

REPORTS FROM THE EXECUTIVE, COMMITTEES AND SUB-COMMITTEES TO COUNCIL

REPORT OF THE PLANNING POLICY SUB-COMMITTEE

1 STATEMENT OF COMMUNITY INVOLVEMENT UPDATE 2019: DATA PROTECTION AND NEIGHBOURHOOD PLANNING

- 1.1 This item of business was referred by the Planning Policy Sub-Committee on 7 October 2019 to Council with a recommendation relating to adoption of a revised Statement of Community Involvement.
- 1.2 An extract of the key elements of the report of the Managing Director to the Sub-Committee is attached at appendix 1 with a copy of the revised Statement of Community Involvement set out at appendix A and a copy of the consultation feedback report set out in appendix B).
- 1.3 During debate, Members queried what weight was given to consultation responses received and who determined that. It was noted that appendix B set out an initial officer response to comments received, on a case by case basis. The Statement for Community Involvement did not provide clarity around who should make that particular determination. However, only minor amendments were being proposed to the Statement of Community Involvement.
- 1.4 It was further advised that, in respect of any consultation responses that fell outside the scope of the consultation, it would be possible to prompt relevant respondents to re-submit such comments at a more appropriate time in the future.

2 RECOMMENDATION

- 2.1 It is proposed that Council **RESOLVES**

That Council adopts a revised Statement of Community Involvement, set out at appendix A, and notes the consultation feedback report set out in appendix B.

3 NEW LOCAL PLAN EVIDENCE BASE: ESSEX COAST RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION STRATEGY SUPPLEMENTARY PLANNING DOCUMENT (SPD) 2019

- 3.1 This item of business was referred by the Planning Policy Sub-Committee on 7 October 2019 to Council with a recommendation relating to consultation on the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (the RAMS SPD) for a period of six weeks.

- 3.2 An extract of the key elements of the report of the Managing Director to the Sub-Committee is attached at appendix 2 with a copy of the draft Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (RAMS SPD) attached at appendix C).
- 3.3 During debate Members questioned whether this applied to all development within the District and officers confirmed that the coastline was broken down into separated protected areas, which were further divided into zones of influence. The tariff was of low value compared to the cost of building/selling a house but would in future apply to all new homes. This would be incorporated into a Section 106 agreement for larger sites; however, the Council would need to determine how to address this issue for smaller sites at the planning application stage.

4 RECOMMENDATION

- 4.1 It is proposed that Council **RESOLVES**

That the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (the RAMS SPD) 2019, attached at appendix C, be consulted on for a period of six weeks.

If you would like this report in large print, Braille or another language please contact 01702 318111

STATEMENT OF COMMUNITY INVOLVEMENT UPDATE 2019: DATA PROTECTION AND NEIGHBOURHOOD PLANNING

1 PURPOSE OF REPORT

- 1.1 The Council's adopted Statement of Community Involvement (SCI) 2016 needs to be updated to take into account recent legislative changes relating to data protection and neighbourhood planning. This report summarises the findings of a recent consultation on proposed amendments to the Council's adopted SCI and the amendments that are now proposed.

2 INTRODUCTION

- 2.1 The preparation of an SCI is a legal requirement, as set out under Section 18 of the Planning and Compulsory Purchase Act (2004), as amended. The SCI's role is to outline how local communities, including residents, organisations and businesses and other interested parties, will be involved in plan-making and the consideration of planning applications.
- 2.2 The Council's current SCI was adopted in July 2016 and, with the exception of recent legislative changes, remains up-to-date and does not need significant revision. The SCI needs to be updated to take into account recent legislative changes relating to data protection and neighbourhood planning. Amendments to the wording of the adopted SCI are therefore proposed as a reasonable approach to accommodate this. The adopted SCI retains its flexibility to utilise appropriate techniques which are proportionate to each consultation stage and available capacity and resources. Each consultation stage is normally accompanied by a more detailed plan which sets out how local communities can expect to be informed and engaged with during the relevant consultation period.
- 2.3 The amendments relating to data protection are proposed to be inserted at the end of the Introduction to the Council's adopted SCI and the amendments relating to neighbourhood planning would replace paragraph 2.21 of the Council's adopted SCI.
- 2.4 The proposed amendments to the adopted SCI have been subject to a period of public consultation in line with best practice. Once adopted, all future community involvement will be undertaken in accordance with the amended SCI.

3 PROPOSED AMENDMENTS TO ADOPTED SCI

- 3.1 An SCI is pivotal in supporting the plan-making process to ensure appropriate consultation and engagement at each published stage. Two separate

amendments are proposed to the adopted SCI to ensure that it effectively supports plan-making at all scales.

Amendment I - General Data Protection Regulation (GDPR)

- 3.2 The purpose of the SCI is to set out how local communities and other interested parties can expect to be involved in the planning process. This inevitably includes the collection and processing of personal data such as postal and email addresses.
- 3.3 The GDPR came into force on 25 May 2018 updating the data protection requirements for organisations. This proposed amendment to the adopted SCI 2016 highlights the measures that the Council has in place to address the GDPR requirements with regard to the treatment of personal data.

Amendment II - Neighbourhood Planning

- 3.4 Neighbourhood planning was introduced by the Localism Act 2011 to empower communities to positively prepare for their local areas. To date, the Canewdon and Wallasea Neighbourhood Plan Area is the only area that has been designated in the district. The adopted SCI includes references to Neighbourhood Planning; however, it does not provide any detail to guide communities through the process.
- 3.5 The Neighbourhood Planning Act 2017 was enacted on 27 April 2017 and makes amendments to the Town and Country Planning Act 1990, amongst other Acts. In relation to the SCI, the Act requires the Council to include detail on how we will advise and/or assist relevant bodies through the plan-making process, particularly in relation to a proposal or modification proposal.
- 3.6 Appendix A sets out the proposed addendum wording: outlining what Neighbourhood Planning is and the key stages, how the Council will advise/assist relevant bodies throughout the process, and how the Council will consult the public at each of the key stages. The minimum consultation requirements are set out in the Neighbourhood Planning (General) Regulations 2012.

Summary of Representations to the Consultation

- 3.7 The proposed amendments and additions to the adopted SCI have been subject to a period of public consultation between Thursday, 18 July and Thursday, 29 August 2019 in line with best practice.
- 3.8 Representations were received from statutory consultees as well as from residents within the district. Statutory consultees which made representations included Historic England; Natural England; Highways England; Basildon Borough Council; Chelmsford City Council and Southend-on-Sea Borough Council.

- 3.9 Whilst many of the representations responded to the proposed addendums to the SCI 2016, there were some representations that considered the consultation to be an opportunity to express concerns and other interests relating to planning policy and control, as well as other Council business.
- 3.10 The representations received to the consultation have been reviewed and summarised as detailed below:

Data Protection

All representations received indicated support for the proposed amendments.

Neighbourhood Planning

Many of the representations received indicated support for the proposed amendments, highlighting in particular the importance of future consultation, engagements and referendums being well advertised and publicised. Some representations indicated support for more parishes and 'areas' in the district being designated and graphically (map) defined neighbourhood areas.

Historic England also indicated support for notification of designations and consultation with statutory consultees on draft neighbourhood plans. A revision to the proposed amendments is therefore suggested, adding an additional paragraph per the below:

The Council will ensure that statutory consultees are engaged in the preparation of neighbourhood plans at the appropriate stages.

The representations received to the consultation are not considered to justify any further revisions to the proposed amendments.

Other Representations Received

Several other representations were received to the consultation which did not directly relate to the proposed amendments but instead expressed general opinions on planning and development in the district. Themes emanating included perceived over-development, lack of infrastructure to support development, the role of the Community Infrastructure Levy (CIL), and insufficient consultation, as well as inconsideration to public consultation responses.

These representations have been noted but were not considered to be relevant to the specific amendments being consulted or to justify revisions to the proposed amendments.

4 RISK IMPLICATIONS

- 4.1 The proposed amendments to the Council's adopted SCI, provided as tracked changes at Appendix A, will ensure that the SCI remains up to date and in

accordance with the relevant legislation. Failure to adopt an updated SCI may mean that the Council's SCI fails to comply with legislation and may make it harder for residents and other interested parties to understand how the Council will support neighbourhood planning and use their data in the undertaking of community involvement in the planning process.

5 RESOURCE IMPLICATIONS

- 5.1 The updated SCI and associated public consultation were achieved using existing agreed budgets and resources.

6 LEGAL IMPLICATIONS

- 6.1 The Council is required to prepare a Statement of Community Involvement under Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended).
- 6.2 The GDPR has implications for all EU Member States. The GDPR and the Data Protection Act 2018 replaced the Data Protection Act 1998 from 25 May 2018. These changes to data protection should be highlighted within the SCI to outline the measures that the Council has in place to address the GDPR requirements.
- 6.3 The Neighbourhood Planning Act 2017 also necessitates an amendment to the adopted SCI to provide an appropriate level of detail on Neighbourhood Planning requirements and expectations.
- 6.4 Failure to adopt an updated SCI may therefore mean the Council's SCI fails to comply with this legislation.

7 EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

Updated Statement of Community Involvement 2019

Council

22 October 2019

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1 Introduction

- 1.1 The Council, as the Local Planning Authority, is required to prepare a Statement of Community Involvement under Section 18 of the Planning and Compulsory Purchase Act (2004). The purpose of the Statement of Community Involvement is to set out the principles for engaging and consulting with local communities – including residents, organisations and businesses – and other interested parties on planning matters. Consultation and engagement on planning matters set out in this Statement seek to go beyond the minimum regulatory requirements¹ for community involvement in the plan making process in particular, and are in line with the Council's corporate Consultation Guide for Staff².
- 1.2 The first Statement of Community Involvement was adopted by the Council in 2007 to set out how local communities would be involved throughout the preparation of the Local Development Framework (LDF), and consultation on planning applications and planning enforcement. However, since its adoption there have been a number of legislative changes on how Local Planning Authorities should engage with local communities during plan-making and the planning application process. The 2007 Statement of Community Involvement goes beyond the minimum consultation requirements set out in the legislation, but a review is necessary to ensure that it reflects current best practice and is up-to-date prior to consultation on future local development documents.
- 1.3 The rules on how personal data is collected, processed and disposed of were updated on 25 May 2018 when the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018 came into force. Rochford District Council has a Data Protection Policy³ in place, and there are measures being applied to protect personal data in line with the GDPR. The Council stores and processes personal data for planning policy consultations in line with the relevant Privacy Notice⁴.

2 Planning Policy

- 2.1 The National Planning Policy Framework (paragraph 155) reiterates the need for positive and effective engagement with local communities at an early stage throughout the plan-making process to realise the sustainable development of the area. This Statement of Community Involvement will set out how and when local communities will be involved and what organisations and individuals will be consulted.
- 2.2 The Council has significant experience in the preparation of local development documents. As set out in the Local Development Scheme, the Council will prepare a new Local Plan and a Community Infrastructure Levy (CIL) Charging Schedule. Prior to consultation, draft policy documents will be taken to Full Council to be approved for consultation.

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012

² http://www.rochford.gov.uk/community_and_people/have_your_say

³ https://www.rochford.gov.uk/sites/default/files/privacy_dataprotection.pdf

⁴ <https://rochford.jdi-consult.net/localplan>

Notification and Engagement Techniques

2.3 Anyone may comment on the preparation of a planning policy document; however it is important to ensure inclusivity throughout the plan-making process. A range of notification and engagement techniques will be employed to raise awareness and encourage participation at each stage of plan preparation. The Council recognises that some potential participants in the consultation favour paper methods of communication; electronic media will therefore not be solely relied upon. The scale of techniques used however will be dependent on document stage and may be subject to time and resource constraints. The following techniques will therefore be employed as appropriate:

- Mailing list – The Council operates a database of individuals and organisations that have expressed an interest in the plan-making process, have previously been actively involved in policy development or are statutory consultees. Those who wish to be involved will be directly notified at each stage either through email or letter of opportunities to comment. Those who are interested in planning policy development and wish to be notified can be included on the Council's mailing list at any time⁵.
- Website – Each consultation stage will feature prominently on the homepage of the Council's website⁶. This will link directly to information on document production, providing access to the consultation material and advice on how and when comments can be made. Articles providing updates on plan production, which may include consultation and engagement opportunities, may be published in Rochford District Matters periodically but it will not be solely relied upon as a means of communication. Articles providing updates on plan production, which may include consultation and engagement opportunities, may be published in the Council's online news section periodically but it will not be solely relied upon as a means of communication.
- Libraries and Council reception areas – Paper copies of consultation material, including comment forms, will be available at local libraries and Council reception areas in Rayleigh and Rochford during normal opening hours.
- Adverts/public notices, and media briefings press releases – Notices will be placed in a local newspaper advertising consultation and engagement opportunities, where appropriate. Media briefings/press releases will also be issued to local media.
- Parish and Town Council and Community Group publications – These types of publications are distributed to local residents at least quarterly. The Council will work with relevant organisations to utilise these publications to notify residents of consultation and engagement opportunities, where possible. Consideration will need to be given to the timing of the consultation, and the timing and circulation of any publications outside the Council's control.

⁵ Interested parties can sign up at <http://rochford.jdi-consult.net/localplan/newuser.php> or those without access to the internet can contact the Council directly for more information

⁶ www.rochford.gov.uk

- Posters – Posters may be sent to relevant Parish and Town Councils to be displayed on notice boards to raise awareness of any public consultation and engagement opportunities. Posters may also be displayed in other appropriate locations across the District.
- Leaflets – Leaflets may be used to gain wider public awareness of a consultation or engagement opportunity, for example leaflets may be distributed at key attractors/destinations such as train stations and local schools.
- Social media – Media such as Twitter will be used to highlight public consultations on planning policy documents with direct links to the Council's website and information on how to comment, and any engagement events. Such messages will be retweeted periodically throughout the consultation period ([@RochfordDC](#)). However, comments will not be accepted via social media.
- Events – Such events may include drop-in sessions, public exhibitions and/or targeted workshops. Parish and Town Council meetings will be utilised where possible. The type of event undertaken will be dependent on a number of factors, including the consultation stage, and time and resource constraints. Careful consideration will be given to the timing, venue and format of events to ensure accessibility and inclusivity.

2.4 All consultation materials produced by the Council are prepared in the corporate format (Arial size 12), however to ensure inclusive access during consultations, information can be made available in alternative formats on request, including larger print, braille, audio tape and different languages.

2.5 Consultation techniques used to notify local communities and other interested stakeholders shall be reviewed for effectiveness to ensure that the correct type of consultation is being implemented. Where necessary a reminder or repeat notification shall be issued to the public and stakeholders to reinforce awareness of the active consultation period.

Submitting Comments

2.6 The Council operates an online public consultation system where comments may be made straightforwardly against relevant parts of the document being consulted upon. Electronic media, although the most quick and efficient method for submitting comments, is not the only acceptable method. Comments may be submitted during each stage of formal public consultation in the following ways:

- Online – using the Council's online public consultation system for planning policy available at <http://rochford.jdi-consult.net/localplan>
- Email – planning.policy@rochford.gov.uk
- Post – Planning Policy, Rochford District Council, Council Offices, South Street, Rochford, Essex. SS4 1BW.
- Fax – 01702 318181

- 2.7 For less formal public consultations, the Council may utilise a simple webform as an alternative to the online public consultation system.
- 2.8 The Council cannot take a written record of comments over the telephone as they cannot be verified as a true record of the consultee's opinion. Officers will, however, scribe for people who cannot make comments on their own due to literacy or disability issues.
- 2.9 Comment forms will normally be provided in paper or Word document format on request. Respondents will be encouraged to use these particularly during the pre-submission stage, as this will assist respondents in structuring their comments around the specific tests (in relation to soundness and legal compliance for the new Local Plan).
- 2.10 Comments must be made during the prescribed consultation period. Anonymous or confidential comments cannot be accepted. Late comments may be accepted in exceptional circumstances at the Council's discretion but may not be formally logged on the Council's consultation database. Any comments that are offensive, threatening, obscene, racist or illegal in any other way will not be accepted.
- 2.11 All comments accepted as duly-made will be logged on the Council's online public consultation system and will be available to view at the earliest opportunity.

Consultation Feedback

- 2.12 A key aspect of community involvement in plan-making is providing feedback on how comments made have been considered in the development of a Plan or document. A report will be prepared following each consultation stage setting out the notification and engagement techniques employed, a summary of the main issues raised, officer's response to these issues and information on how these have been considered as appropriate. Such reports will be published on the Council's website. Following the final consultation on a Plan or document, the Council will prepare a Consultation Statement setting out which individuals and organisations have been consulted throughout the documents preparation, how they have been consulted, the main issues that were raised and how these issues have been addressed. The Plan or document and Consultation Statement will then be submitted to the Secretary of State, alongside other evidence, for independent examination.

Duty to Co-operate

- 2.13 The Council is required by the Localism Act 2011 to effectively and constructively engage with relevant partners on strategic cross boundary matters on an ongoing basis – the Duty to Co-operate. This includes neighbouring local authorities and other statutory bodies. Consideration should be given to joint working and the preparation of shared evidence base work.
- 2.14 The Council is committed to continuing to work in conjunction with relevant partners throughout the plan making process on strategic cross-boundary issues.

New Local Plan – Who, How and When

- 2.15 The new Local Plan will set out the Council's strategy for future development across the District; specific proposals and the allocation of specific sites to realise this strategy; and development management policies to support these. This document will be prepared in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012. The timetable for the preparation of the new Local Plan is set out in the Local Development Scheme.
- 2.16 Opportunities for engagement at each stage of plan preparation are set out in the table below.

Plan Stage	Assessment Stage ⁷	Engagement Opportunities
Evidence Base preparation – ongoing (Regulation 18)		
Gathering and reviewing background information. Preparation of technical studies and topic papers.	Collate and review baseline social, economic and environmental data. Draft and publish SA/SEA Scoping Report.	Targeted involvement of organisations and service providers. Informal consultation with key stakeholders, such as Parish and Town Councils, relevant interest groups, landowners and developers, as appropriate. Formal consultation with Natural England, Heritage England and the Environment Agency on the SEA/SA Scoping Report.
Issues and Options Document⁸		
Draft Plan considering a wide range of topics and issues, and different options to address these.	Initial draft SA/SEA Report – assessing each of the options, including reasonable alternatives, included in draft Plan.	Formal public consultation on the scope and content of the Issues and Options Document for a minimum of six weeks. Formal public consultation on initial draft SA/SEA Report alongside Issues and Options Document.

⁷ Each published stage of a development plan document is required to be accompanied by a technical Sustainability Appraisal /Strategic Environmental Assessment (SA/SEA) legislation. A Habitats Regulations Assessment (HRA) will be undertaken in accordance with the HRA legislation, including an Appropriate Assessment as necessary

⁸ The Council is no longer required by legislation to prepare three formal documents for public consultation and engagement, however this is still considered to be the most appropriate approach for the preparation of the new Local Plan

Plan Stage	Assessment Stage ⁷	Engagement Opportunities
		<p>Consultation and engagement techniques including public notices/adverts, posters, email and letter notifications, website, social media and availability of paper documentation in libraries and Council reception areas. Events including drop-in sessions and public exhibitions may be undertaken.</p>
Preferred Options Document (Regulation 18)		
<p>Revised draft Plan setting out preferred options for each topic and reasonable alternatives.</p>	<p>Revised draft SA/SEA Report – assessing each of the preferred options and reasonable alternatives included in revised draft Plan.</p> <p>Draft HRA – screening for likely significant effects on European sites.</p>	<p>Formal public consultation on the scope and content of the Preferred Options Document for a minimum of six weeks.</p> <p>Formal public consultation on revised draft SA/SEA Report alongside Preferred Options Document.</p> <p>Consultation with Natural England on the scope and content of the HRA.</p> <p>Publicity and engagement techniques including public notices/adverts, posters, email and letter notifications, website, social media and availability of paper documentation in libraries and Council reception areas. Events including drop-in sessions and public exhibitions may be undertaken.</p>

Plan Stage	Assessment Stage ⁷	Engagement Opportunities
Proposed Pre-Submission Document (Regulation 19)		
Comments from previous stage informs final draft Plan – the Proposed Pre-Submission Document. Responses to comments made are contained in a separate Interim Consultation Statement.	Final SA/SEA Report – taking into account comments received at previous stage and any amendments to draft Plan following consultation. Final HRA – reassessing likely significant effects on European sites; undertaking an Appropriate Assessment as necessary.	Formal public consultation on the Proposed Pre-Submission Document for a minimum of six weeks. At this stage representations must relate to specific tests of soundness and legal compliance to be considered by an Inspector during independent examination. However anyone may make representations (Regulation 20).
		Formal public consultation on final SA/SEA Report alongside Proposed Pre-Submission Document. Consultation with Natural England on the scope and content of the final HRA. Publicity and engagement techniques including public notices/adverts, posters, email and letter notifications, website, social media and availability of paper documentation in libraries and Council reception areas.
Independent Examination (Regulations 22, 23 and 24)		
Submission of Proposed Pre-Submission Document and supporting documents, including SA/SEA Report and Consultation Statement, to Secretary of State for independent examination.	Addendum to submitted SA/SEA Report.	Public examination by Planning Inspector, considering all representations received during pre-submission consultation. Hearing sessions, as necessary. Written submissions carry the same weight to those presented at hearings.

Plan Stage	Assessment Stage ⁷	Engagement Opportunities
Potential for Inspector to recommend modifications to make Plan sound ('Main Modifications' – those matters that materially affect the interpretation of policies in the draft Plan).		Public consultation on any proposed Main Modifications and, if needed, any addendum to the SA/SEA Report.
Inspector's Report and Adoption (Regulations 25 and 26)		
<p>Publication of Inspector's Report, including recommendations of any proposed modifications to the submitted draft Plan.</p> <p>If found sound and legally compliant (subject to modifications), the Council may adopt the Plan.</p> <p>Preparation of Adoption Statement.</p>	Preparation of SA/SEA Adoption Statement.	Six week period for legal challenge following adoption of the Plan.

Community Infrastructure Levy (CIL) Charging Schedule – Who, How and When

- 2.17 The Community Infrastructure Levy will set a charge per square metre of new floorspace which will be levied on new development across the District, where applicable. The Levy will be prepared in accordance with The Community Infrastructure Levy Regulations 2010 (as amended). The timetable for the preparation of the Community Infrastructure Levy is set out in the Local Development Scheme.
- 2.18 Opportunities for engagement at each stage of document preparation are set out in the table below.

Plan Stage	Assessment Stage	Engagement Opportunities
Evidence Base preparation		
Prepare key background documents, including Viability Assessment and Infrastructure		Informal targeted engagement with agents and developers in relation to the Viability Assessment.

Plan Stage	Assessment Stage	Engagement Opportunities
Funding Gap Assessment.		Informal engagement with Essex County Council and other service providers in the preparation of the Infrastructure Funding Gap Assessment.
Preliminary Draft Charging Schedule (Regulation 15)		
<p>Publication of Preliminary Draft Charging Schedule setting out the proposed charge to be levied.</p> <p>Publication of draft Regulation 123 list detailing proposed infrastructure projects to be funded through S106 Agreements and the Levy.</p>	Draft Viability Assessment.	<p>Formal public consultation on content of Preliminary Draft Charging Schedule for a minimum of four weeks.</p> <p>Publicity and engagement techniques including public notices/adverts, email and letter notifications, website, social media and availability of paper documentation in libraries and Council reception areas.</p>
Draft Charging Schedule (Regulation 16)		
<p>Comments from previous stage inform Draft Charging Schedule.</p> <p>Responses to comments made are contained in a separate Consultation Statement.</p>	Viability Assessment – updated as necessary.	<p>Formal public consultation on content of Draft Charging Schedule for a minimum of four weeks.</p> <p>Publicity and engagement techniques including public notices/adverts, email and letter notifications, website and availability of paper documentation in libraries and Council reception areas.</p>
Independent Examination (Regulations 19 and 20)		
Submission of Draft Charging Schedule and supporting documents to the Secretary of State for independent examination.		<p>Public examination by Examiner (usually an Inspector), considering all representations. Hearing sessions, as necessary.</p> <p>Written submissions carry the same weight to those presented at hearings.</p>

Plan Stage	Assessment Stage	Engagement Opportunities
Examiner's Report and Publication (Regulations 23 and 25)		
<p>Publication of Examiner's Report setting out recommendations and reasons.</p> <p>If approved, the Council may adopt and publish the Charging Schedule.</p>		

Supplementary Planning Documents – Who, How and When

- 2.19 Supplementary Planning Documents are non-statutory documents that give further advice and guidance on the interpretation of policies and proposals set out in Development Plan Documents. These documents will be prepared in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012. The timetable for the preparation of any Supplementary Planning Documents is set out in the Local Development Scheme.
- 2.20 Opportunities for engagement at each stage of document preparation are set out in the table below.

Document Stage	Assessment Stage ⁹	Engagement Opportunities
Evidence Base preparation		
<p>Gathering and reviewing baseline information.</p> <p>Preparation of technical studies, as necessary.</p>	<p>Screening to determine whether a SA/SEA is required.</p> <p>Draft and publish SA/SEA Scoping Report, if necessary.</p>	<p>Informal targeted involvement of organisations and service providers.</p> <p>Informal consultation with key stakeholders, such as Parish Councils, Schools, relevant interest groups, landowners and developers.</p> <p>Formal consultation with Essex Highways, Hospital Trusts, Doctors Practises, Utilities, Natural England, Heritage England and the Environment Agency on the SEA/SA Scoping Report, if necessary.</p>

⁹ Each published stage will be accompanied by a technical Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) legislation, where required

Document Stage	Assessment Stage ⁹	Engagement Opportunities
Draft Supplementary Planning Document (Regulation 13)		
Draft document setting out preferred options.	Draft SA/SEA Report – if required in exceptional circumstances.	<p>Formal public consultation on the scope and content of the Draft Supplementary Planning Document for a minimum of six weeks.</p> <p>Formal public consultation on initial draft SEA/SA Report alongside draft document – if required.</p> <p>Publicity and engagement techniques including public notices/adverts, email and letter notifications, website, social media and availability of paper documentation in libraries and Council reception areas. Events / Exhibitions may be undertaken, as appropriate.</p>
Adopt Supplementary Planning Document (Regulations 12 and 14)		
Publication of final document taking account of consultation responses.	Publication of SA/SEA Report (if required, in exceptional circumstances).	

Neighbourhood Planning

2.21 Neighbourhood planning was introduced by the Localism Act in 2011, and gives local communities new powers to take decisions to help shape and drive the development that takes place in their area. There are three main types of neighbourhood planning available to communities:

- **Neighbourhood Plan** – A neighbourhood plan is a statutory planning document that sets planning policies for a defined neighbourhood area. A neighbourhood plan can allocate land for development, including new homes and employment, as well as setting policies on design and uses. Once adopted, a neighbourhood plan will form part of the Council's local development plan, against which all planning applications and proposals will be determined.

- **Neighbourhood Development Order** – A neighbourhood development order allows communities to grant planning permission for specific types of development their area.
- **Community Right to Build Order** – A community right to build order is a form of a neighbourhood development order which allows communities to grant planning permission for local small-scale developments that would be of community benefit.

- 2.22 Whilst the Local Plan usually sets policies that apply to the authority area as a whole, neighbourhood plans typically set policies that will only apply to a smaller 'neighbourhood area'. In practice, these neighbourhood areas often align with parish boundaries.
- 2.23 Neighbourhood planning is community-led, as opposed to being led strictly by the Council as local planning authority. Neighbourhood plans and development orders can only be prepared by a defined 'neighbourhood forum' whilst community right to build orders can be prepared by any community organisation with 10 or more members resident in the area. Whilst a neighbourhood forum will often be a Parish or Town Council, they may also be led by other community groups, and crucially should be open and accessible to all in the local community.
- 2.24 Neighbourhood plans and orders must accord with both the Council's local development plan and national planning policy. They must also acknowledge and take account of International, European and national designations and laws (including historic and environmental designations, and human rights laws). A neighbourhood plan or development order can propose additional development to what is set out in the Council's local development plan, but cannot propose less or seek to block development that has already been approved.
- 2.25 The procedural requirements governing neighbourhood planning – including consultation and engagement requirements – are set out in the Neighbourhood Planning (General) Regulations 2012, as amended. Where the SCI is silent, or amendments are made to these regulations that make the SCI non-compliant, the regulations will take precedence.
- 2.26 The Council will ensure that statutory consultees are engaged in the preparation of neighbourhood plans at the appropriate stages.
- 2.27 The main stages in neighbourhood planning are set out below:

Step 1: Designating the neighbourhood area and, if appropriate, neighbourhood forum

Step 2: Preparing a draft neighbourhood plan or Order

Step 3: Pre-submission publicity and consultation

Step 4: Submission of a neighbourhood plan or Order proposal to a local planning authority

Step 5: Independent Examination

Step 6: Community Referendum

Step 7: Bringing the neighbourhood plan or Order into force

What role does the Council play in Neighbourhood Planning?

- 2.28 The Town and Country Planning Act 1990 (as amended) places a statutory responsibility on the Council as local planning authority to assist communities in its area in the preparation of neighbourhood plans and orders. The Council is also expected to assist in the management of the examination and referendum stages of neighbourhood planning, where applicable.
- 2.29 The principle of neighbourhood planning is that it should primarily be led and shaped by the local community. For this reason, the Council does not directly oversee or manage the neighbourhood planning process. Instead, the Council will support neighbourhood planning in the following ways:
- Providing advice and guidance to relevant bodies, as necessary. This includes aiding in understanding the procedural and regulatory requirements of neighbourhood planning;
 - Directing relevant bodies towards information and resources relevant to neighbourhood planning, and any organisations or funding sources which may be able to offer direct or indirect assistance;
 - Attending meetings on occasion to provide updates on local, regional and national plan-making, and highlighting the potential implications on neighbourhood planning;
 - Making relevant information and evidence available to the relevant body for their consideration, and aiding in its interpretation;
 - Reviewing documents and drafts and offering feedback, including on potential issues around accordance with the local development plan and national planning policy;
 - Fulfilling the Council's obligations to consult, as set out in the Neighbourhood Planning Regulations 2012, as amended; and
 - Making arrangements and managing the examination and referendum processes.
- 2.30 As of July 2018, only one neighbourhood area and forum have been designated in the District, at Canewdon and Wallasea Island.

Consultation Methods

- 2.31 The primary community engagement supporting the preparation of a neighbourhood plan, neighbourhood development order or community right to build order should be carried out by the relevant neighbourhood forum or community organisation. The Neighbourhood Planning Regulations 2012, as amended, set out the detailed

engagement requirements that relevant bodies will be expected to fulfil as they prepare a neighbourhood plan or order. A statement will accompany any draft neighbourhood plan indicating what consultation took place and how it has informed the preparation of the plan.

2.32 The Neighbourhood Planning Regulations 2012, as amended, do, however, also define specific consultation requirements that the Council is expected to undertake at key stages.

2.33 These key stages, and the consultation that the Council will undertake at these stages, are set out in the table below:

Plan Stage	Engagement Opportunities
Neighbourhood Area designation consultation	<p>The Council is required to hold a public consultation on any area application it receives. The date by which representations must be received will be no less than six weeks from the date the consultation commences.</p> <p>The area application, details on how to make representations, and the date by which representations must be received will all be publicised on the Council's website and in all consultation and engagement material.</p> <p>Consultation and engagement techniques may include public notices/adverts, posters, email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas.</p> <p>As soon as possible after designating a neighbourhood area, the Council will publicise on its website, and any other mediums deemed appropriate, information including the name of the neighbourhood area, a map which identifies the area, and the name of the relevant body who applied for the designated. Where an application is refused, the Council will instead publicise the reasons for that decision.</p>

Plan Stage	Engagement Opportunities
Neighbourhood Forum designation consultation	<p>The Council is required to hold a public consultation on any forum application it receives. The date by which representations must be received will be no less than six weeks from the date the consultation commences.</p> <p>The forum application, details on how to make representations, and the date by which representations must be received will all be publicised on the Council's website and in all consultation and engagement material.</p> <p>Consultation and engagement techniques may include public notices/adverts, posters, email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas.</p> <p>As soon as possible after designating a neighbourhood forum, the Council will publicise on its website, and any other mediums deemed appropriate, the name of the neighbourhood forum, a copy of the written constitution of the forum, and the name of a contact and neighbourhood area to whom the forum relates. Where an application is refused, the Council will instead publicise the reasons for that decision.</p>
Neighbourhood Plan or Order proposal or modification proposal	<p>The Council is required to hold a public consultation on any proposed neighbourhood plan or order, or proposed modification to a plan or order that it receives. The date by which representations must be received will be no less than six weeks from the date the consultation commences.</p> <p>Details of the proposal, how to inspect the proposal, details of how to make representations and the date by which those representations must be received will be publicised on the Council's website and in all consultation and engagement material.</p> <p>Consultation and engagement techniques may include public notices/adverts, posters, email and letter notifications, website, social media and availability of paper documentation in libraries and Council reception areas. In the case where an order proposal triggers the requirements of Regulation 33 of the EIA Regulations, the Council will also place details of the proposal on a site notice on or near the land in question, and a notice in a newspaper circulating in the locality.</p> <p>As soon as possible after making a decision under Regulations 18 or 25 of the Neighbourhood Planning Regulations 2015, the Council will publish its decision statement and the examiner's report, including details of where that statement can be inspected, on its website and by any other mediums deemed appropriate.</p>

Plan Stage	Engagement Opportunities
Community Referendum	The Council will organise a referendum on any plan that has been considered at examination to meet the basic standards. People living the neighbourhood area who are registered to vote in local elections will be entitled to vote in this referendum. The Council will organise and publicise the referendum as it would for any local election.
Decision to make, or refuse to make, a neighbourhood plan or order	<p>The Council will publicise its decision statement, the made neighbourhood plan or order (if applicable), and details of how to inspect both documents on its website and through any other medium deemed appropriate.</p> <p>This information may be publicised by email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas. The Council will directly contact the relevant body and any other individuals who asked to be notified of the making of the neighbourhood plan or order, as required by the Neighbourhood Planning Regulations 2012, as amended.</p>
Modifications to or revocation of a neighbourhood plan or order	<p>The Council will publish a statement setting out the reasons for modifications or revocations, and details of how to inspect this statement, on its website and through any other medium deemed appropriate.</p> <p>This information may be publicised by email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas. The Council will directly contact the relevant body and any other individuals who asked to be notified of the making of the neighbourhood plan or order, as required by the Neighbourhood Planning Regulations 2012, as amended.</p>

Minerals and Waste Local Plans

- 2.34 The preparation and review of Minerals and Waste Local Plans is the responsibility of Essex County Council. The District Council is, and will continue to be, a consultee on such plans. The progress of the County Council's Minerals and Waste Local Plans and their Statement of Community Involvement, can be found on the County Council's website¹⁰.

¹⁰ <http://www.essex.gov.uk>

3 Planning Applications

- 3.1 A planning application must be submitted to the Local Planning Authority – Rochford District Council – before development takes places. The exception to this is where certain types of development is automatically permitted by legislation, referred to as permitted development. An applicant can apply to the Council for a Lawful Development Certificate to determine whether a proposal is permitted development or not; more information on this process is available on the Planning Portal website¹¹.

Pre-Application Advice

- 3.2 The Council offers a chargeable pre-application advice service. This service enables applicants to discuss their proposals with officers, understand how policies and guidance would be applied, and identify where any specialist input would be required early on in the process before submitting a formal planning application. The aim of this service is to ensure that valid, better quality applications are submitted to the Council which are more likely to have a greater chance of a positive outcome.
- 3.3 Pre-application advice is available for all types of development including householder applications; however it is particularly encouraged for major development proposals. This service includes options for a written generic response from officers to proposals, a meeting with written advice and a follow up meeting. Additional urban design advice is also available. Members can be involved in pre-application discussions for minor, major or strategic development proposals. More information on pre-application advice is available on the Council's website¹².
- 3.4 Such advice will be based on the case officer's professional judgement and will not constitute a formal response or decision of the Council with regard to any future planning applications. Any views or opinions expressed, are given without prejudice to the consideration by the Council of any formal planning application, which will be subject to wider consultation and publicity. Although the case officer may indicate the likely outcome of a formal planning application, no guarantees can or will be given about the decision that will be made on any such application.
- 3.5 The Council will not normally undertake any public consultation for applicants that have sought pre-application advice for a proposal. This avoids unproductive involvement for local communities as no formal planning application has been submitted at this stage.

Pre-Application Consultation

- 3.6 Consultation with local communities is encouraged for applicants seeking permission for major development in particular. When such engagement takes place it is at the discretion of the applicant and can take place prior to seeking pre-application advice, if sought, or prior to submission of a planning application. The results of any public consultation should be provided to the Local Planning Authority with a planning application.

¹¹ www.planningportal.gov.uk/permission/next/lawfuldevelopmentcertificate

¹² www.rochford.gov.uk/planning/planning_applications/planning_pre-application_advice

- 3.7 There are a number of benefits for consulting affected communities prior to the submission of a planning application, including:
- Providing local communities with accurate information on a proposal before a formal application is submitted;
 - Enabling local concerns and objections to be identified early in the process and be addressed, where possible;
 - Providing an opportunity for local communities to discuss proposals with the applicant (for example at public meetings);
 - Potentially avoiding the need to revise and / or resubmit proposals at an advanced stage;
 - Encouraging a transparent and inclusive application process;
 - Assisting in the submission of better quality applications.
- 3.8 The Council supports pre-application consultation with local communities but will not normally be involved in this process. However, the applicant may wish to seek advice on effective engagement techniques prior to submission of a formal application – such techniques may include; public meetings, public exhibitions, workshops, notices/articles in local media, and consultation letters.
- 3.9 Applicants should also consider consulting organisations such as Essex County Council (as the highways and education authority, and urban design advisor to the Council), Heritage England, the Environment Agency and Natural England for advice depending on the development being proposed.

Planning Performance Agreements

- 3.10 The Council will, for some types of applications, enter into a Planning Performance Agreement (PPA) with an applicant. A PPA is an agreement between the Council and an applicant setting out the process and timescales for considering some larger and more complex proposals from the pre-application stage through to the submission and determination of a full application. A PPA can include information on community involvement such as techniques for engaging with affected communities and how their views will be incorporated. Once a PPA has been entered into, the statutory time limit for the determination of the planning application no longer applies.

Planning Applications

- 3.11 Copies of all valid planning applications are published on the Council's website¹³ and are available to view at the Council offices in Rayleigh and Rochford during normal opening hours.

¹³ www.rochford.gov.uk

3.12 The Council will advertise planning applications in the following ways, depending on the type of application in accordance with, and where possible beyond, the requirements of the relevant legislation:

- Neighbour notification – Occupiers of properties most likely to be affected by a proposal will be notified by letter that an application has been received. Written comments will be invited and should be received within 21 days of the date of the letter. The extent of the neighbour notification process will vary depending on the type of proposal for which permission is being sought. This will be at or beyond the level specified by the legislation.
- Site notices – These yellow notices will be displayed in the vicinity of the site where a planning application has been made. The site notice will list details of the application together with information on how plans and supporting information can be viewed and how comments can be made on the application. Site notices will be displayed for all major applications, and applications that are considered likely to affect a Listed Building or a Conservation Area. However, not all planning applications will be publicised with the use of a site notice.
- Statutory consultees – The Council seeks to engage with a number of organisations who may have an interest in the planning process; including Essex County Council Highways and education departments, English Heritage, Natural England and the Environment Agency. However, not all such organisations are consulted on each application – this will depend on the location, scale and type of planning application under consideration. Consultees are notified in writing and, as with local residents, have 21 days in which to respond. In addition bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.
- Website – Major residential planning applications are publicised on the Council's home page. This will link to a dedicated page for each application providing more detailed information on the proposals, easy access to key plans and supporting documents and information on how comments can be made.
- Public Access – All planning applications are available to view on the Council's e-planning system¹⁴. Planning applications can be searched by address, application reference number or geographically using the map of the District provided. This system provides access to submitted plans, supporting documents and statements, comments received, the officer's report and decision notice (depending on the status of the application).
- Social media – Planning applications may feature on the Council's Twitter feed for planning applications which are automatically tweeted from the Council's planning management system ([@RDCplanningapps](https://twitter.com/RDCplanningapps)).
- Local media – Applications classified as being major applications or those which could affect the character or appearance of a Conservation Area or Listed Building will be advertised in a local newspaper.

¹⁴ <http://maps.rochford.gov.uk/DevelopmentControl.aspx?RequestType=ParseTemplate&Template=DevelopmentControlSearch.tmpl>

- Consultation with Parish / Town Councils.
- 3.13 All planning applications can be examined on the Council's Public Access site. For those without access to the internet, all relevant information is available to view at the Council offices in Rochford and Rayleigh, during normal opening hours.
- 3.14 Anyone can comment on a planning application. Comments need to be made in writing to the Council in the following ways:
- Online – via the webform or planning application system following the instructions available at:
http://www.rochford.gov.uk/planning/planning_applications/comment_on_a_planning_app
 - Email – planning.applications@rochford.gov.uk
 - Post – Planning Applications, Rochford District Council, Council Offices, South Street, Rochford, Essex. SS4 1BW.
 - Fax – 01702 318181
- 3.15 The Council cannot take a written record of comments over the telephone as they cannot be verified as a true record of the consultee's opinion. Officers will, however, scribe for people who cannot make comments on their own due to literacy or disability issues.
- 3.16 Those commenting on a planning application are encouraged to provide contact details, however anonymous comments will be accepted in most circumstances at the discretion of the case officer, but may be given less weight as the context within which the comments have been made (i.e. if the person commenting is neighbours the application site or not) may be less obvious. All comments received will be considered by the case officer and included in the officer's report; comments will also be redacted and published on the Council's Public Access site.
- 3.17 Comments must be made during the prescribed consultation period. Late comments may be accepted in exceptional circumstances at the case officer's discretion. Any comments that are offensive, threatening, obscene, racist or illegal in any other way will not be accepted.
- 3.18 Communication will not generally be entered into with objectors or supporters of an application once the comments have been submitted. However, the Council will endeavour to update those who have submitted comments on a planning application at several stages either through direct correspondence, the Council's website or other media, as appropriate:
- Mid-application – In the event that the application will be determined at Development Committee, members of the public who have commented on the application will be informed of this. They will be provided with the date, time and venue of the relevant Committee. This information will be updated on the Council's website.
 - Alterations – When an applicant makes changes to a proposal mid-application, depending on the scale of such changes, the Local Planning Authority will usually write to those who have commented previously inviting further comment. This information will also be updated on the Council's website.

- Post-application – Once the application has been determined the Council will update the Public Access site, and the website if applicable, detailing the outcome of the application and how to get further information if required. The agent (or applicant where there is no agent) will be sent the decision notice by email or post on the day of issue or the first working day following date of issue.
- Appeals – When an applicant appeals against the decision of the Council to refuse their proposal or against non-determination of an application, those that have contributed along with other neighbours who adjoin the site, will be informed that an appeal has been made. This will be done in writing and will include details on how to comment on the appeal application.

3.19 In addition to the Public Access site being updated following the determination of a planning application, the Council also publishes a monthly decisions register on its website¹⁵.

Planning Enforcement

3.20 The Council's planning enforcement service investigates alleged breaches of planning control. Such alleged breaches may be reported by Members, other Council departments, other organisations or members of the public. The Council's Enforcement Policy is available to view on the Council's website¹⁶.

3.21 Alleged breaches of planning control can be reported in any of the following ways:

- Online – using the webform available at:
www.rochford.gov.uk/planning/enforcement
- Email – planning.enforcement@rochford.gov.uk
- Post – Planning Enforcement, Rochford District Council, Council Offices, South Street, Rochford, Essex. SS4 1BW.
- In person – at the Council offices in Rochford or Rayleigh during normal opening hours
- Phone – 01702 318191
- Fax – 01702 318181

3.22 The Council does not accept anonymous enforcement complaints. Anonymous complaints will only be registered where the breach is extremely serious and/or can be readily detected. The identity of complainants is kept confidential.

3.23 Consultation is not undertaken for enforcement cases; however the Council will endeavour to update the complainant with all relevant details, including notification of

¹⁵ http://www.rochford.gov.uk/planning/planning_applications/monthly-applications-decisions-register

¹⁶ www.rochford.gov.uk/planning/enforcement

any relevant planning applications submitted. The Council will, in most circumstances, do this over the phone or by writing to the complainant via email or post.

Appeals

- 3.24 An applicant can appeal to the Planning Inspectorate against the decision of the Council where an application has been refused permission, or where a proposal has been granted consent with conditions that are considered to be unacceptable to the applicant. An applicant can also appeal against non-determination of an application within the statutory time limit, or the revised timescales if an extension of time has been agreed. Appeals can also be made against enforcements notices.
- 3.25 Those who were consulted on the original planning application, as well as those who made comments on the proposal, will be notified of the appeal. In the case of enforcement notices, it is the responsibility of the Council to notify everyone who it thinks is affected about the appeal. The Council may also publicise an appeal on the Council's website or in local media if considered necessary. Depending on the type of application and the reason(s) for the appeal, different appeal procedures may be followed; through written representations, a hearing or a public inquiry.
- 3.26 The Council will send the Planning Inspectorate copies of any comments received during consultation on the planning application. These comments will be considered by the Inspector who determines the appeal. Further written comments can be made, except in the case of Householder Appeals. Those who did not comment at the application stage can still comment on an appeal. Interested parties can also present their views verbally before a Planning Inspector during appeals that are decided by an informal hearing or public inquiry. More information on planning appeals can be found on the Council's website¹⁷.

4 Resourcing, Monitoring and Review

- 4.1 The implementation of the Statement of Community Involvement will require the use of the Council's resources – including finances and officer time.
- 4.2 Public consultation and engagement on the Council's planning policies will be undertaken primarily by planning officers, in conjunction with other departments where relevant. The Council will allocate money from its budget towards the preparation of the new Local Plan and Community Infrastructure Levy, taking into account the cost of implementing the requirements set out in the Statement of Community Involvement. The Local Development Scheme sets out the timescale for the production of these documents. This timetable factors in the time required for public consultation and engagement to be carried out at various stages.
- 4.3 The Council's approach for consulting on planning applications have allowed for the timescales in which applications are required to be determined in accordance with the legislation.

¹⁷ www.rochford.gov.uk/planning/planning_applications/planning_appeal_information

- 4.4 The Council will monitor the effectiveness of the Statement of Community Involvement, through considering:
- The level of community participation that it generates, particularly from groups that may have found themselves excluded from the process in the past;
 - The degree to which the views of those participating translate into actual planning outcomes;
 - The level of feedback received by those participating from the Council
- 4.5 The Statement of Community Involvement does not specify in detail all the community participation activities that will be carried out in order to maintain a flexible approach. It is intended, however, that the level of engagement will be beyond the minimum level required by legislation, wherever possible.



Rochford District Council
Council Offices South Street
Rochford Essex SS4 1BW
Phone: 01702 546366
customerservices@rochford.gov.uk
Website: www.rochford.gov.uk

Statement of Community Involvement Amendments 2019: Feedback Report

Why have we prepared and consulted on amendments to our Statement of Community Involvement?

- 1.1 The Council's adopted Statement of Community Involvement (SCI) 2016 needs to be amended to take into account recent legislative changes relating to data protection and neighbourhood planning, as well as to support the preparation of the South Essex Joint Strategic Plan (JSP). Addendums to the adopted SCI are therefore proposed as a reasonable approach to accommodate this. The amendments relating to data protection will be inserted at the end of the Introduction to the Council's SCI, and the amendments relating to neighbourhood planning would replace paragraph 2.21 of the Council's adopted SCI.
- 1.2 The SCI's role is to outline how local communities, including residents, organisations and businesses, and other interested parties, will be involved in plan-making and the consideration of planning applications.
- 1.3 Further to a decision by Council on 30 October 2018, a set of proposed amendments and additions to the Council's adopted SCI were subject to a period of public consultation between Thursday 18 July and Thursday 29 August 2019 in line with best practice. The representations received to the consultation have been reviewed and summarised further below.

Summary of Publicity and Notifications

- 1.4 The SCI consultation was advertised in a number of ways, including:
 - Material displayed prominently on the Council's website;
 - Material displayed in Council offices and local libraries throughout the District;
 - Emails and letters sent to residents, organisations and statutory consultees registered on the Council's planning policy consultation database (JDi) and through the corporate GovDelivery notification system;
 - Regular posts and reminders on the Council's social media accounts, including on both Twitter and Facebook.
- 1.5 The Council's planning policy also regularly responded to requests for information and clarity received by telephone and email.

Summary of Representations to the Consultation

- 1.6 Representations were received from statutory consultees as well as from residents within the District. Statutory consultees which made representation included Historic England; Natural England; Highways England; Chelmsford City Council and Southend-on-Sea Borough Council.
- 1.7 Whilst many of the representations responded to the proposed amendments to the SCI, there were some representations that considered the consultation to be an

opportunity to express concerns and other interests relating to planning policy and control, as well as other Council business.

A summary of the representations received is provided below:

Data Protection

- 1.8 All representations received concerning the proposed amendments indicated no objection.

Neighbourhood Planning

- 1.9 Many of the representations received indicated support for the proposed amendments, highlighting in particular the importance of future consultation, engagements and referendums being well advertised and publicised. Some representations indicated support for more parishes and 'areas' in the District being designated and graphically (map) defined neighbourhood areas.
- 1.10 Historic England also indicated support for notification of designations and consultation with statutory consultees on draft neighbourhood plans. A revision to the proposed amendments is therefore suggested, adding an additional paragraph per the below:

The Council will ensure that statutory consultees are engaged in the preparation of neighbourhood plans at the appropriate stages.

- 1.11 The representations received to the consultation are not considered to justify any further revisions to the proposed amendments.

Other Representations Received

- 1.12 Several other representations were received to the consultation which did not directly relate to the proposed amendments but instead expressed general opinions on planning and development in the District. Themes emanating included perceived over-development, lack of infrastructure to support development, the role of the Community Infrastructure Levy (CIL), and insufficient consultation as well as inconsideration to public consultation responses.
- 1.13 These representations have been noted but were not considered to be relevant to the specific amendments being consulted or to justify revisions to the proposed amendments.

Appendix A – Initial Response to Representations Received

Rep ID	Details	Initial Officer Response
37484	<p>(Comment) Paragraph 1 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>In keeping with your recent invitation we submit comments On behalf of Action Groups Resisting Overdevelopment :-</p> <p>1. PUBLIC PERCEPTIONS - Decades of Urban Sprawl (on 'exempt' Green Belt) has made a mockery of Public Consultation which is now perceived as a 'tick the box' compliance tool. This is the primary reason why the public response is historically minimal (sic: ' there is no point...').</p> <p>2. THE REALITY - The central Government aspirations on new housing targets (via user friendly Councils) is not matched by Strategic Planning (Infrastructure) funding. This poses those same Councils with an impossible task because they are under-funded & under resourced; and anyway the Primary Consultee (ECC) dictate the key issues (Health/Education/Highways/Flooding....).</p> <p>3. THE PRIMARY PROBLEM - The Government's NPPF Policy is designed to drive Council Planning in a set direction (Call for Sites is the only source of 'free' land supply). Inevitably, in the predominantly Green Belt Rochford Peninsular, this means the very essence of GB Law is breached.</p> <p>4. THE SECONDARY PROBLEM - With limited resource, funding, deference to ECC and Party loyalties the Rochford District Council have no choice but to elect isolated random plots as a so-called Preferred Option. The current Local Plan is a prime example and, by using the same formulae, the "New" Local Plan will yield more of the same (errors).</p> <p>5. THE TERTIARY PROBLEM - Decades of 'efficiencies / capping / cuts and Austerity' have eroded both County and Local Council capability for so long that a prevailing climate of make do & mend precludes any vision. This acceptance extends to</p>	<p>This is outside the remit of this consultation.</p> <p>This is outside the remit of this consultation.</p> <p>This is outside the remit of this consultation.</p> <p>This is outside the remit of this consultation.</p> <p>This is outside the remit of this consultation.</p>

Statement of Community Involvement Amendments 2019: Feedback Report

	<p>the Essex MP's who are noticeable by their absence in even recognising their Governments flawed Planning policy.</p> <p>6. WHAT WE NEED -</p> <p>The (now overdue) Joint Strategic Plan for the South corridor of Essex must not be repeating the standard approach again - the scale of housing is too large now.</p> <p>This critical document must give a clear new direction on planning the subsequent " New" Local Plans in a new, modern, long-term (sustainable) manner. This must include assessments of strategic Infrastructure funding levels required to support Government housing targets - not blind acceptance.</p> <p>This cannot be solved by Public Consultation, the Crisis in Planning needs to be addressed by those responsible for it at both RDC and ECC - now.</p>	<p>This is outside the remit of this consultation.</p>
37483	<p>(Comment) Paragraph 8 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>You also need to arrange meetings and advertise them.</p>	<p>Comment noted. The District Council undertakes public consultation in accordance with the current adopted SCI and seeks to go beyond the minimum regulatory requirements wherever possible, particularly for plan making.</p>
37482	<p>(Comment) Paragraph 9 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Why is there only one area? Has this improved in July 2019?</p> <p>You need to make sure all parishes and "areas" in your district have designated neighbourhood areas.</p>	<p>Comment noted. The first stage is for a Parish or Town Council to submit a Neighbourhood Area application to the District Council for consideration and approval. This is regulated by the Neighbourhood Planning (General) Regulations 2012 (as amended).</p>
37481	<p>(Comment) Paragraph 12, Community Referendum - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>How will you communicate these referendums? What is your target audience? These large developments affect far more people than just those neighbouring the development.</p> <p>How will you reach your target audience to make</p>	<p>Comment noted. The District Council will undertake local referendums relating to each Neighbourhood Plan area as part of neighbourhood plan-making.</p>

Statement of Community Involvement Amendments 2019: Feedback Report

	<p>sure their voice is heard? You need to host meetings which are clearly communicated, starting, well ahead of schedule with constant reminders leading up to the event.</p>	<p>Development consultation is outside the remit of this consultation.</p>
37480	<p>(Comment) Paragraph 6 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Step 6. How is the "Community Referendum" presented. I have never been consulted in any other form than a yellow notice tied to the nearest sturdy structure - that you don't remove and therefore remain until the string rots.</p>	<p>Comment noted. The District Council will undertake local referendums relating to each Neighbourhood Plan area as part of neighbourhood plan-making.</p>
37479	<p>(Comment) Paragraph 4 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>What happens to these "European Laws" after 31/10/2019?</p>	<p>Most of the content of European Law has or will become part of UK law when the United Kingdom leaves the European Union.</p>
37478	<p>(Comment) Paragraph 3 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>It's not just about being "open and accessible", it also needs to be communicated with RDC hosted meetings which are well advertised.</p>	<p>Comment noted.</p>
37477	<p>(Comment) Paragraph 2 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>These neighbourhood areas need to be clearly defined in a graphical form (a map) and any changes communicated.</p>	<p>Comment noted.</p>
37476	<p>(Comment) Paragraph 1 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>There is no definition on the words "Gives Communities the Power" or a clear meaning of 'communities'.</p> <p>Clearly, these "powers" amount to nothing as our concerns have been totally ignored and you have continued to allow these developments to continue unabated, with flagrant disregard for infrastructure..</p>	<p>Comment noted.</p> <p>This is outside the remit of this consultation.</p>

Statement of Community Involvement Amendments 2019: Feedback Report

37475	<p>(Object) Paragraph 1 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Any further planning for new housing has to stop. Our small town cannot cope anymore. We havnt the inforstructer of facilities to support more people. Roads are like car parks coming in and out of Rayleigh. This also puts added strain on our health survice.schools ect. You need to stop thinking of money and support the local community. And all the time our council tax is going up and we are suffering.</p>	<p>This is outside the remit of this consultation.</p>
37474	<p>(Comment) Paragraph 1 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Community Infrastructure Levy (CIL) (Refer to the SCI 2016- page 10).</p> <p>This CIL is in accordance with Regulation 2010 (As amended) in particular the Charging Schedule Clauses 2.17 and 2.18. HRA ask if the CIL is mentioned in the Core Strategy and the NPPF, HRA are concerned with the insufficient consultation as to the "Evidence Base Preparation" and "Infrastructure Funding Gap Assessment" (Cl. 18), and the preliminary "Draft Charging Schedule" (Regulations 15 and 16) stated in the 'future tense'. HRA have not had the opportunity to engage on the "Timetable" for the preparation of the CIL as set out in the Local Development Scheme.</p> <p>In consideration of the Malyons Lane development, now in construction, please provide us with the information as to how the CIL applies to the developer for incorporation of this Levy and what the sums of money are involved. We have not seen mention of this levy in the 'Contributions' of £4.5m by the developer. Please provide us with information on the Draft Charging Schedule to allow us an observation and comment opportunity. Will these charges be subject to consultation with the developer and what if these charges are insufficient to cope with the required contributions from the residents?</p> <p>We are pleased to see that RDC have resurrected the Localism Act which gives local communities new powers to make decisions to help shape and drive the development/s in the area.</p> <p>There is no definition on the words "Gives Communities the Power" or a clear meaning of 'communities'.</p>	<p>This is outside the remit of this consultation.</p> <p>This is outside the remit of this consultation.</p> <p>Comment noted.</p> <p>Comment noted.</p>

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	<p>HRA have put forward many issues in respect of Malyons Lane , which, although not acknowledged, have been instrumental in amendments to the plans put forward by the developer, and we have had an impact by a 3 to 4 years delay in the construction works. We must remind RDC that HRA have been involved in all issues of developments since 2013 and demand the right to be consulted.</p> <p>Many issues have not been resolved, specifically in relation to "Flood", existing "Drainage (foul and surface water)", which has been neglected since 1968 and infrastructure.</p> <p>Road improvements There is no mention of 'road improvements' to Watery Lane, which has a direct impact on the road network in Hullbridge. Can RDC explain why the CPO has not been used to widen Watery lane ? Several years ago HRA predicted that allocating two sites close together (Hullbridge and Rawreth) will cause chaos, and that has certainly come to pass. This means that the morning and evening 'rush hours' gridlock extends to the whole day and will continue for the next 10 to 15 years, or more if other developments are approved.</p> <p>Section 6 - Contributions.</p> <p>HRA wrote to RDC and the NHS requesting information on how the individual contributions were arrived at. A response from NHS presented a major calculation discrepancy and our calculations for the Medical services (£164k- in 2013) should be £384k (2016). We did not receive a response from NHS regards making good the shortfall, and you can understand our concerns for the future of our medical practitioners. We spoke to BDW and they said simply that was what was agreed between all parties. If you take into consideration our 'expansion' figures below, we think the future contributions may be similarly calculated.</p> <p>Expansion-Homes, Population and effect on Insurance.</p> <p>New Homes Population</p> <table border="1"> <tr> <td>East Hullbridge</td> <td>7 to 14</td> <td>28 to 56</td> </tr> <tr> <td>East Rawreth</td> <td>1,773 to 3,545</td> <td>7,092 to 14,180</td> </tr> <tr> <td>West Hullbridge</td> <td>926 to 1,350</td> <td>3,704 to 5,400</td> </tr> <tr> <td>North Hullbridge</td> <td>537 to 1,074</td> <td>2,152 to 4,304</td> </tr> <tr> <td>South Hullbridge</td> <td>134 to 268</td> <td>536 to 1,072</td> </tr> <tr> <td>Central Hullbridge</td> <td>3,100</td> <td>3,100 7,500 to 7,500</td> </tr> <tr> <td>Existing.</td> <td></td> <td></td> </tr> <tr> <td>Total</td> <td>6,477 to 9,351</td> <td>21,012 to 32,512</td> </tr> </table>	East Hullbridge	7 to 14	28 to 56	East Rawreth	1,773 to 3,545	7,092 to 14,180	West Hullbridge	926 to 1,350	3,704 to 5,400	North Hullbridge	537 to 1,074	2,152 to 4,304	South Hullbridge	134 to 268	536 to 1,072	Central Hullbridge	3,100	3,100 7,500 to 7,500	Existing.			Total	6,477 to 9,351	21,012 to 32,512	<p>This is outside the remit of this consultation.</p> <p>This is outside the remit of this consultation.</p> <p>This is outside the remit of this consultation.</p> <p>This is outside the remit of this consultation.</p> <p>This is outside the remit of this consultation.</p> <p>This is outside the remit of this consultation.</p>
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	<p>The total population may be some 21,000 to 32,500 in 10 to 15 years.</p> <p>In consideration of what the Core Strategy and NPPF state, we say that Hullbridge can be classified as 'over-dev...</p>	
37473	<p>(Comment) Paragraph 10 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Consultation methods</p> <p>Clauses 10, 11 and 12 provides the right for a the "Community" to prepare a NP or Development Order, we apply for this right again, or ask the Council to give us good reason why HRA is not favoured as Canewdon and Wallasea are to do this work, under the 'engagement opportunities' described in the plan stages.</p>	<p>Comment noted. The first stage is for a Parish or Town Council to submit a Neighbourhood Area application to the District Council for consideration and approval. This is regulated by the Neighbourhood Planning (General) Regulations 2012 (as amended).</p>
37472	<p>(Comment) Paragraph 9 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Clause 9</p> <p>Only one area - Canewdon and Wallasea area given the status of Neighbourhood Forum.</p>	<p>Comment noted.</p>
37471	<p>(Comment) Paragraph 8 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Clause 8 The principle of the NP is that it should be led and shaped by the local community but the council does not directly oversee or manage the NP process, but will support NP in the following ways: Provide advice and guidance, directing relevant bodies towards information and resources relevant to NP and funding sources, attend meetings and make information available for consideration. Reviewing documents and giving feedback and advice, thus fulfilling the council's obligations to the NP Regulations S 2012, as amended. HRA accept all the criteria given above and have stated that we will cooperate with all relevant bodies including the Parish Council as is part of the 2012 NP Regulations/Guidance.</p> <p>If the Councils consider in any way that HRA are unqualified or inexperienced, can they please inform us, and we will be happy to consider a meeting to discuss our proposal. We consider the 'accent' on "Community Involvement" via a NPG can be of great advantage to the Council, given that there is</p>	<p>Comment noted.</p>

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	the possibility of some 3,500 to 6300 (accurate calculations at date of this letter) homes that may be developed in Hullbridge.	
37470	<p>(Comment) Paragraph 7 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Clause 7. HRA understand the RDC Statutory responsibility as a local authority, who would 'assist' communities in preparation of NP's and the examination and referendum stages of NP where applicable.</p>	Comment noted.
37469	<p>(Comment) Paragraph 3 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Item 3. Quote - "NP and DO can only be prepared by a 'defined' Neighbourhood Forum" we repeat our request to form a Neighbourhood Planning Group in the same manner RDC have allowed for Canewdon and Wallasea</p> <p>HRA letter dated 11.5.14 to RDC. Sets out, in brief, from the Guidance notes for 'applicants' etc, extracted from "Supporting Communities in Neighbourhood Planning" with questions to each Subject we understand, and observing details, the important clauses crucial to the success of the NPG depends on adhering to these rules and regulations, as follows:</p> <p>Page 3 Plans and eligibility.</p> <p>Page 4 Officially designated Neighbourhood or designated Neighbourhood Forum.</p> <p>Page 5 To support all groups to achieve the final stages and funding.</p> <p>Page 11 Completing the application including stages reached, the Nature of neighbourhood planning, Demography, Levels of expertise, Staffing, Funding resources and support for other groups.</p> <p>Page 13- Evidence based preparation- community engagement, Identity aims & issues, writing policies updating the plans as recommended and identify grants & funds needed. Regrettably we did not receive a response. Have RDC considered the impact on Hullbridge, with about 3,000 to 6,300 homes being developed, expanding our population from 7,500 to 32,500, we emphasise this is tantamount to over-development. Please inform us of the reasons you consider we will not be able to administer the NPG ?</p>	<p>Comment noted.</p> <p>This is outside the remit of this consultation.</p>

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37468	<p>(Comment) Paragraph 2 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Item 2. The NP sets policies that will only apply to a smaller 'neighbourhood area' which often align with parish boundaries. HRA stated that RDC should review the Parish boundary between Hullbridge and Rawreth, we were ignored, although we were instrumental in notifying the RDC that the review should have been conducted 'before' accepting the OPA on Mayons Lane, we are justified in requesting the credit for this oversight by RDC. Besides the fact that this is a 'large development' which the Parish council are not equipped to deal with as we have explained before, however once again we state that our proposal will be a great benefit to RDC and HPC for HRA to administer the NPG.</p>	Comment noted.
37467	<p>(Comment) Paragraph 1 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Item 1 (page 1) This NP was introduced by the "Localism Act" in 2011 and gives local communities new powers to take decisions to help shape and drive the development that takes place in their area. Would you agree this can be done by proven professionally qualified groups, by example, such as the Hulbridge Residents Association (HRA) in the same way the District Council have accepted the Neighbourhood Forum of "Canewdon and Wallasea" as designated in the District (clause 9), and why Hullbridge have not been given the same opportunity, despite several requests to administer the Neighbourhood Planning Group (NPG) in accordance with the Neighbourhood Planning Regulations 2012, with the added advantage of seeking a Charitable status, with your approval, for funding purposes.</p> <p>Neighbourhood Plan -</p> <p>HRA were advised by Westminster Planning Department to apply to you, but we did not receive a reply.</p> <p>Hullbridge Parish Council (HPC) conceded at a council meeting in 2016 (also attended by the Rural Community Council of Essex (RCCE)) that they were unable to administer projects due to lack of knowledge of large scale development planning matters. HRA 22-member committee were at this HPC meeting and we consider that HPC missed the</p>	<p>Comment noted.</p> <p>Comment noted.</p> <p>This is outside the remit of this consultation.</p>

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	<p>opportunity to introduce HRA as a 'Professional Group' able to undertake the proposed Neighbourhood Planning Group. The HPC have had ample opportunity to discuss this and come to an agreement, but they have never tried. HRA have provided adequate proof of our 'professionalism' to administer a Neighbourhood Planning Group, under a charitable status to find funds to do this work, RDC and HPC were also copied into this correspondence, but our proposals have continually been rejected, despite us having a robust 'constitution' in accordance with the CPALC 10 point Guiding Principles, which is close to the Constitution observed by the RDC, along with professionally qualified and experienced committee members. HRA will abide by the 7 stages of the NP as set out in item 6, page 2.</p> <p>Item 1 (cont). Neighbourhood Development Order We have been in discussions with a Councillor about the possibilities of involvement with a Development Board, which we are happy to participate with, and we were hoping this would lead to some result, but to date we have had no progress.</p> <p>Item 1 (cont). Community Right to build Order This section is for the Parish Council, but the accent seems to be on the word "Community", which is in conflict with what we have been speaking about ie that HRA are well 'equipped' to prepare and administer this NP, as stated above, that HPC are unable to deal with large scale developments, but the community representative (HRA) are not provided the opportunity to participate in co-operation with the RDC and HPC in accordance with the rules and regulations set out in the Addendum C.</p>	Comment noted.
37466	<p>(Comment) Paragraph 3 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>The "Addendum C"- Draft Neighbourhood Planning Addendum- replacing paragraph 2.21 of the adopted SCI 2016 stated that "NP" was for guiding the future development and growth of a local area which can be produced by Parish, Town Councils and acceptable 'communities', governed by the Neighbourhood Planning (general) Regulations 2012. The Parish/Town Council are responsible for undertaking consultation and engagement during the preparation stage of NP's in accordance with the legislation and guidance, however the Hullbridge community has had no consultation with the Parish</p>	Comment noted.

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	Council.	
37465	<p>(Comment) Paragraph 1 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>We respond to your letter dated 19 July 2019 on behalf of the Hullbridge Community population of approx.7500, requesting our 'Statement of Community Involvement' (SCI) in respect of the proposed amendments and additions to the adopted SCI of 2016. We note that the amendments relating to the Data protection will be inserted 'after' you have received our statement, if so how will these amendments be identified for our view?</p> <p>We refer to the Laws empowering the community to use the Freedom of Information Act, Localism Act (2011), The National Planning Policy Framework as prescribed by the Communities and Local Government Act (March 2012) and provides the framework for local people to produce their own Distinctive Local and Neighbourhood Plans affecting the needs and priorities of their communities (April 2012), and includes the Regulations Governing Neighbourhood Planning Laws, The Consultation procedures laid down in the Core Strategy and Site Allocation Documents, The Allocation DPD Document (Feb 2010) - Discussion & Consultative Document on page 1 (Introduction) that the Council SCI is committed to Regulation 25 Public Participation in the preparation of Planning for the District.</p>	<p>Amendments to the Statement of Community Involvement 2016 will be published and available to view on the Council's web site to support the Council's new emerging Local Plan.</p> <p>Comment noted. The District Council undertakes extensive public consultation in accordance with the current adopted SCI to positively inform its plan preparation.</p>
37464	<p>(Comment) Paragraph 1 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Respondent: Historic England</p> <p>Dear Planning Policy Team</p> <p>Draft Statement of Community Involvement for Rochford District 2019</p> <p>Thank you for consulting Historic England on the Draft Statement of Community Involvement (SCI) for Rochford District 2019. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process.</p> <p>We support the general aims and approach to the draft Statement of Community Involvement. We</p>	<p>Noted.</p>

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	<p>welcome the reference to statutory consultees under duty to co-operate at paragraph 2.13 with respect to general planning policy at paragraph 2.3 as well as with regard to planning applications at paragraph 3.12. However, it would be helpful if specific mention could be made in paragraphs 2.3 and 2.13 to Historic England being a statutory consultee. Please amend the references in paragraphs 3.9 and 3.12 to Historic England not English Heritage or Heritage England.</p> <p>With regards to neighbourhood planning, we would welcome notification of proposed neighbourhood planning areas as well as consultation on draft plans. The regulations state that statutory bodies including Historic England should be consulted on draft plans where our interests are considered to be affected. This should be included in your amendment to paragraph 2.21. We have guidance on neighbourhood planning, which can be found at:</p> <p>We would welcome consultation at an informal level, in addition to the requirements of the legislation, where issues may benefit from our early involvement. For information and for further consultation please note our consultation email address</p> <p>We hope that the above comments are of assistance. If you would like any clarification or would like to discuss the above please do not hesitate to contact me.</p>	
37463	<p>(Comment) Paragraph 1 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood</p> <p>Respondent: Historic England</p> <p>With regards to neighbourhood planning, we would welcome notification of proposed neighbourhood planning areas as well as consultation on draft plans. The regulations state that statutory bodies including Historic England should be consulted on draft plans where our interests are considered to be affected. This should be included in your amendment to paragraph 2.21. We have guidance on neighbourhood planning, which can be found at:</p>	Noted.
37462	<p>(Comment) Paragraph 1 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p>	

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	<p>Respondent: Natural England</p> <p>Consultation on proposed amendments to the Statement of Community Involvement for Rochford District Council</p> <p>Thank you for your consultation on the above dated 19 July 2019 which was received by Natural England on 19 July 2019.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.</p> <p>We regret we are unable to comment, in detail, on individual Statements of Community Involvement but information on the planning service we offer, including advice on how to consult us, can be found at: https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals.</p> <p>We now ask that all planning consultations are sent electronically to the central hub for our planning and development advisory service at the following address: consultations@naturalengland.org.uk. This system enables us to deliver the most efficient and effective service to our customers.</p>	Noted.
37461	<p>(Comment) Paragraph 1 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Respondent: Highways England</p> <p>Thank you for your consultation dated 19 July 2019. The following consultation is unlikely to have a severe impact on the strategic road network. We therefore offer no comment in this case</p>	Noted.
37460	<p>(Comment) Paragraph 2 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>All development plans should be notified to those locally affected, and also listed in more general Local Development Plans, to ensure proper notice is provided. This will indicate the local and more general effects of development plans. Current plans are now badly managed as regards effects of building, and putting stress on infrastructure.</p>	<p>Comment noted. The District Council undertakes public consultation in accordance with the current adopted SCI and seeks to go beyond the minimum regulatory requirements wherever possible, particularly for plan making.</p> <p>There are various methods through which residents may be notified of a</p>

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		<p>planning application as set out in the draft SCI.</p> <p>Consultation with infrastructure and service providers is undertaken throughout the plan-making and planning application processes.</p>
37458	<p>(Object) Paragraph 1 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>The Neighbourhood plan states allocate land for development, including new homes and employment. In the case of the Hullbridge development there is no indication of new jobs being generated. I would suggest (1) that no further land should be allocated to build on and (2) the current development of 500 houses should be restricted to 125/250 so as to determine the impact on traffic congestion and the environment - likewise the London Road / Rawreth Lane development should be reduced.</p>	<p>This is outside the remit of this consultation.</p>
37457	<p>(Comment) Paragraph 1 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Respondent: Chelmsford City Council</p> <p>The Council notes the new section referencing to Neighbourhood Plans and support offered in preparing new neighbourhood plans. This Council considers that proposed amendments are clear and comprehensive. Chelmsford City Council will continue to actively engage with Rochford District Council on each other's respective Local Plans.</p>	<p>Noted.</p>
37456	<p>(Comment) Paragraph 1 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Respondent: Chelmsford City Council</p> <p>The Council has no comments to make to the Data Protection statement.</p>	<p>Noted.</p>
37455	<p>(Comment) Paragraph 1 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Respondent: Southend-on-Sea Borough Council</p>	<p>Noted.</p>

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	<p>Thank you for the opportunity to comment on the above document.</p> <p>The amendments on GDPR and Neighbourhood Planning are supported in principle. Southend Borough Council does not have any specific comments to make.</p>	
37454	<p>(Comment) Paragraph 1 - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>Respondent: Southend-on-Sea Borough Council</p> <p>Thank you for the opportunity to comment on the above document.</p> <p>The amendments on GDPR and Neighbourhood Planning are supported in principle. Southend Borough Council does not have any specific comments to make.</p>	Noted.
37453	<p>(Comment) Paragraph 12, Modifications to or revocation of a neighbourhood plan or order - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>the reason councils make decisions is unknown and usually fabricated. It suits the council to have new building hidden in Rochford because you want less contact with the public and air con and better parking etc etc etc.... Why not use the rayleigh police station?</p>	This is outside the remit of this consultation.
37452	<p>(Comment) Paragraph 12, Decision to make, or refuse to make, a neighbourhood plan or order - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>"medium deemed appropriate" equals hidden from public.</p>	Comment noted.
37451	<p>(Comment) Paragraph 12, Community Referendum - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>IS THIS FOR REAL???? NEVER HAD A Referendum from council. If you mean buried comment on councils proposal type of hidden activity that is not a referendum</p>	Comment noted. The District Council undertakes public consultation in accordance with the current adopted SCI and seeks to go beyond the minimum regulatory requirements wherever possible, particularly for plan making.

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37450	<p>(Comment) Paragraph 12, Neighbourhood Forum Designation Consultation - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>No Good saying council May use notificatons via notice boards library etc. People should KNOW FOR SURE where notices will be and not chase after council notices. Its a very OBSTRUCTIVE way of "communicating i.e GUESS WHERE WE PINNED THE NOTICE !!!</p>	<p>Comment noted. The District Council undertakes public consultation in accordance with the current adopted SCI and seeks to go beyond the minimum regulatory requirements wherever possible, particularly for plan making.</p>
37449	<p>(Comment) Paragraph 12, Neighbourhood Area Designation Consultation - Statement of Community Involvement Addendums: Data Protection and Neighbourhood Planning</p> <p>consultation should take place BEFORE money is spent.....You have spent SO MUCH on selling OUR assets to fund council building....</p>	<p>This is outside the remit of this consultation.</p>

NEW LOCAL PLAN EVIDENCE BASE: ESSEX COAST RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION STRATEGY SUPPLEMENTARY PLANNING DOCUMENT (SPD) 2019

1 PURPOSE OF REPORT

- 1.1 Under the direction of Natural England, the Council has been an active member of the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Steering Group, in partnership with Essex County Council, Basildon Borough Council, Brentwood Borough Council, Braintree District Council, Castle Point Borough Council, Chelmsford City Council, Colchester Borough Council, Maldon District Council, Tendring District Council and Uttlesford District Council.
- 1.2 The Council previously noted the final Essex Coast RAMS in April 2019 and has been using the RAMS to effectively discharge its responsibilities under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), including in the undertaking of appropriate assessments at the planning application stage.
- 1.3 A joint supplementary planning document (SPD) has been prepared which would, if adopted, distil the relevant information from the RAMS into a more concise format, providing information to applicants on the need, process and mechanisms for applying the RAMS at the planning application stage. This report recommends that the Council jointly consults on this draft SPD, along with the other partner authorities, for a period of six weeks.

2 INTRODUCTION

- 2.1 The Council's existing Core Strategy 2011 sets out the Council's commitment to the protection, promotion and enhancement of biodiversity throughout the district.
- 2.2 The National Planning Policy Framework (NPPF) 2019 requires Plans to maintain the character of the undeveloped coast, while improving public access to it, where appropriate, and to protect, enhance and promote conservation of priority habitats. Furthermore, the NPPF requires Plans to promote the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
- 2.3 The Council's existing planning policies, including policy ENV1 of the Core Strategy, require the Council to maintain the environmental quality in the district to protect its distinctive character.
- 2.4 The Council, as a competent authority, has legal obligations under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats

Regulations') to ensure the impacts of 'plans and projects' do not have an adverse impact on the integrity of habitats sites either individually or in combination with other plans and projects. For planning applications this means, where appropriate, undertaking Habitats Regulations Assessments (HRA) to identify any likely significant effects on the integrity of habitats sites and whether these can be avoided or mitigated.

- 2.5 The Essex coastline provides recreational opportunities for Essex residents, and is home to internationally important numbers of breeding and non-breeding birds and their coastal habitats.

- 2.6 A large proportion of the Essex coastline is covered by international, European and national wildlife designations. A key purpose of these designations is to protect wildlife and habitats. Most of the Essex coast is designated under the Habitats Regulations as part of the European Natura 2000 network which includes Special Protection Areas (SPAs) and Ramsar sites. The protection of Habitats Sites is given emphasis in the National Planning Policy Framework (2019).

- 2.7 The Habitats sites to which the SPD applies are as follows, with those within Rochford District's authority area highlighted in bold:

Essex Estuaries SAC

Stour and Orwell Estuaries SPA and Ramsar

Hamford Water SPA and Ramsar

Colne Estuary SPA and Ramsar

Blackwater Estuary SPA

Dengie SPA and Ramsar

Crouch and Roach Estuaries SPA and Ramsar

Foulness Estuary SPA and Ramsar

Benfleet and Southend Marshes SPA and Ramsar

Thames Estuary and Marshes SPA and Ramsar

- 2.8 Evidence, described in detail in the RAMS, suggests that most of the recreational activity is undertaken by people who live in Essex.

- 2.9 The RAMS strategy explains the mitigation that is necessary to protect the wildlife of the Essex coast from the increased visitor pressure associated with new residential housing development in combination with other plans and projects, and how this mitigation will be funded, as well as the implications for

Rochford District's plan-making. The RAMS strategy highlighted a need for a per-dwelling tariff of £122.30 to be applied to new residential developments in the district in order to effectively mitigate the resultant impacts on the integrity of habitats sites.

- 2.10 The RAMS strategy applies to new residential dwellings where there is a net gain, that will be built in the Zone of Influence (Zol) of the habitats sites. The Zol identifies the distance within which new residents are likely to travel to the Essex coast habitats sites for recreation. The entirety of Rochford District falls within one or more Zols.
- 2.11 The RAMS strategy explains that mitigation at this scale, and across several LPAs, is best tackled strategically and through a partnership approach to ensure maximum effectiveness of conservation outcomes and cost efficiency.
- 2.12 The Planning Policy Sub-Committee previously noted the RAMS Strategy in April 2019 and, following an interim period, the Council has been applying the RAMS in the absence of an SPD in the determination of planning applications.

3 Essex Coast RAMS Supplementary Planning Document (SPD)

- 3.1 A Supplementary Planning Document (SPD) has been jointly prepared for the 11 RAMS authorities which focuses on the delivery of the mitigation necessary to protect the wildlife of the Essex coast from the increased visitor pressure associated with new residential housing development in combination with other plans and projects and how this mitigation will be funded.
- 3.2 The SPD distils the technical RAMS strategy into a consistent and practical document for use by the Council, applicants and the public and provides the following information:
 - A summary of the RAMS;
 - The scope of the RAMS;
 - The legal basis for the RAMS;
 - The level of developer contributions being sought for strategic mitigation;
 - How and when applicants should make contributions; and
 - Alternative options for an applicant.
- 3.3 An SPD is a type of planning document that does not form part of the formal 'development plan' for an area and does not introduce new policies but which intends to provide additional guidance on the application of existing policies. An SPD is a material consideration in the determination of planning applications. In this context, the SPD is intended to provide additional

guidance on the application of the RAMS and policies ENV1 of the Core Strategy and DM27 of the Development Management Plan.

- 3.4 The SPD will assist decision-making with respect to any future development that may impact on habitats sites within Rochford District, by providing a clear and concise source of information for applicants, developers and the Council's own development management team on the application of the RAMS throughout the planning process.
- 3.5 The Council is not obliged to prepare or adopt an SPD but failure to do so may make it more difficult for applicants to understand the process and mechanisms involved in the application of the RAMS and result in guidance needing to be provided by officers on an ad hoc basis. A decision to not prepare or adopt an SPD would not remove the Council's legal obligations under the Habitats Regulations and would not remove the need to implement the RAMS, or another appropriate strategy, to mitigate the impacts of new housing on the integrity of habitats sites.
- 3.6 A frequently asked questions (FAQ) document will also be produced to provide further background information on the Bird Aware Essex Coast website.

4 RISK IMPLICATIONS

- 4.1 LPAs have the duty, by virtue of being defined as 'competent authorities' under the Habitats Regulations, to ensure that planning decisions do not adversely affect the integrity of habitats sites. The Council is not obliged to prepare or adopt an SPD; however, a decision not to do so would not remove the Council's duties under the Habitats Regulations and would not remove the need to implement the RAMS, or another appropriate strategy, to avoid or mitigate the impacts of new housing on the integrity of habitats sites.
- 4.2 Failure to avoid or mitigate the impacts of recreational disturbance arising from new housing in the determination of planning applications would leave decisions vulnerable to legal challenge. The RAMS strategy, and accompanying SPD, are intended to ensure the Council's obligations under the Habitats Regulations are effectively discharged.
- 4.3 The absence of an SPD may also make it more difficult for applicants to understand the process and mechanisms involved in the application of the RAMS strategy. This may result in more frequent requests for guidance being made to officers on an ad hoc basis, which would have implications on the capacity of officers to fulfil other responsibilities.

5 ENVIRONMENTAL IMPLICATIONS

- 5.1 The purpose of the RAMS project is to ensure that the integrity of habitats sites along the Essex coast can be effectively preserved. The SPD provides a

distillation of the RAMS strategy for the use of applicants, developers and the Council's development management team. In doing so, it will enable the Council to more effectively protect, enhance and conserve habitats and species through the planning process.

6 RESOURCE IMPLICATIONS

- 6.1 The preparation of this SPD was achieved through existing resources and agreed budgets.

7 LEGAL IMPLICATIONS

- 7.1 LPAs have the duty, by virtue of being defined as 'competent authorities' under the Habitats Regulations, to ensure that planning decisions do not adversely affect the integrity of habitats sites. Furthermore, the NPPF, as revised in 2019, requires decisions to *inter alia* promote the conservation and enhancement of the natural environment to taking a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
- 7.2 The Council is not obliged to prepare or adopt an SPD; however, a decision not to do so would not remove the Council's duties under the Habitats Regulations and would not remove the need to implement the RAMS, or another appropriate strategy, to avoid or mitigate the impacts of new housing on the integrity of habitats sites. Failure to avoid or mitigate the impacts of recreational disturbance arising from new housing in the determination of planning applications would leave decisions vulnerable to legal challenge. The RAMS strategy, and accompanying SPD, are intended to ensure the Council's obligations under the Habitats Regulations are effectively discharged.

8 EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

Supplementary Planning Document (SPD) 2019

DRAFT

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1. Introduction

- 1.1 This Supplementary Planning Document (SPD) focuses on the mitigation that is necessary to protect the wildlife of the Essex coast from the increased visitor pressure associated with new residential development in combination with other plans and projects, and how this mitigation will be funded.
- 1.2 This SPD accompanies the strategic approach to mitigation which is set out in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (the 'RAMS'). The RAMS provides a mechanism for Local Planning Authorities (LPAs) to comply with their responsibilities to protect habitats and species in accordance with the UK Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations').
- 1.3 This SPD distils the RAMS into a practical document for use by LPAs, applicants and the public and provides the following information:
 - A summary of the RAMS;
 - The scope of the RAMS;
 - The legal basis for the RAMS;
 - The level of developer contributions being sought for strategic mitigation; and
 - How and when applicants should make contributions.
- 1.4 A 'frequently asked questions' (FAQ) document has also been produced to provide further information about the RAMS project. This is available on the Bird Aware Essex Coast website¹.

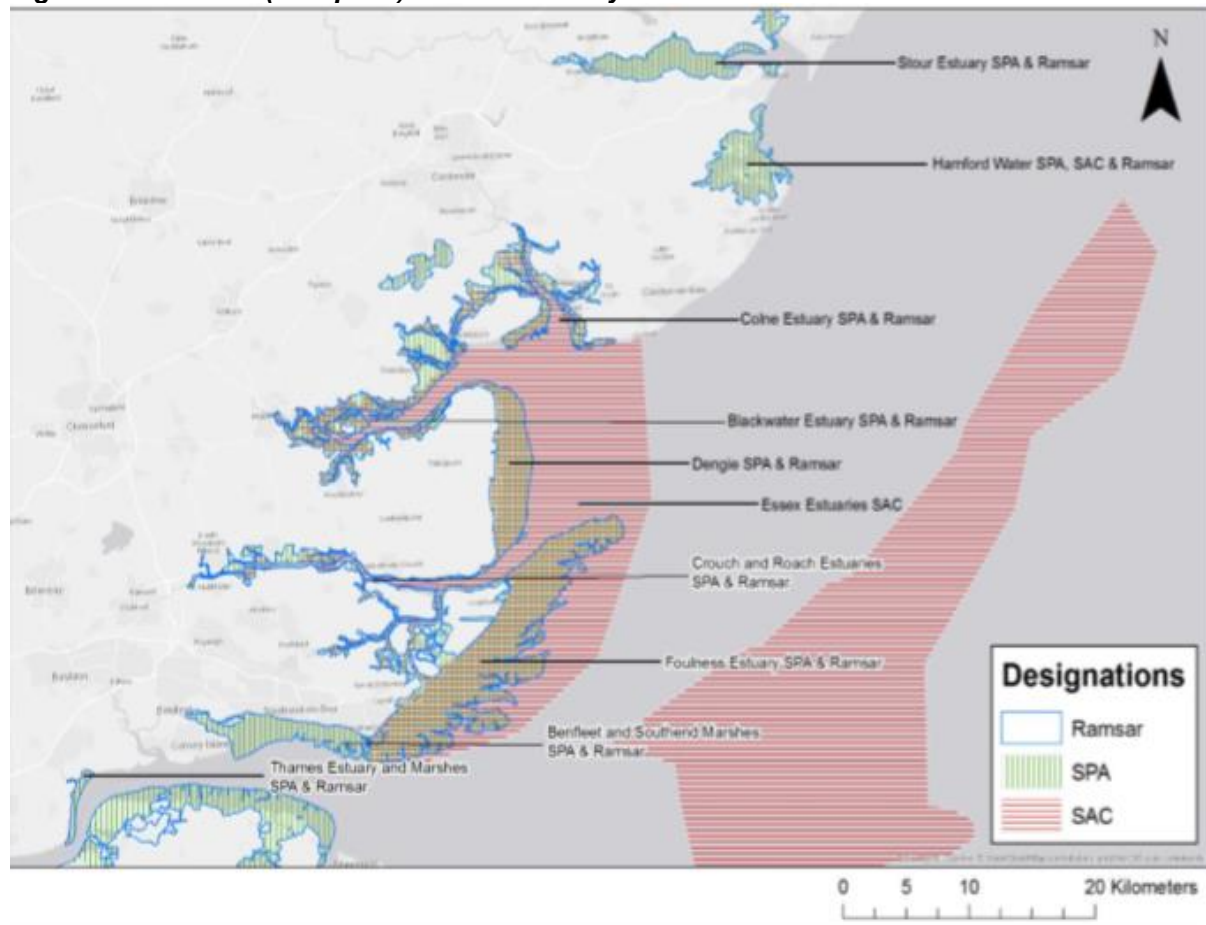
¹ Bird Aware Essex Coast: <https://essexcoast.birdaware.org/home>

2. Summary of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

The importance of the Essex coast

- 2.1 The Essex coastline is one of importance for people and wildlife. It provides recreational opportunities for Essex residents, and it is home to internationally important numbers of breeding and non-breeding birds and their coastal habitats.
- 2.2 The coast is a major destination for recreational use such as walking, sailing, bird-watching, jet skiing and dog walking. Evidence, described in detail in the RAMS, suggests that the majority of this activity is undertaken by people who live in Essex.
- 2.3 Although only Tendring District, Colchester Borough, Chelmsford City, Maldon District, Rochford District, Southend Borough, Castle Point Borough and Thurrock Councils lie on the coast, residents from, Basildon Borough, Brentwood Borough, Uttlesford District and Braintree District are also likely to travel to the coast for recreational use.
- 2.4 A large proportion of the coastline is covered by international, European and national wildlife designations. A key purpose of these designations is to protect breeding and non-breeding birds and coastal habitats. Most of the Essex coast is designated under the Habitats Regulations as part of the European Natura 2000 network: for the purposes of this SPD these are Special Protection Areas, Special Areas of Conservation and Ramsar sites. These sites are also defined as 'Habitats Sites' in the National Planning Policy Framework (2019).
- 2.5 The Habitats Sites to which this SPD applies are as follows and these are shown overleaf on Figure 2.1:
 - Essex Estuaries SAC
 - Stour and Orwell Estuaries SPA and Ramsar
 - Hamford Water SPA and Ramsar
 - Colne Estuary SPA and Ramsar
 - Blackwater Estuary SPA and Ramsar
 - Dengie SPA and Ramsar
 - Crouch and Roach Estuaries SPA and Ramsar
 - Foulness Estuary SPA and Ramsar
 - Benfleet and Southend Marshes SPA and Ramsar
 - Thames Estuary and Marshes SPA and Ramsar

Figure 2.1: Habitats (European) sites covered by the Essex Coast RAMS



Notes:

- Ramsar sites are areas of wetland which are designated of international importance under the Ramsar Convention (1971).
- Special Protection Areas (SPAs) are sites which support rare, vulnerable and migratory birds.
- Special Areas for Conservation (SACs) are sites which support high-quality habitats and species.

The duties of Local Planning Authorities (LPAs)

2.6 LPAs have the duty, by virtue of being defined as ‘competent authorities’ under the Habitats Regulations, to ensure that planning application decisions comply with the Habitats Regulations. If the requirements of the Habitats Regulations are not met and impacts on Habitats sites are not mitigated, then development must not be permitted.

2.7 Where a Habitats site could be affected by a plan, such as a Local Plan, or any project, such as a new hospital/housing/retail development, then Habitats Regulations Assessment (HRA) screening must be undertaken. If this cannot rule out any possible likely significant effect either alone or in combination on the Habitats site prior to the implementation of mitigation, then an Appropriate Assessment (AA) must be undertaken. The AA identifies the interest features of the site (such as birds, plants or coastal habitats), how they could be harmed, assesses whether the proposed plan or project could have an adverse

effect on the integrity of the Habitats site (either alone or in-combination), and finally how this could be mitigated.

- 2.8 The aim of the HRA process is to '***maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest***' (The EC Habitats Directive, 92/43/EEC, Article 2(2)).

The requirement for delivery of strategic mitigation

- 2.9 The published Habitats Regulations Assessments (HRAs) for the relevant Local Plans have identified recreational disturbance as an issue for all of the Essex coastal SPAs, SACs and Ramsar sites.
- 2.10 Mitigation measures have been identified in the HRA (screening and/or Appropriate Assessments) for many of the Local Plans. There are similarities in the mitigation measures proposed, reflecting the identification of 'in-combination' effects resulting from planned and un-planned growth in LPA areas. In recognition of this, Natural England² recommended a strategic approach to mitigation along the Essex coast.
- 2.11 Furthermore, each Habitats site or complex of sites in England has a Site Improvement Plan (SIP), developed by Natural England. Recreational disturbance is identified as an issue for all ten of the Habitats sites considered in this strategy.
- 2.12 Mitigation measures are therefore necessary to avoid these likely significant effects in-combination with other plans and projects. Mitigation at this scale, and across a number of LPAs, is best tackled strategically and through a partnership approach. This ensures maximum effectiveness of conservation outcomes and cost efficiency.
- 2.13 Some housing schemes, particularly those located close to a Habitats site boundary or large-scale developments, may need to provide mitigation measures to avoid likely significant effects from the development alone, ***in addition to the mitigation*** required in-combination and secured for delivery through the RAMS. This would need to be assessed and, where appropriate, mitigated through a separate project level Habitats Regulations Assessment (HRA) (including AA where necessary). The local planning authority, in consultation with Natural England, would advise on applicable cases. Therefore, the implementation of this SPD does not negate the need for an appropriate assessment for certain types of development.
- 2.14 The Essex coast RAMS aims to deliver the mitigation necessary to avoid the likely significant effects from the 'in-combination' impacts of residential

² An executive non-departmental public body and the government's adviser for the natural environment in England

development that is anticipated across Essex; thus protecting the Habitats sites on the Essex coast from adverse effect on site integrity. This strategic approach has the following advantages:

- It is endorsed by Natural England and has been used to protect other Habitats sites across England;
- It is pragmatic: a simple and effective way of protecting and enhancing the internationally important wildlife of the Essex coast and will help to reduce the time taken to reach planning decisions;
- It provides an evidence based and fair mechanism to fund the mitigation measures required as a result of the planned residential growth; and
- It provides applicants, agents and planning authorities with a comprehensive, consistent and efficient way to ensure that appropriate mitigation for residential schemes within the Zone of Influence (see paragraph 3.2 below) is provided in an effective and timely manner.

2.15 The RAMS approach is fair and seeks to mitigate the additional recreational pressure in a way that ensures that those responsible for it, pay to mitigate it at a level consistent with the level of potential harm. It also obeys the 'precautionary principle'³. Existing visitor pressure at Habitats sites would be mitigated through alternative means and any pressure that would arise from different types of development would be addressed through the project HRA.

2.16 The majority of the HRAs produced by Essex LPAs as part of the production of their respective Local or Strategic Plans identified that the level of 'net new' planned housing growth may lead to disturbance of birds in coastal Habitats (European) sites within and beyond each individual LPA boundary.

³ 'In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.' (Principle 15) of Agenda 21, agreed at the Rio Earth Summit, 1992.

3. Scope of the SPD

Where does the RAMS apply?

3.1 The 12 LPAs which are partners in and responsible for the delivery of the RAMS are listed below:

- Basildon Borough Council
- Braintree District Council
- Brentwood Borough Council
- Castle Point Borough Council
- Chelmsford City Council
- Colchester Borough Council
- Maldon District Council
- Rochford District Council
- Southend Borough Council
- Tendring District Council
- Thurrock Borough Council
- Uttlesford District Council

3.2 The SPD applies to new residential dwellings that will be built in the Zone of Influence (Zol) of the Habitats sites. The Zol identifies the distance within which new residents are likely to travel to the Essex coast Habitats sites for recreation.

3.3 The Zol was calculated by ranking the distances travelled by visitors to the coast based on their home town postcode data. Not all postcode data is used as this can skew the results and therefore the Zol is based on the 75th percentile of postcode data. This provides the Zol distance.

3.4 This method has been used for a number of strategic mitigation schemes and is considered by Natural England to be best practice. The distances used to create the zone are illustrated in table 3.1 (below).

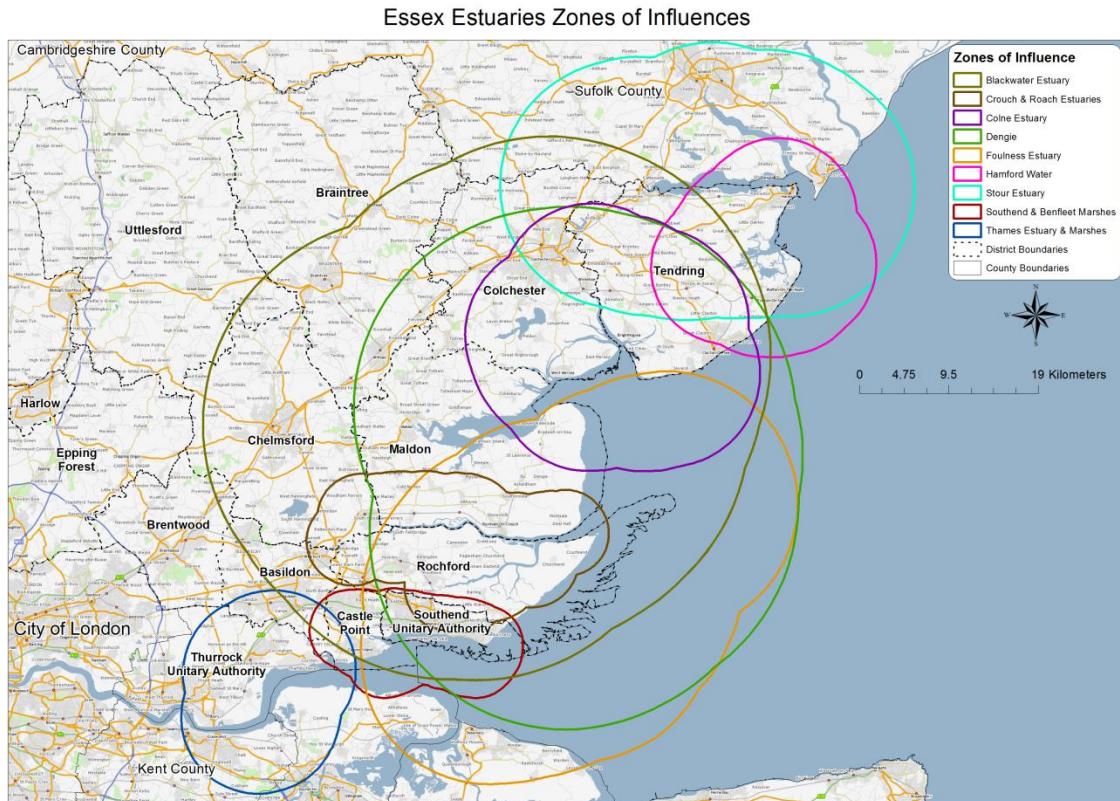
Table 3.1: Zones of Influence for the Essex Coast RAMS

European designated site	Final distance to calculate RAMS Zol (km)
Essex Estuaries SAC	~*
Hamford Water SPA and Ramsar	8
Stour and Orwell Estuaries SPA and Ramsar	13
Colne Estuary SPA and Ramsar	9.7
Blackwater Estuary SPA and Ramsar	22
Dengie SPA and Ramsar	20.8
Crouch and Roach Estuaries Ramsar and SPA	4.5
Foulness Estuary SPA and Ramsar	13
Benfleet and Southend Marshes SPA and Ramsar	4.3
Thames Estuary and Marshes SPA and Ramsar	8.1

* The Essex Estuaries SAC overlaps with the Blackwater Estuary, Colne Estuary, Crouch and Roach Estuaries, Dengie, Foulness and Outer Thames Estuary SPA and Ramsar sites.

3.5 The Zol can be accessed via Magic Maps⁴, (where you will find the definitive boundaries). A broad illustration of the extent of the RAMS Zol is shown in Figure 3.1, below.

Figure 3.1: Illustration of the Zones of Influence for the Essex Coast RAMS



What types of dwellings does this apply to?

3.6 New residential developments where there is a net increase in dwelling numbers are included in the RAMS. This would include, for example, the conversion of existing large townhouses into smaller flats, or the change of use of other buildings to dwellings. It excludes replacement dwellings (where there is no net gain in dwelling numbers) and extensions to existing dwellings including residential annexes. Applicants are advised to contact the LPA if in any doubt as to whether their development is within the scope of the RAMS.

Does it apply to all schemes?

3.7 It applies to all schemes regardless of size. The National Planning Practice Guidance⁵ confirms that local planning authorities may seek planning contributions for sites of less than 10 dwellings to fund measures with the

⁴ MAGIC website: <https://magic.defra.gov.uk/MagicMap.aspx>

⁵ Planning Practice Guidance: <https://www.gov.uk/government/collections/planning-practice-guidance>

purpose of facilitating development that would otherwise be unable to proceed because of regulatory requirements.

3.8 The RAMS and this SPD apply to the following Planning Use Classes:

Table 3.2: Planning Use Classes covered by the Essex Coast RAMS

Planning Use Class*	Class Description
C2 Residential institutions	Residential care homes, boarding schools, residential colleges and training centres.
C2A Secure Residential Institution	Military barracks.
C3 (a) Dwelling houses (a)	- covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
C3 Dwelling houses (b)	- up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
C3 Dwelling houses (c)	- allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.
C4 Houses in multiple occupation	- Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom
Sui Generis ***	- Residential caravan sites (excludes holiday caravans and campsites) -Gypsies, travellers and travelling show people plots

Notes:

* This table is based on Natural England advice (244199 August 2018, which was advisory, not definitive.

** Care homes will be considered on a case-by-case basis according to the type of residential care envisaged.

*** Sui Generis developments will be considered on a case-by-case basis according to the type of development proposed.

A guide on student accommodation and RAMS is included as Appendix 2.

- 3.9 Other types of development within the Zofl and not included within the draft SPD, such as visitor accommodation, may be likely to have significant effects on a protected habitat site/sites and will in such cases need to be subject of an appropriate assessment as part of the Habitats Regulations. As part of this assessment any mitigation proposals (including those which address any recreational pressure) will need to be considered separately from this strategy and taken into account by the appropriate authorities.

What types of application does the RAMS apply to?

- 3.10 The RAMS applies to all full applications, outline applications, hybrid applications, and permitted development (see below). This includes affordable housing. Reserved matters applications will be considered on an individual basis having regard to whether the potential effects of the proposal were fully considered when the existing outline was granted or where new information submitted with the reserved matters application would make for a different assessment of effects.
- 3.11 In order to consider RAMS contributions at the outline application stage, the application should indicate a maximum number of dwelling units.
- 3.12 The General Permitted Development Order (GPDO) allows for the change of use of some buildings and land to Class C3 (dwelling houses) without the need for planning permission, with development being subject to the prior approval process. However, the Habitats Regulations also apply to such developments. The LPA is therefore obliged by the regulations to scope in those GPDO changes of use to dwelling houses where these are within the Zol.
- 3.13 In practice, this means any development for prior approval should be accompanied by an application for the LPA to undertake an HRA on the proposed development. The development will need to include a mitigation package which would incorporate a contribution to the RAMS to mitigate the 'in-combination' effects.
- 3.14 The alternative is for the applicant to provide information for a project level HRA/AA and secure bespoke mitigation to avoid impacts on Habitats sites in perpetuity.

4. Mitigation

- 4.1 Measures to avoid and mitigate adverse impacts on the Habitats sites are statutory requirements. Mitigation measures, which are required for any residential development within the areas of the LPAs that falls within a Zone of Influence, are identified in this SPD.

- 4.2 The RAMS identifies a detailed programme of strategic mitigation measures which would be funded by contributions from residential development schemes. These measures are summarised in Table 4.1 (overleaf):

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Table 4.1 – The Essex coast RAMS toolkit

Action area	Examples
Education and communication	
Provision of information and education	<p>This could include:</p> <ul style="list-style-type: none"> • Information on the sensitive wildlife and habitats • A coastal code for visitors to abide by • Maps with circular routes away from the coast on alternative footpaths • Information on alternative sites for recreation <p>There are a variety of means to deliver this such as:</p> <ul style="list-style-type: none"> • Through direct engagement led by rangers/volunteers • Interpretation and signage • Using websites, social media, leaflets and traditional media to raise awareness of conservation and explain the Essex Coast RAMS project. • Direct engagement with clubs e.g. sailing clubs, ramblers clubs, dog clubs and local businesses.
Habitat based measures	
Fencing/waymarking/screening	Direct visitors away from sensitive areas and/or provide a screen such that their impact is minimised.
Pedestrian (and dog) access	<ul style="list-style-type: none"> • Zoning • Prohibited areas • Restrictions of times for access e.g.to avoid bird breeding season
Cycle access	Promote appropriate routes for cyclists to avoid disturbance at key locations
	Audit of car parks and capacity to identify hotspots and opportunities for “spreading the load”

Action area	Examples
Vehicular access and car parking	
Enforcement	<ul style="list-style-type: none"> Establish how the crew operating the river Ranger patrol boat could be most effective. It should be possible to minimise actual disturbance from the boat itself through careful operation. Rangers to explain reasons for restricted zones to visitors
Habitat creation	Saltmarsh recharge, regulated tidal exchange and artificial islands may fit with Environment Agency Shoreline Management Plans
Partnership working	Natural England, Environment Agency, RSPB, Essex Wildlife Trust, National Trust, landowners, local clubs and societies.
Monitoring and continual improvement	Birds and visitor surveys with review of effectiveness of measures with new ideas to keep visitors wanting to engage

- 4.3 Appendix 1 contains details of the full mitigation package. The overall cost for the mitigation package is £8,916,448.00 in total from March 2019 until 2038.

What is the tariff?

- 4.4 The current tariff is £122.30 per dwelling as of 2019/20. This will be indexed linked, with a base date of 2019. This will be reviewed periodically and re-published as necessary.
- 4.5 In order to arrive at a per dwelling contribution figure, the strategic mitigation package cost was divided by the total number of dwellings (79,582 dwellings) which are currently identified to be built in the Zol over Local Plan periods until 2038. This includes dwellings which have not received Full/Reserved matters consent. Any dwellings already consented in the Plan period are not included in this calculation. This figure is not definitive and likely to change as more Local Plans progress and are reviewed. As such the figure will be subject to review.

When will the tariff be paid?

- 4.6 Contributions from residential development schemes will be required no later than on commencement of each phase of development. This is necessary to ensure that the financial contribution is received with sufficient time for the mitigation to be put in place before any new dwellings are occupied.
- 4.7 Where development is built in phases this will apply to each phase of house building. A planning obligation will be used to ensure compliance.

How will the tariff be paid?

- 4.8 The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (as amended) and Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). In addition, paragraphs 54 to 57 of the National Planning Policy Framework (NPPF) 2019 sets out the Government's policy on planning obligations. The obligation can be a unitary obligation, referred to as a 'Unilateral Undertaking'⁶ or multi party agreement, referred to as a 'Section 106 agreement'⁷. The applicant will be required to enter into a formal deed with the Local Planning Authority (LPA) to secure the payment of the required financial contribution. The RAMS contribution may form a clause within a wider S106 agreement.
- 4.9 This contribution is payable in addition to any Community Infrastructure Levy liability and/or any other S106 or S278 contributions for other types of

⁶ An offer to an Local Planning Authority to settle obligations relevant to their planning application.

⁷ A legal agreement under Section 106 of the Town and Country Planning Act 1990 made between local authorities and developers, and often attached to a planning permission, to make acceptable development which would otherwise be unacceptable in planning terms.

contribution and there may be other site-specific mitigation requirements in respect of Habitats sites and ecology as outlined above.

- 4.10 The mitigation measures identified in this SPD are specifically sought to avoid additional recreational pressures on Habitats sites and do not provide wider benefit or represent the provision of infrastructure. These contributions are not classed as providing infrastructure so can be secured through Section 106 agreements without any restriction on pooling of contributions from 5 or more developments (Regulation 123 of the Community Infrastructure Levy regulations). This approach is consistent with the views of other local authorities across the country in dealing with mitigation requirements for other Habitats sites and has been accepted by Planning Inspectors at appeal/examination.
- 4.11 Planning obligations are legally binding on the landowner (and any successor in title). They enable the LPA to secure the provision of services (or infrastructure), or contributions towards them, which is necessary in order to support the new development i.e. by making an otherwise unacceptable development acceptable in planning terms.
- 4.12 Legal agreements for planning purposes should meet all the following tests in order to be taken into account when determining a planning application:
- They are necessary to make a development acceptable in planning terms;
'LPAs, as competent authorities under the Habitats Regulation, have the duty to ensure that planning application decisions comply with regulations.'
 - They are directly related to the development;
'Evidence in the RAMS demonstrates that visitors come mainly from within the Zol indicated above to the Habitats sites. The 'in-combination' impact of proposals involving a net increase of one or more dwellings within this Zol is concluded to have an adverse effect on Habitats site integrity unless avoidance and mitigation measures are in place.'
 - They are fairly and reasonably related in scale and kind to a development.
The measures put forward in the RAMS represent the lowest cost set of options available which will be both deliverable and effective in mitigating the anticipated increase in recreational pressure from new residential development within the Zol. The costs are apportioned proportionately between all developments dependent on the scale of development. The contributions will be spent on both project-wide

mitigations such as Rangers, and specific mitigations within the Zol in which the contribution was collected. This contribution is therefore fairly and reasonably related in scale and kind to the development.

4.13 Applicants are expected to meet the LPA's legal fees associated with any drafting, checking and approving any deed. These legal fees are in addition to the statutory planning application fee and the contribution itself and must be reasonable. Details of the LPA's current legal fees can be found on the LPA's website. The website addresses for each LPA are included within Section 8 of this strategy.

Schemes under 10 dwellings

4.14 Applicants for schemes which will create up to 10 new units of residential accommodation can use a Unilateral Undertaking (UU). This should be submitted when the planning application is submitted.

4.15 Applicants will need to provide the following documents as part of their planning application where payment will be made through a UU:

- The original UU committing to pay the total RAMs contribution (index linked) before commencement of house building on the site/in accordance with the phasing of the development. This must be completed and signed by those who have a legal interest in the site including tenants and mortgagees;
- A copy of the site location plan signed by all signatories to the UU and included as part of the undertaking;
- Recent proof of title to the land (within the last month) which can normally be purchased from the Land Registry. Please note there are two parts to the proof of title: a Register and a Title Plan, both of which must be submitted.
- If the land is unregistered the applicant must provide solicitors details and instruct them to provide an Epitome of Title to the LPA

4.16 A payment for the LPA's reasonable costs of completing and checking the agreement will be necessary. The LPA will only charge for the actual time spent on this matter if the applicant follows the guidance. These legal fees are in addition to the statutory application fee and any contributions themselves. Please send a separate payment for this fee. This may be increased if the matter is particularly complex.

4.17 The LPA will require a payment towards the LPA's legal costs of completing and checking the UU. Current fees can be found on the respective LPA's website.

Schemes for 10 or more dwellings

- 4.18 In the case of larger or more complicated developments which include planning obligations beyond RAMS contributions, the most appropriate route for securing contributions will be via a multi-party Section 106 Agreement.
- 4.19 Applicants must submit a Heads of Terms document for the Section 106 Agreement, identifying these requirements and specifying their agreement to enter into a planning obligation. Heads of Terms should be provided at the point of submission of the planning application.
- 4.20 Please contact Planning Officers at the relevant LPA at the earliest opportunity to discuss your application and the most appropriate method of paying your RAMS contribution.

5. Alternative to paying into the RAMS

- 5.1 The 12 RAMS partner LPAs encourage mitigation to be secured via the strategic approach and prefer developer contributions to the RAMS. This approach is likely to be simpler, quicker and less costly for applicants. It will also ensure the adequate and timely delivery of effective mitigation at the Habitats sites.
- 5.2 As an alternative, applicants may choose to conduct their own visitor surveys to provide information to support the LPA in preparing project level Habitats Regulations Assessment (HRA) Screening Reports (in order to ensure that they can demonstrate compliances with Regulation 63 of the Habitats Regulations) and secure the bespoke mitigation specified within. Where applicants choose to pursue this option, the LPA will need to consult Natural England on the effectiveness of the mitigation proposed.

6. Monitoring of this SPD

- 6.1 To monitor the effectiveness of the RAMS and this SPD, a strategic monitoring process is in place and will be managed by a dedicated RAMS delivery officer in liaison with each LPA's own monitoring officers.
- 6.2 Monitoring will be undertaken annually and a report will be provided to each LPA to inform their individual Authority Monitoring Report (AMR). As competent authorities under the Habitats Regulations, the delivery of the Essex Coast RAMS is the responsibility of the LPA needing it to ensure their Local Plan is sound and legally compliant.
- 6.3 A representative from each of the partner LPAs, together forming 'The RAMS Steering Group', shall work with the Essex Coast RAMS team to establish a

monitoring process, which will include SMART targets⁸ to effectively gauge progress.

- 6.4 To ensure the monitoring process is fit for purpose, various monitoring activities will be undertaken at different times and at an appropriate frequency. For example, visitor survey updates will be scheduled for after 2 and then 5 years. The monitoring process will be used to inform future reviews of the RAMS and the SPD.

7. Consultation

- 7.1 This draft SPD is published for consultation between x and x in accordance with the planning consultation requirements of each LPA.

- 7.2 Comments should be submitted online at: <INSERT LINK>

- 7.3 Alternatively comments can be emailed or posted to Place Services at:

Place Services,
Essex County Council
County Hall
Chelmsford
Essex
CM1 1QH

<INSERT EMAIL ADDRESS>

- 7.4 Following the close of the consultation all comments will be considered and where necessary amendments made to the draft SPD prior to adoption by each LPA.

8. Useful Links

- Essex Coast Bird Aware - <https://essexcoast.birdaware.org/home>
- Basildon Borough Council (planning and environment) - <https://www.basildon.gov.uk/article/4622/Planning-and-environment>
- Braintree District Council (planning and building) - https://www.braintree.gov.uk/homepage/22/planning_and_building
- Brentwood Borough Council (planning and building control) - <http://www.brentwood.gov.uk/index.php?cid=531>
- Castle Point Borough Council (planning) - <https://www.castlepoint.gov.uk/planning>
- Chelmsford City Council (planning and building control) - <https://www.chelmsford.gov.uk/planning-and-building-control/>
- Colchester Borough Council (planning, building control and local land charges) - <https://www.colchester.gov.uk/planning/>
- Maldon District Council (planning and building control) - https://www.maldon.gov.uk/info/20045/planning_and_building_control

⁸ Targets that are Specific, Measurable, Attainable, Relevant and Timely (SMART)

- Rochford District Council (planning and building) - <https://www.rochford.gov.uk/planning-and-building>
- Southend Borough Council (planning and building) - https://www.southend.gov.uk/info/200128/planning_and_building
- Tendring District Council (planning) - <https://www.tendringdc.gov.uk/planning>
- Thurrock Borough Council (planning and growth) - <https://www.thurrock.gov.uk/planning-and-growth>
- Uttlesford District Council (planning and building control) - <https://www.uttlesford.gov.uk/article/4831/Planning-and-building-control>
- Natural England - <https://www.gov.uk/government/organisations/natural-england>
- MAGIC (Map) - <https://magic.defra.gov.uk/MagicMap.aspx>
- Planning Practice Guidance - <https://www.gov.uk/government/collections/planning-practice-guidance>

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9. Glossary

Appropriate Assessment	Forms part of the Habitats Regulations Assessment
Competent Authority	Has the invested or delegated authority to perform a designated function.
England Coast Path	Natural England are implementing the Government scheme to create a new national route around the coast of England
Impact Risk Zone	Developed by Natural England to make a rapid initial assessment of the potential risks posed by development proposals. They cover areas such as SSSIs, SACs, SPAs and Ramsar sites.
Habitats sites	Includes SPA, SAC & Ramsar sites as defined by NPPF (2018). Includes SPAs and SACs which are designated under European laws (the 'Habitats Directive' and 'Birds Directive' respectively) to protect Europe's rich variety of wildlife and habitats. Together, SPAs and SACs make up a series of sites across Europe, referred to collectively as Natura 2000 sites. In the UK they are commonly known as European sites; the National Planning Policy Framework also applies the same protection measures for Ramsar sites (Wetlands of International Importance under the Ramsar Convention) as those in place for European sites.
Habitats Regulations Assessment	Considers the impacts of plans and proposed developments on Natura 2000 sites.
Natural England	Natural England - the statutory adviser to government on the natural environment in England.
Local Planning Authority	The public authority whose duty it is to carry out specific planning functions for a particular area.
Ramsar site	Wetland of international importance designated under the Ramsar Convention 1979.
Special Area of Conservation	Land designated under Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora.
Special Protection Area	Land classified under Directive 79/409 on the Conservation of Wild Birds.
Supplementary Planning Document	Documents that provide further detail to the Local Plan. Capable of being a material consideration but are not part of the development plan.
Zone of Influence	A designated distance that establishes where development is permitted.

10. Acronyms

AA	Appropriate assessment
GPDO	General Permitted Development Order
HRA	Habitat Regulations Assessment
LPA	Local Planning Authority
RAMS	Recreational disturbance Avoidance and Mitigation Strategy
SAC	Special Area of Conservation
SPA	Special Protection Area
SPD	Supplementary Planning Document
UU	Unilateral undertaking
Zol	Zone of Influence

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11. Appendix 1: Strategic Mitigation

Mitigation package costed for 2018-2038

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
Immediate - Year 1/2	Staff resources	Delivery officer		£45,000	19	£1,027,825	Salary costs include NI and overheads & 2% annual increments
		Equipment and uniform		(small ongoing cost)		£5,000	Bird Aware logo polo shirts, waterproof coats and rucksacks, plus binoculars for Rangers
	Year 2	1 ranger		£36,000	18	£770,843	Salary costs include NI and overheads & 2% annual increments
	Year 2	1 ranger		£36,000	18	£770,843	Salary costs include NI and overheads & 2% annual increments
		Staff training		£2,000	19	£38,000	£500 training for each staff
		Partnership Executive Group		(LPA £1,000)	19	£0	This would need to be an 'in kind' contribution from the LPA as this is a statutory requirement of the competent authorities. NB This is over and above the requirement for S106 monitoring

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
		Administration & audit		(LPA £1,000)	19	£0	As above
	Access	Audit of Signage including interpretation	£1,000			£1,000	Undertaken by Delivery officer/rangers but small budget for travel
		New interpretation Boards	£48,600			£48,600	£2,700 per board, based on HLF guidance. Approx. 9 boards, one per Site. Cost allows for one replacement in plan period
	Monitoring	Levels of new development				£0	No cost as undertaken as part of LPA work in Development Management and s106 or Infrastructure officers
		Recording implementation of mitigation and track locations and costs				£0	No cost as delivered as part of core work by delivery officer
		Collation & mapping of key roosts and feeding areas outside the SPA	£10,000			£10,000	Initial dataset to be available to inform Rangers site visits.

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
		Visitor surveys at selected locations in summer (with questionnaires)	£15,000			£15,000	Focus on Dengie, Benfleet & Southend Marshes and Essex Estuaries saltmarsh; estimated cost £5/Habitats site. Liaise with NE & ECC PROW re England Coast Path
		Visitor numbers and recreational activities	£5,000 (£500/Habitats site/yr)			£5,000	Rangers, partner organisations, LPAs
		Consented residential development within Zol.	£0/ Habitats site/yr)			£0	S106 officers to Track financial contributions for each development for all LPAs; liaise with LPA contributions officers
	Communication	Website set up for Day 1				£0	Essex Coast Bird Aware webpage set up costs £3k to be covered by LPAs.
		Walks and talks to clubs and estuary users groups				£0	Covered by salary costs for Delivery officer
		Promotional materials				£5,000	Use Bird Aware education packs, stationery, dog bag dispensers, car stickers etc.

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
Short to Medium term	Dog related	Set up/expand Dog project in line with Suffolk Coast & Heaths AONB "I'm a good dog" and Southend Responsible Dog Owner Campaign	£15,000			£15,000	Use Bird Aware design for leaflets & website text, liaison with specialist consultants (Dog focussed), liaison with dog owners etc. Liaise with dog clubs & trainers;
	Water sports zonation		£10,000			£10,000	Approx. costs only to be refined when opportunity arises
Year 5	Staff resources	1 additional ranger		£36,000	13	£456,567	Salary costs include NI and overheads & 2% annual increments
		Staff to keep website & promotion on social media up to date		£1,000	19	£19,000	Update/refresh costs spread over plan period and include dog and water borne recreation focussed pages on RAMS/Bird Aware Essex Coast website plus merchandise eg dog leads.

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
	Monitoring	Update Visitor surveys at selected locations in summer (with questionnaires)	£45,000			£45,000	Estimated cost £5000/Habitats site/year for 9 Sites. Liaise with NE & ECC PROW re England Coast Path and LPAs re budgets as some of the survey costs may be absorbed into the budget for the HRAs needed for Local Plans. This could reduce the amount of contributions secured via RAMS which could be used for alternative measures.
		Signage and interpretation	£14,500			£14,500	£14,500 allows for 3 sets of discs - 3 designs, 1500 of each; e.g. paw prints in traffic light colours to show where no dogs, dogs on lead and dogs welcome. This may link with a timetable eg Southend with dog ban 1 st May to 30 th Sept

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
	Water based bailiffs to enforce byelaws	Set up Water Ranger	£50,000	£120,000	15	£2,029,342	Costs need to include jet ski(s), salary & on costs, training and maintenance plus byelaws costs. Priority is recommended for at least 1 Ranger to visit locations with breeding SPA birds e.g. Colne Estuary, Hamford Water and other locations eg Southend to prevent damage during the summer. Explore shared use at different times of year e.g. winter use at other Habitats sites. Given increased recreation predicted.
		Additional River Ranger where needed		£120,000	15	£2,029,342	
	Codes of conduct	For water sports, bait digging, para motors/power hang gliders & kayakers	£5,000			£5,000	Use Bird Aware resources with small budget for printing. Talks to clubs and promotion covered by Delivery officer and rangers
	Habitat creation - Alternatives for birds project – and long term management	Work with landowners & EA to identify locations eg saltmarsh creation in key locations where it would provide benefits and work up projects	£500,000			£500,000	Approx. costs only to be refined when opportunity arises for identified locations in liaison with EA and landowners via Coastal Forum and Shoreline Management Plans.

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
	Ground nesting SPA bird project – fencing and surveillance costs - specifically for breeding Lt Terns, & Ringed Plovers	Work with landowners & partners to identify existing or new locations for fencing to protect breeding sites for Little Tern & Ringed Plover populations	£15,000			£15,000	Check with RSPB, NE & EWT when project is prioritised
Longer term projects	Car park rationalisation	Work with landowners, Habitats site managers & partner organisations	£50,000			£50,000	Approx. costs only to be refined when opportunity arises
	Monitoring	Birds monitoring for key roosts & breeding areas within and outside SPAs		£5,000	10	£50,000	Costs for trained volunteers; surveys every 2 years
		Vegetation monitoring		£5,000	4	£20,000	Costs for surveys every 5 years

Priority	Theme	Measure	One off cost?	Annual cost	No. of years	Total cost for developer tariff calculations	Notes
Year 10, 15 & 20	Monitoring	Update Visitor surveys at selected locations in summer (with questionnaires)	£45,000			£135,000	Estimated cost £5/Habitats site. Liaise with NE & ECC PROW re England Coast Path
	Route diversions	Work with PROW on projects	£15,000			£15,000	Approx. costs only to be refined when opportunity arises

TOTAL MITIGATION PACKAGE COSTS

£8,105,862

+10% contingency

£810,586

TOTAL COST

£8,916,448

12. Appendix 2: Essex Coast RAMS Guidelines for proposals for student accommodation

Introduction

A2.1 The Essex coast Recreational disturbance Avoidance and Mitigation Strategy (the “Essex coast RAMS”) aims to deliver the mitigation necessary to avoid significant adverse effects from in-combination impacts of residential development that is anticipated across Essex; thus protecting the Habitats (European) sites on the Essex coast from adverse effects on site integrity. All new residential developments within the evidenced Zones of Influence where there is a net increase in dwelling numbers are included in the Essex Coast RAMS. The Essex Coast RAMS identifies a detailed programme of strategic mitigation measures which are to be funded by developer contributions from residential development schemes.

A2.2 This note includes guidance for proposals for student accommodation to help understand the contribution required. It has been agreed by the Essex Coast RAMS Steering Group. The purpose of this note is to ensure that a consistent approach is taken across Essex when dealing with proposals for student accommodation within the Zones of Influence of the Essex Coast RAMS.

Student Accommodation

A2.3 In their letter to all Essex local planning authorities, dated 16 August 2018, Natural England included student accommodation as one of the development types that is covered by the Essex Coast RAMS.

A2.4 It would not be appropriate to expect the RAMS tariff of £122.30 for each unit of student accommodation. This would not be a fair and proportionate contribution. Nevertheless, Natural England has advised that there needs to be a financial contribution towards the RAMS as there is likely to be a residual effect from student accommodation development even though it will only be people generated disturbance rather than dog related. Natural England has advised that the tariff could be on a proportionate basis. It may also be possible for the on-site green infrastructure provision to be proportionate to the level of impact likely to be generated by the student accommodation, particularly as one of the main reasons for having on site green infrastructure is to provide dog walking facilities, which wouldn't be needed for student accommodation. The general model for calculation, set out below, explains how to obtain a fair and proportionate contribution for student accommodation.

A2.5 In the first instance, 2.5 student accommodation units will be considered a unit of residential accommodation.

A2.6 Secondly, it is recognised that due to the characteristics of this kind of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of

disturbance created, and thus the increase in bird disturbance and associated bird mortality, will be less than dwelling houses (use class C3 of the Use Classes Order b).

A2.7 Research from the Solent Disturbance Mitigation Project showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead. As such, it is considered that level of impact from student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of traditional housing.

So, a scheme for 100 student accommodation units would be considered 40 units. 40 units would then be halved providing that future occupiers are prevented from owning a car and keeping a pet:

$$100/2.5 = 40$$

$$40/2 = 20$$

$$20 \times £122.30 = £2,446$$

A2.8 Please note that the calculation outlined above is to be used as a guide. The level of contribution would also need to consider the proximity of the accommodation to the Habitats sites in question and the total number of units being built.

Chelmsford City Council

A2.9 Proposals for student accommodation in Chelmsford will have a de minimis effect. Unlike Colchester and Southend, Chelmsford only has a small area of Habitats sites in the far south-eastern part of its administrative area. Purpose built student accommodation generally includes restrictions preventing students from owning a car or a pet. These restrictions will make it extremely unlikely that a student will visit a Habitats site, owing to the difficulty in accessing Essex coast Habitats sites from Chelmsford by public transport. Consequently, proposals for purpose built student accommodation in Chelmsford will not lead to likely significant effects on Habitats sites from increased recreational disturbance.