

Date: 28 March 2019
Our ref: 273039
Your ref: N/A



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BY EMAIL ONLY

Customer Services

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Dear Sir/Madam

Southend-on-Sea Borough Council Local Plan – Issues and Options consultation

Thank you for your consultation on the above dated 06 February 2019 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.

Issues and Options

Natural England has considered the issues relevant to our remit and the natural environment. Where possible we have answered the questions put forward, however our general comments are as follows:

South Essex Joint Local Plan

Natural England acknowledges Southend-on-Sea's position within the wider 'South Essex Joint Local Plan'. It is understood that this is progressing, however still in the early stages. This strategic approach to development across Essex is supported by Natural England and we await consultation on these matters as appropriate in the future.

Section 1 – Vision & Spatial Strategy

Natural England supports the overall aims of the Southend Local Plan. In the context of the natural environment, the Local Plan should seek to protect and enhance, endorsed through robust and strongly worded policies at both a strategic and local level. This is reflected within policies 20, 170, 171 and 174 of the National Planning Policy Framework (NPPF) 2019, which advocates that the planning system should seek to deliver '*environmental gains*' and a move from a '*net loss of biodiversity to achieving net gains for nature*'.

It is understood that three options have been put forward for the spatial strategy of development within the Borough to provide 18,000-24,000 new residential dwellings. These options differ in terms of their impacts, for example 'Option 1' seeks to deliver all development within existing built up areas; it is recognised that towns and larger villages offer sustainable locations for development and limit the use of greenfield or 'Best Most Versatile' (BMV) land, however within existing built up areas there is also likely to be a limit to the capacity for additional on-site green infrastructure. Therefore whilst Natural England does not have specific comment on these options, when determining appropriate 'allocated sites' for development, the impacts, both positive and negative will need to be weighed to ensure the Local Plan is achieving the aim of enhancing the natural environment and is not resulting in significant harm.

Natural England advises that the Plan's vision and emerging development strategy should address impacts and opportunities for the natural environment with particular emphasis on designated environmental assets.

We recommend that the Plan Vision should also include a commitment to protect and enhance other aspects of the natural environment, in accordance with the NPPF, including geodiversity, local landscape and Best and Most Versatile land. Additionally, the Vision should also recognise the need for plan policies to contribute to mitigation and adaptation to climate change.

Section 2 – Planning for growth and change

4 – Promoting Southend as a major resort

4.1 – Allocate and promote new sites for additional tourism/leisure developments in the central seafront area or elsewhere in the Borough. Where do you think these should be focussed?

Natural England understands that Southend-on-sea is a tourist destination, with the coast providing an important role in Southend's local economy, supported through access to and use of the coast (and the wider natural environment). Whilst there may be a need as a tourist destination for development of facilities etc. to ensure there is capacity, Natural England is concerned that in some locations, increased recreational pressure may have significant impacts to both national and internationally designated sites. Such impacts include habitat trampling, bird disturbance, noisy/disruptive water activities etc. The Benfleet and Southend Marshes Special Protection Area (SPA), Ramsar and the Thames Estuary Special Protection Area (SPA), Ramsar are examples of designated sites within the area of the Southend Local Plan which are vulnerable to this type of disturbance impact.

Wider development of the coast should be subject to further consideration in the context of the Habitats Regulations (both alone and in-combination) and through the Local Plan's accompanying Sustainability Appraisal. Whilst Natural England understands the importance of tourism, there should be careful consideration of the location of such development, reflected within the emerging Local Plan policies and accompanying assessments (i.e. HRA and SA).

4.4 – Improve accessibility to the central seafront areas for all users. How best do you think this could be achieved?

Natural England would take this opportunity to highlight the ongoing work on the England Coast Path. Natural England is charged with implementing the England Coast Path, which is due for completion as a whole project by 2020. However, the formal opening of the route is likely to be later due to unavoidable delays in the legal process. This new record-breaking long-distance trail will eventually allow people to walk around the whole English coast. Work on the Southend sections of the Path is currently underway and our team of coastal path advisers, and Natural England would seek to achieve Policy support for the Coast Path in Southend-on-sea Borough Council's Local Plan. The two stretches under development within the Borough are Tilbury to Southend and Southend to Wallasea Island. Publication is expected later in 2019, allowing everyone a chance to comment on the preferred route (developed in full consultation with many parties). The ultimate decision on the routes lies with the Secretary of State.

The England Coast Path is possible because of the Marine and Coastal Access Act 2009. As well as a long-distance walking route, there may be areas of 'spreading room' beside the route where people can explore, relax and admire the view. The act also means that for the first time, where existing footpaths erode into the sea, a replacement route can be quickly put in place – securing people's right to walk around the coast forever. The new path will avoid certain areas such as private houses and gardens, major ports and in some locations, areas that are important for sensitive species.

Designing the route as part of the England Coast Path will bring more support for local services like shops, hotels and pubs through increased visitor spending where additional visits are made, and

therefore aligns well with the Council's proposed approach to tourism. In this Year of Green Action, it also connects people with nature and has major benefits in improving health and well-being. The Coast Path may potentially present challenges in certain locations, where access to the coast may cause recreational disturbance to some of the interest features of sites designated for their nature conservation interest. The Path will be subject to the rigorous tests of the Habitats Regulations, and will therefore seek to achieve consistency in its approach to safeguarding sensitive features of these sites as any other plan or project. We would be pleased to discuss this with you in more detail should you wish.

6 – Providing for a sustainable transport system

Natural England acknowledges that with increased development there will be greater infrastructure requirements across the Borough. We would take this opportunity to comment on potential air quality issues as a result of increased vehicular movements.

This also extends to any changes or alterations to Southend City Airport which has the potential for significant impacts on the natural environment. It is noted that air quality and noise issues have already been identified as a potential concern and on this basis Natural England would anticipate further assessment through the Local Plan's accompanying HRA and SA. Natural England is aware that increasing flight numbers over Holehaven Creek Site of Special Scientific Interest (SSSI) have been noted as causing disturbance to Thames Estuary and Marshes SPA features (such as non-breeding black tailed godwits). In terms of air quality, consideration should be given to these issues in the context of both aircraft movements and increased road traffic and there are a number of designated sites of international and national importance within scoping distance for the HRA and SA. For reference, the zone of influence for both road traffic and aircrafts may differ and may not be restricted to proximal designated sites.

Section 3 – Creating good quality and healthy places

9 – Enhancing our Natural Environment

9 – How best do we protect and enhance our environment in the face of increasing growth and development pressures?

The Local Plan will approach development within the district at a strategic level, whereby wider consideration can be made in terms of the necessary local plan requirements for the natural environment across the plan area as a whole. This strategic level provides greater opportunity to consider the issues at hand, how these interlink and how they can be addressed moving forwards. Natural England would expect that an assessment of the appropriateness of sites would be undertaken, as mentioned previously in this letter. The plan should clearly set out the criteria for selecting and allocating sites, particularly focussing on those with the least environmental value, for instance, avoiding designated sites and landscapes, BMV land, areas at risk of flooding/coastal erosion.

The following designated sites and environmental considerations fall within the area of the Southend Local Plan:

- Benfleet and Southend Marshes SSSI, SPA, Ramsar
- Foulness SSSI, SPA, Ramsar
- Outer Thames Estuary SPA
- Essex Estuaries SAC
- Leigh NNR
- Areas of ancient woodland (such as near Leigh-on-sea) – the plan area is directly adjacent Great Wood & Dodds Grove SSSI

Please note that this is not a comprehensive list, but indicates some of the key sites that require further consideration in the local plan context. A full assessment of all relevant sites and the potential impacts of the Local Plan should be made through the appropriate mechanisms.

We suggest that key issues / threats should be considered at this early stage in the plan, particularly changes in water quality / resources, air quality and increased recreational pressure.

Natural England is also aware that Southend-on-Sea BC is committed to the developing Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy which looks to mitigate for recreational impacts 'in-combination' with other plans and projects across the Essex coastal designated sites. The entirety of the Local Plan area will fall within the Zone of Influence for this strategic solution, therefore all residential development coming forward will need to be considered in the context of this issue. The level of required mitigation will be dependent on the scale of individual developments, however Natural England's guidance on this matter is set out in our letter to the participating Local Planning Authorities dated 16 August 2018 (reference 244199).

It would be expected that this commitment would be reiterated through a relevant planning policy and Natural England would suggest this be through an overarching requirement, capturing both allocated development and any windfall that will otherwise not have a site specific policy requirement. The mitigation for these impacts at present includes a combination of on-site measures within development boundaries, and off-site measures at the coastal designated sites. In highly developed areas where there may be a limit to on-site capacity, such as on site green infrastructure, consideration should be given to whether there is scope to provide this strategically, to ensure sufficient mitigation is being sought. Natural England would be happy to discuss this further when the spatial strategy approach has been determined.

9.2 – Seek to enhance the borough's network of green infrastructure using developer contributions for the management of green and open spaces and introduction of pocket parks?

Green infrastructure is a key consideration in terms of the natural environment, but also in ensuring that the Borough's designated sites are ecologically robust. Green Infrastructure provides multiple functions and Natural England would be supportive of a strategic approach to green infrastructure, ensuring good ecological connectivity and high quality networks across the plan area.

Natural England would welcome a dedicated green infrastructure policy requirement through the Local Plan with consideration of what existing green infrastructure availability, where is this located in the wider context and how can this be improved to the benefit of both the natural environment, connectivity within the borough through improved footpaths and cycleways, the use of Sustainable Drainage (SUDS) etc. Consideration of the green infrastructure (GI) network should include designated sites including SSSIs, SPAs, SACs and Ramsar sites, local wildlife sites and Habitats and Species of Principle Importance, in accordance with Paragraph 109 of the National Planning Policy Framework (NPPF). The plan should take a strategic approach to the protection and enhancement of the natural environment and aim for a net gain for biodiversity considering opportunities for enhancement and improving connectivity. The plan should seek to contribute to the objectives and targets of the local Biodiversity Action Plan, Rights of Way Improvement Plans and Green Infrastructure Strategy.

This is also consistent with the approach of 'Net Gain' which has been further established through the recent iterations of the NPPF. Natural England would encourage the council to consider the current position on net gain with an aim of incorporating this into policy, particularly where considering large scale site specific allocations.

9.3 – In liaison with adjoining local authorities seek to provide new country park and open parkland facilities (including from developer contributions) as part of strategic development sites, including where they help mitigate pressure on some of the most sensitive coastal habitats?

Natural England would welcome and support the consideration and development of a strategic approach to GI. Our comments on GI and the Essex RAMS are as above, however we would reiterate the importance of GI as a buffer and form of mitigation.

9.4 – Any other issues/comments

Natural England expects the plan to consider the strategic impacts on water quality and resources as outlined in paragraph 170 of the NPPF. We would also expect the plan to address flood risk management in line with the paragraphs 155-165 of the NPPF. The Local Plan should contain policies which protect habitats from water related impacts and where appropriate seek enhancement. Priority for enhancements should be focused on statutorily designated and local sites which contribute to a wider ecological network. The Local Plan should positively contribute to reducing flood risk by working with natural processes and where possible use Green Infrastructure policies and the provision of SUDs to achieve this.

10 – Planning for Climate Change

Natural England would promote the consideration of the Essex and South Suffolk Shoreline Management Plan (2010) (SMP) within the Local Plan with the aim of integrating, supporting and implementing the policies of the SMP within the relevant Epochs.

This concludes Natural England's comments based on the information available at this stage. We look forward to receiving further consultation on the draft plan and supporting HRA & SA/SEA as appropriate. Please note that Natural England may expand upon these comments or raise issues not referenced within this response when the chosen 'vision' of the plan and locations of potential allocated sites have been identified.

Please send further correspondence, marked for my attention, to consultations@naturalengland.org.uk quoting our reference 273039

Yours faithfully


Essex Area Delivery Team

Annex 1 Issues that the new Local Plan needs to cover

Landscape

Natural England expects the Plan to include strategic policies to protect and enhance valued landscapes, as well criteria based policies to guide development, as set out in the NPPF, The Local Plan's policies and proposals should be informed by [National Character Areas](#) (NCAs). NCAs divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. These should be supplemented by a more detailed Landscape Character Assessment (LCA) of the plan area. Such assessments can assist in the selection of locations for development which involve the least harm to landscape character and guide policies on the design of development.

Designated sites

The Local Plan should set criteria based policies to ensure the protection of designated biodiversity and geological sites. Such policies should clearly distinguish between international, national and local sites¹. Natural England advises that all relevant Sites of Special Scientific Interest (SSSIs), European sites (Special Areas of Conservation and Special Protection Areas) and Ramsar sites² should be included on the proposals map for the area so they can be clearly identified in the context of proposed development allocations and policies for development. Designated sites should be protected and, where possible, enhanced.

The Local Plan should be screened under Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (as amended) at an early stage so that outcomes of the assessment can inform key decision making on strategic options and development sites. It may be necessary to outline avoidance and/or mitigation measures at the plan level, including a clear direction for project level HRA work to ensure no adverse effect on the integrity of internationally designated sites. It may also be necessary for plans to provide policies for strategic or cross boundary approaches, particularly in areas where designated sites cover more than one Local Planning Authority boundary.

Natural England would welcome early discussion on the Habitats Regulations Assessment (HRA) of the plan and can offer further advice as policy options are progressed.

The [Magic](#) website is a useful source of information on the location and qualifying features of the international and national designations. Natural England's [Impact Risk Zones](#), relating to designated sites, is another useful tool to identify risks associated with different types of development. Natural England has also produced Site Improvement Plans ([here](#)) for European sites which provide an overview of the issues affecting the condition of the site(s) and outlines the priority measures required to improve the condition of the features. Local Environmental Records Centres should also be of assistance and often hold information on Local Wildlife Sites

Biodiversity and Geodiversity

The Plan should set out a strategic approach, planning positively for the creation, protection, enhancement and management of networks of biodiversity. There should be consideration of geodiversity conservation in terms of any geological sites and features in the wider environment. A strategic approach for networks of biodiversity should support a similar approach for green infrastructure (outlined below). New development should incorporate opportunities to enhance biodiversity, wherever possible.

Priority habitats, ecological networks and priority and/or legally protected species populations

The Local Plan should be underpinned by up to date environmental evidence, this should include an assessment of existing and potential components of ecological networks working with Local Nature Partnerships, to inform the Sustainability Appraisal, the development constraints of particular sites, to ensure that land of least environment value is chosen for development, and to ensure the mitigation hierarchy is followed.

Priority habitats and species are those listed under Section 41 of the Natural Environment and Rural Communities Act, 2006 and UK Biodiversity Action Plan (UK BAP). Further information is available here: [Habitats and species of principal importance in England](#). Local Biodiversity Action Plans (LBAPs) identify the local action needed to deliver UK targets for habitats and species. They also identify targets for other habitats and species of local importance and can provide a useful blueprint for biodiversity enhancement in any particular area.

Protected species are those species protected under domestic or European law. Further information can be found here [Standing advice for protected species](#). Sites containing watercourses, old buildings, significant hedgerows and substantial trees are possible habitats for protected species.

Ecological networks are coherent systems of natural habitats organised across whole landscapes so as to maintain ecological functions. A key principle is to maintain connectivity - to enable free movement and dispersal of wildlife e.g. badger routes, river corridors for the migration of fish and staging posts for migratory birds.

(Where NIAs have been identified) The Plan should also reference [Nature Improvement Areas](#) (NIAs) and consider specifying appropriate types of development within them. NIAs can provide a focal point for creating more and better-connected habitats. Where housing allocations are proposed in the environs of NIAs opportunities to contribute to habitat enhancement should be explored. Planning positively for ecological networks will contribute towards a strategic approach for the creation, protection, enhancement and management of green infrastructure, as identified in paragraph 20 and 171 of the NPPF.

Priority habitats can be found on the [magic](#) website. Natural England does not hold records of priority or legally protected species but Local Records Centres may be able provide these. The plan should promote the preservation, restoration and recreation of priority habitats. When considering the re-use of brownfield land, it will be important to make clear that such sites can be of high environmental value, such as open mosaic habitats on previously developed land.

Where a plan area contains irreplaceable habitats, such as ancient woodland and veteran trees, there should be appropriate policies to ensure their protection. Natural England and the Forestry Commission have produced [standing advice](#) on ancient woodland and veteran trees.

Green Infrastructure

Green infrastructure refers to the living network of green spaces, water and other environmental features in both urban and rural areas. It is often used in an urban context to provide multiple benefits including space for recreation, access to nature, flood storage and urban cooling to support climate change mitigation, food production, wildlife habitats and health & well-being improvements provided by trees, rights of way, parks, gardens, road verges, allotments, cemeteries, woodlands, rivers and wetlands.

Green infrastructure is also relevant in a rural context, where it might additionally refer to the use of farmland, woodland, wetlands or other natural features to provide services such as flood protection, carbon storage or water purification.

A strategic approach for green infrastructure networks should support a similar approach for ecological networks, as outlined above. Evidence of a strategic approach can be underpinned by Green Infrastructure Strategy. We encourage the provision of green infrastructure to be included within a specific policy in the Local Plan or alternatively integrated into relevant other policies, for example biodiversity, green space, flood risk, climate change, reflecting the multifunctional benefits of green infrastructure.

Access and Rights of Way

Natural England advises that the Plan should include policies to ensure protection and enhancement of public rights of way and National Trails, as outlined in paragraph 98 of the NPPF. Recognition should be given to the value of rights of way and access to the natural environment in relation to health and wellbeing and links to the wider green infrastructure network. The plan should seek to link existing rights of way where possible, and provides for new access opportunities. The plan should avoid building on open space of public value as outlined in paragraph 97 of the NPPF. The plan should make provision for appropriate quantity and quality of green space to meet identified local needs as outlined in paragraph 96 of the NPPF. Natural England's work on [Accessible Natural Greenspace Standard](#) (ANGSt) may be of use in assessing current level of accessible natural greenspace and planning improved provision.

Soils

The Local Plan should give appropriate weight to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpin our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver.

The plan should safeguard the long term capability of best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future.

To assist in understanding agricultural land quality within the plan area and to safeguard 'best and most versatile' agricultural land in line with paragraph 170 & 171 of the NPPF, strategic scale Agricultural Land Classification (ALC) Maps are available. Natural England also has an archive of more detailed ALC surveys for selected locations. Both these types of data can be supplied digitally free of charge by contacting Natural England. Some of this data is also available on the www.magic.gov.uk website. The planning authority should ensure that sufficient site specific ALC survey data is available to inform plan making. New ALC surveys may be required for sites allocated in the plan.

Coastal issues

Natural England expects the Plan to identify a Coastal Change Management Area and set out the type of policies and developments that would be appropriate in it. The NPPG gives guidance on how to define a Coastal Change Management Area as follows:

“Coastal Change Management Area will only be defined where rates of shoreline change are significant over the next 100 years, taking account of climate change. They will not need to be defined where the accepted shoreline management plan policy is to hold or advance the line (maintain existing defences or build new defences) for the whole period covered by the plan, subject to evidence of how this may be secured”.

We would also expect the plan to consider the marine environment and apply an Integrated Coastal Zone Management approach. Where marine plans are in place, local plans should also take these into account. More detail about marine plans can be found [here](#), including details on marine plans, which have been finalised (*refer to relevant plan*).

The plan should refer to the relevant Shoreline Management Plan and take forward applicable actions. Local Authorities should use Shoreline Management plans as a key evidence base for shaping policy in coastal areas. The list of existing SMPs can be found [here](#).

Other sources that may help inform decisions on the appropriate area for the coastal change management area include:

- [catchment flood management plans](#)
- estuary management plans
- harbour management plans
- [River basin management plans](#)
- [Environment Agency - Coastal Erosion Maps](#)

Sea level rise and coastal change are inevitable and bring both challenges and opportunities for people and nature. Sustainable coastal management needs to embrace long-term change and achieve positive outcomes for both.

Local Plans should therefore provide for coastal adaptation and work with coastal processes. Plans within coastal areas should recognise the need to respond to changes over long timescales and adopt an integrated approach across administrative and land/sea boundaries. A successful integrated approach should set levels of sustainable levels of economic and social activity whilst protecting the environment.

We would also advise that Local Plans should help facilitate the relocation of valued environmental assets away from areas of risk.

Air pollution

We would expect the plan to address the impacts of air quality on the natural environment. In particular, it should address the traffic impacts associated with new development, particularly where this impacts on European sites and SSSIs. The environmental assessment of the plan (SA and HRA) should also consider any detrimental impacts on the natural environment, and suggest appropriate avoidance or mitigation measures where applicable.

Natural England advises that one of the main issues which should be considered in the plan and the SA/HRA are proposals which are likely to generate additional nitrogen emissions as a result of increased traffic generation, which can be damaging to the natural environment.

The effects on local roads in the vicinity of any proposed development on nearby designated nature conservation sites (including increased traffic, construction of new roads, and upgrading of existing roads), and the impacts on vulnerable sites from air quality effects on the wider road network in the area (a greater distance away from the development) can be assessed using traffic projections and the 200m distance criterion followed by local Air Quality modelling where required. We consider that the designated sites at risk from *local impacts* are those within 200m of a road with increased traffic¹, which feature habitats that are vulnerable to nitrogen deposition/acidification. [APIS](#) provides a searchable database and information on pollutants and their impacts on habitats and species.

Water Quality and Resources and Flood Risk Management

Natural England expects the Plan to consider the strategic impacts on water quality and resources as outlined in paragraph 20 & 149 of the NPPF. We would also expect the plan to address flood risk management in line with the paragraphs 100-104 of the NPPF.

The Local Plan should be based on an up to date evidence base on the water environment and as such the relevant River Basin Management Plans should inform the development proposed in the Local Plan. These Plans (available [here](#)) implement the EU Water Framework Directive and outline the main issues for the water environment and the actions needed to tackle them. Local Planning Authorities must in exercising their functions, have regard to these plans.

The Local Plan should contain policies which protect habitats from water related impacts and where appropriate seek enhancement. Priority for enhancements should be focussed on N2K sites, SSSIs and local sites which contribute to a wider ecological network.

¹ The ecological effects of diffuse air pollution (2004) English Nature Research Report 580
Design Manual for Roads and Bridges Volume 11, Section 3 Part 1 (2007), Highways Agency

Plans should positively contribute to reducing flood risk by working with natural processes and where possible use Green Infrastructure policies and the provision of SUDs to achieve this.

The NPPG provides further guidance on [information sources for the water environment](#) which should be used to inform the Local Plan and the SA/SEA.

Climate change adaptation

The Local Plan should consider climate change adaptation and recognise the role of the natural environment to deliver measures to reduce the effects of climate change, for example tree planting to moderate heat island effects. In addition factors which may lead to exacerbate climate change (through more greenhouse gases) should be avoided (e.g. pollution, habitat fragmentation, loss of biodiversity) and the natural environment's resilience to change should be protected. Green Infrastructure and resilient ecological networks play an important role in aiding climate change adaptation.