54444)

Conservation Objectives

- 3.14 With regard to the SPA¹⁶ and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;
- 3.15 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;
- The extent and distribution of the habitats of the qualifying features
 - The structure and function of the habitats of the qualifying features
 - The supporting processes on which the habitats of the qualifying features rely
 - The population of each of the qualifying features, and,
 - The distribution of the qualifying features within the site.

Qualifying Features

- 3.16 With regards to the SPA¹⁶ the following are reasons for designation:

- *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)
- *Aythya ferina*; Common pochard (Breeding)
- *Circus cyaneus*; Hen harrier (Non-breeding)
- *Charadrius hiaticula*; Ringed plover (Breeding)
- *Pluvialis squatarola*; Grey plover (Non-breeding)
- *Calidris alpina alpina*; Dunlin (Non-breeding)
- *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
- *Sterna albifrons*; Little tern (Breeding)
- Waterbird assemblage

- 3.17 With regards to the Ramsar¹⁷ the following are reasons for designation:

Ramsar Criterion 1

- 3.18 Qualifies by virtue of the extent and diversity of saltmarsh habitat present. This site, and the four others in the Mid-Essex Coast complex, includes a total of 3,237 ha that represent 70% of the saltmarsh habitat in Essex and 7% of the total area of saltmarsh in Britain.

Ramsar Criterion 2

- 3.19 The invertebrate fauna is well represented and includes at least 16 British Red Data Book species. In descending order of rarity these are: Endangered: a water beetle *Paracymus aeneus*; Vulnerable: a damselfly *Lestes dryas*, the flies *Aedes flavescens*, *Erioptera bivittata*, *Hybomitra expollicata* and the spiders *Heliophanus auratus* and *Trichopterna cito*; Rare: the beetles *Baris scolopacea*, *Philonthus punctus*, *Graptodytes bilineatus* and *Malachius vulneratus*, the flies *Campsicemus magius* and *Myopites eximia*, the moths *Idaea ochrata* and *Malacosoma castrensis* and the spider *Euophrys*.

Ramsar Criterion 3

- 3.20 This site supports a full and representative sequences of saltmarsh plant communities covering the range of variation in Britain.

Ramsar Criterion 5 – Assemblages of international importance

- 3.21 Species with peak counts in the winter – 105,061 waterfowl (5 year peak mean 1998/99 – 2002/03)

¹⁶ Natural England, 2019. Blackwater Estuary (Mid-Essex Coast Phase 4) SPA Conservation Objectives. Accessed 14/07/2022 via [Blackwater Estuary SPA Conservation Objectives \(publications.naturalengland.gov.uk\)](https://publications.naturalengland.gov.uk)

¹⁷ Joint Nature Conservation Committee, 1995. Information Sheet on Ramsar Wetlands. Blackwater Estuary (Mid-Essex Coast Phase 4). Accessed 14/07/2022 via [Blackwater Estuary Ramsar Information Sheet \(jncc.gov.uk\)](https://jncc.gov.uk)

Ramsar Criterion 6 – Species/populations occurring at levels of international importance

3.22 Species with peak counts in the winter:

- Dark-bellied brent goose *Branta bernicla bernicla* – 8,689 individuals representing 4% population (1998/99 – 2002/03)
- Grey plover *Pluvialis squatarola* – 4,215 individuals representing 1.7% population (1998/99 – 2002/03)
- Dunlin *Calidris alpina alpina* – 27,655 individuals representing 2% population (1998/99 – 2002/03)
- Black-tailed godwit *Limosa limosa islandica* – 2,174 individuals representing 6.2% population (1998/99 – 2002/03)

Species/populations identified subsequent to designation for possible future consideration under Criterion 6

3.23 Species with peak counts in the winter:

- Common shelduck *Tadorna tadorna* – 3,141 individuals representing 1% population (1998/99 – 2002/03)
- European golden plover *Pluvialis apricaria* – 16,083 individuals representing 1.7% population (1998/99 – 2002/03)
- Common redshank *Tringa totanus totanus* – 4,169 individuals representing 1.6% population (1998/99 – 2002/03)

Environmental Vulnerabilities

3.24 The 2015 Natural England SIP¹⁸ identifies the following threats and pressures linked to the site:

- Coastal squeeze
- Public access/disturbance
- Fisheries: commercial marine and estuarine
- Planning permission: general
- Change in species distribution
- Invasive species
- Fisheries: recreational marine and estuarine

3.25 The 2021 Supplementary Advice on Conservation Objectives (SACO)¹⁹ provides a more detailed view of the threats and pressure.

Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar

3.26 The Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar is approximately 9.2km southeast of the Tiptree NP area. The site is a short branching estuary with five tidal arms flowing into the main river channel and is 2,701 ha in size. The estuary is of international importance for wintering brent geese and black-tailed godwit and of national importance for breeding little terns and five other species of wintering waders and wildfowl. Various habitats include mudflats, saltmarsh, grazing marsh, reedbeds, sand and shingle spits, and unused gravel pits. The site supports outstanding assemblages of invertebrates and plants, several of which are nationally scarce.

¹⁸ Natural England, 2015. Site Improvement Plan: Essex Estuaries. Accessed 14/07/2022 via [Site Improvement Plan: Essex Estuaries \(publications.naturalengland.org.uk\)](https://publications.naturalengland.org.uk)

¹⁹ Natural England, 2021. Blackwater Estuary SPA Supplementary Advice on Conservation Objectives. Accessed 02/08/2022 via: [Blackwater Estuary SPA SACO \(naturalengland.org.uk\)](https://publications.naturalengland.org.uk)

Conservation Objectives

- 3.27 With regard to the SPA²⁰ and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;
- 3.28 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;
- The extent and distribution of the habitats of the qualifying features
 - The structure and function of the habitats of the qualifying features
 - The supporting processes on which the habitats of the qualifying features rely
 - The population of each of the qualifying features, and,
 - The distribution of the qualifying features within the site

Qualifying Features

- 3.29 With regards to the SPA²⁰ the following are reasons for designation:

- *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)
- *Aythya ferina*; Common pochard (Breeding)
- *Circus cyaneus*; Hen harrier (Non-breeding)
- *Charadrius hiaticula*; Ringed plover (Breeding)
- *Tringa totanus*; Common redshank (Non-breeding)
- *Sterna albifrons*; Little tern (Breeding)
- Waterbird assemblage

- 3.30 With regards to the Ramsar²¹ the following are reasons for designation:

Ramsar Criterion 1

- 3.31 The site is important due to the extent and diversity of saltmarsh present. This site, and the four other sites in the Mid-Essex Coast complex, includes a total of 3,237 ha, that represent 70% of the saltmarsh habitat in Essex and 7% of the total saltmarsh in Britain.

Ramsar Criterion 2

- 3.32 The site supports 12 species of nationally scarce plants and at least 38 British Red Data Book invertebrate species.

Ramsar Criterion 3

- 3.33 This site supports a full and representative sequences of saltmarsh plant communities covering the range of variation in Britain.

Ramsar Criterion 5 – Assemblages of international importance

- 3.34 Species with peak counts in the winter – 32,041 waterfowl (5 year peak mean 1998/99 – 2002/03)

Ramsar Criterion 6 – Species/populations occurring at levels of international importance

- 3.35 Species with peak counts in the winter:
- Dark-bellied brent goose *Branta bernicla bernicla* – 3,165 individuals representing 1.4% population (1998/99 – 2002/03)

²⁰ Natural England, 2019. Colne Estuary (Mid-Essex Coast Phase 2) SPA Conservation Objectives. Accessed 14/07/2022 via: [Colne Estuary \(Mid-Essex Coast Phase 2\) SPA Conservation Objectives \(publications.naturalengland.org.uk\)](https://publications.naturalengland.org.uk)

²¹ Joint Nature Conservation Committee, 1994. Information Sheet on Ramsar Wetlands. Colne Estuary (Mid-Essex Coast Phase 2). Accessed 14/07/2022 via [Colne Estuary Ramsar Information Sheet \(jncc.gov.uk\)](https://jncc.gov.uk)

- Common redshank *Tringa totanus totanus* – 1,624 – individuals representing 1.3% population (1998/99 – 2002/03)

Species/populations identified subsequent to designation for possible future consideration under Criterion 6

3.36 Species with peak counts in the winter:

- Black-tailed godwit *Limosa limosa islandica* – 402 individuals representing 1.1% population (1998/99 – 2002/03)

Environmental Vulnerabilities

3.37 The 2015 Natural England SIP²² identifies the following threats and pressures linked to the site:

- Coastal squeeze
- Public access/disturbance
- Fisheries: commercial marine and estuarine
- Planning permission: general
- Change in species distribution
- Invasive species
- Fisheries: recreational marine and estuarine

3.38 The 2020 Supplementary Advice on Conservation Objectives (SACO)²³ provides a more detailed view of the threats and pressure.

Essex Estuaries SAC

3.39 The Essex Estuaries SAC is approximately 4.3km southeast and 6.4km south of the Tiptree NP area. The area is a typical, undeveloped, coastal plain estuarine system with associated open coast mudflats and sandbanks. Sub-tidal areas have a rich invertebrate fauna and there are extensive intertidal mudflats and sandflats. Four different saltmarsh features of European importance are represented as well as large areas of grazing marsh. The site is one of the most important areas for overwintering waterbirds in the UK and is of international importance for several breeding bird species which is covered by the Blackwater Estuary SPA & Ramsar and Colne SPA & Ramsar classifications.

Conservation Objectives

3.40 With regard to the SAC²⁴ and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

3.41 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats
- The structure and function (including typical species) of qualifying natural habitats, and
- The supporting processes on which qualifying natural habitats rely

Qualifying Features

3.42 With regards to the SAC the following are reasons for designation:

²² Natural England, 2015. Site Improvement Plan: Essex Estuaries. Accessed 14/07/2022 via [Site Improvement Plan: Essex Estuaries \(publications.naturalengland.org.uk\)](https://publications.naturalengland.org.uk)

²³ Natural England, 2020. Colne Estuary SPA Supplementary Advice on Conservation Objectives. Accessed 02/08/2022 via: [Colne Estuary SPA SACO \(naturalengland.org.uk\)](https://publications.naturalengland.org.uk)

²⁴ Natural England, 2018. Essex Estuaries SAC Conservation Objectives. Accessed 14/07/2022 via: [Essex Estuaries SAC Conservation Objectives \(publications.naturalengland.org.uk\)](https://publications.naturalengland.org.uk)

- Sandbanks which are slightly covered by sea water all the time; Subtidal sandbanks
- Estuaries
- Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats
- Salicornia and other annuals colonising mud and sand; Glasswort and other annuals colonising mud and sand
- Spartina swards *Spartinion maritimae*; Cord-grass swards
- Atlantic salt meadows *Glauco-Puccinellietalia maritimae*
- Mediterranean and thermo-Atlantic halophilous scrubs *Sarcocornetea fruticosi*; Mediterranean saltmarsh scrub

Environmental Vulnerabilities

3.43 The 2015 Natural England SIP²⁵ identifies the following threats and pressures linked to the site:

- Coastal squeeze
- Public access/disturbance
- Fisheries: commercial marine and estuarine
- Planning permission: general
- Change in species distribution
- Invasive species
- Fisheries: recreational marine and estuarine

3.44 The 2020 Supplementary Advice on Conservation Objectives (SACO)²⁶ provides a more detailed view of the threats and pressure.

²⁵ Natural England, 2015. Site Improvement Plan: Essex Estuaries. Accessed 14/07/2022 via [Site Improvement Plan: Essex Estuaries \(publications.naturalengland.org.uk\)](https://publications.naturalengland.org.uk)

²⁶ Natural England, 2020. Essex Estuaries SAC Supplementary Advice on Conservation Objectives. Accessed 02/08/2022 via: [Essex Estuaries SAC SACO \(naturalengland.org.uk\)](https://publications.naturalengland.org.uk)

4. Test of Likely Significant Effects

Physical Scope of the HRA

- 4.1 Based upon the Natural England SIPs and SACOs, there are several pathways that require consideration regarding increased development within the NP are that could potentially link to the following European sites:
- Abberton Reservoir SPA
 - Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar
 - Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar
 - Essex Estuaries SAC
- 4.2 Tables 1 & 2 describe these environmental impact pathways. The consideration of NP policies, the Test of Likely Significant Effects (ToLSE) is then documented in Table 3.

Impact Pathways

Abberton Reservoir SPA & Ramsar

- 4.3 Based on the Natural England SIP there are seven pressures and threats that are linked to Abberton Reservoir SPA and by virtue of occupying the same land, the Ramsar. These are:
- Siltation
 - Public access/disturbance
 - Planning permission: general
 - Changes in species distributions
 - Bird strike
 - Water pollution
 - Air pollution: risk of atmospheric nitrogen deposition

Table 1. Description of threats and pressures at Abberton Reservoir SPA and Ramsar and whether development in Tiptree could exacerbate them.

Impact pathway	Discussion
Siltation	Siltation is increasing via the Layer Brook inflow into the reservoir and is exacerbated by the removal of concrete banks through the water-level raising scheme. The Tiptree NP does not influence siltation management within the site. Therefore, this impact pathways is screened out of appropriate assessment for Abberton Reservoir SPA and Ramsar.
Public access/disturbance	<p>The Site Improvement Plan (2014) mentions that public access/disturbance is a pressure on the SPA/Ramsar however, this is due to low flying civilian and military aircraft that the NP cannot control. The SIP states that "<i>Disturbance at ground level is well controlled by Essex & Suffolk Water, though there is occasional trespassing</i>". The Site is open to the public which is managed by Essex & Suffolk Water and also Essex Wildlife Trust. To manage the site with regards to human disturbance, it has a Visitor Centre which provides information on disturbance to those visiting, designated walking routes which allow the site to direct walker to areas where disturbance will be less impactful and to discourage walking off into the reserve, bird hides to allow visitors to view but not disturb the birds and a strict no dogs policy to reduce disturbance as well. The SACO goes on to state, with regards to reducing impact at the site that "<i>There are public and permissive footpaths through the countryside around the site. More footpaths, bridleways and cycleways were added recently as part of the Abberton Scheme. These are set well back from the shoreline or screened to prevent bird disturbance. Fishing is restricted to the western causeway and a short length of shoreline near the main dam on a limited number of days and requires a permit. No swimming, sailing or other boating is permitted in the reservoir.</i>"</p> <p>There is no current issues requiring further bespoke or strategic mitigation with regards to on the ground public disturbance and therefore this impact pathways is screened out of appropriate assessment for Abberton Reservoir SPA and Ramsar.</p>
Planning permission: general	The reservoirs' mobile qualifying species utilise arable land outside of the SPA and Ramsar. However, the closest point of Abberton Reservoir SPA and Ramsar site is approximately 2.3km east of the Parish

Impact pathway	Discussion
	boundary and therefore likely further to any allocation site. Wintering ducks and waders utilise land outside of the SPA/Ramsar of between a maximum of 500m to 2km ²⁷ dependent on species with the exception of golden plover and lapwing which can forage up to 15-20km. Although golden plover and lapwing are not qualifying features of the European site they are present within the site and have been included within the Colchester Local Plan Section 2 HRA for consideration with regards to functionally linked land at the two Tiptree development sites. Therefore, this has been screened in for appropriate assessment for the Abberton Reservoir SPA and Ramsar site and will be discussed further within the Functionally Linked Land section.
Changes in species distribution	The SIP states that the colony of tree-nesting cormorants has declined significantly in the last 30 years but these reasons are currently unknown although thought to be linked to reduction of suitable nest sites, predation on site, control measures at fisheries and declines in food supply. The Tiptree NP does not impact species distribution on site. Therefore, this impact pathway is screened out of appropriate assessment for Abberton Reservoir SPA and Ramsar.
Bird strike	Qualifying species including mute swan have been killed as a result of colliding with overhead power lines near the site. The Tiptree NP does not control the erection of overhead powerlines in the vicinity of the Site and therefore this impact pathway is screened out of appropriate assessment for Abberton Reservoir SPA and Ramsar.
Water pollution	The SIP (2014) mentions water quality as impact which is putting pressure on the European Site. The document goes further to mention that the main impact of water quality is agricultural inputs from the surrounding catchment area. Although the main impact area is agricultural inputs, which the NP does not control management of, the increase in dwellings may increase discharge of treated wastewater containing nutrients, which could exacerbate the impact in combination with agricultural inputs and other Local or Neighbourhood Plans and their associated housing growth. The more up to date Supplementary Advice on Conservation Objectives ²⁸ (SACO) (2019) however, does not go into any further details on the issue of water quality. The SACO mentions the following: "Typically, meeting the surface water and groundwater environmental standards set out by the Water Framework Directive (WFD 2000/60/EC) will also be sufficient to support the SPA Conservation Objectives". Meaning that as long as the WFD standards are met there should not be an exacerbation of the current issue by new dwellings and the SPA conservation objectives will continue to be met. Moreover, given that treated sewage effluent would not be discharged into a reservoir utilised for drinking water, this impact pathway can be screened out of appropriate assessment for Abberton Reservoir SPA and Ramsar.
Air pollution	The SIP identifies that Abberton Reservoir SPA & Ramsar exceeds the relevant critical loads for ecosystem protection. However, the main input is dominated by levels entering the reservoir through ground and surface water, rather than by direct deposition. Additionally, the most likely journey to work routes from Tiptree past Abberton Reservoir would be the A12 and the B1022 to Colchester with the B1022 being over 2km from the site and the A12 being over 6km from the site. Therefore, this impact pathway is screened out of appropriate assessment for Abberton Reservoir SPA and Ramsar.

Mid-Essex Coast Complex Sites

4.4 Based on the Natural England SIP there are seven pressures and threats that are linked to the Mid-Essex Coast Estuary complex sites (Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar, Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar, and Essex Estuaries SAC). These are:

- Coastal squeeze
- Public access/disturbance
- Fisheries: commercial marine and estuarine
- Planning permission: general
- Change in species distribution
- Invasive species
- Fisheries: recreational marine and estuarine

²⁷ Natural England, 2019. Impact Risk Zones Guidance Summary Sites of Special Scientific Interest Notified for Birds Version 1.1.

²⁸ Abberton Reservoir SPA Conservation Objectives Supplementary Advice. Accessed 22/07/2022 via: [Abborton Reservoir Supplementary Advice on Conservation Objectives \(publications.naturalengland.org.uk\)](https://publications.naturalengland.org.uk)

Table 2. Description of threats and pressures at the Mid-Essex Coast Estuary complex sites (SPA, SAC and Ramsar) and whether development in Tiptree could exacerbate them.

Impact pathway	Discussion
Coastal squeeze	The Tiptree NP area is at its closest approximately 4.3km from the coast and the estuary sites, the NP does not allocate or control the development of land outside of the Neighbourhood Area and therefore there will be no impact on coastal squeeze. This impact pathway is screened out of appropriate assessment for the Mid-Essex Coast Estuary complex sites.
Public access/disturbance	The Estuaries complex sites are vulnerable to a range of human disturbance both on land and water-based activities. Increasing dwellings within the NP area may contribute to increased recreational pressure on these coastal sites. This will be discussed further within the recreational pressure in-combination section.
Fisheries: commercial and marine	The Tiptree NP does not impact commercial fisheries and therefore this impact pathway can be screened out from the appropriate assessment for the Mid-Essex Estuary complex sites.
Planning permission: general	<p>The SIP details that several factors within planning permission in general could have an effect including the ability to assess the cumulative impact of numerous small developments as well as development outside of the SPA/SAC which may still have an impact on designated species, in particular estuary birds such as loss of functionally linked land. The closest point of the Estuaries SPA/Ramsar sites is approximately 4.3km southeast of the Parish boundary. Wintering waterfowl and waders including brent goose only utilise foraging habitats outside of the SPA up to a maximum of 2km, with the exception of golden plover and lapwing which can forage up to 15-20km²⁹. Although golden plover and lapwing are not qualifying features of the Essex Coast SPAs they are present within the sites and have been included within the Colchester Local Plan Section 2 HRA for consideration with regards to functionally linked land at the two Tiptree development sites, therefore this has been screened in for appropriate assessment for the Mid-Essex Estuaries complex sites and will be discussed further within the Functionally Linked Land section</p> <p>Functionally Linked land will be discussed in relation to cumulative impacts within the in-combination assessment to ensure cumulative impact from multiple sources are assessed.</p>
Change in species distribution	The Tiptree NP does not impact changes in species distribution within the sites. The SIP links the changes in distribution to possible impacts of climate change which are occurring at a national and wider scale. Therefore, this impact pathway can be screened out from the appropriate assessment for the Mid-Essex Estuary complex sites.
Invasive species	The Tiptree NP does not impact invasive species control within the sites. Therefore, this impact pathways is screened out of appropriate assessment for the Mid-Essex Estuary sites
Fisheries: recreational marine and estuarine	The Tiptree NP does not impact recreational fisheries and therefore this impact pathway can be screened out from the appropriate assessment for the Mid-Essex Estuary complex sites.
Water Pollution	Although water pollution is not listed as a threat or pressure upon the European sites within the Site Improvement Plan or the Supplementary Advice on Conservation Objectives an increase in treated wastewater effluent in-combination with the wider Essex area could potentially increase eutrophication at coastal sites. Eutrophication in estuary sites is an issue as it can cause large algal bloom mats, which can degrade supporting habitats and limit food availability for designated species, and therefore it is being considered within the appropriate assessment.

4.5 **Functionally linked land will also be looked at within the Appropriate Assessment with regards to both Abberton Reservoir and the Mid-essex Estuary sites as this is highlighted within the Colchester Local Plan Section 2³⁰ and the Colchester Local Plan Section 2 HRA³¹ with specific regard to the two development sites bought forward within the Tiptree NP.**

Test of Likely Significant Effects of Neighbourhood Plan Policies

4.6 In the below table, where the 'Screening Outcome' column is coloured green, it is determined that the policy does not contain any potential linking impact pathways to a European site, and as such **can** be 'screened out' from resulting in a LSE. Where the 'Screening Outcome' column is coloured orange, potential linking

²⁹ Natural England, 2019. Impact Risk Zones Guidance Summary Sites of Special Scientific Interest Notified for Birds Version 1.1.

³⁰ Colchester Borough Council, 2022. Colchester Borough Local Plan – Section 2 2017 – 2033. Accessed 26/07/2022 via: [Colchester Local Plan Section 2 \(2022\) \(colchester.gov.uk\)](https://www.colchester.gov.uk/colchester-local-plan-section-2-2022)

³¹ LUC, 2021. Colchester Borough Publication Draft Local Plan – Section 2 Habitats Regulations Assessment. Accessed 26/07/2022 via: [Colchester Local Plan 2 HRA \(colchester.gov.uk\)](https://www.colchester.gov.uk/colchester-local-plan-2-hra)

impact pathways may exist and as such the policy **cannot** be screened out from resulting in a LSE and as such is subject to AA in Chapter 5.

Table 3. Screening Assessment (Likely Significant Effect Test) of the Neighbourhood Plan Policies

Policy	Brief Summary	Screening Outcome
Policy TIP01: Tiptree Spatial Strategy	<p>New development will be focused within the settlement boundary of Tiptree village within site allocations TIP15 (Highlands Nursery) and TIP16 (Elms Farm). The Plan provides a minimum of 400 dwellings to be built within the period 2022 to 2033 across the two sites.</p> <p>An additional 200 dwellings have already been granted planning permission at Barbrook Lane (ref: 182014)</p> <p>The remainder of the policy sets out conditions for permitting development at both sites and outside of the village settlement boundary.</p>	<p>Potential Likely Significant Effects</p> <p>This policy brings forward 400 dwellings for development within the NP area up to 2033.</p> <p>Potential impacts related to the plan include:</p> <ul style="list-style-type: none"> • Recreational pressure • Water pollution • Functionally Linked Land <p>This policy will be taken through to Appropriate Assessment</p>
Policy TIP02: Good Quality Design	This is a development management policy relating to ensuring the developments are designed well.	<p>No Likely Significant Effects</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA.</p>
Policy TIP03: Residential Car Parking	This is a development management policy relating to provision of off- and on-street parking to ensure efficient utilisation and an orderly streetscape	<p>No Likely Significant Effects</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA.</p>
Policy TIP04: Building for a Healthy Life	This is a development management policy relating to major developments demonstrating how they meet the Building for a Healthy Life standards.	<p>No Likely Significant Effects</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA.</p>
Policy TIP05: First Homes	This is a development management policy relating to the provision of affordable and first home housing.	<p>No Likely Significant Effects</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA.</p>
Policy TIP06: Non-motorised User Access Routes	This is a development management policy relating to the provision of safe and accessible pedestrian and cycle infrastructure.	<p>No Likely Significant Effects</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA.</p>
Policy TIP07: Mitigating the Impact of Vehicular Traffic through Tiptree Village	This is a development management policy relating to developments minimising vehicular congestion. The policy also relates the management of the new Link Road which needs to meet necessary specification set out in the Essex Design Guide (2018)	<p>No Likely Significant Effects</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA.</p>
Policy TIP08: Tiptree Village Centre	This is a development management policy relating to the development of the village centre ensuring proposals are not adversely affecting residential amenity or loss of uses listed on Clause A.	<p>No Likely Significant Effects</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA.</p>
Policy TIP09: Small-scale Commercial Workspaces	This is a development management policy relating to the conditions by which provision of small-scale commercial workspaces will be supported by ensuring it is compatible with its surroundings.	<p>No Likely Significant Effects</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA.</p>
Policy TIP10: Provision of	This policy provides for a community hub, medical centre and associated parking within the Elm's Farm site (Policy TIP16)	Potential Likely Significant Effects

Policy	Brief Summary	Screening Outcome
Community Infrastructure	The rest of the policy is a development management policy relating to the appropriate provision of community infrastructure within and outside of the site allocations.	<p>This policy brings forward a community hub, medical centre and associated parking.</p> <p>Potential impacts related to the plan include:</p> <ul style="list-style-type: none"> Functionally Linked Land <p>This policy will be taken through to Appropriate Assessment</p> <p>The development management sections within this policy do not present linking impact pathway.</p>
Policy TIP11: Green Infrastructure	<p>This is a development management policy relating to the provision and enhancement of green infrastructure within the Parish.</p> <p>The policy also states that “Development proposals must meet the requirements of Colchester emerging³² Local Plan Policy ENV1 (Environment)”.</p> <p>The following paragraph is an extract from the now adopted Colchester Local Plan Section 2 (Adopted July 2022) Policy ENV1:</p> <p><i>“A. Designated sites Development proposals that have adverse effects on the integrity of habitats sites, Sites of Special Scientific Interest or significant adverse impacts on the special qualities of the Dedham Vale Area of Outstanding Natural Beauty (including its setting) (either alone or in-combination) will not be supported.</i></p> <p><i>B. Essex Coast RAMS A Recreational disturbance Avoidance and Mitigation Strategy has been completed in compliance with the Habitats Directive and Habitats Regulations. Further to Section 1 Policy SP2, contributions will be secured from qualifying residential development, within the Zones of Influence as defined in the adopted RAMS, towards mitigation measures identified in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).”</i></p>	<p>No Likely Significant Effects</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA.</p> <p>This policy is also a protective policy for the European sites where the NP Plan states that developments must abide by the overarching environment policy which will not support development should there be adverse impacts.</p>
Policy TIP12: Landscaping and Biodiversity	This is a development management policy relating to minimising visual and physical impact on the environment and maximising opportunities to increase biodiversity.	<p>No Likely Significant Effects</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA</p>
Policy TIP13: Local Green Spaces	This is a development management policy which lists the local green spaces and states that proposals for build development within these areas will only be permitted under exceptional circumstances	<p>No Likely Significant Effects</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA</p>
Policy TIP14: Recreational Disturbance Avoidance and Mitigation (RAMS)	This is a development management policy which states development within the Zol of habitat sites (e.g. European sites) must comply with mitigation measures for recreational disturbance in the form of financial contributions to the RAMS	<p>No Likely Significant Effects</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA</p> <p>This is a protective policy which identifies that mitigation is required by all residential development in the Zol of European sites and must be complied with to adhere to the legislation within the Habitats Regulations.</p>
Policy TIP15: Highland Nursery	<p>Land totalling approximately 11 hectares at Highland Nursery:</p> <p>Allocated for a minimum of 200 dwellings.</p>	<p>Potential Likely Significant Effects</p> <p>This policy brings forward a net increase in residential dwellings within the NP area. The policy allocates a minimum of</p>

³² Colchester Local Plan Section 2 2017 – 2033 was adopted in July 2022.

Policy	Brief Summary	Screening Outcome
	<p>Delivery of first phase of northern link road.</p> <p>Minimum 1.1 ha of land for commercial workspaces.</p> <p>The remainder of the policy relates to development management for this allocation site.</p>	<p>200 new dwellings as well as 1.1ha of commercial workspace.</p> <p>Potential impact pathways include:</p> <ul style="list-style-type: none"> - Water pollution - Recreational pressure - Functionally Linked Land <p>This policy will be taken through to Appropriate Assessment</p>
Policy TIP16: Elms Farm	<p>Land totalling approximately 10 hectares at Elms Farm:</p> <p>Allocated for a minimum of 200 dwellings.</p> <p>Delivery of first phase of northern link road.</p> <p>Minimum of 0.4 ha for new medical centre and associated parking</p> <p>Minimum 300m² community floorspace within medical centre or standalone.</p> <p>The remainder of the policy relates to development management for this allocation site.</p>	<p>Potential Likely Significant Effects</p> <p>This policy brings forward a net increase in residential dwellings within the NP area. The policy allocates a minimum of 200 new dwellings as well as 0.4 ha for a new medical centre and parking and 300m² community space.</p> <p>Potential impact pathways include:</p> <ul style="list-style-type: none"> - Water pollution - Recreational pressure <p>This policy will be taken through to Appropriate Assessment.</p>

5. Appropriate Assessment

Introduction

- 5.1 The law does not prescribe how an appropriate assessment should be undertaken or presented but the appropriate assessment must consider all impact pathways that have been screened in, whether they are due to policies alone or to impact pathways that arise in combination with other projects and plans. That analysis is the purpose of this section. The law does not require the 'alone' and 'in combination' effects to be examined separately provided all effects are discussed.
- 5.2 The four policies that require further consideration (as determined within Table 3) that are subject to appropriate assessment and therefore discussed in this chapter are:
- Policy TIP01 – Tiptree Spatial Strategy – Policy describes where development will be focused within the Parish and the conditions for permitting development within and outside of the village settlement boundary. The housing has been allocated within the Colchester LP Section 2³³ Policy SS14: Tiptree. Four hundred net new dwellings are to be brought forward within the Parish Boundary at two sites within the following NP policies TIP15 and TIP16. An additional 200 new dwellings are also being brought forward, which already have planning permission (and are therefore not considered within this HRA).
 - Policy TIP10: Provision of Community Infrastructure – policy brings forward a community hub, medical centre and associated parking within the Elm's Farm development
 - Policy TIP15 – Highlands Nursery – policy for which the spatial strategy brings forward 200 net new dwellings for development
 - Policy TIP16 – Elm's Farm – policy for which the spatial strategy brings forwards 200 net new dwellings for development
- 5.3 The Colchester Borough Local Plan sets a minimum housing figure of 400 dwellings for the parish. The Neighbourhood Plan provides two site allocations to fulfil this target. However, a previous iteration of the Tiptree NP which included these two allocations was assessed within the Colchester Borough Section 2 Local Plan HRA³⁴ and the allocations have therefore been assessed previously within the context of the wider Colchester area. Additionally, the impact pathways that are considered within the appropriate assessment are inherently in-combination impacts. Therefore, this appropriate assessment focuses on the in-combination effects.

Water Pollution

- 5.4 Increased amounts of housing or business development can lead to reduced water quality of rivers and estuarine environments. Sewage and industrial effluent discharges can contribute to increased nutrients on European sites leading to unfavourable conditions. In addition, diffuse pollution, partly from urban run-off has been identified during an Environment Agency Review of Consents process and a joint Environment Agency and Natural England evidence review³⁵, as being a major factor in causing unfavourable condition of European sites.
- 5.5 The quality of the water that feeds European sites is an important determinant of the nature of their habitats and the species they support. Poor water quality can have a range of environmental impacts:
- At high levels, toxic chemicals and metals can result in immediate death of aquatic life, and can have detrimental effects even at lower levels, including increased vulnerability to disease and changes in wildlife behaviour. Eutrophication, the enrichment of plant nutrients in water, increases plant growth and consequently results in oxygen depletion. Algal blooms, which commonly result from eutrophication, increase turbidity, and decrease light penetration. The decomposition of organic wastes that often accompanies eutrophication deoxygenates water further, augmenting the oxygen depleting effects of

³³ Colchester Borough Council, 2022. Colchester Borough Local Plan – Section 2 2017 – 2033. Accessed 26/07/2022 via: [Colchester Local Plan Section 2 \(2022\) \(colchester.gov.uk\)](https://www.colchester.gov.uk/colchester-local-plan-section-2-2022)

³⁴ LUC, 2021. Colchester Borough Publication Draft Local Plan – Section 2 Habitats Regulations Assessment. Accessed 26/07/2022 via: [Colchester Local Plan 2 HRA \(colchester.gov.uk\)](https://www.colchester.gov.uk/colchester-local-plan-2-hra)

³⁵ Environment Agency, 2007. Areas of Water Stress: Final Classification. Published by: Environment Agency.

eutrophication. In the marine environment, nitrogen is the limiting plant nutrient and so eutrophication is associated with discharges containing available nitrogen.

- Some pesticides, industrial chemicals, and components of sewage effluent are suspected to interfere with the functioning of the endocrine system, possibly having negative effects on the reproduction and development of aquatic life.

5.6 At sewage treatment works, additional residential development increases the risk of effluent escape into aquatic environments in addition to consented discharges to the catchment. In many urban areas, sewage treatment and surface water drainage systems are combined, and therefore a predicted increase in flood and storm events could increase pollution risk.

Blackwater Estuary, Colne Estuary (SPA & Ramsar) & Essex Estuaries (SAC)

5.7 High nutrient levels within estuarine systems is a concern across the England highlighted in the recent expansion of nutrient neutrality zones based on the 2022 advice from Natural England³⁶. Within the letter it states: *"In freshwater habitats and estuaries, poor water quality due to nutrient enrichment from elevated nitrogen and phosphorus levels is one of the primary reasons for habitats sites being in unfavourable condition. Excessive levels of nutrients can cause the rapid growth of certain plants through the process of eutrophication. The effects of this look different depending on the habitat, however in each case, there is a loss of biodiversity, leading to sites being in 'unfavourable condition'. To achieve the necessary improvements in water quality, it is becoming increasingly evident that in many cases substantial reductions in nutrients are needed. In addition, for habitats sites that are unfavourable due to nutrients, and where there is considerable development pressure, mitigation solutions are likely to be needed to enable new development to proceed without causing further harm."*

5.8 Although the SIP and SACO do not raise a concern currently with the Mid-Essex Estuary Complex sites and the European sites in question have not be included within the Natural England nutrient neutrality advice at this time, an increase in wastewater effluent from development within Tiptree may cause an increased pressure in the future, in-combination with the wider Essex area on these sites with regards to increase eutrophication in the estuarine environment.

5.9 However, as nutrient levels within wastewater are not controlled by the NP, this impact is looked at in-combination at a higher tier in the planning process. Anglian Water supply both drinking water and wastewater services for the Tiptree Parish. The draft Anglian Water Drainage and Wastewater Management Plan³⁷ (2022) (DWMP) sets out their aim to protect the environment, within their catchment, through improvements to their discharge and demonstrates how this will be achieved over the next 25 years.

5.10 The Tiptree catchment population increase is identified in the DWMP Technical Document³⁸ from 10,819 in 2021 to 12,999 in 2050 and so will put additional pressure on wastewater discharge quality. Within the Technical Document the planning objectives that were reviewed to ensure better drainage and wastewater management within the Tiptree catchment were *"escape from sewers, WRC compliance and environment and wellbeing"*. The Tiptree catchment was assessed to be of low risk for each category and therefore the draft Plan, which is currently out for consultation states that, only long term plans (2035-2050) are required which would be to remove 50% of surface water. However, the draft plan currently provides no detail as to what this would entail or where this benefit would lie, but it can be seen that Anglian Water are developing methods to improve wastewater output with the intention to improve environmental conditions.

5.11 In addition to Anglian Water's future plans to improve wastewater outputs, all neighbourhood plans must comply with the overarching LP policies. Which, in the case of the Tiptree NP, is the Colchester Local Plan. Within the Local Plan Section 2 Policy SG7: Infrastructure Delivery and Impact Mitigation it states:

"All new development should be supported by and have good access to, all necessary infrastructure. Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further

³⁶ Natural England, 2022. Letter: Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites. Natural England.

³⁷ Anglian Water Draft Drainage and Wastewater Management Plan (DWMP) June 2022. Accessed 22/07/2022 via: [Draft DWMP \(anglianwater.co.uk\)](https://www.draft.drainageandwastewatermanagementplan.co.uk/)

³⁸ Anglian Water, 2022. Draft Drainage and Wastewater Management Plan (DWMP) Technical Document. Accessed 22/07/2022 via: [Draft Drainage & Wastewater Management Plan Technical Document \(anglianwater.co.uk\)](https://www.draft.drainageandwastewatermanagementplan.co.uk/)

be demonstrated that such capacity as is required will prove sustainable overtime both in physical and financial terms.

Where a development proposal required additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with Local Planning Authority (LPA) and the appropriate infrastructure provider.

Developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments.

Small sites can have a cumulative effect on infrastructure and proportional contributions will be sought from all developments where this is demonstrated to be the case. Developers and landowners must work positively with the Local Planning Authority, neighbouring authorities and other infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time, in line with published policies and guidance". Therefore, this means that the developers of sites brought forward within the NP must work with the LPA and Anglian Water to ensure that capacity within nutrient licences are provided prior to or in-line with the phases of the development.

- 5.12 **It is recommended that a section be added to TIP15 and TIP16 within their development management policies that “With regards to wastewater output developers will comply with Colchester Local Plan Policy SG7: Infrastructure Delivery and Impact Mitigation with regard to ensuring infrastructure capacity is sufficient to support the development and where additional infrastructure capacity is required mitigation measures must be agreed with the Local Planning Authority and Anglian Water”**
- 5.13 Should this recommendation be included into the final Tiptree NP it can be concluded the Tiptree Neighbourhood Plan will not adversely affect the integrity of Abberton Reservoir SPA and Ramsar site, alone or in-combination.

Recreational Pressure

- 5.14 Increased development could lead to higher numbers of visitors to European Sites. For example, the nature, scale, timing, and duration of some human activities can result in the disturbance of birds at a level that may substantially affect their behaviour, and consequently affect the long-term viability of the population. This is possible for European Sites to be visited by new residents in combination with the surrounding villages. Recreational use of a European site has the potential to:
- Prevent appropriate management or exacerbate existing management difficulties.
 - Cause damage through erosion and fragmentation.
 - Cause eutrophication as a result of dog fouling; and
 - Cause disturbance to sensitive species, particularly ground-nesting birds and wintering wildfowl

Blackwater Estuary, Colne Estuary (SPA & Ramsar) & Essex Estuaries (SAC)

- 5.15 The Black Water Estuary SPA/Ramsar, Colne Estuary SPA/Ramsar and the Essex Estuaries SAC make up part of the Mid-Essex Coast Estuaries Complex of sites and are those parts that fall within 10km of the NP area. The SIP (2015) highlights public access/disturbance as a pressure upon the sites, which includes land-based e.g. walking, dog walking, bait digging, fishing and water-based activities e.g. boating, water-sports, powerboating. There are already management strategies in place at these sites in areas of high sensitivity, such as within the Colne Estuary SPA/Ramsar; where Colne Point is wardened, Brightlingsea Marsh is only accessible by permit holders and the western edge of the Colne channel which is highly sensitive to disturbance is within MOD land and therefore difficult to access³⁹.
- 5.16 However, as the sites are already sensitive to recreational pressure, a net increase in new dwellings not only within Tiptree but throughout Essex may have an adverse impact on these European sites and therefore

³⁹ Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy (2019). Accessed 26/07/2022 via: [Essex Coast RAMS 2019 \(essex.gov.uk\)](https://www.essex.gov.uk/essex-coast-rams-2019)

further mitigation for this increase would be required. As recreational pressure at plan level is generally looked at in-combination the Tiptree NP will provide a smaller piece of an overall much larger increase and therefore would be required to follow mitigation strategies set at a higher tier, rather than creating their own mitigation strategies.

- 5.17 For this purpose, the Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy⁴⁰ was created by Essex County Council to set the basis for the mitigation to be brought forward. Initially to set out the parameters of where mitigation would be required summer and winter visitor surveys were undertaken to compile a Zone of Impact (Zol). The results of this can be seen in Table 4.4 of the Essex County Council RAMS document. The Zol for each of the Colne Estuary and Blackwater Estuary SPA/Ramsar is 9.7km and 22km respectively and as the Essex Estuaries SAC is part of both SPA's/Ramsar's the Zol follows the zone of its respective SPA. Given that the NP area is 9.2km from the Colne Estuary SPA/Ramsar and 4.3km from the Blackwater Estuary SPA/Ramsar the NP area is well within the overall Zol for requiring mitigation as part of the RAMS (shown in Figure 4.2: Overall Zone of Influence (Zol) for Essex Coast RAMS as part of the Essex Coast RAMS, 2019 document).
- 5.18 Each local council within the Zol of the Essex Estuaries RAMS has produced their own supplementary planning document (SPD) to provide the method of mitigation delivery within their local authority. The Colchester Borough Council SPD⁴¹ (2020) sets out that all dwellings built within the Colchester District will be required to pay a tariff per dwelling to fund strategic avoidance and mitigation measures to protect the Essex Estuaries European sites. The current RAMS tariff is £137.71 per dwelling (2022/2023)⁴², however this may increase and therefore it must be checked with Colchester Borough Council for updated rates when a planning application is submitted. The tariff provides for mitigation which includes but is not limited to:
- Provision of information and education,
 - Fencing/screening/waymarking,
 - Pedestrian (and dog) zoning,
 - Cycle access routing,
 - Vehicular access and car parking management,
 - Enforcement,
 - Habitat creation,
 - Partnership working to implement mitigation strategies, and
 - Monitoring and improvement of mitigation strategies.
- 5.19 The www.colchester.gov.uk Essex Coast RAMS page (as at 26/07/2022) states that “Proposals for 100 dwellings or more will also require a shadow appropriate assessment to be submitted with the application, which assesses likely significant effects alone. This should clearly show how necessary avoidance measures are incorporated into the proposal. Payment of the RAMS tariff will address in-combination effects.” Therefore, as the two sites brought forward within the Tiptree NP are proposing to deliver a minimum of 200 net new dwellings, the planning application submission will require a project level HRA detailing the sites impact upon the Essex Coast European sites alone and any bespoke mitigation required based on this impact, as well as paying the tariff for in-combination impacts.
- 5.20 The project level HRAs may require surveys to provide the evidence base for alone impacts on the Essex Coast European sites for recreational pressure. This is further highlighted with regards to functionally linked land, in the Colchester Borough Local Plan Section 2 Policy SS14: Tiptree, which states: “Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided

⁴⁰ Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy, 2019. Accessed 26/07/2022 via: [Essex Coast RAMS 2019 \(essex.gov.uk\)](http://www.colchester.gov.uk)

⁴¹ Colchester District Council – Essex Coast RAMS SPD, 2020. Accessed 26/07/2022 via: [Essex Coast RAMS SPD 2020 \(colchester.gov.uk\)](http://www.colchester.gov.uk)

⁴² Essex Coast RAMS Page on colchester.gov.uk website. Accessed 26/07/2022 via: [Essex Coast RAMS Page \(colchester.gov.uk\)](http://www.colchester.gov.uk)

and fully functional before any development takes place which would affect significant numbers of SPA birds.”

- 5.21 In terms of ensuring that the Tiptree NP provides a robust policy framework to ensure compliance with the Habitats Regulations AECOM have reviewed the current wording and references to overarching policies within Policy TIP01, TIP15 and TIP16.
- 5.22 Policy TIP01 makes reference to Policy OV2 which states, in respect of development in the countryside *“Proposals in close proximity to a habitats site must demonstrate through HRA screening that the scheme will not lead to likely significant effects to the integrity of the habitats site. Where this cannot be ruled out a full appropriate assessment will be required to be undertaken.”* Further to this TIP15 and TIP16 provide the following: *“Development should deliver net environmental and biodiversity gains, in addition to protecting existing habitats and species. Such gains should be sought and delivered within the parish in the first instance if available. Any negative impacts on biodiversity, including flora and fauna, and local wildlife must be adequately mitigated and/or offset.”* Specifically for recreational pressure upon the Essex Coast European Sites Complex Policy TIP14: Recreational Disturbance Avoidance & Mitigation states *“All residential development within the zones of influence of Habitat sites will be required to make a financial contribution towards mitigation measures, as detailed in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), to avoid adverse in-combination recreational disturbance effects on Habitat sites.”* Finally, Policy TIP11: Green Infrastructure states that *“Development proposals must meet the requirements of Colchester Local Plan Policy ENV1 (Environment).”*
- 5.23 These sections provide ample environmental protection against adverse impacts through referencing the HRA process and Policy ENV1 and the Essex Coast RAMS. However, it may be more concise to highlight this information within a single “Environmental Protection” Policy within the final Tiptree NP document. **Although consolidating environmental protection references into a single policy is not necessarily a recommendation it is recommended that a further reference to Policy ENV1 is added which highlights that “development proposals that have adverse effects on the integrity of habitats sites... (either alone or in-combination) will not be supported” within Policy TIP11, if the environmental protection measures are not consolidated into a single policy.**
- 5.24 Furthermore, it is recommended that reference to the Colchester Essex RAMS SPD and tariffs are added to supporting text of Policy TIP14 and state compliance with this document and any updated document versions and updated tariffs⁴³.
- 5.25 There is mention of Local Plan Policy SS14: Tiptree at the beginning of the NP document. However, it is recommended that a statement explicitly referencing the requirement for winter bird surveys, and fully functional mitigation (if required) at any proposed site within Tiptree prior to the development of the site, is added within Policy TIP14.
- 5.26 Finally, it is also recommended that the following extract from the colchester.gov.uk website is included within Policy TIP14 *“Proposals for 100 dwellings or more will also require a shadow appropriate assessment to be submitted with the application, which assesses likely significant effects alone. This should clearly show how necessary avoidance measures are incorporated into the proposal. Payment of the RAMS tariff will address in-combination effects.”* This statement is similar to that within TIP14 specifically point B. Either the wording should be made clearer, in line with the above recommendation, or this recommendation can be added separately as suggested above.
- 5.27 Should these recommendations be included within the final version of the Tiptree NP, it can be concluded that the Tiptree Neighbourhood Plan will not adversely affect the integrity of Blackwater Estuary (Mid-Essex Phase 4) SPA and Ramsar, Colne Estuary (Mid-Essex Phase 2) SPA and Ramsar or Essex Estuaries SAC.

⁴³ Updated tariffs must also be checked with Colchester Borough Council within the application process.

Functionally Linked Land

Abberton Reservoir, Colne Estuary and Blackwater Estuary (SPA & Ramsar)

- 5.28 Although functionally linked land is not mentioned within the SIP or SACO⁴⁴ ⁴⁵ regards to either Abberton Reservoir SPA and Ramsar or the Mid-Essex Estuaries Complex sites, the Colchester Local Plan includes a specific policy relating to Tiptree with regards to functionally linked land, and therefore to ensure completeness of the appropriate assessment AECOM has included a section here to discuss this impact pathway.
- 5.29 Local Plan Policy SS14: Tiptree includes: *"Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds."*
- 5.30 While most European sites have been geographically defined in order to encompass the key features that are necessary for coherence of their structure and function, this is not the case for all such sites. Due to the highly mobile nature of waterfowl, it is inevitable that areas of habitat of crucial importance to the maintenance of their populations are outside the physical limits of the European site for which they are an interest feature. However, this area will still be essential for maintenance of the structure and function of the interest feature for which the site was designated and land use plans that may affect this land should still therefore be subject to further assessment. This has been underlined by a recent European Court of Justice ruling (C-461/17⁴⁶, known as the Holohan ruling⁴⁷) which in paragraphs 37 to 40 confirms the need to consider the implications of a plan or project on habitats and species outside the European site boundary provided that those implications are liable to affect the conservation objectives of the site.
- 5.31 Areas of functionally linked land typically provide habitat for foraging or other ecological functions essential for the maintenance of the designated population. Functionally linked land may extend up to the maximum foraging distances for the particular bird species. However, the number of birds foraging will tend to decrease further away from the protected site and thus the importance of the land to the maintenance of the designated population will decrease.
- 5.32 The European sites within this HRA are between 2.3km and 9.7km (east/southeast) from the boundary of the Tiptree Neighbourhood Area and further from the development sites being brought forward in the NP. The birds for which the European sites are formally designated generally utilise land up to 2km⁴⁸ from the European site and therefore they would be outside of the Zol for functionally linked land for these habitats. This 2km zone, however, explicitly excludes European golden plover *Pluvialis apricaria* and lapwing *Vanellus vanellus* which can utilise suitable habitat up to 15-20km for foraging outside of the European sites.
- 5.33 The SACO for Abberton Reservoir⁴⁹ states that both European golden plover and northern lapwing are present within the site but notes that they are at levels that do not reach criteria for international importance and therefore they are not qualifying features of the SPA/Ramsar. The HRA for the Colchester Local Plan Section 2 undertaken by LUC⁵⁰ lists golden plover as qualifying features of the Blackwater Estuary SPA, as part of the SPA review in 2001. Additionally, the sites within the Mid-Essex Estuaries Complex have also

⁴⁴ Natural England, 2021. Blackwater Estuary SPA Supplementary Advice on Conservation Objectives. Accessed 28/07/2022 via: [Blackwater Estuary SPA SACO \(naturalengland.org.uk\)](https://publications.naturalengland.org.uk)

⁴⁵ Natural England, 2020. Colne Estuary SPA Supplementary Advice on Conservation Objectives. Accessed 28/07/2022 via: [Colne Estuary SPA SACO \(naturalengland.org.uk\)](https://publications.naturalengland.org.uk)

⁴⁶ European Court of Justice, 2018. Judgment of the Court (Second Chamber) of 7 November 2018. Brian Holohan and Others v An Bord Pleanála. Accessed 26/07/2022 via: [Brian Holohan and Others v An Bord Pleanála. Case C-461/17 \(eur-lex.europa.eu\)](https://eur-lex.europa.eu)

⁴⁷ The Holohan ruling also requires all the interest features of the European sites discussed to be catalogued (i.e. listed) in the HRA. That is the purpose of Chapter 3: European Sites Relevant to the Plan.

⁴⁸ Natural England, 2019. Impact Risk Zones Guidance Summary Sites of Special Scientific Interest Notified for Birds Version 1.1.

⁴⁹ Natural England, 2019. Abberton Reservoir Conservation Objectives Supplementary Advice. Accessed 26/07/2022 via: [Abberton Reservoir Supplementary Advice on Conservation Objectives \(publications.naturalengland.org.uk\)](https://publications.naturalengland.org.uk)

⁵⁰ LUC, 2021. Colchester Borough Publication Draft Local Plan – Section 2 Habitats Regulations Assessment. Accessed 26/07/2022 via: [Colchester Local Plan 2 HRA \(colchester.gov.uk\)](https://colchester.gov.uk)

been listed within the Joint Nature Conservation Committee (JNCC) 3rd Review⁵¹ (2016) as sites with high concentrations of the species and suggested for designation as qualifying species. However, these reviews have not resulted in formal changes to the SPA designation.

- 5.34 Elm's field development (10.8ha) was described within the Colchester LP HRA as *"One large arable field bordering an expanse of arable land to the north-west. There are two smaller fields which has been previously used as arable land but currently look uncultivated"* and Highland's Nursery development (12.4ha) as *"Predominately a large open arable field bordering an expanse of arable land to the north."* Both allocations within Tiptree were assessed to have moderate suitability for both lapwing and golden plover. However, the HRA noted that *"In isolation the importance of such sites for these species is likely to be low when compared with the extensive areas of habitat of greater suitability both within the Borough and wider region. As a result, the potential for loss of offsite habitat to adversely affect these species relates primarily to the cumulative effect of reducing the extent of feeding areas. The likelihood of this occurring is low considering the small amount of habitat affected as a proportion of that available around each of the European sites"*
- 5.35 The maximum foraging distances listed within the Natural England Impact Risk Zones (IRZ) Guidance Summary⁵² (2019) is up to 15km for both species; however, as distance from the European site increases the likelihood of significant numbers of golden plover and lapwing decrease. The IRZ guidance therefore also states that developments over 10km from the site are unlikely to impact significantly on designated populations. Since neither golden plover or lapwing are formal species for which the SPA is designated, the assessment within the Colchester Local Plan HRA and the identification of a requirement to undertake wintering bird surveys as part of the application process of development within Tiptree NP area, is considered precautionary.
- 5.36 A single season of wintering bird surveys comprising five visits between October 2021 and February 2022 have been undertaken by Eco-Planning UK⁵³ for both the Highland's Nursery and Elm's Field development. A total of 21 species were recorded comprising a common winter arable assemblage. No SPA or Ramsar qualifying species were recorded during the surveys, additionally no lapwing or golden plover were recorded within or adjacent to either development area. This report highlights that golden plover and lapwing are likely to be absent from these sites and moreover would not be present in significant numbers. It also suggests the sites are unlikely to require additional mitigation. However, note that it is generally accepted that ecological surveys have a validity expiry of two years and therefore further surveys may be required prior to application and construction.
- 5.37 **As the NP must comply with policies within the overarching Colchester LP and to ensure a robust policy framework for the protection of the European sites it is not necessary to entirely duplicate Local Plan policy in the Neighbourhood Plan. However, it is recommended that a statement explicitly referencing Local Plan Policy SS14's requirement for winter bird surveys, and fully functional mitigation (if required) at any proposed site within Tiptree prior to the development of the site, is added within Policy TIP14.**
- 5.38 Once these recommendations be included within the final version of the Tiptree NP, it can be concluded that the Tiptree Neighbourhood Plan will not adversely affect the integrity of Blackwater Estuary (Mid-Essex Phase 4) SPA and Ramsar, Colne Estuary (Mid-Essex Phase 2) SPA and Abberton Reservoir SPA and Ramsar.

In-combination Assessment

- 5.39 The Appropriate Assessment of the Tiptree Neighbourhood Plan was undertaken solely as an in-combination assessment. This was decided through review of the following:
- The Colchester Borough Local Plan sets a minimum housing figure of 400 dwellings for the parish. The Neighbourhood Plan provides two site allocations to fulfil this target. However, a previous iteration of the Tiptree NP which included these two allocations was assessed within the Colchester Borough Section

⁵¹ JNCC, 2016. The Status of UK SPAs in the 2000s: the Third Network Review. Accessed 26/07/2022 via: [The status of UK SPAs in the 2000s: the Third Network Review \(jncc.gov.uk\)](https://www.jncc.gov.uk/status-of-uk-spas-in-the-2000s-the-third-network-review)

⁵² Natural England, 2019. Impact Risk Zones Guidance Summary. Sites of Special Scientific Interest Notified for Birds Version 1.1.

⁵³ Eco-Planning UK, 2022. Wintering Bird Survey Land Adjacent Kelvedon Road, Tiptree, Essex. Unpublished Report.

2 Local Plan HRA⁵⁴ and the allocations have therefore been assessed previously within the context of the wider Colchester area.

- The vulnerabilities stated within the SIP (and SACO where available) were screened out for alone impacts within HRA Stage 1: Test of Likely Significant Effects.
- 5.40 When taking in combination effects into consideration the LP was reviewed, as this document allocates the total net new dwellings for the borough including the Tiptree Parish. The LP has been through the HRA process itself with regards to the LPs contribution alone and that of the Plan in combination with other LPs and has provided a policy framework including Policy ENV1 as well as robust mitigation in the form of the Essex Coast RAMS tariffs to ensure that no in-combination impacts are encountered over the plan period at a borough/district level and across the full ZoI of the relevant European sites. Therefore, ensuring the NP complies with the overarching LP policies will ensure that the NP is taking into account the borough-wide in-combination effects and compliant with the Habitats Regulations.
- 5.41 Several recommendations were made in the assessments above to ensure a robust policy framework within the NP referencing specific protection policies and mitigation within the LP to ensure no adverse effect on European sites.

⁵⁴ LUC, 2021. Colchester Borough Publication Draft Local Plan – Section 2 Habitats Regulations Assessment. Accessed 26/07/2022 via: [Colchester Local Plan 2 HRA \(colchester.gov.uk\)](https://www.colchester.gov.uk/colchester-local-plan-2-hra)

6. Conclusions

6.1 The Tiptree NP has a total of 16 policies. Of these policies four had the potential to cause a likely significant effect and were discussed with regards to their impacts on European sites within the Appropriate Assessment. These policies were:

- Policy TIP01 – Tiptree Spatial Strategy – Policy described where development will be focused within the Parish and the conditions for permitting development within and outside of the village settlement boundary. The housing had been allocated within the Colchester LP Section 2 Policy SS14: Tiptree. Four hundred net new dwellings are to be brought forward within the Parish Boundary at two sites within the following NP policies TIP15 and TIP16. An additional 200 new dwellings were also brought forward, but already have planning permission (and were therefore not considered within this HRA).
- Policy TIP10: Provision of Community Infrastructure – policy brings forward a community hub, medical centre and associated parking within the Elm's Farm development
- Policy TIP15 – Highlands Nursery – policy for which the spatial strategy brings forward 200 net new dwellings for development
- Policy TIP16 – Elm Farm – policy for which the spatial strategy brings forwards 200 net new dwellings for development

6.2 These policies were discussed relating to Abberton Reservoir SPA & Ramsar, Blackwater Estuary (Mid-Essex Phase 4) SPA & Ramsar, Colne Estuary (Mid-Essex Phase 2) SPA & Ramsar and Essex Estuaries SAC and the NPs impact to those sites regarding the following impact pathways:

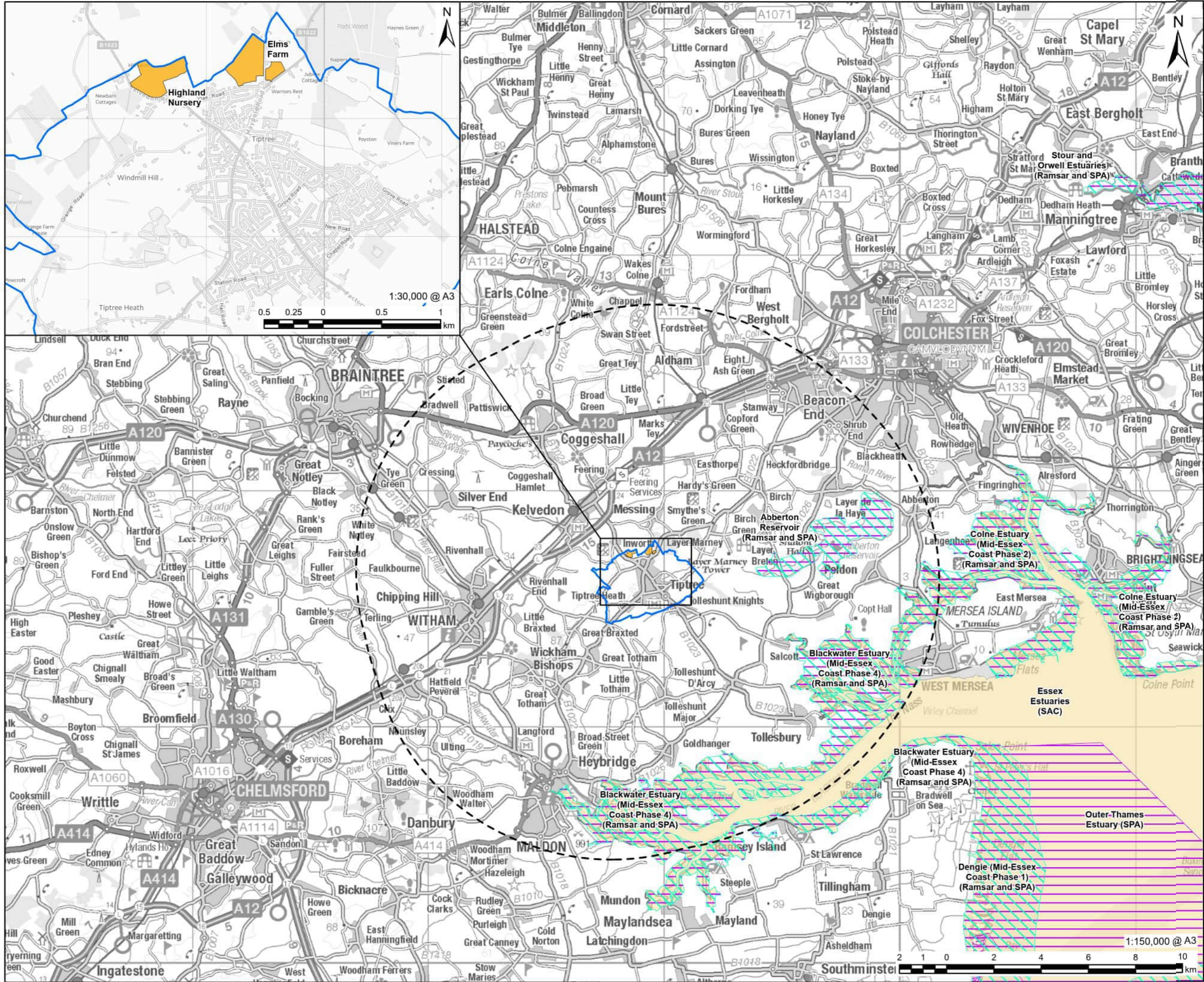
- Recreational Pressure;
- Water Quality; and,
- In specific regard to Policy SS14 of the Colchester LP Section 2; Functionally Linked Land.

6.3 As the NP was not allocating net new dwellings over and above that in the Colchester LP, the NP was looked at in-combination with the Colchester LP which has already gone through an HRA for the Boroughs contribution and in-combination with the wider Essex area and was concluded, with mitigation present that there would be no adverse impact on European sites. Therefore, to ensure that the NP can also conclude the same, the NP would need a robust policy framework referencing protective policies and mitigation present in the Colchester LP. To this effect several recommendations were made to strengthen the Tiptree NP as follows:

- **A paragraph should be added to TIP15 and TIP16 within their development management policies that says *“With regards to wastewater output developers will comply with Colchester Local Plan Policy SG7: Infrastructure Delivery and Impact Mitigation with regard to ensuring infrastructure capacity is sufficient to support the development and where additional infrastructure capacity is required mitigation measures must be agreed with the LPA and Anglian Water”***
- **A further reference to Policy ENV1 should be added which highlights that *“development proposals that have adverse effects on the integrity of habitats sites... (either alone or in-combination) will not be supported”* within TIP11.**
- **A reference to the Colchester Essex RAMS SPD and tariffs should be added to the supporting text of Policy TIP14 and state compliance with this document and any updated version and updated tariffs.**
- **There is mention of Local Plan Policy SS14: Tiptree at the beginning of the NP document. However, it is recommended that a statement referencing the requirement for winter bird surveys and fully functional mitigation (if required) at any proposed site within Tiptree prior to the development of the site should be added within Policy TIP14.**
- **Finally, it is also recommended that the following extract from the colchester.gov.uk website should be included within Policy TIP14: *“Proposals for 100 dwellings or more will also require a shadow appropriate assessment to be submitted with the application, which assesses likely significant effects alone. This should clearly show how necessary avoidance measures are incorporated into the proposal. Payment of the RAMS tariff will address in-combination effects.”* This statement is similar to that within TIP14 specifically point B. Either the wording should be**

made clearer, in line with the above recommendation, or this recommendation can be added separately as suggested above.

- 6.4 Although this is not specifically a recommendation, the NP document may read more easily in terms of stating exactly what protection for European sites is provided and the references to overarching policies and further protective documents if the protective paragraphs and references were consolidated within a single “Environmental Protection” policy within the final Tiptree Neighbourhood Plan document.
- 6.5 Should these recommendations (in bold above) be incorporated into the final Tiptree Neighbourhood Plan document it can be concluded that the Tiptree Neighbourhood Plan will not cause adverse effects on European site integrity either alone or in-combination with other plans or projects.



AECOM

PROJECT

Tiptree Neighbourhood
Plan HRA

CLIENT

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LEGEND

- Tiptree Essex Parish Boundary
- 10km Study Area
- Site Allocation
- Ramsar
- Special Protection Area
- Special Area of Conservation

NOTES

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ISSUE PURPOSE

FINAL

PROJECT NUMBER

60571087

FIGURE TITLE

European Sites and Site Allocations

FIGURE NUMBER

Figure 1

