

Date: 07 March 2016
Our ref: 177642
Your ref: Tollesbury Neighbourhood Plan – Local Marine Plan

NATURAL
ENGLAND

Roger Lankester
Tollesbury Local Marine Plan co-ordinator

roger.lankester2@virginmedia.com

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Mr Lankester

Tollesbury Neighbourhood Plan – Local Marine Plan

Thank you for consulting Natural England on the above matter, your initial e-mail to consultations@naturalengland.org.uk was received on 27 January 2016. I have been asked to pull together the advice given to you so far and to offer further advice to address your unresolved queries. I apologise for the delay in this collated response (our land use planning staff are under pressure and I have been asked to cover). Our Customer Service Standards state that planning consultations must be responded to within 21 days of receipt (15 working days).

Natural England's Role

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Internationally and nationally designated sites

The Tollesbury Neighbourhood Plan area is within or in close proximity to a number of European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their interest features and/or qualifying species. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The site is also listed as Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar site¹ and also notified at a national level as the Blackwater Estuary Site of Special Scientific Interest (SSSI). The following designated sites should be included for consideration within the **scope of the Local Marine Plan**:

- **Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone (MCZ)**
- **Blackwater Estuary (Mid-Essex Coast Phase 4) Special Protection Area (SPA)**
- **Essex Estuaries Special Area of Conservation (SAC)**
- **Blackwater Estuary Site of Special Scientific Interest (SSSI)**
- **Blackwater Estuary Ramsar Site**
- **Blackwater Estuary National Nature Reserve (NNR)**

¹ Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

Further information on the boundaries of these sites, their interest features and sensitivities can be found by accessing the publically available datasets through the **Multi-Agency Geographic Information for the Countryside (MAGIC) website** <http://magic.defra.gov.uk/>. One can easily select the map area and which datasets are to be displayed (and one can alter the transparency of the individual layers). It is a very powerful tool for everyone and allows an immediate visual representation of designations throughout the UK. Helpfully one can also call up administrative boundaries and aerial photographs. The Identify Feature Tool will bring up a separate floating window with all the links to the background documents associated with the designated sites (so one can identify the key types of habitat and/or species, their conservation status and sensitivities). This should be your **main source of evidence in developing the Local Marine Plan**.

Previous Advice

Following your initial contact with us, my colleague in our Marine Team, **Melina Jack**, made contact with you to establish how we can help in your task of preparing a Local Marine Plan for Tollesbury and provided advice on 9 February 2016 (reproduced verbatim below):

"My advice is for you to ensure that your policy objectives comply with the conservation objectives of both terrestrial and marine designations for nature conservation sites. This will potentially include input from marine advisers, terrestrial advisers and coastal access advisers. For your landscape values query, I have asked our terrestrial advisers to identify who should be involved with these discussions.

By default the objectives of the conservation objectives (found within the conservation advice documents) for designations will comply with the objectives set out in the MPS and NPPF because they are both underpinned (either in part, or wholly) by either the Marine and Coastal Access Act (2009), Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2010 (as amended) or The Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007 (as amended).

As you mention, there is considerable overlap between the terrestrial and marine components of the area in question because in coastal areas the terrestrial jurisdiction is down to mean low water, whilst the marine jurisdiction is up to mean high water. This is largely down to the planning system. To compliment this overlap, our Essex Area Team within Natural England is made up of a combination of marine, terrestrial and coastal access advisers.

As a marine adviser I will focus only on the features and conservation objectives of the marine designations within the jurisdiction of Tollesbury Parish Council (Maldon District Council), outlined in your attached map, and as discussed on the telephone (these are outlined in red). I have asked our terrestrial advisers to get back to you with advice on the terrestrial sites.

The designations that you need to consider:

- Essex Estuaries Special Area of Conservation (SAC)
- Blackwater, Crouch, Roach and Colne Estuary Marine Conservation Zone (MCZ) (this package is available online [here](#))
- Blackwater Estuary Special Protection Area (SPA)
- Several SSSIs
- Several Ramsars

To inform your policy objectives, please find attached maps for each of the marine designations as well as their conservation advice documents. You can also access an interactive mapping system for the designations and the location of their features [here](#)."

Current Advice

In your e-mail of 27 January 2016 you asked what the statutory power is for the range of policies outlined in the National Character Area (NCA) 81 Greater Thames Estuary document. In response, my colleague **Sarah Fraser** advises:

1. The NCA document is **not a statutory document**. The introduction to the NCA document states that "NCA profiles are **guidance** documents which can help communities to inform their decision-making about the places that they live in and care for". We support the use of the NCA profile to guide the development of the Neighbourhood Plan. The "statements of opportunities" are a helpful starting point for identifying what policy measures can be included in the Neighbourhood Plan to achieve the environmental outcomes.
2. From searching the Tollesbury Parish website it appears that there is no Neighbourhood Plan at present but the Parish has made an application for the *designation* of a Neighbourhood Area for the Tollesbury Neighbourhood Plan. We do not normally provide a bespoke response to the designation of a Neighbourhood Planning area. However, please see the Annex (at the foot of this letter) which provides a wide range of topics for consideration in drawing up a Neighbourhood Plan, which we hope you will find useful.

Future Consultation

Natural England is a statutory consultee for land use strategic plans, so we would very much welcome future consultation on the emerging Tollesbury Neighbourhood Plan. Please contact us again when the draft Tollesbury Neighbourhood Plan is available. Dependent on the nature of the consultation we will either provide local bespoke advice (if the issues are complex and/or pose a significant risk to the natural environment) or generic advice (if the issues and risks are insignificant).

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

For any queries relating to the specific advice in this letter only please contact Phil Sturges on 01621 850198 or 07900 227383. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

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

Yours sincerely

Phil Sturges

Phil Sturges
Lead Adviser

(temporary cover for land use planning work in Essex)

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic²](http://magic.defra.gov.uk/) website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification**, **Ancient Woodland**, **Areas of Outstanding Natural Beauty**, **Local Nature Reserves**, **National Parks (England)**, **National Trails**, **Priority Habitat Inventory**, public rights of way (on the **Ordnance Survey base map**) and **Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here³](#).

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here⁴](#). Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here⁵](#).

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty** (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic⁶](http://magic.defra.gov.uk/) website and also from the [LandIS website⁷](http://www.landis.org.uk/), which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework⁸](#) sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance⁹](#) sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental

² <http://magic.defra.gov.uk/>

³ <http://www.nbn-nfbr.org.uk/nfbr.php>

⁴ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁵ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁶ <http://magic.defra.gov.uk/>

⁷ <http://www.landis.org.uk/index.cfm>

⁸ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁹ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

assessments.

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)¹⁰), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹¹. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹²) or protected species. To help you do this, Natural England has produced advice [here](#)¹³ to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹⁴.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.

¹⁰ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹¹ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹³ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹⁴ <http://publications.naturalengland.org.uk/publication/35012>

- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#) ¹⁵).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁵ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>