

Tendring *District Council*



Independent Examination of Section 2 of the Tendring District Local Plan '2013-2033 and Beyond'

SUPPLEMENTARY STATEMENT FROM THE LOCAL PLANNING AUTHORITY

Update on cooperation between Tendring District Council and the Royal Society for the Protection of Birds

Matter 10: Delivering Places and Monitoring

February 2021

Policy SAE5 & Policy SAE6

1. Tendring District Council has been working in consultation with colleagues from RSPB throughout the plan preparation process on relevant policies and supporting text. A number of amendments to the Section 2 Local Plan are suggested by the Council in Document SM1 that respond directly to representations and suggestions made by RSPB at publication draft stage.
2. In the most recent correspondence with RSPB (see below) they raised the issue of consistency of wording in relation to the Stour and Orwell estuaries SPA. The concern being that both Policies SAE5 Mistley Port & SAE6 Mistley Marine do not mention the SPA that is adjacent to these sites.
3. The Council has proposed the deletion of these Policies as explained on page 56 of [RR10 Schedule of Representations and Responses – Chapter 9](#). Any proposed alterations / development on either of these sites would be subject to an assessment of any impact on nature conservation in line with Habitat Regulations.
4. The RSPB have reviewed the updated [Habitats Regulation Assessment](#) and had no comments to make on this.
5. The dialogue between RSPB & TDC colleagues is ongoing and very positive. We look forward to continuing to work collaboratively with RSPB on the submitted Local Plan.

Archived: 22 February 2021 14:01:13

From: [Mark Nowers](#)

Mail received time: Thu, 4 Feb 2021 17:44:19

Sent: Thu, 4 Feb 2021 17:44:04

To: [Eleanor Storey](#)

Cc: [Jamie Murphy](#)

Subject: RE: HRA comments - TDC Local Plan Examination

Sensitivity: Normal

Dear Eleanor,

Thank you for your email. Please accept my apologies for not being able to respond sooner. Regrettably, due to our current resourcing levels we are unable to enter into a Statement of Common Ground.

I have been able to review the revised Habitats Regulations Assessment (HRA) and the draft Plan though . We do consider that addressing the following points would serve to strengthen the Plan.

Consistency of wording in relation to the Stour & Orwell estuaries SPA

Both policies SAE5 and SAE6 relating to development proposals at Mistley are silent on the adjacent SPA. This is an important oversight. Whilst they do reference “*wildlife sites*”, this could be incorrectly construed as relating to Local Wildlife Sites which in the hierarchy of site designations (whilst still of great importance) is at the lower end of the scale from internationally recognised designations.

Policy SAMU1, point d (page 193 of the plan) for the development at EDME Maltings, almost adjacent to the other Mistley allocations, is appropriately worded in relation to the SPA. Importantly, this also includes the need to consider in-combination effects.

We note that policies SAE1 and SAE4 relating to development proposals around Bathside Bay do refer to the SPA.

The Plan would be strengthened if the wording was consistent throughout, so that the SPA was afforded appropriate weight as written in policy SAMU1.

Alternative Use

Both Policy SAE5 and SAE6 state:

“Proposals for alternative uses will then be considered against other relevant Local Plan policies.”

It is not clear what these proposals might be. Speculation like this does not represent sound planning in our view, particularly given the sensitivity of the adjacent SPA. We would be more understanding of this being placed in the summary wording as a future consideration.

We trust this helps.

Kind regards,

Mark

Mark Nowers

Conservation Officer – Greater Thames Priority Landscape

Currently home-based

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The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

From: Eleanor Storey <estorey@tendringdc.gov.uk>

Sent: 12 January 2021 19:31

To: Mark Nowers <Mark.Nowers@rspb.org.uk>

Subject: HRA comments - TDC Local Plan Examination

Dear Mark,

I hope all is well with you in what feels like the billionth lockdown...

I was very interested to read about the trips you do out on the river and am keen to book one of them when the time arises.

Onto the 'work' section:

We spoke before Christmas regarding the responses TDC have made to RSPB initial comments on Section 2 of our Local Plan, we are looking for feedback on these.

The dates for the Examination have been confirmed, 23rd February – 4th March 2021. It is being held online.

In a bid to hasten the turnaround time I have outlined below the areas that RSPB commented on.

If you Click on the Chapter headings it will take you to the relevant documents, I have also listed the pertinent areas that involve RSPB.

We would like to work towards a Statement of Common Ground with RSPB. Confirming the issues that you are happy with and addressing the next steps for any outstanding issues.

Any assistance you can provide would be greatly appreciated.

[Chapter 7 : Protected Places](#)

Policy PPL4: Biodiversity and Geodiversity – page 9

Policy PPL10: Renewable Energy Generation – page 24

[Chapter 9 : Delivering Places](#)

Policy SAE5: Development at Mistley Port and Policy SAE6: Development at Mistley Marine – page 55

[Sustainability Appraisal](#)

Sustainability Appraisal – page 1

The updated HRA document can be found [here](#).

Any issues do please give me a call, I look forward to hearing from you.

Best wishes

Eleanor Storey

Development Technician

Strategic Planning & Place

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