

The Planning Policy Manager,
Tendring District Council,
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28 July 2017

By email only to: planning.policy@tendringdc.gov.uk

Dear Sir/Madam,

RSPB response to the Habitats Regulations Assessment (HRA) of the Tendring District Draft Local Plan Part 2

Thank you for allowing us the opportunity to respond to the HRA. Our comments come as a letter as this document was not available to read and respond to electronically on the Planning Consultation Portal.

The RSPB has engaged with the consultation process on the Tendring Local Plan and responded to the following documents:

24 July 2015 – Sustainability Appraisal Scoping Report
20 October 2015 – Issues and Options Consultation Document
8 September 2016 – Preferred Options Consultation Document

In our letter of the 8 September 2016 we raised our concerns regarding the absence of an up to date HRA that assesses all the proposed policies and no recent evidence base. We note that the evidence base for recreational disturbance relies on information from 2012 and therefore question if this element of the plan has been positively prepared.

Comments on section 4 – Screening Assessment

Paragraph 4.15

This highlights that nutrient enrichment and water abstraction are two key non-toxic contamination factors. Both of these are of particular concern with regards to the SPA features species (wintering waterbirds) of the Stour and Orwell estuaries, Hamford Water and Colne estuary SPAs. Nutrient enrichment from agricultural run-off may result an increase in algal blooms smothering mudflats, making them inaccessible as feeding areas for the designated species.

Increased water abstraction may reduce the freshwater flows to estuaries via the numerous creeks and rills. These areas provide critical bathing and drinking areas for designated features of the SPA network such as dark-bellied brent geese, pintails and other waterbirds.

Therefore it is important that these three SPAs are **screened in** for Non-toxic Contamination and that the Summary of Screening Assumptions (Table 4.1, page 24), Screening Conclusions (Table 4.2, page 43) and the Screening matrix in Appendix 3 are revised accordingly.

Paragraph 4.50 – Initial screening of Draft Local Plan Part 2 policies

Policy PPL 11 (referred to as PPL10 in the Publication Draft (Renewable Energy Generation) should be **screened in** to the HRA. Paragraph 97 of the National Planning Policy Framework (NPPF) states that local planning authorities should “*consider identifying suitable areas for renewable and low carbon energy*

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The RSPB is part of BirdLife International,
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sources, and supporting infrastructure". Whilst the RSPB is supportive of renewable energy, without certainty of the siting of any potential proposals, i.e. wind farms near to the SPA network, then the precautionary principle should be adopted and this policy should be screened in.

Comments on section 6 – Appropriate Assessment

Policy SAE6 – Development at Mistley Port

Table 6.3 covers the Site Allocations and the bird species requiring consideration there. Included in this table is the EDME allocation, but there is no reference to the Development at Mistley Port. The importance of the area adjacent to this allocation for a range of SPA feature species is extremely high and as such, **should be included in the Appropriate Assessment** at the Plan Level.

Paragraph 6.47

We generally accept that watersports are less likely to take place in the winter months, when the designated "wintering" species are present. However, it is not to say that these activities do not occur during the winter months.

It is important that the Council are aware of the overlap of our traditional "summer" (July/August) compared to the "passage periods" for certain designated species, particularly black-tailed godwits, curlews and redshanks. The autumn passage for waders (when birds are migrating south from their breeding grounds in Canada, Iceland, Greenland, Russia and northern Europe) starts as early as late-June, but the main window is July, August and September. Whenever they are present as non-breeding waterbirds, their designated status stands. Internationally important numbers of certain species can be present on our estuaries in early-August and therefore the potential for conflict with recreational activity (e.g. watersports) can be high.

This has to be considered in the Appropriate Assessment (AA) and we fundamentally disagree that the *"impacts to the..passage bird features are unlikely"* and that *"the increase in such activities..is considered to be relatively minor."*

Furthermore, this paragraph does not mention the impacts of recreational disturbance on breeding little terns.

Paragraph 6.71

Our points raised above in paragraph 6.47 stand here.

Paragraph 6.108

It is imperative that the Supplementary Planning Document (SPD) proposed as part of the Recreational Avoidance and Mitigation Strategy is subject to wider consultation than just the approval of Natural England as the statutory consultee. The strongest element of a RAM strategy will be the appointment of a wardening team to work with the audiences whose behaviours we are trying to influence.

Paragraph 6.112

We support the use of Alternative Green Space (ANGS). This may, in its simplest form involve the promotion of attractive circular walks away from the most sensitive sites through public rights of way or new permissive paths.

Watercraft disturbance – Code of Conduct

Paragraph 6.123

We dispute the observation that Little Terns are not sensitive to water-based recreational activities *"as they nest on shallow sandy areas above the high water mark"*. A key issue is that watersport-users, particularly jet-skiers, often beach their craft on these sites increasing the risk of desertion, chilling of eggs or a heightened predation risk. Furthermore, intense watersport use in favoured feeding areas may affect the ability of this species to feed and therefore provision their young. Typically, Little Terns preferentially feed within 2km of the coast.

Paragraph 6.124

Whilst we support Codes of Conduct, they are only as effective as the monitoring and policing of them which is put in place to ensure they are being complied with. RAMS strategies elsewhere in the UK have demonstrated that the best way to date of 'policing' these Codes is through a paid, trained wardening service.

On-site management and monitoring

Paragraph 6.125

It is imperative that any workshops include representatives from the audiences that we are trying to work with, e.g. marinas, jetski clubs.

We welcome the opportunity to work constructively with the Council to address these matters. The RSPB would like to attend the Examination in Public.

Yours sincerely,



Mark Nowers
Conservation Officer

