

Shadow Habitat Regulations Assessment
St Johns Nursery, Clacton-on-Sea, Essex, CO16 8BP

E3 Design

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Quality Control

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1.0 EXECUTIVE SUMMARY

Total Ecology were commissioned by E3 Design in July 2019 to undertake a Habitat Regulations Assessment for a site at St Johns Nursery, Clacton on Sea, Essex, CO16 8BP. The approximate National Grid Reference for the centre of the site is **TM 14514 16089**.

The site lies within the agreed ZoI for Colne Estuary SPA and Ramsar, Blackwater Estuary SPA and Ramsar and Dengie SPA and Ramsar as well as Essex Estuaries SAC

The final draft of the RAMS includes proposals for education, access control, habitat creation, wardening and monitoring and review. The RAMS includes a breakdown for implementation and recommends a tariff of £122.30 per new dwelling is imposed on new developments. The developer is prepared to pay the required contribution (£23,970.80) so it is considered that appropriate mitigation can be secured to offset the potential in- combination recreational effects of the development

2.0 INTRODUCTION

2.1 Background

Total Ecology were commissioned by E3 Design in July 2019 to undertake a Habitat Regulations Assessment for a site at St Johns Nursery, Clacton on Sea, Essex, CO16 8BP. The approximate National Grid Reference for the centre of the site is **TM 14514 16089**.

2.2 Site Description

The site is located within Clacton-on-Sea, a town within the Tendring peninsula, Essex. The site is immediately bordered by arable fields to the north and west, residential properties to the south and Earl's Hall Drive to the east, separating from further arable land as well as scrub and woodland habitat. Further from site, arable fields continue to both the north and south. To the east, are the residential buildings of Clacton-on-Sea, leading to the North Sea, approximately 5.5km from site. At it's closest point, the sea is approximately 3km south-east of site. West of site is dominated by both residential dwellings and arable land. An area of woodland is approximately 2.4km west of site. Flag Creek runs inland approximately 4km east of site.

The proposed development consists of construction of 196 residential units (comprising 8 two bed houses, 84 three bed houses, 35 four bed houses, 25 five bed houses, 12 one bedroom apartments and 24 two bedroom apartments) and 8 live work units (mixed commercial units measuring 1064 square metres in total with flats above). Associated roads, open space, drainage, landscaping and other infrastructure.

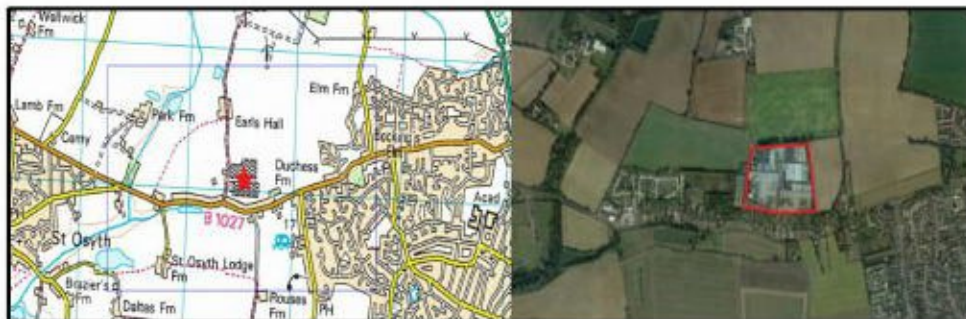


Figure 1: Site Location

2.3 Assessment Objectives

The purpose of a Habitat Regulations Assessment is to assess the potential impact of the proposed development on nearby statutory designated sites, particularly Ramsar, Special Areas of Conservation (SAC) and Special Protection Areas (SPA), referred to as 'European Sites'.

There is the potential for indirect effects to occur, such as from increases in recreational pressure. To that end a final draft of the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) is currently awaiting approval. The draft RAMS has been developed by local councils in conjunction with Natural England and sets out mitigation measures that can ensure that new residential development and any associated recreational disturbance impacts on European sites are compliant with the Conservation of Habitats and Species Regulations 2017, as amended.

3.0 METHODOLOGY

3.1 Desk Based Study

An area search was conducted using the Multi Agency Geographic Information for the Countryside (MAGIC) website to ascertain the location of European Sites and SSSI's within the vicinity of the proposed development area. Essex Wildlife Trust (EWT) was contacted for records of protected species and sites within 2km of the site.

3.2 Habitat Regulations Assessment

The report has been prepared by Ian Craft MSc MCIEEM, Principal Ecologist employed by Total Ecology with previous experience of undertaking such assessments.

The objective is to identify European Sites that are present within suspected influencing distances from the site, outline their conservation value and discuss potential impacts that may be imposed, for example indirect impacts such as an increase in dog walkers, or direct impacts such as increased light pollution. In the absence of a screening assessment, there was uncertainty relating to the likely significant effects caused by the development proposals on the European Site(s). Where effects are unlikely, a 'finding of no significant effect report' will be prepared. Where effects are judged likely, or lack of information to prove otherwise, proceed to Stage 2.

Any project will be subject to an appropriate assessment if it can't be proven beyond significant doubt that there is no significant effect on a European site either alone or in combination with other projects.

Table 1: Four Stage HRA Process

Stage	Task
Stage 1: Screening	Identify likely impacts of the project upon a European Site, either alone or in combination with other projects, and consider whether these are likely to be significant.
Stage 2: Appropriate Assessment	The consideration of the impacts on the integrity of the European site, either alone or in combination with other plans and projects, with regard to the site's structure and function and its conservation objectives. Where there are adverse impacts, an assessment of mitigation options is carried out to determine adverse effect on the integrity of the site. If these mitigation

	option cannot avoid impacts, then development consent if stages 3 and 4 are followed.
Stage 3: Assessment of Alternative Solutions	Examine alternative ways of achieving objectives of the project to establish whether there are solutions that would avoid or have a lesser effect on European Sites.
Stage 4: Imperative Reasons of Over-riding Public Interest (IROPI)	Where no alternative solutions exist and adverse impacts remain, suggest potential compensatory measures to protect the integrity of the European Site.

Reference: IPC (2011) Habitat Regulations Assessment. Advice Note 10

3.3 Cumulative/ In-combination Effects

As part of the work required to inform the Essex Coast RAMS evidence base, visitor surveys have been undertaken to determine the distance visitors will travel from their residences to visit the European sites for recreation. Following collation and analysis of the survey data, the Zones of Influence (Zoi) currently agreed by the Essex Coast RAMS Steering Group are set out in Table 2. A scoping exercise has been carried out to determine whether the application site lies within any of the identified Zois.

3.4 Legislation

The Conservation of Habitats and Species Regulations 2017

The UK is bound by the terms of the EC Birds and Habitats Directives and the Ramsar Convention. The Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations') provide for the protection of 'Natura 2000 sites', which are SAC's and candidate SAC's designated pursuant to the Habitats Directive (Council Directive 92/43/EEC), and SPAs classified under the Birds Directive (Council Directive 2009/147/EC). As a matter of policy, the UK Government has chosen to also apply the HRA process to Ramsar sites and potential SPAs; together Natura 2000 sites, Ramsar sites and potential SPAs are known as 'European Sites'. Regulation 61 of the Habitats Regulations restricts the granting of planning permission for development which is likely to significantly affect a European site, and which is not directly connected with or necessary to the management of the site, by requiring that an 'appropriate assessment' is first carried out of the implications of the development for the site's conservation objectives.

4.0 ASSESSMENT RESULTS

4.1 Scoping

A scoping exercise has been carried out to determine whether the application site lies within any of the identified Zols as summarised in Table 2 below.

Table 2: Essex Coast RAMS Zones of Influence

European Designated Site	ZOI (km)	Distance from site (km)	Within the ZOI
Hamford Water SAC, SPA and Ramsar	8	9.8	No
Stour and Orwell Estuaries SPA and Ramsar	13	15.4	No
Colne Estuary SPA and Ramsar	9.7	3.3	Yes
Blackwater Estuary SPA and Ramsar	22	9.0	Yes
Dengie SPA and Ramsar	20.8	12	Yes
Crouch and Roach Estuaries SPA and Ramsar	4.5	24	No
Foulness Estuary SPA and Ramsar	13	16.3	No
Benfleet and Southend Marshes SPA and Ramsar	4.3	40	No
Thames Estuary and Marshes SPA and Ramsar	8.1	40.2	No

Based on the summary in Table 2 above the site lies within the agreed Zol for Colne Estuary SPA and Ramsar, Blackwater Estuary SPA and Ramsar and Dengie SPA and Ramsar as well as Essex Estuaries SAC. The location of these sites in relation to the application site are shown in Figure 2 below.

Table 3: Designated Sites and Qualifying Features

<p>Colne Estuary SPA</p>	<p>This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex 1 of the Directive:</p> <p>During the breeding season</p> <ul style="list-style-type: none"> • Little Tern <i>Sterna albifrons</i>, 38 pairs representing at least 1.6% of the breeding population in Great Britain (5 year mean, 1992-1996) <p>Over winter</p> <ul style="list-style-type: none"> • Avocet <i>Recurvirostra avosetta</i>, 75 individuals representing at least 5.9% of the wintering population in Great Britain (5 year mean, 1992-1996) • Golden Plover <i>Pluvialis apricaria</i>, 2,530 individuals representing at least 1.0% of the wintering population of Great Britain (5 year peak mean 1991/2 – 1995/6) • Hen Harrier <i>Circus cyaneus</i>, 4 individuals representing at least 0.5% of the wintering population in Great Britain (5 year mean 1994/5 – 1998/99) <p>This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p>Over winter</p> <ul style="list-style-type: none"> • Dark-bellied Brent Goose <i>Branta bernicla bernicla</i>, 4,907 individuals representing at least 1.6% of the wintering Western Siberia/Western Europe population (5 year peak mean 1991/2 – 1995/6)
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- Redshank *Tringa tetanus*, 2,077 individuals representing at least 1.4% of the wintering Eastern Atlantic – wintering population (5 year peak mean 1991/2 – 1995/6)

Assemblage qualification: A wetland of international importance

The area qualifies under **Article 4.2** of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl.

Over the winter, the area regularly supports 38,548 individual waterfowl (5 year peak mean 1991/2 – 1995/6) including: Black-tailed Godwit *Limosa limosa islandica*, Dunlin *Calidris alpina alpina*, Lapwing *Vanellus vanellus*, Grey Plover *Pluvialis squatarola*, Ringed Plover *Charadrius hiaticula*, Shelduck *Tadorna tadorna*, Cormorant *Phalacrocorax carbo*, Great Crested Grebe *Podiceps cristatus*, Redshank, Dark-bellied Brent Goose *Branta bernicla bernicla*, Golden Plover *Pluvialis apricaria*, Avocet *Recurvirostra avosetta*.

Conservation objectives

The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

The extent and distribution of the habitats of the qualifying features

- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The populations of qualifying features
- The distribution of qualifying features within the site

Colne Estuary Ramsar	<p>Ramsar criterion 1 The site is important due to the extent and diversity of saltmarsh present. This site, and the four other sites in the Mid-Essex Coast complex, includes a total of 3,237 ha, that represent 70% of the saltmarsh habitat in Essex and 7% of the total saltmarsh in Britain.</p> <p>Ramsar criterion 2 The site supports 12 species of nationally sparse plants and at least 38 British Red Data Book invertebrate species.</p> <p>Ramsar criterion 3 This site supports full and representative sequences of saltmarsh plant communities covering the ranger of variation in Britain.</p> <p>Ramsar criterion 5 – Assemblages of international importance: Species with peak counts in winter</p> <ul style="list-style-type: none"> • 32,041 waterfowl (5 year peak mean 1998/99-2002/2003) <p>Ramsar criterion 6 – species/populations occurring at levels of international importance: Species with peak counts in winter</p> <ul style="list-style-type: none"> • Dark-bellied Brent Goose • Common Redshank
Blackwater Estuary SPA	<p>This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex 1 of the Directive:</p> <p>During the breeding season</p> <ul style="list-style-type: none"> • Little Tern <i>Sterna albifrons</i>, 36 pairs representing at least 1.5% of the breeding population in Great Britain (count as at1997) <p>Over winter</p> <ul style="list-style-type: none"> • Avocet, 76 individuals respresenting at least 6.0% of the wintering population in Great Britain (5 year peak mean 1991/2 – 1995/6) • Golden Plover, 7,247 individuals representing at least 2.9% of the wintering population in Great Britain (5 year peak mean 1991/2 – 1995/6) • Hen Harrier <i>Circus cyaneus</i>, 4 individuals representing up to 0.5% of the wintering population in Great Britain (5 year mean, 1993/94 – 94/95, 1996/7 – 98/99) • Ruff <i>Philomachis pugnax</i>, 51 individuals representing up to 7.3% of the wintering population in Great Britain (5 year peak mean 1991/2 – 1995/6)

This site also qualifies under **Article 4.2** of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:

On passage

- Ringed Plover 955 individuals representing up to 1.9% of the Europe/Northern Africa – wintering population (5 year peak mean 1991/2 – 1995/6)

Over winter

- Black-tailed Godwit 1,280 individuals representing up to 1.8% of the wintering Iceland – breeding population (5 year peak mean 1991/2 – 1995/6)
- Dark-bellied Brent Goose, 15,392 individuals representing up to 5.1% of the wintering Western Siberia/Western Europe population (5 year peak mean 1991/2 – 1995/6)
- Dunlin, 33,267 individuals representing up to 2.4% of the wintering Northern Siberia/Europe/Western Africa population (5 year peak mean 1991/2 – 1995/6)
- Grey Plover, 5,090 individuals representing up to 3.4% of the wintering Eastern Atlantic population (5 year peak mean 1991/2 – 1995/6)
- Ringed Plover *Charadrius hiaticula*, 600 individuals representing up to 1.2% of the wintering Europe/Northern Africa – wintering population (WeBS/Peter Clement)
- Shelduck, 4,594 individuals representing up to 1.5% of the wintering Northwestern Europe population (5 year peak mean 1991/2-1995/6)

Assemblage qualification: A wetland of international importance

The area qualifies under **Article 4.2** of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl.

Over winter, the area regularly supports 109,815 individual waterfowl (5 year peak mean 1991/2 – 1995/6) including: Great Crested Grebe, Golden Plover, Ruff, Dark-bellied Brent Goose, Shelduck, Ringed Plover, Grey Plover, Dunlin, Avocet, Redshank, Curlew *Numenius arquata*, Cormorant *Phalacrocorax carbo*, Wigeon *Anas Penelope*, Teal *Anas crecca*, Pintail *Anas acuta*, Shoveler *Anas clypeata*, Goldeneye *Bucephala clangula*, Red-breasted Merganser *Mergus serrator*, Lapwing and Black-tailed Godwit.

	<p>Conservation objectives</p> <p>The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely • The populations of qualifying features • The distribution of qualifying features within the site
<p>Blackwater Estuary Ramsar</p>	<p>Ramsar criterion 1 Qualifies by virtue of the extent and diversity of saltmarsh habitat present. This site, and the four others in the Mid-Essex Coast complex, includes a total of 3,237 ha that represent 70% of the saltmarsh habitat in Essex and 7% of the total area of saltmarsh in Britain.</p> <p>Ramsar criterion 2 The invertebrate fauna is well represented and includes at least 16 British Red Data Book species. In descending order of rarity these are: Endangered: a water beetle <i>Paracymus aneus</i>; Vulnerable a damselfly <i>Lestes dryas</i>, the flies <i>Aedes flavescens</i>, <i>Erioptera cito</i>; Rare: the beetles <i>Baris scolopacea</i>, <i>Philonthus punctus</i>, <i>Graptodytes bilineatus</i> and <i>Malachius vulneratus</i>, the flies <i>Campsicemus magius</i> and <i>Myopites eximia</i>, the moths <i>Idaea ochrata</i> and <i>Malacosoma castrensis</i> and the spider <i>Europhrys</i>.</p> <p>Ramsar criterion 3 This site supports the full and representative sequences of saltmarsh plant communities covering the range of variation in Britain.</p> <p>Ramsar criterion 5</p> <p>Assemblages of international importance, Species with peak counts in winter: 105,061 waterfowl (5 year peak mean 1998/99-2002/2003)</p> <p>Ramsar criterion 6 – species/populations occurring at levels of international importance (species with peak counts in winter)</p> <ul style="list-style-type: none"> • Dark-bellied brent goose • Grey Plover • Dunlin • Black-tailed Godwit

Dengie SPA	<p>This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex 1 of the Directive:</p> <p>Over winter</p> <ul style="list-style-type: none"> • Bar-tailed Godwit, 1,156 individuals representing at least 2.2% of the wintering population in Great Britain (5 year mean peak 1991/2 – 1995/6) • Hen Harrier, 5 individuals representing at least 0.7% of the wintering population in Great Britain (5 year mean 1994/95 – 1998/99) <p>This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p>Over winter</p> <ul style="list-style-type: none"> • Grey Plover, 2,411 individuals representing at least 1.6% of the wintering Eastern Atlantic – wintering population (5 year peak mean 1991/2 – 1995/6) • Knot <i>Calidris canutus</i>, 8,393 individuals representing at least 2.4% of the wintering Northeastern Canada/Greenland/Iceland/Northwestern Europe population (5 year peak mean 1991/2 – 1995/6) <p>Assemblage qualification: A wetland of international importance</p> <p>The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl.</p> <p>Over winter, the area regularly supports 31,452 individual waterfowl (5 year peak mean 1991/2 – 1995/6) including: Black-tailed Godwit, Dunlin, Lapwing, Oystercatcher <i>Haematopus ostralegus</i>, Dark-bellied Brent Goose, Cormorant, Great Crested Grebe, Knot, Grey Plover, Bar-tailed Godwit.</p> <p>Conservation Objectives</p> <p>The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely • The populations of qualifying features • The distribution of qualifying features within the site
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Dengie Ramsar	<p>Ramsar criterion 1 Qualifies by virtue of the extent and diversity of saltmarsh habitat present. Dengie, and the four other sites in the Mid-Essex Coast Ramsar site complex, includes a total of 3,237 ha, that represent 70% of the saltmarsh habitat in Essex and 7% of the total area of saltmarsh in Britain.</p> <p>Ramsar criterion 2 Dengie supports a number of rare plant and animal species. The Dengie has 11 species of nationally scarce plants: sea kale <i>Crambe maritima</i>, Sea Barley <i>Hordeum marinum</i>, Golden Samphire <i>Inula crithmoides</i>, Lax flowered Sea Lavender <i>Limonium humile</i>, the Glassworts <i>Sarcornia perennis</i> and <i>Sarcornia pusilla</i>, Small Cord-Grass <i>Spartina maritima</i>, Shrubby Sea-Blite <i>Suaeda vera</i>, and the eelgrasses <i>Zostera angustifolia</i>, <i>Z. marina</i> and <i>Z.noltei</i>. The invertebrate fauna includes the following Red Data Book species; a weevil <i>Baris scolopacea</i>, a Horsefly <i>Atylotus latistriatus</i> and a jumping spider <i>Euophrys brownig</i>.</p> <p>Ramsar criterion 3 This site supports a full and representative sequences of saltmarsh plant communities covering the range of variation in Britain.</p> <p>Ramsar criterion 5 Assemblages of international importance: Species with peak count in winter 43,828 waterfowl (5 year peak mean 1998/99-2002/03)</p> <p>Ramsar Criterion 6 – Species/populations occurring at levels of international importance: Species with peak counts in winter</p> <ul style="list-style-type: none"> • Dark-bellied Brent Goose • Grey Plover • Red Knot
Essex Estuaries SAC	<p>Annex 1 habitats that are a primary reason for selection of this site are:</p> <ul style="list-style-type: none"> • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Salicornia and other annuals colonising mud and sand • Spartina swards (<i>Spartinion maritimae</i>) • Atlantic salt meadows (<i>Glauco-Puccinellietelia maritimae</i>) • Mediterranean and thermo-Atlantic halophilous scrubs (<i>Sacocornetea fruticosa</i>)

	<p>Annex ii species that are a primary reason for selection of this site</p> <ul style="list-style-type: none">• Sandbanks which are slightly covered by sea water all the time <p>Annex ii species that are a primary reason for selection of this site</p> <ul style="list-style-type: none">• None <p>Annex ii species present as a qualifying feature, but not a primary reason for site selection</p> <ul style="list-style-type: none">• None <p>Conservation Objectives</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none">• The extent and distribution of qualifying natural habitats• The structure and function (including typical species) of qualifying natural habitats, and• The supporting processes on which qualifying natural habitats rely
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4.3 Potential Impacts Identified

A number of threats and pressures are included within the Site Improvement Plan for Essex Estuaries which are considered below:

Threat	Applicable/ Not Applicable	Reason
Coastal Squeeze	Not Applicable	Due to the distance of the site from the designations
Public Access/ Disturbance	Applicable	Residents could visit the designations
Fisheries: Commercial, marine and estuarine	Not Applicable	Residential development
Fisheries: Recreational marine and estuarine	Applicable	Residents could visit the designations for recreational fishing
Changes in Species Distribution	Applicable	Possible due to public access. Disturbance
Invasive Species	Not Applicable	Related to management of the designation
Air Pollution: Risk of atmospheric nitrogen deposition	Not Applicable	Due to the distance of the application site. Effects of air quality on the designations is assessed in the HRA of the Tendring District Local Plan Publication Draft, which concluded no likely significant effect

As the above threats are considered to be applicable to the proposed development further assessment is required. Therefore a Stage 2 assessment is required to identify any likely significant effects, both alone and in combination with other plans and projects.

5.0 ANALYSIS OF RESULTS

5.1 Potential Impacts on European Sites

Public Access/ Disturbance

Habitats

Increased visitor pressure on the sites has the potential to damage the qualifying features of the Essex Estuaries SAC, Colne Estuary Ramsar, Blackwater Estuary Ramsar and Dengie Ramsar and affect species composition and distribution. The habitats present are not considered particularly vulnerable to this threat as the qualifying habitats are estuarine and tidal, meaning they are likely to be submerged or very wet underfoot for most of the time, so visitors are likely to keep to the established paths. However, visitors could access drier areas of the sites or the inter-tidal muds for the purpose of bait digging for recreational fishing. Eutrophication of the habitats could also occur as a result of dog fouling however most of these impacts occur close to footpaths and within a short distance of car parks. Additional impacts could occur as a result of fires, littering and general vandalism leading to local pollution events

Birds

Colne and Blackwater Estuary SPAs are designated in part due to their populations of breeding Little Tern. This species nests on open ground and is therefore highly vulnerable to disturbance. Visual disturbance is most likely from dog walkers where dogs are not kept on leads. As well as activities off the footpaths such as bait digging. There may also be noise disturbance from activities such as water sports, especially motorised water sports.

5.2 Likelihood of Effects

The most popular reasons for visiting the Essex Coast European Sites are for dog walking and recreational walking (Place Services, 2018). The development proposals are for 196 residential units so on the basis of 2.4 people per dwelling (Office for National Statistics, 2017) there will be approximately 470 new residents and approximately 47 new dog-owning households, based on 24% of homes owning at least one dog (PDSA, 2018).

The closest of the designated sites to the application site is Colne Estuary SPA and Ramsar at a distance of approximately 3.3km or around 5km by road. The closest large car park and facilities are at Brightlingsea which is around 13km from

the application site by road. Visitor surveys at Brightingsea Marches found that 66% of groups lived within 8km of the site which 59% living in Brightlingsea itself. The majority of the visitors were found to be dog walkers living in close proximity and undertaking regular visits.

Blackwater Estuary SPA and Ramsar is approximately 9km from the development site or around 28km by road. With numerous other recreational opportunities in the area, it is considered highly unlikely that the residents would regularly choose to visit the site. Similarly Dengie Estuary is around 83.2km by road from the development site.

The proposed development site itself contains 0.742ha of public open space in accordance with COM6 of the Local Plan (Tendring District Council, 2007) which requires at least 10% of the site area as public open space. Additionally, a public right of way runs adjacent to the northern boundary of the site and is accessible from Earls Hall Drive, this links up with further rights of way and provides circular walking routes of various lengths adjacent to the site. It is anticipated that the Rights of Way network and on-site open space will serve the majority of the everyday recreational needs of the residents. Larger areas of green space such as Brook Country Park are available approx. 2.5km from the site where there is 14 has of rough grassland and young trees and dedicated dog walking and none dog walking areas. There is also access to undesignated sections of the coast within 3km at Clacton on sea.

Considering the information above it is considered that the number of additional visits to the designated European sites by the new residents will be low and would not be likely to generate significant effects when considering the proposals alone. However Natural England advises that new developments with the identified Zols is anticipated to constitute a significant effect on the designated sites through increased visitor pressure when considered in combination with other plans and projects.

5.3 Appropriate Assessment

The potential for increased recreational pressure of the proposed development in combination with other projects in the area may detrimentally affect the interest features of the Colne Estuary SPA And Ramsar, The Blackwater SPA and Ramsar

and the Dengie SPA and Ramsar as well as the Essex Estuaries SAC as the development site lies within the Zols for these European sites.

Alternative Green Infrastructure

It is considered unlikely that the European sites will be used by the new residents for everyday recreation due to the closer and more easily accessible options around the proposed development site. Information leaflets will also be distributed to new householders highlighting local footpaths within the open countryside and alternative areas of green space including nearby country parks.

Essex Coast RAMS

The final draft of the RAMS includes proposals for education, access control, habitat creation, wardening and monitoring and review. The RAMS includes a breakdown for implementation and recommends a tariff of £122.30 per new dwelling is imposed on new developments. The developer is prepared to pay the required contribution (£23,970.80) so it is considered that appropriate mitigation can be secured to offset the potential in- combination recreational effects identified above.

6.0 REFERENCES

1. **Arcus (2015)** Sunderland and South Tyneside Bird Surveys 2014 – 2015 non breeding season report
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7. **MAGIC:** www.magic.gov.uk
8. **Natural England (2017)** Letter to Northumberland County Council Re: 17/02893/FUL, Dated 22 November 2017
9. **Northumbria Coast SPA Details:** <http://jncc.defra.gov.uk/page-1997>
10. **Northumberland Shore SSSI Details (access to citation):**
<https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S2000134&SiteName=newt&countyCode=&responsiblePerson=>
11. **Planning Applications Search:**
<https://publicaccess.northumberland.gov.uk/onlineapplications//search.do?action=simple>
12. **RSPB Bird Identifier Website:** <http://ww2.rspb.org.uk/birds-and-wildlife/bird-and-wildlife-guides/bird-identifier/>
13. **Statistics UK Households:**
<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2016>
14. **The Conservation of Habitats and Species Regulations 2010:**
<http://www.legislation.gov.uk/ukxi/2010/490/contents/made>
15. **Total Ecology (2016)** Extended Phase 1 Habitat Survey and Bat Survey Report
16. **WeBS Bird Data:**
<https://app.bto.org/birdtrack/servlet/BirdTrackAnonUserHandler?TargetURL=/grid-refs/grid-species-by-location.jsp>
17. **Where's the Path:** <https://wtp2.appspot.com/wheresthepath.htm>

APPENDIX A
Report Conditions

Total Ecology Ltd

REPORT CONDITIONS

St Johns Nursery, Clacton on Sea

This report is produced solely for the benefit of E3 Design and no liability is accepted for any reliance placed on it by any other party unless specifically agreed in writing otherwise.

This report is prepared for the proposed uses stated in the report and should not be used in a different context without reference to Total Ecology. In time improved practices, fresh information or amended legislation may necessitate a re-assessment. Opinions and information provided in this report are on the basis of Total Ecology using due skill and care in the preparation of the report.

This report refers, within the limitations stated, to the environment of the site in the context of the surrounding area at the time of the inspections. Environmental conditions can vary and no warranty is given as to the possibility of changes in the environment of the site and surrounding area at differing times.

This report is limited to those aspects reported on, within the scope and limits agreed with the client under our appointment. It is necessarily restricted and no liability is accepted for any other aspect. It is based on the information sources indicated in the report. Some of the opinions are based on unconfirmed data and information and are presented as the best obtained within the scope for this report.

Reliance has been placed on the documents and information supplied to Total Ecology by others but no independent verification of these has been made and no warranty is given on them. No liability is accepted or warranty given in relation to the performance, reliability, standing etc of any products, services, organisations or companies referred to in this report.

Whilst skill and care have been used, no investigative method can eliminate the possibility of obtaining partially imprecise, incomplete or not fully representative information. Any monitoring or survey work undertaken as part of the commission will have been subject to limitations, including for example timescale, seasonal and weather related conditions.

Although care is taken to select monitoring and survey periods that are typical of the environmental conditions being measured, within the overall reporting programme constraints, measured conditions may not be fully representative of the actual conditions. Any predictive or modelling work, undertaken as part of the commission will be subject to limitations including the representativeness of data used by the model and the assumptions inherent within the approach used. Actual environmental conditions are typically more complex and variable than the investigative, predictive and modelling approaches indicate in practice, and the output of such approaches cannot be relied upon as a comprehensive or accurate indicator of future conditions.

The potential influence of our assessment and report on other aspects of any development or future planning requires evaluation by other involved parties.

The performance of environmental protection measures and of buildings and other

structures in relation to acoustics, vibration, noise mitigation and other environmental issues is influenced to a large extent by the degree to which the relevant environmental considerations are incorporated into the final design and specifications and the quality of workmanship and compliance with the specifications on site during construction. Total Ecology accept no liability for issues with performance arising from such factors

February 2008