

**Land West of Shore Lane Bradfield Essex**  
24/00453/HRAA

**Habitats Regulations Assessment screening with Appropriate Assessment by Tendring District Council**

**Dated – 19/04/2024**

**Introduction**

The Conservation of Habitats and Species Regulations 2017 (as amended) (known as the Habitats Regulations) requires the Competent Authority (in this case Tendring District Council) to undertake a Habitats Regulations Assessment (HRA) before making a decision about permission for any plan or project, which may result in a likely significant effect upon a Habitats Site.

In line with the Court judgement (CJEU People Over Wind v Coillte Teoranta C-323/17), mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a development is likely to result in significant effects on a Habitats site.

Further case law (Holohan and Others v An Bord Pleanála) now also imposes more detailed requirements on the competent authority for any plans or projects at the Appropriate Assessment stage, including, but not limited to cataloguing the entirety of habitat types and species for which a site is protected and being beyond reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.

The range of potential impacts on the Stour & Orwell Estuaries SPA & Ramsar have been considered and assessed. No dogs, kayaks or paddleboards will be allowed on the campsite and signage will be placed on the applicant's land to reinforce conditions of bookings. As the site lies immediately adjacent to the Stour & Orwell Estuaries SPA & Ramsar, HRA screening concluded that it is not possible to rule out likely significant effects from recreational disturbance without mitigation in place. Therefore, no Appropriate Assessment is required.

This HRA has been prepared by Tendring District Council, the Competent Authority under the Habitat Regulations 2017 in respect of this project.

The site is located on Land West of Shore Lane, Bradfield, Essex. Appendix 1 shows the location of the site and Appendix 2 shows the location of the site in relation to the Habitats sites.

The proposed development is for a pop-up campsite which will be limited to 19th July and 1st September 2024 with specific restrictions on use.

Natural England has previously provided advice under Reg 76 opinion that mitigation measures are needed to ensure that the project has no adverse effect on site integrity, either from the development alone or in-combination with other plans and projects.

**Basis of the Assessment**

This Habitats Regulation Assessment seeks to ascertain whether this proposal (either alone or in combination with other proposals) would be likely to have an adverse effect on site integrity of the designations.

Habitats Sites is the term used in the NPPF (2021) to describe the UK’s national network of sites on land and at sea, including both the inshore and offshore marine areas in the UK. The national site network includes existing SACs and SPAs and new SACs and SPAs designated under the Conservation of Habitats and Species Regulations 2017 (as amended), commonly known as the ‘Habitats Regulations’. The aim of the network is to assure the long-term survival of the UK’s most valuable and threatened species and habitats. The need for a Habitats Regulations Assessment Screening Report is set out within Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). This aim relates to habitats and species, not the Habitats sites themselves, although the sites have a significant role in delivering favourable conservation status. In order to ascertain whether site integrity will be affected, a HRA screening should be undertaken of the plan or project in question.

The Conservation of Habitats and Species Regulations 2017 (as amended) requires the establishment of Special Protection Area (SPAs) for birds and Special Area of Conservation (SACs) to be designated for other species and for Habitats. UK planning policy ensures that Wetlands of International Importance (Ramsar sites) are also part of the UK’s national network of sites although the UK Government is also a signatory to both the Berne and Bonn Conventions which also provide protection. Sites that are being considered for designation referred to as candidate SACs or proposed SPAs are also be included for the purposes of a Habitats Regulations Assessment (HRA).

HRAs are a statutory requirement and should be undertaken by the competent authority to ensure that plans and projects comply with The Conservation of Habitats and Species Regulations 2017 (as amended). In line with the CJEU People Over Wind v Coillte Teoranta C-323/17 Court ruling, mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a development is likely to result in significant effects on a Habitats site.

On 23 June 2016, the United Kingdom (UK) held a referendum and voted to leave the European Union (EU). On 29 March 2017 the Prime Minister triggered Article 50 of the Treaty on European Union, which commenced a period of negotiations regarding the UK’s exit from the EU. On 26 June 2018 The European Union (Withdrawal) Act 2018 received Royal Assent and work to prepare the UK statute book for Brexit has begun. The European Union (Withdrawal) Act 2018 will make sure that UK laws continue to operate following the UK’s exit. There is no immediate change to legislation or policy affecting national infrastructure. Relevant EU Directives have been transposed into UK law and those remain unchanged until amended by Parliament. Therefore, the requirements for HRA under the Conservation of Habitats and Species Regulations 2017 (as amended) remain in place.

**Habitats Sites within scope**

The Government MAGIC website [www.magic.gov.uk](http://www.magic.gov.uk) has provided the information to screen sites for potential inclusion within the assessment to identify 11 Habitats sites within 20 km (Table 1.1) for this development. These are shown on the map in Appendix 2.

Table 1.1 Habitats sites within 20 km of the proposed development SPA;

SPA	SAC	Ramsar
Stour and Orwell Estuaries	Hamford Water	Stour and Orwell Estuaries
Hamford Water	Essex Estuaries	Hamford Water
Deben Estuary		Deben Estuary
Colne Estuary		Colne Estuary
Outer Thames Estuary		

From analysis on MAGIC map, the development site is located within the Impact Risk Zone for the Stour & Orwell Estuaries SPA & Ramsar. There is no impact pathway for the site to result in any effects on the Outer Thames Estuary SPA and the site lies outside the 13km Zone of Influence for the Deben Estuary SPA and Ramsar, so these are scoped out from this assessment. The remaining eight Habitats sites are within scope for this assessment. The site also falls within the recreational Zone of Influence for the Stour and Orwell Estuaries SPA and Ramsar as included in the Essex Coast RAMS. However, as the development is non-residential, recreational impacts on these Habitats sites need to be assessed separately. The Stour and Orwell estuaries are on the Essex/Suffolk border. They are a vital part of the Eastern Flyway for migrating wildfowl and waders and support extensive mud-flats and salt marsh supporting *Enteromorpha* sp. (green seaweed), *Zostera* sp. (seagrass) and *Salicornia* sp. (intertidal plant of saltmarsh), low cliffs, small areas of vegetated shingle on the lower reaches and low-lying grazing marsh such as Shotley Marshes.

The Stour and Orwell Estuaries have been designated as SPAs under article 4.1 of the EU Birds Directive (79/409/EEC) as they are used regularly by 1% or more of bird species listed. In summer, the site supports important numbers of breeding avocet (*Recurvirostra avosetta*), whilst in winter they hold major concentrations of waterbirds, especially Dark-bellied brent geese (*Branta bernicla bernicla*), Bean goose (*Anser fabalis fabalis*), Common shelduck (*Tadorna tadorna*), Spotted redshank (*Tringa erythropus*), and Common redshank (*Tringa totanus tetanus*). The Stour and Orwell Estuaries SPA also qualifies under article 4.2 of the Directive as water assemblages of over 20,000 birds use it regularly in any season.

The Stour & Orwell Estuaries have been designated as a Ramsar site under Ramsar Criterion 6-species/population occurring at levels of international importance. These are Ringed Plover, Common Redshank, Dark-bellied Brent Goose and Black-tailed Godwit.

The Site Improvement Plan for the Stour & Orwell Estuaries SPA identifies the below issues are the key factors affecting the integrity of the Habitats site:

- Coastal Squeeze
- Inappropriate coastal management
- Public access /disturbance
- Changes in species distributions
- Invasive species
- Fisheries: Commercial, marine and estuarine
- Air Pollution- risk of atmospheric nitrogen deposition
- Planning permission – general

It is the bird features and sensitive habitats of the aforementioned SPA and Ramsar sites that are highlighted as at risk from recreational disturbance.

Details of the specific Qualifying Features, Conservation Objectives and the Key Vulnerabilities for all the other habitats sites within 20km of the development can be found on <https://designatedsites.naturalengland.org.uk/>

### **Consideration of the Development**

As the development site is located immediately adjacent to the Stour and Orwell Estuaries SPA and Ramsar, there could be potential impacts from both the development alone and in combination with other plans and projects.

**Construction phase:** As there are no construction activities within the Site, there is no impact pathway to cause disturbance through construction lighting and noise which could result in a Likely Significant Effect on the qualifying features of the SPA and Ramsar site. There is no mechanism by which this proposal could contribute to Construction phase impacts to result in likely significant effects (LSE), so this can be screened out for further assessment and will not be considered further.

**Coastal squeeze:** Areas of intertidal saltmarsh, mudflats, sand and shingle used by overwintering and breeding birds for feeding, roosting and/or nesting are under threat from coastal squeeze. The consequences of climate change, including sea level rise and an increased frequency in coastal storms and tidal surges, are likely to be contributing factors in coastal squeeze. Tectonic subsidence along the east coast of England and hard sea defences are also likely to exacerbate the issue. There is no mechanism by which this proposal could contribute to coastal squeeze of the Stour & Orwell Estuaries SPA & Ramsar, and therefore does not have the potential to result in likely significant effects (LSE) and can be screened out and will not be considered further.

**Inappropriate coastal management:** There is no mechanism by which this proposal could affect coastal management on the campsite and therefore does not have the potential to result in likely significant effects (LSE) and can be screened out and will not be considered further.

**Public Access and Disturbance:** Breeding and overwintering water birds are susceptible to human disturbance from a range of land- and water-based activities. Although the development is not relevant to the Essex Coast RAMS, Natural England's Reg 76 opinion is that a Likely Significant Effect from recreational disturbance cannot be ruled out and public access and disturbance needs to be screened in for further assessment.

**Changes in species distributions:** The decline in numbers of some species of bird in Stour & Orwell Estuaries SPA and Ramsar may be related to international changes in distribution and/or population levels related to climate change. No species included in the citations for the designation of Stour & Orwell Estuaries SPA and Ramsar were recorded onsite, and it is therefore considered likely that the development of the Land West of Shore Lane Bradfield will not affect the distribution of these species. Therefore, the development will not result in an LSE on species distribution and can be screened out and will not be considered further.

**Fisheries:** Commercial marine and estuarine: The development is for a pop-up campsite and it is considered that there is no pathway for the development to have an impact on commercial fishing in the area. Therefore, no LSE is anticipated and impacts to the Habitats sites from fishing related to the development can be screened out.

**Air pollution- risk of atmospheric nitrogen deposition:** Nitrogen deposition exceeds the site-relevant critical load for ecosystem protection and hence there is a risk of harmful effects, but the sensitive features are currently considered to be in favourable condition on the site. In terms of vehicle traffic, nitrogen oxides (NO<sub>x</sub>, i.e. NO and NO<sub>2</sub>) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO<sub>x</sub> can cause eutrophication of soils and water. Based on the Natural England guidance from Potential Risk of Impacts of Nitrogen Oxides from Road Traffic on Designated Nature Conservation Sites (Natural England, 2016), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself. Given that vehicle movements within the 200m of a European site are limited to the days between 19<sup>th</sup> July – 1<sup>st</sup> September, effects of air pollution are considered unlikely to be significant. Therefore, no Likely Significant Effects from this time limited proposal are predicted as a result of air pollution in relation to any European sites. and can be screened out.

**Planning permission - general:** This application seeks prior approval to operate a temporary campsite on land west of Shore Lane, Bradfield under the 60-day temporary use rules. All planning applications are subject to project level HRA screening and Likely Significant Effects from impacts from other development in the area during the limited operational phase of this pop-up campsite this summer have been screened out.

**In combination effects:** Given that the development has been screened in for likely impacts on Public Access and Disturbance, once mitigation has been considered in the assessment, if the development can be made acceptable in combination effects from recreational disturbance will be screened in for further assessment.

### **Appropriate Assessment**

In line with the Court judgement (CJEU People Over Wind v Coillte Teoranta C-323/17), mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a development is likely to result in significant effects on a Habitats site. As the campsite is immediately adjacent to the Stour & Orwell Estuaries SPA and Ramsar, HRA screening concluded that it is not possible to rule out likely significant effects from recreational disturbance without mitigation in place. Natural England's Reg 76 opinion on the proposal are based upon their understanding of the bird use of the area, and they are aware of a high tide wader roost on saltmarsh ~560m to the east of the development site, within reasonable walking distance. At high tide birds are especially vulnerable because they are concentrated on a small number of roosting sites where typically the outer edges are used to maximise distance from disturbance sources on land. At falling, low and rising tides, birds present can be expected to be distributed across the mudflats which by their nature are less accessible. Nevertheless, a disturbance zone caused by footpath users can be expected to be generated and to some degree contribute to baseline conditions.

Taking the above into account and based on the above mentioned limited opening season, and the removal of any watercraft being allowed on site and no dogs on site, Natural England advises that there is a case to be made by an Appropriate Assessment that the project would not have an 'adverse effect on the integrity of the European site' (the second, critical HRA test) assuming these controls are appropriately secured by a suitably worded planning condition.

This report is therefore an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) and considers the likely significant effects from the development from recreational disturbance impacts from the development, both alone and in combination with other plans and projects. The competent authority needs to consider if, with mitigation in place, the development can avoid adverse effect on integrity of the Habitats sites which are likely to be affected by impacts which have been screened in for further assessment.

The table below lists the various effects, which are of potential significance. Mitigation measures and residual effects are also considered for all the Habitats sites screened in for this HRA.

The potential significant effects from the development on Habitats sites are:

- Stour & Orwell Estuaries SPA – Recreational pressure during the operational phase.
- Stour and Orwell Estuaries Ramsar - Recreational pressure during the operational phase

The following qualifying SPA or Ramsar site features for the Stour & Orwell Estuaries SPA may be affected by the development alone are: Dark-bellied brent goose *Branta bernicla bernicla*; Northern pintail *Anas acuta*; Pied avocet *Recurvirostra avosetta*; Grey plover *Pluvialis squatarola*; Red knot *Calidris canutus*; Dunlin *Calidris alpina*; Blacktailed godwit *Limosa limosa islandica*; Common redshank

Tringa totanus; Waterbird assemblage, Common shelduck Tadorna tadorna; Hen harrier Circus cyaneus; Ringed plover Charadrius hiaticula, Ruddy turnstone Arenaria interpres as well as the overall waterbird assemblage, as well as the overall waterbird assemblage.

Our views on the proposal are based upon our understanding of the bird use of the area, and we are aware of a high tide wader roost on saltmarsh ~560m to the east of the development site, within reasonable walking distance. At high tide birds are especially vulnerable because they are concentrated on a small number of roosting sites where typically the outer edges are used to maximise distance from disturbance sources on land. At falling, low and rising tides, birds present can be expected to be distributed across the mudflats which by their nature are less accessible. Nevertheless, a disturbance zone caused by footpath users can be expected to be generated and to some degree contribute to baseline conditions.

Taking the above into account and based on the above mentioned limited opening season, and the removal of any watercraft being allowed on site and no dogs on site, Natural England advises that there is a case to be made by an Appropriate Assessment that the project would not have an 'adverse effect on the integrity of the European site' (the second, critical HRA test) assuming these controls are appropriately secured by a suitably worded planning condition.

In order to satisfy the requirements of the Habitats Regulations Assessment for this proposal, Tendring District Council need to consider the impacts arising from the development and provide evidence to demonstrate that any proposed mitigation measures will be able to fully mitigate for these impacts. Natural England has provided advice under Reg 76 opinion that embedded mitigation measures are required for recreational disturbance to avoid Adverse Effect On Integrity of the Habitats sites from the development alone.

The development location is immediately adjacent to the Stour & Orwell Estuaries SPA and Ramsar so mitigation during operation of the pop-up campsite is necessary to avoid impacts from the development alone and needs to include the following:

- Dogs will not be allowed on the campsite. Dogs, especially if off leads, can cause disturbance, so not allowing them on-site removes this form of potential disturbance.
- The number of nights the campsite operates will be limited to the 19<sup>th</sup> July – 1<sup>st</sup> September only. This represents a total of 44 nights.
- By limiting bookings to only 44 nights in total potential disturbance will be reduced significantly and by removing any September camping this aims to minimise disruption to any returning birds.
- The total number of pitches on site will be limited to 40.
- Kayaks and paddleboards will not be allowed on the campsite to eliminate that kind of potential disturbance which can have more impact than people walking on the coast.
- These restrictions will be included on the campsite booking webpage and explained to anyone telephoning to make a booking.
- Signage as per this list will be placed on the campsite and adjacent land to reinforce these conditions of using the campsite:

- Ragmarsh farm sign about dogs
- Ragmarsh camping sign
- Ragmarsh farm kayak and paddleboards sign
- Ragmarsh farm private sign
- Ragmarsh farm do not pass sign

The Mitigation Strategy for the temporary campsite at Land west of Shore Lane, Bradfield will be secured as a condition of any consent to avoid impacts from recreational disturbance during the operation of the campsite.

It is therefore concluded, that with appropriate mitigation secured, the development can avoid adverse effect on integrity of the Stour & Orwell Estuaries SPA and Ramsar from operational impacts from the development alone.

Natural England’s revised interim advice to the LPA (August 2018) excludes camping so as the development is non-residential it does not fall within the scope of the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). However, given the location of the site, recreational impacts are, without mitigation, predicted from the development alone so will need delivery of similar measures to be secured by condition.

The sensitive features of the Stour & Orwell Estuaries SPA and Ramsar which are predicted to be affected by recreational disturbance include the SPA & Ramsar designated birds listed above.

In addition to waterfowl assemblages of international importance with peak counts in winter and species/ populations occurring at levels of international importance, the Stour & Orwell Estuaries Ramsar site is also designated for Common redshank with peak counts in spring/autumn and species with peak counts in winter: Dark-bellied brent goose, Northern Pintail, Grey plover, Red Knot, Dunlin, Black-tailed godwit and Common redshank. This Ramsar site is also designated for seven nationally scarce plants: Stiff saltmarsh-grass *Puccinellia rupestris*, Small cord-grass *Spartina maritime*, Perennial glasswort *Sarcocornia perennis*, Lax-flowered sea lavender *Limonium humile* and Eelgrasses *Zostera angustifolia*, *Z. marina* and *Z. noltei*.

With the implementation of the aforementioned mitigation measures listed in Table 2.1 below, it is considered that the development will have no adverse effect on the integrity of the Stour & Orwell Estuaries SPA and Ramsar through increased recreational pressure from the development alone. However as recreational disturbance is predicted from increased residents across Essex, residual impacts cannot be ruled out in combination with other plans and projects.

**Table 2.1**

<b>Development Alone - potential effects and comments</b>	<b>Mitigation Measures Proposed</b>	<b>Residual Effects</b>
Potential direct disturbance of non-breeding birds from noise, vibration, lighting and humans; Potential disturbance to designated habitats and plants;	Implementation of the amended Mitigation Strategy.No water sports to be allowed - bookings specifically exclude kayaks and paddle boards - and no dogs allowed on site. This will minimise offsite disturbance to the Habitats site from the public footpath (proposed route of England Coast Path) from the development site.	No adverse effect on site integrity predicted from the development ‘alone’ as these mitigation measures will be secured by a condition of any consent.

**In combination impacts**

As the temporary campsite has been assessed for impacts from the development alone and mitigation secured to make it acceptable, there is the need for assessment in combination with other plans and projects.

To ensure that no adverse effect on site integrity on the Stour and Orwell Estuaries SPA/Ramsar is caused from the development in combination with other plans and projects, the measures identified

in Table 2.2 are also required to be implemented in full. It is considered that, with these mitigation measures in place, adverse effects on site integrity on the Stour and Orwell Estuaries SPA & Ramsar can be avoided from the development in combination with other plans and projects.

**Table 2.2 - Potential effects, mitigation measures and residual impacts of in-combination effects during the construction and post-construction phases**

In-combination effects –potential effects and comments	Mitigation Measures Proposed	Residual Effects
<p>Trigger to assess developments for in-combination effects:</p> <ul style="list-style-type: none"> <li>• Development is within the ZOI for Stour &amp; Orwell Estuaries SPA and Ramsar and</li> <li>• Habitat sites covered by the Essex Coast RAMS</li> </ul> <p>(Natural England Impact Risk Zones on <a href="http://www.magic.gov.uk">www.magic.gov.uk</a>)</p> <p>Impacts from increased visitor numbers to the Habitat site from the campsite for the limited time period requested is considered to be limited and mitigation has been embedded.</p> <p>It is considered that the following plans and projects are, without mitigation, likely to lead to significant in-combination recreational effects on the Stour &amp; Orwell Estuaries SPA &amp; Ramsar sites in combination with the proposed development:</p> <p>Plans:</p> <ul style="list-style-type: none"> <li>• Basildon Local Plan</li> <li>• Braintree Local Plan</li> <li>• Brentwood Local Plan</li> <li>• Castle Point Local Plan</li> <li>• Chelmsford Local Plan</li> <li>• Colchester Local Plan</li> <li>• Maldon Local Plan</li> <li>• Rochford Local Plan</li> <li>• Southend on Sea Local Plan</li> <li>• Tendring Local Plan</li> <li>• Thurrock Local Plan</li> <li>• Uttlesford Local Plan</li> </ul>	<p>Visitor education through provision of information on booking with signage no site to manage land based recreational impacts off the campsite.</p>	<p>No adverse effect on site integrity is predicted from the development 'in combination' with other developments.</p> <p>However, the LPA should commit to reviewing the results of visitor monitoring at car park access points to the Habitats sites. This would mean that any residual impact from this development can be identified and remedied by the LPA to comply with the Habitats Regulations.</p>
<p>Alesford Neighbourhood Plan</p>	<p>The SEA and HRA screening report (Place Services, Nov 2019) concluded no likely significant effects as the Plan does not allocate land for development.</p>	<p>No AOEI so N/A.</p>



## **Conclusions**

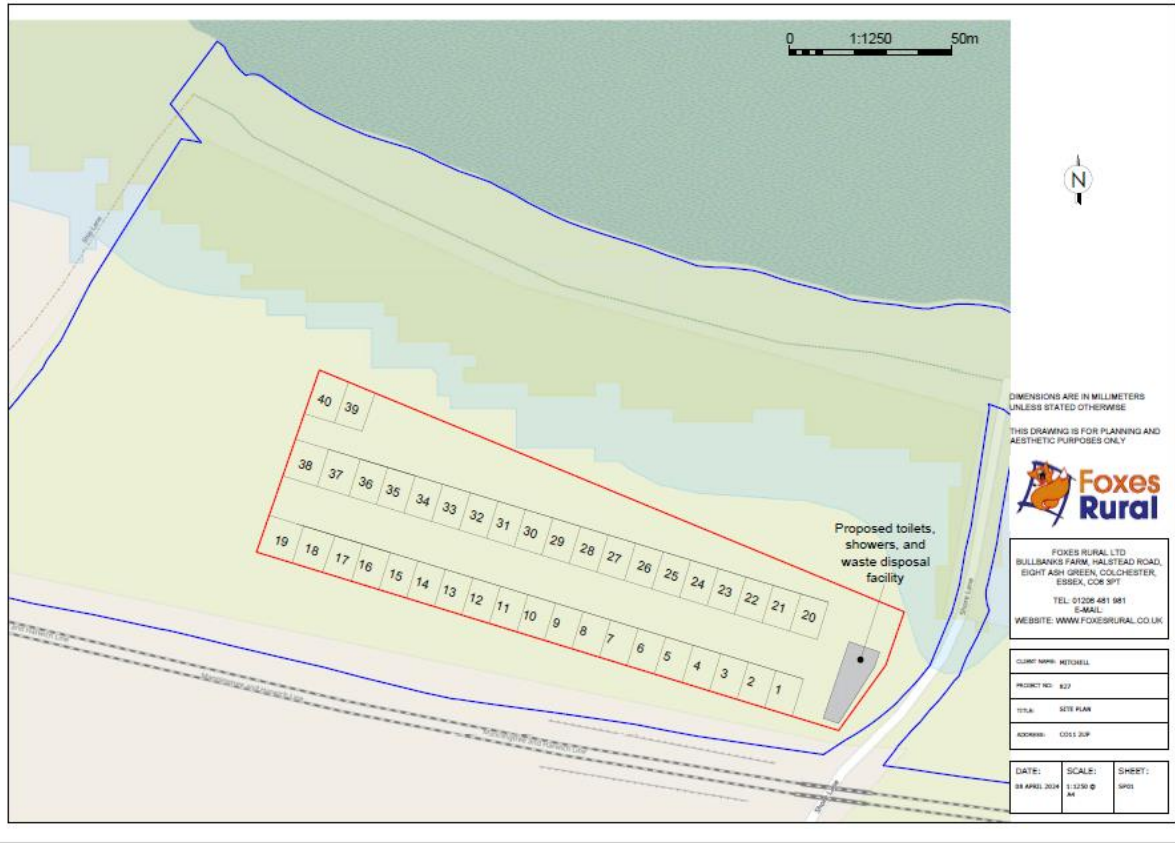
The range of potential impacts, particularly on the Stour & Orwell Estuaries SPA and Ramsar site but also on the other Essex coastal Habitat sites, within scope of this HRA assessment, and various mitigation measures have been considered and will be secured as part of any consent.

The package of mitigation measures identified need to be secured to avoid adverse effect on site integrity of the Habitats sites in scope. This therefore demonstrates Tendring DC's compliance with the Conservation of Habitats and Species Regulations 2017 (as amended).

This assessment is based on evidence provided and discussion with the applicant to ensure that the conclusion is beyond reasonable scientific doubt concerning the effects of the development envisaged on the Habitats sites concerned.

It is concluded that, provided the mitigation proposals described are implemented in their entirety, this project will have no adverse effect on site integrity of the Habitats sites within scope, either alone or in combination with other plans and projects.

Appendix 1 - Map of site



Appendix 2 - Map showing the location of the site (red) in relation to the Habitats sites  
 Produced on MAGIC Map, OS © Crown copyright licence No. 1000196002 Essex County Council

