

Suffolk Coast European Sites Recreational Disturbance Avoidance and Mitigation Strategy SPD Consultation Statement
November 2019

Prepared under regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012

In June 2017, the Council published a Call for Ideas on the Suffolk Coast RAMS SPD. The consultation was carried out under Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The call for ideas was issued through a Local Plan Newsletter available on the Council's web site and posted to everyone on the Local Plan database. A period of six weeks was allowed for comments to be submitted, between 14th June and 26th July 2017. The comments received are shown below together with the Council's response.

Section Respondent Comment Council Response	Section Respondent Comment Council Response	Section Respondent Comment Council Response	Section Respondent Comment Council Response
<u>N/A</u>	<u>Suffolk County Council</u>	Implementation of the strategy could utilise the public rights of way network, by encouraging the public to use network and avoid the Orwell Estuary Special Protection Area. Suffolk County Council Public Rights of Way Team would be pleased to work with Ipswich Borough Council in this regard.	<u>Comments noted.</u>

Following approval of the consultation draft Suffolk Coast RAMS SPD documents at Executive on 9th July 2019 (ref: E/19/11), a six week consultation exercise was undertaken in accordance with the Statement of Community Involvement March 2018 and the Town and Country Planning (Local Planning) England Regulations 2012 ('the Regulations').

The SPD details were circulated to everyone on the Local Plan mailing list, published on the Council’s web site, emailed to those on the Ipswich Direct email service and publicised through a press release and via social media. The Local Plan mailing list consists of specific and general consultation bodies, and private individuals who have expressed an interest in Local Plan matters.

The consultation ran for six weeks between 18th September and 23rd October 2019. The responses are reproduced in the table below together with an account of how these have been addressed in finalising the SPD.

Respondent	Section	Comment	Council Response	Change
Anglian Water	Whole doc	We note that the expectation is that non-housing development including infrastructure proposals would not be covered by the tariff for the Suffolk Coast RAM. Therefore we have no comments to make relating to the proposed content of the Suffolk Coast RAMs SPD.	Comment noted	No change.
Natural England	Whole doc	The supplementary document is very clear and covers all areas really well. If I were applying for planning permission I would completely understand	Comment noted.	No change.

		what I need to do and why I have to pay the fee per house. All the designated sites and features are covered correctly too in the Appendix.		
Natural England	Section 3, page 6	Clarification sought on section 3 'making a planning application', add 'this' after '....(HRAs) but....	Agreed.	Reword to: '....(HRAs) but <u>this</u>
Pigeon Investment Management	Para 2.4	There should be greater clarity over the role of the SPD for mitigating impacts from schemes in isolation and in combination. It is recommended that greater emphasis is given to potential impacts of schemes in isolation. As phrased within the Suffolk Coast RAMS SPD, it is not necessarily clear that the tariff relates to in combination impacts and that in isolation there may be a need for project-specific mitigation.	The SPD is clear that the RAMS deals with alone and in-combination impacts from plans and projects. It is not considered necessary to further clarify this point.	No further action required.

		Further clarification should be provided on this point including when a project may be required to provide mitigation for in isolation impacts.		
Pigeon Investment Management	Para 2.4 and 3.6	<p>The requirement for some schemes to provide Suitable Alternative Natural Green Space (SANGs) or green infrastructure measures. Some schemes should not need to pay the tariff where adequate mitigation is provided.</p> <p>It is not clear which schemes would require these additional mitigation measures, in terms of proximity or size of scheme. It would be useful to provide guidance here to clarify this issue at the outset. While it is appreciated that a project level HRA would need to demonstrate the likely</p>	<p>Expand section 3.6 to repeat some of what is detailed in 2.4. Need to refer to HRA/AA requirements. Repeat wording re tariff dealing with in-combination impacts and these would need to mitigate.</p> <p>Update text to make it clear that Natural England would be consulted and need to be satisfied that all impacts were being mitigated.</p> <p>It is not possible to put a precise measure on what constitutes close proximity or size. Each case must be assessed on its own merits.</p>	<p>Paragraph 3.6 <i>'Do I need to pay the Suffolk Coast RAMS'</i> has been updated. The new text reads - <i>'Under the Habitats Regulations, a development which is likely to have a significant effect on a Habitats site, either alone or in-combination with other plans and projects, must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'.</i></p> <p><i>Residential development within the RAMS zone of influence must demonstrate that the</i></p>

		<p>effectiveness of mitigation if the tariff is not required to be paid, but this point could be elaborated upon in terms of the likely mitigation measures required.</p>	<p><i>impact of that development on protected sites can be mitigated. Natural England would be consulted and need to be satisfied that all impacts were being mitigated. Payment of the RAMS tariff is one option for providing that mitigation.</i></p> <p><i>The alternative would be for the developer to gather their own evidence for a project level Habitats Regulations Assessment (HRA) and then to secure the necessary bespoke mitigation measures for delivery in perpetuity. This assessment would likely have a much higher cost than if the developer were to make a contribution to the implementation of the RAMS.'</i></p>
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<p>Pigeon Investment Management</p>	<p>Para 1.2</p>	<p>The relationship of the SPD and the Strategy. Although the SPD summarises the aspects of the Strategy that relate to the tariff, it does not contain detail over key aspects such as the mitigation actions to be undertaken and the management of funds. These are points elaborated on below, but in broad terms the SPD should provide greater detail over how and by whom the tariff will be spent. The SPD is also based upon full cost recovery and does not take into account existing funding streams. This is questionable in the context of the tests set out under Regulation 122 of the Community Infrastructure Regulations 2010 (as amended).</p>	<p>It isn't considered necessary for the SPD to go into that level of detail. The mitigation measures are all detailed in the Strategy. The management of the funds will be governed by an Executive Board. However, a new paragraph should be added towards the end of the document to clarify how the tariff will be spent.</p> <p>Our intention is to work with partners to ensure the cost effectiveness of mitigation measures and avoid duplication of mitigation measures, this set out in the Strategy document. Additional funding streams (if any were to become available) would be considered as part of any tariff review.</p>	<p>New paragraph inserted '3.7 How will the tariff be spent'.</p> <p>The new text reads – <i>'Monies collected from Zones A and B will be combined and spent across the tariff area. A list of strategic projects is listed in the Strategy document. The order in which projects come forward will be determined by an Executive Group who will oversee the implementation of the Strategy. Senior officers from each authority will be represented within the Executive Group to provide the necessary authority and decision making. Natural England will also input into the Executive Group in an advisory capacity. A dedicated Delivery Officer gives assurance that the</i></p>
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		Consideration should therefore be given to existing funding streams.		<i>whole project will be effectively managed and delivered.'</i>
Pigeon Investment Management	Para 2.4	<p>Periodic review is proposed for the amount of per-dwelling tariff, but without any clarification over the review intervals or the future factors likely to influence the tariff.</p> <p>It is proposed that greater clarity is provided over the intervals and the information that will feed into the review process. As well as reviewing the mitigation required in relation to European sites, it is also recommended that the review process is 'future proofed' with respect to future policy changes such as biodiversity off-setting, i.e. the SPD could provide assurance that future policy changes</p>	<p>Add new wording to explain likely factors to influence the review including housing figures and in response to more detailed understanding of costs.</p> <p>Explain that any revisions to the tariff will be published on Council's website- tariff can be confirmed by LPA.</p>	<p>New text added to paragraph '2.4 The Tariff'.</p> <p>New text reads - <i>'The Per house tariffs may be subject to change throughout the lifetime of the Strategy, as housing figures are reviewed again over time, and in response to more detailed understanding of costs, and as measures are implemented and monitored for effectiveness. Any revisions to the tariff will be published via the Council's website.'</i></p>

		will be taken into account to maintain clarity over the expenditure of the tariff.		
Pigeon Investment Management	n/a	<p>The management of the tariff fund is not considered in detail. A Governance diagram is provided but this does not provide sufficient detail of the financial management of the tariff fund within and across individual Councils.</p> <p>Clarification should also be provided over other financial aspects such as the re-payment of tariffs if they are not spent, how the wider financial management and expenditure will be prioritised, and how any shortfalls in the budget in individual years will be covered, e.g. staff wages in years when tariff payments fall below the required amount. Please see comments above in</p>	<p>The management of the tariff fund is not a matter for the SPD, however a new paragraph should be added towards the end of the document to clarify how the tariff will be spent.</p>	<p>New paragraph inserted '3.7 How will the tariff be spent'. The new text reads – <i>'Monies collected from Zones A and B will be combined and spent across the tariff area. A list of strategic projects is listed in the Strategy document. The order in which projects come forward will be determined by an Executive Group who will oversee the implementation of the Strategy. Senior officers from each authority will be represented within the Executive Group to provide the necessary authority and decision making. Natural England will also input into the Executive Group in an advisory capacity. A dedicated</i></p>

		respect of existing funding streams.		<i>Delivery Officer gives assurance that the whole project will be effectively managed and delivered.'</i>
Pigeon Investment Management	Para 2.3	<p>The source of funding for the River Deben is unclear.</p> <p>Paragraph 6.16 of the Strategy states that <i>“Zone A reflects the zone of influence for the Stour and Orwell SPA/Ramsar and the Deben SPA / Ramsar. Zone B relates to all the relevant European sites apart from the Stour and Orwell.”</i> Paragraph 2.3 therefore suggests that funding for the Deben Estuary is derived from both Zones A and B.</p> <p>Clarification is sought as to where the funds from Zone A will be spent, i.e. is the Deben to receive funds from Zone A?</p>	<p>The purpose of the Zones is to make it easier to collect the different tariffs.</p> <p>There needs to be flexibility in the spending on projects to encompass contributions from both Zones, combined as one Mitigation Scheme. The approach set out in the SPD is common across the project area.</p>	No further action required.

<p>Pigeon Investment Management</p>	<p>Para 2.3</p>	<p>This Suffolk Coast RAMS SPD relates only to Zone A and should be focussed towards mitigation along the Stour and Orwell Estuaries SPA/Ramsar and possibly the Deben SPA/Ramsar There is no commentary or guarantee that funds will be ringfenced in relation to the sites for which their respective schemes would impact. I.e. how will it be managed to ensure that funds from Zone A will only be spent on mitigation for the Stour and Orwell Estuaries (and possibly the Deben SPA/Ramsar) and not the 'other' sites on the Suffolk Coast? Within the costings summary the total amount allocated to Zone A is presented, but the individual items within this are not</p>	<p>The intent of the Zones is to make it easier to collect the tariffs. There needs to be flexibility in the spending on projects to encompass contributions from both zones, combined as one Mitigation Scheme. The approach set out in the SPD is common across the project area.</p>	<p>No further action required.</p>
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		<p>shown or identified within the main table of costings.</p> <p>As an extension, it is anticipated that staff will have wide ranging responsibilities in overseeing the Strategy and as such clarification should be provided over the allocation of funds to staff time.</p> <p>In general, greater assurance is requested over the point that <i>“development in any location is only contributing to mitigation relevant to that location”</i>. only.</p>		
Pigeon Investment Management	Para 3.3	<p>The point at which the tariff is paid.</p> <p>It is suggested that the payment of the tariff is more strongly linked to the occupation date of homes, with payments linked to the phasing of larger schemes. Within the Strategy many of the measures to be</p>	<p>Payment needs to be made on commencement (or earlier) because mitigation must be secured prior to occupation.</p> <p>Phasing is an option. Section 3.3 is clear that alternative payment</p>	No further action required.

		<p>implemented can be mobilised or activated at short notice (e.g. new signage) and payments made potentially many years in advance do not appear to be justified. The present wording does not provide comfort that a phasing option would be agreed.</p>	<p>timing would need to be agreed with the LPA.</p>	
Pigeon Investment Management	Para 1.1	<p>Within the Strategy the number and quantum of measures to be implemented are not explained or justified in quantitative terms, e.g. the overall website costs and the numbers of automated car counters. It is not clear how these measures relate to new homes and whether there is overlap with the activities and duties of other organisations.</p>	<p>Costs are set out in the Strategy, they do not need to be repeated in the SPD.</p>	<p>No further action required.</p>
Pigeon Investment Management	Whole doc	<p>The zone of influence around Ipswich is not defined, partly due to problems identified</p>	<p>The methodology for establishing the ZOIs is set out in the Strategy. The Strategy is a</p>	<p>No further action required.</p>

		<p>within the Strategy in relation to the available visitor survey data. However, if the threshold is based on the travel distances for 75% of visitors it is likely to be less than the 13km for the more sparsely populated areas around other sites. It would be useful to clarify whether the actual numbers of visitors rather than relative numbers will be used for targeting mitigation measures, which would probably then have the effect of focussing mitigation works nearer to actual schemes paying tariffs.</p>	<p>background technical paper in response to the Habitat Regulations Assessment findings of the Local Plan and is not be subject to formal consultation.</p>	
Pigeon Investment Management	Para 3.2	<p>The SPD states at paragraph 3.2 that the RAMS tariff will apply to reserved matters applications where no contribution was made at the outline stage. As S106 agreements are</p>	<p>We will apply the RAMS tariff to reserved matters applications in accordance with the wording set out in the SPD.</p>	<p>No further action required.</p>

		typically agreed at the outline application stage it is not considered reasonable to seek to impose the tariff at the reserved matters stage, where outline permission was granted before the SPD was published or it was determined that the tariff was not required at the outline planning stage.		
Environment Agency	Whole doc	Thank you for your consultation dated 18 September 2019, and opportunity to comment on the Draft Suffolk Coast Rams SPD. We have reviewed the draft document, as submitted, and have no comments to make.	Comment noted.	No further action required.