



## CABINET

Tuesday, 04 May 2021

<b>Subject</b>	Adoption of Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document
<b>Report of</b>	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officer</b>	Laura Mundy Principal Planner (Policy and Delivery) <a href="mailto:Laura.Mundy@eastsoffolk.gov.uk">Laura.Mundy@eastsoffolk.gov.uk</a> 01394 444556

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	Not applicable.
<b>Wards Affected:</b>	All Wards

## Purpose and high-level overview

### **Purpose of Report:**

The purpose of this report is to adopt the Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document. The Supplementary Planning Document supports the implementation of the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy, which mitigates for the impact of increased housing growth on protected Habitat Sites. The Supplementary Planning Document provides a framework for implementing the provisions set out in the strategy, and also includes information for developers and applicants to assist them in meeting the other requirements under the Conservation of Habitats and Species Regulations 2017 (as amended).

### **Options:**

Adopt the Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document. This will mean the Council has an up-to-date Supplementary Planning Document to guide the implementation of the Recreational Disturbance Avoidance and Mitigation Strategy.

An alternative option would be to not adopt the Supplementary Planning Document and continue to implement the Strategy without the additional guidance. However this would be a missed opportunity to provide further clarification on the requirements of the Strategy, and address some of the frequently asked questions that come about through the development management process.

### **Recommendations:**

1. That the Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document be adopted.
2. That the Head of Planning and Coastal Management, in consultation with the Cabinet Member with responsibility for Planning and Coastal Management, be authorised to make any presentational or typographical amendments to the Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document prior to it being published.

## Corporate Impact Assessment

### **Governance:**

No Impacts.

### **ESC policies and strategies that directly apply to the proposal:**

The Supplementary Planning Document supports the implementation of the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy.

Policy WLP8.34 of the Waveney Local Plan and policy SCLP10.1 of the Suffolk Coastal Local Plan include a commitment to producing a Supplementary Planning Document to support the implementation of the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy.

**Environmental:**

The Supplementary Planning Document supports the implementation of the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy, which mitigates for the impact of increased housing growth on protected Habitat Sites. This approach is in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

**Equalities and Diversity:**

No Impacts.

An Equality Impact Assessment Screening Opinion was produced to accompany consultation on Supplementary Planning Document in October 2020 (Appendix E). The Supplementary Planning Document was also subject to separate Equality Impact Analysis (ref: EQIA325595691) in April 2021. Both assessments concluded no differential negative impacts on those with protected characteristics.

**Financial:**

The production and adoption of the Supplementary Planning Document is covered by the existing budget of the Planning Policy and Delivery Team. The measures set out in the Recreational Disturbance Avoidance and Mitigation Strategy will be funded through a per-house tariff, collected through the development management process.

**Human Resources:**

No Impacts.

**ICT:**

No Impacts.

**Legal:**

The Supplementary Planning Document has been produced in accordance with the Town and Country Planning (Local Plans) (England) Regulations 2012 (as amended). The Supplementary Planning Document supports the implementation of the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy, which delivers against the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

**Risk:**

There are no risks envisaged in relation to the implementation of the recommendations.

**External Consultees:**

In accordance with the Town and Country Planning (Local Plans) (England) Regulations 2012 (as amended) the draft Supplementary Planning Document was subject to consultation. Further details are set out in the Consultation Statement appended to this report (Appendix B). This includes a list of consultees, respondents and their comments.

## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T05</b>	<b>Caring for our Environment</b>		
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>

### How does this proposal support the priorities selected?

This Supplementary Planning Document supports the implementation of the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy, which includes measures to protect some of the most important natural environments, recognised internationally for their ecological value. This directly supports the delivery of Strategic Plan priorities P03 and P23 which seek to protect and enhance the unique natural environment of East Suffolk.

The approach set out in the strategy and Supplementary Planning Document also supports the delivery of priority P08 as the continued protection of the natural environment brings with it health and well-being benefits by ensuring residents have access to high quality natural open space. Maintaining the special characteristics of these unique habitat sites

ensures a rich array of biodiversity across the East Suffolk area which supports Strategic Plan priority P20.

## Background and Justification for Recommendation

1 Background facts	
1.1	The Conservation of Habitats and Species Regulations (2017) (as amended) provide protection for sites that are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species. The network consists of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Both types can also be referred to as European Sites. The National Planning Policy Framework (NPPF) states that Ramsar sites should be afforded the same level of protection and refers to SACs, SPAs and Ramsar sites as 'Habitat Sites'.
1.2	As competent authorities under the Conservation of Habitats and Species Regulations (2017) (as amended), local planning authorities need to ensure that plans and projects under their jurisdiction do not lead to adverse effects on the integrity of European sites.
1.3	Both Local Plans for the district include residential site allocations and support the delivery of new housing. The Habitat Regulation Assessments produced as part of the Local Plan process both identified a risk of increased recreational disturbance at Habitat Sites as a result of planned housing growth.
1.4	To address the impact of housing growth on Habitat Sites, East Suffolk Council, Ipswich Borough Council, Mid Suffolk District Council and Babergh District Council have worked in partnership to produce the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy. The strategy set outs a tariff based approach to funding measures to mitigate the impact of increased recreational disturbance arising from housing growth. A per-house tariff is collected on relevant developments at the planning application stage. These funds are then consolidated and used to deliver a suite a mitigation measures as set out in the Strategy.
1.5	The Supplementary Planning Document has been drafted in discussion with the other partner organisations. Ipswich Borough Council adopted an equivalent Supplementary Planning Document in February 2020. 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.
1.6	As the mitigation of identified impacts is a requirement of the Conservation of Habitats and Species Regulations (2017) (as amended) and was set out in the Local Plan Habitat Regulation Assessment reports, it is not necessary to have a Supplementary Planning Document in place in order to collect the tariff or implement the measures. On this basis, the tariff is already being collected on relevant planning applications. The Supplementary Planning Document, however, provides an opportunity to clarify the requirements of the Strategy, and address some of the frequently asked questions that come about through the development management process. The Supplementary Planning Document also includes information for developers and applicants to assist them in meeting the other requirements under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

1.7	Policy WLP8.34 of the Waveney Local Plan and Policy SCLP10.1 of the Suffolk Coastal Local Plan include a commitment to producing a Supplementary Planning Document to support the implementation of the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy.
1.8	The preparation of the Supplementary Planning Document was overseen by the Local Plan Working Group.
1.9	The process for production of Supplementary Planning Documents is set out in the Town and Country Planning (Local Plans) (England) Regulations 2012 (as amended). This requires the Council to undertake consultation to inform the production of the Supplementary Planning Document and, as a minimum, requires that the draft document is published for four weeks and that during that time it is available on the Council's website and that hard copies are available for inspection in the Council's offices.
1.10	The Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document was published for a seven-week public consultation between 19 <sup>th</sup> October and the 7 <sup>th</sup> December 2020.
1.11	Due to the social distancing restrictions and the national lockdown as the result of the Covid-19 pandemic, libraries and other public spaces were not accessible during the consultation period. Therefore, paper copies of documents could not be made available at these locations. Physical copies of documents were, however, sent out on request.
1.12	Further details of the consultation are set out in the Consultation Statement which is appended to this report (Appendix B).
1.13	<p>A total of 28 individuals and organisations responded to the consultation, making a total of 44 comments. The full consultation responses have been published on the Council's website and summarised in the appended consultation statement (Appendix B). The main issues raised through the consultation were:</p> <ul style="list-style-type: none"> <li>• General support for the approach, including from Natural England as the appropriate nature conservation body.</li> <li>• Some querying of the approach to defining the areas in which the tariff will be collected.</li> <li>• Some querying of the tariff levels and whether they would be sufficient to fund all measures. Conversely some questioning of whether the tariff was too high and if viability considerations could therefore be taken into account.</li> <li>• Support for the provision of alternative/ additional measures as part of developments.</li> <li>• Requests for further information on the types of development and applications that the tariff will be applied to.</li> <li>• Requests for further links to the main strategy within the Supplementary Planning document.</li> </ul>
1.14	<p>Changes have been made to address many of the comments received, including:</p> <ul style="list-style-type: none"> <li>• Updated references to European Sites, now referred to as Habitat Sites.</li> <li>• Expanded explanation of impacts of recreational disturbance on Habitat Sites.</li> <li>• Added web links to the main Recreational Disturbance Avoidance and Mitigation Strategy.</li> <li>• Added reference to the HRA record template that is being used in Development Management.</li> </ul>

	<ul style="list-style-type: none"> <li>Added reference to permission in principle to clarify that RAMS will apply in these cases.</li> </ul> <p>In addition, some minor wording changes were suggested by Natural England which have been incorporated in the final Supplementary Planning Document.</p>
1.15	Under the Environmental Assessment of Plans and Programmes Regulations 2004 screening was carried out on the draft Supplementary Planning Document to determine whether a full Strategic Environmental Assessment would be required. The screening concluded that this was not required. The final Strategic Environmental Assessment Screening Opinion is appended to this report (Appendix C).
1.16	Habitat Regulations Assessment screening was also undertaken which concluded that implementation of the Supplementary Planning Document would not lead to likely significant effects on protected Habitat sites and that it is therefore not considered necessary to undertake an Appropriate Assessment. The final Habitat Regulations Assessment Screening Statement is appended to this report (Appendix D).
1.17	The final Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document is appended to this report (Appendix A).

## 2 Current position

2.1	As the mitigation of identified impacts is a requirement of the Conservation of Habitats and Species Regulations (2017) (as amended) and was set out in the Local Plan Habitat Regulation Assessment reports, it is not necessary to have a Supplementary Planning Document in place in order to collect the tariff or implement the measures. On this basis, the tariff is already being collected on relevant planning applications. However the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy is a long and technical document and the Supplementary Planning Document provides an opportunity to summarise the key provisions of the Strategy.
2.2	Policy WLP8.34 of the Waveney Local Plan and Policy SCLP10.1 of the Suffolk Coastal Local Plan include a commitment to producing a Supplementary Planning Document to support the implementation of the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy.

## 3 How to address current situation

3.1	In addition to delivering against the requirements set out in the Local Plans, the new Supplementary Planning Document provides a helpful guide for applicants, clarifying the requirements of the Strategy, and addressing some of the frequently asked questions that come about through the development management process.
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## 4 Reason for recommendation

4.1	To deliver against the requirements set out in the Local Plans and support the implementation of the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy which mitigates for the impact of increased housing growth on protected Habitat Sites.
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## Appendices

Appendices:	
<b>Appendix A</b>	Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document
<b>Appendix B</b>	Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document – Consultation Statement
<b>Appendix C</b>	Habitats Regulations Assessment of the Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document
<b>Appendix D</b>	Strategic Environmental Assessment Screening Opinion of the Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document
<b>Appendix E</b>	Equality Impact Assessment Screening Opinion, produced to accompany consultation, October 2020.

Background reference papers:		
Date	Type	Available From
May 2019	Suffolk Coast Recreational Disturbance, Avoidance and Mitigation Strategy	<a href="https://www.eastsuffolk.gov.uk/planning/developer-contributions/rams/">https://www.eastsuffolk.gov.uk/planning/developer-contributions/rams/</a>
March 2019	East Suffolk Council- Waveney Local Plan	<a href="https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/local-plans/">https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/local-plans/</a>
September 2020	East Suffolk Council- Suffolk Coastal Local Plan	<a href="https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/local-plans/">https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/local-plans/</a>
April 2021	Equality Impact Analysis (Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document)	Available on Request