

Date: 14 December 2016
Our ref: 200678
Your ref:



ldf@southend.gov.uk
BY EMAIL ONLY



Dear Sir / Madam

Revised Proposed Submission 2016 - Southend Central Area Action Plan consultation

Thank you for your consultation on the above which was received by Natural England on 03 November 2016.

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.

Context

We responded on 11 July 2011 on the Draft Southend Central Area Action Plan and associated HRA Screening Report (our ref 27040) and supplied comments online to the Central Area Action Plan – Proposed Submission on 17 October 2011 (our ref 33069). We also responded on 26 January 2016 on the Preferred Approach Option 2015 (our ref 176229).

While you have provided a Representation Form, we are providing comments below in the same format as that form in order to expedite this response:

1.To which part of the document does this representation relate?	Policy CS1: Central Seafront Policy Area Development Principles.
2. Do you?	Object
3. Do you consider the document is: 3(2) Sound?	No
4. Do you consider the DPD is UNSOUND because it is not:	4(4) Consistent with National Policy
5. Please give your reasons below why you are supporting/objection to this part of the plan.	
Natural England support the statement in point 1.i.ii “safeguard, and where appropriate, enhance the biodiversity of the foreshore and respect the European designations”. We welcome the recognition of the environmental importance of the foreshore as reflected in point 1.a. “an assessment of the scale, character, location and impact of the proposal on existing facilities and environmental designations, including protected green space”. We also support point 3c c. regarding the “integration of the open spaces of the seafront and foreshore with the ‘green grid’ to create a series of linked, functional green spaces” in order to relieve recreational pressure on designated sites.	
However within Policy CS1 there are the following matters which we raise as unsound: 1. We note that the Policy states “restricting development south of the sea wall” which we view does not provide sufficient protection for the international, European and national designated	

sites in accordance with paragraph 118 of the NPPF.

2. Point 3.d. describes use of creative lighting and we refer you to our previous advice relating to Policy CS6 (2011) that new lighting should be arranged as to avoid direct illumination of the foreshore or excessive glare when viewed from the foreshore. This is to *avoid potential impact* on designated areas and the species they contain, in accordance with paragraph 118 of the NPPF. In addition, light pollution can have negative impacts on local amenity and nature conservation (especially bats and invertebrates).
3. Point 4i. Opportunity Site (CS1.1): Southend Pier. As the pier crosses the Benfleet and Southend Marshes designated site, we would have concerns that future proposals to alter the structure (such as undertaking work to deck timbers), or widening the pier (as recently considered in order to facilitate a transport system) would have the potential to impact on the designated site.

NOTE: Point 4i. Opportunity Site (CS1.1): Southend Pier. We would advise that the Plan incorporate measures to reduce potential impacts on the important high-tide roost of wintering turnstone *Arenaria interpres* at the northeast corner of the pier-head. For example a recent new building close to this slipway was carefully designed to minimise overshadowing the slipway and was given a 'turnstone-friendly' rough-surfaced curved roof

6.What changes would you suggest should be made to this part of the plan?

1. We would advise this be amended to the wording originally used in the Draft Southend Central Area Action Plan 2011 (DSCAAP 2011) that "Development south of the seawall will not normally be permitted" where any proposal has potential to adversely affect a European site or cause significant harm to a Site of Special Scientific Interest (SSSI).
2. There are a number of places within the SCAAP that lighting and creative lighting are described, we have no preference for where the words "new lighting should be arranged as to avoid direct illumination of the foreshore or excessive glare when viewed from the foreshore" might be included.
3. We would advise that the following words be added to the Point 4i: "...angling; creative lighting; and sensitively sited renewable technologies, where appropriate and where the can be a net gain in biodiversity". There is a link here to our recommendations in point 1 of Question 6 in Policy CS2: Nature Conservation and Biodiversity (below)

1.To which part of the document does this representation relate?	Policy CS2: Nature Conservation and Biodiversity
2. Do you?	Object
3. Do you consider the document is: 3(2) Sound?	No
4. Do you consider the DPD is UNSOUND because it is not:	4(4) Consistent with National Policy

5. Please give your reasons below why you are supporting/objecting to this part of the plan.

Natural England welcomes the inclusion of our previous advice from 26 January 2016 within point 1.a. of the Policy to "ensure that all development proposals within the Central Seafront Area are accompanied by a Habitats Regulations Assessment and associated documentation to ensure there will be no adverse effect on the European and International foreshore designations (SPA and Ramsar) either alone or in combination with other plans or projects".

We also welcome the aspiration in point 1.e. of the Policy to link open space within a Southend 'green grid' (see CS1) and we support point 1.f to satisfy the need to make visitors and residents aware of the significance of the SSSIs through interpretation at a high-quality visitor facility.

It is our view that Policy CS2 as presented however is not consistent with National Policy:

1. It does not clearly set out criteria to firstly avoid, then mitigate and, as a last resort compensate for adverse impacts on biodiversity. The Southend on Sea Development Management Document (July 2015) also does not refer to the avoidance-mitigation-compensation hierarchy (see paragraph 118 of the NPPF).
2. It does not make a clear distinction between the protected sites hierarchy of international, national and local sites. A clear distinction should be made between the protected sites

hierarchy of international, national and local sites in order to ensure consistency with paragraph 113 of the NPPF. There are descriptions of 'designated sites', 'international and European designated sites'. Nationally designated sites are not described at all.

6.What changes would you suggest should be made to this part of the plan?

1. We would advise that the Policy include criteria to firstly avoid, then mitigate and, as a last resort compensate for adverse impacts on biodiversity, in accordance with paragraph 118 of the NPPF. We would advise the addition of a form of words such as "Development should aim to ensure that there is a net gain of biodiversity by protecting existing biodiversity and geodiversity assets and by:
 - a. Refusing development proposals where significant harm to an asset cannot be avoided, mitigated or,
 - b. as a last resort, compensated.
 The weight accorded to an asset will reflect its status in the hierarchy of biodiversity and geodiversity designations."
2. We would advise that the SCAAP is critically compared to the Southend on Sea Core Strategy (2007) with regards the hierarchy of designated sites and (within the context that the Core Strategy may not be NPPF-compliant) included.

1.To which part of the document does this representation relate?	Policy DS4: Flood Risk Management and Sustainable Drainage. Paragraph 97
2. Do you?	Object
3. Do you consider the document is: 3(2) Sound?	Yes
4. Do you consider the DPD is UNSOUND because it is not:	4(4) Consistent with National Policy
5. Please give your reasons below why you are supporting/objecting to this part of the plan.	
<p>Natural England welcomes this policy requiring Flood Risk Assessments and the widespread adoption of SuDS techniques.</p> <p>We note that climate change appears in Policy DS4 as well as in other places throughout the document; the main focus of attention relates to Flood Risk management. Whilst we recognise the intentions of paragraph 97 with regard mitigation of climate change by tree planting, we would advise that the SCAAP include a separate Policy on climate change, to cover both mitigation and adaptation, in accordance with paragraphs 94 and 156 of the NPPF. This Policy could focus on measures to assist biodiversity to adapt, and green infrastructure measures to assist people to adapt (principally to extreme high temperature events, extreme high/low rainfall events, and for coastal areas, sea level rise and extreme storm surge events). For example, using tree planting to moderate heat island effects and SuDS to address flooding. For more information, see PPG on Climate Change.</p>	
6.What changes would you suggest should be made to this part of the plan?	
Consider including a thematic climate change policy, and include mitigation and adaptation within the Polices.	

1.To which part of the document does this representation relate?	Policy CS3: The Waterfront.
2. Do you?	Object
3. Do you consider the document is: 3(2) Sound?	No
4. Do you consider the DPD is UNSOUND because it is not:	4(4) Consistent with National Policy
5. Please give your reasons below why you are supporting/ objecting to this part of the plan.	
<p>Natural England draws your attention to our advice on 17 October 2011: "any new or enhanced marine facilities as referred to in point 1.b may potentially need to be restricted to seasonal usage if [there will be no unacceptable impact upon navigation, biodiversity, flood risk or the special character and designations]". The seasonal restriction relates to <i>avoidance</i> of potential impacts on the interest features of Benfleet and Southend Marshes Special Protection Area / Ramsar in</p>	

accordance with paragraph 118 of the NPPF.

6.What changes would you suggest should be made to this part of the plan?

We would recommend amending wording of this policy from “2. Proposals for waterfront development within the Central Seafront Area and improved facilities will need to demonstrate that there will be no unacceptable impact upon navigation, biodiversity, flood risk or the special character and designations of the area” to “2. Proposals for waterfront development within the Central Seafront Area and improved facilities will need to demonstrate that there will be no unacceptable impact upon navigation, the conservation objectives or features of Benfleet and Southend Marshes Special Protection Area, Ramsar and SSSI, flood risk or the special character of the area.

1.To which part of the document does this representation relate?

Paragraph 29 (point 10)

2. Do you?

Support

**3. Do you consider the document is:
3(2) Sound?**

No

5. Please give your reasons below why you are supporting/objection to this part of the plan.

Natural England supports the Objective 10 “to enhance the quality of, and access to... natural environment and open spaces” as a means to relieve pressure on designated sites and to enhance local biodiversity and nature conservation through connection to the green grid.

6.What changes would you suggest should be made to this part of the plan?

None.

1.To which part of the document does this representation relate?

Paragraphs 94 – 98 (Open and Green Spaces)

2. Do you?

Object

**3. Do you consider the document is:
3(2) Sound?**

No

4. Do you consider the DPD is UNSOUND because it is not:

4(4) Consistent with National Policy

5. Please give your reasons below why you are supporting/objection to this part of the plan.

There is likely to be increased recreational and development pressures on designated international, European and nationally designated sites. While Natural England welcomes the inclusion of various measures of urban greening described in Policies: DS5, PA1, PA3, PA4, PA5, PA6, CS1, PA8, PA9, the Plan should include a strategic approach for networks of biodiversity **and** for green infrastructure. The SCAAP Consultation Draft Proposed Submission (2011) contained Policy PR1: Open Space Provision and the environment: a policy supported by Natural England. It contained a number of thematic-links: reducing recreational pressure on Benfleet and Southend Marshes SPA / Ramsar / SSSI and climate change mitigation within a framework of linking open spaces in the green grid. *Every effort should be made to minimise the severance of green infrastructure.*

Therefore although we welcome the intention expressed in paragraph 96 to remedy the deficit of green spaces within the Town Centre within the relevant Policy Areas and Opportunity Sites, it is not clear that the approach described at paragraph 95 is consistent with the NPPF paragraphs 114 and 117. It is also not clear whether a robust and up-to-date assessment of the needs for open space, and opportunities for new provision has been undertaken, in accordance with paragraph 73 of the NPPF. Natural England has an [Accessible Natural Greenspace Standard](#) and has produced an [analysis of the adequacy of open space provision for Essex](#), with details for each district.

6.What changes would you suggest should be made to this part of the plan?

1. Natural England recommends the links between Policies DS5 and CS1 are strengthened to demonstrate clearly a strategic approach. One recommendation would be to overlay the ‘green grid’ map of Thames Gateway South Essex Green Grid Strategy on to the Policy Map, and also include a wider-level map (as was included on p62 of the SCAAP Consultation Draft Proposed Submission (2011)) to help demonstrate strategic approach.
2. We would advise that a check is undertaken as to what assessment of open space needs has been undertaken either as part of the SCAAP or in any connected strategic plan. We would be recommend the inclusion of the [analysis of the adequacy of open space provision for Essex](#) in the evidence base.
3. We would also advise that the SCAAP DPD makes the distinction between natural

greenspace and general open space provision, as well as distinguishing between formal and informal open space.

1.To which part of the document does this representation relate?	Policies Map
2. Do you?	Object
3. Do you consider the document is: 3(2) Sound?	No
4. Do you consider the DPD is UNSOUND because it is not:	4(3) Effective 4(4) Consistent with National Policy
5. Please give your reasons below why you are supporting/objecting to this part of the plan.	
Nature Improvement Areas (NIA) are fundamental to the step-change needed to establish a coherent and resilient ecological network. Policies should ensure that any development affecting the Greater Thames Marshes NIA should be compatible with their purpose and make a positive contribution to NIA enhancement (using CIL/S106 agreements/conditions as appropriate). For information on NIAs see here .	
6.What changes would you suggest should be made to this part of the plan?	
Natural England advise that the Greater Thames Marshes NIA is included in the Plan Policy Map.	

Habitats Regulations Assessment (HRA)

We note that the Habitat Regulations Assessment -Screening Report (draft) dated June 2016 is still described as a Scoping Report. It is in fact a Screening Report - as previously advised on 26 January 2016 (our ref 174743) and 19 August 2016 (our ref: 191786). We note that the data presented in Table 1 - Conservation Objectives and Designated Features of European Sites on the Condition of the SSSIs has now been updated to accurately reflect the current condition of these sites. We also welcome the inclusion of the Southend-on-Sea Shoreline Strategy Plan following our advice of 26 January 2016.

Several of the Policies may result in additional development and/or intensification close to the European sites (particularly Benfleet and Southend Marshes SPA and Ramsar site). Notwithstanding this, Natural England is generally supportive of the HRA 'Scoping Report' and concurs with its conclusions that "the SCAAP, in conjunction with the Southend on Sea Core Strategy and related documents, will not have a significant effect on European sites".

NOTE The Thames Estuary 2100 Project table showing the Recommended Preferred Options for PMU Action Zones 8 & 6 contains duplicated information (pp 43-45 of the pdf).

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact me on 0208 225 7685. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours faithfully


Lead Adviser – Land Use Planning
West Anglia Area Team