

**SOUTH EAST ENGLAND
REGIONAL PLANNING COMMITTEE**

Date: 20 November 2006

Subject: **Appropriate Assessment of the South East Plan**

Report of: Planning Implementation Director

Recommendations:

It is recommended that the Committee:

1. Endorse the proposals set out in Annex I as being the basis for the Assembly to advise the Panel conducting the Examination in Public on proposed changes to the policies set out in the draft South East Plan (including the Implementation Plan);
2. Draw to the attention of all local authorities and other delivery agencies the need to undertake an appropriate assessment of their plans and proposals prior to their implementation.

Purpose of Report:

To present the findings of the Appropriate Assessment of the draft South East Plan (including the Implementation Plan) and to set out proposals that, if taken on board as amendments to the draft South East Plan, would ensure that the South East Plan is compliant with the Habitats Regulations.

Key Issues:

An Appropriate Assessment of the draft South East Plan and Implementation Plan has been undertaken. The findings indicate the need to amend the wording of a number of policies to ensure that the Plan does not have an adverse effect on sites of international nature conservation importance (Natura 2000 sites).

I. Background

- 1.1 The EU Habitats Directive (Directive 92/43/EEC) requires that an Appropriate Assessment (AA) be undertaken on plans or projects that individually or in combination with other plans or projects, might have a significant effect on Natura 2000 sites. These sites include Special Protection Areas for birds (SPAs) designated under the EU Birds Directive, and Special Areas of Conservation (SACs) designated under the Habitats Directive. PPS9 also requires that Appropriate Assessments assess the potential effects on Ramsar sites (wetlands of international importance). Together these sites are referred to as 'European sites'. Where significant negative effects are identified through Appropriate Assessment, avoidance and mitigation measures and, where relevant alternative options, should be examined to avoid any potentially damaging effects on European sites.
- 1.2 The Assembly commissioned consultancies Scott Wilson and Levett-Therivel to undertake an AA of the South East Plan. The project has been overseen by a steering group including representatives from Natural England (previously English Nature), the Environment Agency, GOSE and the Wildlife Trusts in the South East. Their input has been vital in informing the AA (one of the first to be undertaken on a strategic plan) and to ensure that the procedures followed have been in line with the requirements of the Directive.
- 1.3 The consultants' reports are now complete. A copy of the AA report on the South East Plan Core Document is provided alongside this report for members' information. Volume 2, which includes technical detail, is available on the Assembly website at http://www.southeast-ra.gov.uk/southeastplan/key/appropriate_assessment.html, along with the AA report on the Implementation Plan. Detailed information about the methodology used to inform the AA is set out in the consultants' report.

2. The Appropriate Assessment

- 2.1 The Habitats Directive requires that a precautionary approach is applied to Appropriate Assessment. That is, the onus is to prove that there will be no adverse impact on sites.
- 2.2 As a strategic planning document, the draft South East Plan includes policies of principle and limited spatial definition. This means that in general the level of detail is insufficient to enable the consultants to conclude that the Plan will not have a significant effect on European sites.
- 2.3 The AA report therefore focuses on an assessment of the possible risks to European sites associated with the Plan. It identifies a number of 'cross cutting' areas of risk, which could potentially affect a number of European sites if avoidance and/or mitigation measures are not provided either through the South East Plan, or alongside site specific allocations or development proposals. These cross cutting issues include:

- Water supply (largely relating to abstraction issues)
 - Water quality (largely relating to waste water treatment)
 - Air quality
 - Recreational impacts and other urbanisation impacts.
- 2.4 A few more specific areas were also identified where it was considered that the South East Plan could have an adverse impact on European sites, without the inclusion of avoidance or mitigation measures. These were:
- Coastal Squeeze
 - The need to protect areas outside European site boundaries
 - Minerals extraction.
- 2.5 The report has focused on measures that fall within the remit of the South East Plan. In some cases the AA identifies measures that need to be considered at a national level or delivered through mechanisms that fall outside the remit of the South East Plan.

3. Key Findings

- 3.1 The draft South East Plan includes a number of overarching themes and specific policy measures that will contribute to the protection of European sites. These include the promotion of sustainable development, mitigation and adaptation to climate change, the minimisation of resource use, urban focus and provision of infrastructure prior to or in line with development. European sites are specifically protected through policy NRM4.
- 3.2 However, the AA report identifies a number of areas where the policy framework in the draft South East Plan could be amended to secure the protection of European sites in the context of the proposed level of development set out in the Plan. These includes opportunities to include further detail and promote measures that will help avoid or mitigate particular potential cross cutting impacts and specific sensitivities identified in the AA.
- 3.3 Annex I sets out a series of proposals that address the findings of the AA in order to ensure that the draft South East Plan is compliant with the Habitats Regulations. The key changes are:
- i. New policy wording relating to green infrastructure and provision for recreation.
 - ii. Providing more information in NRM4 about the need to undertake Habitats Regulations Assessment.
 - iii. Amendments to some policies reflecting the need to undertake appropriate assessment on detailed proposals at LDF or project level.
 - iv. Amendments to a limited number of policies to ensure an appropriate level of protection for Natura 2000 sites.

- 3.4 The Implementation Plan is an integral part of the draft South East Plan and has therefore been subject to its own Appropriate Assessment. This concludes that for many of the identified schemes there will be no impact on European sites. However, there are a number of schemes where the consultants have not been able to conclude that there would be no adverse effect on European sites. This is largely due to the lack of detailed information about the location or design of the proposals at this stage. As a consequence the AA identifies avoidance or mitigation measures that should be considered in the development of the proposed schemes, including those relating to air pollution identified in the Core Document report.
- 3.5 Annex I includes proposals that address the findings of the AA of the Implementation Plan. The key changes are:
- i. Inclusion of a paragraph stressing the need for Habitats Regulations Assessment on schemes identified in the Implementation Plan.
 - ii. Inclusion of a further Annex setting out suggested avoidance and mitigation measures relating to (a) the issue of air pollution, and (b) specific schemes where a possible adverse effect has been identified.

4. Next Steps

- 4.1 Ideally, the AA would be an iterative process, with amendments being made to an emerging plan in order to reduce the potential for adverse effects on European sites. However, the need to undertake an AA on the South East Plan subsequent to the Plan having been substantially drafted (as a result of a judgement of the European Court of Justice in October 2005).
- 4.2 Ultimately responsibility for completing the AA rest with Government as the “competent authority” as it will be they who approve the South East Plan. The Examination in Public process, and the subsequent Panel Report, represents the next ‘iteration’ for the South East Plan. The EiP provides an appropriate forum to discuss the findings of the AA and consider how to take its findings into account. The AA will be considered in discussions about overall strategy, and through more detailed examination of biodiversity issues.

5. Conclusions

- 5.1 The AA and the suggested changes to the policy framework set out in Annex I of this report apply solely to the spatial strategy, levels and distribution of development set out in the draft South East Plan. Any changes to policy and or the levels of development put forward by the Government in its Proposed Changes would need to be subject to a separate AA.

5.2 Whilst the AA of the draft South East Plan can be used to inform and assist local authorities in carrying out their own appropriate assessments on LDDs or specific projects, it does not negate the requirement for more detailed appropriate assessments to be carried out at these stages.

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SOUTH EAST PLAN CORE DOCUMENT: PROPOSED CHANGES IN THE LIGHT OF AA REPORT

Policy/ para	Proposed Change	Justification
CC2	POLICY CC2: CLIMATE CHANGE v. Ensuring that opportunities and options for sustainable flood management and migration of habitats and species are not-foreclosed realised.	Reflects the first bullets in paras 16.10.1 and 16.11.1 of the AA report.
CC5	Amend supporting text to make it clear that the requirement for timely provision of avoidance and or mitigation measures where development would otherwise have an adverse impact on European sites and that if it is not possible to demonstrate that proposals will not adversely affect Natura 2000 sites and Ramsar sites there may be a need to review the location/phasing/distribution or design of proposals. POLICY CC5: INFRASTRUCTURE AND IMPLEMENTATION ii Local Development Documents should identify the necessary additional infrastructure and services, <u>including green infrastructure</u>, required to serve the area and the development they propose...	Reflects section 16.2 and 16.3 of the AA report (also paras 16.5.1, 16.8.5, 16.9.2, 16.16 and 16.17) Reflects para 16.15.2 of the AA report
RE2	Amend supporting text to include a list of the European sites sensitive to employment/commercial development.	Reflects sections 6.1.5 and 7.1 of the AA report.
HI	POLICY HI: HOUSING PROVISION [at end] <u>Appropriate Assessment must be undertaken on all Local Development Documents relating to housing provision to ensure compliance with the Habitats Regulations.</u>	Reflects section 16.5 of the AA report.
H3	Amend supporting text to include a list of the European sites sensitive to housing development.	Reflects section 16.5 and sections 5.3, 6.3, 8.3, 9.3, 10.3 and 11.3 of the AA report.
Section D4 – Context	Add reference to need to consider impact of air quality on European sites which needs to be mitigated by promotion of measures to reduce transport emissions, investment in transport infrastructure, management and promotion of public transport and demand management include reducing the need to travel.	Reflects para 16.12.3 bullet 4. The transport chapter places considerable emphasis on rebalancing the transport.
T9	Amend supporting text to highlight that the AA demonstrates it is premature to support further expansion of Gatwick and Heathrow; include a list of the sensitive European sites; and include statement that there is a need to assess in detail the potential disturbance effects of airport development on nearby SPAs, and the need to avoid or mitigate any adverse impact.	Reflects section 16.6 of the AA report, although widened to ensure assessment of all proposals relating to the policy, not just those at Southampton and Kent International Airports.

	<p>POLICY T9: AIRPORTS [include at end] ...<u>Assessment must be undertaken on all proposals in support of the above to ensure compliance with the Habitats Regulations.</u></p>	
T10	<p>Amend supporting text to include a list of European sites sensitive to shipping movements</p> <p>POLICY T10: PORTS AND SHORT SEA SHIPPING [include at end] ...<u>Assessment must be undertaken on all proposals in support of the above to ensure compliance with the Habitats Regulations, especially relating to water quality and disturbance effects.</u></p>	Reflects section 16.7 of the AA report
NRM1	<p>Amend supporting text to include a list of the European sites sensitive to water supply and quality, especially referring to South Hampshire and the West Sussex Coast.</p> <p>POLICY NRM1: SUSTAINABLE WATER RESOURCES, GROUNDWATER AND RIVER WATER QUALITY MANAGEMENT</p> <p>ii Ensure that the rate and location of development does not lead to unacceptable deterioration of water quality and is in step with current and planned <u>provision of adequate sustainable</u> water supply, sewerage and waste water treatment infrastructure capacity <u>especially where not doing to would result in an adverse effect on Natura 2000 or Ramsar wetland sites</u></p> <p>iii Require development that would use significant quantities of water to incorporate measures to achieve high levels of water efficiency, and reflect current best practice including BREEAM “very good” and increasingly “excellent” standards (or equivalent) <u>for water. and, where appropriate, sustainable drainage solutions must be</u> utilised where these are consistent with protection of groundwater quality.....</p> <p>vi Not permit development that presents a risk of pollution or where satisfactory pollution prevention measures are not provided in areas of high groundwater vulnerability <u>or where there would be an adverse effect on Natura 2000 sites and Ramsar sites</u> (in consultation with the Environment Agency <u>and Natural England</u>)</p> <p><u>vii Promote land management initiatives to reduce diffuse agricultural pollution.</u></p>	<p>Amendment to supporting text reflects para 16.8.2, and 16.8.3 bullet I, of AA report and highlights spatial dimension.</p> <p>Amendment to (ii) reflects section 16.8 of AA report.</p> <p>Amendment to (iii) reflects para 16.8.3 of AA report.</p> <p>Amendment to (vi) reflects section 16.8 of AA report.</p> <p>Amendment to (vii) addresses some of the concerns about diffuse agricultural pollution expressed in section 16.8</p>
NRM2	<p>Amend supporting text to include a list of the European sites sensitive to water abstraction and stress the need for early Habitats Regulation Assessment of named strategic water resources to allow for an early strategic review of the options’ viability</p>	

	<p>POLICY NRM2: STRATEGIC WATER RESOURCES DEVELOPMENT</p> <ul style="list-style-type: none"> i Need at local, sub-regional, regional, and inter-regional scales ii Presence of alternative options and environmental impact including water efficiency in new and existing properties, <u>and especially the need to avoid or mitigate for any adverse impact on Natura 2000 and/or Ramsar wetland sites</u> iii Potential to deliver social and environmental benefits. <u>Strategic water resource developments must not proceed unless it is demonstrated that proposals are Habitats Regulations compliant. Where it is not possible to avoid or mitigate any likely adverse effect(s) on Natura 2000 or Ramsar wetland sites, appropriate solutions to future water supply requirements must be considered (including ‘water neutral’ development, and the need for alternative strategic water resources).</u> 	<p>Amendments to (ii) reflects section 16.9 of the AA report</p> <p>Addition to end of policy reflects para 16.9.1 and 16.9.2 of AA report</p>
NRM4	<p>Amend supporting text to explain how avoidance and mitigation measures have been incorporated throughout the Plan, and highlight those policies which may have an impact on Natura 2000 sites; stress the need to assess impact of proposed LDDs or projects through Habitats Regulation Assessment and build in avoidance or mitigation measures; draw attention to those sites or groups of sites that are of particular risk from a number of impacts; and stress the need to also consider land outside the physical limits of designated sites of European nature conservation interest, which nevertheless are crucial to the maintenance of the structure and function of the features for which site was designated</p> <p>POLICY NRM4: CONSERVATION AND IMPROVEMENT OF BIODIVERSITY</p> <p>In the development and implementation of plans and strategies, local authorities and other bodies shall avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region by:</p> <ul style="list-style-type: none"> i Providing the highest level of protection for nationally and internationally designated sites (map NRM3). <u>Habitats Regulations Assessments must be undertaken on Local Development Documents, Local Transport Plans, and other projects. Plans or projects should not proceed unless it can be demonstrated that they will not, directly or indirectly, adversely affect the integrity of the site(s) concerned.</u> <u>- In the preparation of LDDs and at the project design stage, LPAs and others should seek to avoid adverse effects on Natura 2000 sites rather</u> 	<p>Policy amendments reinforce the South East Plan’s policy approach to sites of internationally designated sites. This includes the need for tiering and timing as set out in sections 16.2 and 16.3.</p>

	<p><u>than rely on the mitigation of any effects.</u></p> <p><u>- Specific measures required to avoid or mitigate the impact of a plan or project on Natura 2000 sites at the necessary time.</u></p> <p>ii Ensuring damage to county wildlife sites and locally important wildlife and geological sites is avoided wherever possible, <u>including areas outside the boundaries of Natura 2000 sites where these support the species for which that site has been designated...</u></p> <p>v Influencing and applying agri-environment schemes, forestry, flood defence, restoration of mineral extraction sites and other land management practices to:</p> <ul style="list-style-type: none"> <u>- deliver biodiversity targets</u> <u>- increase the landscape, historic and wildlife value of land; and</u> <u>- reduce diffuse pollution</u> <p>vi <u>Promoting policies that integrate the need to accommodate the changes taking place in agriculture with the potential implications of resultant development in the countryside</u></p> <p>vii Maintaining and establishing accessible green networks and open green space in urban areas. <u>Requiring green infrastructure to be identified, developed and implemented in conjunction with new development. Local Authorities and partners will work together to plan for and provide connected and substantial networks of accessible multi-functional green space, in urban and urban fringe areas and adjacent countryside</u></p> <p>viii <u>Identifying sites of international nature conservation interest (Natura 2000 sites and Ramsar wetlands – see Map NRM3) sensitive to the pressures of recreation or urbanisation and, as appropriate, working with Natural England and other stakeholders to:</u></p> <ul style="list-style-type: none"> <u>- set buffer zones around sensitive sites</u> <u>- provide alternative recreation land as mitigation for any possible adverse impact, in accordance with (vii) above; and</u> <u>- implement access management measures and work to secure improved habitat management.</u> 	<p>Amendment to (ii) reflects the intentions of section 11.6. It is not considered appropriate to refer to specific sites within the policy itself.</p> <p>Amendment to (v) and (vi) to address diffuse pollution, reflecting para 16.8.6, and based on wording in the East of England RSS policy ENV6.</p> <p>Amendment to (vii) and (viii) to pick up suggestions in section 16.15 of AA report.</p>
NRM6	<p>Amend supporting text to include a list of the European sites sensitive to coastal squeeze; the need for action to avoid/mitigate coastal squeeze; and update to refer to Government action on/review of marine planning and management of coastal defences.</p> <p>POLICY NRM6: COASTAL MANAGEMENT</p> <p>i Take account of <u>Plan for</u> climate change and forecast effects on the costal zone</p>	<p>Amendment to (i) reflects para 16.11.1 first bullet.</p>

	<p>ii Promote and establish cross-border and cross-sectoral arrangements, <u>to develop joint policy frameworks to facilitate an integrated approach to coastal management. This will include the conservation and enhancement of the most valuable habitats and environments (natural and built), the development and management of public access, recreation and tourism potential, and identification and management of development and commercial opportunities. This will be within the context of flood protection management and coastal defence measures contained in Catchment Management Plans, Shoreline Management Plans, Coastal Defence Strategies, Estuary Management Plans and Coastal Habitat Management Plans (CHaMPs)</u></p> <p>iii Ensure <u>Identify opportunities for, and ensure</u> that development does not prejudice options for managed realignment, significantly affect sediment inputs and transport, lead to an increase in flood risk or preclude the delivery of sustainable flood risk management solutions in the future</p> <p>iv <u>Restrict Avoid built</u> development on the undeveloped coastline unless it specifically requires a rural coastal location and does not adversely affect environmental, cultural and recreational resources, <u>to allow for managed realignment and where necessary the protection of the interest features of Natura 2000 sites.</u></p> <p>vi Realise opportunities for sustainable coastal defences which enhance the region's wildlife, and fisheries, especially where this will contribute to the achievement of regional and national biodiversity targets <u>and help meet the requirements of the Habitats Directive.</u></p>	<p>Amendment to (ii) reflects suggestions within the AA report to the coastal sub-regional strategies in relation to coastal squeeze through either/or the inclusion of a policy similar to KTG9 (para 16.11.1 bullet 2) or a policy similar to EKA9 (para 16.19.2). It is considered that the concern is best addressed through the addition of a new clause to regional policy NRM6, based on EKA9.</p> <p>Amendment to (iv) is along the lines of para 16.11.2. It is not considered appropriate to name particular sites within regional level policy.</p>
NRM7	<p>Amend supporting text to highlight sensitivities of European sites to air pollution, and the need to monitor these; include a list of the sensitive sites; explain the need to minimise air quality impact of all developments, direct development away from sensitive sites and undertake AA on LDDs and LTPs; make clear Assembly support for national and international measures to reduce transboundary air pollution; and include references to the need to consider diffuse air pollution, and introduce the idea of offsetting, low emission zones and land management, including promotion of grazing where appropriate.</p> <p>POLICY NRM7: AIR QUALITY Local authorities and other relevant bodies should seek <u>an improvement in air quality in their areas so that there is a continual improvement in air quality leading to a</u> significant reduction in the number of days of medium and high air pollution by 2026. Local Development Documents and development control can help to achieve improvements in local air quality, <u>and adverse</u></p>	<p>Additions to supporting text to reflect paras 16.12.1 and 16.12.3 bullet 4 of the AA report. Additions introduce the avoidance/mitigation measures identified in para 16.12.4 bullets 1-3, and flag up need to monitor air quality impacts on Natura 2000 sites, in line with para 16.12.4 of the AA report. Additions on diffuse pollution reflects para 16.12.2 of the AA report.</p> <p>Amendment to first para reflects para 16.12.3 bullet 1 of the AA report.</p>

	<p>effects on the environment through:</p> <ul style="list-style-type: none"> i Ensuring consistency with Air Quality Management Plans ii Reducing the environmental impacts of transport and congestion management, and support the use of cleaner transport fuels <u>and public transport, especially where development in proximate to Natura 2000 sites sensitive to air quality issues</u> iii <u>directing development away from sensitive sites of nature conservation importance, particularly Natura 2000 and Ramsar wetland sites</u> iv Mitigating the impact of development, <u>including the cumulative effects of development,</u> and reduce exposure to poor air quality through design, particularly for residential development in areas which already, or are likely to, exceed national air quality objectives iv Encouraging the use of best practice during construction activities to reduce the levels of dust and other pollutants. 	<p>Amendment to (ii) reflects para 16.12.4 bullet 2 of the AA report.</p> <p>Amendment to (iii) reflects para 16.12.3 bullet 2 of the AA report.</p> <p>Amendment to (iv) reflects section 16.12 of the AA report.</p>
C1A	Amend supporting text to recognise the issue of recreational pressure on Natura 2000 sites within the New Forest	Addition to supporting text reflects section 16.14 of the AA report. Amendments to policy C1A are not required because of amendments to NRM4 and C3.
C3	<p>POLICY C3: LANDSCAPE AND COUNTRYSIDE MANAGEMENT</p> <p>iii Support local economies and social well-being of communities through small scale development proposals to meet local needs. <u>Within Natura 2000 and Ramsar wetland sites, local authorities and other partners should promote improved management of the sites to support their interest features.</u></p>	Amendment reflects para 16.12.3 bullet 3, and section 8.6 of the AA report.
C4	<p>Amend supporting text to recognise the need for access management on sensitive Natura 2000 sites, and provide information about the mechanisms through which this could be achieved (eg CROW Act)</p> <p>POLICY C4: COUNTRYSIDE ACCESS AND RIGHTS OF WAY MANAGEMENT</p> <p>iv <u>On Natura 2000 and Ramsar wetland sites with an identified risk of adverse impact from recreational use or other urbanisation impact (including air pollution), promote appropriate access and other management measures (both pedestrian and vehicle), to avoid such risks.</u></p>	Other alterations to Policy C4 suggested in section 16.15 of the AA report are better incorporated in the proposed amendments to NRM4
M3	Amend supporting text to highlight the sensitivities of European sites to minerals extraction; include a list of the sensitive sites; and stress the need to avoid/mitigate impact and the possible need for review of location and/or phasing and/or design of proposals if there is a potential adverse effect on European sites.	Addition to supporting text reflects concerns relating to specific sites identified in section 12.6.

	<p>POLICY M3: PRIMARY AGGREGATES [include at end] ...Proposals for aggregate extraction that are likely to have a significant effect on Natura 2000 sites, alone or in combination with other plans or projects, must not be implemented unless any adverse effect on the site(s) can be avoided or mitigated.</p>	<p>Addition to end of policy reflects conclusions in section 12.5. This also meets the site specific mitigation proposed in para 12.6.1.</p>
Section E1 SH12	<p>POLICY SH12: SCALE AND LOCATION OF HOUSING DEVELOPMENT [add to end]In the event that Habitats Regulations Assessments demonstrate that the levels of housing provision cannot be delivered without adversely affecting Natura 2000 or Ramsar wetland sites, then the phasing and/or distribution of housing provision must be reviewed.</p>	<p>Policy addition reflects section 16.16 of AA report.</p>
Section E1 SH14	<p>POLICY SH14: ENVIRONMENTAL SUSTAINABILITY iii Co-operate on assessment of and planning for effective coastal zone management to address the risk of sea level rise, and co-operate to minimize the risk of other forms of flooding, and realise opportunities for more sustainable flood risk management options.</p>	<p>Amendment (in combination with amendments to NRM6) addresses issue of coastal squeeze in the sub-region</p>
Section E2 SCT7	<p>POLICY SCT7: BROAD AMOUNT AND DISTRIBUTION OF FUTURE HOUSING DEVELOPMENT [add to end]In the event that Habitats Regulations Assessments demonstrate that the levels of housing provision cannot be delivered without adversely affecting Natura 2000 sites and Ramsar sites, there may be a need to review the phasing or distribution of housing provision.</p>	<p>Addition reflects section 16.17 of AA report.</p>
Section E2	<p>No change</p>	<p>Concern identified in respect of coastal squeeze is addressed through amendments to NRM6.</p>
Section E3 EKA4	<p>POLICY EKA4: URBAN RENAISSANCE OF THE COASTAL TOWNS [include at end] ...Proposals that are likely to have a significant effect on a Natura 2000 site, alone or in combination with other plans or projects, must not be implemented unless any adverse effect on the site(s) can be avoided or mitigated.</p>	<p>Addition to end of policy reflecting section 16.18 of AA report</p>
Section E3 EKA9	<p>POLICY EKA 9: INTEGRATED COASTAL MANAGEMENT The development, management and use of the coastal zone will be coordinated through a joint policy framework. This will include the conservation and enhancement of the most valuable habitats (including Natura 2000 and Ramsar sites) and environments (natural and built), the</p>	<p>Addition reflects para 16.19.1 of the AA report. It is not appropriate to name sites within policy.</p>

	development and management of public access, recreation and tourism potential, and identification and management of development and commercial opportunities. This will be within the context of flood protection management and coastal defence measures contained in Catchment Management Plans, Shoreline Management Plans and Coastal Defence Strategies.	
Section E4 KTG9	No change	Concerns identified in respect of coastal squeeze sufficiently addressed by policy KTG9.
Section E10	No change	Concerns identified in respect of coastal squeeze is addressed through amendments to NRM6

**SOUTH EAST PLAN IMPLEMENTATION PLAN:
PROPOSED CHANGES IN THE LIGHT OF APPROPRIATE ASSESSMENT REPORT**

Policy/para	Proposed Change	Justification
New para 1.9	Habitats Regulations Assessment must be undertaken on the projects set out within Annex 2 and 3 of this Implementation Plan. Reference should be made to Annex 6, which identified schemes that may require an Appropriate Assessment, and provides information about possible measures which could be utilised to avoid or mitigate potential effects. Should it be demonstrated that any of the proposals listed within Annex 2 or 3 cannot be implemented under the Habitats Directive, there may be a need to review the scheme(s) within these Annexes.	In line with conclusions of AA on the Core Document and para 6.1.3 of the AA on the Implementation Plan.
New Annex 6	To set out: Proposed avoidance and mitigation measures in relation to air quality Proposed scheme specific avoidance and mitigation measures where these have been identified by the AA report.	In line with conclusions of the AA of Implementation Plan in para 4.3 and Table 3.