

CED004 Council's Response to Issue 1

Issue 1

Have the relevant procedural and legal requirements been met, including the duty to co-operate and those required by the Conservation of Habitats and Species Regulations 2010?

The Council considers that the formulation of the Local Plan has met the relevant procedural and legal requirements. The Local Plan is based on a sound process of sustainability appraisal, testing of reasonable alternatives and habitats assessment. The Council is also satisfied that it has fulfilled the requirements of the Duty to Co-operate.

i) Is the Sustainability Appraisal undertaken suitably comprehensive and satisfactory and has it sufficiently evaluated reasonable alternatives?

- 1.1 Yes, the Council considers the Sustainability Appraisal (SA) process undertaken to date has been suitably comprehensive and satisfactory, and it has involved sufficiently evaluating reasonable alternatives, as explained in the Appraisal itself.
- 1.2 The Local Plan was published alongside the **SA Report** in accordance with Regulation 19 of the Local Planning Regulations 2012, and the SA Report is also submitted alongside the Plan (SA Report, 2016 LBR 1.11 & SA Interim Report, 2017, LBR 1.11.2).
- 1.3 In accordance with regulatory requirements,¹ the report:
 - a) explains how reasonable alternatives were developed and appraised when preparing the Plan (see Part 1); and
 - b) presents an appraisal of the Plan (see Part 2).

Part 1 of the SA Report tells a 'story' over time. Amongst other things, it explains that initial reasonable spatial strategy alternatives were appraised and consulted upon in 2014. The appraisal at that time highlighted Option 1 (Proceed with proposals as per the Preferred Options Report (POR, 2013), including Oakfield) as performing best in terms of a number of sustainability objectives (such as delivering community facilities and ensuring good access / supporting sustainable travel choices) albeit certain draw-backs were also highlighted.

¹ Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations')

- 1.4 Part 1 of the SA report goes on to discuss consultation responses received and Green Belt Review, before presenting the refined reasonable spatial strategy alternatives that were arrived at in 2016. The alternatives varied in terms of both quantum and distribution:
- Quantum - the alternatives varied from a low growth option involving 16,750 homes to a high growth option involving 19,650 homes. The option of providing for objectively assessed needs in full (31,977) was deemed 'unreasonable', as explained at para 6.3.4.
 - Distribution - the alternatives varied in terms of the approach to growth at five locations. The approach to growth at other locations, including Ilford, was held constant across the alternatives, as explained at para 6.3.5.
- 1.5 The appraisal of the reasonable alternatives was presented, and then a final chapter within Part 1 completed the 'story' by presenting the Council's response to the alternatives appraisal, i.e. the Council's reasons for selecting the preferred option from the alternatives appraised.
- 1.6 The discussion presented above serves to demonstrate that a robust SA process was undertaken over time, culminating in the publication of the SA Report alongside the Proposed Submission Plan in 2016.
- 1.7 Some additional SA work has also been completed since the publication stage, in response to representations received, and in particular the representation submitted by the Mayor of London. Essentially, the aim was to give further consideration to spatial strategy alternatives, as a means of exploring the justification for the preferred option.
- 1.8 Whilst the output of this work - an **Interim SA Report** (LBR 1.11.2) - has not been subjected to consultation, it should nonetheless helpfully serve to inform the Examination. The report is structured as follows -
- Chapter 1 - introduces the report;
 - Chapter 2 - explains the process of establishing refined reasonable spatial strategy alternatives in 2017, in light of consultation responses received in 2016, and other evidence;
 - Chapter 3 - presents an appraisal of the reasonable alternatives; and
 - Chapter 4 - explains next steps.
- 1.9 Summary alternatives appraisal findings are presented on page 33 of the Report (LBR 1.11.2), with the headline conclusion that the preferred option (Option 2) performs best, or equal best, in terms of all sustainability objectives other than those relating to 'housing' and 'economic growth'. In

terms of these two objectives, the higher growth options (Options 3 and 4) are preferable.

- 1.10 The Council considers that the SA process that was carried out throughout the various stages of plan preparation set out above demonstrates that the SA process undertaken is suitably comprehensive and satisfactory.
- 1.11 Furthermore, the process satisfactorily identified and appraised all reasonable alternatives which have informed the Council's preferred spatial strategy which is a 'balanced' approach to urban densification, with the corollary that Green Belt release is necessary. The overall process demonstrates that an option involving a balanced approach to densification plus nil Green Belt release would fall short of the London Plan target, and hence is an unreasonable option in SA terms.

ii) Has the Council engaged constructively, actively and on an on-going basis with Epping Forest District Council in relation to the strategic matters of the provision of sites for gypsies and travellers?

- 2.1 The Council is satisfied that it has fulfilled the requirements of the Duty to Co-operate. In preparing the Plan, Redbridge Council has engaged constructively, actively and on an ongoing basis with neighbouring boroughs and other public bodies on strategic issues. Full details are set out in the Duty to Cooperate Statement (LBR 1.14).
- 2.2 The London Plan does not set any strategic requirements but indicates in Policy 3.8 that boroughs should ensure that the accommodation requirements of gypsies and travellers are identified and addressed, with sites identified in coordination with neighbouring boroughs and districts as appropriate. Guidance on how to plan for the accommodation needs for Gypsies and Travellers is set out in the Government's 'Planning Policy for Traveller Sites (2015)'. A key outcome of this was the commissioning of ORS to undertake a Gypsy and Traveller Accommodation Assessment (2016) (LBR 2.02) to inform the draft Local Plan.
- 2.3 During the production of this document ORS contacted all adjoining local authorities (Waltham Forest, Barking and Dagenham, Havering, Newham and Epping Forest District Council), to ensure there was the necessary cooperation, with a set of specific questions relating to their traveller accommodation needs, their plans to meet those needs, and any spare capacity that they may have to accommodate future growth. The purpose of this final exercise was to ensure that the Council has up-to-date and fully recorded details of each authority's position.
- 2.4 The Assessment concluded that seven additional pitches will be required over the plan period. Whilst there would be a small increase in the level of

need in Redbridge over the plan period, this could be accommodated on the existing authorised site in the borough (Northview Caravan Site, Forest Road). The Council does not need assistance from neighbouring boroughs to accommodate its projected provision.

- 2.5 Through its Duty to Cooperate discussions with Epping Forest District Council, the Council did state that Redbridge would be able to meet its own need, based on the findings of the revised Gypsy and Traveller Accommodation Assessment (2016) (LBR 2.02). While Redbridge considers that they can meet their own level of need within their boundary, Epping discussed the potential of Redbridge taking on some of Epping's need. The Council stated it was not in a position to do this as this would result in the loss of a site for conventional housing allocation or further release of land from the Green Belt in Redbridge, with consequential harm to the fulfilment of Green Belt purposes which the Council's Green Belt studies have indicated would arise from further release within the borough.
- 2.6 The issue of how the needs of Gypsies and Travellers will be accommodated will be ongoing given neighbouring boroughs are in the process of developing their own Local Plans. The Council will continue to actively engage with neighbouring authorities and the GLA on this issue through appropriate channels.
- 2.7 Epping Forest District Council has not raised any concerns regarding Redbridge's discharge of the Duty to Cooperate.

Should the Council have engaged with Epping Forest about the strategic matter of housing?

- 2.8 As set out in the Duty to Cooperate Statement (LBR 1.14), the Council did engage with Epping Forest District Council on strategic matters including housing. Paragraphs 3.6-3.8 of the Duty to Cooperate Statement (LBR 1.14) summarises the key issues identified through this engagement such as working with TfL on increasing Central Line capacity, information sharing such as the potential for enhanced flood plain management, agreement that new or revised SHMAs consider migration patterns. Appendix 1 of the Duty to Cooperate Statement includes key outcomes resulting from duty to cooperate discussions.
- 2.9 It is clear from the Outer North East London SHMA that from a housing market area, the purposes of assessing objectively assessed need the three London Boroughs of Barking and Dagenham, Havering and Redbridge are considered as one housing market area, which excludes Epping Forest, but that the housing needs of surrounding boroughs and districts be considered through the operation of the duty to cooperate. Epping Forest District's

housing needs are met within the East Hertfordshire and West Essex housing market area.

- 2.10 Epping Forest stated that indications from their draft SHMA are that the District is unable to meet their own objectively assessed need within their boundary given the nature of the borough (over 95% Green Belt). The District also stated that they would unlikely be able to take some of Redbridge's outstanding objectively assessed need. In addition, since the Council cannot meet in full its locally derived objectively assessed need (without substantial further green belt release) it is not feasible to meet any of Epping Forest's unmet housing need (which arises by reason of its green belt constraint).
- 2.11 The Council's response to the Inspector's Preliminary Matters (CED001) provides further detail on this matter.

iii) Does the Habitats Regulations Assessment comply with the Conservation of Habitats and Species Regulations 2010?

- 3.1 The Council considers that the Habitats Regulations Assessment (HRA) complies with the requirements set out in Article 6(3) of the Habitats Directive and Regulations 61 and 102 of the Habitats and Species Regulations 2010.
- 3.2 The approach set out in the HRA screening report (LBR 1.12, section 1.4) followed the requirements of Regulation 61(1), by determining whether there was a likely significant effect of the plan policies on European sites. This accords with the staged approach to assessment required by Article 6 of the Directive.
- 3.3 The methodology applied in the HRA is not prescribed by legislation, but followed best practice guidance set out by the European Commission, DEFRA, and the *Habitats Regulations Assessment Handbook*. This is set out in the HRA screening report (LBR 1.12, section 2.1), and involved:
- an initial screening to identify European sites which may be affected by the implementation of Local Plan policies, which identified the need to assess potential effects on Epping Forest SAC (section 3.1);
 - consideration of the conservation objectives, conservation status and condition of qualifying features within the SAC (section 3.2);
 - consideration of the sensitivity of qualifying features to effects including increased recreational use and air quality changes (section 4);

- prediction of outcomes and changes caused by the Local Plan, through an initial screening of each Plan policy to identify potential effect pathways (section 5.2);
 - where effects were identified, incorporation of mitigation measures into Local Plan policies, then consideration of likely significant effect on Epping Forest SAC (section 5.3); and
 - consideration of in-combination effects of other policies and plans (section 5.4).
- 3.4 The HRA Screening Report concluded (LBR 1.12, section 6) no likely significant effect on Epping Forest SAC. Natural England concurred with this conclusion. There was therefore no need to proceed to an Appropriate Assessment (or 'stage 2' HRA) as defined by Regulation 61 (1) and 102 (1) of the Habitats and Species Regulations 2010.

iv) Does the HRA screening report (LBR 1.12) adequately address whether the Local Plan would have a likely significant effect on European conservation sites either alone or in combination with other plans or projects with particular reference to potential disturbance and air quality in the Epping Forest Special Area of Conservation?

- 4.1 The HRA report (section 5.2) identified three policies which required assessment of likely significant effect:
- Policy LP1D: South Woodford Investment and Growth Area;
 - Policy LP2: Delivering Housing Growth; and
 - Policy LP14: Stimulating Business and the Local Economy.
- 4.2 Policy LP1D and LP2 had a potential effect on Epping Forest SAC through a possible increased recreational use. All three policies had a potential indirect effect on air quality through stimulating traffic growth. All other policies were determined to have either a neutral or positive effect, in some cases by diverting recreational pressure, or by reducing traffic growth.
- 4.3 With respect to increased recreational use, a 2km 'risk zone' was defined, based on the 95th percentile of visitor numbers to the SAC in a visitor survey published by the Corporation of London. When the spatial disposition of Investment and Growth Areas is considered in relation to this risk zone (HRA Figure 5.1), it can be seen that most development is located outside it, so the effect of policy LP1 as a whole is positive. The report's conclusions (paragraph 6.2) note that in terms of locational policies, although over 26% of the borough's area is within 2km of Epping Forest

SAC, less than 3% of spatially allocated housing units are within this risk zone. Within the 2km risk zone, mitigation measures incorporated in policy LP39 require developments to assess their effects on the SAC, and implement mitigation measures as set out in paragraphs 5.3.6 and 5.3.7 of the HRA screening report.

- 4.4 Potential air quality effects were assessed using a qualitative, policy-balancing approach, and did not rely on predictions of annual average daily traffic flows (AADT). This approach is consistent with that taken elsewhere in the HRA of Local Plans, where potential effects on European sites known to be sensitive to air quality impacts have been identified. These include the HRA of Waltham Forest LDF Submission Core Strategy (prepared in May 2011), where Epping Forest SAC was also a consideration, and Wandsworth Local Plan HRA (prepared in April 2015), where possible effects on Wimbledon Common SAC were a consideration. Both of these concluded 'no likely significant effect' of traffic growth, due to the counteracting effect of other Local Plan policies. The Wandsworth Local Plan HRA also recognised that a small proportion of traffic in the borough was directly influenced by Local Plan policies, a situation which is also applicable to Redbridge (see HRA paragraph 5.3.10).
- 4.5 The HRA screening report recognises that a number of other policies within the Local Plan serve to mitigate the magnitude of traffic growth, and its potential air quality effects. These include policies which are specific in nature and have a high degree of certainty of delivery, such as the focus of development along the Crossrail corridor in policy LP1B. The HRA noted that policy LP24 allows for project-level air quality assessments, which when carried out in accordance with Environment Agency guidance would include assessment of effects on Epping Forest SAC.
- 4.6 The assessment of in-combination effects (HRA report section 5.4) included Local Plans of authorities adjoining Epping Forest SAC (London Borough of Waltham Forest and Epping Forest District Council), as well as wider-scale policies governing waste, water, transport and air quality. The London Plan itself was not explicitly considered, but was recognised to provide an overarching framework governing matters such as housing growth.
- 4.7 The plans considered either incorporated mitigation measures to avoid a likely significant effect (Waltham Forest) or had a positive, mitigating effect through (for example) measures to promote sustainable transport or reduce vehicle emissions. In-combination effects were either neutral or positive.
- 4.8 In respect of both recreational and air quality effects on Epping Forest SAC, it is considered that the conclusion of no likely significant effect has been reached following adequate consideration in the HRA screening report, and with due regard to the precautionary principle.

4.9 Please see Annex 1 to this Statement which provides additional information in response to the two HRA questions.

v) In addition to the details in the Consultation Statement (LBR 1.13) does the Council wish to say anything further about whether adequate consultation has been undertaken with residents in Ilford South and South Woodford?

5.1 The Council reiterates that the Consultation Statement (LBR1.13) clearly demonstrates how consultation on the Local Plan meets the requirements of statutory regulations and the Council's own Statement of Community Involvement (2006) (LBR1.15). It includes details of extensive consultation carried out on the Plan from inception to submission.

5.2 With specific reference to residents from Ilford South and South Woodford, the Council would like to point out that residents from both areas:

- were directly notified of regulation 19 consultation via letter or email;
- attended drop in sessions held in libraries during the regulation 19 consultation; including in high numbers at some events, and
- provided high levels of consultation responses; as can be seen in the schedule of Regulation 19 Representations (LBR1.01.1).

5.3 Subsequently, Council officers also held focussed meetings with community groups from each area. There is no statutory requirement on the Council to do so, but it was felt that this would be beneficial in better understanding the nature of representations made, and explore the scope for reaching any common ground before the plan was submitted. Meetings were held with the South Woodford Society on 1st December 2016, and Neighbourhoods of Ilford South Engage on 9th December 2016. Both meetings helped inform the Council's response to representations, and the Schedule of Modifications (LBR1.01.2).

Annex 1

Redbridge Local Plan – Examination of Redbridge Local Plan 2015-2030

Annex to CED004 Council’s Response to Issue 1

1 Introduction

1.1 Inspector’s questions

This annex provides additional information in response to two questions identified by the Inspector relating to Issue (1): ***Have the relevant procedural and legal requirements been met, including the duty to co-operate and those required by the Conservation of Habitats and Species Regulations 2010?***

- Question 1 (iii): Does the Habitats Regulations Assessment comply with the Conservation of Habitats and Species Regulations 2010?; and
- Question 1 (iv): Does the HRA screening report (LBR 1.12) adequately address whether the Local Plan would have a likely significant effect on European conservation sites either alone or in combination with other plans or projects with particular reference to potential disturbance and air quality in the Epping Forest Special Area of Conservation?

1.2 Background

Approach to assessment of air quality effects

One issue which falls to be addressed in response to the Inspector’s questions concerns whether the HRA screening report was reliant on the approach taken in the Lewes District Council and South Downs National Park Joint Core Strategy and which was criticised by the High Court in *Wealden District Council v Secretary of State for Communities and Local Government* [2017] EWHC 351 (Admin), which was decided on 20 March 2017 and therefore after the preparation of the HRA. In the *Wealden* case the relevant assessment screened out potential traffic-related pollution impacts from consideration of likely significant effect on Ashdown Forest SAC with reference to a Design Manual for Roads and Bridges (DMRB) threshold value of 1000 AADT (annual average daily traffic). The use of this figure as a ‘de minimis’ threshold (i.e. one which would not need further assessment of in-combination effects) was found to be unsound and unreliable in *Wealden v SSCLG* which found that in-combination effects of two or more <1000 AADT flows in the circumstances of that case needed to be aggregated to determine whether an Appropriate Assessment was necessary.

However, the issue addressed in the *Wealden* case are not directly relevant to the HRA of the Redbridge Local Plan, which did not approach the assessment of air quality impact on European protected sites (arising from both the Submitted Local Plan and in combination with others) by reference to the 1000 AADT threshold and the DMRB Guidance, but rather adopted a qualitative approach. What therefore arises in response to the Inspector's question is whether such a qualitative approach is acceptable – i.e. whether it accords with the relevant legislation and current guidance on Habitats Regulations Assessment practice.

2 Does the HRA comply with the Habitats and Species Regulations 2010?

2.1 Approach to HRA

The approach to HRA was informed by the need to address the relevant statutory tests set out in Article 6(3) of the Habitats Directive. This demands a step-wise procedural approach to assessment, as set out in European Commission (2001) guidance¹, and developed by draft Government guidance (DEFRA, 2012)². The four stages of assessment are set out in section 1.5 of the HRA screening report. The HRA report was equivalent to a Stage 1 screening assessment, which determined whether the Local Plan would have a likely significant effect on European conservation sites. The determination of likely significant effect followed Waddenzee principles³; i.e. the understanding of the term was a 'possible significant effect, which cannot be excluded on the basis of objective information.' This has to be qualified by an understanding of the application of the precautionary principle as applied to plans (see section 3.1 below).

In order to ensure conformity with current professional guidance, the HRA report followed the detailed guidance on structure and scope set out in the *Habitat Regulations Assessment Handbook* (Tyldesley & Chapman, 2013)⁴. This is a subscription-based professional guidance document, regularly updated with legal advice to incorporate changes arising from European and UK case law.

¹ European Commission (2001). *Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*. DG Environment.

² DEFRA (2012a). *The Habitats and Wild Birds Directives in England and its seas. Core guidance for developers, regulators & land/marine managers*. December 2012 (draft for public consultation)

³ C – 127-02 *Waddenzee*, 7th September 2004

⁴ Tyldesley, D. & Chapman, C. (2013). *The Habitat Regulations Handbook*, June 2016 update, DTA Publications Limited

2.2 Identification of sensitivities and potential effects

Figure 2.1 of the HRA was taken directly from guidance in Tyldesley and Chapman (2013), and guided the HRA process. This involved bringing together information about sensitivities and habitat condition of the Epping Forest SAC, and screening individual Local Plan policies for their potential effects on the SAC.

Mitigation measures were considered for any potential effects, which looked both at measures which could be more appropriately addressed either at project-level stage, or a higher (London wide) level. Incorporated mitigation provided by other Local Plan policies judged to have a positive effect on the SAC (e.g. measures to increase public transport use such as Crossrail) were also considered in determining likely significant effect.

3 Does the HRA adequately address likely significant effect on Epping Forest SAC?

3.1 Appropriateness of a qualitative approach in relation to air quality effects

Guidance on plan-level HRA

Tyldesley & Chapman (2013, section F1.1.2) set out some of the particular characteristics of the plan-level HRA process, compared to HRA of specific development projects, which are relevant when considering air quality effects in particular. They state:

'It is recognised by the European and UK courts and the European Commission that the assessment of a plan may not be as precise and detailed as that of a project at application stage. Plans vary widely in their degree of specificity, ranging from very general statements of political aspirations, which may be broad or indeed vague in nature, across a wide geographic area, to highly prescriptive proposals that are scale and location specific. A single 'plan' may contain both of these extremes and variations of precision between them.'

The guidance goes on to state:

'The precautionary principle needs to be applied, during the assessment of plans, in a way that recognises the general nature of some plans, or some parts of plans. Assessment should not unnecessarily or unreasonably prevent or impede the adoption of plans or the development of social, economic and environmental policy on the basis that there may be a theoretical effect on a European site. It would be impossible for many plans ever to meet an extreme application of the precautionary principle, simply because of their non-specific and more general nature, leading to a degree of uncertainty as to the plan's effects.'

With respect to the particular circumstance of land-use plans, and the extent to which mitigation measures can be incorporated in project-level decisions, the guidance states:

'If the HRA specifically and explicitly identifies and assesses the risks that may be inherent in development on a site to be allocated in the plan, and the plan lays down clear and firm policies to eliminate or minimise such risks, with the requirement that any planning permission will only be granted if it is in line with the relevant policies in the plan which are designed to avoid adverse effects on site integrity, then it will be appropriate for the plan-making authority to conclude that the plan will not adversely affect the integrity of the site at issue.'

The guidance goes on to caution that (notwithstanding the above) it is not appropriate to defer or delegate consideration of significant adverse effects to the final stage of 'project level' assessment, or appropriate to rely solely on a general policy protecting all European sites.

This Guidance is widely relied on and applied. There is no reason not to have applied this Guidance in the preparation of the HRA of the Redbridge Local Plan.

Application of guidance to Redbridge Local Plan HRA

This Guidance recognises that there are limits to the predictive power of plan policies when considering their effect on European sites. Where the scale and location of proposals is precise, such as the identification of housing numbers and location of Investment and Growth Areas, the HRA is able to predict effects and identify appropriate incorporated mitigation measures. Where the effects of vehicle pollution are concerned, the power of local plan policies to address traffic movements and emission levels is much more limited, with much more significant effects derived from the implementation of London-wide policies such as the Transport and Air Quality strategies.

What the HRA could not do is make a precise assessment of the relationship between population growth and industrial development on the one hand, and traffic growth particular roads on the other, so as to allow a detailed prediction on the likely air quality effects. The *Local Plan Transport Study* does not provide predictions of changes in traffic levels on the key routes which pass adjacent to Epping Forest SAC. However, the proximity of roads carrying high volumes of traffic to the SAC, notably the A406 North Circular Road, makes it highly unlikely that traffic generated as a consequence of the Local Plan policies would significantly add to baseline emissions, if Environment Agency screening thresholds of 1% of relevant air quality standards were employed. This does not mean that air quality

effects are dismissed in the HRA; in effect, the policy-balancing approach is robust and precautionary, implicitly recognising that any increase in emissions is undesirable in a context of air quality standard exceedance. In terms of the deferral of mitigation measures to project-level assessment, this follows a detailed assessment of potential effects, and is limited to those measures designed to avoid significant effects of increased recreational pressure on the SAC, as set out in policy LP39, and project-level air quality assessments of major developments allowed for in policy LP24. Such mitigation measures are achievable in principle, and it is therefore acceptable to defer them to project-level consideration, rather than adopt a prescriptive approach in the Local Plan.

To conclude, the approach to HRA assessment which was criticised by the High Court in the *Wealden* case was not employed in Redbridge. The qualitative approach adopted is both precautionary and more appropriate in the context of a London Borough Local Plan. It is also consistent with the approach taken elsewhere in London, as set out below.

Approach of other Local Plan HRAs

The HRA followed a similar approach to the HRA prepared for Waltham Forest Local Development Framework Submission Core Strategy in May 2011, which has been subject to examination by the Planning Inspectorate. The Waltham Forest HRA was also a 'Stage 1' screening assessment, which Natural England concluded contained sufficient incorporated mitigation to avoid the need to proceed to a 'Stage 2' Appropriate Assessment.

The Waltham Forest HRA recognised the vulnerability of Epping Forest SAC to air quality impact, recognised that current baseline air quality was likely to be having a significant effect on the SAC, and identified policies which would produce local traffic growth as potentially having a negative effect on the SAC. However, the effects of other policies within the Core Strategy were identified as providing incorporated mitigation which would offset the effects of traffic-generating policies (section 5.5.19). Analysis of other Local Plan HRA reports is appended, showing a mix of the predicted traffic growth (AADT) on roads passing within 200m of European sites, such as that undertaken by Lewes District Council, and the qualitative balancing of policies adopted here. There is no single required approach but rather the approach that is adopted is a matter of professional judgement having regard to the nature of the plan and its contents, the relationship of the plan and the policies and proposals within it to the European protected site and the level of information available.

Wandsworth Local Plan HRA, produced in April 2015, addresses impacts on Wimbledon Common SAC, which lies partly within the Borough. Like Epping Forest SAC, exceedance of nitrogen deposition Critical Loads is recognised as a threat to site integrity. This takes a similar policy-balancing approach to that adopted in Waltham Forest and proposed in Redbridge. It also recognises the relatively greater importance of over-arching London wide policies in determining air pollutant levels in the SAC, and the additional reassurance provided by policies having effect at project level. Paragraph 4.11 (potential (air quality) effects of Wandsworth's Local Plan) states:

'The Local Plan proposes an increased level of housing development which is likely to lead to some increase in associated vehicle use and associated NOx emissions with European sites close to major roads more likely to be negatively impacted. However only a comparatively small proportion of the traffic in the borough is directly under the influence of policies in the Local Plan, and policies in the Local Plan aim to ensure that as much travel as possible is by sustainable means i.e. walking, cycling and public transport which will mitigate the impact to some degree. Levels of car ownership are relatively low in Wandsworth with 45% of households having no access to a car or van compared with 41% across London (2011 Census). There has also been a fall in car ownership per household in Wandsworth between 2001 and 2011 from 0.77 to 0.69 cars per household. The majority of new development proposed as part of the Local Plan is to be delivered as part of a major development site (e.g. In Nine Elms Opportunity Area). As part of any planning application for major development an applicant will need to demonstrate that their site is 'air quality neutral' in accordance with the guidance set out in the Mayor's Sustainable Design and Construction SPG as such the Local Plan is ultimately considered to have a negligible impact on the current levels of NOx affecting protected sites.'

With respect to locational policies potentially affecting Wimbledon Common SAC, paragraph 4.19 states: *'...the levels of nitrogen deposition indicate that air pollution at Wimbledon Common may currently be in a range that could cause negative impacts on the heathland species. However, the major cause of this pollution at this site is from vehicle exhausts and very little of this traffic is under the influence of policies in the Local Plan, as described in paragraph 4.11. Where the plan can have influence, policies have been included to support sustainable modes of transport and to promote air quality neutral development, as such the impact of the Local Plan on levels of pollution at this site are thought to be negligible.'*

3.2 Is the approach to recreational disturbance effects justified

The 2km risk zone was based on the Corporation of London's published visitor survey data, which showed that 95% of respondents lived within 2km of the Forest. While visitors to Epping Forest will come from a much wider area, the 95th percentile of visitors is a fair cut-off to define a risk zone within which population increases are most likely to result in additional visits to the Forest.

A wider buffer for the purposes of addressing recreational impacts (with the need for developments to carry out project-level HRAs, and contribute to either management requirements or provision of SANG) would encompass a much greater range of developments. It is true that larger buffers have been used elsewhere: 5km was used at Thames Basin Heaths SPA, and 6km at both Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA, but it is understood that these were similarly derived from empirical data on visitor origins which revealed different results from those which apply to Epping Forest. Waltham Forest proposed borough-wide SANG measures in their HRA, for the protection of Lee Valley SPA. However it is important to note that these are all Special Protection Areas, designated for protection of disturbance-sensitive bird populations. While there are ecological effects on a SAC woodland site arising from additional recreational pressure (damage to flora and soils from trampling; localised eutrophication from dog faeces), these are likely to be less sensitive to marginal increases in population levels and visitor numbers than bird disturbance, and are more amenable to management.

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12 May 2017

Appendix 1 Summary of Local Plan HRA approaches to air quality effects

HRA	Sensitive site(s)	Approach	Key findings / comments (<i>italics</i>)
Wandsworth Local Plan HRA April 2015	Wimbledon Common SAC Richmond Park SAC	Qualitative policy-balancing approach, referring where necessary to higher-level London-wide policies, or provision for project-level assessment.	Conclusion of no likely significant effect (i.e. screened out as Stage 1 of HRA process). Natural England and Planning Inspector agreed with this conclusion.
Suffolk Coastal District Council Proposed Submission Site Allocations & Area Specific Policies HRA February 2016	Most sensitive: Orford – Shingle Street SAC Staverton Park and the Thicks SAC	Did not identify or consider air quality effects.	Concluded no likely significant effect either alone or in-combination with other plans or projects. Natural England appeared to have been consulted on an earlier version, and did not raise air quality issues.
Borough Council of King’s Lynn and West Norfolk. Preliminary HRA of Site-Specific Policies: Issues and Options document September 2011	Roydon Common and Dersingham Bog SAC	Scoped out air quality effects from further consideration due to policy on road traffic determined at higher administrative level (County Transport Plan), referred to conclusions of HRA of Regional Spatial Strategy of no likely significant effect. No quantitative or policy-balancing assessment of air quality effects.	<i>Conclusions may not be supported now - Argus Ecology provided evidence to Inquiry for Major Infrastructure Project at King’s Lynn in 2015 (Palm Paper gas-fired power station) where effects on SAC were subject to close scrutiny because of vulnerability of bog / poor-fen habitats.</i>
Proposed Submission Scarborough Borough Local Plan Appropriate Assessment November 2015	North York Moors SAC	Identified air quality effects on SAC as a consequence of traffic growth (as a ‘likely significant effect’, but staged approach not clearly differentiated in HRA), but did not incorporate modelling of traffic growth.	Concluded no effect on site integrity due to requirement for Travel Plan, and opportunity for more detailed project-level assessment to address air quality effects of traffic generation.

HRA	Sensitive site(s)	Approach	Key findings / comments (<i>italics</i>)
Derbyshire Dales Local Plan Habitat Regulations Report April 2016	Peak District Moors SPA South Pennine Moors SAC Peak District Dales SAC Gang Mine SAC	Attempted an approach addressing DMRB 1000 AADT threshold, but with no data on traffic growth as a consequence of Local Plan, assumed 16.8% increase across all roads based on sub-regional % population growth x2.	Could not conclude 'no likely significant effect' on basis of >1000 AADT predictions on 2 roads, requiring further AQA. <i>Methodology appears flawed due to use of 'across the board' increase on all roads, leading to spurious degree of precision in predictions.</i>
Guildford Proposed Submission Local Plan HRA June 2016	Thames Basin Heaths SPA	Traffic model produced by Surrey County Council with prediction of Local Plan contribution to increases on roads within 200m of SAC, dispersion / deposition modelling undertaken by AECOM using ADMS Roads software	Concluded 'no likely significant effect' on basis of both <1% contribution to nitrogen deposition levels and indirect effect pathway on heathland birds (including lack of territories of qualifying spp. close to road).

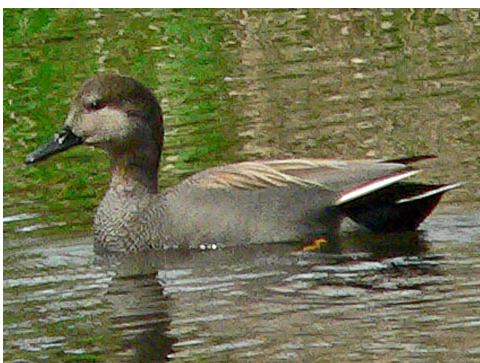
Appendix 2 Extracts from Waltham Forest HRA



London Borough of Waltham Forest
Local Development Framework
Submission Core Strategy

Habitat Regulations Assessment

Final Report for Submission
May 2011



5 Likely Significant Effects - Epping Forest SAC

5.1 Introduction

5.1.1 Epping Forest SAC covers over 1,600 ha of Essex and the London Borough of Waltham Forest, with 70% of the site consisting of broadleaved deciduous woodland. Epping Forest is one of only a few remaining large-scale examples of ancient wood-pasture in lowland Britain and has retained habitats of high nature conservation value including ancient semi-natural woodland, old grassland plains and scattered wetland. The semi-natural woodland is particularly extensive, forming one of the largest coherent blocks in the country. Most is characterised by groves of over-mature pollards and these exemplify all three of the main wood-pasture types found in Britain: beech-oak, hornbeam-oak and mixed oak. The Forest plains are also a major feature and contain a variety of unimproved acid grasslands, which have become uncommon elsewhere in Essex and the London area. In addition, Epping Forest supports a nationally outstanding assemblage of invertebrates, a major amphibian interest and an exceptional breeding bird community.

5.2 Features of European Interest⁴¹

5.2.1 The site is designated as an SAC for its:

- Beech forests on acid soils; an example of such habitat toward the north-east of its UK range, containing a notable selection of bryophytes, fungi and dead-wood invertebrates;
- Stag beetle (*Lucanus cervus*), for which this is one of only four known outstanding localities in the UK;
- Dry heaths; and
- Wet heathland with cross-leaved heath.

5.3 Historic Trends and Current Conditions

5.3.1 Deteriorating air quality and under-grazing are the two key pressures that currently affect the site. While recreational pressure has a considerable impact in some areas, these are localised; however, funding of management on the SAC is governed largely by donation and contributions from the Corporation of London and it is likely that the ability to adequately manage recreation on the SAC will come under increasing pressure as the population of northeast London, Epping Forest district and East Hertfordshire district increases.

5.3.2 Within the London Borough of Waltham Forest itself none of the SSSI management units that underpin the SAC are in favourable condition – some are considered to be recovering from unfavourable status, but others are showing no improvement or are declining. In all cases, poor air quality is cited in the most recent condition assessment process (2010) as a primary factor for this condition. There are localised concerns over recreational pressure, but the condition

⁴¹ Features of European Interest are the features for which a European sites is selected. They include habitats listed on Annex 1 of the Habitats Directive, species listed on Annex II of the EC Habitats Directive and populations of bird species for which a site is designated under the EC Birds Directive.

- 5.5.11 However, it was not concluded that any changes to actual Core Strategy policy were required.
- 5.5.12 The London Borough of Waltham Forest has a coherent set of policies, measures and initiatives to maximise open space and green infrastructure opportunities within the borough, associated with new development. None of the amendments to Core Strategy text that have been made since the proposed Submission version have introduced any risk to Epping Forest and several (particularly in the supporting text for Policy CS6) have strengthened its protection.

Air Quality

- 5.5.13 All forms of development within the Core Strategy that would be likely to lead to increases in vehicle emissions within 200m of Epping Forest SAC could have potential to reduce air quality of the SAC, parts of which are already subject to NO_x and nitrogen deposition levels considerably in excess of the critical loads for the habitats for which the SAC is designated. Such development must also be considered within the context of nearly half a million new dwellings to be delivered by surrounding authorities in London, the South East and the East of England over a similar time period, many of which will potentially lead to increased car journeys on relevant arteries such as the M25.
- 5.5.14 Natural England site visits have identified effects arising from *“excessive levels of oxides of nitrogen and other pollutants, and the related deposition of acidity and of nitrogen. Many veteran trees...display clear symptoms of stress (e.g. thin canopy and die-back of leading shoots), bryophytes are sparse and only a few species are present, there is excessive growth of bramble, grassland areas show excessive growth of grasses compared to broad-leaved species, and there are dense stands of nettles along roadsides and ride edges.”*
- 5.5.15 Habitats at the roadside are often subject to qualitative deteriorations that may have little to do with atmospheric nitrogen deposition – for example the process of road construction can affect local drainage and can involve the importation of fill materials that are different in character to the substrates in the wider area, which can in turn both affect vegetation composition. Moreover, vegetative changes that theory identifies as being likely to result from atmospheric nitrogen deposition can fail to appear in practice since they are relatively subtle and can be dwarfed by changes in management regime. Separating out the effects of atmospheric nitrogen deposition and other causes is difficult and separating the effects of atmospheric nitrogen deposition arising from vehicle exhausts and that arising from other sources (e.g. agriculture) complicates the situation further.
- 5.5.16 For those measures which are available at the strategic planning level It is therefore extremely difficult to predict in advance the precise scale of improvement that can be delivered by a given mitigation measure (for example, a policy to ‘require developers to produce travel plans indicating that they have maximised opportunities for sustainable transport’ may prove effective in practice, but cannot be predictively linked to a specific scale of improvement of air quality), although a specified reduction can be set as a monitoring target against which the success or failure of mitigation measures can be defined.
- 5.5.17 While it would not be proportionate to conclude as a result of these knowledge gaps that there is no possibility that any development could ever be accommodated (since the absence of evidence is due to the novel nature of the mitigation tools available and the limitations of the science, rather than any indication that a problem does/does not exist), in the case of Epping Forest, there is a compelling argument that localised vehicle emissions play a significant role in creating unfavourable conditions on the SAC.

- 5.5.18 The Core Strategy includes a number of policies that without mitigation are likely to lead to an increase in road transport within 200m of the SAC. Policies CS1, CS2, CS3, and CS4 all promote development and growth that is likely to result in greater levels of road travel.
- 5.5.19 The Council does include policies that would serve to protect the SAC, and to both reduce traffic demand and improve public transport and non-motorised movement:
- Policy CS1 seeks the enhancement of green infrastructure, which will be important in not only providing alternatives for recreational users to Epping Forest, but also reducing the number of journeys made to the SAC by car.
 - Policy CS1 also commits to ensure the “*timely delivery of infrastructure to support growth.*” As the supporting text makes clear this will include transport infrastructure, and its delivery alongside other development should minimise the likelihood of unsustainable increase in road transport within the borough. Alongside this the policy also expresses support for enhanced public transport. The proposed reinstatement of the Hall Farm Curve rail link for example, has potential to alleviate pressure on north-south roads through the borough, some of which, such as the A104, pass within 200m of Epping Forest SAC.
 - Policy CS1 also allows for the possibility of developer contributions to be sought – whilst not specifically linking these to provision of transport infrastructure, this could certainly be a consideration.
 - Policy CS3 (Making Efficient Use of Employment Land) acknowledges the need for new employment sites to have good links to public transport.
 - The Council’s commitment to the delivery of green infrastructure and open space has been discussed in terms of its potential to alleviate recreational pressure on Epping Forest. It also stands to reason that policies that disperse users from Epping Forest SAC will also lead to reduced vehicular movements in the vicinity of the SAC.
 - Policy CS6, crucially, states that the Council will be “*seeking to protect and enhance biodiversity, especially where habitats, species and sites are recognised at the international, national, regional and local levels.*”
 - Policy CS8 (Developing Sustainable Transport) has a focus on improved public transport, improvements in cycling and walking options, and an encouragement to use these forms of transport. It also promotes development in areas with good links to public transport, and aims to require new development to provide appropriate Transport Access and Travel Plans. Additionally, the Council will actively manage traffic flow and speeds and will also seek to maximise sustainable freight transport. All of these measures should help to reduce the amount and impact of road traffic movements within the borough and beyond. The Council also acknowledges that it will need to work with partners to achieve these aims.
 - The Council, in the supporting text to policy CS6 has committed to “*work with the Epping Forest Conservators and other stakeholders to provide enhanced access management, sustainable transport and mitigation against negative impacts as endorsed in documents such as the Epping Forest Transport Strategy.*”
 - Policies CS9 (Promoting Better Education) and CS10 (Creating Jobs and Reducing Worklessness) both recognise the need for sustainable access to any new developments.
 - Policy CS11 aims to protect the Borough’s unique assets including Epping Forest, from “insensitive development.” This can be taken to include any development that would lead directly to reduced air quality at the SAC.

- Policy CS13 seeks to provide convenient cycle and pedestrian access within the borough and to protect its residents from polluting activities. These aspirations should result in improved air quality across the borough, including Epping Forest.

5.5.20 Policy CS7 (Promoting Sustainable Waste Management and Recycling) acknowledges the need to ensure sufficient land for waste management facilities, and also to ensure that waste is processed as locally to source as possible. The location of waste sites in relation to European sites is important – sources of air pollutants such as dusts and gas flares can require HRA consideration up to 1km distant.

- Policy CS7 is largely positive with regard to waste management. It strives to minimise waste and its transportation and critically, Epping Forest SAC is protected through its adherence to policies within the North London Waste Plan (NLWP). The latest draft of the NLWP states that a HRA Screening exercise has been able to conclude that “the Plan is unlikely to have an adverse effect on the qualifying features of any Natura 2000 [European] sites and therefore no further work is required.”

5.5.21 These constitute a coherent set of policies, measures and initiatives to maximise air quality improvement within the borough, associated with new development. The proposed Submission Core Strategy HRA also identified that the Council should introduce a development control policy that requires transport assessments for larger new developments within 200m of Epping Forest SAC⁴² that will determine whether a significant negative impact on air quality will result and if so to devise appropriate mitigation. Since this is a development control matter, the Council is introducing a similar policy into the Development Management Policies DPD.

5.6 In Combination Assessment

5.6.1 The following plans and projects are likely to contribute, in combination with the Waltham Forest Core Strategy to adverse effects on Epping Forest SAC through increased recreational pressure:

- Approaching half a million new dwellings to be delivered by surrounding authorities in London, the South East and the East of England over a similar time period

5.6.2 The following plans and projects are likely to contribute, in combination with the Waltham Forest Core Strategy to adverse effects on Epping Forest SAC through reduced air quality:

- Approaching half a million new dwellings to be delivered by surrounding authorities in London, the South East and the East of England over a similar time period
- Specific foci for development including the London 2012 Olympic Park and its legacy; Thames Gateway London Partnership; Stratford City; and Central Leaside AAP all have the potential to lead to increased traffic movements on roads that pass within 200m of Epping Forest SAC. These development projects do however also include planning for sustainable access.

⁴² 200m being the distance within which most ‘direct’ atmospheric pollution (i.e. dry deposition of nitrogen) will be deposited from a conventional development

5.7 Conclusion

- 5.7.1 It can be concluded that the Waltham Forest Core Strategy does include an adequate policy framework to deliver measures to avoid or mitigate the adverse effects of development on Epping Forest SAC, provided that the effectiveness of measures is adequately monitored. None of the amendments to Core Strategy text that have been made since the proposed Submission version have introduced any risk to Epping Forest and several (particularly in the supporting text for Policy CS6) have strengthened its protection.

8 Overall Conclusions

- 8.1.1 As a result of this HRA of the Submission Core Strategy we have been able to conclude that significant effects are unlikely to occur on any European sites as a result of Core Strategy development, either alone or in combination with other plans and projects.