

Notice of the adoption of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document

In accordance with

The Planning and Compulsory Purchase Act 2004 (as amended)

The Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended)

Notice is hereby given that (in accordance with above-mentioned legislation) Colchester Borough Council formally adopted the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) on 24 August 2020.

The RAMS SPD focuses on the mitigation that is necessary to protect the wildlife of the Essex coast from the increased visitor pressure associated with new residential development in-combination with other plans and projects, and how this mitigation will be funded. The RAMS SPD sets out the guidance to be followed in the determination of planning applications and formalises the arrangements for securing the developer contributions for new qualifying residential development.

The draft RAMS SPD was published for public consultation between 10 January 2020 and 21 February 2020 in accordance with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). A number of modifications have been made to the RAMS SPD in response to the consultation and to ensure that the adopted SPD is up to date. The modifications include:

- A glossary and list of acronyms and a description of what they mean is now included at the beginning of the SPD;
- A clearer description of how overheads and other costs have been identified within the RAMS mitigation package;
- The first paragraph of the SPD will be amended to state 'birds and their habitats' rather than 'wildlife' to make it clearer from the outset as to what type of wildlife the RAMS and the SPD is primarily seeking to protect;
- More recognition of the South East Marine Plan and the East Inshore and East Offshore Marine Plans which, when adopted, will become part of the statutory Development Plan for the relevant Councils;
- An amendment to include reference to fishing / bait digging to paragraph 2.2;
- Reference to the 'Outer Thames Estuary SPA' rather than the 'Thames Estuary SPA';
- Previous maps replaced with higher resolution images;
- Additional clarification within Paragraph 3.7 making the SPD more explicit regarding proposals for single dwellings being subject to the RAMS tariff;
- More explanation of requirements of development proposals in regard to statutory HRA procedures and on-site mitigation, and that the specific effects the RAMS will mitigate in accordance with Regulation 122 of the CIL Regulations;
- More justification for the inclusion of C2 Residential Institutions and C2A Secure Residential Institutions as being liable for tariff payments;

- Inclusion of the National Planning Policy Framework (NPPF) within the ‘useful links’ section;
- Clarification that non-residential proposals are exempt from the tariff;
- Amendments to the map in Appendix 2 of the Essex Coast RAMS SPD SEA/HRA Screening Report (presented in Appendix 4 to this report) be amended to reflect the Outer Thames SPA designation;
- Clarification on the requirements for project-level Habitat Regulations Assessment (HRA) and Appropriate Assessment (AA) of development proposals which will explore the hierarchy of avoidance and mitigation, and that the SPD is relevant to ‘in-combination’ recreational effects only;
- Clear explanation that the intention of Essex Coast RAMS mitigation is to enable the conclusion of no adverse effect on the integrity of the international designated sites;
- Removal, from the relevant map in the SPD and RAMS Strategy, all areas of Suffolk from the Zone of Influence; and
- Clearer explanation of the relationship between the effects of a population increase resulting from net new dwelling increases.

More details on the modification made to the SPD and representations can be found in the You Said, We Did consultation report.

Any person with sufficient interest in the decision to adopt the RAMS SPD may apply to the High Court for permission to apply for judicial review of that decision.

Any such application to the High Court must be made not later than 3 months after the date of which the RAMS SPD was adopted [i.e. 3 months from 24 August 2020 – being the day after adoption].

In accordance with Regulation 14 of the 2012 Regulations the RAMS SPD and this Adoption Statement have been made available to view on the Council's website at www.colchester.gov.uk. The Council's main office is currently closed in line with latest government advice regarding Covid-19. However, paper copies are available upon request.

A copy of this Adoption Statement will be sent to all parties who made representations to the draft RAMS SPD.

For further information please refer to the Council's website: www.colchester.gov.uk or contact the Planning Policy Team by e-mailing local.plan@colchester.gov.uk.

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