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Your ref: 242877

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

T 0300 060 3900

Epping Forest District Council,
David Coleman
Planning Policy Team
Neighbourhoods Directorate
Civic Offices, 323 High Street,
Epping, Essex CM16 4BZ

By email only: David Coleman (dcoleman@eppingforestdc.gov.uk)
CC: Nicky Linihan (nicky@fortismere-associates.co.uk)
Alison Blom-Cooper (ablomcooper@eppingforestdc.gov.uk)

Dear David

Epping Forest District Local Plan Submission Version 2017 - Further Advice on the Habitats Regulations Assessment

Further to the really helpful and positive meeting we had with you and your colleagues on 21 February 2018, please find attached some updated advice with respect to the Habitats Regulations Assessment for the Epping Forest District Local Plan.

We very much welcome the fact that the HRA is being amended to include updated traffic and air pollution modelling and to address potential mitigation measures. We have therefore provided this advice to help scope out what should be included in the updated Appropriate Assessment stage of the HRA and also addresses some of the concerns we have raised in our previous correspondence, particularly around the traffic and air pollution modelling. We are committed to continue to work closely with you on the HRA and the Mitigation Strategy through the various MoU Steering groups and working groups.

1. Generic Advice on the Scope of the Appropriate Assessment

1.1 In summary the AA stage of the HRA must:

(a) Undertake an adequately detailed assessment of the effects of the Local Plan (alone and in combination with other plans and projects) on the SAC features, and

(b) Clearly demonstrate the Plan can avoid an adverse effect on the integrity of the SAC.

1.2 In order to come to a conclusion with respect to whether there will be an adverse effect on site integrity it may be helpful to use a simple, pragmatic checklist of statements (outlined below). This can be helpful to identify if there is a potential mechanism through which an adverse effect on integrity may occur. If the answer to all of these questions is “Yes" then it may be reasonable to conclude that there is not an adverse effect on integrity. If the answer is ‘No’ to one or more of the questions then it cannot be concluded that there will be no adverse effect on integrity:

Q1. The area of Annex I habitats (or composite features) will not be reduced by the Plan either alone and/or in combination with other plans/projects?

Q2. There will be no direct adverse effects by the Plan (either alone and/or in combination with other plans/projects) on the population of the Annex II species, or birds for which the site was designated or classified either alone and/or in combination?

Q3. There will be no indirect adverse effects by the Plan (either alone and/or in combination with other plans/projects) on the populations of Annex II species for which the site was designated due to loss or degradation of their habitat (quantity/ quality)?

Q4. There will be no changes by the Plan (either alone and/or in combination with other plans/projects) to the composition of the habitats for which the site was designated (e.g. reduction in species structure, abundance or diversity that comprises the habitat over time)?

Q5. The Plan (either alone and/or in combination with other plans/projects) will not interrupt or degrade the physical, chemical or biological processes that support habitats and species for which the site was designated or classified?

The following key site-specific factors should be considered when formulating answers to the checklist above in individual cases.

1) Scale of impact;
2) Duration of impact and recovery/reversibility;
3) Long term impacts, biological-lag and sustainability;
4) Dynamic systems;
5) Conflicting feature requirements;
6) Off-site impacts;
7) Uncertainty with cause and effect and a precautionary approach.

2. Recreational Pressure

We advise that the HRA needs to reflect the findings of the recent visitor survey which has been completed by Footprint Ecology. We would be happy to discuss with you the zone of influence before it is formally included in the HRA.

3. Traffic and Air Pollution Modelling

3.1 Natural England requires the HRA to undertake an assessment of the respective Local Plan 'alone' and 'in combination' with other relevant plans and projects. The list of relevant 'in combination' Local Plans include the other HMA authorities and other Local Plans of authorities that are near to the SAC and the identified key roads. This includes a complete list as follows:

a) Other HMA – To include Harlow DC, East Herts DC, Uttlesford DC &

b) Non-HMA) – To include LB Redbridge, LBWF, LB Hackney, LB Newham, LB Enfield, LB Haringey and Broxbourne. In addition to this the London Plan should be considered 'in combination' accounting for housing growth proposals over the Local Plan timeframe.

3.2 To assess the scale of effect of changes in air quality linked to the Local Plan 'alone' and 'in combination' the HRA needs to predict the scale of change in transport movements (expressed in AADT) against an environmental baseline and appropriate timelines within the Local Plan 'alone' and 'in combination' with other plans and projects.

3.3 The chosen environmental baseline for the Epping Forest District Local Plan appears to be 2014, presumably because this was the best traffic flow data available at the time of Local Plan HRA submission. We note that by using this baseline pre 2014 housing will be included and hence the environmental baseline for traffic flow may be higher than expected. This is important as the plan start date is 2011, therefore some housing that could be considered as part of the local plan contribution (through allocation or windfall) will actually be recorded in the environmental baseline. The environmental baseline for traffic modelling should aim to represent a situation prior to the outputs of the Epping Local Plan or any 'in combination' plans.

3.4 The Table on page 118 provides the southbound & northbound traffic flow for each Option per road and when these figures are added they provide the two-way traffic flow for each Option per road. This two-way flow figure for each Option per road is compared with the 2033 Do Minimum figures for each road and the change in AADT is shown in the Table on page 119. The conclusions about traffic growth within the HRA are therefore based on the change figures set out in the Table on page 119. Natural England questions the appropriateness of the Do Minimum figures to serve as an appropriate baseline to make judgments about the scale of change for an 'alone' and 'in combination' HRA assessment (see point 3.5 below). Regardless, the figures for many of the Options, notably on the B1393, A104 and A121 exceed the threshold of an increase in AADT >1,000, so need to be regarded as unable to rule out Likely Significant Effect requiring a more detailed Appropriate Assessment. It could be argued that the requested further dataset runs is necessary as part of this Appropriate Assessment.

3.5 The text on page 117 defines the Do Minimum as the change in flows due to (a) delivery of existing planning permissions in the HMA and (b) general background traffic growth as a result of population growth expected to 2033 without any of the Local Plan relevant HMA Options. In Habitats Regulations terms, the Do Minimum situation (and related traffic flow figures) cannot be regarded as the appropriate reference baseline to calculate the traffic flow change attributable to the Local Plan 'alone' accounting for (a) and (b) above. Addressing (a) first - ideally the baseline should be set at a traffic flow level before these permitted developments have been built (see 3.3 above) and, for (b) - based on our understanding of the TEMPRo model datasets the general background traffic growth includes Local Plan-led housing growth from relevant Local Plans that need to be considered as part of 'in combination' HRA. On this basis, Natural England does not regard the Do Minimum figures as providing relevant traffic flow baseline data. Our thoughts about how to address this are set out in point 3.6 below.

3.6 The dwelling numbers for each year from 2014 to 2033 within the TEMPRo model need to be clearly set out for each relevant Local Planning Authority listed and for the London Plan Area. These need to be compared with the approved or submitted Local Plan dwelling numbers for the relevant periods with adjustments made accordingly to update the dataset for a re-run for all of the Options per road. The re-run will present an 'in combination' traffic-flow figure for predicted housing figures associated with all the relevant Local Plans and all other TEMPRo model assumptions remaining as previous. Whilst the caveat around point 3 exists, the 2014 baseline traffic flow data can be used to provide an appropriate reference baseline to compare these 'in combination' figures.

3.7 For an assessment of the scale of effect of the Local Plan on traffic flows 'alone', the dwelling numbers within the TEMPRo dataset needs to remain at the actual 2014 dwelling numbers for all authorities (i.e. no residential growth) for the years between 2014 – 2033, apart from the proposed growth in dwelling numbers within EFDC, increasing as proposed between 2014 – 2033 in accordance with the EFDC Local Plan. Using this dataset the TEMPRo model can be re-run for these relevant Local Plan years.

3.8 For an assessment of the scale of effect of the EFDC Local Plan on traffic flows 'in combination' with the other HMA authorities only, the dwelling numbers within the TEMPRo dataset needs to remain at the actual 2014 dwelling numbers for all non-HMA authorities (i.e. no residential growth) for the relevant span of years between i.e., 2014 – 2033, apart from the proposed growth in dwelling numbers within the four HMA authorities, increasing as proposed between 2014 – 2033 in accordance with the HMA Local Plans. Using this dataset the TEMPRo model can be re-run for these relevant Local Plan years.

3.9 Once the appropriate traffic flow data has been provided for each option per road, the Air Quality Assessments can be undertaken using these figures to calculate the scale of change in AQ for each year between 2014 – 2033 that is attributable to: (i) EFDC Local Plan 'Alone', (ii) EFDC Local Plan 'in combination' with other HMA authorities only, without Local Plan-led residential growth in relevant non-HMA authorities (iii) EFDC Local Plan 'in combination' with other HMA and relevant non-HMA authorities. The AQ Baseline will need to be calculated using 2014 traffic flow data and calibrated with any local AQ information available. For comparison, the baseline

needs to be modelled for the situation with no increases in current traffic for the years between 2014 and 2033. This will show the predicted scale of AQ change attributable to technology and fuel improvements.

3.10 The full datasets for traffic flows and air quality showing annual predictions between 2014 – 2033 should be provided in the HRA Annex and Summary Tables within the HRA showing the workings to indicate the scale of annual changes over time (when compared with the environmental baseline) and distances from the road for the different Options per Road when considered 'alone' and the two 'in combination' situations. When assessing the impact on SAC features, Natural England advise that these features (e.g. veteran trees) may be found within 5 metres of the roadside.

4. Mitigation Measures to Address Air Pollution Impacts

4.1 The HRA must make it clear which mitigation measures are being considered to avoid any adverse effects on integrity. The effectiveness of any mitigation measures on air pollution will also need to be included in the HRA e.g. any proposals to improve traffic flows at the Wake Arms Roundabout.

5. Monitoring

5.1 Monitoring is not acceptable as a form of mitigation to overcome uncertainty when carrying out the integrity test (Tyldesley & Hoskin, 2008). Where a project proponent suggests a monitoring package with the aim of finding out more about possible effects as a way of mitigating those effects, this would not be acceptable. Monitoring may only be considered in the Habitats Regulations Assessment very rarely. There are two exceptional situations where monitoring may form part of or be added to a plan or project at assessment as follows:

a) **Early warning monitoring** - Where there is a high degree of certainty as to the impacts on the site so that no adverse effect can be concluded. Monitoring could provide early warning of any adverse effects;

b) **Validation monitoring** - a monitoring package could be put in place to validate predicted effects, but only where the project had passed through the tests in regulations 62 & 66 and it had been decided that it must proceed for Imperative Reasons of Over-riding Public Interest (IROPI) and there are no alternative solutions. In this situation, the monitoring is to improve the evidence base so as to inform any future possible consents where the project has completely passed through all the tests.

Natural England will continue to offer support through the MoU and as a statutory consultee on the HRA. Please do get in touch should you wish to discuss any aspects of this advice and we look forward to meeting with you again on 23 May 2018. However, if you wish to discuss any aspects of this advice then please do not hesitate to contact us.

Yours sincerely,

Aidan Lonergan
Area Manager - West Anglia Team