

core strategy development plan document

the habitats regulation assessment
(including appropriate assessment) of
proposed changes to southend on sea core
strategy dpd (under the provisions of the habitats
regulations)

southend on sea borough council
local development framework

delivering regeneration and growth
July 2007

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Part 1: Introduction

- 0.1 In January 2007, Southend on Sea Borough Council completed an Appropriate Assessment of its submission Core Strategy Development Plan Document (DPD) required under the provisions of the Habitats Regulations. This was published as Appendix 1 to Topic Paper 10 'Appropriate Assessment' and submitted to the Inspector conducting the examination into the soundness of the Core Strategy DPD. The findings of the Appropriate Assessment led to a number of proposed changes to policies and supporting text to ensure appropriate nature conservation interest of European Sites are protected.
- 0.2 Natural England (NE) and Royal Society for the Protection of Birds (RSPB) have confirmed that they were satisfied that the Core Strategy submitted in August 2006, with changes proposed in Topic Paper 10, would avoid an adverse affect on the integrity of Natura 2000 sites, either alone or in combination with other plans or projects.
- 0.3 In February 2007 the Council published, for further consultation and Sustainability Appraisal, Pre-Examination Changes Core Strategy Development Plan Document which included the changes recommended in the Appropriate Assessment and others proposed in its Topic Papers 1 to 9.

1.1 Purpose of this Report

- 1.1.1 The purpose of this report is to document the process and findings of a Habitats Regulation Assessment undertaken by the Borough Council of the 'Pre-examination Changes to the Core Strategy' published for consultation purposes on 26th March 2007 and further changes proposed in the Council's Hearing Papers 1-10.
- 1.1.2 It updates the Habitats Regulation Assessment (including Appropriate Assessment)¹ previously undertaken of the submission Core Strategy Development Plan Document by the Borough Council *in liaison with Natural England, the Royal Society for the Protection of Birds (RSPB) and the Essex Wildlife Trust (EWT)*. This was submitted to the Inspector carrying out the examination of soundness of the Core Strategy DPD as Topic Paper 10.
- 1.1.3 This report assesses the proposed Pre Examination Changes to the Core Strategy and those changes proposed in Hearing Papers 1-11 in accordance with the Habitats Regulations and has been undertaken to meet the requirements of the forthcoming legislation, *The Conservation (Natural Habitats, &c.) (Amendments) (England and Wales) Regulations*.

¹ The whole process of assessing the effects of a plans and strategies on European sites is referred to in this document as the 'Habitats Regulations assessment', to clearly distinguish the whole process from the step within it commonly referred to as the 'appropriate assessment'.

1.2 The Amendments to the Habitats Regulations

1.2.1 This Habitats Regulations Assessment is produced in light of the Judgment of the European Court of Justice (ECJ) on 20th October 2005, (Case C-6/04). The Court held that Article 6(3) and (4) of the Habitats Directive, and therefore, by implication Part IV of the Conservation (Natural Habitats &c) Regulations 1994 (the Habitats Regulations), apply to land use plans in England. This is because the Court held that land use plans are to be considered as 'plans or projects' within the meaning of the Directive. Draft Regulations to implement the judgment were published for England and Wales in May 2006². The amended Regulations were due to come into force in September 2006, after which time guidance will be finalised for Local Development Documents (LDDs). The effect of the Regulations will be to add Part IVA to the 1994 Regulations "Appropriate Assessments for Land Use Plans in England and Wales".

1.3 Summary of implications and Guidance for Local Development Documents in England

1.3.1 The following paragraphs set out Natural England's Guidance with regard to the review / revision of Southend on Sea Borough Council's submission Core Strategy DPD (including the Pre-examination changes) and preparation of other component LDDs within its Local Development Framework.

1.3.2 One of the principal requirements of the draft Regulations is that before a Local Development Document (LDD) is published by the Secretary of State under S.9(6) of the 2004 Act³, the Local Planning Authority (LPA) shall apply the requirements of regulations 85A-E. The essential requirement of regulations 85A-E is for the Local Planning Authority to assess the potential effects of the LDD on European Sites in Great Britain. The site affected could be in or outside England. The Regulations apply irrespective of when the LPA started the review. The whole process of assessing the effects of an LDD on European sites is referred to in this guidance as the 'Habitats Regulations assessment', to clearly distinguish the whole process from the step within it commonly referred to as the 'appropriate assessment'.

1.3.3 European Sites are Special Protection Areas (SPA) classified under the EC Birds Directive 1979 and Special Areas of Conservation (SAC) and candidate Special Areas of Conservation (cSAC) designated under the EC Habitats Directive 1992⁴. As a matter of policy the Government expects public authorities to treat all Ramsar sites and potential SPAs (pSPA) as if they are fully designated European Sites for the purpose of considering development proposals that may affect them⁵. For ease of reading this guidance all SPA, pSPA, SAC, cSAC and Ramsar sites to which the procedures for assessment apply are referred to as '**European sites**'.

² The Draft Conservation (Natural Habitats &c) (Amendment) (England and Wales) Regulations 2006

³ The Planning and Compulsory Purchase Act 2004, Part 6

⁴ See further Office of the Deputy Prime Minister, Circular 6/2005, Department for Environment Food and Rural Affairs Circular 1/2005, *Biodiversity and Geological Conservation: Statutory obligations and their impact within the planning system*

⁵ Office of the Deputy Prime Minister, 2005, Planning Policy Statement 9 *Biodiversity and Geological Conservation* paragraph 6

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Core Strategy – Appropriate Assessment

- 1.3.4 If the LDD is likely to have a significant effect, alone or in combination with other plans and projects, on one or more European sites it must be subject to an “appropriate assessment” as required by Article 6(3) of the Habitats Directive and regulation 85B of the draft Regulations.
- 1.3.5 Depending on the outcome of the Habitats Regulations assessment, the Local Planning Authority (LPA) may need to amend the LDD to eliminate or reduce potentially damaging effects on the European site and/or may need to consider alternative solutions that would have a lesser effect on the relevant site and/or consider if there are imperative reasons of overriding public interest sufficient to justify the potential effects on the European site(s) affected. The Government is likely to expect that a LDD will only need to proceed by way of these later tests in the most exceptional circumstances because a LPA should, where necessary, adapt the LDD as a result of the Habitats Regulations assessment, to ensure that it will not adversely affect the integrity of any European site. These considerations are explained further below.

Timing of the Assessment

- 1.3.6 Ideally, the assessment of a LDD under the Habitats Regulations should be undertaken during the preparation of the strategy, and from the earliest stages, so that the assessment influences the evolution of the review. However, in cases where review has already begun, the assessment should be carried out as soon as practicable and in any event, before publication of the final LDD⁶. Where a LPA chooses to consult the public under the provisions of regulation 85B(3), the consultation will need to be undertaken during the normal consultation period on the review, if a further consultation stage is to be avoided.

Integration with Review and Revision Processes

- 1.3.7 The Habitats Regulations assessment should also be incorporated into existing review procedures wherever possible. LDD are already subject to Sustainability Appraisal (SA) under the 2004 Act⁷ and strategic environmental assessment (SEA) under the SEA Regulations⁸.
- 1.3.8 Public consultation is a statutory requirement of SEA procedures, but a discretionary requirement in respect of the Habitats Regulations assessment. Consequently, the consultation implications of the judgment are no more onerous for a LDD where the Habitats Regulations assessment is integrated into the wider plan-making process. In the remainder of the guidance the wider SA and SEA processes are referred to simply as the ‘SA process’, because this includes the SEA of a LDD and the sustainability appraisal report would include the environmental report required under the SEA Regulations. It may also include the report on the Habitats Regulations assessment.

⁶ See regulation 85A of the draft Regulations

⁷ Section 5(4) of the Planning and Compulsory Purchase Act 2004

⁸ The Environmental Assessment of Plans and Programmes Regulations 2004

Other Relevant Guidance

1.3.9 The Borough Council has had regard to the following guidance:

1. Natural England (August 2006) *Draft Guidance – The Assessment of Regional Spatial Strategies and Sub-regional strategies under the provisions of the Habitats Regulations*, Natural England, Sandy.
2. Department of Communities and Local Government (August 2006) *Planning for the Protection of European Sites: Appropriate Assessment. Guidance for Regional Spatial Strategies and Local Development Documents*, DCLG, London
3. Office of the Deputy Prime Minister, Circular 6/2005, Department for Environment Food and Rural Affairs Circular 1/2005, Biodiversity and Geological Conservation: Statutory obligations and their impact within the planning system
4. ODPM et al, 2005, *A Practical Guide to the Strategic Environment Assessment Directive*
5. Natural England (January 2001) *Benfleet and Southend Marshes- European Marine Site: English Nature's advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994* Natural England
6. Natural England (June 2000) *Essex Estuaries European Marine Site: English Nature's advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994* Natural England

Distinguishing between Procedure and Method

1.3.10 It is helpful to make a distinction between:

1. procedure, which includes the procedural stages of assessment and prescribes who should do what, when it should be done and who should be consulted etc.; and
2. method, which is how each of the steps of the assessment itself may be carried out.

1.3.11 The procedure is prescribed by law, in the draft Regulations. Failure to comply with the procedures could lead to a legal challenge.

1.3.12 The method of assessment, however, is not prescribed by law. It is necessary, on a case-by-case basis, to decide how best to carry out the assessment of a LDD, what information and analysis may be required, what assumptions and predictions will need to be made, etc. The method and level of detail of the Habitats Regulations assessment will vary with the scale and geographic area of the strategy, the stage it has reached, the nature of its policies and proposals, the sites it may affect and how it may affect them.

1.3.13 Selection of the best method that will make the assessment 'appropriate' is a judgement that should take account of good practice and may be limited by the information available and the technical or scientific know-how. Natural England has advised the Borough Council on the appropriate method, scale and level of

detail and other aspects of this Habitats Regulation Assessment of the submission Core Strategy DPD. This advice is being applied to this update of the Habitats Regulation Assessment for the Pre-examination changes to the Core Strategy DPD.

The Complexity and Level of Detail of the Assessment

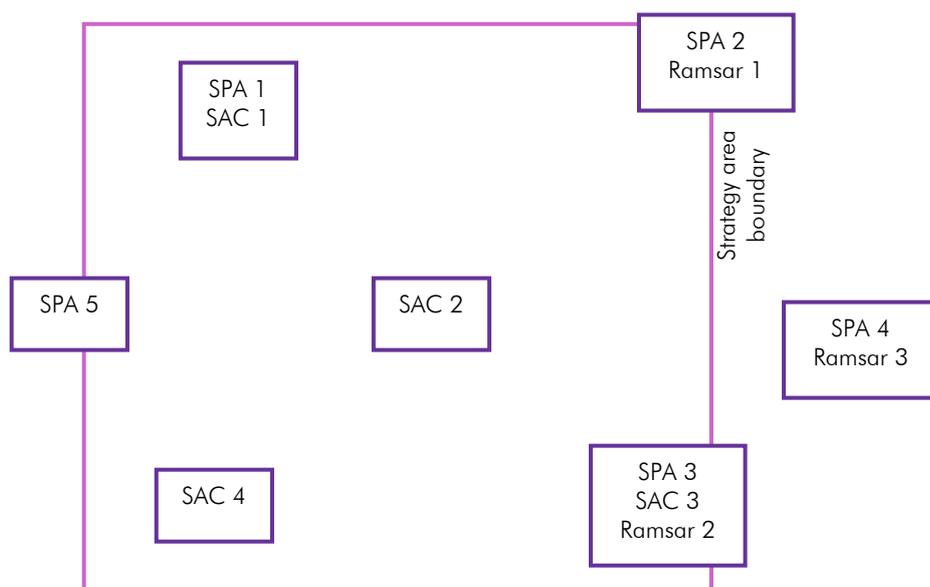
1.3.14 In most cases, it will not be possible to subject a LDD to the same level of rigor in respect of regulations 85A-E as a specific project submitted for consent would be assessed under regulation 48 of the Habitats Regulations. There will not normally be the same level of information about:

1. the changes that may be predicted as a result of implementing a policy or proposal in a LDD; or
2. what the effects of the changes may be on the site(s) potentially affected, or
3. how the effects may be avoided or mitigated; or
4. if necessary how the effects may be compensated for.

1.3.15 Strategies will vary in their geographic extent and therefore their propensity to affect international sites; strategies could potentially affect no sites, one site, a few sites, or many sites over a wide area. The sites affected may be of a similar kind, for example, uplands, estuaries or rivers or may be of different kinds. This variable, and usually broader, level of Habitats Regulations assessment is acknowledged by the EC. It was explicitly addressed, for example, in the Advocate General’s opinion leading up to the ECJ judgment⁹. What is expected is as rigorous an assessment as can reasonably be undertaken.

1.3.16 ‘Multiple site assessments’ are those where the strategy to be assessed is extensive in geographic terms, or the density or coverage of international sites is high such that, in either case the strategy could affect several international sites. These are illustrated diagrammatically in Figure 1.

Figure 1: Diagrammatic Representation Of A ‘Multiple Site Assessment’



⁹ Opinion of Advocate General Kokott delivered 9th June 2005, Case C-6/04 EC v United Kingdom of Great Britain and Northern Ireland

1.3.17 Whether a multiple or single site assessment is undertaken, the process will be the same. Multiple site assessments may involve very complex site interactions. It is conceivable that a multiple site assessment could be so complex that it will be advantageous to separate it from the Sustainability Appraisal process. The advantage of embedding the Habitats Regulations assessment into the Sustainability Appraisal process is likely to prevail in most cases, where LDD programming facilitates this, but it is not a legal requirement. The two assessments can be undertaken separately, although in parallel and utilising common stages such as consultation.

Transparency of Compliance

1.3.18 Wherever the Habitats Regulations assessment is undertaken as part of a Sustainability Appraisal, it is important that it is clearly documented, in the right terms. It should be signposted in the Environmental Report / Sustainability Appraisal so that it is clear which parts of the Report and the process are intended to be compliant with the Habitats Regulations. In particular, it will need to be clearly stated whether the LDD would, or would not, be likely to have a significant effect on European sites, and whether it has been ascertained that the LDD will not have an adverse effect on the integrity of each European site.

1.4 Establishing a methodology for strategic-level Habitats Assessment

1.4.1 The evidence required to prove 'no significant effect' (Screening) or 'no adverse effect' (Appropriate Assessment) can be considerable and detailed. Obtaining this evidence at the scheme-level is generally achievable since the parameters of the scheme and European Site are often clear and so impacts can be quantitatively assessed. However, this requirement creates notable challenges for strategic-level AAs.

1.4.2 This update of the Habitats Assessment will identify whether the proposed changes to the Core Strategy DPD have resulted in:

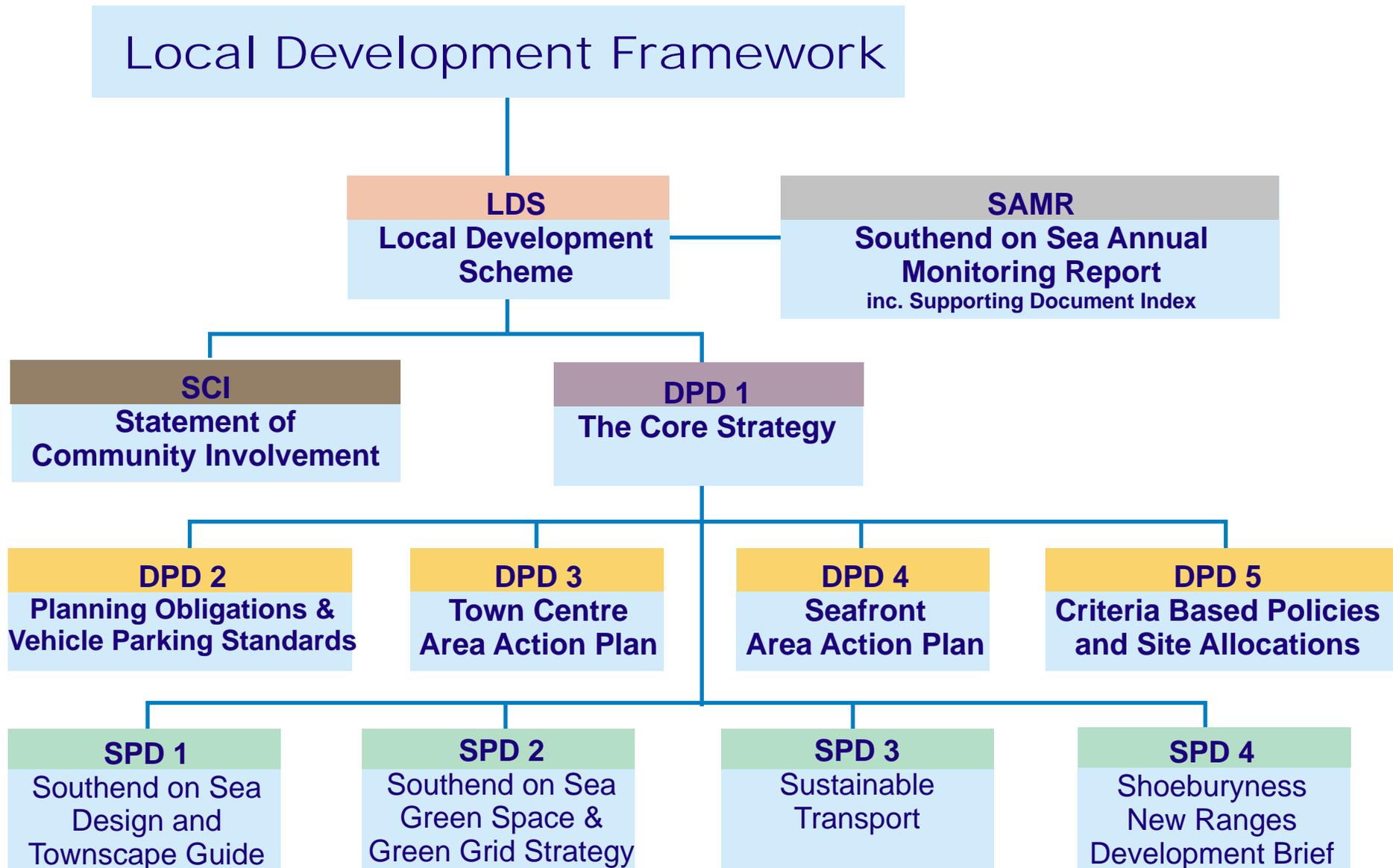
1. policies or plans that will clearly result in unacceptable impacts on European sites, and the mitigation required to address them and if so;
2. those aspects that will require AA at a lower level; and
3. the level of mitigation required at that level

Part 2: Southend on Sea Local Development Framework

2.1 Background

- 2.1.1 The Southend on Sea Borough Local Plan was adopted in March 1994 and its policies have been 'saved' for three years for the purposes of determining planning applications under the provisions of the Planning and Compulsory Purchase Act 2004 which came into force in September 2004.
- 2.1.2 In March 2007 the Borough Council made its formal submission in relation to the Saved Policies Directions, detailing which policies in the Adopted Borough Local Plan it was seeking to 'save' beyond 2007.
- 2.1.3 The Borough Council has commenced a review of its planning policies and proposals under the new development plan system in order to inform the preparation of its Local Development Framework (LDF). Local Development Framework (LDF) is a term used to describe a suite of documents, which includes all the local planning authority's Local Development Documents (LDDs).
- 2.1.4 These LDDs will eventually replace the Borough Local Plan. The diagram below shows the LDDs that will make up the Local Development Framework as currently programmed in the Southend on Sea Local Development Scheme (LDS) 2006.
- 2.1.5 The Core Strategy DPD was submitted to the Secretary of State on 31st August 2006. During its preparation the spatial strategy and its core policies were subject to, and informed by, an ongoing sustainability appraisal, including a Strategic Environmental Assessment. This was carried out for the Borough Council by Baker Associates. During this time, Baker Associates were also requested to provide a determination on the need for 'appropriate assessment' of the Core Strategy under the provisions of the Habitats Regulations). They concluded that:
- "At this stage it is determined that an appropriate assessment is not necessary as the Core Strategy, as it stands, is too high a level a document to be able to determine significance of impacts on Natura 2000 sites".*
- 2.1.6 Subsequently, and in response to representations and advice from Natural England, the Royal Society for the Protection of Birds (RSPB) and the Essex Wildlife Trust (EWT), the Borough Council concluded that it would be apposite to carry out a 'Habitats Regulations Assessment' (including Appropriate Assessment) of the Core Strategy DPD. This was in order to identify areas of concern and consider any recommendations arising from the findings of the Appropriate Assessment that would strengthen and clarify the Council's stated objective of safeguarding and enhancing the biodiversity resources of the Borough, in particular those of international importance.

Diagram 2: Southend on Sea Local Development Framework - Content



- 2.1.7 In consultation with Natural England, the RSPB and the EWT, the Borough Council undertook a Habitats Regulations Assessment. A full report setting out the methodology used, main findings and recommended changes to some policies and consequential clarification to the supporting text (in order to ensure that any identified adverse affects on the integrity of European Sites are appropriately addressed) was produced and attached as Appendix 1 of Topic Paper 10.
- 2.1.8 Topic Paper 10 was one of ten Topic Papers prepared by the Council, which proposed a number of Pre-Examination Changes to the Core Strategy DPD in response to exceptional circumstances (including the findings of the Habitats Regulations Assessment) since submission of the Core Strategy DPD to the Secretary of State in August 2006 and on which it is inviting the Inspector examining the DPD to recommend.
- 2.1.9 Some of these changes derived from ten Topic Papers prepared by the Council were considered to be more than minor and therefore should be subject to the same process of publicity and opportunity to make representations as the submitted DPD. A Pre-Examination Changes document was therefore prepared which, together with the supporting Topic Papers, sets out the proposed changes, why they are being put forward, and the evidence on which they are based. It includes a comparative schedule detailing the Core Strategy Policies as originally submitted to the Secretary of State and as now proposed. An accompanying Sustainability Appraisal report was also prepared on the proposed changes.
- 2.1.10 In addition, in response to issues raised at the Examination in Public, the Borough Council prepared a number of Hearing papers (1-10) which propose clarification of the Plan's provision.
- 2.1.11 Natural England was satisfied that the Core Strategy submitted in August 2006 with the changes proposed in Topic Paper 10 will avoid an adverse affect on the integrity of Natura 2000 sites, either alone or in combination with other plans or projects. However, in hearing matters relating to the initial need for an Appropriate Assessment of certain policies in the Core Strategy DPD at the Examination in Public on 14th March 2007, the inspector was advised by Natural England that any subsequent changes, including those outlined within Topic Papers 1-9 and Hearing Papers 1-10, will need to be assessed in accordance with the Habitats Regulations. This in practice requires that the Habitats Regulation Assessment submitted as part of the Topic Paper 10 needs to be updated to account for all proposed changes.

Part 3: The Approach

- 3.0.1 The European Commission guidance details a four-stage appropriate assessment process¹⁰.
1. Screening
 2. Appropriate Assessment
 3. Alternatives
 4. Assessment where no alternatives are available
- 3.0.2 The Southend Borough Council approach has been based around this guidance and the key stages required. The stages of this assessment are detailed below.

3.1 Pre-screening Data Collection

- 3.1.1 Consultation between the Borough Council and Natural England, has established the European Sites¹¹ to be included within this assessment. These include Benfleet and Southend Marshes SPA/Ramsar site, Thames Estuary & Marshes SPA/Ramsar site and Essex Estuaries SAC (including Foulness SPA / Ramsar site and Crouch and Roach Estuaries SPA/Ramsar site). Parts of each of these sites are also designated as European Marine Sites. All these European sites are considered to have the potential to be influenced by the policies of the Core Strategy DPD as now proposed. Specific information regarding the interest features, sensitivities, vulnerabilities, condition, and conservation objectives have been acquired. This baseline data has been interpreted in order to identify specific vulnerabilities and areas of concern for each of the European Sites that could be assessed directly against each policy of the Submission DPD. In order to streamline the process, primarily due to time restrictions, the conservation objectives across European sites with similar characteristics have been aggregated where possible (see Part 4 and **Annex 1**).
- 3.1.2 The objective of the screening process was to initially identify those plans or policies that clearly or self-evidently would have no significant effects upon European Sites so that they could be screened out of the assessment at an early stage. The following screening process was adopted:

3.2 Policy Screening

Stage 1 - 'No effect' policies

- 3.2.1 Each of the Core Strategy Policies as proposed in the Pre Examination Changes to the Core Strategy DPD for Southend was screened and those policies identified to have no effect on any European Site were screened out of the assessment and the reasons are specified within this document (**See Annex 2**). Table 1 below sets out the criteria used to identify these 'no effect' policies¹²:

¹⁰ Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC 2002)

¹¹ For the purpose of this assessment, 'European Sites' includes Special Protection Areas (SPA), Special Areas of Conservation (SAC), pSPAs, cSACs and Ramsar sites.

¹² SOURCE: Natural England (English Nature), January 2001

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Stage 2 - 'Potential effect' policies

- 3.2.2 Screening stage 2 took into account the following broad, judgement-based criteria:
- Proximity of policy area to a European Site;
 - Scale of proposals;
 - Likely associated adverse direct and indirect impacts, considering duration and magnitude and identified areas of concern/vulnerabilities
- 3.2.3 At this stage, if the policy or supporting text includes a caveat or criterion that excludes support for potentially damaging proposals on a European Site then this policy was also screened out.

3.3 Stage 2 Appropriate Assessments

- 3.3.1 Where it cannot be concluded that a policy will have no significant effect on a European Site it would be necessary to undertake Stage 2 Appropriate Assessment.

3.4 The 'in combination' Assessment

- 3.4.1 In order to comply with the regulations an assessment of the Core Strategy must include whether it would be likely to have significant effects in combination with other plans and projects. In order to make the assessment manageable and effective, the 'in combination' assessment has been constrained to only relevant plans and projects (See **Annex 3**).

3.5 Avoidance and Mitigation Measures

- 3.5.1 This assessment considers options for mitigation (e.g. policy amendment) where the Stage 2 Appropriate Assessment deems policies to potentially result in adverse effects on the integrity of European Sites. This was an iterative process which allowed for suggested modification of the Core Strategy. The mitigation options are based on those consistent with the statutory planning requirements. The level within the planning hierarchy that mitigation is best set was also considered, and opportunities to think strategically about mitigation activities. In the majority of instances the mitigation is likely to be a minor modification to a policy and these are outlined as recommendations following this assessment.

Table 1 - Screening Stage 1 criteria 'No Effect' policies

Effects on European Site	Comments	Stage 1 'Screened-out' policies
Reason why policy will have no effect on a European Site		
Non-development policies 1. The policy will not itself lead to development (e.g. it relates to design or other qualitative criteria for development, or it is not a land use planning policy)	No effect	KP2; CP4; CP9
Unknown location of development policies 2. The policy makes provision for a quantum / type of development (and may or may not indicate one or more broad locations e.g. a county, or district, or sub-region) but the location of the development is to be selected following consideration of options in lower-tier plans (development plan documents).	No effect	
Over-arching development policies 3. No development could occur through this policy alone, because it is implemented through sub-ordinate policies which are more detailed and therefore more appropriate to assess for their effects on European Site and associated sensitive areas.	No effect	
Urban development policies 4. Concentration of development in urban areas will not affect European Site and will help to steer development and land use change away from European Site and associated sensitive areas.	No effect	CP5;CP7(however would benefit from clarification and strengthening)
Protective policies 5. The policy will help to steer development away from European Site and associated sensitive areas, e.g. not developing in areas of flood risk or areas otherwise likely to be affected by climate change.	No effect	
Biodiversity policies 6. The policy is intended to protect the natural environment, including biodiversity.	No effect	
Enhancement policies 7. The policy is intended to conserve or enhance the natural, built or historic environment, and enhancement measures will not be likely to have any effect on a European Site.	No effect	
Reason why policy could have a potential effect		
8. The LDD steers a quantum or type of development towards, or encourages development in, an area that includes a European Site or an area where development may indirectly affect a European Site.	Potential Effect KP1; KP3; CP1; CP2; CP3; CP6; CP8 Does the policy or explanatory text include a caveat or criterion that eliminates effects on the European site? Yes – transfer to 'no effects' KP3; CP1; CP2; CP3; CP6; No – transfer to policies 'likely to have significant effect' – and assess KP1; CP8	
Reason why policy would be likely to have a significant effect		
9. The policy makes provision for a quantum, or kind of development that in the location(s) proposed would be likely to have a significant effect on a European Site. The proposal must be subject to appropriate assessment to establish, in light of the site's conservation objectives, whether it can be ascertained that the proposal would not adversely affect the integrity of the site.	'likely to have significant effect'	Appropriate assessment must be undertaken Policy KP1 Policy CP8 Policy CP7 - would benefit from clarification & strengthening

Part 4: Baseline Conditions

4.1 Baseline Conditions

4.1.1. In order to undertake an assessment of the Core Strategy DPD as now proposed, the following baseline conditions need to be assessed:

1. Identification of European sites relevant to the Core Strategy
2. Identification of their important characteristics
3. Identification of the conservation objectives of each of the sites
4. Identification of vulnerabilities / areas of concern

4.1.2 A summary of this baseline information is provided in **Annex1** of this document.

4.2 European Sites relevant to the Core Strategy

4.2.1 There are five European Sites relevant to the Core Strategy. They are:

- a) Benfleet and Southend Marshes SPA
- b) Foulness SPA and
- c) Essex Estuaries SAC
- d) Crouch and Roach Estuaries SPA
- e) Thames Estuary & Marshes SPA

4.3 Important characteristics of each of the European sites

4.3.1 The following outlines the designated features and other important characteristics of these sites.

a) Benfleet and Southend Marshes SPA

4.3.2 This site was notified for its European importance in 1994. It comprises the intertidal part of the Thames Estuary from Benfleet to Shoeburyness, which is predominantly occupied by mudflats, with small areas of saltmarsh and sandy beach.

4.3.3 Benfleet and Southend Marshes qualifies under Article 4.2 of the EU Birds Directive by supporting:

- Internationally important populations of regularly occurring migratory species; and
- An internationally important assemblage of waterfowl

b) Foulness SPA

4.3.4 This site was notified for its European importance in 1996. It comprises a large area of mudflats and sandflats known as Maplin Sands, running from Shoeburyness Point to Foulness Point, and smaller areas of saltmarsh and marshland around and on Foulness Island itself.

4.3.5 Foulness SPA qualifies under Article 4.1 of the EU Birds Directive by supporting:

- Internationally important breeding populations of regularly occurring Annex 1 species: sandwich tern (*Sterna sandvicensis*), common tern (*Sterna*

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hirundo) , little tern (*Sterna albifrons*) and avocet (*Recurvirostra avosetta*); and

- an internationally important wintering population of the Annex 1 species: hen harrier (*Circus cyaneus*).

4.3.6 Foulness SPA also qualifies under Article 4.2 of the EU Birds Directive in that it supports:

- An internationally important assemblage of waterfowl (wildfowl and waders); and
- Internationally important populations of regularly occurring migratory species; and
- Nationally important breeding populations of a regularly occurring migratory species: ringed plover (*Charadrius hiaticula*)

c) Essex Estuaries SAC

4.3.7 The Essex Estuaries SAC has been created as a result of the Habitats Directive that required the establishment of a network of protected wildlife sites across the European Union.

4.3.8 The Essex Estuaries SAC is one of the best examples of a coastal plain estuary system on the British North Sea coast and comprises the estuaries of the Rivers Colne, Blackwater, Crouch and Roach, as well as extensive open coastal flats at Foulness, Maplin and Dengie.

4.3.9 In addition to intertidal mudflats and sandflats there are rich marine communities supporting internationally important numbers of over-wintering waders and wildfowl. Saltmarsh and other marine vegetation communities may be found on areas that are subject to tidal flooding.

4.3.10 In summer the site hosts breeding populations of Annex 1 listed birds on the sand and gravel beaches.

4.3.11 The Essex Estuaries SAC qualifies under the EU Habitats Directive in that it supports the following Annex 1 habitat features:

- *Salicornia* and other annuals colonising mud and sand (pioneer saltmarsh)
- *Spartina* swards (*Spartinion*) (cordgrass swards)
- Atlantic salt meadows (*Glauco-Puccinellietalia*)
- Mediterranean and therm-Atlantic halophilous scrubs (*Arthrocnemetalia fruticosae*) (Mediterranean saltmarsh scrubs)
- Estuaries
- Mudflats and sandflats not covered by seawater at low tide (*intertidal mudflats and sandflats*)

d) Crouch and Roach Estuaries SPA

4.3.12 The Crouch and Roach Estuaries SPA was classified as an SPA on 29th June 1998. It comprises areas of saltmarsh and intertidal mud along the Crouch and Roach Estuaries as well as additional areas of grazing marsh and a freshwater reservoir.

4.3.13 The Crouch and Roach Estuaries SPA qualifies under Article 4.2 of the EU Birds Directive in that it supports:

- an internationally important assemblage of waterfowl (wildfowl and waders); and
- internationally important populations of regularly occurring migratory species.

e) Thames Estuary & Marshes SPA

4.3.14 The Thames Estuary and Marshes was classified as an SPA on 31st March 2001. It encompasses the extensive mudflats and small areas of saltmarsh on the south bank of the Thames between Shorne Marshes and Grain, together with Mucking Flats on the north shore.

4.3.15 Thames Estuary and Marshes SPA qualifies under Article 4.1 of the EU Birds Directive by supporting:

- Internationally important populations of regularly occurring Annex 1 species.

4.3.16 It also qualifies under Article 4.2 of the EU Birds Directive in that it supports:

- Internationally important populations of regularly occurring migratory species; and
- An internationally important assemblage of waterfowl.

4.4 Conservation objectives of each of the sites

a) Benfleet and Southend Marshes SPA and Ramsar site

4.4.1 The conservation objective for the internationally important populations of regularly occurring migratory bird species:

- i) Subject to natural change, maintain in favourable condition the habitats for the internationally important populations of regularly occurring migratory bird species under the Birds Directive, in particular:
 - Shell banks
 - Saltmarsh
 - Intertidal Mudflats and Sandflat communities
 - Eelgrass beds

4.4.2 The conservation objective for the internationally important assemblage of waterfowl:

- ii) Subject to natural change, maintain in favourable condition the habitats for the internationally important assemblage of waterfowl under the Birds Directive, in particular:
 - Shell banks
 - Saltmarsh
 - Intertidal Mudflats and Sandflat communities
 - Eelgrass beds

b) Foulness SPA

4.4.3 The conservation objective for the internationally important populations of the regularly occurring Annex 1 Bird species:

- i) Subject to natural change, maintain the habitats for the internationally important populations of the regularly occurring Annex 1 Bird species in favourable condition, in particular:
 - Shell, sand and gravel shores banks
 - Intertidal Mudflats and sandflats
 - Saltmarsh
 - Shallow coastal waters

4.4.4 The conservation objective for the internationally important populations of regularly occurring migratory bird species:

- ii) Subject to natural change, maintain the habitats for the internationally important populations of regularly occurring migratory bird species in favourable condition, in particular:
 - Saltmarsh
 - Intertidal Mudflats and sandflats
 - Boulder and cobble shores

4.4.5 The conservation objective for the internationally important assemblage of waterfowl:

- iii) Subject to natural change, maintain the habitats for the internationally important assemblage of waterfowl in favourable condition, in particular:
 - Saltmarsh
 - Intertidal Mudflats and sandflats
 - Boulder and cobble shores

c) Essex Estuaries SAC

4.4.6 The conservation objectives for Essex Estuaries SAC interest features:

- i) Subject to natural change, maintain the following in favourable condition:
 - *Salicornia* and other annuals colonising mud and sand, in particular:
 - Glasswort/annual sea-blite community
 - Sea aster community
 - *Spartina* swards (*Spartinion*), in particular:
 - Small cordgrass community
 - Smooth cordgrass community
 - Atlantic salt meadows (*Glauco-Puccinellietalia*), in particular:
 - Low/mid-marsh communities
 - Upper marsh communities
 - Upper marsh transitional communities
 - Drift-line community
 - Mediterranean and thermo-Atlantic halophilous scrubs (*Arthrocnemetalia fruticosae*), in particular:
 - Shrubby sea-blite community
 - Rock sea lavender/sea heath community
 - Estuaries, in particular:
 - Saltmarsh communities
 - Intertidal mudflat and sandflat communities
 - Rock communities
 - Subtidal mud communities

- Subtidal muddy sand communities
- Subtidal mixed sediment communities
- Mudflats and sandflats not covered by seawater at low tide, in particular:
 - Mud communities
 - Muddy sand communities
 - Sand and gravel communities

d) Crouch and Roach Estuaries SPA

4.3.16 The conservation objective for the **Crouch and Roach Estuaries SPA** internationally important populations of regularly occurring migratory bird species:

i). Subject to natural change, maintain the habitats for the **internationally important populations of regularly occurring migratory bird species** in favourable condition, in particular:

- Saltmarsh
- Intertidal mudflats and sandflats
- Boulder and cobble shores

4.3.17 The conservation objective for the internationally important assemblage of waterfowl:

ii). Subject to natural change, maintain the habitats for the **internationally important assemblage of waterfowl** in favourable condition, in particular:

- Saltmarsh
- Intertidal mudflats and sandflats
- Boulder and cobble shores

e) Thames Estuary & Marshes SPA

4.3.18 The conservation objective for the internationally important population of the regularly occurring Annex 1 bird species:

i). Subject to natural change, maintain in favourable condition the habitats for the **internationally important population of the regularly occurring Annex 1 bird species**, under the Birds Directive, in particular:

- Intertidal mudflats
- Intertidal saltmarsh

4.3.19 The conservation objective for the **internationally important populations of regularly occurring migratory bird species**:

ii). Subject to natural change, maintain in favourable condition the habitats for the internationally important populations of regularly occurring migratory bird species, under the Birds Directive, in particular:

- Intertidal mudflats
- Saltmarsh
- Intertidal shingle

4.3.20 The conservation objective for the **internationally important assemblage of waterfowl**:

iii). Subject to natural change, maintain in favourable condition the habitats for the internationally important assemblage of waterfowl, under the Birds Directive, in particular:

- Intertidal mudflats
- Saltmarsh
- Intertidal shingle

4.5 Identification of vulnerabilities / areas of concern

4.5.1 The data collection exercise, as summarised above and in **Annex 1**, identifies the features and sub-features and conservation objectives for each site and its current condition. The exercise also attempted to identify the reasons behind unfavourable condition and reasons why conservation objectives for each site may not be being met so that the areas of concern/vulnerabilities of each site can be established. Policies that may result in effects on vulnerable areas (not necessarily spatially defined) are likely to result in decline in the condition of the above outlined European Sites and in turn, potentially result in significant adverse effects.

4.5.2 To assist in the assessment of policies in the Pre-examination changes to the Core Strategy that may result in significant effects on the European Sites, the Borough Council has also had regard to the vulnerability of a feature or sub feature, where a feature or sub-feature is considered vulnerable if it is **both** sensitive to, **and** likely to be exposed to, one or more of the human activities which may cause damage or disturbance. In this matter the Borough Council has had regard to the Natural England's advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994 for Benfleet and Southend Marshes European marine site (January 2001), Essex Estuaries European marine site (June 2000) and Thames Estuary European marine site (May 2001). These vulnerabilities have been summarised below:

- 1. Direct physical loss**
 - i) Sea-level rise exacerbated by coastal squeeze/coastal erosion,
 - ii) Smothering by sediments driven by storm tides and siltation.
- 2. Physical damage to habitats and prey species**
 - i) Siltation exacerbated by disruption to equilibrium between deposition and erosion by coastal defences (sea wall) management/ mowing and channel dredging,
 - ii) Water abstraction and drought resulting in low water levels
 - iii) Disturbance from water-based and terrestrial recreational pressures e.g. abrasion by the action of moored boats, use of personal water craft, boat wash, groynes and scour due to land drainage outfalls
 - iv) Selective extraction of minerals would destroy habitats and destroy species, result in further problems associated with disturbance and siltation/smothering and accelerate the process of coastal squeeze.
- 3. Non-physical disturbance** (bird species are sensitive to noise and visual disturbance and much of the European Site is accessible to the public from land and water with highest levels of activity in spring and summer)

- i) Birds are particularly vulnerable to disturbance causing them to expend energy particularly at those times when feeding rates are likely to be reduced by lack of food availability (frozen-land and severe weather)
 - ii) Noise from boat engines can disturb feeding
 - iii) Where urban conurbations are adjacent to feeding birds disturbance is likely and birds are particularly sensitive to disturbance from dog walkers and car movement
4. **Water quality deterioration** due to toxic and non-toxic contamination (i.e. changes in nutrient and organic loading and changes in turbidity)
6. **Biological disturbance**
- i) Introduction of microbial pathogens which tend to be species-specific and in turn affect specialist feeders
 - ii) Introduction of non-native species and translocations through predation or out-competing leading to loss of habitats and prey populations through predation or out-competition
 - iii) Selective extraction of prey species leading to competition with humans for food e.g. shellfish can be damaged by cockle dredging, benthic trawls, and repeated trawling; harvesting of samphire plants in pioneering saltmarshes; and harvesting of eelgrass beds.

4.5.3 These identified areas of concern/vulnerabilities have been used as criteria against each policy, taking account of spatial considerations, in order to identify those policies that could result in an adverse effect on a European Site.

Part 5: Summary of Screened Policies

5.1 Policy Screening Stages 1 and 2

5.1.1 The Policy Screening Stages 1 and 2 (see explanation in Section 3.2) have been undertaken on all of the supporting text and policies within the Pre Examination Changes to the Core Strategy DPD, and any subsequent changes proposed in Hearing Papers 1-11, and the process and reasoning for each screened policy has been summarised in **Annex 2**. The conclusions of this screening are as follows:

Table 2- Summary of Screening Assessment

Policy Number	Policy Screening Stage 1: Effects on European Site	Policy Screening - Stage 2: Further Assessment required
Policy KP1	Potential Effect	Yes – Policy makes provision for higher levels of housing growth that in the location proposed could have ‘potential effects’ despite pre examination changes which introduce strong caveats/criterion to eliminate effects on European sites. The potential effect is now present due to the proposed changes to RSS and Policy KP1 which: <ul style="list-style-type: none"> introduce ambiguity about whether or not housing growth provision, where stated in the Core Strategy (KP1 and CP8), are expressed as minimum rather than in absolute terms and the increase in scale and development rate of housing provision
Policy KP2	No Effect	No - Overarching policy intended to protect natural environment
Policy KP3	Potential Effect	No - Policy makes provision for development that in the location proposed could have potential effects, however, the policy and text include caveats and criterion that eliminates effects on the European Sites particularly by clarifying the need for Appropriate Assessments in lower level DPDs therefore transfer to No Effect
Policy CP1	Potential Effect	No - Policy itself could be assessed as having no effect given that all development will have to have regard to Policies KP1, KP2 KP3 and CP4. In addition, the preamble, which sets out approach to the delivery of policy that implies development likely to have potential effects, has been addressed and now the text includes caveats that subject any development to the need to have regard to safeguarding biodiversity importance of the foreshore, therefore transfer to No Effect
Policy CP2	Potential Effect	No - Policy makes provision for development that in the location proposed could have potential effects, however, in implementing this policy regard must be had to Key Policy KP2 and Core Policy CP4 which contain strong caveats and criterion that eliminates effects on the European Sites therefore transfer to No Effect

Policy CP3	Potential Effect	No - Policy makes provision for development that in the location proposed could have potential effects, however, in implementing this policy regard must be had to Key Policy KP2 and Core Policy CP4 which contain strong caveats and criterion that eliminates effects on the European Sites therefore transfer to No Effect
Policy CP4	No Effect	No
Policy CP5	No Effect	No
Policy CP6	Potential Effect	No - Policy makes provision for development that in the location proposed could have potential effects, however in implementing this policy regard must be had to Key Policy KP2 and Core Policy CP4 which contain criterion and caveats that eliminate effects (particularly now strengthened) therefore transfer to No Effect
Policy CP7	No Effect	No - policy however would benefit from clarification and strengthening with regard to its role in assisting in reducing recreational pressures on European sites through alternative open space provision
Policy CP8	Potential Effect	Yes – Policy makes provision for higher levels of housing growth that in the location proposed could have ‘potential effects’ despite pre examination changes which introduce strong caveats/criterion to eliminate effects on European sites. The potential effect is now present due to the proposed changes to RSS and Policy KP1 which: <ul style="list-style-type: none"> • introduce ambiguity about whether or not housing growth provision, where stated in the Core Strategy (KP1 and CP8), are expressed as minimum rather than in absolute terms and • the increase in scale and development rate of housing provision
Policy CP9	No Effect	No

5.1.2 As a result of this screening process the following policies have been ‘screened in’ and therefore identified for further detailed assessment.

Table 3 – Identified Core Strategy DPD Policies as proposed potentially causing adverse or uncertain effects upon European Sites

Policy	Commentary
KP1: Spatial Strategy	<p>The areas of concern are that,</p> <ul style="list-style-type: none"> • despite the introduction of strong caveats within this and other policies in the Core Strategy that were agreed would eliminate effects of the submission DPD, raising the level of regeneration and growth (in line with the RSS PC) to be built within the seafront and Town Centre areas before 2011 would significantly increases the risk of adverse recreational pressure on the Benfleet and Southend Marshes SPA/Ramsar site if alternative accessible green space provision is not ‘in step’ with the rate of new dwelling provision • the use of the words ‘at least’ in Policy KP1 introduces uncertainty about whether or not the housing figures for housing growth are absolutes. Clarification of the Council’s approach to the housing figures and/or a reassessment of affects is required because of the uncertainty created with regard to the ability to deliver potentially

	<p>even higher levels of housing growth in a way that</p> <ul style="list-style-type: none"> o respects environmental limits, o does not adversely affect on the integrity of European Sites and o does not prevent designated sites and significant biodiversity interest from being conserved <u>and enhanced</u>.
CP7: Sport Recreation and Green Space	<p>Notwithstanding the uncertainty around whether or not the housing provision figures within the Core Strategy are expressed as absolutes or not, the increased scale and delivery rate of new dwellings may have an adverse effects on the integrity of European sites. This is due to the lack of accessible green space within the central area and the proximity to the seafront, the sandflats and mudflats of Benfleet and Southend Marshes SPA and Ramsar site are likely to be a significantly used recreational destination for local residents. When set within a context of Thames Gateway growth targets and coupled with policies that are likely to increase numbers of visitors and workers, the level and significance of ‘in combination effects’ is likely to increase. Therefore this policy needs to be assessed with regard to its role in reducing recreational pressures on European sites through alternative open space provision</p>
CP8: Dwelling Provision	<p>The areas of concern are that:</p> <ul style="list-style-type: none"> • despite the introduction of strong caveats within other policies in the Core Strategy that were agreed would eliminate effects of the submission DPD, in raising the level of regeneration and growth (in line with the RSS PC) to be built within the seafront and Town Centre areas before 2011 would significantly increases the risk of adverse recreational pressure on the Benfleet and Southend Marshes SPA/Ramsar site if alternative accessible green space provision is not ‘in step’ with the rate of new dwelling provision • whilst the housing provision figures in this policy are expressed as absolutes, the use of the words ‘at least’ in Policy KP1 introduces uncertainty about whether or not the housing figures for housing growth in the Core Strategy are absolutes. Clarification of the Council’s approach to the housing figures and/or a reassessment of affects is required because of the uncertainty created with regard to the ability to deliver potentially even higher levels of housing growth in a way that <ul style="list-style-type: none"> o respects environmental limits, o does not adversely affect on the integrity of European Sites and o does not prevent designated sites and significant biodiversity interest from being conserved <u>and enhanced</u>

5.1.3 In addition to the above it is considered appropriate to highlight that the Core Strategy DPD as now proposed makes provision in its ‘Spatial Strategy’ (Policy KP1) and Policy CP8 ‘Dwelling Provision’ for 6,500 dwellings within the Borough over the period 2001-2021. This scale and rate of development could have an impact upon protected sites by virtue of:

- Physical and non-physical disturbance – e.g. recreational effects, lighting, noise, obstructions to bird movement
- Air quality – sensitivity of intertidal/grazing marsh habitats
- Physical loss – e.g. coastal squeeze, erosion/encroachment
- Water quality – e.g. discharges
- Toxic contamination – e.g. construction

- Biological disturbance – e.g. increased bait digging, recreational fishing,

5.1.4 Proposed Changes (PC) to the emerging RSS sets out a total of 6,500 dwellings (an increase of 500) for Southend UA to be built by March 2021. In addition to this, the changes in RSS Policy H1 proposes that 'district allocations should be regarded as minimum targets to be achieved rather than ceilings that should not be exceeded'. The Borough Council whilst accepting that it has capacity to deliver the additional 500 dwellings has submitted an objection to the proposed changes that seek to treat district housing figures as minimums rather than absolutes.

5.1.5 The Council notes that Natural England have also objected to the RSS policy H1 changes as follows:

'We have strong reservations about the housing figures now being expressed as minima rather than absolute terms. This is because it;

- * introduces uncertainty,*
- * numbers above those proposed could require a different spatial strategy to that in the plan*
- * water and sewage treatment availability could become critical in some sub-regions,*
- * the impact of even larger housing numbers have not been assessed via the SA/SEA or Habitat Regulations assessment process.¹*

5.1.6 It is understood that the timetable for the RSS has now been reassessed to allow for a further Appropriate Assessment stage, required within the Habitat Regulations Assessment, and that this may result in further policy rewording of the RSS.

5.1.7 Notwithstanding the above, the Council notes that within the currently proposed changes to the RSS (PC):

- RSS PC Policy H1 seeks to encourage speedier delivery of housing provision particularly in those districts where a shortfall in annual delivery from 2001 has accumulated. It seeks to achieve this by recalibrating the annual average provision 2006 - 2021 based on residual requirement¹³ in each district. **For Southend this has had the effect of reducing the annual average development rate from 325 p.a. to 290 p.a. due to the Boroughs good performance in relation to housing delivery in the first 5 years of the plan period.**
- RSS PC Policy H1 also acknowledges that districts 'should aim to exceed the annual average rates for 2006-2021 if more housing can be delivered **without breaching environmental limits and infrastructure constraints**'. Southend on Sea Borough is surrounded to the north and west by Green Belt¹⁴ and/or Grade 1 and 2 agricultural land, and to the south and west by European Sites. In addition, the Council considers that there are transportation, social and green infrastructure constraints to both

¹³ Residual requirement calculated by subtracting actual completions 2001-2006 from provision.

¹⁴ RSS PC Policy SS7 'Green Belt' does not identify Essex TG as an area where a strategic review of Green Belt boundary is needed

regeneration and growth in the town, and improvements to such infrastructure should be a precondition to any additional growth.

- In addition, the supporting text to RSS PC Policy SS3, which identifies Southend on Sea as a Key Centre for development and change, states

“the scale of the longer term potential will be addressed through the roll forward of this RSS Policy IMP3.”

5.1.8 This is reflected in the Policies of the Core Strategy which are an expression of a series of Strategic Objectives which state:

- SO6 (formally SO5 in submission DPD) that net additional job provision should be ‘not less than’ 13,000 during the period 2001-2021 whilst housing provision is stated as a target of 6,500 net additional dwellings during the same period (SO7 [formally SO6]); and
- SO1 and SO10 (formally SO9) seeks to secure job-led regeneration in the town based on a step change in infrastructure provision

5.1.9 These objectives are encapsulated in the consequences of monitoring requirements set out in the last paragraph of Policies CP1, CP3 and CP8 which seek to establish through a robust monitoring process a sustainable and balanced delivery of employment, transportation and housing and reads as follows:

“The Council will monitor and assess the delivery of both the transport infrastructure priorities set out in the RTS (Regional Transport Strategy) and Southend LTP (Local Transport Plan) and the employment targets required by this policy. Failure to achieve employment targets set for 2011 and thereafter will trigger reviews of the phasing and further release of the housing provisions set out within Policy CP 8: Dwelling Provision, in order to ensure that an appropriate balance between employment, infrastructure and dwelling provision is secured and maintained. In order to remain in general conformity with the East of England Plan (policy H1), and to ensure that there is sufficient housing provision in Southend on Sea to meet the East of England Plan's housing allocation (2001-2021), the 6,500 net additional dwellings will not be phased beyond the 2021 end date of this Plan”.

5.1.10 Clearly implicit in the Council's approach to job and infrastructure led regeneration and growth, and explicitly required if monitoring of this is to be robust, is the fact that housing provision figures must be treated as absolutes.

5.1.11 The potential impacts arising from the location of new dwellings will be assessed during the consideration of the Area Action Plan and other Site Allocations DPD in which proposals and policies, in implementing the Core Strategy, must have regard to Key Policies KP1 and KP2 and Core Policy CP4 which contain strong caveats and criterion that eliminates effects on the European Sites.

Part 6: Detailed Policy Assessment

6.0.1 Each of the three policies identified as requiring further assessment (see Section 5 above) has been assessed in more detail by considering the potential resulting effects of the policy against the sensitivities of the European Sites (identified in **Annex 1** and summarised in Para 4.5.2 above). The findings of this assessment have been summarised below.

6.1 Key Policy KP1: Spatial Strategy

6.1.1 The policy text from the Core Strategy DPD as proposed¹⁵ is as follows:

As a principal basis for sustainable development in the town, development and investment will be expected to build on and contribute to the effectiveness and integration of the key transport corridors and interchanges.

The primary focus of regeneration and growth within Southend will be in:

- Southend Town Centre and Central Area – to regenerate the existing town centre as a fully competitive sub-regional centre, led by the development of the University Campus, and securing a full range of quality sub-regional services to provide for 6,500 new jobs and providing for at least 2,000 additional homes in conjunction with the upgrading of strategic and local passenger transport accessibility, including development of Southend Central and Southend Victoria Stations as strategic transport interchanges and related travel centres.

In addition, appropriate regeneration and growth will be focused in the following locations:

- Seafront – to enhance the Seafront's role as a successful leisure and tourist attraction and place to live, and make the best use of the River Thames, subject to the safeguarding of the biodiversity importance of the foreshore, in particular ensuring that European and international sites for nature conservation are not adversely affected by any new development. Appropriate and sustainable flood risk management measures will be provided as part of a comprehensive shoreline management strategy;
- Shoeburyness – to promote the role of Shoeburyness as a place to live and work, led by the successful redevelopment at Shoebury Garrison, regeneration of local shopping centres and existing industrial estates to secure an additional 1,500 jobs, and providing for 1,400 additional dwellings, linked to improved access, and subject where relevant to the safeguarding of the biodiversity importance of the foreshore, in particular ensuring that European and international sites for nature conservation are not adversely affected by any new development. Appropriate and sustainable flood risk management measures will be provided as part of a comprehensive shoreline management strategy;
- Priority Urban Areas including:

¹⁵ Red font indicates pre examination changes
Southend on Sea Local Development Framework
Core Strategy – Appropriate Assessment

- b. The District Centres of Westcliff (Hamlet Court Road) and Leigh (Leigh Broadway, Elm Road and Rectory Grove), the Southchurch Road shopping area and the West Road / Ness Road shopping area of Shoebury;
- c. Industrial / **employment** areas **as identified on the Key Diagram** ; and
- d. The Cluny Square Renewal Area.

The relocation of Southend United Football Club stadium to the Fossetts Farm area will be supported in principle.

Improvements in transport infrastructure and accessibility will be a precondition for additional development.

A Green Belt will be maintained around the urban area. Minor amendments to the Green Belt boundary may be considered where this would enable delivery of specific objectives and policies in this Core Strategy in a sustainable manner, and the openness of the remaining Green Belt and its ability to provide effective separation between Southend and neighbouring settlements are maintained.

Where the **Environment Agency's Flood Zone Maps** or other considerations, including the South Essex Strategic Flood Risk Assessment, indicate that a risk of flooding may remain, all development proposals shall be accompanied by a detailed flood risk assessment appropriate to the scale and nature of the development and the risk. Development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, **using appropriate and sustainable flood risk management options which safeguard the biodiversity importance of the foreshore**, and/or effective sustainable drainage measures.

6.1.2 Discussion

6.1.2.1 The area of concern with regard to the changes to Policy KP1 (see also CP8) is that, despite the introduction of strong caveats within this and other policies in the Core Strategy that were agreed would eliminate effects of the submission DPD:

- the revised dwelling provision significantly increases the numbers of dwellings to be built within the seafront and Town Centre and central areas before 2011. This significantly increases the risk of adverse recreational pressure on the Benfleet and Southend Marshes SPA/Ramsar site particularly if alternative accessible green space provision is not 'in step' with the rate of new dwelling provision; and
- the textual changes proposed as part of the Pre-examination Changes to Policy KP1 clarifying the nature and scale of regeneration in the Town Centre, introduces ambiguity as to whether or not the figures for housing growth are absolutes (rather than minimums). This in turn creates uncertainty with regard to the ability to deliver potentially even higher levels of housing growth in a way that:
 - respects environmental limits;
 - does not adversely affect on the integrity of European Sites; and

- does not prevent designated sites and significant biodiversity interest from being conserved and enhanced.

6.1.3 Summary of Likely Effects

Uncertainty over whether housing figures are minimums or absolutes

- 6.1.3.1 The proposed revised Policy KP1 provides for ‘**at least** 2,000 additional homes’ within the Southend Town Centre and Central Area’ suggesting that the Council’s intention with regard to housing provision is that they are minimums, in line with the proposed changes to RSS Policy H1.
- 6.1.3.2 Natural England consider that housing figures in the Core Strategy, if expressed as minimums rather than in absolute terms would mean that the impact of even larger housing numbers would need to be assessed via the SA/SEA or Habitats Regulations Assessment. There would be a need to demonstrate that the uncertain growth aspirations resulting from such an approach:
- respect environmental limits
 - can be delivered without an adverse affect on the integrity of European Sites, either alone or in combination with other plans or projects
 - do not prevent designated sites and significant biodiversity interest from being conserved **and enhanced**
- 6.1.3.3 This would require an assessment of the likely effects of different thresholds up to an agreed maximum, and an assumption about the housing figures for other Thames Gateway districts when considering ‘in combination effects’.
- 6.1.3.4 However, the Council’s intention with regard to the housing provision figures (as set out in SO 7 and Core Policy CP8 – Dwelling Provision) is that they should be treated as absolutes, for the reasons set out in paragraphs 5.1.4 to 5.1.10 above. As such the use of the words ‘at least’ in the first bullet point of KP1 with reference to the Town Centre is inconsistent with Policy CP8 and has created ambiguity about the Council’s intentions in respect of housing figures in the Core Strategy.

Increase in dwelling provision

- 6.1.3.5 Due to the lack of accessible green space within the central area and the proximity to the seafront, the sandflats and mudflats of Benfleet and Southend Marshes SPA and Ramsar site are likely to be a significantly used recreational destination for local residents. When set within a context of Thames Gateway growth targets and coupled with policies that are likely to increase numbers of visitors and workers, the level and significance of ‘in combination effects’ is likely to increase.
- 6.1.3.6 Benfleet and Southend Marshes is currently in unfavourable declining condition, principally due to coastal squeeze, however recreational pressure may also be contributing to the decline in numbers of key waterfowl species (BTO 2002).

Natural England acknowledges that policies KP2 and CP4 provide strategic direction that seeks to safeguard the European sites. However, based on the level of detail available, Natural England cannot conclude that the proposed scale and delivery rate of new dwellings (now proposed in the Pre-examination Changes) will not have an adverse affect on the integrity of the European site, either alone or in combination with other plans or projects.

6.1.4 Recommendations

- 6.1.4.1 It is the Council's intention that the housing provision figures in Core Policy CP8, and therefore Policy KP1, are absolutes for the reasons set out in paragraphs 5.1.4 to 5.1.10 above and particularly taking into account the need to:
- respect the environmental and infrastructure limits in Southend,
 - achieve sustainable job led regeneration and growth and
 - take account of the precautionary principle implicit within the Habitat Regulations.
- 6.1.4.2 The Council considers that this approach in Southend is consistent with RSS [PC] Policies SS1; SS3; SS7; and H1.
- 6.1.4.3 The Council reiterates its intension therefore that the housing provision figures in the Core Strategy are absolutes. As such the use of the words 'providing for **at least** 2,000 additional homes' in the first bullet point of KP1 with reference to the Town Centre is inconsistent with Core Strategy Policy CP8. On this basis and to remove any inconsistency that may have occurred between the Council's policy intentions as set out in Policy CP8 and the wording in KP1, it is recommended that the words 'at least' be deleted, as indicated by strikethrough, from the first bullet point in Key Policy KP1:

KP1 Spatial Strategy

'The primary focus of regeneration and growth within Southend will be in:

- Southend Town Centre and Central Area – **to regenerate** the existing town centre as a fully competitive sub-regional centre, led by the development of the University Campus, and securing a full range of quality sub-regional services **to provide for 6,500 new jobs and providing for ~~at least~~ 2,000 additional homes in conjunction with** the upgrading of strategic and local passenger transport accessibility, including development of Southend Central and Southend Victoria Stations as strategic transport interchanges and related travel centres'.

- 6.1.4.4 With regard to the area of concern about the increasing risk of adverse recreational pressure on the Benfleet and Southend Marshes SPA/Ramsar site from the increased scale and development rates of housing provision, the Council considers that the creation of a green grid of high quality, linked and publicly accessible open space and landscape across the borough is at the heart of the Core Strategy (Strategic Objective SO19, formally SO18, refers). In addition, Policy CP7 seeks to ensure that all new housing developments

contribute to the provision of additional sport, recreation and green space facilities to a level **at least commensurate** with the additional population generated by that development, and in accordance with the requirements and guidance set out in the relevant Development Plan Document. It also promotes the development of new green spaces and greenways including a new Country Park within or close to the north-eastern part of the borough as part of the green grid strategy, with more detailed guidance to follow in open space and green grid strategy SPD. Further consideration of the delivery of green space infrastructure in the context of its contribution to minimising recreational pressure on the European Sites is set out in sub section 6.3 below.

6.2 Core Policy CP8: Dwelling Provision

6.2.1 The policy text from the Core Strategy DPD as proposed¹⁶ is as follows:

Provision is made for **3,350** net additional dwellings between 2001 and 2011 and for **3,150** net additional dwellings between 2011 and 2021, distributed as follows:

	2001-2011	2011-2016	2016-2021	2001-2021
Town Centre and Central Area	1,000	750	250	2,000
Shoeburyness*	650	300	450	1,400
Seafront*	450	50	50	550
Intensification***	1,250	500	800	2,550
TOTAL	3,350	1,600	1,550	6,500
Per annum	(335)	(320)	(310)	(325)

*Further detailed guidance into development in part of Shoeburyness will be provided in the "**Shoeburyness** Development Brief SPD".

** 'Seafront': subject to the safeguarding of the biodiversity importance of the foreshore.

*** In broad terms, intensification is making more effective use of land in a given area **where** such sites may be poorly used, and even unsightly. Areas for intensification generally have potential for increased residential accommodation by building or redeveloping at an increased density and by incorporating a mix of uses where appropriate. With good design, layout and construction, intensification may improve the appearance of places as well as their sustainability.

Residential development proposals will be expected to contribute to local housing needs, including affordable and special needs provision, and the sustainable use of land and resources. To achieve this, the Borough Council will:

¹⁶ Red font indicates pre examination changes
Southend on Sea Local Development Framework
Core Strategy – Appropriate Assessment

1. require the provision of not less than 80% of residential development on previously developed land (brownfield sites)
2. resist development proposals that involve the loss of existing valuable residential resources, **having regard to the limited land resources in the Borough, the need to safeguard an adequate stock of single family dwelling houses, and to protect the character of residential areas.**
3. **enter into negotiations with developers to ensure that:**
 - a. all residential proposals of 10-24* dwellings or 0.3-1.0 ha to make an affordable housing/key worker provision of not less than 2 dwelling units;
 - b. all residential proposals of 25* dwellings or 1 ha or more to make an affordable housing/key worker provision of not less than 20% of the total number of units on the site; and
 - c. all residential proposals of 50* dwellings or 2 ha or more to make an affordable housing/key worker provision of not less than 30% of the total number of units on the site

The rationale which will be used by the Council to determine whether more than the specified floor target for affordable housing will be sought will be set out and justified in 'Part 6 Affordable Housing' of the 'Planning Obligations and Vehicle Parking Standards DPD'. (For sites under 10 dwellings or qualifying sites where it is not possible to cater for affordable housing on site, a financial contribution by way of a tariff and/or commuted sum may be accepted in lieu of direct provision on-site). **The Council will work with partner agencies to ensure that any such sums collected are programmed for the provision of affordable housing, in order to help address any shortfall which may occur in the level of affordable housing obtained through on-site provision arising from the urban nature of the Borough and a need to maintain viability of development schemes (see footnote 1).*

4. promote the provision of housing for key workers in partnership with major employers and registered social landlords
5. require residential development schemes **built** within the Borough's town, district and local centres to include replacement and/or new retail and commercial uses, in order to **safeguard**, maintain and enhance the vitality and viability of these shopping and commercial areas
6. support and require a vibrant mix of employment, residential and community uses on larger sites, to support greater economic and social diversity and sustainable transport principles

The Council will monitor and assess the delivery of both the transport infrastructure priorities set out in the RTS (Regional Transport Strategy) and Southend LTP (Local Transport Plan) and the employment targets required by Policy CP1: Employment Generating Development of this Plan. Failure to achieve targets set for 2011 and thereafter will trigger reviews of the phasing and further release of the housing provisions set out within this policy, in order to ensure that an appropriate balance between employment, infrastructure and dwelling provision is secured and maintained. **In order to remain in general conformity with the East of England Plan, (Policy H1) and to ensure that there is sufficient housing provision in Southend on**

Sea to meet the East of England Plan's housing allocation (2001 - 2021), the 6,500 net additional dwellings will not be phased beyond the 2021 end date of this Plan.

¹ Further more detailed policy, guidance and definitions will be provided in the Council's "Planning Obligations & Vehicle Parking Standards DPD"

6.2.2 Discussion

- 6.2.2.1 The area of concern with regard to the changes to Policy CP8 (see also KP1) is that, despite the introduction of strong caveats within other policies in the Core Strategy that were agreed would eliminate effects of the submission DPD:
- the revised dwelling provision significantly increases the numbers of dwellings to be built within the seafront and Town Centre and central areas before 2011. This significantly increases the risk of adverse recreational pressure on the Benfleet and Southend Marshes SPA/Ramsar site particularly if alternative accessible green space provision is not 'in step' with the rate of new dwelling provision; and
 - whilst the housing figures in Core Policy CP8 are expressed as absolutes the textual changes proposed as part of the Pre-examination Changes to Policy KP1 clarifying the nature and scale of regeneration in the Town Centre, introduces ambiguity as to whether or not the figures for housing growth are absolutes (rather than minimums). This in turn creates uncertainty with regard to the ability to deliver potentially even higher levels of housing growth in a way that:
 - respects environmental limits;
 - does not adversely affect on the integrity of European Sites; and
 - does not prevent designated sites and significant biodiversity interest from being conserved and enhanced.

6.2.3 Summary of Likely Effects

Increase in dwelling provision

- 6.2.3.1 Due to the lack of accessible green space within the central area and the proximity to the seafront, the sandflats and mudflats of Benfleet and Southend Marshes SPA and Ramsar site are likely to be a significantly used recreational destination for local residents. When set within a context of Thames Gateway growth targets and coupled with policies that are likely to increase numbers of visitors and workers, the level and significance of 'in combination effects' is likely to increase.
- 6.2.3.2 Benfleet and Southend Marshes is currently in unfavourable declining condition, principally due to coastal squeeze, however recreational pressure may also be contributing to the decline in numbers of key waterfowl species (BTO 2002). Natural England acknowledges that policies KP2 and CP4 provide strategic direction that seeks to safeguard the European sites. However, based on the level of detail available, Natural England cannot conclude that the proposed

scale and delivery rate of new dwellings (now proposed in the Pre-examination Changes) will not have an adverse affect on the integrity of the European site, either alone or in combination with other plans or projects.

- 6.2.3.3 Natural England consider that, the Core Strategy must provide appropriate strategic direction to lower tier plans. In this regard the Core Strategy should ensure an adequate supply of accessible natural (non-European site) green space provision and people management measures that keep pace with growth targets. The ideal situation is to ensure that accessible green space provision is 'in credit' and 'in step' with the rate of new dwelling provision and increasing recreational demands. The scale and rate of delivery will need to ensure that the likely effects of recreational pressure on European sites are maintained within acceptable levels.
- 6.2.3.4 In addition NE also suggest when considering the challenge presented to Area Action Plan level, it would be appropriate to adopt a precautionary approach at the Core Strategy level with regard to the rate of delivery of new dwellings. This should allow a more considered 'sustainable development approach' to meet dwelling targets rather than front-loaded delivery within geographical areas close to sensitive European sites (i.e. Seafront and Town Centre).

Uncertainty over whether housing figures are minimums or absolutes

- 6.2.3.5 The Council's intention with regard to the housing provision figures as set out in Core Housing Policy - Policy CP8 is that they should be treated as absolutes, for the reasons set out in paragraphs 5.1.4 to 5.1.10 above. The words 'providing for at least 2,000 additional homes' in the first bullet point of KP1 is inconsistent therefore with Core Strategy Policy CP8. To remove any inconsistency that may have occurred between the Council's policy intentions as set out in Policy CP8 and the wording in KP1, it has been recommended that the words '**at least**' be deleted from Key Policy KP1 (see para 6.1.4.1 to 6.1.4.3 above).

6.2.4 Recommendations

- 6.2.4.1 To remove any inconsistency that may have occurred between the Council's policy intentions as set out in Policy CP8 and the wording in KP1, it has been recommended that the words '**at least**' be deleted from Key Policy KP1 (see para 6.1.4.1 to 6.1.4.3 above). On this basis the Council concludes that no further amendments to Core Policy CP8 are necessary.
- 6.2.4.2 With regard to the increasing the risk of adverse recreational pressure on the Benfleet and Southend Marshes SPA/Ramsar site from the increased scale and development rates of housing provision, the Council considers that the creation of a green grid of high quality, linked and publicly accessible open space and landscape across the borough is at the heart of the Core Strategy (Strategic Objective SO18 refers). In addition, Policy CP7 seeks to ensure that all new housing developments contribute to the provision of additional sport, recreation

and green space facilities to a level at least commensurate with the additional population generated by that development, and in accordance with the requirements and guidance set out in the relevant Development Plan Document. It also promotes the development of new green spaces and greenways including a new Country Park within or close to the north-eastern part of the borough as part of the green grid strategy, with more detailed guidance to follow in open space and green grid strategy SPD. Consideration of the delivery of green space infrastructure in the context of its contribution to minimising recreational pressure on the European Sites is set out in sub section 6.3 below.

6.3 Core Policy CP7: Sport Recreation and Green Space

6.3.1 The policy text from the Core Strategy DPD as proposed¹⁷ is as follows:

The Borough Council will bring forward proposals that contribute to sports, recreation and green space facilities within the Borough for the benefit of local residents and visitors.

This will be achieved by:

1. optimising the potential for sports excellence and research and development centred on existing sports and leisure facilities.
2. supporting the development of new green spaces and greenways, including a new Country Park facility within or close to the north-eastern part of the Borough, as part of the development of a Green Grid of open spaces and associated linkages throughout Thames Gateway South Essex. A 'Southend-on-Sea Green Space and Green Grid Strategy' Supplementary Planning Document will be prepared, adopted and maintained to guide and facilitate this.

All existing and proposed sport, recreation and green space facilities (including the Southend foreshore and small areas of important local amenity, community resource or biodiversity value) will be safeguarded from loss or displacement to other uses, except where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community, and there would be no loss of amenity or environmental quality to that community. ~~The displacement of existing and proposed facilities from within the built-up area into the adjacent countryside, so as to provide further land for urban development, will not be permitted.~~ Any alternative facilities provided in accordance with the above considerations will be required to be provided and available for use before existing facilities are lost. ~~The displacement of existing and proposed facilities from within the built-up area into the adjacent countryside, so as to provide further land for urban development, will not be permitted.~~

¹⁷ Red font indicates pre examination changes and green font changes resulting from other minor representations
Southend on Sea Local Development Framework
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The redevelopment of existing allotment sites for other uses will only be permitted where it can clearly be shown that the facility is no longer required or can be adequately and conveniently provided elsewhere, has no significant biodiversity value, or that any such value is safeguarded.

All new housing development **should** to contribute to the provision of additional sport, recreation and green space facilities to a level at least commensurate with the additional population generated by that development, and in accordance with the requirements and guidance set out in the relevant Development Plan Document. This contribution shall normally be in the form of a financial contribution towards new provision or qualitative improvements to existing facilities elsewhere.

In relation to any major new area of housing development, however, direct provision within and as an integral part of the development may be sought, where this would provide at least 2.5 hectares of additional public open space, playing pitches and ancillary facilities, laid out as a local or neighbourhood park.

To meet the requirements generated by the additional dwelling provision over the period to 2021, contributions will be focused on the following provision:

- a. approximately 20 hectares of additional local and neighbourhood park space, provided on areas of at least 2 hectares in size;
- b. at least 4 additional equipped play areas for children and young people, spread evenly across the Borough;
- c. 2 additional bowling greens (6 rink size);
- d. at least 4 additional multi-use games areas (MUGA's) of 1 x tennis court size, together with the conversion of existing tennis court facilities to multi-use;
- e. approximately 10 hectares of additional grass playing pitch space and ancillary facilities, provided on areas of at least 2.1 hectares each to allow flexibility between adult and junior pitches, and use for cricket in the summer;
- f. qualitative improvements to existing **recreational open spaces and sports facilities, including the ancillary facilities needed to support them**, sports halls/centres and swimming pools, or their replacement with appropriately located new facilities.
- g. qualitative and quantitative improvements to facilities for teenagers.

6.3.2 Discussion

6.3.2.1 This policy relates to:

- creation of a green grid of high quality, linked and publicly accessible open space and landscape across the borough
- support for new green spaces and greenways including a new Country park
- the restrictions on the loss of existing open space and allotments
- **requirement for all new housing development to contribute to new and qualitative improvements to existing facilities**

commensurate with additional population generated by development

- requirement for direct provision within major housing developments
- optimising the potential for sports excellence and research and development centred on existing facilities

6.3.2.2 With regard to these elements of this policy no effects upon European Sites are anticipated. The area of concern with regard to the changes proposed to the Core Strategy are about the effects of revised Policies KP1 and CP8 which increase the numbers of dwellings to be built within the seafront and Town Centre and central areas before 2011 thus increasing the risk of adverse recreational pressure on the Benfleet and Southend Marshes SPA/Ramsar site.

6.3.2.3 Policy CP8 in conjunction with Key policy KP3 seeks to ensure that all new housing developments contribute to new and qualitative improvements to existing facilities commensurate with additional population generated by development. However, the significance of delivery of this aspect of infrastructure in areas such as the Town Centre and Seafront needs to be considered within the context of its contribution to minimising recreational pressure on the European Sites.

6.3.3 Summary of Likely Effects

6.3.3.1 Benfleet and Southend Marshes is currently in unfavourable declining condition, principally due to coastal squeeze, however recreational pressure may also be contributing to the decline in numbers of key waterfowl species (BTO 2002). Natural England acknowledges that policies KP2 and CP4 provide strategic direction that seeks to safeguard the European sites. However, based on the level of detail available, Natural England cannot conclude that the proposed scale and delivery rate of new dwellings (now proposed in the Pre-examination Changes) will not have an adverse affect on the integrity of the European site, either alone or in combination with other plans or projects.

6.3.3.2 Natural England consider that, the Core Strategy must provide appropriate strategic direction to lower tier plans. In this regard the Core Strategy should ensure an adequate supply of accessible natural (non-European site) green space provision and people management measures that keep pace with growth targets. The ideal situation is to ensure that accessible green space provision is 'in credit' and 'in step' with the rate of new dwelling provision and increasing recreational demands. The scale and rate of delivery will need to ensure that the likely effects of recreational pressure on European sites are maintained within acceptable levels. To this end the Natural England are concerned about the impact on green space provision and management resulting from the reduced strength of the wording 'should' rather than 'will be required' within the fifth paragraph of this Policy. However, the Council has been required to make these changes in order to reflect Government Circular 05/05 'Planning Obligations'.

6.3.3.3 Consistent with this concern, it would be appropriate to monitor the adequacy of accessible green space provision throughout the life of the plan and the delivery of the Council's 'Green Space and Green Grid Strategy SPD' in accordance with Policy CP9. The Borough Council considers this is critical, therefore as part of the changes proposed, the monitoring regime has been strengthened by the inclusion of a 'Delivery and Implementation' schedule relating to how key policies, including green space provision, will be delivered and implemented.

6.3.4 Recommendations

6.3.4.1 On the basis of the above assessment it is recommended that the significance of delivery of this aspect of infrastructure in areas such as the Town Centre and Seafront needs to be considered within the context of its contribution to minimising recreational pressure on the European Sites should be clarified within Policy CP7.

6.3.4.2 It is recommended therefore that the following additional wording, indicated by italics, is added to Core Policy CP7:

Amend CP7: 7th paragraph to read:

To meet the requirements generated by the additional dwelling provision over the period to 2021 *and the need to minimise recreational pressures on European and international sites for nature conservation*, contributions will be focused on the following provision:

Part 7: In – Combination Effects

7.1 Introduction

- 7.1.1 Notwithstanding the clarification that the proposed levels of housing growth set out in the Core Strategy DPD are intended to be absolutes for the plan period 2001 to 2021, the proposed scale and development rates will have environmental implications that are Borough-wide (such as air quality, water quality and water availability) and have the capacity to adversely affect all of the European sites listed.
- 7.1.2 The Environment Agency's Review of Consents (in accordance with Regulation 50 of the Habitat Regulations) is still in the process of establishing whether the permissions alone/or in combination with other plans or projects are likely to have an adverse affect on the integrity of all of the European sites listed. In the absence of these completed works it is difficult to make direct judgements about the implications of the Core Strategy for air and water quality and water availability however, accounting for the measures proposed in KP1, KP2, KP3 and CP4 and the absence of concern expressed within the Environment Agency's consultation responses to the pre-examination changes to the Core Strategy the Council concludes that the policy framework provides adequate safeguards to ensure that the proposed growth within the Core Strategy and the implications for air and water quality and water availability can be realised without significantly contributing to any adverse affects currently being assessed within the Environment Agency's Review of Consents process. In addition to this, the proposed text amendments in section 6 of this document, to Key Policy KP1 and Core Policy CP6, will strengthen the protection afforded to the European Sites by the policy framework. Furthermore, consistent with the provisions within the LDF process any Habitat Regulations assessments for lower-tier local development documents will need to account for additional information that becomes available via the Environment Agency's Review of Consents process.
- 7.1.3 Another implication of focusing growth within coastal floodplains is the necessity to maintain adequate protection through suitable flood risk management options. The current Shoreline Management Plan (Mouchel 1997) proposes maintenance of the 'hold the line' option within the Southend seafront and Shoeburyness area, which in practice requires maintaining hard coastal flood defences. Accounting for the environmental trends of rising sea levels and the adverse effects of coastal squeeze, it is important for Southend on Sea Borough Council to accommodate increased flexibility within their strategic development frameworks in line with strategic advice provided by the Environment Agency's Thames Estuary 2100 project. The TE2100 project recognises the interconnectivity and dynamics within the estuary and acknowledges that the measures employed to manage coastal flood risk at a specific location have the capacity to affect upriver and downriver designated areas within the riparian districts of the Thames estuary. With this in mind, the recommended use of the term 'appropriate coastal flood risk management options' rather than 'coastal flood defences', to ensure there is adequate flexibility at this strategic level to provide lower tier plans with sufficient scope to fully consider

options that can avoid adverse affects on the integrity of the European Sites, either alone and/or in combination with other plans or projects, is reiterated.

- 7.1.4 The proposed London Gateway Shell Haven port development is regarded as a significant development proposal within the Greater Thames estuary. The appropriate assessment accompanying the planning submission and public inquiry identified a number of ways in which the proposed development could adversely affect the European sites within the Thames Estuary and the Essex Estuary SAC. The main elements of the proposed development that have the potential to affect these sites were identified as the dredging process, the deepened channel and the reclamation. The Benfleet and Southend Marshes SPA and Essex Estuaries SAC are expected to be influenced by marginal increases in the accumulation of sediment, but the quantities are not expected to adversely affect the conservation status of these European sites. Furthermore, subject to the appropriate safeguards of the approved¹⁸ submission, the loss of benthic communities in the dredged area and the elevated water column turbidity via capital dredging are not expected to have an adverse affect on the integrity of these European Sites. The policies KP1, KP3, CP1, CP3, CP6 and CP8 of Southend on Sea Borough Council's Core Strategy have the potential to have an adverse affect on the integrity of European sites when considered in combination with the proposed ShellHaven port development. In summary, the risks include unduly constraining the natural dynamics of the estuarine habitats, exacerbating the loss of habitat and/or reducing the quality and functionality of these habitats. However, the proposed revisions to the text made as part of the proposed changes, in association with the changes to KP1 and CP8 in Section 8 of this document, are regarded as appropriate to provide a suitable strategic framework to direct lower tier documents and ensure that development can proceed without an adverse affect on the integrity of these European sites.
- 7.1.5 The Local Development Frameworks for the adjacent local planning authorities are less advanced than Southend on Sea Borough Council. Consequently, current local plans and recently submitted local development documents have been used to assess in-combination effects for key issues identified by Natural England and RSPB. The generic issues and specific issues are considered in detail in sections 7.2 and

7.2 Relevant Local Plans and Local Development Documents : Generic issues

- 7.2.1 The issues of growth and the implications for air quality, water quality and water availability are regarded as adequately addressed in the first two paragraphs of this assessment. Furthermore, the proposed growth in the number of residents, workers and visitors in Southend on Sea Borough in the first two paragraphs of this assessment has the potential to adversely affect the European sites listed for the reasons considered within section 6 of the Appropriate Assessment of the Submission Core Strategy and Section 6 of this assessment (e.g. disturbance, prey removal).

¹⁸ Secretary of State's Decision 'minded to grant' (July 2005)
Southend on Sea Local Development Framework
Core Strategy – Appropriate Assessment

7.2.2 When considered in combination with the proposed growth targets of the adjacent Boroughs (Castle Point Borough Council, Basildon District Council and Rochford District Council), the Borough Council considers that the proposed text revisions set out within the Pre-examination Changes, Hearing Papers 1-10 and Section 8 of this assessment, are currently regarded as adequate to sufficiently address outstanding concerns. The proposed revisions seek to ensure that the policy suite within Southend on Sea Borough Council's Core Strategy provides a suitable strategic framework to ensure that significant risks of adverse effects to the interest features of European sites can be effectively minimised, designed-out and/or addressed. More detailed strategic direction within lower tier local development documents will need to be set within this strategic framework.

7.3 Castle Point Borough Council – Specific Issues

7.3.1 When considered in combination with proposed draft policy CPT/CS/TP9 – Improving the Relationship with the Thames (of Castle Point Borough Council's draft Core Strategy), policy CP3 and CP1 of Southend on Sea Borough Council's Core Strategy has the potential to have an adverse affect on the integrity of Benfleet and Southend Marshes SPA for the reasons originally set out in the HRA of the submission Core Strategy.

7.3.2 Natural England has provided consultation representation to Castle Point Borough Council advising this Council to strengthen the protective measures afforded to the European sites, in particular Benfleet and Southend Marshes SPA and to undertake a Habitats Regulations assessment of this policy. Castle Point Borough Council is at an early stage within its Local Development Framework consultation process and accounting for the overarching sustainability objectives of the Castle Point Borough Council Local Development Documents adequate scope and opportunity exists for further amendments to Castle Point Borough Council's Core Strategy to address any potential adverse 'in combination' affects.

7.3.3 With this in mind, so long as Southend on Sea Borough Council's Core Strategy Policies CP3 and CP1 is revised in accordance with the recommendations for text amendments within the pre-examination changes, adequate assurance is provided with respect to Southend Council's potential contribution to any adverse affects via policy CP3 and CP1. Further potential 'in combination effects' through Castle Point Borough Council promoting increasing recreational pressures within the European sites are most appropriately addressed through the consultation process for Castle Point's Local Development Framework.

7.3.4 When considered in combination with proposed draft policy CPT/CS/TP10 – Managing Flood Risk (of Castle Point Borough Council's draft Core Strategy), Policy KP1 of Southend on Sea Borough Council has the potential to have an adverse affect on the integrity of Benfleet and Southend Marshes SPA for the reasons listed within section 6 of this assessment.

7.3.5 Natural England has provided consultation representation to Castle Point Borough Council advising this Council to clarify the protective measures afforded to the

European sites, in particular Benfleet and Southend Marshes SPA and to undertake a Habitat Regulations assessment of this policy. Given its early stage within the consultation process, the overarching sustainability objectives of the Castle Point Borough Council Local Development Documents and the strategic consultation process being adopted by the Environment Agency's Thames Estuary 2100 project, so long as Southend on Sea Borough Council's Core Strategy policy KP1 is revised in accordance with the Pre examination changes and the recommendations for text amendments within section 8 of this assessment, adequate assurance is provided with respect to Southend Council's potential contribution to any adverse affects via policy KP1. Further 'in combination effects' such as the promotion of 'hold the line' flood risk management options within Castle Point Borough Council are most appropriately addressed through the consultation process for Castle Point Borough Council's Local Development Framework, which will need to take into account the principles set out within the Thames Estuary 2100 project.

7.4 Basildon District Council - Specific Issues

7.4.1 The issues are adequately addressed in the generic issues section above.

7.5 Rochford District Council – Specific Issues

7.5.1 When considered in combination with policy TP9 – London Southend Airport of Rochford District Council's local plan (2006), policy CP1 is not regarded as likely to have an adverse affect on the integrity of the European sites listed for the following reasons:

- a) It is our understanding that the future passenger capacity of the airport will be constrained by the capacity of the terminal, which is currently restricted to a gross floor area of 4,500sq. metres and a ground floor footprint of 2,500sq.metres equating to approximately 300,000 passengers per year. The level of passenger flights linked to this level of passenger numbers is not regarded as likely to have an adverse affect on the integrity of the European Sites. It is our understanding that the passenger capacity of the airport would not be able to increase beyond this level without planning permission being granted by Rochford District Council for further terminal capacity. Within this context, the policy NR5 of the Rochford Local Plan is regarded as providing adequate protection to the European sites.

7.6 Specific Policies Referenced

Castle Point Borough Council

Draft Policy CPT/CS/TP9 Improving the Relationship with the Thames

The Council will seek to recognise the potential of the Thames Estuary and achieve a greater integration between land uses and the waterfront. In order to achieve this the Council will work with partners to deliver the Waterfront Strategy for zone 4: Holehaven and Benfleet Creeks and zone 5: Canvey Island. In delivering the Waterfront Strategy, the Council will have due regard to:

- a) Protecting the undeveloped coastline, biodiversity and habitats from inappropriate development; and
- b) Ensuring that uses of the water and the waterfront do not prejudice one another

Draft Policy CPT/CS/TP10 – Managing Flood Risk

In order to manage flood risk in Castle Point the Council will:

- 1) Apply the exemption test to Canvey Island as set out in draft PPS25 in order to promote the regeneration of the Island;
- 2) Have regard to the Hazard Maps produced as part of the SFRA when allocating land for development and assessing planning applications;
- 3) Seek to ensure that opportunities for development are realised in low and medium hazard zones in advance of the high hazard zones. Highly vulnerable developments as set out in draft in draft PPS25 will not be allocated or permitted in the high hazard zone in order to protect public health and safety;
- 4) Expect all developments proposals within the flood risk zone to include a Flood Risk Assessment that incorporate high standards of flood tolerant design and offer occupants and users the opportunity to seek shelter above the predicted depth of flood water at that location;
- 5) Identify those types of mitigation measure that it expects to be incorporated its developments on allocated sites in order to guide developers;
- 6) Require all new developments within the high risk zone to make a contribution towards maintaining flood defences in order to ensure that the defences are in a good to excellent condition throughout the lifetime of the development; and
- 7) Oppose development within the undeveloped functional flood plain, unless allocated for alternative uses.

Rochford District Council – Replacement Local Plan (adopted 16 June 2006)

Policy TP9 – London Southend Airport

Planning permission will be granted for development that will support the operation of London Southend Airport as a regional air transport and aircraft maintenance facility, including the full realisation of its potential for increases in passenger and freight traffic, subject to:

- a) There being no serious detriment to the local environment or nature conservation interests
- b) It being shown that there are adequate access arrangements in place or proposed.

Plans for future expansion and development will be required to include a satisfactory Surface Access Strategy.

Policy NR5 – European and International Sites

Proposals for development which may affect a Special area of Conservation (either candidate or designated), Ramsar site or Special Protection Area will be subject to the most rigorous examination. Development not directly connected with or necessary to the management of the site, and which would have significant effects on the site (either singly or in combination with other plans or projects), and where it cannot be ascertained that the proposals would not adversely affect the integrity of the site, will not be permitted unless it can be clearly demonstrated that there is no alternative solution and that the development is necessary for imperative reasons of overriding public interest.

Part 8: Summary of Recommendations

8.0 On the basis of the assessments discussed in section 6, the following changes to the Core Strategy Policy text are recommended.

8.1 Policy KP 1: Spatial Strategy

8.1.1 it is recommended that the words 'at least' be deleted, as indicated by strikethrough, from the first bullet point in Key Policy KP1:

Amend KP1: first bullet point to read:

'The primary focus of regeneration and growth within Southend will be in:

- Southend Town Centre and Central Area – **to regenerate** the existing town centre as a fully competitive sub-regional centre, led by the development of the University Campus, and securing a full range of quality sub-regional services **to provide for 6,500 new jobs and providing for ~~at least~~ 2,000 additional homes in conjunction with** the upgrading of strategic and local passenger transport accessibility, including development of Southend Central and Southend Victoria Stations as strategic transport interchanges and related travel centres'.

8.2 Policy CP 7: Sports Recreation and Green Space

8.2.1 It is recommended that the following additional wording, indicated by bold italics, is added to Core Policy CP7:

Amend CP7: 7th paragraph to read:

To meet the requirements generated by the additional dwelling provision over the period to **2021 and the need to minimise recreational pressures on European and international sites for nature conservation**, contributions will be focused on the following provision:

Part 9: Reassessment of Proposed Revised Core Strategy Policies and Conclusions

9.1 Assessment of Cumulative Impact

- 9.1.1 The Southend-on-Sea Core Strategy is the overarching ‘parent’ planning policy document, to which all other LDDs in the Local Development Framework (LDF) must conform, and towards the implementation and delivery of which they must contribute. Similarly, all other non-LDF plans and projects, insofar as they involve development and the use of land, must be in accordance with the objectives, policies and requirements of the Core Strategy.
- 9.1.2 As such, therefore, the Core Strategy does not itself give rise to cumulative impacts, but rather provides the means to ensure that there are no significant effects, either individually or cumulatively, arising from these more detailed LDDs, other plans and projects, or that these effects are adequately mitigated.
- 9.1.3 This reinforces the need to ensure that the Core Strategy provides an adequate and appropriate overarching policy framework to safeguard the importance and integrity of the internationally designated nature conservation sites within and adjacent to the Borough. In turn, this reinforces the need to incorporate the additions and amendments to the relevant Core Strategy policies and supporting text recommended in Part 8 above.
- 9.1.4 With these additions and amendments, it is considered that the Core Strategy does provide such a framework.

9.2 Re-assessment Core Strategy Policies

9.2.1 Table 4 below summarises the findings of a reassessment of the Core Strategy policies as clarified and strengthened by the changes recommended in Section 8.

Table 4 - Re-Assessment of ‘revised’ Core Strategy Policies

Policy Number	Policy Screening Stage 1: Effects on European Site	Policy Screening - Stage 2: Further Assessment required
Policy KP1	No	No - Policy makes provision for development that in the location proposed could have potential effects, however when implementing this policy regard must be had to Key Policy KP2 and Core Policy CP4 and CP7 which contain criterion and caveats that eliminate effects (particularly now strengthened by clarifying Council intentions that that housing figures should be regarded as absolutes) therefore transfer to No Effect
Policy KP2	No	No - Overarching policy intended to protect natural environment
Policy KP3	No	No - Policy makes provision for development that in the location proposed could have potential effects, however, the policy and text

		include caveats and criterion that eliminates effects on the European Sites particularly by clarifying the need for Appropriate Assessments in lower level DPDs therefore transfer to No Effect
Policy CP1	No	No - Policy itself could be assessed as having no effect given that all development will have to have regard to Policies KP1, KP2 KP3 and CP4. In addition, the preamble, which sets out approach to the delivery of policy that implies development likely to have potential effects, has been addressed and now the text includes caveats that subject any development to the need to have regard to safeguarding biodiversity importance of the foreshore
Policy CP2	No	No - Policy makes provision for development that in the location proposed could have potential effects, however, in implementing this policy regard must be had to Key Policy KP2 and Core Policy CP4 which contain strong caveats and criterion that eliminates effects on the European Sites therefore transfer to No Effect
Policy CP3	No	No - Policy makes provision for development that in the location proposed could have potential effects, however, in implementing this policy regard must be had to Key Policy KP2 and Core Policy CP4 which contain strong caveats and criterion that eliminates effects on the European Sites therefore transfer to No Effect
Policy CP4	No Effect	No
Policy CP5	No Effect	No
Policy CP6	No	No - Policy makes provision for development that in the location proposed could have potential effects, however in implementing this policy regard must be had to Key Policy KP2 and Core Policy CP4 which contain criterion and caveats that eliminate effects (particularly now strengthened) therefore transfer to No Effect
Policy CP7	No Effect	No - policy has benefited from clarification and strengthening with regard to the role of policy in assisting in reducing recreational pressures on European sites through alternative open space provision
Policy CP8	No	No - Policy makes provision for development that in the location proposed could have potential effects, however , when implementing this policy regard must be had to the policy requirement Key Policy KP2 and Core Policy CP4 and CP7 which contain criterion and caveats that eliminate effects (particularly now strengthened by clarifying Council intentions that that housing figures should be regarded as absolutes) therefore transfer to No Effect
Policy CP9	No Effect	No

9.3 Conclusions

9.3.1 Southend-on-Sea Borough Council on the advice of Natural England and the RSPB has undertaken an updated assessment of the Core Strategy DPD policies as now proposed to ascertain whether, either individually or cumulatively, or 'in combination' with relevant plans and projects, they may have a likely significant effect upon European protected sites, within and outside the Borough.

9.3.2 All the Core Strategy Policies have been assessed for their likely significant impact upon the identified protected sites. It has been concluded that two Policies have such a potential and one would benefit from strengthening. Amendments to policy wording have been proposed which are considered to be sufficient to address any

likely significant impacts. These revised policies have been reassessed and it is considered that if the recommended changes to the Core Strategy Policies are adopted within the Core Strategy DPD then no further Appropriate Assessment of this document is required.

9.3.3 It is the conclusion of this assessment, therefore, that the Core Strategy Development Plan as now proposed, if amended as recommended in Part 8, either alone or in combination with other plans and projects, will not have an adverse affect on the integrity of the following European Sites:

- a) Benfleet and Southend Marshes SPA
- b) Foulness SPA and
- c) Essex Estuaries SAC
- d) Crouch and Roach Estuaries SPA
- e) Thames Estuary & Marshes SPA

Baseline Data for European Sites

Site	Component Sites	Status	Features of Interest	Conservation Objectives	Condition	Vulnerabilities / areas of concern
<p>Benfleet and Southend Marshes (SPA and Ramsar Site)</p>	<p>Benfleet and Southend Marshes SSSI; Southend-on-Sea Foreshore Local Nature Reserve; Leigh National Nature Reserve</p>	<p>SPA Ramsar</p>	<p>Benfleet and Southend Marshes SPA site comprises the intertidal part of the Thames Estuary from Benfleet to Shoeburyness, which is predominantly occupied by mudflats, with small areas of saltmarsh and sandy beach.</p> <p>Benfleet and Southend Marshes qualifies under article 4.2 of the EU Birds Directive by supporting:</p> <ul style="list-style-type: none"> ▪ Internationally important populations of regularly occurring migratory species; and ▪ An internationally important assemblage of waterfowl 	<p>The conservation objective for the Benfleet and Southend Marshes SPA internationally important populations of regularly occurring migratory bird species:</p> <p>i). Subject to natural change, maintain in favourable condition the habitats for the internationally important populations of regularly occurring migratory bird species under the Birds Directive, in particular:</p> <ul style="list-style-type: none"> • Shell banks • Saltmarsh • Intertidal Mudflats and Sandflat communities • Eelgrass beds <p>The conservation objective for the internationally important assemblage of waterfowl:</p> <p>ii). Subject to natural change, maintain in favourable condition the habitats for the internationally important assemblage of waterfowl under the Birds Directive, in particular:</p> <ul style="list-style-type: none"> • Shell banks • Saltmarsh • Intertidal Mudflats and Sandflat communities • Eelgrass beds 	<p>Benfleet and Southend Marshes SSSI condition - 0% of the site is in a favourable condition. 5.26% is unfavourable recovering and 94.74% is unfavourable declining. These were compiled 01 May 2007 and indicate no change from November 2006</p>	<p>Benfleet and Southend Marshes comprises extensive areas of foreshore with a tidal creek system and an area of grazing marsh. The vulnerability of the intertidal habitats is linked to changes in the physical environment, especially to 'coastal squeeze'. In principal, recreational activities are not currently perceived as a problem, subject to appropriate management and regulation. Infrastructure works to facilitate visitor attractions, although dealt with under the planning control provisions of the Habitat Regulations, have the potential either alone or in combination to adversely affect the interest features of this SPA and Ramsar site.</p> <p>Both wildfowling and cockle fishing are also potential threats which currently are well regulated by agreement. The sea fisheries are regulated by Kent and Essex Sea Fisheries using bye-law power granted by a sea Fisheries regulatory order. Dredging of the Thames and inputs of herbicides to the mudflats may be having indirect effects on the loss of intertidal habitat and viability of the eelgrass <i>Zostera</i> beds. Research is underway to determine the effect of herbicides on the eelgrass. The marsh is suffering from the lack of freshwater inputs due to low rainfall. The Environment Agency has agreed a Water Level Management Plan for the grazing marshes part of the site which will maintain appropriate water levels. Although sewage outfalls have recently been upgraded to comply with the EC Directives, it is understood that sediment within the intertidal contains elevated levels of copper and TBT. Consequently, development within the intertidal areas and activities such as dredging, have the capacity to disturb and mobilise these pollutants thus posing a threat to the interest features of this site. To secure protection of the site, most of the foreshore is a Local Nature Reserve and covered by the Thames Estuary Management Plan</p>

Site	Component Sites	Status	Features of Interest	Conservation Objectives	Condition	Vulnerabilities / areas of concern
Foulness (SPA and Ramsar site)	Foulness SSSI; Partly Southend-on-Sea Foreshore Local Nature Reserve	SPA; Ramsar	<p>This site comprises a large area of mudflats and sandflats known as Maplin Sands, running from Shoeburyness Point to Foulness Point, and smaller areas of saltmarsh and marshland around and on Foulness Island itself.</p> <p>Foulness SPA qualifies under article 4.1 of the EU Birds Directive by supporting:</p> <ul style="list-style-type: none"> ▪ Internationally important breeding populations of regularly occurring Annex 1 species: sandwich tern (<i>Sterna sandvicensis</i>), common tern (<i>Sterna hirundo</i>), little tern (<i>Sterna albifrons</i>) and avocet (<i>Recurvirostra avosetta</i>); and ▪ For supporting an internationally important wintering population of the Annex 1 species: hen harrier (<i>Circus cyaneus</i>). <p>Foulness SPA also qualifies under article 4.2 of the EU Birds Directive in that it supports:</p> <ul style="list-style-type: none"> ▪ An internationally important assemblage of waterfowl (wildfowl and waders); and ▪ Internationally important populations of regularly occurring migratory species; and ▪ Nationally important breeding populations of a regularly occurring migratory species: ringed plover (<i>Charadrius hiaticula</i>) 	<p>The conservation objective for the Foulness SPA internationally important populations of the regularly occurring Annex 1 Bird species:</p> <p>i). Subject to natural change, maintain the habitats for the internationally important populations of the regularly occurring Annex 1 Bird species in favourable condition, in particular:</p> <ul style="list-style-type: none"> • Shell, sand and gravel shores banks • Intertidal Mudflats and sandflats • Saltmarsh • Shallow coastal waters <p>The conservation objective for the internationally important populations of regularly occurring migratory bird species:</p> <p>ii). Subject to natural change, maintain the habitats for the internationally important populations of regularly occurring migratory bird species in favourable condition, in particular:</p> <ul style="list-style-type: none"> • Saltmarsh • Intertidal Mudflats and sandflats • Boulder and cobble shores <p>The conservation objective for the internationally important assemblage of waterfowl:</p> <p>iii). Subject to natural change, maintain the habitats for the internationally important assemblage of waterfowl in favourable condition, in particular:</p> <ul style="list-style-type: none"> • Saltmarsh • Intertidal Mudflats and sandflats • Boulder and cobble shores 	<p>Foulness SSSI condition - 77.94% of the site is in a favourable condition. Of the remaining 22.06%, 0.98% is unfavourable no change and 21.08% is unfavourable declining. These were compiled 01 May 2007 and indicate no change from November 2006</p>	<p>At the time of citation of the Foulness SPA much of the area was owned by the Ministry of Defence and is not, therefore, subject to development pressures or public disturbance. This position has started to change with the release of Shoebury Garrison (Old Ranges) for approved (and partially completed) mixed development scheme. The New Ranges is subject to investigations for potential development. Offshore aggregate dredging and seismic surveys, which could possibly adversely affect the Maplin sands, will be addressed through the Essex Estuaries marine Special Area of Conservation (SAC) management scheme, of which Foulness is part. Natural processes are adversely affecting the south-east coastline and saltmarshes are being eroded. Maintenance of the integrity of the intertidal and saltmarsh habitats of the Mid-Essex Coast Ramsar sites as a whole is being addressed by soft sea defence measures, managed retreat and foreshore recharge. The cockle beds on the Maplin Sands support internationally important numbers of wading birds: the Kent and Essex Sea Fisheries Committee control the cockle fishery through regulatory orders. The site includes areas of grazing marsh and ditches. These areas are low lying, protected by sea walls and surrounded by areas of arable land. The main ditches that run through these marshes are saline and are fed from sea water which floods through sluices. The combination of lower rainfall and improved drainage to facilitate arable production means that the grazing marshes are becoming too dry. The rainfall has been too low in recent years to enable maintenance of the water levels by selecting damming ditches. To offset this, the main ditch is deliberately fed with sea water to keep it topped up. This operation has increased in frequency in the past 8-10 years.</p>

Site	Component Sites	Status	Features of Interest	Conservation Objectives	Condition	Vulnerabilities / areas of concern
Essex Estuaries (SAC and Ramsar Site)	Foulness SSSI	SAC and Ramsar	<p>The Essex Estuaries SAC has been created as a result of the Habitats Directive that required the establishment of a network of protected wildlife sites across the European Union.</p> <p>The Essex Estuaries SAC is one of the best examples of a coastal plain estuary system on the British North Sea coast and comprises the estuaries of the Rivers Colne, Blackwater, Crouch and Roach, as well as extensive open coastal flats at Foulness, Maplin and Dengie.</p> <p>In addition to intertidal mudflats and sandflats there are rich marine communities supporting internationally important numbers of over-wintering waders and wildfowl. Saltmarsh and other marine vegetation communities may be found on areas that are subject to tidal flooding. In summer the site hosts breeding populations of Annex 1 listed birds on the sand and gravel beaches.</p> <p>Foulness SPA qualifies under the EU Habitat Directive in that it supports the following Annex 1 habitat features:</p> <ul style="list-style-type: none"> ▪ <i>Salicornia</i> and other annuals colonising mud and sand (pioneer saltmarsh) ▪ <i>Spartina</i> swards (<i>Spartinion</i>) (cordgrass swards) ▪ Atlantic salt meadows (<i>Glauco-Puccinellietalia</i>) ▪ Mediterranean and therm-Atlantic halophilous scrubs (<i>Arthrocnemetalia fruticosae</i>) (Mediterranean saltmarsh scrubs) ▪ Estuaries <p>Mudflats and sandflats not covered by seawater at low tide (intertidal mudflats and sandflats)</p>	<p>The conservation objectives for Essex Estuaries SAC interest features:</p> <p>i). Subject to natural change, maintain the following in favourable condition:</p> <ul style="list-style-type: none"> ▪ <i>Salicornia</i> and other annuals colonising mud and sand, in particular: <ul style="list-style-type: none"> - Glasswort/annual sea-blite community - Sea aster community ▪ <i>Spartina</i> swards (<i>Spartinion</i>), in particular: <ul style="list-style-type: none"> - Small cordgrass community - Smooth cordgrass community ▪ Atlantic salt meadows (<i>Glauco-Puccinellietalia</i>), in particular: <ul style="list-style-type: none"> - Low/mid-marsh communities - Upper marsh communities - Upper marsh transitional communities - Drift-line community ▪ Mediterranean and thermo-Atlantic halophilous scrubs (<i>Arthrocnemetalia fruticosae</i>), in particular: <ul style="list-style-type: none"> - Shrubby sea-blite community - Rock sea lavender/sea heath community ▪ Estuaries, in particular: <ul style="list-style-type: none"> - Saltmarsh communities - Intertidal mudflat and sandflat communities - Rock communities - Subtidal mud communities - Subtidal muddy sand communities - Subtidal mixed sediment communities ▪ Mudflats and sandflats not covered by seawater at low tide, in particular: <ul style="list-style-type: none"> - Mud communities - Muddy sand communities - Sand and gravel communities 		<p>At the time of citation of the Essex Estuaries SAC the saltmarshes and mudflats were under threat from 'coastal squeeze' - man-made sea defences prevent landward migration of these habitats in response to sea-level rise. These habitats are also vulnerable to plans or projects (onshore and offshore) which have impacts on sediment transport. English Nature's Regulation 33 advice was issued June 2000. A scheme of management is being established with the aim of addressing such problems</p>

Site	Component Sites	Status	Features of Interest	Conservation Objectives	Condition	Vulnerabilities / areas of concern
Crouch and Roach Estuaries SPA	Crouch and Roach Estuaries SSSI	SPA and Ramsar	<p>The Crouch and Roach Estuaries SPA qualifies under Article 4.2 of the EU Birds Directive in that it supports:</p> <ul style="list-style-type: none"> • an internationally important assemblage of waterfowl (wildfowl and waders); and • internationally important populations of regularly occurring migratory species 	<p>The conservation objective for the Crouch and Roach Estuaries SPA internationally important populations of regularly occurring migratory bird species</p> <p>i). Subject to natural change, maintain the habitats for the internationally important populations of regularly occurring migratory bird species in favourable condition, in particular:</p> <ul style="list-style-type: none"> • Saltmarsh • Intertidal mudflats and sandflats • Boulder and cobble shores <p>The conservation objective for the internationally important assemblage of waterfowl</p> <p>ii). Subject to natural change, maintain the habitats for the internationally important assemblage of waterfowl in favourable condition, in particular:</p> <ul style="list-style-type: none"> • Saltmarsh • Intertidal mudflats and sandflats • Boulder and cobble shores 	<p>Crouch and Roach Estuaries SSSI Condition – 23.5% of the site is in favourable condition. 0.67 is unfavourable no change and 75.83% is unfavourable declining. These were compiled These were compiled 01 May 2007 and indicate no change from 01 December 2006</p>	<p>The Crouch and Roach Estuaries SPA is vulnerable to coastal squeeze and changes to the sediment budget. A <i>hydraulic numerical model study of the Crouch and Roach Estuaries</i> is being initiated to explore the various options, including managed retreat. Furthermore, it is understood that sediment within the intertidal contains elevated levels of metals and TBT. Consequently, development within the intertidal areas and activities such as dredging, have the capacity to disturb and mobilise these pollutants thus posing a threat to the interest features of this site.</p> <p>Some disturbance of feeding and roosting waterfowl is likely through recreational use of sea wall footpaths by dog walkers, bird watchers etc.</p> <p>Water-skiing is largely controlled by the Crouch Harbour Authority.</p> <p>Most grazing marshes are managed under ESA/Countryside Stewardship Agreements and/or management agreements with English Nature.</p> <p>Low water levels caused by abstraction will be tackled through the Environment Agency’s Review of Consents process (in accordance with regulation 50 of the Habitats Regulations).</p> <p>Many borrow dykes and drainage ditches remain vulnerable to run off and seepage of chemicals from adjacent farm land. Wherever possible arable farmers are being encouraged into Countryside Stewardship schemes to control the application of these chemicals, whilst on most of the adjacent grassland it is controlled by ESA or Stewardship agreements.</p> <p>Sea wall management by mowing may be potentially damaging and this is being addressed through consultation with the Environment Agency and individual owners. To secure protection of the site, the Marine Scheme of Management is in preparation, which will work alongside the Essex Shoreline Management Plan and various management plans and Site Management Statements for parts of the site.</p>

Site	Component Sites	Status	Features of Interest	Conservation Objectives	Condition	Vulnerabilities / areas of concern
Thames Estuary & Marshes SPA	South Thames Estuary and Marshes and Mucking Flats and Marshes SSSI	SPA	<p>The Thames Estuary European marine site encompasses the extensive mudflats and small areas of saltmarsh on the south bank of the Thames between Shorne Marshes and Grain, together with Mucking Flats on the north shore.</p> <p>Thames Estuary and Marshes SPA qualifies under Article 4.1 of the EU Birds Directive by supporting:</p> <ul style="list-style-type: none"> • Internationally important populations of regularly occurring Annex 1 species. <p>It also qualifies under Article 4.2 of the EU Birds Directive in that it supports:</p> <ul style="list-style-type: none"> • Internationally important populations of regularly occurring migratory species; and • An internationally important assemblage of waterfowl. 	<p>The conservation objective for the internationally important population of the regularly occurring Annex 1 bird species</p> <p>i). Subject to natural change, maintain in favourable condition the habitats for the internationally important population of the regularly occurring Annex 1 bird species, under the Birds Directive, in particular:</p> <ul style="list-style-type: none"> • Intertidal mudflats • Intertidal saltmarsh <p>The conservation objective for the internationally important populations of regularly occurring migratory bird species</p> <p>ii). Subject to natural change, maintain in favourable condition the habitats for the internationally important populations of regularly occurring migratory bird species, under the Birds Directive, in particular:</p> <ul style="list-style-type: none"> • Intertidal mudflats • Saltmarsh • Intertidal shingle <p>The conservation objective for the internationally important assemblage of waterfowl</p> <p>iii). Subject to natural change, maintain in favourable condition the habitats for the internationally important assemblage of waterfowl, under the Birds Directive, in particular:</p> <ul style="list-style-type: none"> • Intertidal mudflats • Saltmarsh • Intertidal shingle 	<p>South Thames Estuary and Marshes SSSI condition – 86.74% of site is in favourable condition. 9.61 is unfavourable recovering, 1.87% is unfavourable no change and 1.79% is unfavourable declining. These were compiled 01 May 2007 and indicate no change from 01 December 2006</p> <p>Mucking Flats and Marshes SSSI condition – 94.13% of site is in favourable condition and 5.87% is unfavourable condition no change. These were compiled 01 May 2007 and indicate no change from 01 December 2006</p>	<p>There is evidence of coastal squeeze and erosion of intertidal habitat within the site. English Nature (now Natural England) is in discussion with the port authority on the role of port dredging in intertidal habitat loss. The intertidal area is also vulnerable to disturbance from water-based recreation. This is being addressed by information dissemination as part of an estuary management plan. It is understood that sediment within the intertidal contains elevated levels of metals and TBT. Consequently, development within the intertidal areas and activities such as dredging, have the capacity to disturb and mobilise these pollutants thus posing a threat to the interest features of this site.</p> <p>The terrestrial part of the site depends on appropriate grazing and management of water. The availability of livestock may be affected by changes in agricultural markets. Evidence suggests that the water supply to grazing marsh has decreased. A water level management plan may address this.</p> <p>There has been great development pressure in recent years. Current implications of development include both direct land take from the site and indirect disturbance and hydrological effects. These effects will be addressed through the Habitats Regulations 1994.</p>

Core Strategy Pre Examination Changes - Screening Assessment

Policy	Title	Brief description	Anticipated effect	Screening Result	Further Assessment Required
KP1	Spatial Strategy	<p>As a principal basis for sustainable development in the town, development and investment will be expected to build on and contribute to the effectiveness and integration of the key transport corridors and interchanges.</p> <p>The pre-examination changes clarify and strengthen the principle that the primary focus of regeneration and growth within Southend will be directed to the Southend Town Centre and Central Area. And that additional appropriate regeneration and growth will be focussed in the following locations:</p> <ol style="list-style-type: none"> Seafront (subject to safeguarding of the biodiversity importance of the foreshore) Shoeburyness (subject to safeguarding of the biodiversity importance of the foreshore) Priority Urban Areas such as district centres and existing industrial and commercial areas. <p>The pre examination changes, in continuing to set out the level of growth proposed for these regeneration areas, include an increase in the proportion of housing growth in the Town Centre and Seafront in accordance with the proposed higher figure for Southend in RSS PC of 6,500. In terms of the town centre the level of growth is currently expressed as a minimum unlike in the thematic housing policy CP8.</p> <p>This distribution is subject to:</p> <ul style="list-style-type: none"> improvements in transport infrastructure and accessibility, and the maintenance of the Green Belt around the urban area. <p>In addition the pre-examination changes strengthen and clarify the safeguarding of:</p> <ul style="list-style-type: none"> biodiversity importance of the foreshore, in particular ensuring that European and international sites for nature conservation are not adversely affected by any new development, and sustainable flood risk management considerations, Policy KP1 now also reflects the Council's decision to support in principle the relocation of the Southend United Football Club stadium to Fossetts Farm 	<p>This is an overarching policy that sets out the spatial distribution of the quantum of jobs and housing growth required by / set out in the proposed changes to the East of England Plan The RSS now requires an increase of 8% in dwelling provision from 6,000 to 6,500 for the plan period 2001-2021. In addition to this, the changes in RSS Policy H1 for Regional housing provision propose that 'district allocations should be regarded as minimum targets to be achieved rather than ceilings that should not be exceeded ...without breaching environmental limits and infrastructure constraints'. The job requirement for the same period is unchanged at 13,000.</p> <p>It remains the case that this overall level of growth required to be accommodated by the spatial strategy, could have a potential effect on protected sites. These are most likely to be a result of increased recreational and development pressures that in turn lead to disturbance effects and water and air quality deterioration (unwanted run-off etc and traffic volumes). However, it should be noted that the level of growth required in the Borough has been provided for by the emerging RSS. Consideration of the impact of this level of growth should therefore be assessed through the AA of the RSS.</p> <p>At the district level the spatial distribution set out in this policy is based on focussing all new development in the urban area, and focussing/ directing growth and regeneration to identified priority areas. It does not identify specific sites. However, the identified priority areas include the Town Centre, Seafront and Shoeburyness where development could have a potential effect on a European site arising through both direct (land take) and indirect (disturbance and noise impact). In particular</p> <ul style="list-style-type: none"> It promotes development within areas of coastal flood risk, and the requirement for construction (enhancement and maintenance) of 'hold the line' flood defences may perpetuate the impacts of coastal squeeze upon interest features of SPA, SAC and Ramsar sites. It is likely to result in increased recreational and development pressures that in turn may lead to disturbance effects and water and air quality deterioration (unwanted run-off etc and traffic volumes). <p>The main areas of concern arising from the proposed changes are that,</p> <ul style="list-style-type: none"> despite the introduction of strong caveats within this and other policies in the Core Strategy that were agreed would eliminate effects of the submission DPD, the changes, in raising the level of regeneration and growth (in line with the RSS PC), to be built within the seafront and Town Centre areas before 2011 increases the risk of adverse recreational pressure on the Benfleet and Southend Marshes SPA/Ramsar site the use of the words 'at least' in Policy KP1 introduces uncertainty about whether or not the housing figures for housing growth are absolutes. Clarification of the Council's approach to the housing figures and/or a reassessment of affects is required therefore because of the uncertainty created with regard to the ability to deliver potentially even higher levels of housing growth in a way that <ul style="list-style-type: none"> respects environmental limits, does not adversely affect on the integrity of European Sites and 	<p>Potential Effect</p> <p>8. The LDD steers a quantum or type of development towards, or encourages development in, an area that includes a European Site or an area where development may indirectly affect a European Site.</p>	Yes

Policy	Title	Brief description	Anticipated effect	Screening Result	Further Assessment Required
			<ul style="list-style-type: none"> o does not prevent designated sites and significant biodiversity interest from being conserved and enhanced. 		
KP2	Development Principles	<p>Promotes sustainable development by requiring all new development, including transport infrastructure, to contribute to economic, social, physical and environmental regeneration by having regard to a set of overarching development principles/criteria including:</p> <ul style="list-style-type: none"> • concentrating development in existing urban areas, • promotion of sustainable modes of travel, • measures to promote good quality design, including measures to reduce crime, reduce use of resources/ use of renewables, avoid pollution, manage flood risk, etc; and • actively requiring the conservation and enhancement of historic and natural environments and, where possible, the upgrading of existing public open spaces or, if appropriate opportunities occur, the creation of new public open space (See also Policy CP 7). <p>In addition, the policy has been clarified in relation to development principles that seek to ensure good accessibility to local services and the transport network; and strengthened with regard to the need to ensure the protection of the natural environment specifically that European and international sites for nature conservation are not adversely affected</p>	<p>Not anticipated to have a significant effect on European sites as the emphasis of this policy in itself will not lead to development and as such is not seen in itself to result in likely significant effects upon European Sites.</p> <p>In addition, the policy requires development to create good quality buildings and environments. The improved energy efficiency, and control of pollution will benefit conservation interests by addressing climate change and improve air and water quality. It ensures that flood risk is fully taken into account in the planning process. The policy also requires the conservation and enhancement of historic and natural environments and, where possible, the upgrading of existing public open spaces or, if appropriate opportunities occur, the creation of new public open space (See also Policy CP 7).</p> <p>Moreover, as a result of changes resulting from HRA/AA of the submission Core Strategy, the aims of the policy have been strengthened and clarified in relation to sequential approach principle by making specific reference to local services and transport networks; and by specifically addressing the need to ensure the European sites are not adversely affected.</p>	<p>No effect</p> <p>1. The policy will not itself lead to development (e.g. it relates to design or other qualitative criteria for development, or it is not a land use planning policy)</p> <p>6. The policy is intended to protect the natural environment, including biodiversity.</p> <p>7. The policy is intended to conserve or enhance the natural, built or historic environment, and enhancement measures will not be likely to have any effect on a European Site.</p>	No
Policy	Title	Brief description	Anticipated effect	Screening Result	Further Assessment Required
KP3	Implementation and Resources	<p>Relates to the delivery of Strategic Objectives and Spatial Strategy through</p> <ul style="list-style-type: none"> ▪ the preparation of clearer guidance in Area Action Plans and Supplementary Planning Documents for key areas of opportunity and growth in accordance with Policy KP1 ▪ reference to the use of planning obligations to ensure provision of sustainable infrastructure and social and environmentally desirable measures ▪ the preparation of additional DPDs and SPD to provide detailed guidance on issues such as developer contributions, design and townscape, sustainable transport, open space green grid strategies ▪ the Local Transport Plan ▪ use of council land holdings, CPO powers etc <p>In addition the policy has been strengthened in relation to the protection of natural environments and now specifically requires that all development should have</p>	<p>It is considered that this policy would not directly affect European sites as it is an overarching policy about general principles of how the Core Strategy will be delivered. However, in setting out in particular how the Spatial Strategy will be delivered, this policy specifies that an AAP (DPD) and SPD will be prepared for identified areas in accordance with Policy KP1, which includes therefore, the Town Centre, Seafront and Shoeburyness Priority Areas, where development could have a potential effect on European sites (see effects set out in Policy KP1 above).</p> <p>Specific development sites in the Town Centre, Seafront and Shoeburyness areas (see above) and appropriate development principles will be identified within these more detailed AAP and SPD and will need to have regard to conservation objectives of European sites and be assessed at that stage.</p> <p>As a result of changes resulting from HRA/AA of the submission Core Strategy, the policy has been strengthened and clarified in relation to the protection of natural environments and now specifically requires that all development should have regard to the objectives of national, European and international nature conservation designations. In addition the Policy and preamble now specifically sets out the requirement for assessment in accordance with the requirements of the Habitats Regulations and Appropriate Assessment if necessary and highlights</p>	<p>Potential Effect</p> <p>8. The LDD steers a quantum or type of development towards, or encourages development in, an area that includes a European Site or an area where development may indirectly affect a European Site.</p> <p>The policy and text include a caveat that eliminates effects on the European Site therefore transfer to no effects</p> <p>No Effect</p>	No

		regard to the objectives of national, European and international nature conservation designations, undertaking 'Appropriate Assessment' where required and avoiding or adequately mitigating significant adverse effects	the particular sensitivities of the relevant Natura 2000 sites that development should have regard to (see new paragraph 2.17). The policy also refers to the use of planning obligations to ensure that infrastructure matches development. The impact very much depends on the infrastructure required; in some cases this will be beneficial to biodiversity interests and others (roads) may have adverse effects. This element of the policy is not site specific and more detailed guidance and policies will be developed in later DPDs and will be related to site specific development. This element of the policy is not seen to result in significant effects upon European sites.		
Policy	Title	Brief description	Anticipated effect	Screening Result	Further Assessment Required
CP1	Employment Generating Development	<p>Relates to the provision of jobs in accordance with the spatial strategy in KP1.</p> <p>Pre examination changes have modified the distribution of scale and phasing of job growth, to take account of the uncertainty around New Ranges coming forward within the plan period, with higher level of job growth (increase of 500 on submitted Core Strategy) envisaged for the seafront and a significant reduction in proposed job growth in Shoeburyness (reduced by 1,500).</p> <p>The policy continues to promote employment generating development in key growth areas and in accordance with overarching principles for sustainable economic regeneration based on sequential approach and regeneration principles, sectoral strengths, tourism, FE/HE facilities, Airport and Leigh Port etc. It also restricts the loss of existing employment land and reinforces the Strategic Objective of job-led growth by promoting a 'plan monitor and manage' approach to ensure provision of required infrastructure and a balance between jobs and housing in the future.</p>	<p>Whilst the overall level of net additional job growth remains unchanged, a higher level of job growth (increase of 500 on submitted Core Strategy) is envisaged for the seafront in the pre examination changes, this has the potential to exacerbate the increased recreational and development pressures and increased traffic movements in the seafront area. However, a significant reduction in proposed job growth in Shoeburyness (reduced by 1,500) is proposed, this would have the effect of reducing pressures on European Sites. The policy overall is not anticipated to have a significant effect even though this policy promotes the Seafront and Shoeburyness as foci for employment provision and the emphasis on tourism as a growth sector which could have a potential effect on European Sites. This is because employment generating development like all new development will be subject to Policies KP1, KP2, KP3 and CP4 which now contain strengthened caveats/criteria which seek to eliminate effects on nature/biodiversity interests. In addition details of delivery in areas such as the Seafront and Shoeburyness will be progressed through subsequent LDDs which will be subject to AAs (KP3 refers).</p> <p>The approach to promoting economic regeneration/development within the town is amplified in the preamble to Policy CP1 and in particular para 3.22 bullet point VIII promotes the River Thames as a transport, leisure and business asset.</p> <p>This could have a potential effect on European Sites due to increased activity and development pressures leading to disturbance and physical loss however, as a result of changes resulting from HRA/AA of the submission Core Strategy, the explanatory text now includes a caveat safeguarding the biodiversity importance of the foreshore which, when considered in combination with Key Policies KP1, KP2 and KP3, provides a robust set of development principles designed to eliminate effects on nature/biodiversity interests.</p>	<p>Potential Effect 8. The LDD steers a quantum or type of development towards, or encourages development in, an area that includes a European Site or an area where development may indirectly affect a European Site. The policy and text include a caveat that eliminates effects on the European Site therefore transfer to no effects No effect</p> <p>Potential Effect 1. The LDD steers a quantum or type of development towards, or encourages development in, an area that includes a European Site or an area where development may indirectly affect a European Site. The policy and text include a caveat that eliminates effects on the European Site therefore transfer to no effects No effect</p>	<p>No</p> <p>No</p>
Policy	Title	Brief description	Anticipated effect	Screening Result	Further Assessment Required
CP2	Town Centre and Retail Development	<p>Relates to the spatial distribution of retail development based on an identified retail hierarchy</p> <ul style="list-style-type: none"> ▪ Town Centre (major regional centre) is the first preference for all forms of retail development and other town centre uses attracting large numbers of people. ▪ district centres 	<p>This policy is primarily spatial in its approach, in order to plan positively for the growth and development of existing centres, in particular Southend Town Centre. As such it concentrates development in urban areas in particular the Town Centre which is associated with European sites. However, the policy overall is not anticipated to have a significant effect even though this policy promotes the town centre specifically as foci for regeneration based on Town Centre uses which could have a potential effect on European Sites. This is because all new</p>	<p>Potential Effect 8. The LDD steers a quantum or type of development towards, or encourages development in, an area that includes a European Site or an area where development may indirectly affect a European Site.</p>	<p>No</p>

		<ul style="list-style-type: none"> ▪ other local centres <p>The policy also sets out spatial preferences when applying the sequential approach to the location of additional convenience goods floorspace</p> <p>The pre-examination changes and changes proposed in Hearing Paper No 8, strengthen and clarify a number of issues:</p> <ul style="list-style-type: none"> • that the town centre is the first preference for all forms of retail development and other town centre uses • the sequential approach for both additional comparison and convenience goods floorspace • removes the distinction between bulky and non-bulky comparison goods • the role of district and local centres in the retail hierarchy and purpose of policy in relation to these centres • how detailed policies for delivery of additional floorspace will be formulated through Area Action Plans and RSL's Central Area Masterplan • the monitoring requirements and delivery and implementation relating to policy • deletes floor space provision and states that the Council will undertake an early review of the Southend Retail Study to update and roll forward its provisions to cover the period to 2021 	development will be subject to Policies KP1, KP2, KP3 and CP4 which now contain strengthened caveats/criteria which seek to eliminate effects on nature/biodiversity interests.	No Effect However, in implementing this policy regard must be had to Key Policy KP2 and Core Policy CP4 which contain strong caveats and criterion that eliminates effects on the European Sites	
Policy	Title	Brief description	Anticipated effect	Screening Result	Further Assessment Required
CP3	Transport and Accessibility	<p>Relates to transport and accessibility in the town to unlock key development opportunities and secure sustainable job-led regeneration and growth - based on improvements to existing road and rail networks to deliver improvements to accessibility, traffic flows, travel choice and freight distribution. In particular there is an emphasis on</p> <ul style="list-style-type: none"> ▪ specific freight and public transport routes and key regional interchanges ▪ widening travel choice to cycling (Sustrans routes), walking, bus, rail, car share etc ▪ realising the potential of the River Thames ▪ safeguarding the environment of environmental rooms <p>Higher density development will be directed to those areas well served by a range of transport</p> <p>The pre examination changes include the deletion of reference to promoting the principle of a hovercraft service and improved river access to Leigh Port</p>	<p>The emphasis of this policy is to improve accessibility to and within the town. As such it seeks to reduce dependence on road/private car trips in the town by widening travel choice (modal shift to public transport/walking and cycling) and focussing development at key interchanges and other transport nodes and key service centre reducing the need for travel. This approach seeks to reduce energy use and emissions with consequent contribution to responsibilities with regard to climate change. Specific infrastructure proposals relating to development will also be dealt with in more detail in other LDDs.</p> <p>The provision of new infrastructure within the Borough is set out in accordance with strategic priorities most of which are within the urban area and away from sensitive locations associated with European sites.</p> <p>As a result of changes resulting from HRA/AA of the submission Core Strategy, the policy no longer specifically promotes the principle of a hovercraft service on the River Thames as it is likely to have a significant effect on the interest features of the European site by physical loss (landing pad) and damage and non-physical disturbance from operation of service. As a consequence of this change the Hovercraft notation has been removed from the Key Diagram</p> <p>In addition reference to river access to Leigh Port has been removed because it is considered that, on the basis of options considered previously (dredging the channel etc), this is likely to have significant effect on the interest features of</p>	<p>Potential Effect 8. The LDD steers a quantum or type of development towards, or encourages development in, an area that includes a European Site or an area where development may indirectly affect a European Site.</p> <p>No Effect However, in implementing this policy regard must be had to Key Policy KP2 and Core Policy CP4 which contain strong caveats and criterion that eliminates effects on the European Sites</p>	No

Policy	Title	Brief description	Anticipated effect	Screening Result	Further Assessment Required
			European sites by virtue of physical loss.		
CP4	The Environment and Urban Renaissance	<p>The policy seeks to deliver quality urban environments and protect and enhance the town's natural and built resources by:</p> <ul style="list-style-type: none"> innovation and design excellence maximising the use of pdl whilst recognising potential value of biodiversity use of sustainable and renewable resources in construction and conservation of energy and resources quality public realm safe, permeable and accessible development and spaces based on Environmental Rooms safeguarding and enhancing historic environment, heritage and archaeological assets safeguarding, protecting and enhancing nature and conservation sites of international, national and local importance create and maintain Green Grid maintain the function and open character of Green Belt effective management of urban fringe reducing all forms of pollution 	<p>The policy promotes</p> <ul style="list-style-type: none"> protection and enhancement of natural resources efficiency and renewable energy . This could lead to positive impacts through improved air quality and contribute to the challenges of combating climate change good quality urban and green spaces linked by safe, green corridors. Whilst this could increase pressure on open space resulting in damage to natural habitats the aim is to provide alternative recreational areas to relieve recreational pressure on the seafront and reduce adverse effects on the European site good design and safeguarding historic character and assets <p>Therefore it will have a beneficial effect through ensuring that all development is beneficial to the environment particularly those of international, national and local importance.</p> <p>In addition this is an overarching policy which will not itself lead to development and as such is not seen in itself to result in likely significant effects upon European sites.</p> <p>Note: There are no significant pre examination changes proposed for this policy</p>	<p>No effect</p> <p>1. The policy will not itself lead to development (e.g. it relates to design or other qualitative criteria for development, or it is not a land use planning policy)</p> <p>7. The policy is intended to conserve or enhance the natural, built or historic environment, and enhancement measures will not be likely to have any effect on a European Site.</p>	No
CP5	Minerals and Soils Resources	<p>Promotes the sustainable use of soil and mineral resources by</p> <ul style="list-style-type: none"> Protecting the best and most versatile agricultural land Allowing extraction of demonstrably proven workable brickearth deposits to ensure a 20 year availability Promoting beneficial long term new use of contaminated land Permitting proposals for importation and recovery of secondary aggregates on industrial estates 	<p>The policy seeks to resist, accommodate or promote development proposals that will involve agricultural land, brickearth deposits/secondary aggregates management and contaminated land respectively. However, it is considered it will have a beneficial effect through ensuring that all development is beneficial to the environment particularly by biodiversity and landscape and historic assets by including caveats that provides for protecting soil resources from permanent damage and protection and / or enhancement of biodiversity, landscape amenity and heritage value</p> <p>Note: There are no pre examination changes proposed for this policy</p>	<p>No effect 4. Concentration of development in urban areas will not affect European Site and will help to steer development and land use change away from European Site and associated sensitive areas</p>	No
Policy	Title	Brief description	Anticipated effect	Screening Result	Further Assessment Required
CP6	Community Infrastructure	<p>Development will be required to demonstrate that it will not jeopardise the Borough's ability to improve the education attainment, health and well being of local residents and visitors.</p> <p>The policy also promotes locations particularly relating to the safeguarding of existing and promotion of new leisure, recreation and community facilities related to specific Council priorities. The pre examination changes identify additional such facilities in relation to health and social care and education priorities.</p>	<p>The policy proposes that development proposals must mitigate their impact on community infrastructure by contributing appropriately to services and facilities that could potentially be affected and at the same time ensure that the needs of all residents, including the disabled and vulnerable groups, are met and safety and access concerns are resolved.</p> <p>Its impact will, therefore, very much depend on the infrastructure required. The policy is primarily enforcing a principle that new development must also bring with it the appropriate infrastructure to support it and for the most part this is an overarching policy which will not itself lead to development. The policy does, however, promote locations particularly relating to the safeguarding of existing and promotion of new leisure, recreation and community facilities related to specific Council priorities. Such as reference to reinforcement of Southend Pier as an Icon of the Thames Estuary which could have a potential effect on</p>	<p>Potential Effect</p> <p>2. The LDD steers a quantum or type of development towards, or encourages development in, an area that includes a European Site or an area where development may indirectly affect a European Site. However, delivery of policy is subject to caveats and criterion in other policies in Core Strategy which should eliminate adverse effects.</p>	No

			<p>European Sites due to increased activity and development pressures leading to disturbance and physical loss. However, in such instances as is the case for all development, proposals would need to be delivered in accordance with Policy KP2 and CP4 which both provide safeguards for the protection of biodiversity interests of international, national and local conservation sites and the promotion of environmental benefits. As such it is not anticipated to have an effect on European sites</p> <p>The pre-examination change clarify delivery and implementation aspects of policy</p>	<p>The policy and text include a caveat that eliminates effects on the European Site therefore transfer to no effects No effect</p>	
Policy	Title	Brief description	Anticipated effect	Screening Result	Further Assessment Required
CP7	Sport, Recreation and Green Space	<p>This policy relates to:</p> <ul style="list-style-type: none"> the restrictions on the loss of existing open space and allotments requirement for all new housing development to contribute to new and qualitative improvements to existing facilities commensurate with additional population generated by development requirement for direct provision within major housing developments optimising the potential for sports excellence and research and development centred on existing facilities <p>Development will be required to contribute to sports, recreation and green space facilities within the Borough for the benefit of local residents and visitors.</p>	<p>This policy relates to:</p> <ul style="list-style-type: none"> the restrictions on the loss of existing open space and allotments requirement for all new housing development to contribute to new and qualitative improvements to existing facilities commensurate with additional population generated by development requirement for direct provision within major housing developments optimising the potential for sports excellence and research and development centred on existing facilities <p>At the heart of the Core Strategy is the creation of a green grid of high quality, linked and publicly accessible open space and landscape across the borough (Strategic Objective SO18 refers) .This policy promotes the development of new green spaces and greenways including a new Country Park within or close to the north-eastern part of the borough as part of the green grid strategy, with more detailed guidance to follow in open space and green grid strategy SPD. With regard to these elements of the policy no effects upon European Sites are anticipated.</p> <p>However, the significance of delivery of natural green space ‘infrastructure’ in areas such as the Town Centre and Seafront needs now to be considered within the context of its contribution to minimising recreational pressure on the European Sites. This is because, despite the introduction of strong caveats within other policies in the Core Strategy that were agreed would eliminate effects of the submission DPD, in raising the level of regeneration and growth (in line with the RSS PC) to be built within the seafront and Town Centre areas before 2011 the is increased risk of adverse recreational pressure on the Benfleet and Southend Marshes SPA/Ramsar site if alternative accessible green space provision is not ‘in step’ with the rate of new dwelling provision. In addition, it is considered that whilst KP3 promotes the use of planning obligations to deliver ‘open space’ the pre examination changes to CP7 fifth paragraph which reduces the strength of the wording ‘should’ rather than ‘will be required to’, might create problems of accessible green space delivery and management.</p> <p>Note: There are no significant pre examination changes proposed for this policy</p>	<p>No effect</p> <p>4. Concentration of development in urban areas will not affect European Site and will help to steer development and land use change away from European Site and associated sensitive areas However would benefit from clarification and strengthening with regard to the role of policy in assisting in reducing recreational pressures on European sites through alternative open space provision</p>	Yes

Policy	Title	Brief description	Anticipated effect	Screening Result	Further Assessment Required
CP8	Dwelling Provision	<p>Relates to the provision of dwellings</p> <ul style="list-style-type: none"> ▪ in accordance with the spatial strategy in KP1 and 80% on pdl ▪ by restricting loss of existing valuable residential resources ▪ within a vibrant mix of uses on larger sites in accordance with sustainable development and transport principles <p>Expectation that all residential development proposals contribute to local housing needs including affordable, key worker and special needs provision.</p> <p>Pre examination changes have taken into account the proposed changes to the RSS which increases the housing provision figure for Southend from 6,000 to 6,500. The changes to the scale, distribution and development rate of dwelling provision is as follows:</p> <ul style="list-style-type: none"> • Town Centre 2,000 (an increase of 350 units) • Seafront 550 (an increase of 150 units) • Shoeburyness (no change in scale) • Intensification (no change in scale) • Total 6,500 	<p>The proposed changes to this policy promotes higher levels for new dwelling provision for the Seafront and Town Centre areas which could have a potential effect on European Sites due to increased recreational and development pressures and increased traffic movements resulting from increasing the number of local residents living in close proximity to Benfleet and Southend Marshes SPA and Ramsar site. This would increase the risk of recreational disturbance to the interest features of this site, however, the scale of growth proposed and taking into account the 'already built element' the proposed policy safeguards for the environment were regarded as adequate.</p> <p>In addition, the proposed changes to RSS Policy H1 states that district allocations should be regarded as minimum targets to be achieved, rather than ceilings which should not be exceeded. The RSS recognises that higher provision should only be achieved providing this can be delivered without breaching environmental limits or infrastructure</p> <p>The areas of concern are that:</p> <ul style="list-style-type: none"> • despite the introduction of strong caveats within other policies in the Core Strategy that were agreed would eliminate effects of the submission DPD, the pre-examination changes, in raising the level of regeneration and growth (in line with the RSS PC), to be built within the seafront and Town Centre areas before 2011 would significantly increases the risk of adverse recreational pressure on the Benfleet and Southend Marshes SPA/Ramsar site • whilst the housing provision figures in this policy are expressed as absolutes, the use of the words 'at least' in Policy KP1 introduces uncertainty about whether or not the housing figures for housing growth in the Core Strategy are absolutes. Clarification of the Council's approach to the housing figures and/or a reassessment of affects is required therefore because of the uncertainty created with regard to the ability to deliver potentially even higher levels of housing growth in a way that <ul style="list-style-type: none"> o respects environmental limits, o does not adversely affect on the integrity of European Sites and o does not prevent designated sites and significant biodiversity interest from being conserved <u>and enhanced</u> <p>In addition details of delivery in areas such as the Seafront and Shoeburyness will be progressed through subsequent LDDs which will be subject to assessment in accordance with the requirements of the Habitats Regulations and Appropriate Assessment, if necessary in accordance with Policy KP3).</p>	<p>Potential Effect</p> <p>8. The LDD steers a quantum or type of development towards, or encourages development in, an area that includes a European Site or an area where development may indirectly affect a European Site.</p>	Yes
Policy	Title	Brief description	Anticipated effect	Screening Result	Further Assessment Required
CP9	Monitoring and Review	<p>Sets out the monitoring and review framework for the Core Strategy and its policies.</p> <p>Whilst there are no changes to policy proposed Hearing Paper No 6, strengthen and clarify a number of issues in the supporting text:</p> <ul style="list-style-type: none"> • the data / information which will be collected and analysed in order to provide for the effective monitoring 	<p>The policy relates to the monitoring of the effectiveness of the policies in the core strategy and any subsequent reviews and will not itself lead to development</p> <p>The proposed changes clarify and strengthen how the provisions of the Core Strategy will be delivered and monitored. In particular the delivery and monitoring framework reinforces the Council's commitment to deliver green space 'infrastructure' capable of contributing to minimising recreational</p>	<p>No effect</p> <p>1. The policy will not itself lead to development (e.g. it relates to design or other qualitative criteria for development, or it is not a land use planning policy)</p>	No

		<p>of the plans policies</p> <ul style="list-style-type: none">• how jobs, housing and infrastructure will be monitored• monitoring and review process of the Core Strategy as set out in the form of tables after Policy CP9.	<p>pressure on the European Sites.</p>		
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List of relevant plans and projects

Strategic plans

EU - European Spatial Development Perspective [1999]
 UN - The Johannesburg Declaration on Sustainable Development [2002]
 ODPM - Securing the Future: Delivering the UK Sustainable Development Strategy [2005]
 OPDM - PPS1: Delivering Sustainable Development [2005]
 ODPM - PPG13: Transport
 ODPM - RPG9: Regional Planning for the South East of England [2001]
 EERA - Integrated Regional Strategy for the East of England [2005]
 EERA – Draft East of England Regional Spatial Strategy [2004]
 EERA – Draft East of England Regional Spatial Strategy Sustainability Appraisal [2004]
 SERA - Draft South East Plan – A clear vision for the South East [2005]
 EA Catchment Abstraction Management Strategy for South Essex [2004]
 EA Water resources for the future – a strategy for the Anglian Region [2001]
 Essex and Southend on Sea Replacement Structure Plan [2001]
 Essex and Southend on Sea Waste Local Plan [2001]
 Essex Minerals Plan First Review [1996]
 Mouchel Associates Limited – Essex Shoreline Management Plan [1997]
 Thames Estuary 2100 Programme [2005]
 Thames Strategy East
 EC - Air Quality Framework Directive 96/62/EC and Daughter Directives
 EC - Directive 2002/49/EC relating to the assessment and management of environmental noise (the Environmental Noise Directive (END))
 EC - Framework Waste Directive (Directive 75/442/EEC, as amended)
 EC - Landfill of Waste Directive (99/31/EC)
 ODPM - PPG17: Planning for Open Space, sport and recreations
 ODPM - PPG25: Development and Flood risk
 ODPM - Living Places: Cleaner, Safer, Greener
 ODPM - RPG9a/3a: The Thames Gateway Planning Framework
 ODPM - Greening the Gateway [2005]
 ODPM – Sustainable Communities: Delivering Green Space in the Thames Gateway [2004]
 Thames Gateway South Essex Partnership - Green Grid Strategy [2005]
 ODPM - PPG21 Tourism
 DEFRA - England Rural Development Programme [2003]
 Thames Gateway South Essex Partnership – London to Southend Movement Study [LOTS] [2004]
 DfT – The Future of Air Transport [2003]
 DfT - National Cycle Strategy
 ODPM - PPS6 Planning for Town Centres [2004]
 ODPM - Sustainable Communities: People, Places Prosperity [2005]
 ODPM - Sustainable Communities: Homes for all [2005]
 ODPM - PPG3: (and updates) – Housing [2000]

ODPM - Planning for Gypsy and Traveller sites
ODPM - Sustainable Communities Making it happen: Thames Gateway and growth areas [2003]
ODPM - PPG4 Industrial, Commercial Development & Small Firms [2001]
ODPM - PPG8: Telecommunications [2001]
ODPM - Delivering the Thames Gateway [2005]
UNEP & Council of Europe - Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979)
EC - Birds Directive (79/409/EEC)
UNEP - Bonn Convention on the Conservation of Migratory Species of Wild Animals (1979)
EC - Conservation of Natural Habitats and of Wild Fauna and Flora Directive (92/43/EEC)
EC - Convention on Biological Diversity
EC - Effects of Certain Public and Private Projects on the Environment Directive (85/337/EEC & 97/11/EC)
UN - Kyoto Protocol (1992)
Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat (1971)
EC - Water Framework Directive (2000/60/EC)
DEFRA - Climate Change: The UK Programme
DEFRA – Working with the Grain of the Future – A Biodiversity Strategy for England [2002]
UK Biodiversity Steering Group - UK Biodiversity Action Plan
ODPM - PPG2 Green belts
ODPM - PPS9 Biodiversity & Geological Conservation
ODPM - PPG20: Coastal Planning
ODPM - PPS23: Planning and Pollution Control
CABE Space – Green Space Strategies [2004]
EERA and EEEF Our environment, Our Future – The Regional Environment Strategy for the East of England [2003]
Regional Woodland Strategy for East of England [2004]
Essex Biodiversity Action Plan [1999]
Southend on Sea Biodiversity Action Plan [2003]
Southend on Sea

Projects

ShellHaven – London Gateway Port Development
Environment Agency Review of Consents (ongoing)