

MID SUFFOLK DISTRICT COUNCIL

TO:	Mid Suffolk Cabinet	REPORT NUMBER: MCa/19/27
FROM:	Cabinet Member for Planning	DATE OF MEETING: 04 November 2019
OFFICER:	Robert Hobbs, Corporate Manager – Strategic Planning	KEY DECISION REF NO. CAB162

Suffolk Coast Recreational Disturbance and Avoidance Mitigation Strategy

1. PURPOSE OF REPORT

- 1.1 To approve the Suffolk Coast Recreational disturbance and Avoidance Mitigation Strategy (RAMS) (referred to hereafter as The Strategy).
- 1.2 The Strategy is a means by which new residential growth can be delivered, whilst at the same time adequately protecting Suffolk's coastal, estuarine and heathland European wildlife sites from harm that could otherwise occur because of increased recreation pressure caused through new residential development.
- 1.3 The Strategy is in response to Local Plan Habitats Regulations Assessment (HRA) requirements and is in line with Natural England advice and the approach endorsed.

2. OPTIONS CONSIDERED

- 2.1 To approve The Strategy as this meets our legal requirement as a competent authority to protect impacts upon European / Habitats Sites.
- 2.2 To not approve the Strategy and require an Ecology Report for every new residential development with site by site project based HRA requirements.

3. RECOMMENDATIONS

- 3.1 That the Suffolk Coast RAMS (2019) is approved for adoption.
- 3.2 That delegated authority is granted to the Assistant Director for Sustainable Communities to determine the method of RAMS implementation via an Implementation Board.

REASON FOR DECISION

The Councils are legally required to take an active approach to mitigate against the increasing pressure from residential development upon European / Habitats Sites.

The Conservation of Habitats and Species Regulations 2017 (known as the 'Habitats Regulations') set out how Local Planning Authorities must deal with planning applications that are likely to have an adverse effect on European Sites. Natural England advice is that, to comply with The Regulations.

The Strategy is a means by which new residential growth can be delivered, whilst at the same time adequately protecting Suffolk's coastal, estuarine and heathland European wildlife sites from harm that could otherwise occur because of increased recreation pressure caused through new residential development.

The Strategy identifies and costs measures necessary to mitigate recreational impacts, confirm how they will be funded and delivered, and is an approach that is in accordance with European Habitats Legislation and endorsed by Natural England. An Implementation Board will be responsible to determining how monies collected are spent.

4. KEY INFORMATION

- 4.1 European Habitats Directive and Natural England expects the relevant competent authority, in this case Babergh District Council and Mid Suffolk District Council, to take active responsibility to ensure measures are in place to mitigate against negative impacts upon the European / Habitats Sites from new residential development.
- 4.2 The Habitats Regulations Assessments of Local Plan documents adopted by Babergh District Council, Suffolk Coastal District Council and Ipswich Borough Council identified mitigation measures to address likely significant effects from recreational disturbance on internationally important wildlife sites. The Councils have worked together to produce a recreational avoidance and mitigation strategy across their areas. Through amendments to the zone of influence (the distance has been revised in line with the review of evidence and reports) Mid Suffolk and Waveney District Councils also agreed to adopt the Strategic approach. It is acknowledged that Suffolk Coastal and Waveney are now known as East Suffolk District Council.
- 4.3 Under the Habitats Regulations, a development which is likely to have a significant effect on a European / Habitats Sites must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'.
- 4.4 The Strategy is optional, however the alternative would be for the developer to gather their own evidence for a project level Habitats Regulations Assessment (HRA) and then to secure the necessary bespoke mitigation measures for delivery in perpetuity. This assessment would likely have a much higher cost than if the developer were to make a contribution to the implementation of The Strategy.

5. LINKS TO JOINT STRATEGIC PLAN

- 5.1 This links to Priority 1: Economy and Environment.

Babergh: Shape, influence and provide the leadership to enable growth while protecting and enhancing our environment.

Mid Suffolk: Lead and shape the local economy by promoting and helping to deliver sustainable economic growth which is balanced with respect for wildlife, heritage and the natural and built environment.

6. FINANCIAL IMPLICATIONS

- 6.1 The adoption of The Strategy will require the New Burdens funds to be requisitioned in order to secure a Delivery Officer. The location and responsibility for the Delivery Officer has yet to be determined although currently East Suffolk have provided an Interim Delivery Officer to ensure implementation of the Strategy measures can undertaken with immediate effect.
- 6.2 The ongoing financing of the Delivery Officer and wardens is included within the contributions tariff.
- 6.3 The level of the tariff currently calculated for Zone A, which includes the relevant parts of Babergh and Mid Suffolk Districts, is £121.89 per dwelling, with the exception of a small area within the Parish of Laxfield in Mid Suffolk, which is in Zone B where the tariff is £321.22. This is a voluntary contribution as the alternative is to require an Ecology Report for every new residential development with site by site project based HRA requirements. There is an additional charge for legal services of £50 per contract.

7. LEGAL IMPLICATIONS

- 7.1 A Memorandum of Understanding (MOU) was signed by all Local Authorities for the production of The Strategy. A new MOU is being prepared for the implementation and ongoing administration of The Strategy.
- 7.2 The process for collecting the tariff can be either through a Section 111 Agreement collected upfront, a Unilateral Undertaking to be paid on commencement of development, or through a Section 106 Agreement on larger developments again to be paid on commencement of development.

8. RISK MANAGEMENT

- 8.1 This report is most closely linked with the Council's Corporate / Significant Business Risk No. 1d – 'Development may be stifled and/or unsustainable', if we do not secure investment in infrastructure. A key risk is set out below.

Risk Description	Likelihood	Impact	Mitigation Measures
If The Strategy is not adopted, more time will be spent considering individual proposals for Habitats Regulations Assessment mitigation rather than having a joined-up approach. However, this Strategy is a voluntary approach.	2 – Unlikely	2 – Noticeable	To explain the benefits of using The Strategy, which provides a more streamlined and timely approach for both the applicant and the Councils.

9. CONSULTATIONS

9.1 This is a technical document therefore once adopted, will not need to go out to consultation.

10. EQUALITY ANALYSIS

10.1 There are no equality impacts in adopting The Strategy. If, as a result of adopting the document, any changes are proposed that impact on any of the protected grounds, a full Equality Impact Assessment (EIA) will need to be carried out. An Equality Impact Assessment has been undertaken for the emerging Joint Local Plan.

11. ENVIRONMENTAL IMPLICATIONS

11.1 The Strategy addresses environmental impacts arising from development.

12. APPENDICES

Title	Location
(a) Suffolk Coast Recreational disturbance and Avoidance Mitigation Strategy	Attached

13. BACKGROUND DOCUMENTS

13.1 None.