

Planning Committee

10 September 2021

Agenda item number 10

Recreation Impact Avoidance and Mitigation Strategies- Norfolk and Suffolk Coast

Report by Planning Policy Officer

Summary

New development can impact on protected wildlife sites in many ways. One such way is through the impact of recreational activities. Evidence indicates that new development in Norfolk is likely to affect the integrity of protected sites in Norfolk. In parts of Suffolk, evidence also indicates that development is likely to affect the integrity of protected sites on the Suffolk coast. The payment of a tariff by applicants would enable the funding of measures to help mitigate impacts of recreational activities arising from development.

Recommendation

To note the report.

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1. Introduction

- 1.1. New development can impact protected wildlife sites in many ways. One such way is through the impact of recreational activities. Evidence indicates that new development in Norfolk is likely to affect the integrity of protected sites in Norfolk. In parts of Suffolk, evidence also indicates that development is likely to affect the integrity of protected sites on the Suffolk coast. The payment of a tariff by applicants would enable the funding of measures to help mitigate the impacts of recreational activities arising from development.
- 1.2. This report provides background and explains how the tariff approach is being used in some parts of Suffolk and is being investigated in Norfolk.

2. Habitats Regulation Assessments and European Protected Sites.

- 2.1. At the EU level, several directives have been particularly important for the creation of protected areas, including the Birds Directive and the Habitats Directive.
- 2.2. A protected area is a clearly defined geographical space that is recognised and dedicated to achieving the long-term conservation of nature, with its associated ecosystem services and cultural values, and which is managed through legal or other effective means to do so.
- 2.3. An internationally or European protected site is one of the following:
 - special area of conservation (SAC)
 - special protection area (SPA)
 - Ramsar wetland
 - potential SPA, possible SAC or proposed Ramsar wetland
- 2.4. Following the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 these sites now tend to be referred to collectively as 'the national site network'.
- 2.5. The Conservation of Habitats and Species Regulations 2017, as amended - commonly referred to as the Habitats Regulations - transpose the requirements of the EU Habitats and Birds Directives into UK law. Following Brexit, the European Union (Withdrawal) Act 2018 ensures that 'EU-derived domestic legislation, as it has effect in domestic law immediately before exit day, continues to have effect in domestic law on and after exit day'. The Regulations require a Habitats Regulations Assessment (HRA) to assess potential impacts from a Local Plan/project on European wildlife sites.
- 2.6. HRAs are completed on local plans and some projects, for example development proposed through planning applications. They assess if and how a scheme/policy will impact on European protected sites – i.e. will there be a 'Likely Significant Effect' (LSE). If there is an LSE, the applicant/local plan needs to mitigate.

- 2.7. The LSE could be a direct effect, such as actual development on a protected site. The LSE could also be an indirect effect, such as increased foul water load on a water recycling centre causing issues at sites downstream, or potential for cat predation on birds as a result of pet ownership in new properties, or occupiers of properties walking their dogs and scaring birds off nests.
- 2.8. Local planning authorities are the designated competent bodies and as such are responsible for ensuring that policies and proposals contained in their Local Plans and submitted as developer proposals through the planning process **do not** have an adverse effect on the integrity of European sites.

3. What is RAMS?

- 3.1. The additional growth brought forward through each Local Plan in the area has been linked to more people visiting the countryside in general. This will include visits to the protected sites and therefore there is the potential to cause more disturbance to wildlife and habitats and, consequently, to have an impact on the integrity and underlying features that are special to each site.
- 3.2. A Recreation Impacts Avoidance and Mitigation Strategy (RAMS)¹ seeks to first avoid and then mitigate any impacts from recreation. There are many ways development can impact on a protected site, but RAMS is a response to **recreation** impact. Examples of recreation impact include people walking dogs which scare ground nesting birds or people trampling habitat or getting too close and scaring seals or birds.
- 3.3. The RAMS approach relates to recreation impact. There are other ways development can impact on protected sites (see 2.7 for examples). Even with the RAMS in place, these other pathways need to be assessed and could result in additional mitigation approaches.

4. Norfolk RAMS – yet to be agreed

- 4.1. Work has been underway, under the auspices of the Norfolk Strategic Planning Framework, for some time on this topic. Firstly, in 2015/16, [surveys](#) were undertaken at key European protected sites in Norfolk to gauge typical numbers of people visiting the site and understand what they did and where they had come from. This work then informed the most recent work, undertaken by Place Services, which identified the need for a RAMS scheme. The Place Services work is completed.
- 4.2. Recreational pressures from growth and its impact on designated Habitats Sites is a cross boundary issue. Growth that is planned across the county has the potential to have significant adverse impacts on the designated European Protected Sites. The

¹ Suffolk use the term 'Recreational Disturbance Avoidance and Mitigation Strategy' but they mean the same thing and RAMS is used in this report.

evidence shows that all residential development in Norfolk is likely to have a significant effect on the integrity of protected sites.

- 4.3. The mitigation proposed is a two-part strategic strategy, of which **both elements** need to be applied across the COUNTY for it to work.
- 4.4. Firstly, the requirement for the provision of well-designed open space/green infrastructure. This is referred to as Enhanced Green Infrastructure and often also more commonly referred to as Suitable Alternative Natural Greenspace (SANGS). The purpose of SANGS is to provide an alternative space for recreational activities – ideally closer to new development and communities – to reduce the visitor pressure on protected sites. Local Plan policies often encourage SANGS and this evidence enhances this requirement.
- 4.5. Secondly, the provision of a mitigation package that could include signage, education and physical on-site measures. This could be delivered working with landowners and other organisations that promote access (which may be on a seasonal basis) depending on the qualifying feature of each site.
- 4.6. This scheme, when finally agreed, will cover all of Norfolk, with all Norfolk Local Planning Authorities applying it.
- 4.7. The following schemes in Norfolk are part of the Norfolk RAMS scheme and will need to pay the tariff:
 - new dwellings of 1+units (but excludes replacement dwellings and extensions),
 - Housing in multiple Occupancy (HMO),
 - student accommodation,
 - residential care homes and residential institutions,
 - tourist accommodation including caravan sites, camping and glamping, and
 - Gypsies, travellers and travelling show people plots.
- 4.8. Residential moorings are also included, as well as tourist accommodation on recommended rate of 'per six bed-space ratio' of the tariff.
- 4.9. The tariff, at the time of writing, is around £185. This will be index linked and increase with inflation.
- 4.10. It is envisaged that the scheme will be agreed over the coming months.

5. Suffolk Coastal RAMS – in place and being collected

- 5.1. Similar to Norfolk, recreation impact arising from new development has been identified as an issue in relation to the protected sites on the Suffolk Coast. However, slightly different to Norfolk, not all Suffolk Local Planning Authorities are involved in this scheme and the scheme only covers part of Suffolk – the protected sites in the coastal

area. The Broads Authority was not initially part of this scheme. However, it became apparent that part of the Broads falls within the zones drawn for this scheme. It is therefore logical that schemes that fall in the Broads that are within the relevant zones should contribute. Indeed, at the time of writing, two individual dwellings that have been permitted in the zones have contributed to the Suffolk Coastal RAMS scheme.

- 5.2. The requirements of Suffolk Coast RAMS apply to all new residential developments where there is a net increase in dwelling numbers. This includes, for example, the conversion of houses into smaller flats, or the change of use of other buildings to dwellings. It also includes new tourist accommodation. It excludes replacement dwellings and extensions to existing dwellings (where there is no net gain in dwelling numbers). Certain restricted development types may be excluded from the Suffolk Coast RAMS. These include nursing homes, where the residents will be those in need of daily nursing care and therefore unable to undertake outdoor recreation. Residential annexes are also excluded, as they do not result in independent dwellings.
- 5.3. The tariff, at the time of writing, for the area in which the Broads falls is £321.22.
- 5.4. The Suffolk Coast scheme is more advanced than the Norfolk scheme, and there are some documents that provide further details:
 - More information: [Habitat mitigation \(RAMS\) » East Suffolk Council](#)
 - FAQs: [Suffolk-Coast-Recreational-Disturbance-Avoidance-Mitigation-Strategy-FAQ.pdf \(eastsuffolk.gov.uk\)](#)
 - East Suffolk adopted SPD: <https://www.eastsuffolk.gov.uk/assets/Planning/Planning-Policy-and-Local-Plans/Supplementary-documents/Recreational-Disturbance-Avoidance/Suffolk-Coast-RAMS-SPD-final-May-2021.pdf>
- 5.5. The pooled funding will be spent in a similar way to Norfolk.

6. Collecting and spending the tariffs

- 6.1. The Suffolk Coastal tariff is collected when an application is being considered.
- 6.2. In Suffolk the monies collected will be transferred into a central pot to be spent collectively across the Suffolk Coast RAMS project area. The detailed governance for this is still being finalised.
- 6.3. For Norfolk, the exact details are to be worked out but may be very similar to the approach taken in Suffolk.

7. Does an applicant have to pay the tariff?

- 7.1. Applicants could theoretically provide mitigation themselves; however, they would need to satisfy the Local Planning Authority and Natural England that their proposed

measures would fully mitigate the impact of the development and address the localised and in combination effects and ensure no adverse impact on the European site.

- 7.2. They would have to undertake a detailed HRA and appropriate assessment covering their proposal (each proposal) and agree the mitigation required both locally and in-combination with statutory bodies and the LPA (as the responsible body). This has the potential to be more expensive than the proposed RAMS tariff and introduce significant delays into the planning application process. Many applicants will not have the resource or knowledge/expertise to carry this work out.

8. Next steps

- 8.1. For the Suffolk Coastal RAMS, the tariff is being collected. We meet with East Suffolk colleagues on a quarterly basis.
- 8.2. For the Norfolk RAMS, following agreement at the Norfolk Member Forum, Local Planning Authorities will then need to endorse the approach individually. Once the scheme is endorsed, the tariff will start to be collected. When endorsed, the governance arrangements will be formulated and put in place. The pooled money will then be spent where it is needed in order to mitigate the recreation impacts of growth on the protected European sites in Norfolk.

9. Financial implications

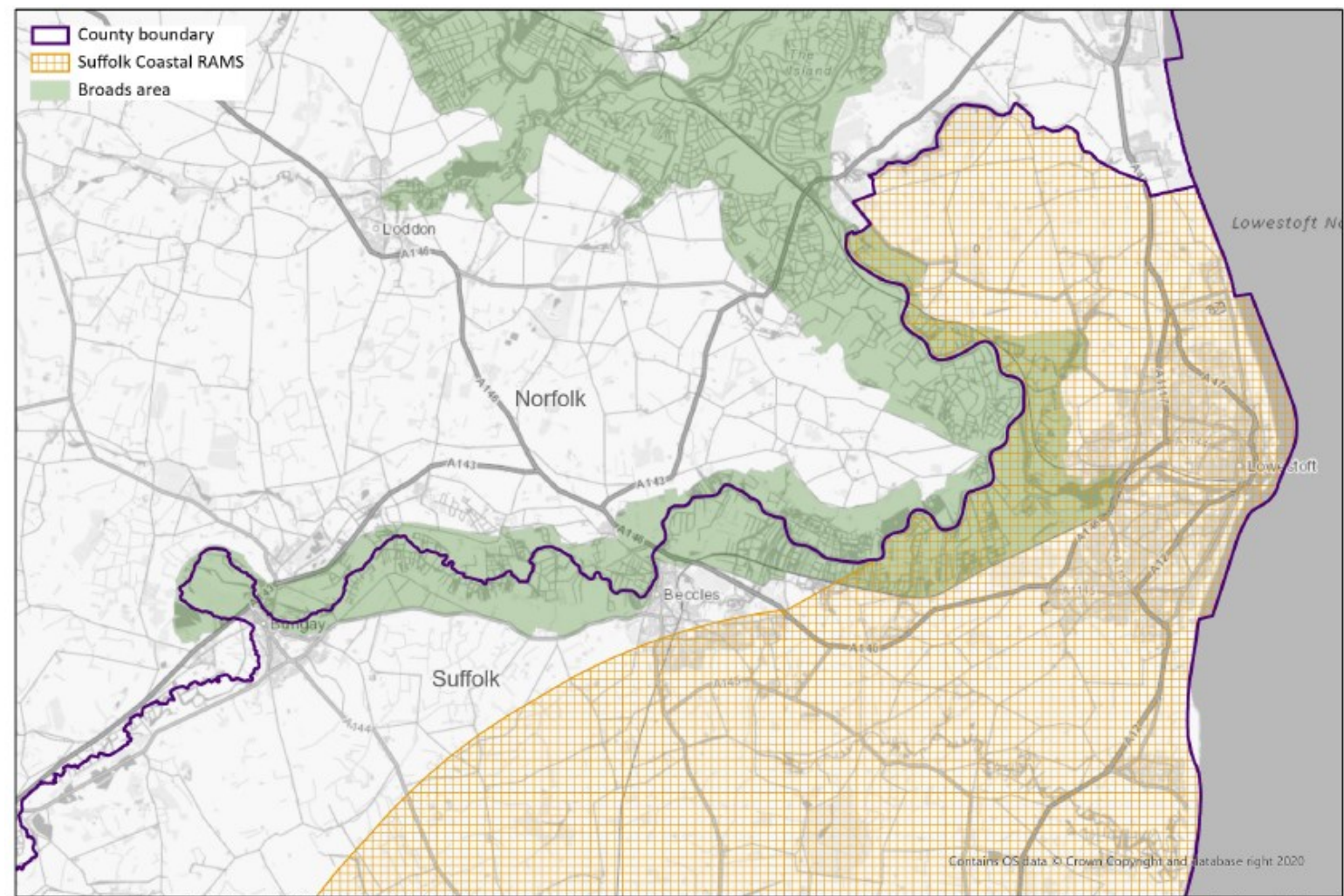
- 9.1. The schemes are designed to be funded from developer contributions.

Author: Natalie Beal

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Appendix 1 – Extent of Suffolk Coastal RAMS

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