

2 CONTEXT OF THE ASSESSMENT

2.1 REQUIREMENT FOR ENVIRONMENTAL IMPACT ASSESSMENT¹

1. This ES has been prepared to accompany a planning submission under the Town and Country Planning Act 1990 and has, therefore, been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The ES addresses the environmental implications of the land-based aspects of the proposed development.

2. Given the nature of the proposed development, HPUK determined that EIA would be required (and a formal screening opinion was not sought). In November 2002, a formal request for a scoping opinion under Regulation 10(1) of the above Regulations was made to TDC by HPUK. An opinion was received from TDC in December 2002 (see Appendix 1) which detailed the scope of work to be covered by the EIA process. All items identified have been subsequently addressed in this ES.

3. In addition, the ES contains the information relating to the potential environmental impacts associated with the proposed tidal works and channel deepening (the so-called 'wetside' issues) as submitted in the tidal works ES. In this context, the ES also contains the information required for appropriate assessment and is also relevant for any consideration of Regulation 62 of the Conservation (Natural Habitats &c.) Regulations 1994.

2.2 THE IMPACT ASSESSMENT PROCESS²

2.2.1 Environmental Impact Assessment

1. EIA is a tool for systematically examining and assessing the impact and effects of development on the environment. The resultant ES typically contains a description of the following information:

- The development proposal (alternative development options considered);
- The 'baseline' environment that the development will affect;
- Prediction of 'impacts' on that baseline and assessment of significance of subsequent effects;
- Prescription of mitigation measures to avoid, reduce or remedy such effects; and,
- Non-technical summary (NTS).

¹ This section has been revised from that published in the tidal works ES

² This section is largely unchanged from that published in the tidal works ES

2. In terms of the process, the following stages are typically included in EIA:

- Screening (i.e. determining whether a development proposal needs an EIA);
- Scoping (i.e. determining the issues that the EIA should address);
- Preparing the ES itself (i.e. establishing baseline data, evaluating impacts etc.);
- Submitting the ES and consulting the public and affected parties for their views;
- Reviewing and evaluating the ES to ensure it contains specified information;
- Deciding whether the development proposal should proceed.

3. In this case, following the preparation of a scoping document (see Appendix 1) and the receipt of a scoping opinion from TDC (also Appendix 1), the potential environmental impacts associated with the land-based aspects of the proposed development (the so-called 'top-side' issues) have been identified and assessed. As described in Section 1.1, the tidal works, channel deepening and widening and the disposal of dredged arisings were the subject of a separate application, although the environmental impacts associated with these aspects are also considered in this document. In addition, TDC undertook a review of the tidal works ES and provided comments on this submission. Therefore, the comments made by TDC on the tidal works have also been taken into account in the preparation of this ES.

4. This assessment has comprised a combination of consultation, data collection, site survey, experience of previous tidal works and dredging operations, modelling, comparison with accepted standards and guidelines and review. Table 2.1 summarises the approach taken by identifying a number of consecutive stages (most of which overlap).

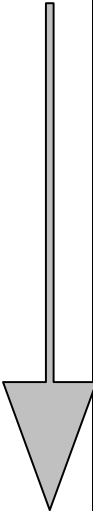
5. As far as possible, an attempt has been made to define the significance of each potential impact identified. The precise definition of impact significance across a number of agencies and individuals is difficult, although broad guidelines on the judgement of significance have been developed over the past couple of decades. It is now generally regarded that there are a number of criteria that should be incorporated into the determination of the significance of environmental impacts. These criteria have been utilised here, where possible, to determine the significance of impacts identified during the environmental assessment process and are as follows:

- Magnitude of the impact (local/strategic);
- Spatial extent of the impact (small-large scale);
- Duration of the impact (short term/long term);
- Reversibility of the impact;
- Probability of the occurrence of the impact;

- Confidence in the impact prediction; and,
- The margins by which set values are exceeded (e.g. air or water quality standards).

6. In addition, in order to classify the significance of predicted impacts, and in an effort to provide a consistent framework for considering and evaluating impacts on different environmental parameters, the terminology presented in Table 2.2 has been adopted.

Table 2.1 Summary of EIA methodology

Stage	Task	Aim/Objective	Work/Output (examples)
Scoping study	Scoping	<ul style="list-style-type: none"> • To identify the potentially significant effects of the proposals (off and on-site) 	Preliminary consultation with key consultees Targets for specialist studies (e.g. noise, marine ecology)
EIA 	Consultation	<ul style="list-style-type: none"> • Consult with statutory and non-statutory organisations with an interest in the area 	Local knowledge and information
	Primary data collection	<ul style="list-style-type: none"> • To identify the baseline/ambient/background/existing environment 	Background noise data; benthic samples etc.
	Specialist studies	<ul style="list-style-type: none"> • To further investigate those environmental parameters which may be subject to potentially significant effects 	Specialist reports on the hydrodynamic and sedimentary regime, noise, traffic, landscape, invertebrates etc.
	Impact assessment	<ul style="list-style-type: none"> • To evaluate the baseline environment in terms of sensitivity • To evaluate and predict the impact (i.e. magnitude) upon the baseline • To assess the resultant effects of the above impacts (i.e. determine significance) 	Series of significant adverse and beneficial impacts
	Mitigation measures	<ul style="list-style-type: none"> • To identify appropriate and practicable mitigation measures and enhancement measures 	The provision of solutions to adverse impacts (e.g. sensitive scheduling, sediment replacement etc.) Feedback into the design process, as applicable
	Environmental Statement (ES)	<ul style="list-style-type: none"> • Production of the ES in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 	Environmental Statement

7. Where potentially significant adverse impacts have been identified, mitigating measures have been examined and recommended in order to

reduce residual impacts, as far as possible, to environmentally acceptable levels.

Table 2.2 Terminology for classifying and defining environmental impacts

Impact	Definition
Negligible	The impact is not of concern
Minor adverse	The impact is undesirable but of limited concern
Moderate adverse	The impact gives rise to some concern but it is likely to be tolerable (depending on its scale and duration)
Major adverse	The impact gives rise to serious concern; it should be considered as unacceptable
Minor beneficial	The impact is of minor significance but has some environmental benefit
Moderate beneficial	The impact provides some gain to the environment
Major beneficial	The impact provides a significant positive gain

8. In some cases, potential impacts have simply been identified and general principles discussed. In other cases, extensive information is available but it is difficult to categorise in the above fashion, thus meriting greater discussion of the issues. This is particularly true of those sections of the statement that deal with the hydrodynamic regime. This represents a forcing parameter that, if altered, could result in changes to the sediment supply, which in themselves may not represent an impact but which in turn could have an impact on resources. Therefore, while potential impacts are predicted in the latter cases, the discussions concerning the hydrodynamic regime focus on change rather than impact. In most cases the potential impact is set out and described. Text then follows detailing how the issue has been examined and, if the impact is determined to be of adverse significance, how it can be mitigated. Where relevant, the residual impact is defined.

2.2.2 Appropriate assessment

1. Appropriate assessment is a separate assessment exercise required for the purposes of the Conservation (Natural Habitats &c.) Regulations 1994. English Nature's Habitats Regulations Guidance Note 1: The Appropriate Assessment (Regulation 48) describes how an appropriate assessment should be undertaken based on a series of nine key steps, which are explained in detail. These steps include consultation, data collection, impact identification and assessment, recommendation of project modification and/or restriction, and reporting. Appropriate assessment is singularly concerned with the potential for the designated features of European nature conservation interest to be adversely affected by the works, either alone or in combination with other plans as projects. The assessment is recorded in terms of the predicted affect on the 'integrity' of the European Site.

2. Policy Planning Guidance Note 9 (PPG9) (Department of the Environment, 1994a) defines a site's integrity as the "*coherence of the site's ecological structure and function, across its whole area, or the habitats, complex of habitats and/or populations of the species for which the site is classified*". An adverse effect is likely to be one that prevents the site from maintaining the same contribution to 'favourable conservation status' for the relevant feature(s) as it did when the site was designated. The favourable conservation status of the Stour and Orwell Estuaries SPA is defined through its 'conservation objectives', which are set out in Section 4.5.2. The potential for the scheme to affect the site should then be judged against its potential to influence the ability of the site to meet these objectives. This judgement represents the appropriate assessment.

3. The scope and content of the information required in order to make an appropriate assessment will depend on the location, size and significance of the proposed project. English Nature will advise on a case-by-case basis and has provided such advice in this case.

4. Taking the nine steps in turn, Step 1 is concerned with determining the need for 'appropriate assessment' in the first instance, that is, considering the potential for the works to have a 'significant' effect on the site. In this case, English Nature and the Environment Agency have indicated that in their opinion the potential exists for a significant effect on the designated status of the Stour and Orwell Estuaries SPA to arise as a result of the scheme.

5. The 'competent authorities', therefore, have a responsibility for appropriate assessment and the scheme promoter is responsible for providing the information required to inform the assessment. This ES provides the information necessary to make such an assessment by addressing seven of English Nature's other eight steps as set out in Table 2.3. Step 9 represents the appropriate assessment itself, that is, the judgement of the relevant competent authority (in this case TDC with respect to the planning application and the DfT (Ports Division) with respect to the tidal works application) with respect to the Conservation (Natural Habitats &c.) Regulations 1994 in considering consent for the scheme.

2.3 CONSULTATION¹

1. Consultation with a variety of organisations is considered to be an essential part of the EIA process. Consultation provides an opportunity for organisations to express their views regarding the potential beneficial and adverse impacts of the proposed development in relation to their interests. These views can then be incorporated into the EIA at an early stage.

¹ This section has been updated from that published in the tidal works ES

2. In July 2001, Posford Haskoning produced a consultation letter and scoping report outlining the details of the proposed tidal works, channel dredging and disposal of dredged arisings.

Table 2.3 Recommended steps in the preparation of information for appropriate assessment

Step	Task	Relevant section of ES
1	Define the need for appropriate assessment	See Section 2.2.2
2	Consultation with English Nature	See Section 2.3
3	Consultation with other Organisations	See Section 2.3
4	Definition of the designated status of the site, the qualifying interests and its conservation objectives	See Sections 4.5
5	Provision of further information	See Sections 3 (Description of the scheme), 4.2 (Hydrodynamic and sedimentary regime), 4.4 (Benthic invertebrate communities), 4.5 (Ornithology) and 4.6 (Saltmarsh, other coastal vegetation and coastal invertebrates)
6	Consideration of the potential effects (impacts) of the scheme on the SPA	See Sections 5 (Potential effects of the tidal works and channel deepening on the hydrodynamic and sedimentary regime) and 7
7	Assessment of the influence of any potential impacts on the integrity of the SPA	Specifically considered in Section 10 (Implications for the designated status of the site)
8	Avoiding adverse effects	Section 6 (Mitigation for morphological impact)
9	Conclusion regarding the potential for the scheme to adversely effect the integrity of the SPA	Decision of the lead competent authority

3. Consultation was undertaken with the following statutory and non-statutory consultees:

- Anglian Water Services Ltd;
- Associated British Ports (Ipswich);
- Babergh District Council (Planning);
- Crown Estate (Marine);
- DEFRA Marine Environment Protection Division;
- CEFAS;
- Eastern Sea Fisheries Committee;
- English Heritage;
- English Nature;
- Environment Agency;
- Essex County Council;
- Essex Wildlife Trust;

- Harwich and Dovercourt Sailing Club;
- Harwich Area Sailing Association;
- Harwich Dock Company Ltd;
- Harwich Fisherman's Association;
- Harwich Haven Authority;
- Harwich Town Council;
- Harwich Town Sailing Club;
- Highways Agency;
- Joint Nature Conservation Committee;
- Kent and Essex Sea Fisheries Committee;
- Maritime and Coastguard Agency;
- Maritime National Monuments Record Centre;
- Mistletoe Quay and Forwarding;
- Ramsey and Parkeston Parish Council;
- Royal Society for the Protection of Birds;
- Royal Yachting Association;
- Sea Fisheries Inspectorate;
- Shotley Marina Ltd;
- Shotley Parish Council;
- Shotley Sailing Club;
- Suffolk Coast Heaths Project;
- Suffolk County Council (Environment and Transport);
- Suffolk Wildlife Trust;
- Suffolk Yacht Harbour Ltd;
- Tendring District Council;
- The Corporation of Trinity House;
- UK Hydrographic Office; and,
- Wrabness Parish Council.

4. Following the submission of the tidal works ES for formal public consultation, responses were received from the majority of the above organisations. In addition, a large number of responses were received from the general public who live within the area. Many of these representation were made through one letter that was signed by a number of individuals. Two petitions were also received.

5. These responses were used to inform the scope of further issues to be incorporated within this ES and its Supporting Documents.

6. As a consequence of the responses received to the tidal works ES, a series of meetings have been held with fisheries organisations and nature conservation bodies. Furthermore, meetings have been held with various bodies to discuss traffic, noise, landscape and heritage issues and air quality insofar as they relate to the planning application; this is an ongoing process. Table 2.4 summarises the various meetings held for each of these parameters.

Table 2.4 Summary of meetings held to discuss various issues relating to the hydrodynamic regime, nature conservation, air quality, landscape and visual setting, heritage, noise and traffic and transportation

Organisation	Broad topics
NATURE CONSERVATION AND HYDRODYNAMICS (Posford Haskoning and HR Wallingford)	
English Nature Environment Agency RSPB CEFAS Essex Wildlife Trust Suffolk Wildlife Trust	<ul style="list-style-type: none"> • Sediment replacement strategy • Predicted impacts of the proposed development • Compensatory habitat • Disposal of dredged material
AIR QUALITY (Posford Haskoning)	
Tendring District Council	<ul style="list-style-type: none"> • Existing air quality • Monitoring data • Approach • Modelling methodology • Monitoring locations • Sensitive receptors
Harwich Haven Authority	<ul style="list-style-type: none"> • Shipping movements and emissions
LANDSCAPE AND VISUAL SETTING (LDA)	
Essex County Council	<ul style="list-style-type: none"> • General landscape issues • Historic buildings • Urban design • Planting on highways verge
Tendring District Council	<ul style="list-style-type: none"> • Planning issues
English Heritage	<ul style="list-style-type: none"> • Historic setting
Countryside Commission	<ul style="list-style-type: none"> • AONB boundary
HERITAGE (Alan Baxter and Associates)	
Tendring District Council	<ul style="list-style-type: none"> • Train ferry gantry and berth
Essex County Council	<ul style="list-style-type: none"> • Train ferry gantry and berth
English Heritage	<ul style="list-style-type: none"> • Train ferry gantry and berth
NOISE (BVAT)	
Tendring District Council	<ul style="list-style-type: none"> • General noise and vibration issues • Approach to the noise assessment
TRAFFIC AND TRANSPORTATION (ERM)	
Essex County Council	<ul style="list-style-type: none"> • Highways issues
Highways Agency	<ul style="list-style-type: none"> • Highways issues
Strategic Rail Authority	<ul style="list-style-type: none"> • Rail issues
Network Rail	<ul style="list-style-type: none"> • Rail issues

7. As a result of issues raised by the nature conservation bodies (i.e. English Nature, the Environment Agency, the RSPB, Essex and Suffolk Wildlife Trusts and CEFAS), two supplementary reports have been prepared; 'clarification' and 'further definition' supplements which clarified some of the issues addressed in the tidal works ES and provided further

information/undertook further investigation where required. These two reports are included within Supporting Document 2.

8. In addition, in response to concerns raised by fisheries organisations, further survey work has been commissioned by the HHA (reported in Supporting Document 3) and a review of the wider implications for the estuarine ecosystem is in preparation (des Clers, 2003).

9. A second scoping report was produced by Posford Haskoning in September 2002 in relation to the proposed land-based proposals and is provided in Appendix 1 with TDC's scoping opinion. The main points raised that are relevant to the planning application are reproduced in Table 2.5.

2.4 PLANNING POLICY CONTEXT¹

2.4.1 Introduction

1. This section summarises the main environmental planning policies relevant to the proposed development of Bathside Bay and is new to this ES. After identifying the relevant planning instruments, specific policies are described under each environmental topic. Insofar as development plan policies are concerned, the discussion focuses on Tendring District.

2.4.2 Planning instruments

National Policy

1. National Planning Policies are generally set out in the form of Planning Policy Guidance Notes (PPGs) or papers (White or Green) published by the ODPM (formerly DETR). Relevant documents are identified in the section below for each topic.

Regional Planning Guidance

2. Regional Planning Guidance for East Anglia to 2016 (RPG 6) and Regional Planning Guidance for the South East (RPG 9) provide the most up-to-date regional planning guidance for the east of England.

3. RPG 6 covers East Anglia (Suffolk, Norfolk and Cambridgeshire) and advocates growth in the Cambridge Corridor. It identifies Bury St Edmunds, Ipswich, Lowestoft, Great Yarmouth, Kings Lynn and Peterborough as priority areas for housing and employment. The centres to the east and north of the area are earmarked as priority areas for regeneration. Environmental protection is provided to the north and east of Norfolk in particular.

¹ This is a new section

Table 2.5 Tendring District Council's response to the consultation undertaken for the planning application ES

Proposed work (as detailed in the scoping report) ⁽¹⁾		Additional work to be included within the EIA ⁽²⁾	
Construction	Operation	Construction	Operation
HYDRODYNAMIC AND SEDIMENTARY REGIME.			
• None	• None	• No further work identified at this stage	• No further work identified at this stage
BENTHIC INVERTEBRATES			
• None	• None	• No further work identified at this stage	• No further work identified at this stage
ORNITHOLOGY			
• Disturbance due to noise associated with construction plant	• Disturbance associated with operational activities (e.g. container handling, cranes, etc.)	• No further work identified at this stage	• No further work identified at this stage
FISHERIES RESOURCE			
• None	• None	• No further work identified at this stage	• No further work identified at this stage
COMMERCIAL FISHING ACTIVITY			
• None	• None	• No further work identified at this stage	• No further work identified at this stage
WATER AND SEDIMENT QUALITY			
• Potential for accidental spillages of chemicals, diesel, etc.	• Effect of surface water drainage and discharges	• More detail on quantity/quality of surface water run-off from construction phase, including auxiliary services on surrounding areas	• Operation of site to include auxiliary services, access roads etc. • More detail on quantity/quality of surface water run-off from operational phase, including auxiliary services on surrounding areas • Accident risk assessment.

Table 2.5 (continued)

Proposed work (as detailed in the scoping report) ⁽¹⁾		Additional work to be included within the EIA ⁽²⁾	
Construction	Operation	Construction	Operation
LANDSCAPE AND VISUAL IMPACT			
<ul style="list-style-type: none"> Visual effect due to construction plant 	<ul style="list-style-type: none"> Effect on landscape character, urban setting, designated landscape Effect of artificial lighting (e.g. cranes, ships etc.) on ambient levels 	<ul style="list-style-type: none"> Zone of Visual Influence of construction works Views from tall buildings Consideration of off-site impacts (e.g. bridge works) 	<ul style="list-style-type: none"> Blocking/enclosure of existing views Aesthetics of developments. Views from tall buildings Effects of buildings/ building design Views from tourist accommodation
NAVIGATION			
<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> No further work identified at this stage 	<ul style="list-style-type: none"> Assessment of increase in shipping and potential conflict with other waterborne traffic

Table 2.5 (continued)

Proposed work (as detailed in the scoping report) ⁽¹⁾		Additional work to be included within the EIA ⁽²⁾	
Construction	Operation	Construction	Operation
TRAFFIC AND TRANSPORTATION			
<ul style="list-style-type: none"> Increased traffic levels on road network 	<ul style="list-style-type: none"> Additional traffic generation on both road and rail networks Changes in traffic conditions (delay and congestion) Pedestrian and cyclist conflict with road traffic (including severance) 	<ul style="list-style-type: none"> Road safety Debris on roads Fuel use 	<ul style="list-style-type: none"> Road safety Consider driver fear/intimidation/stress Effects on emergency vehicle travel times Calculation of accident rates. Potential for hazardous chemical release on transport network Consider potential for 'rat-running' via other routes. Parking provision Expansion of traffic surveys to 18 and 24hrs Expand effects on public transport (including Harwich/Felixstowe Ferry)
AIR QUALITY			
<ul style="list-style-type: none"> Emissions from HGV and plant. Dust emissions (to be assessed using qualitative methods). Consideration of potential effect on human health 	<ul style="list-style-type: none"> Potential non-compliance with air quality objectives Consideration of potential effect on human health - a detailed health impact assessment will be prepared by Colchester Primary Care Trust 	<ul style="list-style-type: none"> Construction dust nuisance. Construction emissions due to fuel/energy use 	<ul style="list-style-type: none"> Fuel/energy use associated total emissions Consider diesel train emissions. Consider emissions from fumigation building Consider dust nuisance - materials in transit Accident risk assessment

Table 2.5 (continued)

Proposed work (as detailed in the scoping report) ⁽¹⁾		Additional work to be included within the EIA ⁽²⁾	
Construction	Operation	Construction	Operation
NOISE AND VIBRATION			
<ul style="list-style-type: none"> Disturbance to local community (e.g. due to traffic). Effect of impact piling methods and the potential for mitigation 	<ul style="list-style-type: none"> Impact of operational noise (on and off-site) under downwind conditions from the port; Impact assessment of noise to include: <ul style="list-style-type: none"> More detailed construction noise calculations; Further ambient noise measurement in Harwich and Shotley concentrating on night-time conditions for a range of wind directions; Update road and rail traffic noise forecasts; Review proposed mitigation measures; Update predictions of operational noise levels based on latest assumptions and mitigation; Consider the impact of noise on wildlife; and Undertake noise measurements of vessels 	<ul style="list-style-type: none"> Consideration of general construction noise sources (e.g. ground preparation, surfacing and building construction), and effects Cumulative construction noise impacts Impact of mitigation measures. Consider other potential sources and effects of construction vibration 	<ul style="list-style-type: none"> Indication of presence/character of intermittent/percussive/tonal noise sources Consideration of human/non-human receptors Rail noise in Tendring Indication of numbers of properties adversely affected Impact of mitigation works Consider other operational vibration sources and effects other than container handling

Table 2.5 (continued)

Proposed work (as detailed in the scoping report) ⁽¹⁾		Additional work to be included within the EIA ⁽²⁾	
Construction	Operation	Construction	Operation
DRAINAGE AND FLOOD RISK			
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Potential for flooding of the site. • Effect of development on land drainage 	<ul style="list-style-type: none"> • See 'Water and Sediment Quality 	<ul style="list-style-type: none"> • Flood Risk Assessment that addresses the potential impacts of the proposed development on both the frequency and magnitude of surface and tidal flooding in Bathside Bay and surrounding region including wildlife habitats. • Consideration of feasibility/type of Sustainable Urban Drainage Systems, (SUDS) to be employed. • Increase sedimentation rates on drainage sluices in tidal defence system • Health and safety, socio-economic and economic effects of potential flooding

Table 2.5 (continued)

Proposed work (as detailed in the scoping report) ⁽¹⁾		Additional work to be included within the EIA ⁽²⁾	
Construction	Operation	Construction	Operation
ARCHAEOLOGY AND HERITAGE			
<ul style="list-style-type: none"> Heritage issue associated with the need to dismantle the jetty as part of the works at Gas House Creek. Dredging in the vicinity of the listed structure 	None	<ul style="list-style-type: none"> Off-site effects on archaeological remains Need for archaeological monitoring and recording Temporary effect on Scheduled Ancient Monument and Listed Building Temporary impact on Conservation Area 	<ul style="list-style-type: none"> Effect on the setting of Bathside Bay Battery (Scheduled Ancient Monument) and on the setting and structure of the Train Ferry Berth (Grade II Listed Building) Impact on the historic setting and character of the Conservation Area, including its medieval buildings and streets Impact of rail traffic on the character of the Manningtree and Mistley Conservation Areas

Table 2.5 (continued)

Proposed work (as detailed in the scoping report) ⁽¹⁾		Additional work to be included within the EIA ⁽²⁾	
Construction	Operation	Construction	Operation
SOCIO-ECONOMICS AND ECONOMICS			
<ul style="list-style-type: none"> Potential beneficial or negative direct and indirect impacts on the economy (locally, regionally and nationally) as a result of construction 	<ul style="list-style-type: none"> Potential beneficial or negative direct and indirect impacts on the economy (locally, regionally and nationally) as a result of operation 	<ul style="list-style-type: none"> Temporary impact of construction on local unemployment rates Short-term effects on communities, including severance, disturbance and inconvenience 	<ul style="list-style-type: none"> Effects of skill requirements on jobs available to local residents and future local skills base Direct and indirect effects of new employment on local County and Regional unemployment Impact on local inequalities and deprivation levels and County and Regional levels Indirect economic effects of consequential development, including housing and retailing Impact of development on social and physical infrastructure Effect on local and regional economic regeneration initiatives including the Heritage Economic Regeneration Scheme, Haven Gateway Partnership and EADA's economic development targets Adverse and beneficial effects on communities, including severance, disturbance and increased facilities

Table 2.5 (continued)

Proposed work (as detailed in the scoping report) ⁽¹⁾		Additional work to be included within the EIA ⁽²⁾	
Construction	Operation	Construction	Operation
PLANNING POLICIES			
<ul style="list-style-type: none"> Potential conflict between the development of Bathside Bay and relevant planning policies 	<ul style="list-style-type: none"> Potential conflict between the proposed operational uses at Bathside Bay and relevant planning policies 	<ul style="list-style-type: none"> Assessment should include relationship with national and regional planning guidance and County and local planning policy 	<ul style="list-style-type: none"> Assessment should include relationship with national and regional planning guidance and County and local planning policy
SUSTAINABILITY			
		<ul style="list-style-type: none"> Effect on National, Regional, County and Local Agenda 21 sustainability objectives Effect on local, regional and global environment Use of scarce resources including fuel 	<ul style="list-style-type: none"> Effect on National, Regional, County and Local Agenda 21 sustainability objectives Assessment of the sustainability of direct and indirect jobs created Effect on social inclusion, crime and disorder Effect on the local, regional and global environment Use of scarce resources including fuel
ALTERNATIVES			
<ul style="list-style-type: none"> Alternative locations within the control of HPUK Alternative options for the design of the scheme at the proposed site Alternative options for phasing of the development 		<ul style="list-style-type: none"> Alternative sites outside control of HPUK Alternative of a 'do-nothing' option Alternative to container handling 	

Notes:

- (1) **Proposed Work:** Work that the Scoping Report states is to be carried out in the assessment of effects potentially associated with either construction activity or the operation of the container port and other facilities proposed.
- (2) **Additional Work:** Work considered necessary and additional to that already proposed in order to understand the impacts of the proposals.

4. RPG 9 covers Essex, Hertfordshire and Bedfordshire. Harwich and Clacton are identified as priority areas for regeneration. The Guidance also states the need for a fully integrated freight distribution system which makes the most efficient and effective use of road, rail, inland waterways and coastal shipping. Harwich is identified as being a Regionally Significant Port. RPG 9 specifically addresses the sustainable development of seaports. It states that the sustainable development of sea ports and port facilities should be supported for international deep sea, short sea and coastal shipping and that local authorities, port authorities, the shipping industry and other interested parties should work in partnership to produce development strategies for port facilities and access to them which are sustainable and make best use of existing facilities. The RPG specifically refers to the Tendring coast as a priority area for regeneration and states that Harwich requires investment in its port infrastructure and its links to other areas.

5. Regional Planning Guidance for the East of England (RPG 14) will eventually supersede the current position. A consultation document issued in September 2002 titled Consultation Options Leading to Regional Planning Guidance for the East of England (RPG 14), identifies the Haven Gateway as a possible sub-region. It states that “*The Haven Gateway offers potential for economic growth based upon high tech knowledge-based activities in Ipswich and its emergent links to the Cambridge sub-region, coupled with continuing economic regeneration needs in Harwich and the Clacton coastal area*”. It acknowledges that environmental issues would need care and attention.

Essex and Southend-on-Sea Replacement Structure Plan

6. The Essex and Southend-on-Sea Replacement Structure Plan was adopted in April 2001. The Plan covers the period 1996 to 2011. Within this Plan the strategic priority for the eastern districts of both Maldon and Tendring is to improve employment opportunity. Tendring, in particular, is identified as having structural unemployment problems.

7. The Plan also supports the provision of improved port facilities at Harwich International Port at its existing site and through the future development at Bathside Bay (Policy BIW10).

Tendring District Local Plan

8. The Tendring District Local Plan was adopted in April 1998 and covers the period up to 2001. The Local Plan is currently under review.

9. In the adopted Local Plan, Policy HAR28 allocates Bathside Bay as an area suitable for mixed use development, comprising port developments, housing, industry/warehousing and business park, retail park, hotel and leisure complex, public open space /gardens, primary school, local shops and community centre, heritage centre and mooring basin. This allocation reflects

an outline planning permission (reference TEN/2099/89) approved by Tendring District Council, which has now lapsed. Notwithstanding this application, the Plan acknowledges (14.13.1) that the outline planning permission for development of the site does not affect the Parliamentary approval for the development of the Bay (Harwich Parkeston Quay Act 1988).

10. In addition to the mixed-use allocation HAR28, the western part of Bathside Bay is identified as being within Harwich Port's operational area. Policy HAR15 confirms that the Planning Authority will support the continued development and expansion of local port facilities in Harwich and Parkeston.

11. The north eastern part of the site is located within the Harwich Conservation Area. Policies in the Plan seek to preserve and enhance the character and appearance of the Area. The Council has published an Enhancement Scheme for the Harwich Conservation Area, which has been formally adopted as Supplementary Planning Guidance and to which the Council have due regard in assessing development proposals (Policy HAR16).

12. There are policies in the Plan to support proposals for the transport of freight by water in appropriate locations, providing that the proposals do not involve extensive storage or have other adverse environmental implications (Policy TT11). Proposals within or adjacent to special landscape areas and within or adjacent to SSSIs will not be considered acceptable.

13. The Plan identified the need for an alternative road access to the port to relieve congestion on Station Road and to improve environmental conditions in Parkeston Village. Paragraph 14.9.6 states that negotiations have taken place between the various parties over a bypass to serve the port and will provide full traffic relief for the village. This has now been implemented.

14. The Council supports (paragraphs 14.9.2 and 8.3.5) the upgrading of the A120 between Bentley and Harwich to dual carriageway standard.

Conclusion

15. The development of new port facilities at Bathside Bay that utilise existing infrastructure is supported at the regional, strategic and local planning policy levels in both existing and emerging strategy, subject to environmental safeguards. These environmental safeguards are the subjects of other sections of this Statement.

2.4.3 Specific policies

Air quality

1. Policy relating to air quality in the UK is set within the Air Quality Strategy (AQS). The AQS was introduced in 1997 under Part IV of the Environment Act, 1995, and a revised version was published in January 2000.

The Objectives in the revised AQS were set with regard to recommendations from the Government's Expert Panel on Air Quality Standards (EPAQS), and were implemented under the Air Quality Regulations, 2000.

2. In summary, the AQS establishes health-based standards for eight key pollutants across the UK, and sets objectives for achieving these. It also provides the framework for a system of Local Air Quality Management (LAQM). Under this system, local authorities are required to review current and predicted air quality in their locality, and to designate Air Quality Management Areas (AQMA) if any of the national objectives are unlikely to be met.

3. Part I of the Environmental Protection Act, 1990 establishes two pollution control systems: local air pollution control (LAPC) and integrated pollution control (IPC). These systems will be superseded by a single pollution prevention and control (PPC) regime implementing EC Directive 96/61. PPC will be phased in over the period to 2007, and will generally result in an extension of permitting to a wider range of activities.

4. Further detail on the policy context relating to air quality is provided in Section 4.11.1.

Archaeology

5. Guidance on the protection of archaeological resources within the planning system is set out in PPG16: Archaeology and Planning, 1990. In summary, this guidance stresses the 'finite, and non-renewable' nature of archaeology and the need to take reasonable measures to protect such resources, reflecting their individual importance.

6. Archaeological resources are subject to various levels of protection; the most important are often designated as Scheduled Ancient Monuments, whilst local plans can designate Archaeological Priority Areas or their equivalent. Protection of archaeology is largely a matter of adopting 'best practicable means', prior to and during construction, in order to identify and evaluate relevant resources and to carry out appropriate mitigation by recording or removal.

Built heritage

7. Built heritage is afforded protection mainly through the designation of Conservation Areas or Listed Buildings. Listed buildings are graded I, II* or II, with most such buildings in the UK falling into Grade II. Development in relation to either Conservation Areas or Listed Buildings requires separate consent routes through the planning system.

8. Advice on the protection of built heritage is set out in PPG 15: Planning and the Historic Environment, 1994. In summary, a presumption is made against any development likely to affect the 'special interest' of a Conservation

Area or listed building, unless there are compelling arguments to the contrary. The 'setting' of such areas or buildings can be a material consideration in such cases. Further detail is provided in Section 4.17.1.

Drainage

9. Surface waters are subject to a range of protective instruments and classifications. They are classified under the General Quality Assessment (GQA) system, ranging from A (Good) to F (Bad), whilst their ecological status is defined under the Rivers Ecosystem Classification, ranging from RE1 (Very Good) to RE5 (Poor). The Environment Agency regulates the management of surface waters through a series of water quality objectives (under Section 83 of the Water Resources Act, 1991) and a regime of abstraction and discharge licenses.

Coastal planning

10. Guidance on policy in relation to coastal planning is set out in PPG20: Coastal Planning, 1992. In summary, this guidance defines the role of the planning system in coastal locations to be "*reconciling development requirements with the need to protect, conserve and, where appropriate, improve the landscape, environmental quality, wildlife habitats and recreational opportunities of the coast*". Proposed developments of national or regional importance that require a coastal location will normally be included in structure plans.

11. Local authorities in consultation with the Countryside Agency define Heritage Coasts. This is not a statutory designation, but is intended to provide a management tool for balancing the requirements for conservation and access to the coastal zone in the defined areas.

Ecology

12. Habitats and wildlife are afforded varying degrees of protection within the planning system. Areas of nature conservation interest are variously designated as Sites of Special Scientific Interest (SSSIs), Nature Reserves or, at a county or district level, as County Wildlife Sites or equivalent.

13. Rare or endangered species are listed under Schedule 5 and 13 of the Wildlife and Countryside Act, 1981. European protected species and their habitats are protected under the Conservation (Natural Habitats etc) Regulations, 1994. Badgers are covered by the Protection of Badgers Act, 1992, whilst areas of importance for migratory or breeding birds may be designated as Ramsar sites or Special Protection Areas.

14. PPG 9: Nature Conservation sets out strategic objectives for nature conservation and provides guidance on the treatment of wildlife protection within development control. In summary, the guidance seeks to achieve a

balance between the needs of development and conservation by ensuring that the former applies appropriate mitigation and optimises opportunities for habitat creation and enhancement; see also Section 2.2.2.

Ground contamination

15. The identification and remediation of ground contamination is governed by a range of procedures, such as PPG 23: Planning and Pollution Control, the Control of Substances Hazardous to Health (COSHH) Regulations, 1994, and the Construction (Design and Management) Regulations. The protection of soil and groundwaters from contamination is primarily the responsibility of the Environment Agency.

16. Groundwaters are classified as Major, Minor or Non aquifers, reflecting their existing or potential importance for water abstraction purposes. Areas around abstraction points (Sources) are classified as Source Protection Zones 1 (Inner), 2 (Outer) or 3 (Catchment). The licensing and management of waste disposal, including potentially contaminated spoil, is regulated by the Waste Disposal Authorities.

Landscape and views

17. Landscape character is protected at several levels within the planning system. The most important areas at a national level are designated as National Parks or Areas of Outstanding Natural Beauty (AONBs), whilst areas of distinctive character at a country or district level are designated as Special Landscape Areas (in Essex) or equivalent.

18. Significant vegetation may be protected by Tree Preservation Orders, or may be designated as Ancient Woodland or Important Hedgerows, whilst historic landscapes are often identified as Registered Parks or Gardens. Visual amenity is not protected explicitly within the planning system, although individual views may be recognised within development plans and can be a material consideration in development control.

19. Further detail on the context of the current and emerging policy is provided in Section 7.7.2.

Noise and vibration

20. PPG24: Planning and Noise, 1994, provides guidance on minimising the adverse impact of noise, including the segregation of noise-sensitive and noise-generating uses through the application of Noise Exposure Classes. Noise prediction methods are set out in two British Standards: BS5228 (a series published between 1984 and 1992) – Noise Control on Construction and Open Sites; and BS4142 (BSI, 1997a) – Method for Rating Industrial Noise affecting Mixed Residential and Industrial Areas.

21. Noise nuisance is generally regulated under the Environmental Protection Act, 1991, and construction noise specifically under Sections 60 and 61 of the Control of Pollution Act, 1974.

Socio-economics

22. The Government's ports policy (*Modern Ports: A UK Policy* (DETR, 2000) highlights the economic role of ports and the contribution that shipping makes to sustainable transport. However, the Government is pursuing a laissez-faire approach to ports and believes that operators themselves should be responsible for the sites and scales of port development within the statutory guidelines of the planning process.

23. In addition, PPG4: Industrial and Commercial Development and Small Firms, 1992, provides guidance on the location of industrial development, including the need for environmental protection.

24. The East of England Development Agency (EEDA) is the Regional Development Agency covering the East of England. EEDA has identified six major themes that are they consider vital to achieving the prosperity in the East of England. These themes include:

- Competitive business and organisations for a world class region;
- Creativity, innovation and enterprise;
- "Invest in success" wherever it is found;
- Regeneration plus – supporting our people and our communities;
- A clear identity and international profile; and,
- Leading edge infrastructure and a high-quality environment.

25. Nine key sectors in the East of England economy have been identified for special attention on the assumption that enhanced growth will be greatest in key sectors and clusters. EEDA have identified sectors responsible for about a third of employment and half of output in the East of England against a range of criteria, including: growth prospects, manufacturing base, research and development base, and multiplier effects.

26. Transport Gateways are identified as one of these key sectors. Air and sea ports are seen as a key asset to the region and a primary enabler for both manufacturing exporters and for attracting inward investment. Important for passenger and freight traffic, the region's sea ports are significant international transport gateways. Good transport links are seen by EEDA as vital to improving business productivity and achieving regional economic development objectives, including the regeneration of local economies and in the economic development of the East of England as a whole.

Transportation

27. Transportation has been a particular focus of Government policy in recent years. The two prevailing policy instruments are the Transport White Paper and PPG13.

28. The Transport White Paper: A New Deal for Transport (DETR, 1998) sets out the Government's commitment to creating a more integrated transport system and to extending transport choice in a manner that encourages sustainable development. These objectives are to be implemented through the development of Regional Transport Strategies and Local Transport Plans.

29. The key objectives of the White Paper include:

- Providing wider transport choice, specifically in relation to non-car modes;
- Developing more integrated, more reliable and higher quality public transport;
- Managing streets so as to give greater priority to pedestrians, cyclists and public transport;
- Improved management and more efficient use of trunk roads; and,
- Promoting the preparation of Travel Plans in support of specific developments.

30. Transport 2010, the Government's ten-year investment plan for transport, was published in July 2000, and reflects the aims of the White Paper. It stresses the role of partnership and shared responsibility between the private sector and local government.

31. PPG13: Transport (March 2001) provides guidance on the integration of transport and land use planning, with the aim of promoting sustainable transport choice, encouraging accessibility by non-car modes and reducing the need to travel, especially by car. It also sets out requirements for preparing Transport Assessments and Travel Plans in support of major development applications. Travel Plans are required to adopt a multi-modal approach to promote sustainable travel patterns, of which parking restraint is regarded as an essential component.

32. The Bathside Bay Transport Transportation Assessment provides further details.