

habitat regulations assessment -  
addendum  
july 2014

development plan document  
**development management**

southend on sea borough council  
local development framework



delivering regeneration and growth



## **Addendum to Development Management Development Plan Document Habitats Regulations Assessment**

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### **A comparison between the Condition Summary for the SSSI's identified in the Habitats Regulation Assessment for the Development Management DPD and the most recent analysis by Natural England in May 2014**

#### **Purpose of the Development Management Development Plan Document (DPD)**

The 'Development Management' Development Plan Document (DPD), when adopted, will form part of the Southend-on-Sea (hereafter referred to as 'Southend') Local Planning Framework. It sets out the Borough Council's policies for positively managing development in Southend and will be used to assess and determine planning applications. The policies in the Development Management DPD will replace a number of Southend Borough Local Plan Saved Policies.

A Revised Proposed Submission Development Management DPD was published in April 2014. This document is the second Proposed Submission Development Management DPD to be published so that representations can be made in relation to soundness and legal compliance, and follows an earlier Issues and Options stage in 2010. Following publication of the first (now superseded) Proposed Submission Development Management DPD in March 2011, the National Planning Policy Framework (NPPF) was published in March 2012 and it was necessary to review the document, and its evidence base, in light of changes nationally. A number of amendments were consequently made and reflected in the latest revised version of the Development Management DPD to ensure it is in conformity with national policy and guidance.

#### **Development Management Habitats Regulation Assessment (HRA) Scoping Report**

Southend and the surrounding districts are home to a number of important designated sites for nature conservation. Habitats screening is an assessment of the potential significant effects of a policy on European Sites designated for their nature conservation importance. These include Special Areas of Conservation, Special Protection Areas, and international Ramsar sites. A policy should only be approved after determining that it will not adversely affect the integrity of such sites.

The screening report concluded that suggested policies in the Issues and Options version of the Development Management DPD (2010) will not have any significant impact on European sites, either alone or in combination with other plans and strategies. The statutory bodies agreed with these conclusions. The Habitats Regulations Screening Report is available on the Council's website [www.southend.gov.uk/ldf](http://www.southend.gov.uk/ldf). The Development Management DPD has taken account of the conclusions of the screening.

#### **SSSI and Assessment Process**

Sites of Special Scientific Interest (SSSIs) are the best wildlife and geological sites in England. Knowing the condition of these sites is a vital part of Natural England's statutory responsibility to conserve and protect them. Natural England assesses the condition of all

SSSIs as part of a six year cycle. These condition assessments are carried out on all the SSSIs in England and will continue to be carried out on a regular basis to help Natural England monitor the health of these sites in the long-term.

Natural England assesses the condition of SSSIs using standard methods that have been developed together with the Joint Nature Conservation Committee (JNCC) – the UK government’s wildlife adviser. This standard methodology is used for site assessments throughout the UK and details are available on the JNCC’s website ([www.jncc.gov.uk](http://www.jncc.gov.uk)).

The 4,114 SSSIs in England are divided into about 22,000 units and each one is assessed against a set of targets, or target ranges, that have to be met for the unit to be judged in ‘favourable condition’. Natural England measure the condition of SSSIs to assess the quality of their special habitats and species – the Special Features that make these sites important. However, site assessments also look at the management measures that have been put in place to help conserve Special Features or help their recovery if they have been damaged.

If, following the assessment, a SSSI unit is found to be in a favourable or recovering condition, it means that its habitats and species are being conserved by appropriate management. If a unit is found to be in an unfavourable condition, this means there is a current lack of appropriate management, or that there are damaging impacts.

### **Condition Categories**

- Public Service Agreement (PSA) target - if a SSSI unit is currently assessed as being in ‘favourable’ or ‘unfavourable recovering’ condition, it is described as 'meeting the PSA target'.
- Favourable condition - special habitats and features are in a healthy state and are being conserved for the future by appropriate management.
- Unfavourable recovering - all necessary management measures are in place to address the reasons for unfavourable condition – if these measures are sustained, the site will recover over time.
- Unfavourable no change - the special interest of the SSSI unit is not being conserved and will not reach favourable condition unless there are changes to the site management or external pressures. The longer the SSSI unit remains in this poor condition, the more difficult it will be, in general, to achieve recovery.
- Unfavourable declining condition - the special interest of the SSSI unit is not being conserved and will not reach favourable condition unless there are changes to site management or external pressures. The site condition is becoming progressively worse.
- Part destroyed or destroyed – these terms describe a very small number of sites where there has been fundamental and lasting damage – the Special Features have been lost permanently. Favourable condition cannot be achieved at such sites.

## Review of Baseline Position of the SSSI Areas Condition for DM DPD

Since there has been a further consultation on the Development Management (DM) DPD ahead of its submission to the Secretary of State for examination in public (EIP), it was considered good practice to review the baseline position for the SSSI highlighted in the original HRA Screening Report for the DM DPD as this dated back to May 2007.

**Table 1** below provides a comparison of the results of the Natural England Assessment of the relevant SSSI which may be affected by the policies in the DM DPD as well as other plans and policies in combination.

The results demonstrate that the plans and policies have not had a negative effect on the SSSIs, and in fact, there has been a positive effect on the condition of these areas, apart from one which is unchanged but has been in a very favourable condition since 2007 and continued to be so.

**Table 1 - Natural England SSSI Condition Summary**

SSSI Area	% Area meeting PSA target	% Area favourable	% Area unfavourable recovering	% Area unfavourable no change	% Area unfavourable declining	% Area destroyed / part destroyed
Crouch and Roach Estuaries (2014)	99.33	22.87	76.46	0.67	0.00	0.00
Crouch and Roach Estuaries (2007)	23.5	23.5	0.00	0.67	75.83	0.00
Benfleet and Southend Marshes (2014)	92.26	0.87	91.39	7.74	0.00	0.00
Benfleet and Southend Marshes	0.00	0.00	5.26	0.00	94.74	0.00

(2007)						
Foulness (2014)	97.29	72.61	24.68	0.02	2.70	0.00
Foulness (2007)	77.94	77.94	0.00	0.98	21.08	0.00
South Thames Estuary and Marshes (2014)	97.63	95.28	2.35	0.59	1.79	0.00
South Thames Estuary and Marshes (2007)	96.35	86.74	9.61	1.87	1.79	0.00
Mucking Flats and Marshes (2014)	100.00	94.13	5.87	0.00	0.00	0.00
Mucking Flats and Marshes (2007)	100.00	94.13	5.87	0.00	0.00	0.00

### **Conclusion about the condition of the SSSI and the Development Management DPD**

The DM DPD HRA Screening Report concluded that the document 'does not include specific plans or proposals that would result in growth that would have an impact on European sites. Many of the policies are intended to promote the conservation of resources or would lead to reductions in pollution, which could benefit European sites.'

It is considered that since the Screening Report was produced, the policies in the Revised Proposed Submission DM DPD (2014) remain focused on the conservation of resources and reduction in pollution to the benefit of European sites. These policies are likely to enhance the protection of the European sites in combination with the Southend Core Strategy and other policies and procedures for the protection of the environment as illustrated in Table 1. A number of specific policies within the DM DPD which contribute to the integrity of these sites and the overall protection and management of natural environment are detailed below:

- Policy DM2 'Low Carbon Development and Efficient Use of Resources' will ensure that all development proposals should contribute to minimising energy demand and carbon dioxide emissions. Specifically it states that it will be a requirement from the start of the design process to consider urban greening measures and promote biodiversity through *'provision of soft landscaping open space; tree planting; green roofs; living walls; nest boxes; and soft landscaping'*.
- Policy DM6 'The Seafront' recognises that the foreshore is a significant area for biodiversity being designated with international and European sites for nature conservation. Specifically the policy states that *'All development within the Seafront Area will incorporate measures which will (i) limit any adverse impacts and where possible enhance the biodiversity interests of the local nature reserves and coastal and marine environment; and (ii) protect the valuable natural amenity areas of international, European, national importance'*. It also states that *'All development must explore the need for Habitats Regulation Assessment to ensure screening for potential adverse impacts on internationally designated nature conservation sites in the area'*.
- Policy DM14 'Environmental Protection' will ensure that contamination and contaminated land is dealt with appropriately *'to identify any risks to human health, the natural environment or water quality'*.

Most encouragingly, all the SSSI areas have improved significantly since the adoption of the Southend Core Strategy (2007) which was accompanied by an Appropriate Assessment as part of the HRA. The DM DPD does not propose additional development nor does it contain site allocations and moreover it provides additional detailed policies on the delivery of development in Southend to ensure that it is sustainable, well designed and does not have an adverse impact on the wider environment; the intention is for development to enhance the environment where possible. It is considered that the policy approach will maintain and enhance further the baseline data for the environmental designations in the Thames Estuary as well as other local nature conservation sites.

As such it is considered that this Addendum and the HRA Screening Report demonstrate that the DM DPD is a positive plan that will protect and enhance the integrity of nature conservation sites in accordance with the requirements of Natural England.

This conclusion has been validated by Natural England who state that they 'do not disagree with the Council's assessment, therefore we accept the Habitats Regulation Assessment as submitted by Southend in respect of this document.' A full copy of the letter submitted by Natural England on 7<sup>th</sup> July 2014 in respect of this addendum may be seen in Appendix 1.



Date: 7 July 2014  
Our ref: 125276  
Your ref:



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## BY EMAIL ONLY

Dear Mr Thomas,

### Addendum to Development Management Development Plan Document Habitats Regulations Assessment

Thank you for your correspondence dated 3<sup>rd</sup> July 2014 together with your colleague, Mark Sheppard's correspondence dated 25<sup>th</sup> June 2014 in respect of the above consultation document, seeking the views and comments of Natural England on the addendum information provided in response to our letter dated 14<sup>th</sup> May 2014.

Natural England is the Government agency that works to conserve and enhance biodiversity and landscapes, promote access to the natural environment, and contribute to the way natural resources are managed so that they can be enjoyed now and by future generations

Biodiversity and the natural environment can lead to various opportunities, not just for wildlife activity and connection, but also health, recreation, contributing to climate change adaptation and improving quality of life. The Council could make references to the multiple benefits of green, open, natural space to support these policies.

### Habitats Regulation Assessment

The Habitats Regulation Assessment linked to this document on the Council's website is dated September 2010, the Council have now identified that they have reviewed the baseline evidence of this report.

Policies to promote sustainable development and enhance designated areas will be supported by Natural England. This document does not include specific plans or proposal that would result in growth that would have an impact on European sites. Southend Council are satisfied that the information they are holding is appropriate and current, and that having revised the information indicates that it meets the needs of the legislation.

Natural England do not disagree with the Council's assessment, therefore we accept the Habitats Regulation Assessment as submitted by Southend in respect of this document.

Natural England expects to be consulted on projects or applications which have the potential to impact on designated (Natura 2000) sites, should a developer or applicant is unsure that a project or application may have an impact, then consultation/contact with Natural England is encouraged at an early stage to discuss and consider.

In respect of the above Southend Council is reminded that in respect of European sites, consideration will need to be given to functional land, as well as the designated sites themselves. Functional land is used as foraging, commuting and perching land for a variety of species, whilst not designated, forms an intrinsic part of the function and ability of the site for species.

There are also proposals to designate the Thames Estuary as a Marine Conservation Zone (MCZ) in the long term due to its ecological status. Such zones, when identified, would be of the same status as SPAs and SACs, and should receive the highest level of protection.

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

For clarification of any points in this letter, please contact [REDACTED] For any new consultations or issues, please contact [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully

[REDACTED]

**Lead Advisor**

**For and on behalf of Beds, Essex, Northants, Cambs, Herts**

