

Suffolk Coast European Sites Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (SPD) 2019

A guide to implementing the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy

For Ipswich Borough Council and East Suffolk District Council

DRAFT



IPSWICH
BOROUGH COUNCIL

DRAFT

Contents

1. Introduction	1
1.1 The Recreational Disturbance Avoidance and Mitigation Strategy	1
1.2 Purpose of the Supplementary Planning Document	1
2. The Recreational Disturbance Avoidance and Mitigation Strategy	3
2.1 Policy Background	3
2.2 European Sites	3
2.3 Zone of Influence	4
2.4 The Tariff.....	4
3. Making a Planning application	5
3.1 What types of development does this apply to?	5
3.2 What types of application does this apply to?	5
3.3 When and how do I pay the contribution?	5
3.4 Legal / Admin fees	6
3.5 What if I don't get planning permission or choose not to implement my planning permission?.....	7
3.6 Do I have to pay the Suffolk Coast RAMS tariff?	7
Appendix 1: Summary of sites relevant to the Suffolk Coast RAMS	8
Appendix 2: Map of Zones of Influence	10
Appendix 3: Unilateral Undertaking Template	11
Appendix 4: S111 Forms (East Suffolk example)	12
Appendix 5: S106 Standard Clause	13
Glossary of Terms	14

DRAFT

1. Introduction

The coast, heaths and estuaries of Suffolk are internationally recognised wildlife assets. They include areas designated as Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar Sites (hereafter referred to as ‘European Sites’¹). These habitats and the species they hold are protected by UK and European legislation and the international Ramsar Convention.

Allowing recreation at these European Sites has numerous benefits including raising awareness, bringing revenue to support vulnerable habitat sites and improving health and wellbeing. Recreation can however bring pressure to sensitive wildlife features and if not managed appropriately, can result in habitat deterioration and species population decline. Intensive recreation pressure can cause fragmentation of habitats and isolate populations of the species for which the sites are designated, including those of a number of internationally important wildfowl and wading birds.

1.1 The Recreational Disturbance Avoidance and Mitigation Strategy

New housing growth brings new residents to the local area, and if those residents use the European Sites for recreation, which evidence suggests is likely, then pressure is increased on those European Sites. Assessing, avoiding and managing that recreation pressure is therefore an important part of planning for growth.

To address this, East Suffolk Council (formally Suffolk Coastal District Council and Waveney District Council), Ipswich Borough Council, Mid Suffolk District Council and Babergh District Council commissioned a Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This strategy set out a tariff based approach to mitigating the impact of recreational disturbance on European Sites resulting from increased housing development across the Local Authority areas. The strategy facilitates development, whilst at the same time adequately protecting European Sites from harm.

1.2 Purpose of the Supplementary Planning Document

This Supplementary Planning Document, summarises the requirements of Suffolk Coast RAMS, including the per-dwelling tariff, and provides a framework for implementing those provisions. The Supplementary Planning Document also includes information for developers and applicants to assist them in meeting the other requirements under the the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations)².

This Supplementary Planning Document provides information to support the implementation of policies set out in the Councils’ Local Plans, and is a material planning consideration in the development management process.

¹ Described as Habitat Sites under paragraph 176 of the National Planning Policy Framework (NPPF) 2019.

² www.legislation.gov.uk/ukxi/2017/1012/pdfs/ukxi_20171012_en.pdf

Initially, this Supplementary Planning Document was produced for East Suffolk District Council and Ipswich Borough Council. Although partners to the Suffolk Coast RAMS project, Babergh District Council and Mid Suffolk District Council are proceeding with the implementation of RAMS without a Supplementary Planning Document, until such time as the new joint Local Plan for Babergh and Mid Suffolk is in place.

DRAFT

2. The Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

2.1 Policy Background

Where a European Site could be affected by a plan or project then a Habitats Regulations Assessment must be undertaken by the competent authority. This identifies the ecological interest features of the site (such as birds, plants or animals); what they could be potentially harmed by the proposed plan or project; and assesses whether the proposed plan or project could cause that harm to occur.

The Local Plan Habitat Regulations Assessments for Ipswich Borough Council, Babergh District Council and Suffolk Coastal District Council (now the southern part of East Suffolk) concluded that without mitigation the level of residential growth proposed would be likely to have significant negative impacts on European sites through increased recreational use by the additional residents.

In response to this, East Suffolk Council (formerly Suffolk Coastal District Council and Waveney District Council), Ipswich Borough Council and Babergh District Council, with Support from Natural England, jointly commissioned a Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The inclusion of Mid Suffolk District Council and Waveney District Council (the latter now being part of East Suffolk) was triggered by the advice of Natural England. This Strategy set out a tariff based approach to mitigating the impact of recreational disturbance on European Sites resulting from increased residential development across the Local Authority areas. The Strategy allows development, whilst at the same time adequately protecting European Sites from harm.

Approaching mitigation strategically through a partnership approach ensures maximum effectiveness of conservation outcomes and cost efficiency.

Where a European Site could be affected by a plan or project then a Habitats Regulations Assessment (HRA) screening must be undertaken. If this cannot rule out any possible likely significant effect on the European Site, either alone or in combination with other plans and projects, without mitigation, then an Appropriate Assessment must be undertaken. The Appropriate Assessment identifies the interest features of the site (such as birds, plants or coastal habitats), how they could be harmed, and assesses whether the proposed plan or project could have an adverse effect on integrity of the European Site (either alone or in-combination), and how this could be mitigated.

2.2 European Sites

The coast, heaths and estuaries of Suffolk are internationally recognised wildlife assets. They include areas designated as Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar Sites. These habitats and the species they hold are protected by UK and European legislation and the international Ramsar Convention.

The RAMS report includes a review of the European Sites within and around the Local Planning Authority boundaries in combination with an analysis of current and predicted future housing growth. This concluded that the twelve European Sites should be the focus of the Suffolk Coast RAMS report (See Appendix 1 for details).

2.3 Zone of Influence

Zones of Influence have been established providing the geographical boundary within which new housing residents pose a risk of adverse impact on a European Site Disturbance. Each European Site has a Zone of Influence of 13km.

The evidence underpinning the methodology for defining the Zone of Influence is detailed in the RAMS report. Two separate tariff zones are identified:

- Zone A - This relates to the Stour and Orwell Special Protection Area (SPA) and Ramsar and the Deben SPA and Ramsar; and
- Zone B - relates to all the relevant European sites apart from the Stour and Orwell Estuary and Ramsar.

2.4 The Tariff

The Zones of Influence are used to determine the contribution that needs to be made for each new residential unit built. This will be indexed linked, with a base date of 2019 and will be reviewed periodically.

Zone	Tariff
Zone A	£121.89 per dwelling
Zone B	£321.22 per dwelling

It should be noted that some residential schemes, particularly those located close to a European Site boundary or large scale developments, are likely to need to provide additional mitigation measures (in addition to the tariff) such as Suitable Alternative Natural Green Space (SANGS) or green infrastructure measures. This would need to be assessed through a project level Habitats Regulations Assessment (HRA) (including Appropriate Assessment). The Local Planning Authority, in consultation with Natural England, will advise on these cases.

3. Making a Planning application

Development Management Officers will apply the Suffolk Coast RAMS requirements and this Supplementary Planning Document in their consideration of residential development proposals.

Project level Habitat Regulations Assessments (HRAs) will still be required. The Suffolk Coast RAMS streamlines these Habitat Regulations Assessments (HRAs) but does not negate the need to pay the RAMS tariff.

3.1 What types of development does this apply to?

The requirements of Suffolk Coast RAMS and this Supplementary Planning Document apply to all new residential developments where there is a net increase in dwelling numbers. This includes, 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 and extensions to existing dwellings (where there is no net gain in dwelling numbers). Applicants are advised to contact the Local Planning Authority if in any doubt as to whether their development is within the scope of the Suffolk Coast RAMS and this Supplementary Planning Document.

Certain restricted development types may be excluded from the Suffolk Coast RAMS. These include nursing homes, where the residents will only be those in need of daily nursing care and therefore unable to undertake outdoor recreation. Residential annexes are also excluded, as these cannot be separated from residential extensions that do not constitute a net increase in dwellings. The Strategy also does not cover potential effects arising from non-residential development, employment growth or infrastructure improvements. Other projects that may cause recreational Disturbance at European Sites will need to undertake their own Habitat Regulation Assessments (HRA).

3.2 What types of application does this apply to?

The Suffolk Coast RAMS tariff applies to all full applications, outline applications, hybrid applications, permitted development, and reserved matters applications where no contribution was made at the outline application or hybrid application stage.

The General Permitted Development Order (GPDO) allows for the change of use of some buildings and land to Class C3 (dwelling houses), with this development subject to prior approval. The Suffolk Coast RAMS will apply to such developments.

Sites that already have planning permission will not be required to pay any additional mitigation sum, unless they are resubmitted for consideration.

3.3 When and how do I pay the contribution?

Contributions must be paid to the Local Planning Authority before the commencement of development, unless otherwise agreed.

Where a financial contribution towards the Suffolk Coast RAMS is required and there are no other Section 106 planning obligations associated with the application, the payment can either be made upfront or through a unilateral undertaking (legal agreement) can be entered into to secure payment upon commencement of the development.

The Suffolk Coast RAMS contribution is payable in addition to any Community Infrastructure Levy (CIL) liability and/or any other S106 or S278 contributions for other types of contribution and there may be other site-specific mitigation requirements in respect of European Sites and ecology.

Planning obligations are legally binding on the landowner (and any successor in title).

The possible mechanisms for securing contributions are detailed below. Development Management officers will advise on the most appropriate mechanism during the course of the application process.

1. Unilateral Undertaking: A draft template unilateral undertaking (see appendix 3) has been developed. This can be completed by applicants themselves or with the assistance of a solicitor). This should be submitted alongside the planning application.

The undertaking must be submitted with the site location plan, and a Land Title Plan and Register printed from Land Registry within the previous 3 months (title documents can be sourced from [HM Land Registry](#)) or copy deeds certified by a solicitor.

2. S111: For some small schemes where the Suffolk Coast RAMS contribution is required, applicants may wish to make this payment upfront. In such cases the upfront payment form (see appendix 4 or the council's website) should be completed and payment submitted via BACS, following the instructions in the form.

3. S106: In the case of larger or more complicated developments (including matters beyond Suffolk Coast RAMS contributions), the most appropriate route for securing contributions will be via a multi-party Section 106 Agreement.

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.

3.4 Legal / Admin fees

Developers or land owners are expected to meet the Local Planning Authority'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 Local Planning Authority's current legal fees can be found on the Council's website.

3.5 What if I don't get planning permission or choose not to implement my planning permission?

The tariff will be refunded minus a small administrative charge.

3.6 Do I have to pay the Suffolk Coast RAMS tariff?

No, but mitigation needs to be secured. Developments shown to have a likely impact on European Sites will need to demonstrate appropriate mitigation measures are in place.

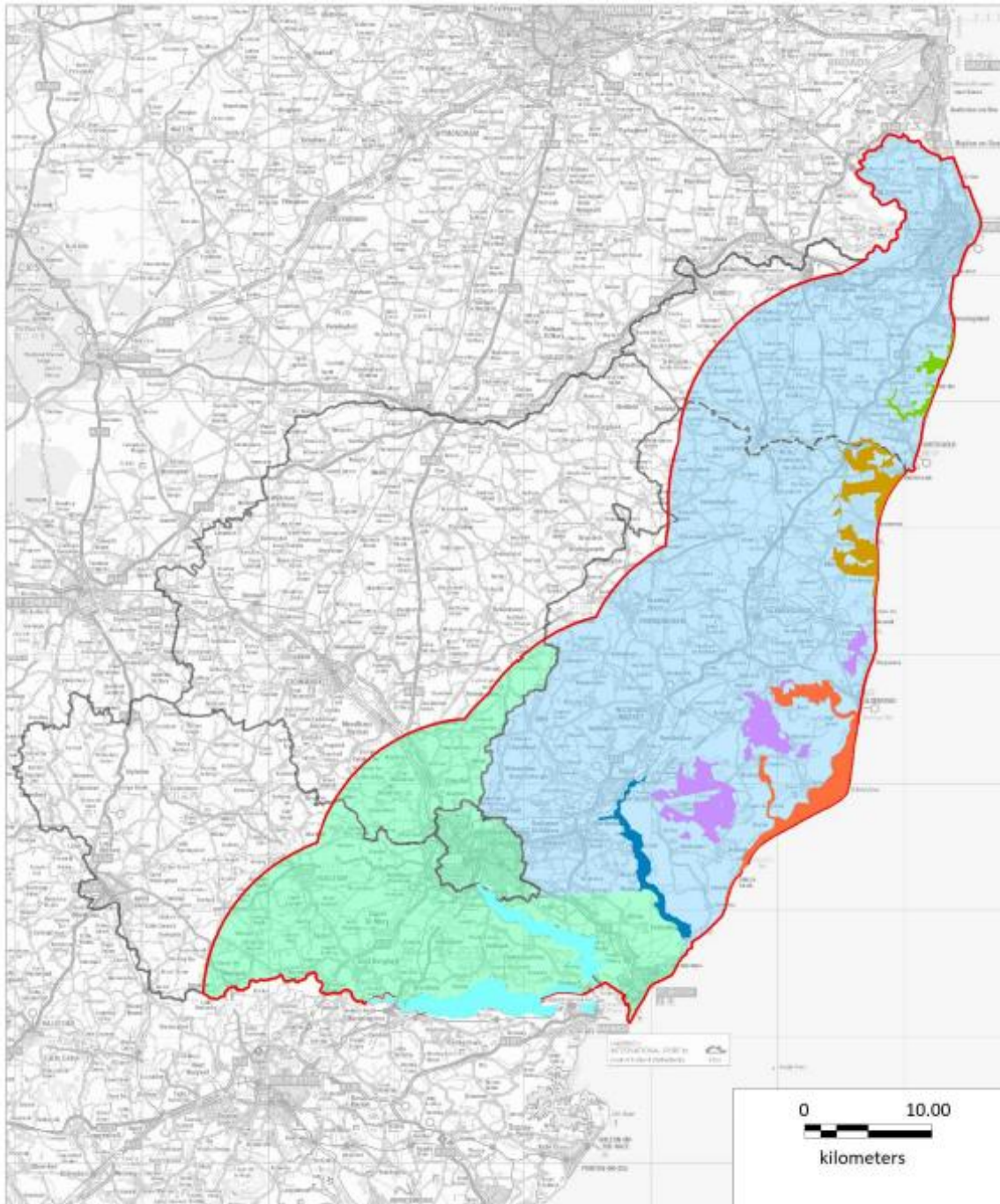
DRAFT

Appendix 1: Summary of sites relevant to the Suffolk Coast RAMS

European site	Interest Feature
Alde-Ore Estuary SPA	<ul style="list-style-type: none"> • Ruff • Avocet • Marsh Harrier • Redshank • Lesser Black-Backed Gull • Sandwich Tern • Little Tern
Alde-Ore & Butley Estuaries SAC	<ul style="list-style-type: none"> • H1330 Atlantic salt meadows • H1130 Estuaries • H1140 Mudflats and sandflats
Alde-Ore Estuary Ramsar	<ul style="list-style-type: none"> • Ramsar criterion 2: The site supports a number of nationally-scarce plant species and British Red Data Book invertebrates • Ramsar criterion 3: The site supports a notable assemblage of breeding and wintering wetland birds • Ramsar criterion 6: Bird species/populations occurring at levels of international importance (Lesser Black-backed Gull, Avocet, Redshank)
Benacre to Easton Barents Lagoons SAC	<ul style="list-style-type: none"> • H1150 Coastal lagoons
Benacre to Easton Barents SPA	<ul style="list-style-type: none"> • Little Tern • Bittern • Marsh Harrier
Deben Estuary SPA	<ul style="list-style-type: none"> • Dark-Bellied Brent Goose • Avocet
Deben Estuary Ramsar	<ul style="list-style-type: none"> • Ramsar criterion 2: Supports a population of the mollusc <i>Vertigo angustior</i> • Ramsar criterion 6: Species/populations occurring at levels of international importance (Dark-bellied Brent Goose)
Dew's Ponds SAC	<ul style="list-style-type: none"> • Great crested newt
Minsmere-Walberswick Heaths & Marshes SAC	<ul style="list-style-type: none"> • H4030 European dry heaths • H1210 Annual vegetation of drift lines • H1220 Perennial vegetation of stony banks
Minsmere – Walberswick SPA	<ul style="list-style-type: none"> • Teal • Bittern • Marsh Harrier • Hen Harrier • European Nightjar • Northern Shoveler

	<ul style="list-style-type: none"> • Gadwall • Avocet • Little Tern • White-Fronted Goose
Minsmere-Walberswick Ramsar	<ul style="list-style-type: none"> • Ramsar Criterion 1: The site contains a mosaic of marine, freshwater, marshland and associated habitats, complete with transition areas in between. Contains the largest continuous stand of reedbeds in England and Wales and rare transition in grazing marsh ditch plants from brackish to fresh water. • Ramsar criterion 2: This site supports nine nationally scarce plants and at least 26 red data book invertebrates, including the mollusc <i>Vertigo angustior</i>. • An important assemblage of rare breeding birds associated with marshland and reedbeds.
Orfordness-Shingle Street SAC	<ul style="list-style-type: none"> • H1210 Annual vegetation of drift lines • H1220 Perennial vegetation of stony banks • H1150 Coastal lagoons
Sandlings SPA	<ul style="list-style-type: none"> • European nightjar • Woodlark
Staverton Park & The Thicks, Wantisden SAC	<ul style="list-style-type: none"> • H9190 Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains
Stour and Orwell Estuaries SPA	<ul style="list-style-type: none"> • Black-tailed godwit • Knot • Dunlin • Waterbird assemblage • Redshank • Grey plover • Dark-bellied brent goose • Northern pintail • Pied avocet
Stour and Orwell Estuaries Ramsar	<ul style="list-style-type: none"> • Ramsar criterion 2: Contains seven nationally scarce plants: stiff saltmarsh-grass; small cord-grass; perennial glasswort; lax-flowered sea lavender and the eelgrasses <i>Zostera angustifolia</i>, <i>Z. marina</i> and <i>Z. noltei</i>. • Ramsar criterion 2: Contains five British Red Data Book invertebrates: the muscid fly <i>Phaonia fusca</i>; the horsefly <i>Haematopota grandis</i>; two spiders, <i>Arctosa fulvolineata</i> and <i>Baryphema duffeyi</i>; and the endangered swollen spire snail <i>Mercuria confusa</i>. • Ramsar criterion 5: Wintering waterfowl assemblage • Ramsar criterion 6: Species/populations occurring at levels of international importance (Redshank, Dark-bellied Brent Goose, Pintail, Grey Plover, Knot, Dunlin, Black-tailed Godwit)

Appendix 2: Map of Zones of Influence



© Contains Ordnance Survey Data. Crown copyright and database right 2017.
European site boundaries sourced from Natural England website; © Natural England.

Appendix 3: Unilateral Undertaking Template

DRAFT

Appendix 4: S111 Forms – East Suffolk Version only as example

DRAFT

Appendix 5: S106 Standard Clause

To be added.

DRAFT

Glossary of Terms

Avoidance measures: Actions that avoid the occurrence of significant effects arising from a plan or project on European sites

Competent Authority: The decision maker under the Conservation of Habitats and Species Regulations 2017: often the local authority, but could be a planning inspector or other body responsible for assessing a plan or project for approval. The four local planning authorities who are implementing the Suffolk Coast RAMS are competent authorities

Development Plan Document (DPD): A Local Development Document which forms part of the statutory development plan, examples include the Core Strategy and Area Action Plans.

European Sites: an ecological network of sites (SPAs and SACs) established under the Habitats Directive and Wild Birds Directive to provide a strong protection for Europe's wildlife areas. Para 176b of the National Planning Policy Framework (NPPF, 2019) states that Ramsar sites should be given the same protection as Habitats sites.

Green Infrastructure: a strategic, planned network of natural, semi-natural and artificial features and networks designed and managed to deliver a wide range of ecosystem services and quality of life benefits.

Habitat fragmentation: the process by which habitat loss results in the division of larger, continuous habitats into smaller, more isolated remnants. Fragmentation disrupts ecological processes, isolates species populations and leads to reduced species richness (i.e. reduced biodiversity).

Habitats Regulations Assessment: An assessment undertaken by a competent authority, to determine the nature and extent of any potential impacts on European sites arising from a plan or project. The assessment is undertaken where a competent authority is undertaking, or giving authorisation for a plan or project.

Local Development Document: comprising two types, Development Plan Documents and Supplementary Planning Documents, which together form the Local Development Framework.

Mitigation Measures: Actions that minimise the potential effects arising from a plan or project on a European site.

Natural England: The UK government public body responsible for caring for England's natural environment.

Ramsar Site: An internationally important wetland site designated under the Ramsar Convention 1971.

Suitable Alternative Natural Greenspaces (SANGs): the name given to greenspace that is of a quality and type suitable to be used as mitigation to offset the impact of new development.

Special Area of Conservation (SAC): Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been given special protection as important conservation sites.

Special Protection Area (SPA): Areas classified under regulation 15 of the Conservation of Habitats and Species Regulations 2017 which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds.

Supplementary Planning Document (SPD): Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Zone of Influence (Zoi): established to provide an indication of the geographical extent to which recreation pressure may impact each European Site.

DRAFT