

From: Lambert, Tessa <[REDACTED]>
Sent: 31 August 2021 09:12
To: Planning Policy <planning.policy@tendringdc.gov.uk>
Subject: FW: Tendring District Local Plan Section 2 Proposed Main Modifications - Response to Consultation from Natural England

Dear Planning Policy Team,

Please see below Natural England's response to consultation on the above. I'm afraid I used an incorrect email address, hence this resent email.

I trust that this response will be taken into account in this consultation exercise. I would be grateful for confirmation of receipt.

Regards

Tessa Lambert
Lead Adviser,
Essex Local Delivery Team
Cambridgeshire, Northamptonshire, Bedfordshire, Essex and Hertfordshire Area Team
Natural England
Tel: [REDACTED]

www.gov.uk/natural-england



From: Lambert, Tessa
Sent: 26 August 2021 09:22
To: planning.policy@tendring.gov.uk
Subject: Tendring District Local Plan Section 2 Proposed Main Modifications - Response to Consultation from Natural England

Dear Planning Policy Team,

Please see attached Natural England's response to consultation on the Proposed Main Modifications to the Tendring Local Plan Section 2.

Regards

Tessa Lambert
Lead Adviser,
Essex Local Delivery Team
Cambridgeshire, Northamptonshire, Bedfordshire, Essex and Hertfordshire Area Team
Natural England
Tel: [REDACTED]



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Date: 26 August 2021
Our ref: 360461
Your ref: Tendring Local Plan Proposed Main Mods



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Planning Policy
Planning.policy@tendring.gov.uk

BY EMAIL ONLY

Dear Planning Policy Team

Planning consultation: Tendring District Local Plan Section 2 Proposed Main Modifications.

Thank you for your consultation on the above dated 16 July 2021 which was received by Natural England on the same date.

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.

Having reviewed the consultation documents, Natural England has the following comments and recommendations on the Schedule of Proposed Main Modifications and the Schedule of Additional Modifications.

Schedule of Proposed Main Modifications

MM14.4

Natural England is pleased to see the addition of the words “biodiversity and geodiversity (including designated sites),” to Policy LP6 (Rural Exception Sites). For consistency and to better reflect national planning policy, it is recommended that the same addition is made to the wording of the following modified policies:

- LP7 (Self Build and Custom Built Homes) - insert the same text after “landscape” in the proposed modified policy text (MM15.1).
- LP10 (Care, Independent Assisted Living) – insert the same text after “landscape” in the fourth paragraph of the proposed modified policy text (MM17.1).

MM 27.1

The table indicates that the purpose of the proposed modification is to strengthen the guidance in relation to flood risk and ecology. With this in mind, it is recommended that the word “biodiversity,” is inserted after “policy requirements around flood risk,”. Also, in light of the recommendations made in the Sustainability Appraisal (Addendum), it is recommended that the text makes reference to the need for a RAMS contribution in circumstances where a change of use to residential were considered acceptable.

MM27.2

In light of the recommendations made in the Sustainability Appraisal (Addendum), it is recommended that the modified Policy makes clear the need for a RAMS contribution in circumstances where a change of use to residential were considered acceptable.

MM33.1

Important adjustments to the modified wording of the text are recommended to better reflect the wording within the Habitats Regulations. The wording “proposals and plans with the potential to have a significant impact” should be amended to “Proposals and plans with the potential to affect”. Also, the wording: “If significant impacts are identified, an Appropriate Assessment may be necessary” should be amended to “If significant effects are considered likely, an Appropriate Assessment will be necessary”.

MM33.2

Important adjustments to the modified wording of Policy PPL4 are recommended to better reflect the wording within the Habitats Regulations. The wording “Where proposals for development are likely to significant impact upon International and European sites, applications must be supported by a Habitats Regulation Assessment (HRA) to provide sufficient information to the Council to establish the likelihood and nature of impacts before a decision can be made. If necessary, this may need to be followed by a more detailed ‘Appropriate Assessment’ of the impacts.” should be amended to: “Proposals for development must consider their potential to have a significant effect on International and European sites. Applicants must provide sufficient information to the Council for it to conduct a Habitats Regulations Assessment (HRA) to establish the likelihood and nature of any impacts before a decision can be made. Where the HRA indicates that a development will have a likely significant effect on an International or European site, an “Appropriate Assessment” will be necessary.”

In view of the recommendations in the Sustainability Appraisal (Addendum), it is recommended that the policy makes explicit reference to the RAMS SPD to ensure that developers are clear about the policy expectation.

MM33.4

Natural England supports the purpose of the modification to Policy PPL4 but is concerned about the ambiguity of the proposed wording. It is recommended that the last sentence of the third paragraph is ended at “included” and a new sentence is added stating “All new development should achieve biodiversity net gain, in line with national planning policy”.

This adjustment is recommended because the policy as currently worded would not reflect the need for all development to achieve biodiversity net gain (BNG) and implies that BNG can be treated as compensation which is not the case.

MM34.2

For clarity, it is recommended that “to serve the new development” is inserted after “in time”.

MM49.1

In order to better reflect the requirements of the Habitat Regulations, the modified wording of the policy at criterion d should be adjusted to: “that there will be no adverse effect (alone or in combination) on the integrity of the Stour and Orwell Estuaries SPA and Ramsar site.”

Schedule of Proposed Additional Modifications

AM7.4

The proposed modification refers to the Conservation of Habitat Regulations 2010; this should be 2017.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk

Yours sincerely

Tessa Lambert
Lead Adviser – Land Use Planning
West Anglia Area Team