

Date: 02 November 2017
Our ref: 228979
Your ref: Redbridge Local Plan Main Mods



Ms C Whelehan
Planning Policy Manager
Redbridge Local Plan
Redbridge Town Hall
128 – 142 High Road
Ilford IG1 1DD

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

T 0300 060 3900

BY EMAIL ONLY



Dear Ms Whelehan

Redbridge Local Plan - Main Modifications Consultation

Thank you for your consultation on the above dated and received by Natural England on 16th October 2017.

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

Natural England does not consider that these modifications pose any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.

The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.

If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.

Yours sincerely

Sharon Jenkins
Consultations Team

Date: 27 November 2017
Our ref: 232311



London Borough of Redbridge Council

BY EMAIL ONLY

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

T 0300 060 3900

Dear Ms Whelehan

Planning Consultation: Redbridge Local Plan Main Modifications consultation

Thank you for your consultation on the above.

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

Natural England submitted a previous response to this consultation dated 2nd November 2017, however we would like to re-submit our response to include further detail relating the modifications concerning Epping Forest Special Area of Conservation (SAC). Our previous response stated that '*Natural England does not consider that these modifications pose any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.*' Whilst we are still in agreement with the general direction of this statement, we recommend a number of modifications to the supporting text of Policy LP39 as set out below.

In our review of the Redbridge Local Plan Main Modifications, we note that additional text has been incorporated relating to mitigation of developmental impacts to Epping Forest SAC through the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), and the Habitat Regulations Assessment (HRA) process for development coming forward within and beyond the 2km buffer zone around the SAC boundary (Para 6.6.2). We recommend that this is incorporated into Policy LP39 rather than supporting text to ensure the plan is compliant with the Habitat Regulations (2010).

Natural England would also like to bring to the attention of the Inspector and the Council the recent formation of a Memorandum of Understanding (MoU) between Natural England and the City of London Corporation (Conservators of Epping Forest), Epping Forest District Council, East Hertfordshire District Council, Harlow District Council, Uttlesford District Council, Essex County Council and Hertfordshire County Council, which relates to the management of impacts of predicted housing growth on Epping Forest SAC.

The purpose of the MoU is to ensure that the named parties:

- i). 'collect and analyse data and evidence related to the impacts of proposed development and growth under the Local Plans to provide sufficient and robust evidence on which to base a strategy for the protection of Epping Forest SAC';
- ii). 'commit to prepare a joint strategy, based on relevant available data and evidence and to an agreed timetable'; and

'iii). 'that the joint strategy will address both the requirement to avoid, or effectively mitigate, adverse impacts on the integrity of the SAC from Local Plan-led development and the requirement to prevent further deterioration of the SAC features.'

The joint strategy will relate to both air pollution and recreational impacts on the SAC resulting from additional Local Plan-led development. Planned development within the Borough of Redbridge, (which both contains a small section of SAC, and is within reasonable travel distance of the SAC), could result in traffic-related air pollution and recreational impacts on the SAC.

Whilst the modifications made in Section 6.6.2 seek to account for such impacts, it may also be beneficial for the Council to consider how it intends to relate to the MoU in the future. We note that the London Borough of Redbridge's Local Plan Habitats Regulations Assessment makes reference to the Epping Forest District Council (EFDC) Habitats Regulations Assessment 2010 when making conclusions about the 'in combination' assessment. Whilst mindful that LB Redbridge's Local Plan is at a later stage of the process, Natural England is aware of a more recent Habitats Regulations Assessment (2016) undertaken by AECOM and submitted as part of Epping Forest DC's Local Plan consultation with subsequent 2017 revision (submitted at East Herts DC Local Plan Examination). These more recent HRA's provide a more detailed assessment of road traffic and related air quality matters and we refer all parties to Natural England's current conclusions on these assessments. See our respective advice letters to Epping Forest DC and East Hertfordshire DC attached for your convenience.

In this context, linkage with the MoU is important, because the evidence gathering from the MoU linked Mitigation Strategy could conceivably result in the risk zone of 2km (for triggering a HRA screening) being deemed as insufficient, and therefore the scale of proposed mitigation being inadequate. It is therefore the opinion of Natural England that whilst this issue has come to light late in the consultation process for the Redbridge Local Plan, in order to be found sound, the Plan should incorporate suitable policy and supporting text which acknowledges the imminent formation of a joint Mitigation Strategy between the aforementioned bodies, and commits to cooperating with the MoU authorities in order to review the Borough's position, accounting for any new evidence produced through the MoU and Mitigation Strategy over the course of the life of the plan. The inclusion of this text would increase the degree to which the Plan would be considered 'effective' in that it would demonstrate effective joint working on cross-boundary strategic priorities. It would also ensure the Local Plan may be regarded as compliant with the Habitats Regulations. Therefore, in the absence of text to this effect, Natural England would not deem the Plan to be sound.

If you have any queries relating to the contents of this response only, please contact me via email at

Yours sincerely,

Chris Baines
Sustainable Development Adviser
Thames Team



East Herts District Plan 2011 – 2033

Matters and Issues, Part 2.

Chapter 20 - Natural Environment

Issues

16. NE1 – International, National and Locally Designated Nature Conservation Sites. There should be a distinction between the hierarchy of sites in the policy and this should reflect their legal status and weight.

This policy does not currently reflect the hierarchy of sites as it treats Sites of Special Scientific Interest (SSSIs) and European sites the same. The policy also makes no reference to the Memorandum of Understanding (MoU) or the Mitigation Strategy for Epping Forest Special Area of Conservation (SAC), as discussed below, or the need to ensure air pollution impacts are addressed. Natural England advises that it would be appropriate to incorporate the following wording or similar into Criterion II.

“Developments that are likely to have an adverse impact, either alone or in-combination, on European Designated Sites must satisfy the requirements of the Habitats Regulations, determining site specific impacts and avoiding or mitigating against impacts where identified. Mitigation may involve providing or contributing towards a combination of the following measures:

- i. Access and visitor management measures within the European Site;
- ii. Improvement of existing greenspace and recreational routes;
- iii. Provision of alternative natural greenspace and recreational routes;
- iv. Monitoring of the impacts of new development on European designated sites to inform the necessary mitigation requirements and future refinement of any mitigation measures.
- v. [OTHER MEASURES WHICH MAY BE NEEDED TO ADDRESS AIR QUALITY IMPACTS AS INFORMED BY THE HABITATS REGULATIONS ASSESSMENT]

A Mitigation Strategy document concerning Epping Forest SAC will be produced by the time of adoption of the East Hertfordshire Local Plan. Development proposals will need to take account of this Mitigation Strategy. Where necessary, this will include new residential development contributing towards implementation of this Mitigation Strategy

Criterion III - is the requirement for a net gain in ecological units justified and proportionate for all development, particularly as Paragraph 20.2.9 seeks net gains as the starting position?

Natural England considers that seeking ‘net gains for nature’ is in accordance with the National Planning Policy Framework (NPPF) and is pleased to see this enshrined in policy.

17. NE2 - Sites of Nature Conservation Interest (non-designated). The reader should be directed to the NPPF paragraph which sets out the hierarchy. Is the requirement for a net gain in ecological units justified and proportionate for all development?

As above.

Inspector's Notes:

b. Can I have the latest correspondence with Natural England? Do they have any outstanding objections?

Natural England's last official response to the local plan was our submission of the 14th December 2016 (Attached as Annex I). A letter (attached as Annex II) was sent to James Riley of AECOM on the 24th February 2017 responding to his letter of the 3rd February 2017. This letter clarified our position relating to recreational impact on the Lee Valley Special Protection Area (SPA), acknowledged the further information provided and restated our commitment to engaging with the authorities through the Memorandum of Understanding.

Further correspondence has taken place through the MoU with all of the Housing Market Area (HMA) Authorities. The most relevant of these were provided in our response to the Matters and Issues: Part 1.

Our letter of the 14th December 2016 advises of the policies that we currently consider to be unsound. Natural England has not been consulted on the latest version of the Habitats Regulations Assessment. We welcome this opportunity to provide our advice following its recent submission as an examination document. Our previous comments were made prior to the Wealdon Judgement 2017¹ but our current advice is broadly the same.

It is important to understand the reasons for Natural England, Essex County Council, the 4 HMA Authorities and Essex Highways entering into a MoU relating to Air Quality. Paragraph 2.2 of the MoU agreed that '*currently air pollution is adversely affecting the Forest with Critical Loads of Nitrogen exceeded across the whole Forest and Critical Levels exceeded across a significant proportion of Forest Land. These exceedances affect the health and resilience of trees and impact on the balance of vegetation and fungal communities*'. We would therefore advise that either the Environmental Chapter and associated Policy NE1 or Policy EQ4 on Air Quality should make reference to the MoU to ensure the impacts of air pollution and any required mitigation measures are properly considered in policy. This was identified in our submission response dated 14th December 2016.

AECOM East Herts District Plan Habitats Regulations Assessment September 2017 Air Quality at Epping Forest

Natural England has a number of concerns in relation to the updated HRA which are outlined below. However, we cannot agree with the conclusion of no likely significant effect either alone or in-combination and advise that the appropriate assessment stage is required. In our view it is not possible to conclude no likely significant effect for the following reasons:

- The report identifies a number of roads where the process contribution of the Housing Market Area (HMA) authority plans would exceed 1% of the critical level for NO_x or 1000 Annual Average Daily Traffic (AADT). Natural England would generally consider this the trigger for the requirement of appropriate assessment.
- Epping Forest SAC is already in exceedance of critical levels and poor air quality is considered to be having a negative effect on the ecological condition of the SAC.
- An in combination assessment is required which includes the traffic movements of other plans and projects. This should include the local plans of other nearby authorities who are not in the HMA. These currently appear to be included in the background data.
- Where the in-combination effect of the plan with other road traffic plans or projects has not exceeded the relevant 1000 AADT (or 1%) threshold, we advise the competent authority to look at any other insignificant effects of live 'non-road' plans/projects to check that the 1% threshold is not exceeded in this way.

¹ Wealden District Council vs Secretary of State for Communities and Local Government. Lewes District Council and South Downs National Park Authority and Natural England. [2017] EWHC 351 (Admin).

2.4 Air Quality Impact Assessment

We also have the following detailed comments to make on HRA as follows:

Paragraph 2.4.6 – Natural England notes that the report considers that the High Court ruling relating to Wealden does not affect the analysis undertaken for the HMA because *'the modelling for the HMA was for multiple local authorities surrounding Epping Forest SAC rather than for a single local authority.'* Whilst the report provides an assessment of the impacts of the 4 HMA authorities, the Wealden Judgement found that similar effects of all other 'live' plans and projects should be considered. Natural England's understanding is that increases in traffic flow as a result of neighbouring authority's plans not within the HMA are currently included as 'background' growth. We do not believe this is in keeping with the Wealden Judgement.

Paragraph 2.4.11 states that *'the 'in combination' scenario is the Do Something scenario'* and that *'the difference between the Do Minimum and Do Something scenarios is the contribution of the HMA'*. It includes in the 'Do Minimum' scenario *'background population growth across the region and delivery of existing planning permissions.'* Presumably some or even all of this background population growth will be provided by other live plans and existent planning permissions not yet implemented which are both listed as a consideration for 'in combination' assessment in the Planning Inspectorate advice note 10. Natural England cannot therefore agree that the *'the 'in combination' scenario is the Do Something scenario'*.

Paragraph 6.4.3 – It is not just the epiphytic lichen communities of Epping Forest Special Area of Conservation (SAC) that are known to be adversely affected by relatively poor local air quality alongside the roads that traverse the SAC. Other features such as bryophytes, heathlands and acid grasslands are vulnerable.

Paragraph 6.4.4 – Natural England notes that the modelling is due to be updated in 2018 and that *'traffic flows on some roads through Epping Forest are forecast to increase substantially to 2033. For example, flows on the B1393 in 2033 are forecast to be over 6,000 AADT higher than in 2014.'* This therefore needs to be factored into any mitigation measures proposed.

Paragraph 6.4.5 – Natural England notes that *'for all Options and all roads other than Theydon Road, there would be an increase in NO_x concentration up to 10-20m from the roadside (depending on link modelled) due to the HMA growth that would be greater than 1% of the Critical Level.'* We note that the increase in critical levels may be classified as a 'small change' Natural England would generally consider anything above 1% to require an Appropriate Assessment.

Paragraphs 6.4.6 and 6.4.7 – A net improvement in air quality is encouraging but an improving baseline should not necessarily be considered mitigation for HMA growth. The net effect of the plan and the increased traffic which is associated with it will be a move away from achieving the conservation objectives for Epping Forest.

Paragraph 6.4.9 – Natural England notes that the latest report still contains the caveats that *'some pollutants that have been identified of being of concern for the SAC (such as ammonia) cannot be accurately modelled are not currently modelled in traffic-related air quality assessments and it is known that there are currently difficulties modelling queuing traffic at Wake Arms Roundabout.'*

The concluding sentence of this paragraph states that 'it would be most appropriate' for the air quality strategy to be developed by the time the East Herts Local Plan is adopted. Natural England is encouraged by this but advises that this is not only appropriate but necessary. We are not, at this point, satisfied that a likely significant effect in combination with other plans and projects can be ruled out and would, at this moment, advise the authority of the need to advance to an Appropriate Assessment.

5 Recreational Pressure

5.2 Lee Valley Special Protection Area (SPA) and Ramsar site

Natural England has some concerns regarding methodology. With regard to 5.2.2 and comments relating to Walthamstow Reservoirs, we advise that the promotion of recreational activity on one part of the SPA (~20kms from East Herts at its closest point) does not demonstrate that a large housing development in close proximity to other parts of the SPA will not have a likely significant effect. More relevantly, Natural England has raised concerns regarding a large housing allocation in close proximity to the SPA in neighbouring Broxbourne.

That notwithstanding, given the sizes and locations of allocations in the East Hertfordshire Local Plan and existing management measures Natural England has not raised this as a soundness issue and does not dispute the concluding sentences of 5.2.3 and 5.2.3.

5.4 Epping Forest SAC

The HRA report considers the data used to be imperfect, advises that further survey work is to be undertaken shortly and East Hertfordshire is signed up to a memorandum of understanding with the other HMA authorities relating to recreational pressure which has not yet reached a conclusion. Arguments relating to distance are not without merit but Natural England considers that until a definitive zone of influence based on evidence that the authority considers to be robust has been agreed then the precautionary principle should apply and a likely significant effect should not be ruled out.

Regarding paragraph 5.4.5, which states that *'since the commitment regarding recreational pressure is already provided in the Epping Forest SAC Memorandum of Understanding, which is a formal agreement, it does not need to be specifically referenced in the East Herts District Plan'*

Natural England cannot agree with this approach. The findings of the Habitats Regulations Assessment (HRA) should inform the plan making process and avoidance and mitigation measures required to ensure the plan's compliance with the Habitat Regulations may need to be enshrined in policy.

8 Water Quality

8.2 Lee Valley SPA/Ramsar site

The previous iteration of the plan on which we were consulted advised that Thames Water had confirmed that they had capacity for all proposed development over the plan period. Given that this now appears to be incorrect Natural England advises that amendment to policy WAT6 Water Infrastructure is required.

We suggest that there needs to be a commitment to co-operate with other utilities and service providers to ensure that appropriate capacity is available to serve new development and a clear statement that new development post 2024 will only be permitted if the required capacity is available at Rye Meads STW, including any associated sewer connections. This accords with the recommendations of the HRA.

9 Conclusion

Natural England notes that the conclusion of 'no likely significant effects' is contingent upon the signature, adoption and implementation of the Epping Forest SAC Memorandum of Understanding. Natural England advises that until a clear strategy for mitigating the impacts of development is presented and agreed a likely significant effect in combination with other plans and projects remains and we would recommend that the HRA proceeds to Appropriate Assessment.

Annex I

Date: 14 December 2016
Our ref: 200064 East Herts LP Pre-Sub
Your ref:



Planning Policy Team,
East Herts Council,
Wallfields, Pegs Lane,
Hertford, Hertfordshire,
SG13 8EQ

By email only: [REDACTED]

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

T 0300 060
3900

Dear Sir/Madam,

East Herts Pre-Submission District Local Plan Consultation

Thank you for your consultation on the above dated the 28th October 2016 which was received by Natural England on the 28th October 2016.

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

There is much to commend in the proposed East Herts Pre-submission Local Plan however Natural England notes in the Habitat Regulations Assessment (HRA) screening the finding of 'no likely significant effects' is qualified with the following caveat:

'This conclusion is contingent upon the signature, adoption and implementation of the Epping Forest SAC Memorandum of Understanding between the HMA authorities, Hertfordshire County Council, Essex County Council, Natural England and the Corporation of London.'

Natural England agrees with this approach and remains committed to working with the local authority but considers that until work on the Memorandum of Understanding is completed we cannot say with certainty that there will be 'no likely significant effects' and we must therefore **advise that the plan at this point is unsound.**

Natural England has some concerns regarding the evidence presented on air quality itself and has a number of other comments to make – some of which we consider to be soundness issues.

Policy DPS4 Infrastructure Requirements

Natural England considers this policy to be unsound – not consistent with national policy

Paragraph 114 of the National Planning Policy Framework (NPPF) requires that Local Authorities plan positively for Green Infrastructure (GI). Furthermore East Herts District Local Plan Habitats Regulations Assessment identifies that there is a requirement that 'all new development deliver

greenspace in-line with the Natural England ANG standard to ensure it is self-sufficient.' This is used as justification of the finding of 'no likely significant effects.'

To ensure that this is deliverable, GI needs to be included in the list of infrastructure requirements that could potentially require financial contributions from landowners and developers.

Policy BISH5: Bishop's Stortford South

Natural England considers this policy to be unsound – not consistent with national policy

Natural England previously raised concerns regarding this site in our letter of the 22nd May 2014 based upon its proximity and hydrological connection with Thorley Flood Pound. The developer has since engaged with our Discretionary Advice Service. Natural England is now content that it is appropriate for inclusion in the Local Plan and that outstanding concerns can be dealt with at the planning stage.

However, we note that under section III. this development is expected to *'to address the following provisions and issues:*

n) connections to existing green infrastructure assets such as Southern Country Park and the Thorley Flood Pound SSSI and nature reserve;'

It is not entirely clear what form of connection is being referred to or what provisions and issues are to be addressed. If it is ecological connections we would welcome reference to 'maintaining and enhancing ecological connections to green infrastructure... etc.'

If the connections being referred to are pedestrian connections or recreational routes, Natural England advises that this has the potential to impact negatively on Thorley Flood Pound Site of Special Scientific Interest (SSSI). This has been discussed with the developer at length and we believe they have a good understanding of what measures are required.

Thorley Flood Pound SSSI is considered to have some resilience to recreational pressure due to onsite management, however, given the size of the development, encouraging increased access may not be appropriate. If this is what is being inferred we advise that the policy could be made sound by qualifying it with words to the effect of 'except where this would impact negatively on an ecological interest' or by removing this requirement altogether.

Policy WARE2 Land North and East of Ware

Natural England comment

Natural England commends the commitment to GI as recommended in the HRA report.

Policy GA1 The Gilston Area

Natural England considers this policy to be unsound – not consistent with national policy

This site is perhaps the most relevant to our concerns relating to Epping Forest Special Area of Conservation (SAC). Please see our comments relating to HRA below.

This site is also in close proximity to a nationally designated site. The policy should contain safeguards for Hunsdon Mead SSSI and should seek enhancement where appropriate.

Policy NE1 International, National and Locally Designated Nature Conservation Sites

Natural England considers this policy to be unsound – not consistent with national policy

Paragraph 113 of the NPPF requires that 'distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.' Currently no distinction has been drawn between national and international sites. International sites should enjoy the highest level of protection.

Natural England welcomes changes made to sections III. and VI. and now considers these elements to be sound.

We would expect to see protection for geodiversity and priority habit within this section to meet the requirements of paragraph 113 and 117 of the NPPF respectively.

Paragraph 109 of the NPPF states that 'the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing... soils.' The plan does not currently appear to address soils. Natural England advises that protection and enhancement of soils, particularly best and most versatile (BMV) agricultural land, should be recognised in policy

Policy WAT6 Wastewater Infrastructure

Natural England comment

See our comments below relating to HRA under the heading water quality. This policy may require amendment.

Natural England notes the Grampian condition that 'development proposals must ensure that adequate wastewater infrastructure capacity is available in tandem with development' but such conditions are considered insufficient to meet the test of no likely significant effects in HRA.

Policy EQ4 Air Quality

Natural England comment

Note our comments below relating to HRA. This policy may require amendments once details of the Memorandum of Understanding are confirmed.

Policy DEL2 Planning Obligations

Natural England comment

Natural England notes that the list of infrastructure requirements now includes nature conservation and now considers this policy to be sound.

Monitoring

Natural England considers this policy to be unsound – not consistent with national policy

The Local Authority is required to '*identify suitable indicators for monitoring biodiversity in the plan*' by paragraph 117 of the NPPF. Measuring the number and area of sites is unlikely to reveal anything of value as this is unlikely to change as a consequence of the plan and makes no account for condition.

Monitoring should also seek to measure positives as well as loss such as the provision of GI and Priority habits with new developments.

Habitats Regulations Assessment

5. Recreational Pressure

Lee Valley SPA and Ramsar site

Natural England comment

5.2.2. Natural England does not agree that the findings of the HRA of Lee Valley Park Development Framework (UE Associates, 2009) are applicable to the Local Plan. The report is now over 7 years old and cannot be expected to have anticipated the housing numbers proposed. Furthermore, it proposes changes to accessibility which is qualitatively different from a change in visitor numbers and the Regional Park Authority commits itself management of any issues arising.

The Regional Park Authority should be consulted to determine whether they consider increased visitor numbers to be manageable and if so whether there are any costs in doing so which need to be met.

That said Natural England recognises that the site has some resilience to visitor pressure and the commitment to providing suitable greenspace.

Wormley-Hoddesdonpark Woods SAC

Natural England comment

Natural England welcomes the recommendations proposed.

Epping Forest SAC

Natural England considers this policy to be unsound – not consistent with national policy

Natural England notes that work is still being carried out regarding the core recreational catchment of Epping Forest SAC and the HRA acknowledges that a lack of significant contribution to recreational pressure *'cannot be stated definitely at this point.'* Given this uncertainty Natural England feels compelled to advise until further details are provided that this aspect of the plan must be considered unsound.

That notwithstanding, we recognise the distances involved and the commitment to provision of greenspace with new development.

Air Quality

Lee Valley SPA and Ramsar

Natural England comment

This section appears to contain a number of errors. 6.2.5 contains four occurrences of *'Error! Reference source not found'*.

6.2.4 refers to 'option c' as the worst case change of traffic flows; 6.2.6 refers to 'option e' as the worst case scenario.

That aside, the wet meadows are the only part of the SPA and Ramsar designation area which are considered sensitive to air quality impacts of a level likely to be caused by increased traffic. These meadows are not considered critical to the integrity of the interest features for which the international sites are dedicated so further discussion of this site is not required under the habitats regulations.

Work on air quality should assess impacts on Rye Meads SSSI to satisfy the requirements of the Wildlife and Countryside Act 1981 (as amended) but this should be considered elsewhere.

Epping Forest SAC

Natural England considers this policy to be unsound – not consistent with national policy

Natural England notes that paragraph 6.4.6 states that *'it can be concluded that there will be no adverse effect on the integrity of Epping Forest SAC from either option, either alone or in combination with other plans and projects.'*

Natural England is not currently satisfied with this conclusion and advises that a finding of no likely significant effects should instead be dependent upon the signature, adoption and implementation of the Epping Forest SAC Memorandum of Understanding between the HMA authorities, Hertfordshire County Council, Essex County Council, Natural England and the Corporation of London.

Air Quality is recognised as a threat to the integrity of Epping Forest SAC and further consideration and discussion is required following the publishing of this report. An increase in critical levels is identified at a number of locations. Inclusion of development with outstanding planning permission in the 'do nothing' scenario appears inappropriate as Authorities need to determine whether proposed allocations are likely to have a significant effect in combination with other plans and projects.

The Planning Inspectorate advises that the following should be considered for the purposes of determining in combination effects under the Habitats Regulations (please note this list is not exhaustive):

- **projects that are under construction;**
- **permitted application(s) not yet implemented;**
- submitted application(s) not yet determined;
- all refusals subject to appeal procedures not yet determined;
- projects on the National Infrastructure's programme of projects²⁴; and
- projects identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited and the degree of uncertainty which may be present.²

The report states quite clearly that *'some pollutants that have been identified of being of concern for the SAC (such as ammonia) cannot be accurately modelled and that there are currently difficulties modelling queuing traffic at Wake Arms Roundabout.'*

For these reason Natural England is forced to concluded that uncertainty remains and that at this point cannot agree with paragraph 6.4.6. A likely significant effect remains.

Water Quality

Natural England comment

Natural England is interested to note that Thames Water have confirmed they have sufficient capacity until 2036. Rye Meads Water Cycle Strategy Review (Stevenage Borough Council, 2015),² indicated that scheduled works would create sufficient sewerage capacity for an additional 17,000 houses which should accommodate currently proposed growth through to at least 2026 but not for the full plan period. Given this we have advised other authorities that they should phase development accordingly. If Thames water already have capacity this will not be required.

Conclusion

Natural England agrees with the conclusion that the screening out of impacts on European sites should be contingent upon the signature, adoption and implementation of the Epping Forest SAC Memorandum of Understanding between the HMA authorities, Hertfordshire County Council, Essex County Council, Natural England and the Corporation of London.

Until work on the Memorandum of Understanding is completed we cannot say with certainty that there will be 'no likely significant effects' and we must therefore advise that the plan at this point is unsound.

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

For any queries relating to the specific advice in this letter only please contact Jamie Melvin on [REDACTED] [REDACTED] For any new consultations, or to provide further information on this consultation please send your correspondences to [REDACTED]

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

Yours sincerely,

Jamie Melvin
Lead Planning Adviser - West Anglia

² <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/06/Advice-note-10v4.pdf>

Annex II

Date: 24 February 2017
Our ref: 207796 East Herts Local Plan HRA Letter
Your ref:



Dr James Riley,
AECOM Infrastructure & Environment UK Limited,
Midpoint, Basingstoke, RG21 7PP
By email only: [REDACTED]

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

T 0300 060
3900

Dear Dr Riley,

East Herts Draft Local Plan: Habitats Regulations Assessment Screening

Thank you for your consultation on the above dated 03 February 2017 which was received by Natural England on the same date via email.

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

Recreational Pressure on Lee Valley Special Protection Area/Ramsar Site

In response to our submission of the 14th December 2017, you have stated that you disagree with the points that we made, which you consider to be: a) that your conclusion was reliant primarily on the HRA of the Lee Valley Park Development Framework, b) that at the time of writing the Regional Park Authority and the HRA authors would have been unaware of the expected scale of population growth over next c. 20 years and c) that changing accessibility is unrelated to increased visitor numbers.

Dealing with these point respectively:

- a) Our comments regarding the Lee Valley Park Development Framework in the quoted section relate only to document mentioned and not to the evidence as a whole. Indeed our final paragraph tacitly acknowledges evidence presented regarding the resilience of the site to recreational pressure.
- b) HRA is an iterative process and must be based on most recent available evidence and information. Anticipating a 'substantial increase' is not the same as having actual numbers and locations of housing allocation and as you point out in your letter 'the precise number of dwellings to be delivered has changed'.
- c) We do not say that the matters are unrelated only that they are different pressures. We do not object to the document forming part of the evidence base – just caution against over reliance on its conclusions.

Crucially, however, Natural England has not disagreed with the screening assessment with regards to recreational pressure on Lee Valley Special Protection Area/Ramsar, only advised that the Regional Park Authority should be consulted to determine whether they consider visitor numbers are manageable.

Air Quality on Epping Forest Special Area of Conservation

Natural England thanks you for your explanation of how 'in combination' effects have been considered in the HRA screening process. Natural England commends the acknowledgement that air quality remains an issue within Epping Forest and remains committed to engaging with the HMA authorities to reach a solution.

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

For any queries relating to the specific advice in this letter only please contact Jamie Melvin on [REDACTED] [REDACTED]. For any new consultations, or to provide further information on this consultation please send your correspondences to [REDACTED]

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

Yours sincerely,

Mr Jamie Melvin
Planning Lead Adviser – West Anglia

Date: 02 November 2017
Our ref: 230311
Your ref: [Click here to enter text.](#)



Epping Forest District Council – Planning Policy Team

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

T 0300 060 3900

BY EMAIL ONLY

Dear Sir / Madam

Epping Forest Local Plan – Habitats Regulations Assessment (HRA).

Thank you for informing Natural England in your letter dated 13th October 2017 of your intention to bring forward the date of the pre-submission consultation of your local plan, now timetabled to take place in December 2017. We would therefore be grateful if you could confirm whether you will be updating the HRA as part of the pre-submission consultation?

Natural England's last official response to the local plan Habitats Regulations Assessment (HRA) Report (dated November 2016) was our letter dated 11 January 2017. This letter advised that whilst there was a considerable amount to commend in the HRA we could not agree with the conclusion of no likely significant effect (alone or in-combination) due to a lack of progress with the actions identified in the MoU. As you will be aware Natural England is working with your authority to progress the MoU and the production of a Mitigation Strategy. We are extremely pleased to hear that the MoU Authorities have agreed to fund a visitor survey to address the recreational impacts of the local plans, which will help to progress the recreational impacts work stream of the MoU.

We therefore provide this updated advice in relation to air quality impacts to ensure the outputs of the MoU are focussed on the key issues which need progressing to ensure the local plan can be found sound at examination. Agreement on the conclusions of the HRA is a critical step in this regard.

Air Quality Issues

We have now reconsidered the HRA Report dated November 2016 using new Natural England internal guidance produced to ensure our advice is consistent with the findings of the Wealden judgement. Using this internal guidance we have reached the same conclusion and cannot agree with the HRA conclusion of no likely significant effect, either alone or in combination, for the following reasons:

- The report identifies a number of roads where the process contribution of the Housing Market Area (HMA) authority plans would exceed 1% of the critical level for NO_x or 1000 Annual Average Daily Traffic (AADT). Natural England would consider this to be the trigger for the requirement of appropriate assessment.
- The report identifies that the options modelled would not result in critical loads of nitrogen deposition exceeding 1% and as such the change would be imperceptible and does not therefore need to be considered in combination. We would advise that in light of the Wealden judgement the in combination assessment should be undertaken. This in combination assessment is required which should include the traffic movements of local plans for other

nearby authorities who are not in the HMA. These currently appear to be included in the background data.

- Where the in-combination effect of the plan with other road traffic plans or projects has not exceeded the relevant 1000 AADT (or 1%) threshold, we advise the competent authority to apply a screening threshold in-combination across sectors (i.e. effects of live 'non-road' plans/projects). This would determine if there are any nearby permissions that would have an – in-combination effects with the roads being assessed and that the 1% threshold is not exceeded in this way.
- Epping Forest SAC is already in exceedance of critical levels and poor air quality is considered to be having a negative effect on the ecological condition of the SAC.

We therefore advise that the appropriate assessment stage is required to determine whether the local plan will have an adverse effect (either alone or in-combination) on the integrity of Epping Forest SAC.

We would be happy to discuss the points of this letter in more detail at the next MoU Air Quality Working Group meeting (dates still to be arranged) or in a separate meeting if that would be more convenient. Should you wish to discuss the matter further with Natural England please contact Jamie Melvin (e: [REDACTED] /t: [REDACTED]).

We look forward to hearing from you.

Kind Regards

Helen Ward
Manager (West Anglia Team)