

Wivenhoe Neighbourhood Plan Appropriate Assessment

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1. Introduction

1.1 The Habitats Regulations Assessment of land use plans relates to Special Protection Areas (SPAs), Special Areas of Conservation (SAC) and Ramsar Sites. SPAs are sites classified in accordance with Article 4 of the EC Directive on the conservation of wild birds (79/409/EEC), more commonly known as the Birds Directive. They are classified for rare and vulnerable birds, listed in Annex I to the Birds Directive, and for regularly occurring migratory species. SACs are classified in accordance with EC Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Article 3 of this Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species identified in Annexes I and II of the Directive. These sites are known as the Natura 2000 network and are defined in the NPPF as Habitats sites.

1.2 Ramsar Sites are designated under the International Convention on Wetlands of International Importance especially as Waterfowl Habitat (the Ramsar Convention, Iran 1971 and amended by the Paris Protocol 1992). Although Ramsar Sites are not protected in law by the Birds and Habitats Directives as a matter of policy government has decreed that unless otherwise specified procedures relating to SPAs and SACs will also apply to Ramsar Sites.

1.3 The Conservation of Habitats and Species Regulations 2017 consolidated the former 1994 and 2010 Regulations. Habitat Regulations Assessment is a step by step decision making process. It can be broken down into the following four stages:

1. Screening
2. Appropriate assessment
3. Alternative solutions
4. Imperative reasons of overriding public interest and compensatory measures.

1.4 This report is stage 2, the appropriate assessment. The Local Planning Authority (LPA) prepared a re-screening report to support the submission version of the Wivenhoe Neighbourhood Plan. The re-screening report concluded that the neighbourhood plan would have likely significant effects from increased recreational disturbance in-combination with other development plans. The re-screening report identified appropriate mitigation measures and the LPA concluded that, with the mitigation, the Wivenhoe neighbourhood plan would not lead to likely significant effects. However, the implications of the People Over Wind and Sweetman CJEU decision are that mitigation measures cannot be considered at the screening stage. Accordingly an appropriate assessment is required for the Wivenhoe neighbourhood plan.

1.5 This appropriate assessment will consider likely significant effects and suggest mitigation measures to enable the LPA to conclude that the Wivenhoe neighbourhood plan will not adversely affect the integrity of Habitats sites alone or in-combination, and avoid the need for the process to proceed to stage 3 (alternative solutions).

2. Methodology and Screening Assessment

2.1 The appropriate assessment has been undertaken using the DTA Handbook 'Habitat Regulations Assessment Handbook', advice from Natural England, research of good practice, Appropriate Assessment guidance, the appropriate assessments of the Section 1 and Section 2 Colchester Borough Local Plan and the Local Planning Authority's (LPA) previous experience of HRA.

Habitats sites

2.2 It is established practice in HRAs to consider Habitats sites within the LPA area covered by the plan, and also within a buffer distance of 10km to 20km. Consistent with the HRA for Section 1 of the Local Plan, a distance of 20km was used to identify Habitats sites likely to be affected.

2.3 Habitats sites within 20km of Colchester Borough include the following:

- Essex Estuaries SAC
- Hamford Water SAC, SPA and Ramsar site
- Stour and Orwell Estuaries SPA and Ramsar site
- Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar site
- Outer Thames Estuary SPA
- Abberton Reservoir SPA and Ramsar site
- Blackwater Estuary (Mid-Essex Coast Phase 4) SPA and Ramsar site
- Dengie (Mid-Essex Coast Phase 1) SPA and Ramsar site
- Deben Estuary SPA and Ramsar site
- Alde-Ore-Estuary SPA and Ramsar site
- Alde, Ore and Butley Estuaries SAC
- Orfordness – Shingle Street SAC
- Foulness (Mid-Essex Coast Phase 5) SPA and Ramsar site
- Sandlings SPA
- Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar site
- Staverton Park and The Thicks, Wantisden SAC
- Breckland SPA
- Devil's Dyke SAC

2.4 The following Habitats sites are located within Colchester Borough:

Designated under the Birds Directive:

- Abberton Reservoir SPA;
- Blackwater Estuary (Mid Essex Coast Phase 4) SPA; and
- Colne Estuary (Mid Essex Coast Phase 2) SPA.

The Stour and Orwell Estuaries SPA is located outside of the Borough, but receives discharges from villages in the north of the Borough and is thus included in the HRA.

These sites are also designated under the Ramsar Convention on wetlands and the conservation features of this designation must also be considered.

Designated under the Habitats Directive:

- Essex Estuaries SAC.

2.5 As part of HRA screening for the Section 1 and Section 2 Local Plan the LPA identified that the Habitats sites within Colchester Borough and the Stour and Orwell Estuaries SPA/ Ramsar were the only sites likely to be significantly affected by proposals and policies within Colchester either alone or in-combination. Pathways of impact and likely significant effects were also identified as part of the screening process. Natural England were consulted on the Habitats sites and likely significant effects to be included in the appropriate assessment of Section 2 of the Colchester Local Plan and agreed that likely impacts are limited to these Habitats sites.

2.6 As part of the Section 1 Examination hearing sessions, the Outer Thames Estuary was further considered. Natural England agree with the LPAs conclusions that any effects on the Outer Thames Estuary associated with the three garden communities can be addressed in the HRA that will support the DPDs required in relation to each community. Consequently, the Outer Thames Estuary does not need to be screened into the appropriate assessment of the Wivenhoe neighbourhood plan.

2.7 A full summary of each of the Habitats sites and their features is included in appendix A of this appropriate assessment report. This includes information related to site specific threats and vulnerabilities for each European site, as highlighted in Natural England's Site Improvement Plan (SIP). A SIP has been developed for each European site in England as part of the Improvement Programme for England's Natura 2000 Sites. These plans provide a high level overview of the issues affecting the condition of European features on the sites and outlines priority measures required to improve the condition of the features. The Essex Estuaries SIP, of relevance to this assessment, covers the Blackwater Estuary SPA, Colne Estuary SPA and Essex Estuaries SAC.

2.8 The conservation objectives provide a framework which should inform the HRA. The conservation objectives for the Habitats sites include maintaining qualifying features (habitats and species) in favourable condition. Conservation objectives are provided by Natural England. Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving the aims of the Birds Directive.

2.9 Integrity is defined in the DTA Handbook as "the coherence of its ecological structure and function across its whole area, that enables it to sustain the habitat, complex of habitats and/ or the levels of populations of the species for which the site is designated". Integrity can also include the quality or condition of the site.

2.10 The appropriate assessment is appropriate and proportional to the Wivenhoe neighbourhood plan. Appropriate assessments have been carried out for the Local Plan and planning applications with likely significant effects on Habitats sites will be subject to Habitat Regulations Assessment.

3. Pathways of impact and likely significant effects

Recreational disturbance (physical site disturbance and disturbance to birds)

Physical site disturbance

3.1 Physical disturbance relates to actual damage or degradation of habitat from direct human activities. Examples in the context of this assessment relate to damage to habitat from walking (trampling of vegetation) and the abrasion of intertidal or freshwater habitat from boat wash/anchoring. This issue is relevant to the habitats for which Habitats sites are designated (e.g. damage to saltmarsh communities on the Essex Estuaries SAC) or habitat which supports designated species (e.g. sand and gravel shores on the Colne Estuary SPA). Recreational users can damage habitat and cause severe disturbance to wildlife, particularly nesting birds in summer and feeding and roosting waterfowl in winter. No sites are allocated adjacent to any Habitats sites and so this is not a potential likely significant effect for the neighbourhood plan.

Disturbance to birds

3.2 Many human activities have the effect of degrading parts of estuarine ecosystems through for example, over-exploitation of their natural resources and excessive discharge of wastes and pollution. However, over a third of the population nationally live in towns and cities around estuaries and so careful consideration is needed to protect these environmentally important sites and manage the increasing recreation impacts associated with a growing population.

3.3 The primary source of non-physical disturbance relates to an increase in the number of visitors to Habitats sites due to increases in housing, an associated increase in demand for recreation and tourism facilities near to these sites.

Air quality

3.4 Air pollution is most likely to affect Habitats sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen levels that can then affect plant health, productivity and species composition.

3.5 In terms of vehicular traffic, nitrogen oxides (NO_x, i.e. NO and NO₂) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO_x can cause eutrophication of soils and water.

3.6 Central government has developed a plan to improve air quality by reducing nitrogen dioxide levels in the UK (July 2017). The plan includes a range of measures that could be taken to mitigate the impact of action to improve air quality.

3.7 There are no air quality management areas in Wivenhoe and the small increase in population from the allocations will not lead to air quality problems. It is considered

therefore that the issue of air quality will not result in any direct effects on Habitats sites and can be screened out.

Water quality

3.8 A growth in population resulting from an increase in housing will result in increased demands on the wastewater treatment system and will likely necessitate increased discharge consents and possibly even the establishment of new wastewater treatment works. Population expansion has the potential to increase nutrient loading to the Habitats sites, with the potential for impacts on site integrity through eutrophication.

3.9 The Water Cycle Study (December 2016), which is a key evidence base document for the Colchester Local Plan and the HRA, found that only the Langham (East) Water Recycling Centre (WRC), which discharges into the River Stour, does not have sufficient capacity to accommodate additional wastewater from the proposed increase in development within the WRC catchment. All other WRCs serving the Borough have sufficient capacity to accommodate additional wastewater/sewage from the proposed increase in development. It is considered therefore that the issue of water quality will not result in any direct effects on Habitats sites and can be screened out.

Water resources

3.10 Unsustainable rates of abstraction reduce water flows and may result in lower flow velocities, reduced depths and reduced flow continuity that may alter ecological status. This, combined with higher concentrations of nutrients such as phosphate and nitrate may lead to algal blooms. More frequent periods of summer low rainfall are expected under current climate change prediction scenarios which may increase the environmental impact of flow problems. The largest demand for water comes from the public water supply and in order to reduce abstraction, abstractors have been tasked to use water more efficiently.

3.11 The Water Cycle Study concluded that, allowing for the planned resource management of Anglia Water Services Essex Resource Zone, Colchester Borough will have adequate water supply to cater for growth over the plan period. It is considered therefore that the issue of water resources will not result in any direct effects on Habitats sites and can be screened out.

Urbanisation (fly tipping and predation)

3.12 The impact of urbanisation is closely linked to recreational pressure. Both result from an increase in population close to Habitats sites. Fly tipping can adversely affect Habitats sites through the introduction of invasive species. It is becoming a greater problem in rural areas.

3.13 Predation of ground nesting birds by cats is potentially a significant issue for Habitats sites. This is particularly relevant where new housing allocations are provided within 0.5 - 1km of a European site, which is the distance recommended by the RSPB as being the typical range of influence for domestic cats. This issue in Colchester Borough relates to the predation of ground nesting species such as Little Tern and Ringed Plover. Following discussions with Natural England as part of previous

appropriate assessment work it was considered that cat predation was unlikely to be an issue for this strategic level assessment. Most sites are in themselves more than 1km wide, and for coastal sites, this therefore provides an adequate buffer for foreshore nesting birds, even if development abutted the site. It is considered therefore that the issue of predation will not result in any direct effects on Habitats sites and can be screened out.

Loss of offsite functional habitat

3.14 The Section 1 Local Plan appropriate assessment screening report found that loss of offsite habitat has the potential to indirectly affect Habitats sites where the habitats provide functionally supporting habitat upon which the qualifying species depend. The report states that sites with increased likelihood of representing important offsite resources for qualifying species tend to include those that are larger, located close to the SPA, are prone to flooding, have a high degree of openness and an absence of negative factors such as edge features and human disturbance. Habitats located further from Habitats sites may be used by qualifying species but are unlikely to support numbers that would lead to a likely significant effect.

3.15 All of the site allocations in the Section 2 Local Plan were assessed against the criteria set out in the Section 1 screening report as part of the Section 2 appropriate assessment and it was found that none of the site allocations represent an important offsite resource. The table, below, shows the findings for the allocations in the neighbourhood plan.

	Large site?	Prone to flooding?	High degree of openness?	Absence of negative factors such as edge features?	Absence of human disturbance?
LAND NORTH OF ELMSTEAD ROAD, WIVENHOE	No	No	No	No	No
BROADFIELDS, WIVENHOE	Yes	No	No	No	No
CROQUET GARDENS, WIVENHOE	No	No	No	No	No
COLCHESTER ROAD, WIVENHOE	Yes	No	No	No	No

3.16 The Section 1 appropriate assessment concludes that whilst the Tendring/ Colchester Borders Garden Community provides suitable offsite foraging habitat for golden plover and lapwing in the form of arable fields and short grazed pasture, in isolation the importance of such sites for these species is likely to be low when compared with the extensive areas of habitat of increased suitability both within the North Essex Authorities and the wider land areas surrounding these Habitats sites. As a result, the potential for the loss of offsite habitat to adversely affect these species related primarily to the cumulative effect of reducing the extent of feeding areas. The likelihood of this occurring was considered low given the quality of the habitat affected and the small amount of habitat affected as a proportion of that available around each of the Habitats sites. Nevertheless uncertainty remains under the precautionary principle as to whether the loss of the Tendring/ Colchester Borders Garden Community will, cumulatively with the loss of smaller non-strategic allocations

adversely affect the integrity of the SPA/Ramsar sites in relation to golden plover and lapwing. On a precautionary basis the Section 1 appropriate assessment sets out the following mitigation measures:

- Wintering bird surveys will be required for Tendring/ Colchester Borders Garden Community as part of any project level development proposals and masterplanning, to determine the sites individual importance for golden plover and lapwing and inform mitigation proposals.
- A commitment to mitigation and phasing of the Tendring/ Colchester Borders Garden Community is required within the Section 1 Local Plan dependent on the findings of bird surveys. This will need to take into account the cumulative numbers of SPA birds affected as parcels of land come forward for development. In the unlikely but possible event that cumulative numbers of SPA birds affected are likely to exceed thresholds of significance (i.e. >1% of the associated European Site), appropriate mitigation in the form of habitat creation and management in perpetuity, either on-site or through provision of strategic sites for these species elsewhere, will be required. If required, mitigation will need to create and manage suitably located habitat which maximises feeding productivity for these SPA species, and such mitigatory habitat would need to be provided and fully functional prior to development which would affect significant numbers of SPA birds.

3.17 It is considered therefore that the issue of loss of off-site functional habitat will not result in any direct effects on Habitats sites and can be screened out.

4. Policy Screening

4.1 Prior to the People Over Wind and Sweetman CJEU decision, the Qualifying Body prepared a screening report and the LPA prepared a re-screening report. The screening report prepared by the Qualifying Body concluded that the Wivenhoe neighbourhood plan will not lead to any likely significant effects on the Colne Estuary SPA and Ramsar site or the Essex Estuaries SAC. Natural England has confirmed their agreement with the conclusion that, alone, there are no likely significant effects. However, Natural England is concerned that the Wivenhoe neighbourhood plan could lead to in-combination effects with the Colchester Borough Local Plan, in particularly the proposed Tendring/ Colchester Borders garden community.

4.2 The Wivenhoe neighbourhood plan HRA screening report clearly and in detail examined potential effects on each policy and the plan overall and concluded that the Wivenhoe neighbourhood plan will not lead to any likely significant effects on Habitats sites alone. The findings of the screening of each of the neighbourhood plan policies is set out below.

Policy WIV1: Wivenhoe Town Settlement Boundary

- (i) Development within the Parish of Wivenhoe, outside the town settlement boundary, as identified on the Wivenhoe Proposals Map, will only be permitted if it meets the requirements of Policy ENV1 of the Colchester Core Strategy and the other policies in the Wivenhoe Neighbourhood Plan.**
- (ii) Development within the settlement boundary shall be guided by the relevant policies in this Neighbourhood Plan, the Colchester Borough Local Plan, the Essex Minerals Local Plan and the Essex and Southend-on-Sea Waste Local Plan.**

This policy seeks to limit development outside the Town Settlement Boundary and will have no impact on N2K sites

Policy WIV2: Development on Wivenhoe Neighbourhood Plan land to the north of the A133.

- (i) An area of open space must be preserved between any new development and adjacent Greenstead to ensure settlement separation and;**
- (ii) A strip of land adjacent to the A133 must be planted with a tree belt to preserve the rural approach to the Wivenhoe settlement area and;**
- (iii) Adequate school, health and other community facilities should be provided on the site at an early stage to serve this new community.**

The policy will have no impact on N2K sites

Policy WIV3: Settlement Coalescence Any development proposal in the Wivenhoe Neighbourhood Plan area must:

- (i) preserve the physical separation of the Wivenhoe settlement area from the University campus as shown in the Wivenhoe Proposals map; and**

- (ii) demonstrate that it preserves a significant gap between the Wivenhoe settlement area and the Wivenhoe Neighbourhood Plan boundary; and
- (iii) incorporate a significant physical break between potential development on land to the north of the A133 and the adjoining settlement to the west.

This policy seeks to preserve a separation between the Settlement Area and adjacent or potential adjacent development and will have no impact on N2K sites

Policy WIV4: Protecting the Setting of the River Colne

Countryside that contributes vistas of high value towards the River Colne and its estuary, or that can be clearly viewed from the river or land on the Rowhedge and Fingringhoe side of the river as shown on the Wivenhoe Proposals map (Colne Protection Belt) should continue to be protected from development of any kind.

This policy seeks to protect land adjacent to the Colne from development. It will have no negative impact on N2K sites

Policy WIV5: University Marshes This area of land which is a designated wild life site and which also contributes to the green corridor between the Wivenhoe Settlement area and Colchester must be protected from development

This policy also seeks to protect land adjacent to the Colne will have no negative impact on N2K sites

Policy WIV6: Access to the River Colne Any proposals must satisfy the following:

- (i) The existing footpaths/pedestrian route adjacent to the River Colne should be protected; and
- (ii) Access to the river for people to launch small craft should be maintained; and
- (iii) A balance between the needs of visitors to the waterfront areas and a general desire of people living along the waterfront to a peaceful enjoyment of it should be achieved; and
- (iv) Any attempt by frontagers to enclose further parts of the Quay or elsewhere along the waterfront will be opposed; and
- (v) the importance of the river for wildlife must be recognised in any proposals to increase access to the river.

This policy seeks to protect existing footpaths. In itself it has no additional impact on N2K sites.

Policy WIV7: Protection of Open Spaces, Play Areas, Sports Facilities & Allotments Those areas shown as Open Space, Play Areas, Sports Fields and Allotments on the Wivenhoe Proposals Map (Fig. 22) and in the list (Table 2) shall be protected from development unless:

- (i) In the case of play areas, sports fields and allotments, alternative and improved provision is created in a location well related to the functional requirements of the relocated use and its existing and future users; and

(ii) The proposal would not result in the loss of an area important for its amenity or contribution to the green infrastructure network or to the character of the area in general.

This policy has no impact on N2K sites

Policy WIV8: Provision of Additional Sports Pitches, Play Areas & Allotments

(i) A financial contribution and / or the provision of land for additional sports pitches, allotments and/ or public open space will be sought from any proposed residential development scheme; and

(ii) Any development scheme of more than 25 properties will be expected to include an adequate play area in line with existing Colchester Borough Council policies.

This policy has no impact on N2K sites

Policy WIV9: Local Green Space That part of Ferry Marsh (as shown on the map in Fig. 23) and the area of land opposite Millfields School (as shown on the map in Fig. 24) shall be designated as Local Green Spaces.

The two areas proposed as Local Green Spaces are already designated as open space. Designating them as Local Green Spaces will give enhanced them protection but will not affect the current pattern of usage and will have no impact on N2K sites.

Policy WIV10: The Goods Shed, Station Yard, Wivenhoe Development proposals for commercial, residential or leisure uses will be supported subject to the historical features of the building being respected.

The Goods Shed is a listed building and currently derelict. The purpose of this policy is to extend the permitted use classes in the hope that a useful purpose can be found for the building. This will not impact on N2K sites

Policy WIV11: The Quay area at Wivenhoe. Whilst recognising that the Quay area is a BOAT (Byway Open to All Traffic) and is also within the Wivenhoe Conservation Area, it is designated as an area for improvement and therefore development proposals should:

(i) Promote the Quay area (The Quay and The Folly from Bath Street to Walter Radcliff Way, in the Conservation Area of Wivenhoe) as a place of heritage value and of importance to residents and visitors to Wivenhoe; and

(ii) Protect and enhance people's safety when walking without fear for their personal safety or that of their children from cars, motor-bikes or cyclists; and

(iii) Further constructions that might impede the view of the river from it and the unnecessary parking of vehicles shall be actively discouraged; and

(iv) The surface of the Quay should be free from potholes and made suitable for babies in buggies, people in wheelchairs or people with difficulty in walking to be able to travel safely along its full length.

This policy will not impact on N2K sites

Policy WIV12: Infill and Backland Development on Garden Sites Where existing gardens are used to provide additional dwellings within the current settlement boundary, the development should reflect the character of the townscape in which it sits and protect the amenity of neighbours. It should reflect the scale, mass and height of neighbouring properties. It should not result in the loss of gardens which are important to the townscape, or increase the risk of flooding from either surface water or fluvial flooding. Development will be expected to:

- (i) Ensure that density, dwelling size and garden size are similar to those in the immediate locality and avoid the appearance of cramming; and
- (ii) Ensure that any development must include adequate on-site car parking on both the existing property and the new sub-divided site, and will not create a need for additional on-street car parking; and
- (iii) Retain gardens that are visually important for the townscape; and
- (iv) Ensure that important wildlife corridors are preserved; and
- (v) Ensure that neighbouring properties' amenities are not adversely affected; and
- (vi) Ensure there will not be an unacceptable increase in traffic in those residential streets where traffic does not flow freely.

If part of a garden is sold to provide a potential development site, permission to develop this created site shall only be granted if the host property satisfies the conditions above.

Proposals for Infill and backfill within the Settlement Area have to satisfy the Borough's planning policies. This Wivenhoe policy seeks to tighten the conditions that must be met and will have no impact on an N2K site.

Policy WIV13: Extensions and Conversions of Residential Properties within the Settlement Area

- (i) Extensions and conversions of residential properties should be designed to conserve features of existing streets and estates where these contribute positively to the townscape; and
- (ii) Greenswards adjacent to the highways should be conserved.

This policy is concerned with the townscape and will have no impact on an N2K site.

Policy WIV14: New Indoor Community Facilities Residential development proposals will be expected to make financial contributions towards the provision of indoor sports and recreation facilities.

This policy will have no impact on an N2K site.

Policy WIV15: Indoor Community Facilities Support will be given to the provision of new or improved indoor community facilities in both the upper and lower parts of Wivenhoe.

It is important that existing indoor community facilities are retained where these positively contribute to the quality of local community life and the maintenance of sustainable communities in accordance with other policy requirements.

Proposals that would result in the loss of an indoor community facility will only be permitted if alternative and equivalent indoor community facilities are provided.

Any alternative indoor community facility will be required to meet the following criteria:

- (i) in terms of layout and scale it must be suitable for the same or a wider range of activities as the existing facility; and**
- (ii) is equally available for public use in terms of restrictions on hours when facilities can be hired; and**
- (iii) has no additional restrictions on classes of users; and**
- (iv) the location of the alternative provision must be generally accessible by foot and within or adjacent to the settlement boundary area of Wivenhoe town.**

This policy will have no impact on an N2K site

Policy WIV16: The University of Essex The growth of the University within the campus area and Knowledge Gateway business park will in general be supported subject to it having proper regard to the interests and needs of Wivenhoe residents.

Outline planning permission/site allocations already exist for the Campus Area and for the Knowledge Gateway. The Campus and the Knowledge Gateway business Park are to the north of the Plan Area. This policy will have no impact on an N2K site.

Policy WIV17: Traffic in Wivenhoe Any development will be resisted where it would lead to a severe cumulative increase in traffic on those residential roads within the Wivenhoe settlement area where traffic does not flow freely.

This policy is concerned with the Settlement Area and will have no impact on an N2K site.

Policy WIV18: Walking and Cycling

- (i) Where possible, the sites allocated for development (WIV28-WIV31) will be expected to link into and enhance the existing network of cycle paths and public and permissive footpaths. Appropriate contributions from development will be used to improve the existing cycle and pedestrian network; and**
- (ii) All new development should ensure safe pedestrian access to link up with existing footways.**

No additional cycle or pedestrian routes are proposed in the vicinity of the downstream SPA and this policy will have no impact on an N2K site.

Policy WIV19: General Employment

Apart from changes allowed under permitted development rights, proposals to convert present business or commercial properties into residential properties will be resisted; and applications for a change of use to an activity that does not provide employment opportunities will only be permitted if it can be demonstrated that:

- (i) The commercial premises or land in question has not been in active use for at least 12 months; and**
- (ii) The commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as**

demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least 12 months.

Proposals to build or redevelop properties within the Wivenhoe settlement area suited for retail, small business services or light industrial or engineering activities (Use classes A and B1) will be encouraged subject to them:

- (a) being sympathetic to the area in which they are proposed; and
- (b) not creating noise, dust or smell directly or indirectly from excessive vehicle movements; and
- (c) according with other Wivenhoe Neighbourhood Plan, CBC Local Plan policies and the Essex Minerals and Waste Plans.

This policy is concerned with the use of buildings within the existing settlement area and will have no impact on an N2K site.

Policy WIV20: The Brook Street Business Centre

The Business Centre at Brook St is designated as an employment zone.

The Brook Street Business Centre is already used by small businesses and has no room for expansion. Designating it as an employment zone will not impact on an N2K site.

Policy WIV21: Cedric's Site

Whilst it is recognised that this site currently has permission for residential development, proposals for a mixed use scheme that is sympathetic to the surrounding area would also be supported.

This will not impact on an N2K site.

Policy WIV22: A commercial / Light Industrial Business Centre

A proposal to erect buildings for office and / or light industrial use (Use Category B1) on land of up to 2 hectares off Keelars Lane will be supported.

This proposal is discussed in section 3 above. Given its distance from the nearest SPA (2.1km) this will have no impact on an N2K site.

Policy WIV23: Additional dwellings in the Wivenhoe Parish

(i) In the period up to 2032, 250 new homes can be built in four locations (Behind Croquet Gardens see Policy WIV28; behind Broadfields – see Policy WIV29; off Elmstead Road – see Policy WIV30; and behind the Fire Station – see Policy WIV31) plus windfall in-fill sites and homes for which planning consent was obtained prior to approval of this Neighbourhood Plan; and

(ii) A residential care home will not be considered as part of this 250 new homes figure; and

(iii) The Neighbourhood Plan identifies allocations to accommodate growth (policies WIV28 to WIV31). In addition to these allocations, infill development will be considered acceptable within the settlement boundary of Wivenhoe, subject to the provisions of Policy WIV12, and other material planning considerations; and

(iv) New housing development will be required to ensure that local infrastructure is provided and / or improved in relation to the size and scale of the development

proposed. This requirement will apply to all infrastructure, and with particular attention to education provision and flood prevention (fluvial, sea and surface water).

The potential impact of building 250 additional homes in Wivenhoe is discussed below in the context of the particular sites allocated. There are no likely significant effects identified as a consequence of this policy.

Policy WIV24: Housing for the frail elderly

Proposals to deliver housing especially for the frail elderly and designed to promote independent living will be supported, subject to the proposals satisfactorily addressing all other policy criteria.

This policy is concerned with the type of housing delivered within the proposed 250 dwellings and has no impact on N2K sites.

Policy WIV25: Residential Care Home

Proposals for a residential care home (Use Class C2) within the Neighbourhood Plan area shall be supported. This shall be subject to the proposals satisfactorily addressing all other policy criteria.

Two potential sites have been identified for a care home. One is adjacent to land proposed for housing beside the Fire Station and is 2.01 km from the nearest point of an SPA; the other is as part of the allocation of land at Croquet Gardens which is 1.36 km from the nearest SPA. Care homes would be very unlikely to lead to additional recreational disturbance for the downstream SPA.

Policy WIV26: Flooding Risk and Climate Resilience

(i) Development should be located to minimise the risk of fluvial or surface water flooding

(ii) Drainage for new development should be based on the principles of sustainable drainage, as outlined in the Essex County Council SuDS Guide. Wherever possible this should be designed using above ground drainage features to help ensure robust treatment to improve the quality of water entering into local water bodies. The system should also promote wildlife habitats as well as green and blue corridors in relation to any new development

(iii) Permeable surfaces should be used wherever possible

(iv) Development should be located to encourage the use of sustainable transport and should include additional cycle and footpath links

(v) Incorporation of technologies which reduce reliance on fossil fuels such as solar panels at the build stage on new developments will be encouraged

This will have no likely significant negative effects on N2K sites

Policy WIV27: Design and Access

Developers must demonstrate in a Design and Access Statement how their proposed development reinforces and enhances Wivenhoe's character and heritage. The statement must set out how the proposals follow the policies and guidance in relevant national and local documents as well as this Plan. The

Design and Access Statement must address the following requirements for the proposed development:

- Be of high architectural value, construction and operation; and
- Should demonstrate how sustainability and environmental considerations have been taken into account. Design should incorporate flexibility of use, some with potential for future expansion or alteration for lifetime living, with the aspiration that properties will meet Lifetime Homes design standards (as identified in Appendix 2); and
- Be styled to complement and respect existing dwelling types in the vicinity; and
- Use good quality materials that complement the existing palette of materials used within the area with the promotion of high quality interior spaces and light; and
- Incorporate space and facilities conducive to working from home with occupier controlled access to fibre, copper and other home office services; and
- Incorporate well-designed access for pedestrians, cyclists and the physically disadvantaged; and
- Ensure appropriate on-site car parking for cars, motor cycles and mobility scooters; and
- Ensure that all homes include outside storage space, and where flats are proposed, include adequate provision of personal secure outdoor general storage suitable for bicycles; and
- Include landscape schemes that show integration into the surrounding countryside, and incorporate play areas with access to open and green spaces; and
- Ensure that gardens are appropriate to the type of dwelling proposed. This may mean that for some types of dwellings such as apartments and flats, or for older people, there may not be any garden, or there are gardens that could be provided under a service arrangement.

This policy is concerned with design and is not relevant to N2K sites

Site allocation policies: WIV28 to WIV31

Policies WIV 28 to WIV31 allocate land for residential development. The impacts of these sites have been discussed in section 3 (of the screening report). Any potential impact on N2K sites would be via increased recreational disturbance. In section 3 it was concluded that there were no likely significant effects from the Wivenhoe proposals considered in isolation and that the in combination effects with other emerging proposals for development were also likely to be low. Two possible mitigation measures were suggested – some information for walkers about the importance of the Colne for birdlife at the entrance to the downstream footpath with a request to keep dogs under control; measures to enforce the speed limit on the higher reaches of the Colne, in the event that proposals come forward for a garden settlement to the north of the A133, to avoid potential noise disruption and erosion by wash..

For completeness the wording of the policies relating to site allocations is given below.

Policy WIV28: Land off Croquet Gardens

An area of 1.35 hectares lying behind Croquet Gardens shown in Figure 32 is allocated for 25 residential dwellings and for a residential care home subject to the following conditions:

- (i) the 25 dwellings to each be of 3 bedrooms or less, and suitable for occupation by older people; and
- (ii) the overall design of the scheme to demonstrate that it will address the needs of older people; and
- (iii) 20% of all properties to be allocated as affordable housing application or that percentage relevant under Borough policies at the time the planning application is submitted; and
- (iv) the development be protected from impacts arising from Wivenhoe Quarry operations by means of suitable mitigation measures; and
- (v) the introduction of landscaping on the western boundaries of the site in order to ensure that development is well screened from existing properties there; and
- (vi) protective netting be erected alongside the boundary with the Cricket Club that is suitably high to protect members of the public from stray cricket balls from the cricket ground; and
- (vii) that it can be demonstrated that development will not have a detrimental impact on wildlife, as evidenced through a wildlife survey; and
- (viii) an agreement that all the land on the eastern boundary of the site, including the fishing lake, can be protected as a wildlife area and as a corridor connecting the wildlife area in the north to Gravel Pit Grove in the south; and
- (ix) 2 acres (0.8ha) of land be given to Wivenhoe Town Council for new allotments adjacent to the existing allotments and backing on to the gardens of the properties in Field Way; and
- (x) the layout to provide:
 - a) all-weather footpaths and cycle tracks from Croquet Gardens to The Cross, and to the boundary with the Quarry site; and
 - b) a shared use footpath and cycle track linking The Cross to the land in the north owned by Colchester Borough Council; and
- (xi) a small area of land to be provided suitable for the informal parking of up to 20 cars for people to access the meadow behind the Cricket Club; and
- (xii) existing public and permissive rights of way to be maintained across the meadow; and
- (xiii) Contributions towards open spaces, sports, recreational facilities and community facilities shall be required in line with Borough Policies current at the time any application for planning permission is made.

Policy WIV29: Land behind Broadfields The land behind Broadfields shown in Figure 35 totalling 4.06 hectares is allocated for 120 dwellings subject to the following conditions:

- (i) a minimum of 45 dwellings shall be provided with one or two bedrooms which could be designed as homes for older people, or for single people, or for young couples. They could be bungalows, terraced properties or apartments; and
- (ii) the number of dwellings with 4 bedrooms or more shall not exceed 25 (these could include an office for home-working and/or an annexe to accommodate a relative); and
- (iii) dwellings, of whatever size, designed for older residents or active retirees should be built to the Lifetime Homes standard; and

- (iv) 20% of all properties are to be allocated as affordable housing application of that percentage relevant under Borough policies at the time the planning application is submitted; and**
- (v) it can be demonstrated the development will not have a detrimental impact on wildlife, as evidenced through a wildlife survey; and**
- (vi) vehicle access into the residential part of the site shall be provided from Richard Avenue; and**
- (vii) 2 hectares of land in the northern part of the site adjacent to Broad Lane Sports Ground shall be provided for additional sports pitches; and**
- (viii) a dedicated footpath / cycleway along Elmstead Road to link up Broad Lane Sports Ground with the built-up part of Wivenhoe shall be provided; and**
- (ix) a shared-use footpath and cycle track shall be provided directly linking the development to the facilities at Broad Lane Sports Ground and linking with the public footpath to the south of the site; and**
- (x) a contribution shall be paid towards the creation of a combined footpath / cycle track linking the new development to the public footpath (FP No. 14) from The Cross; and**
- (xi) contributions towards open spaces, sports, recreational facilities and community facilities shall be required in line with Borough Policies current at the time any application for planning permission is made.**

Proposals to include some self-build plots within this site allocation will be supported

Policy WIV30: Land off Elmstead Road, Wivenhoe The land shown in Figure 36 totalling 0.93 hectares is allocated for 25 dwellings subject to the following conditions:

- (i) each dwelling to be of a maximum of two bedrooms suited primarily for single people or as 'starter' homes for young couples; and**
- (ii) 20% of these properties to be allocated as affordable housing or that percentage which is relevant under Borough policies at the time the planning application is submitted; and**
- (iii) a cemetery of a minimum of 1.5 hectares in size be given to Wivenhoe Town Council that is provided with off-road parking for 12 cars, is suitably fenced on all sides, incorporates a suitable footway through it and has a cold water supply to a stand-pipe; and**
- (iv) a hydrological survey to demonstrate that the cemetery will not have an unacceptable impact on local drainage; and**
- (v) landscaping to be implemented on the north west boundary of the residential part of the site in order to ensure that development is well screened by trees and not easily visible to people travelling on Colchester Road; and**
- (vi) that it can be demonstrated that development will not have a detrimental impact on wildlife, as evidenced through a wildlife survey; and**
- (vii) the provision of appropriate pedestrian and vehicle access into the residential part of the site from Elmstead Road plus whatever other footway / highway improvements would be required by the highway authority; and**
- (viii) contributions towards open spaces, sports, recreational facilities and community facilities will be required in line with Borough Policies current at the time any application for planning permission is made.**

Policy WIV31: Land behind the Fire Station The land behind the Fire Station shown in Figure 39 totalling 3.06 hectares of which 2.7 hectares is allocated for 80 dwellings subject to the following conditions:

(i) 5 dwellings shall be built for people aged over 60 in need of housing, currently living in Wivenhoe, to be built and managed by a local housing charity on one thord of an acre of land (0.15 ha) within this site, close to Colchester Road, which shall be gifted to

this housing charity; and

(ii) An additional minimum of 20 dwellings shall be built which are suitable for older people, appropriate for the frail elderly as well as being attractive to active retirees; these should be built to the Lifetime Homes Standard and could be bungalows or single level apartments, or two-storey apartments a lift should be incorporated; and

(iii) In addition a minimum of 15 dwellings shall be built, each of no more than 2 bedrooms, that could be designed as homes for older people, or for single peoples, or for young couples which could be bungalows, terraced properties or apartments; and

(iv) A maximum of 15 dwellings may be built of 4 bedrooms or more which could also include an office for home-working and/or an annexe to accommodate a relative; and

(v) All properties intended for older people and at least 50% of all dwellings should be constructed to the Lifetime Homes Standard; and

(vi) Excluding the 5 housing trust dwellings specified in (i) above, 20% of dwellings are to be allocated as affordable housing or that percentage which is relevant under Borough policies at the time the planning application is submitted; and

(vii) a site for allotments is provided on a field of approximately 1.5 hectares close by Broomgrove Schools with a mains water supply together with an access track to provide vehicular access to this field with adequate passing places to allow vehicles to pass pedestrians safely as well as vehicles coming from the opposite direction; and

(viii) this track is to have an all-weather surface suitable to make it a safe footway and cycle track from Broomgrove Schools to Colchester Road by the Fire Station; and

(ix) contributions towards open spaces, sports, recreational facilities and community facilities will be required in line with Borough Policies current at the time any application for planning permission is made; and

(x) landscaping is introduced on the northern boundary of the site in order to ensure that development is well screened; and

(xi) suitable road and pavement access to Colchester Road is provided in accordance with the requirements of ECC Highways.

Proposals to include some self-build plots within the overall allocation will be supported.

An additional 0.86 hectares of land, adjacent to the site allocated for housing, is proposed for a potential site for a care home. This area is as shown on the Wivenhoe Proposals map.

4.3 The screening report concluded that the increase in population in Wivenhoe, from the sites allocated to deliver 250 dwellings will not lead to likely significant effects alone.

4.4 A PROW runs along the riverbank on the seawall and the former railway track adjacent to the Colne Estuary SPA. This is a valued route for recreational walking and bird watching. People tend to keep on the footpath because of the terrain and do not stray onto the mud flats though dogs can be a problem.

4.5 The sites proposed for housing in the neighbourhood plan lie to the north of the settlement area and the proposed dwellings are on average about 1.9 kilometres as the crow flies from the nearest point of the SPA (further by road and footpath). Amenity space within the developments will be required in line with Colchester Borough Policy and all the sites are near to open spaces which are used for recreation and dog walking. The Croquet Gardens site and the Broadfields sites are both adjacent to an area of around 12 ha of open space with both public and permissive footpaths. The Elmstead Road site is about 500 metres walking distance from this same area of open space. Similarly the site behind the Fire Station is 350 metres from this open space and close to Wivenhoe Woods. For those wishing to walk adjacent to the river the footpath upstream (The Wivenhoe Trail) is nearer to all the sites than the footpath downstream adjacent to the SPA. The use of the path downstream from the settlement area for dog walking and recreational use is therefore likely to be less frequent than for residents of the Wivenhoe settlement area as a whole.

4.6 The planned 250 additional dwellings represent just under a 7% increase in the housing stock in the Parish area of Wivenhoe. Given the distance from the SPA and the availability of nearer open space the increase in those using the downstream PROW would be likely to be less than 7%. In addition some of the footpath users may be students living on campus and people living elsewhere so it is plausible that the percentage increase in foot traffic due to the proposed additional housing in Wivenhoe would be somewhere between 2 and 4 %. This would not present a likely significant effect on the SPA or threaten its integrity.

5. The Appropriate Assessment

5.1 There are a large number of plans and projects in the Borough of Colchester and the county of Essex. Those plans and projects considered likely to have the potential for in-combination effects are limited to those that will directly lead to an increase in population or involve the use of land. Natural England has identified that the Wivenhoe neighbourhood plan in-combination with the Colchester Borough Local Plan may lead to likely significant effects on the Colne Estuary SPA and Ramsar site and Essex Estuaries SAC due to increased recreational disturbance. This is the only issue for consideration in the appropriate assessment. All other potential impacts have been screened out. However, the appropriate assessment has been widened to include the Blackwater Estuary SPA and Ramsar and Stour and Orwell Estuaries SPA and Ramsar. The conservation objectives for each of the Habitats sites likely to be affected are set out below.

5.2 The conservation objectives for the Colne Estuary (Mid-Essex Coast Phase 2) SPA are as follows:

With regard to the SPA 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;

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 of the Colne Estuary SPA

Dark-bellied brent goose (non-breeding) (*Branta bernicla bernicla*)

Common pochard (breeding) (*Aythya farina*)

Hen harrier (non-breeding) (*Circus cyaneus*)

Ringed plover (breeding) (*Charadrius hiaticula*)

Common redshank (non-breeding) (*Tringa totanus*)

Little tern (breeding) (*Sterna albifrons*)

Waterbird assemblage

5.3 The conservation objectives for the Blackwater Estuary (Mid-Essex Coast Phase 4) SPA are as follows:

With regard to the SPA 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;

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 of Blackwater Estuary SPA

Dark-bellied brent goose (non-breeding) (*Branta bernicla bernicla*)

Common pochard (breeding) (*Aythya farina*)

Hen harrier (non-breeding) (*Circus cyaneus*)

Ringed plover (breeding) (*Charadrius hiaticula*)

Grey plover (non-breeding) (*Pluvialis squatarola*)

Dunlin (non-breeding) (*Calidris alpina alpina*)

Black-tailed godwit (non-breeding) (*Limosa limosa islandica*)

Little tern (breeding) (*Sterna albifrons*)

Waterbird assemblage

5.4 The conservation objectives for the Essex Estuaries SAC are as follows:

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

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Condition 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:

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 thermos-Atlantic halophilous scrubs (*Sarcocornetea fruticose*);

Mediterranean saltmarsh scrub

5.5 Essex Estuaries SAC is designated for the presence of coastal and inter-tidal habitats and the area of coverage in North Essex is largely shared with the Colne Estuary SPA and Ramsar. The habitats for which the SAC is designated are vulnerable to physical damage which can be caused by trampling and erosion associated with terrestrial recreation and wave damage caused by water based recreation.

5.6 The conservation objectives for the Stour and Orwell Estuaries SPA are as follows:

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:

Dark-bellied brent goose (non-breeding) (*Branta bernicla bernicla*)

Northern pintail (non-breeding) (*Anas acuta*)

Pied avocet (breeding) (*Recurvirostra avosetta*)

Grey plover (non-breeding) (*Pluvialis squatarola*)

Red knot (non-breeding) (*Calidris canutus*)

Dunlin (non-breeding) (*Calidris alpina alpina*)

Black-tailed godwit (non-breeding) (*Limosa limosa islandica*)

Common redshank (non-breeding) (*Tringa tetanus*)

Waterbird assemblage

5.7 Recreational disturbance can affect estuarine ecosystems through over-exploitation of their natural resources. This can be split into physical and non-physical disturbance. However, over a third of the population nationally live in towns and cities around estuaries and so a balance has to be struck between the need to protect these environmentally important sites and managing the increasing recreation impacts associated with a growing population.

5.8 Physical disturbance relates to actual damage or degradation of habitat from direct human activities. Examples in the context of this assessment relate to damage to habitat from walking (trampling of vegetation) and the abrasion of intertidal or freshwater habitat from boat wash/anchoring. This issue is relevant to the habitats for which the Habitats sites are designated (e.g. damage to saltmarsh communities) or habitat which supports designated species (e.g. sand and gravel shores). Recreational users can damage habitat and cause severe disturbance to wildlife, particularly nesting birds in spring and feeding and roosting waterfowl in winter. The primary source of non-physical disturbance relates to an increase in the number of visitors to Habitats sites due to increases in housing, an associated increase in demand for recreation and tourism facilities near to these sites.

5.9 As noted in the screening section, above, the sites selected for housing are all some distance from the Colne and are close to other areas for recreational walking.

Furthermore, all of the site allocations in Wivenhoe require the provision of open space in excess of the 10% generally required for housing. Provision of suitable accessible natural greenspace (SANG) is a widely recognised mitigation measure.

5.10 The Wivenhoe neighbourhood plan area includes land north of the A133 that is identified in the emerging Colchester Borough Local Plan as a broad area of search for a garden community. The Tendring/ Colchester Borders garden community also includes land within Tendring district. The proposed Tendring/ Colchester Borders garden community is a key issue for the in-combination assessment. Whilst the qualifying body has successfully demonstrated that the Wivenhoe neighbourhood plan will not lead to likely significant effects alone, it has potential to lead to likely significant effects in-combination with the proposed Tendring/ Colchester Borders garden community. The emerging Shared Section 1 Local Plan includes a policy for the Tendring/ Colchester Borders garden community. This states that the broad area of search is identified for housing of around 2,500 dwellings within the plan period as part of an overall total of 7,000-9,000. The policy also states that a high proportion of the garden community will comprise green infrastructure including a new country park of a minimum of 70 hectares around Salary Brook. The commitment to providing such a high level of green infrastructure has many benefits and in the context of this assessment, will provide SANG to contribute towards mitigating in-combination effects. Whilst the Local Plan is currently in draft form green infrastructure is a key principle of garden communities and there is therefore a degree of certainty that if the garden community is delivered it will include high levels of green infrastructure (i.e. well in excess of the 10% the LPA generally requires).

5.11 As part of the appropriate assessments of the Core Strategy and Site Allocations the LPA carried out visitor surveys of Habitats sites in Colchester Borough and Tendring District. Surveys were carried out over a three year period and were undertaken during the sensitive periods of spring and winter. This survey and monitoring programme showed that the majority of visitors to Habitats sites travelled short distances, with the exception of the honeypot sites of Cudmore Grove in Mersea and Walton-on-the-Naze in Tendring, where visitors are actively encouraged. Overall, close to home was the most popular reason given for visiting a site and the most common purpose given for visiting was to walk and dog walk. In terms of alternative sites visited the majority of people said that they generally visit sites close to home. These findings help to provide confidence that the high quality and amount of green infrastructure proposed for the Tendring/ Colchester Borders garden community will form an appropriate mitigation measure.

5.12 Section 2 of the emerging Colchester Borough Local Plan includes a requirement in policy DM18 (Provision of Public Open Space) for new development to provide for the recreational needs of new communities. The policy recognises that open space provision can alleviate pressure on sites of high nature conservation value from the growing population. Natura 2000 sites are specifically referred to in the policy. The policy requires at least 10% of the gross site area to be provided as open space. Sites over 5 hectares are further required to provide a strategic area of open space. These requirements, which the LPA has a strong history of securing, will provide open space for every new dwelling, helping to mitigate the impacts on Habitats sites.

5.13 Policy ENV1 (Environment) of the emerging Local Plan also needs to be considered in-combination. This policy seeks to conserve and enhance the Borough's natural and historic environment, countryside and coastline, and will lead to positive effects on European sites.

5.14 It is clear that mechanisms are in place in the Colchester Borough Local Plan to ensure that high levels of open space will be delivered as part of new housing across the Borough. Where necessary this will be specifically designed and delivered as SANG to alleviate pressure on Habitats sites. It is not necessary for this to be repeated in the Wivenhoe neighbourhood plan. The Local Plan and neighbourhood plan will both form part of the development plan once adopted (or made in the case of the neighbourhood plan).

5.15 The Habitat Regulations require a precautionary approach to be taken. SANG is generally recognised by Natural England as an effective mitigation measure. However, Habitats sites in Essex are estuaries and it is not easy to re-create estuarine habitats. Whilst the Colchester Borough Local Plan will ensure that SANG is provided it will not be easy to create an alternative for all users as some users will visit Habitat sites specifically because of their special features. There is therefore a need to consider additional mitigation.

5.16 Colchester Borough Council is working with 10 Essex LPAs on a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast. This is being prepared by Essex County Council's Place Services on behalf of the 11 partner LPAs. The RAMS sets Zones of Influence in which residential development is likely to significantly affect Habitats sites in-combination with other plans and projects. RAMS sets out a package of necessary avoidance and mitigation measures for each of the 10 Essex Coast Habitats sites and a tariff which will be used to pay for the avoidance and mitigation measures. All residential development within the Zones of Influence will either need to pay the tariff, which is a fair and proportionate contribution to the overall package of measures, or prepare a project level HRA with bespoke mitigation.

5.17 A final draft of the RAMS has been prepared and is expected to be consulted upon in February/ March 2019. However, in the interim period Colchester Borough Council is using the draft RAMS to seek contributions towards the identified avoidance and mitigation measures to ensure that residential development in Colchester does not affect the integrity of Habitats sites and planning decisions are having regard to the requirements of the Habitats Regulations.

5.18 Colchester Borough Council's commitment to RAMS enables the conclusion to be reached that the Wivenhoe neighbourhood plan will not result in any likely significant effects on the integrity of European sites alone or in-combination. Whilst financial contributions are being requested now, in advance of the adoption of the RAMS SPD, on a precautionary basis a RAMS policy is included in the Wivenhoe neighbourhood plan. The RAMS policy requires proposals for residential development to make a financial contribution towards avoidance and mitigation measures in line with the RAMS. The policy includes provision for the interim period, so if the Wivenhoe neighbourhood plan is adopted before the RAMS SPD contributions can still be collected.

6. Conclusion

6.1 It has already been demonstrated through screening and accepted by Natural England that the Wivenhoe neighbourhood plan will not lead to any likely significant effects on the integrity of European sites alone. The Wivenhoe neighbourhood plan HRA screening report, re-screening report, which discusses in-combination issues, and this appropriate assessment report enables Colchester Borough Council as the competent authority, to conclude that the Wivenhoe neighbourhood plan will not lead to any likely significant effects on the integrity of Habitats sites either alone or in-combination.

6.2 The making of the Wivenhoe neighbourhood development plan is not likely to have a significant effect on a Habitats site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects). The basic condition set out in paragraph 1 of Schedule 2 of The Neighbourhood Planning (General) Regulations 2012 (as amended) is therefore met.

Appendix A: Information about Habitats sites

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
Large estuarine site in south-east England. The site comprises the major estuaries of the Colne, Blackwater, Crouch and Roach river.				
Essex Estuaries SAC	46140.82	<p>Annex 1 habitats that are a primary reason for selection of this site:</p> <p>Estuaries Mudflats and sandflats not covered by seawater at low tide Salicornia and other animals colonising mud and sand Spartina swards (<i>Spartinion maritimae</i>) Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) Mediterranean and thermo-Atlantic halophilous scrubs</p> <p>Annex 1 habitats present as a qualifying feature:</p> <p>Sandbanks which are slightly covered by seawater all the time</p>	<p>With regard to the individual species and/or assemblage of species for which the site has been classified:</p> <p>Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.</p> <p>Subject to natural change, to maintain or restore:</p> <p>The extent and distribution of the habitats of the qualifying features; The structure and function of the habitats of the qualifying features;</p>	<p>Coastal squeeze – Coastal defences along much of the Essex coastline prevent intertidal habitats from shifting landward in response to rising sea levels. As a result, these habitats are being gradually degraded and reduced in extent, 'Managed realignment' schemes and additional intervention measures to create new areas of intertidal habitat and reduce erosion rates are being implemented but more will be needed to offset future losses.</p> <p>Fisheries: Commercial marine and estuarine – Shellfish dredging over subtidal habitats has been identified as an Amber activity and is considered a high priority for assessment and development of possible management for the site.</p> <p>Bottom towed fishing gear has been categorised as a 'Red' for the interest features listed, specifically the seagrass</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
			<p>The supporting processes on which the habitats of the qualifying features rely; The populations of the qualifying features; The distribution of the qualifying features within the site.</p>	<p>beds <i>Zostera</i> spp, a sub-feature of the SAC.</p> <p>Planning Permission: general – Several of the issues affecting the Essex Estuaries and the management of disturbance effects on the sites are related to each other, and addressing them is likely to require an improved overview of the relative sensitivities of different habitats, species and locations to different types of development.</p> <p>Invasive species – Non-native invasive species such as the American whelk tingle <i>Urosalpinx cinerea</i> and Slipper limpet <i>Crepidula fornicata</i> are known to occupy subtidal muddy habitats, potentially impacting native communities through competition for resources and predation. Invasive common cord grass may adversely affect plant species for which the Essex Estuaries SAC is designated.</p> <p>Fisheries: Recreational marine and estuarine – Recreational bait digging may damage the intertidal mudflats and sandflats and associated sub-features and communities, such as eelgrass</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
				<p>beds. The extent of the activity and potential impacts on site features are not currently well understood.</p> <p>Air Pollution: risk of atmospheric nitrogen deposition - Atmospheric nitrogen deposition exceeds the relevant critical loads for coastal dune habitats used by breeding terns and hence there is a risk of harmful effects. However, on the Essex estuaries declines in the numbers of breeding terns appear to be due mainly to erosion of a man-made cockle-shingle bank (at Foulness) and to disturbance (elsewhere), rather than to over-vegetation of breeding areas caused by nitrogen deposition.</p>
<p>The Stour and Orwell estuaries straddle the eastern part of the Essex/Suffolk border in eastern England. The estuaries include extensive mud-flats, low cliffs, saltmarsh and small areas of vegetated shingle on the lower reaches. The mud-flats hold <i>Enteromorpha</i>, <i>Zostera</i> and <i>Salicornia</i> spp. The site also includes an area of low-lying grazing marsh at Shotley Marshes on the south side of the Orwell. In summer, the site supports important numbers of breeding Avocet <i>Recurvirostra avosetta</i>, while in</p>				
Stour and Orwell Estuaries SPA	3676.92	Annex I species: Over winter: Hen Harrier Circus cyaneus	With regard to the individual species and/or assemblage of species for which the site has	Coastal squeeze – Coastal defences are present along most of the Orwell coastline to mitigate for impacts from climate change, such as rising sea level.

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
		<p>This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p>Over winter:</p> <p>Black-tailed Godwit <i>Limosa limosa islandica</i> Dunlin <i>Calidris alpina alpina</i> Grey Plover <i>Pluvialis squatarola</i> Pintail <i>Anas acuta</i> Redshank <i>Tringa totanus</i> Ringed Plover <i>Charadrius hiaticula</i> Shelduck <i>Tadorna tadorna</i> Turnstone <i>Arenaria interpres</i></p> <p>The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl including:</p> <p>Cormorant <i>Phalacrocorax carbo</i>; Pintail <i>Anas acuta</i>;</p>	<p>been classified (“the Qualifying Features” listed below);</p> <p>Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.</p> <p>Subject to natural change, to maintain or restore:</p> <p>The extent and distribution of the habitats of the qualifying features;</p> <p>The structure and function of the habitats of the qualifying features;</p> <p>The supporting processes on which the habitats of the qualifying features rely;</p> <p>The populations of the qualifying features;</p> <p>The distribution of the qualifying features within the site.</p>	<p>Unless changes are made to the management of the coastline, habitats supporting qualifying SPA birds will be lost or degraded through coastal squeeze, sedimentation and reduced exposure.</p> <p>Public access/disturbance – Stour and Orwell Estuaries is subject to land- and water-based activities, including boating and water sports; walking; bait-digging; fishing; wildfowling; and military overflight training. These activities are likely to impact habitats supporting breeding and overwintering water birds. A better understanding of which species and habitats are most susceptible; which types of activity are most disturbing; and which locations and times of year are most sensitive is required to ensure the Estuaries are appropriately managed.</p> <p>Changes in species distribution – Declines in the number of bird species present at Orwell coastline have occurred. This is likely to be the result of changes in population and distribution</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
		Ringed Plover <i>Charadrius hiaticula</i> ; Grey Plover <i>Pluvialis squatarola</i> ; Dunlin <i>Calidris alpina alpina</i> ; Black-tailed Godwit <i>Limosa limosa islandica</i> ; Redshank <i>Tringa tetanus</i> ; Shelduck <i>Tadorna tadorna</i> ; Great Crested Grebe <i>Podiceps cristatus</i> ; Curlew <i>Numenius arquata</i> ; Dark-bellied Brent Goose <i>Branta bernicla bernicla</i> ; Wigeon <i>Anas Penelope</i> ; Goldeneye <i>Bucephala clangula</i> ; Oystercatcher <i>Haematopus ostralegus</i> ; Lapwing <i>Vanellus vanellus</i> ; Knot <i>Calidris canutus</i> ; Turnstone <i>Arenaria interpres</i> .		<p>on an international scale, due to climate change.</p> <p>Invasive species – An increase in <i>Spartina anglica</i> may be affecting the growth of <i>Spartina maritima</i>, a key habitat feature for qualifying bird roosting and feeding areas of saltmarsh and mudflat.</p> <p>Planning permission: General – The issue of development in combination with other factors is not fully understood. To ensure management is appropriate to the SPA a better understanding of the sensitivities relating to each habitat, species and location to different types of development is required. Difficult issues highlighted by the SIP include; a) Assessing the cumulative effects of numerous, small and often 'non-standard' developments. b) Development outside the SPA boundary can have negative impacts, particularly on the estuaries' birds. c) Assessing the indirect, 'knock-on' effects of proposals. d) Pressure to relax planning conditions on existing developments.</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
				<p>Air pollution: impact from atmospheric nitrogen deposition – Atmospheric nitrogen deposition exceeds the relevant critical loads for coastal dune habitats used by breeding terns and hence there is a risk of harmful effects.</p> <p>Inappropriate coastal management – Due to the presence of existing hard sea defences, such as sea walls there is little scope for adaptation to rising sea levels. Any freshwater habitats behind failing seawalls are likely to be inundated by seawater, which would result in the loss of this habitat within the SPA.</p> <p>Fisheries: Commercial and estuarine – Commercial fishing activities can be very damaging to inshore marine habitats and the bird species dependent on the communities they support. Any ‘amber or green’ categorised commercial fishing activities in European Marine Sites are assessed by Kent and Essex Inshore Fisheries Conservation Authority (IFCA). This assessment takes into account any in-</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
				combination effects of amber activities and/or appropriate plans or projects.
Stour and Orwell Estuaries Ramsar site	3676.92	<p>Ramsar criterion 2 Contains seven nationally scarce plants: Stiff saltmarsh-grass Puccinellia rupestris Small cord-grass Spartina maritime Perennial glasswort Sarcocornia perennis Lax-flowered sea lavender Limonium humile Eelgrasses Zostera angustifolia, Z. marina and Z. noltei.</p> <p>Ramsar criterion 5 Assemblages of international importance; species with peak counts in winter; 63,017 waterfowl.</p> <p>Ramsar criterion 6 species/populations occurring at levels of international importance: Species with peak counts in spring/autumn:</p>	None available.	<p>Similar to Stour and Orwell Estuaries SPA (See above). A key threat identified by RIS was erosion. Erosion – Natural coastal processes exacerbated by fixed sea defences, port development and maintenance dredging. Erosion is being tackled through sediment replacement for additional erosion that can be attributed to port development and maintenance dredging. A realignment site has been created on-site to make up for the loss of habitat due to capital dredging. General background erosion has not been tackled although a Flood Management Strategy for the site is being produced.</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
		Common redshank, <i>Tringa totanus tetanus</i> . Species with peak counts in winter: Dark-bellied brent goose, <i>Branta bernicla bernicla</i> ; Northern pintail, <i>Anas acuta</i> ; Grey plover, <i>Pluvialis squatarola</i> ; Red knot, <i>Calidris canutus islandica</i> ; Dunlin, <i>Calidris alpina alpina</i> Black-tailed godwit, <i>Limosa limosa islandica</i> ; Common redshank, <i>Tringa totanus tetanus</i> .		
<p>The Colne Estuary is located on the coast of Essex in eastern England. It is a comparatively short and branching estuary, with five tidal arms that flow into the main channel of the River Colne. The estuary has a narrow intertidal zone predominantly composed of flats of fine silt with mud-flat communities typical of south-eastern English estuaries. The estuary is of importance for a range of wintering wildfowl and waders, in addition to breeding Little Tern <i>Sterna albifrons</i> which nest on shell, sand and shingle spits. There is a wide variety of coastal habitats which include mud-flat, saltmarsh, grazing marsh, sand and shingle spits, disused gravel pits and reedbeds which provide feeding and roosting opportunities for the large numbers of waterbirds that use the site.</p> <p>The Colne Estuary is an integral component of the phased Mid-Essex Coast SPA</p>				
Colne Estuary (Mid-Essex)	2701.43	Annex I populations of the following species: During the breeding season -	Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying	Coastal Squeeze – Coastal defences along much of the Essex coastline prevent intertidal habitats from shifting landward in response to rising sea

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
Coast Phase 2) SPA		<ul style="list-style-type: none"> • Little Tern <i>Sterna albifrons</i> <p>Over winter -</p> <ul style="list-style-type: none"> • Avocet <i>Recurvirostra avosetta</i> • Golden Plover <i>Pluvialis apricaria</i> • Hen Harrier <i>Circus cyaneus</i> <p>This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p>Over winter -</p> <ul style="list-style-type: none"> • Dark-bellied Brent Goose <i>Branta bernicla bernicla</i> • Redshank <i>Tringa totanus</i> • The area qualifies under Article 4.2 of the Directive 	<p>features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.</p> <p>Subject to natural change, to maintain or restore:</p> <p>The extent and distribution of the habitats of the qualifying features;</p> <p>The structure and function of the habitats of the qualifying features;</p> <p>The supporting processes on which the habitats of the qualifying features rely;</p> <p>The populations of the qualifying features;</p> <p>The distribution of the qualifying features within the site.</p>	<p>levels. As a result, these habitats are being gradually degraded and reduced in extent, with knock-on effects on the waterbirds and other species they support. 'Managed realignment' schemes and additional intervention measures to create new areas of intertidal habitat and reduce erosion rates are being implemented but more will be needed to offset future losses. Grazing marshes in the area of the Mid Essex Coast SPAs are important for waterbirds and are also threatened by sea level rise because most are near or below mean high tide level, currently protected behind seawalls.</p> <p>Public access /disturbance – Breeding and overwintering waterbirds are susceptible to human disturbance from a range of land- and water-based activities - including boating and watersports, walking, bait-digging, fishing and wildfowling - as well as low-flying aircraft. Some activities, such as powerboating, may produce physical disturbance to habitats.</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
		(79/409/EEC) by regularly supporting at least 20,000 waterfowl		<p>Planning permission: general – Several of the issues affecting the Essex Estuaries and the management of disturbance effects on the sites are related to each other, and addressing them is likely to require an improved overview of the relative sensitivities of different habitats, species and locations to different types of development.</p> <p>Changes in species distributions – Declines have occurred in the numbers of some of the waterbird species using the Essex Estuaries SIP area but these may be due to changes in their distributions or population levels at a national or continental scale, possibly linked to climate change.</p> <p>Invasive species – An increase in Pacific oyster <i>Crassostrea gigas</i> settlement and colonisation within the European Marine Site (EMS) may result in areas of foreshore being covered in such numbers as to make them difficult to access and utilise as feeding grounds for overwintering birds. Invasive common cord grass may adversely affect other species and habitats,</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
				<p>including feeding and roosting areas of SPA bird species.</p> <p>Fishing – Recreational bait digging may impact waterbirds e.g. by reducing prey availability, or damaging the intertidal mudflats and sandflats and associated communities. The extent of the activity and potential impacts on site features are not currently well understood. Certain forms of commercial fishing, e.g. bottom towed fishing gear; can be very damaging to inshore marine habitats and the bird species dependent on the communities they support.</p> <p>Air Pollution: risk of atmospheric nitrogen deposition – Atmospheric nitrogen deposition exceeds the relevant critical loads for coastal dune habitats used by breeding terns and hence there is a risk of harmful effects. However, on the Essex estuaries declines in the numbers of breeding terns appear to be due mainly to erosion of a man-made cockle-shingle bank (at Foulness) and to disturbance (elsewhere), rather than to over-</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
				vegetation of breeding areas caused by nitrogen deposition.
Colne Estuary (Mid-Essex Coast Phase 2) Ramsar site	2701.43	<p>Ramsar criterion 1</p> <p>The site is important due to the extent and diversity of saltmarsh present.</p> <p>Ramsar criterion 2</p> <p>The site supports 12 species of nationally scarce plants and at least 38 British Red Data Book invertebrate species.</p> <p>Ramsar criterion 3</p> <p>This site supports a full and representative sequence of saltmarsh plant communities covering the range of variation in Britain.</p> <p>Ramsar criterion 5</p>	None available.	Similar to Colne Estuary SPA (above).

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
		<p>Assemblages of international importance:</p> <p>Species with peak counts in winter: 32041 waterfowl (5 year peak mean 1998/99-2002/2003)</p> <p>Ramsar criterion 6</p> <p>Species/populations occurring at levels of international importance. Qualifying Species/populations (as identified at designation):</p> <p>Species with peak counts in winter: Dark-bellied brent goose, Branta bernicla bernicla; Common redshank, Tringa totanus tetanus. Species/populations identified subsequent to designation for possible</p>		

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
		future consideration under criterion 6.		
Abberton Reservoir is a large water storage reservoir close to the Essex coast. It is one of the most important reservoirs in the country for overwintering waterfowl and also supports substantial aggregations of moulting birds in early autumn and a large colony of tree-nesting cormorants. Causeways divide the reservoir into three sections.				
Abberton Reservoir SPA	726.2	<p>Supports the following internationally important waterbird assemblage:</p> <p><i>Podiceps cristatus</i>; Great crested grebe (Non-breeding)</p> <p><i>Phalacrocorax carbo</i>; Great cormorant (Breeding)</p> <p><i>Cygnus olor</i>; Mute swan (Non-breeding)</p> <p><i>Anas penelope</i>; Eurasian wigeon (Non-breeding)</p> <p><i>Anas strepera</i>; Gadwall (Non-breeding)</p> <p><i>Anas crecca</i>; Eurasian teal (Non-breeding)</p> <p><i>Anas clypeata</i>; Northern shoveler (Non-breeding)</p>	<p>With regard to the individual species and/or assemblage of species for which the site has been classified:</p> <p>Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.</p> <p>Subject to natural change, to maintain or restore:</p> <p>The extent and distribution of the habitats of the qualifying features;</p>	<p>Siltation – high sediment load in reservoir inflow due to agricultural practices within catchment.</p> <p>Public access / disturbance – designated waterbirds are vulnerable to human disturbance but well controlled by Essex & Suffolk Water; occasional trespassing and disturbance by low flying aircraft.</p> <p>Planning permission: general – potential future threat to designated waterbirds if farmland providing supporting habitat close to the SPA were lost to development; requires further study.</p> <p>Changes in species distributions – unexplained decline in designated population of cormorant.</p> <p>Bird strike – death of designated mute swans and possibly other species from</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
		<p><i>Aythya ferina</i>; Common pochard (Non-breeding) <i>Aythya fuligula</i>; Tufted duck (Non-breeding) <i>Bucephala clangula</i>; Common goldeneye (Non-breeding) <i>Fulica atra</i>; Common coot (Non-breeding) <i>Pluvialis apricaria</i>; European golden plover (Non-breeding)</p>	<p>The structure and function of the habitats of the qualifying features; The supporting processes on which the habitats of the qualifying features rely; The populations of the qualifying features; The distribution of the qualifying features within the site.</p>	<p>collision with overhead powerlines near reservoir. Water pollution – Water stored in the reservoir is high in nutrients (eutrophic) as it comes from intensively farmed catchment areas. Resulting algal blooms may include toxic blue-green algae that can kill wildfowl, though no significant mortality has been recorded. Historically, increased water from the reservoir led to low water levels although no decrease in wildfowl was attributed to this. Currently the water level of the main, eastern section is being raised by 3 metres to increase storage capacity. As part of the level-raising scheme, the original concrete banks have been removed and the shoreline re-profiled, creating extensive new areas of shallow wetland habitat for the site’s waterfowl. The Water Company has a consultative committee which addresses conservation issues at all its sites, and the Abberton Reserve Committee (involving Essex Wildlife Trust and EN) addresses local issues.</p>

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
				<p>Air Pollution: risk of atmospheric nitrogen deposition – The site is identified as at risk from air pollution as Nitrogen deposition levels exceed the site- relevant critical load for ecosystem protection. However the site's Nitrogen load is likely to be dominated by levels in the water entering the reservoir (mainly from the distant Ouse catchment) rather than direct deposition.</p>
Abberton Reservoir Ramsar site	726.2	<p>Supports 23787 waterfowl (5 year peak mean 1998/99-2002/2003) including the following internationally important waterbird assemblage: Gadwall, <i>Anas strepera strepera</i>; Northern shoveler, <i>Anas clypeata</i>; Eurasian wigeon, <i>Anas Penelope</i>; Mute swan, <i>Cygnus olor</i> Common pochard, <i>Aythya farina</i>;</p>	None available.	Similar to Abberton Reservoir SPA (above).

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
		Great cormorant, <i>Phalacrocorax carbo carbo</i> ; Eurasian teal, <i>Anas crecca</i> ; Tufted duck, <i>Aythya fuligula</i> ; Common coot, <i>Fulica atra atra</i> ; Pied avocet, <i>Recurvirostra avosetta</i> ; Ruff, <i>Philomachus pugnax</i> , Black-tailed godwit, <i>Limosa limosa islandica</i> ; Spotted redshank, <i>Tringa erythropus</i> , Common greenshank, <i>Tringa nebularia</i> , Common goldeneye, <i>Bucephala clangula</i>		
The Blackwater Estuary is a large estuary between the Dengie peninsula and Mersea Island on the Essex coast. It stretches from immediately adjacent to Maldon and about 8 km south of Colchester.				
Blackwater Estuary (Mid-Essex Coast Phase 4) SPA	4395.15	Qualifying Features (Waterbird assemblage): <i>Branta bernicla bernicla</i> ; Dark-bellied brent goose (Non-breeding) <i>Aythya ferina</i> ; Common pochard (Breeding)	With regard to the individual species and/or assemblage of species for which the site has been classified: <ul style="list-style-type: none"> Avoid the deterioration of the habitats of the qualifying features, and the significant 	Similar to Colne Estuary SPA (above)

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
		<p>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)</p> <ul style="list-style-type: none"> • Sterna albifrons; Little tern (Breeding) <p>Additional Qualifying Features Identified by the 2001 UK SPA Review: Tadorna tadorna; Common shelduck (Non-breeding) Recurvirostra avosetta; Pied avocet (Non-breeding) Charadrius hiaticula; Ringed plover (Non-breeding) Pluvialis apricaria; European golden plover (Non-breeding) Philomachus pugnax; Ruff (Non-breeding)</p>	<p>disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.</p> <p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> • 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 populations of the qualifying features; • The distribution of the qualifying features within the site. 	

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
		Tringa totanus; Common redshank (Non-breeding)		
Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar site	4395.15	<p>Represents 70% of the saltmarsh habitat in Essex and 7% of the total area of saltmarsh in Britain. Invertebrate fauna includes at least 16 British Red Data Book species:</p> <ul style="list-style-type: none"> • water beetle Paracymus aeneus; • damselfly Lestes dryas; • flies Aedes flavescens, Erioptera bivittata, Hybomitra expollicata ; • spiders Heliophanus auratus and Trichopterna cito; • beetles Baris scolopacea, Philonthus punctus, Graptodytes bilineatus and Malachius vulneratus; 	None available.	Similar to Colne Estuary SPA (above).

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
		<ul style="list-style-type: none"> • flies <i>Campsicemus magius</i>, <i>Myopites eximia</i>; • moths <i>Idea ochrata</i> and <i>Malacosoma castrensis</i>; • spider <i>Euophrys</i>. <p>Supports a full and representative sequences of saltmarsh plant communities covering the range of variation in Britain.</p> <p>Supports the following internationally important wildfowl assemblage:</p> <ul style="list-style-type: none"> • Dark-bellied brent goose, <i>Branta bernicla bernicla</i>; • Grey plover, <i>Pluvialis squatarola</i>; • Dunlin, <i>Calidris alpina alpina</i>; • Black-tailed godwit, <i>Limosa limosa islandica</i>; 		

Site Name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
		<ul style="list-style-type: none"> • European golden plover , <i>Pluvialis apricaria apricaria</i>; • Common redshank , <i>Tringa totanus totanus</i>. 		

