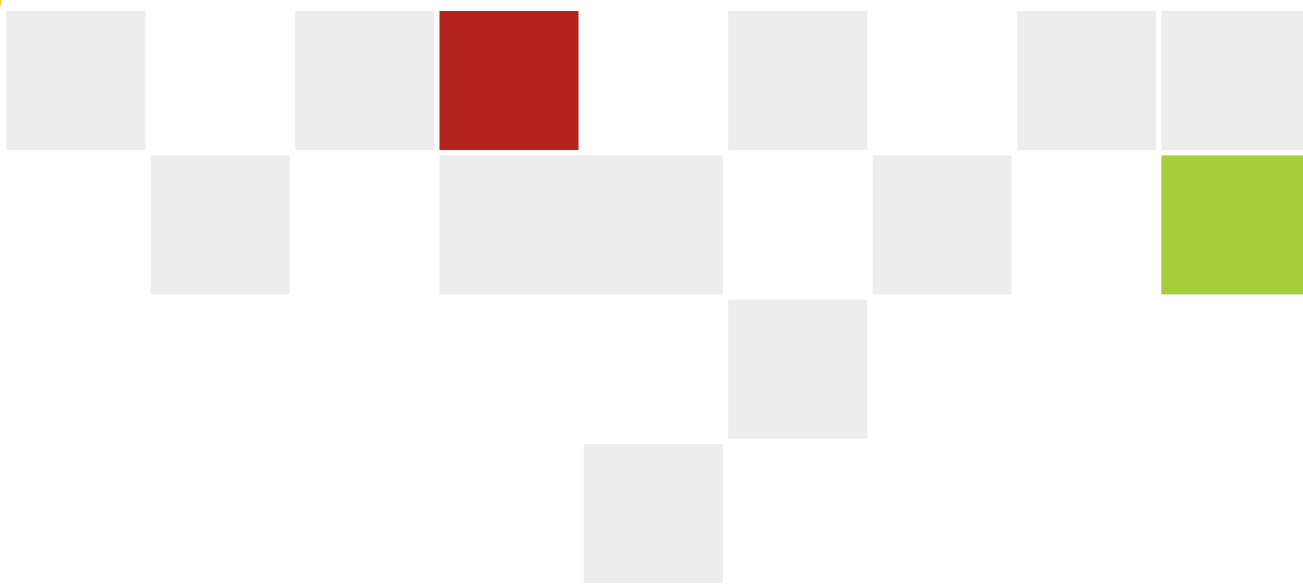


Latton Priory, Harlow

Epping Forest Local Plan – EiP Statements Matter 16



Boyer

Report Control

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1. MATTER 16: DEVELOPMENT MANAGEMENT POLICIES

- 1.1 This statement has been prepared by Boyer with input from Southern Ecological Solutions (SES) on behalf of CEG and Hallam Land Management in response to the Inspector’s Issues and questions for the examination of Matter 16.

Issue 1: Are the Development Management Policies in the Plan justified, effective and consistent with national policy in respect of the specific matters set out below? Are there any other issues concerning their soundness?

Policy DM1: Habitat Protection and Improving Biodiversity

Q1: Has account been taken of the Lee Valley Biodiversity Action Plan during the preparation of the Plan? Does the Plan adequately reflect this document and should reference be made to it as Key Evidence in paragraph 4.8?

- 1.2 The Local Plan HRA has taken account of the Lee Valley Biodiversity Action Plan, which we assume refers to the Lee Valley Regional Park Biodiversity Action Plan 2018-2028 (LVRP BAP). At 2.15 the HRA states:

“In relation to recreational activity, the following documents have been consulted for their plans and projects that may affect European sites in combination with development in Epping Forest District: Lee Valley Regional Park Authority Site Management Plan and Epping Forest Management Plan and visitor surveys.”

- 1.3 This should be clarified to state that the Plan takes account of the draft LVRP BAP 2018-2028, which is currently out for consultation.
- 1.4 The LVRP BAP is currently adequately reflected in the Plan. However, there should be reference, as there is within the LVRP BAP, to the Lee Valley Regional Park Development Framework (2010) that sets out a range of objectives *inter alia* for ‘Access to Nature’. The LVRP BAP should be included as key evidence under 4.8.
- 1.5 There should also be reference to Natural England’s Site Improvement Plan (SIP) for Lee Valley SPA (last updated in 2014) and the range of key priorities (see **Appendix 1**).

Q2: In Part A, is it justified to require all development to seek to deliver net biodiversity gain? Would this be possible for applications concerning minor alterations to existing buildings, or advertisements for example?

- 1.6 Biodiversity net gain is a key tenet of the updated NPPF. There is no barrier to delivering net gain on minor developments through provision for example of native species planting or bird and bat boxes so this policy should be retained and may be strengthened to adhere to national policy. Larger developments should deliver net gain and objectively demonstrate such by the inclusion of the Defra metric.

Policy DM2: Epping Forest SAC and the Lee Valley SPA

Q3: Will Policy DM1 and DM2 taken together provide adequate protection for the whole of Epping Forest, including the Parts outside the SAC? In seeking to protect the Forest via two separate policies, is there a risk that the approach could become disjointed?

- 1.7 Yes, these policies will provide adequate protection, but clarification of policy is required.
- 1.8 Policy DM1 is relevant to habitat and species protection delivered by current wildlife legislation but needs to clarify that this excludes the requirements set out within Conservation of Habitat and Species Regulations (Habitat Regulations 2017). Hence DM1 relates to protection afforded principally by the Wildlife and Countryside Act (1981 as amended) through designation of Sites of Special Scientific Interest (SSSI), National and Local Nature Reserves and species listed on various Schedules as well as 'Priority' habitats and species protected by the Natural Environment and Rural Communities Act (2006), other wildlife legislation and/or local planning policy.
- 1.9 Policy DM2 addresses the obligations of the Habitats Regulations (2017) that is related to 'European protected sites and species', so-called because it meets the obligations set out within two EU Directives. Hence DM2 is directly related to the conservation of SAC, SPA and Ramsar sites and so relates to Epping Forest SAC and all adjacent areas 'functionally linked' to the SAC. Hence DM2, by virtue of the strength of the Habitats Regulations (2017), is adequate in itself. As Epping Forest SAC, like all European protected sites, has to be first designated as an SSSI then both *sensu stricto* are 'relevant' but DM2 is the primary policy and this should be clarified in the text.

Q4: Is it sufficiently clear, either in the Policy or supporting text, which/where developments are likely to have a significant effect?

a. In Part E, is the 400m radius for requiring developments to mitigate the effects of urbanisation justified in terms of the specific likely effect upon this particular designated site?

- 1.10 Best available evidence with regards to a 400m zone is found within The Thames Basin Heath SPA Supplementary Planning Document (April 2018), which sets out a mitigation strategy agreed between local planning authorities and Natural England in relation to nearby residential development and includes three concentric buffer zones that provide the means of managing adverse effects. This states that:

"There is a presumption against residential development within 400m of the SPA boundary...Applications for non-residential development in Zone A (within 400m) will be assessed on a case by case basis, in agreement with NE."

- 1.11 We suggest that this policy, based on an analysis of visitor activity, is also relevant to Epping Forest SAC. As such the need for additional scrutiny within this zone is justified.

b. Is it necessary in Part C to be more specific about the Zone of Influence (ZOI) for recreational pressure?

- 1.12 Yes. We suggest the policy references the ZOI and not specific settlements as the ZOI is dynamic and will change with, for example, changing transport links and visitor behaviours over time.

c. Are any specific provisions required in respect of the effects caused by air pollution?

- 1.13 Yes. There is a requirement within the ZOI of Epping Forest SAC for developments to 'maximise sustainable transport modes' to deliver reductions in atmospheric pollutants, alongside an agreed financial contribution. Both measures are to be detailed within the framework of the forthcoming Epping Forest Joint Mitigation Strategy (JMS). Policy in relation to air pollution should therefore refer directly to being in line with the measures set out within the JMS.

d. Is it necessary to set any exclusion zone within which no development can occur?

- 1.14 Please see the response to question 4a above.

5. In practice, how will the mitigation sought by Part D be secured? If financial contributions are required, is this clear in the policy?

- 1.15 Financial contributions are part of a 'mitigation mix' and Part D should reflect Natural England guidance. Natural England strategy has been to seek on-site greenspace contributions to mitigate effects alone for large residential developments only (usually >100 units), and also a financial contribution to a SPA or SAC mitigation strategy to mitigate effects in combination. This is a rational and pragmatic approach that may be readily adopted as policy and Part D requires amendment to reflect this.
- 1.16 Part D requires a more specific commitment to a 'meaningful proportion of Natural Green Space or access to Natural Green Space'. This is best secured by providing a clearer policy on quantum as has been achieved in recreation disturbance avoidance mitigation strategies (so called RAMS) agreed for the Thames Basin Heaths, Essex Coast and Suffolk Coast. We suggest that the policy is refined to adhere to an agreed Epping Forest Mitigation Strategy (that will incorporate a mitigation mix) and hence conform to current Natural England guidance.

Policy DM5: Green and Blue Infrastructure

Q9: Should Part A (i) require designs to have regard to improving the connectivity of habitats?

- 1.17 Yes, this is also a key tenet of the revised NPPF and policy should reflect the need and opportunities that development may bring. In this regard, development also has the opportunity to create species-rich habitats that are national and local 'priority habitats', such as lowland meadows, wetlands and woodlands; policy should seek to deliver this and so meet national and local habitat and species restoration targets. This policy may be better established in policy DM1 (A) and referenced in DM5.

APPENDIX 1. LEE VALLEY SITE IMPROVEMENT PLAN

Site Improvement Plan

Lee Valley

Site Improvement Plans (SIPs) have been developed for each Natura 2000 site in England as part of the Improvement Programme for England's Natura 2000 sites (IPENS). Natura 2000 sites is the combined term for sites designated as Special Areas of Conservation (SAC) and Special Protected Areas (SPA). This work has been financially supported by LIFE, a financial instrument of the European Community.

The plan provides a high level overview of the issues (both current and predicted) affecting the condition of the Natura 2000 features on the site(s) and outlines the priority measures required to improve the condition of the features. It does not cover issues where remedial actions are already in place or ongoing management activities which are required for maintenance.

The SIP consists of three parts: a Summary table, which sets out the priority Issues and Measures; a detailed Actions table, which sets out who needs to do what, when and how much it is estimated to cost; and a set of tables containing contextual information and links.

Once this current programme ends, it is anticipated that Natural England and others, working with landowners and managers, will all play a role in delivering the priority measures to improve the condition of the features on these sites.

The SIPs are based on Natural England's current evidence and knowledge. The SIPs are not legal documents, they are live documents that will be updated to reflect changes in our evidence/knowledge and as actions get underway. The information in the SIPs will be used to update England's contribution to the UK's Prioritised Action Framework (PAF).

The SIPs are not formal consultation documents, but if you have any comments about the SIP or would like more information please email us at IPENSLIFEProject@naturalengland.org.uk, or contact Natural England's Responsible Officer for the site via our enquiry service 0300 060 3900, or enquiries@naturalengland.org.uk

This Site Improvement Plan covers the following Natura 2000 site(s)

UK9012111 Lee Valley SPA

Site description

The Lee Valley SPA comprises a series of embanked water supply reservoirs, sewage treatment lagoons and former gravel pits that display a range of man-made and semi-natural wetland and valley bottom habitats. The site is important for overwintering bittern as well as an internationally important population of two duck species.

Plan Summary

This table shows the prioritised issues for the site(s), the features they affect, the proposed measures to address the issues and the delivery bodies whose involvement is required to deliver the measures. The list of delivery bodies will include those who have agreed to the actions as well as those where discussions over their role in delivering the actions is on-going.

Priority & Issue	Pressure or Threat	Feature(s) affected	Measure	Delivery Bodies
1 Water Pollution	Threat	A021(NB) Bittern, A051(NB) Gadwall, A056(NB) Shoveler	Investigate and agree appropriate water quality	Environment Agency, Natural England, Thames Water Utilities Ltd, Lee Valley Regional Park Authority (LVRPA)
2 Hydrological changes	Threat	A021(NB) Bittern, A051(NB) Gadwall, A056(NB) Shoveler	Investigate and agree appropriate water levels	Natural England, Thames Water Utilities Ltd, Lee Valley Regional Park Authority (LVRPA)
3 Public Access/Disturbance	Threat	A021(NB) Bittern, A051(NB) Gadwall, A056(NB) Shoveler	Investigate recreational pressure priority areas and agree management measures	Environment Agency, Hertfordshire and Middlesex Wildlife Trust, Natural England, RSPB, Thames Water Utilities Ltd, Lee Valley Regional Park Authority (LVRPA)
4 Inappropriate scrub control	Threat	A021(NB) Bittern, A051(NB) Gadwall, A056(NB) Shoveler	Manage scrub to required levels to maintain/restore habitat	Environment Agency, Hertfordshire and Middlesex Wildlife Trust, Natural England, RSPB, Thames Water Utilities Ltd, Lee Valley Regional Park Authority (LVRPA)

5 Fisheries: Fish stocking	Threat	A021(NB) Bittern, A051(NB) Gadwall, A056(NB) Shoveler	Investigate and agree appropriate fish stocking	Environment Agency, Natural England, RSPB, Thames Water Utilities Ltd, Lee Valley Regional Park Authority (LVRPA)
6 Invasive species	Threat	A021(NB) Bittern, A051(NB) Gadwall, A056(NB) Shoveler	Investigate and agree appropriate management response	Environment Agency, Hertfordshire and Middlesex Wildlife Trust, Natural England, RSPB, Thames Water Utilities Ltd, Lee Valley Regional Park Authority (LVRPA)
7 Inappropriate cutting/mowing	Threat	A021(NB) Bittern	Manage reed beds for bitterns	Environment Agency, Hertfordshire and Middlesex Wildlife Trust, Natural England, RSPB, Thames Water Utilities Ltd, Lee Valley Regional Park Authority (LVRPA)
8 Air Pollution: risk of atmospheric nitrogen deposition	Threat	A021(NB) Bittern	Investigate the potential impacts of air pollution	Natural England

Issues and Actions

This table outlines the prioritised issues that are currently impacting or threatening the condition of the features, and the outstanding actions required to address them. It also shows, where possible, the estimated cost of the action and the delivery bodies whose involvement will be required to implement the action. Lead delivery bodies will be responsible for coordinating the implementation of the action, but not necessarily funding it. Delivery partners will need to support the lead delivery body in implementing the action. In the process of developing the SIPs Natural England has approached the delivery bodies to seek agreement on the actions and their roles in delivering them, although in some cases these discussions have not yet been concluded. Other interested parties, including landowners and managers, will be involved as the detailed actions are agreed and delivered. Funding options are indicated as potential (but not necessarily agreed or secured) sources to fund the actions.

1 Water Pollution

The vegetation and invertebrates provide food for the ducks, while fish provide food for the bitterns; and the habitat mosaic needs to vary from clear open water with abundant aquatic vegetation to moderately eutrophic conditions. Changes in water quality need to be managed to prevent loss of suitable habitat and food sources.

<i>Action</i>	<i>Action description</i>	<i>Cost estimate</i>	<i>Timescale</i>	<i>Mechanism</i>	<i>Funding option</i>	<i>Delivery lead body</i>	<i>Delivery partner(s)</i>
1A	Define the appropriate water quality standards for significant water bodies to inform management of changes in water quality.	Not yet determined	2015-17	Investigation / Research / Monitoring	Not yet determined	Environment Agency	Natural England, Thames Water Utilities Ltd, Lee Valley Regional Park Authority (LVRPA)
1B	Agree water quality management for significant water bodies with key stakeholders.	Not yet determined	2017-29	Partnership agreement	Heritage Lottery Fund (HLF)	Environment Agency	Natural England, Thames Water Utilities Ltd, Lee Valley Regional Park Authority (LVRPA)
1C	Develop and implement a Diffuse Water Pollution Plan	Not yet determined	2017-20	Diffuse Water Pollution Plan	Heritage Lottery Fund (HLF)	Environment Agency	Natural England, Thames Water Utilities Ltd, Lee Valley Regional Park Authority (LVRPA)

2 Hydrological changes

Reservoir levels linked to operational requirements and all water bodies subject to natural fluctuations accounting for abstraction and climatic change.

<i>Action</i>	<i>Action description</i>	<i>Cost estimate</i>	<i>Timescale</i>	<i>Mechanism</i>	<i>Funding option</i>	<i>Delivery lead body</i>	<i>Delivery partner(s)</i>
2A	Define more clearly the water level requirements for the habitats supporting the SPA bird features.	Not yet determined	2015-17	Investigation / Research / Monitoring	Not yet determined	Natural England	Thames Water Utilities Ltd, Lee Valley Regional Park Authority (LVRPA)
2B	As a follow up to action 2A, agree the necessary water level management with key stakeholders for significant water bodies.	Not yet determined	2017-20	Water Level Management Plan	Heritage Lottery Fund (HLF)	Natural England	Thames Water Utilities Ltd, Lee Valley Regional Park Authority (LVRPA)

3 Public Access/Disturbance

Areas of the SPA are subject to a range of recreational pressures including watersports, angling and dog walking. This has the potential to affect SPA populations directly or indirectly.

<i>Action</i>	<i>Action description</i>	<i>Cost estimate</i>	<i>Timescale</i>	<i>Mechanism</i>	<i>Funding option</i>	<i>Delivery lead body</i>	<i>Delivery partner(s)</i>
3A	Investigate whether there is a need for change to access management.	Not yet determined	2015-18	Investigation / Research / Monitoring	Not yet determined	Lee Valley Regional Park Authority (LVRPA)	Environment Agency, Hertfordshire and Middlesex Wildlife Trust, Natural England, RSPB, Thames Water Utilities Ltd

<i>Action</i>	<i>Action description</i>	<i>Cost estimate</i>	<i>Timescale</i>	<i>Mechanism</i>	<i>Funding option</i>	<i>Delivery lead body</i>	<i>Delivery partner(s)</i>
3B	Agree appropriate management measures with stakeholders to align with best practice.	Not yet determined	2018-20	Partnership agreement	Heritage Lottery Fund (HLF)	Lee Valley Regional Park Authority (LVRPA)	Environment Agency, Hertfordshire and Middlesex Wildlife Trust, Natural England, RSPB, Thames Water Utilities Ltd

4 Inappropriate scrub control

The reedbed habitats, muddy fringes, and bankside all provide habitat as part of the mosaic for the SPA birds. Scrub control is necessary to ensure these habitats are maintained.

<i>Action</i>	<i>Action description</i>	<i>Cost estimate</i>	<i>Timescale</i>	<i>Mechanism</i>	<i>Funding option</i>	<i>Delivery lead body</i>	<i>Delivery partner(s)</i>
4A	Secure resources to target management delivery.	Not yet determined	2015-20	Habitat creation / restoration strategy: Habitat restoration	Heritage Lottery Fund (HLF)	Lee Valley Regional Park Authority (LVRPA)	Environment Agency, Hertfordshire and Middlesex Wildlife Trust, Natural England, RSPB, Thames Water Utilities Ltd

5 Fisheries: Fish stocking

Fish population and species composition needs to be appropriate to ensure suitable habitats including food resource and water quality are maintained for SPA bird species.

<i>Action</i>	<i>Action description</i>	<i>Cost estimate</i>	<i>Timescale</i>	<i>Mechanism</i>	<i>Funding option</i>	<i>Delivery lead body</i>	<i>Delivery partner(s)</i>
5A	Define the appropriate fish community targets for significant water bodies.	Not yet determined	2015-18	Investigation / Research / Monitoring	Not yet determined	Environment Agency	Natural England, RSPB, Thames Water Utilities Ltd, Lee Valley Regional Park Authority (LVRPA)

<i>Action</i>	<i>Action description</i>	<i>Cost estimate</i>	<i>Timescale</i>	<i>Mechanism</i>	<i>Funding option</i>	<i>Delivery lead body</i>	<i>Delivery partner(s)</i>
5B	Action a plan to agree necessary fisheries management for significant water bodies.	Not yet determined	2018-20	Partnership agreement	Heritage Lottery Fund (HLF)	Environment Agency	Natural England, Thames Water Utilities Ltd

6 Invasive species

Azolla and/or invasive aquatic blanket weeds will adversely affect aquatic habitat (food sources).

<i>Action</i>	<i>Action description</i>	<i>Cost estimate</i>	<i>Timescale</i>	<i>Mechanism</i>	<i>Funding option</i>	<i>Delivery lead body</i>	<i>Delivery partner(s)</i>
6A	Review and update management control of invasive aquatic plant species, and agree regular review process. This needs a more strategic approach that is more planned and less reactive to outbreaks.	Not yet determined	2015-17	Investigation / Research / Monitoring	Not yet determined	Environment Agency	Hertfordshire and Middlesex Wildlife Trust, Natural England, RSPB, Thames Water Utilities Ltd, Lee Valley Regional Park Authority (LVRPA)

7 Inappropriate cutting/mowing

The reedbed requires rotational management for bittern. This is dependent upon funding availability.

<i>Action</i>	<i>Action description</i>	<i>Cost estimate</i>	<i>Timescale</i>	<i>Mechanism</i>	<i>Funding option</i>	<i>Delivery lead body</i>	<i>Delivery partner(s)</i>
7A	Secure resources to target management delivery.	Not yet determined	2015-20	Habitat creation / restoration strategy: Habitat restoration	Heritage Lottery Fund (HLF)	Lee Valley Regional Park Authority (LVRPA)	Environment Agency, Hertfordshire and Middlesex Wildlife Trust, Natural England, RSPB, Thames Water Utilities Ltd

8 Air Pollution: risk of atmospheric nitrogen deposition

Nitrogen deposition exceeds site relevant critical loads.

<i>Action</i>	<i>Action description</i>	<i>Cost estimate</i>	<i>Timescale</i>	<i>Mechanism</i>	<i>Funding option</i>	<i>Delivery lead body</i>	<i>Delivery partner(s)</i>
8A	Further investigate potential atmospheric nitrogen impacts on the site based on application of guidance from Chief Scientist Group Nitrogen Task and Finish Group.	Not yet determined	2017	Investigation / Research / Monitoring	Not yet determined	Natural England	n/a

Site details

The tables in this section contain site-relevant contextual information and links

Qualifying features

#UK Special responsibility

Lee Valley SPA	A021(NB) <i>Botaurus stellaris</i> : Great bittern
	A051(NB) <i>Anas strepera</i> : Gadwall
	A056(NB) <i>Anas clypeata</i> : Northern shoveler

Site location and links

Lee Valley SPA

Area (ha) 447.87	Grid reference TQ351887	Map link
Local Authorities	Essex; Greater London; Hertfordshire	
Site Conservation Objectives	European Site Conservation Objectives for Lee Valley SPA	
European Marine Site conservation advice	n/a	
Regulation 33/35 Package	n/a	
Marine Management Organisation site plan	n/a	

Water Framework Directive (WFD)

The Water Framework Directive (WFD) provides the main framework for managing the water environment throughout Europe. Under the WFD a management plan must be developed for each river basin district. The River Basin Management Plans (RBMP) include a summary of the measures needed for water dependent Natura 2000 sites to meet their conservation objectives. For the second round of RBMPs, SIPs are being used to capture the priorities and new measures required for water dependent habitats on Natura 2000 sites. SIP actions for non-water dependent sites/habitats do not form part of the RBMPs and associated consultation.

Lee Valley SPA

River basin

[Thames RBMP](#)

WFD Management catchment

London

WFD Waterbody ID (Cycle 2 draft)

GB106038033200, GB30641193, GB30641198, GB30641274, GB30641313, GB30641865, GB30641884, GB30641900, GB30641922, GB30641924, GB30641939, GB30641956

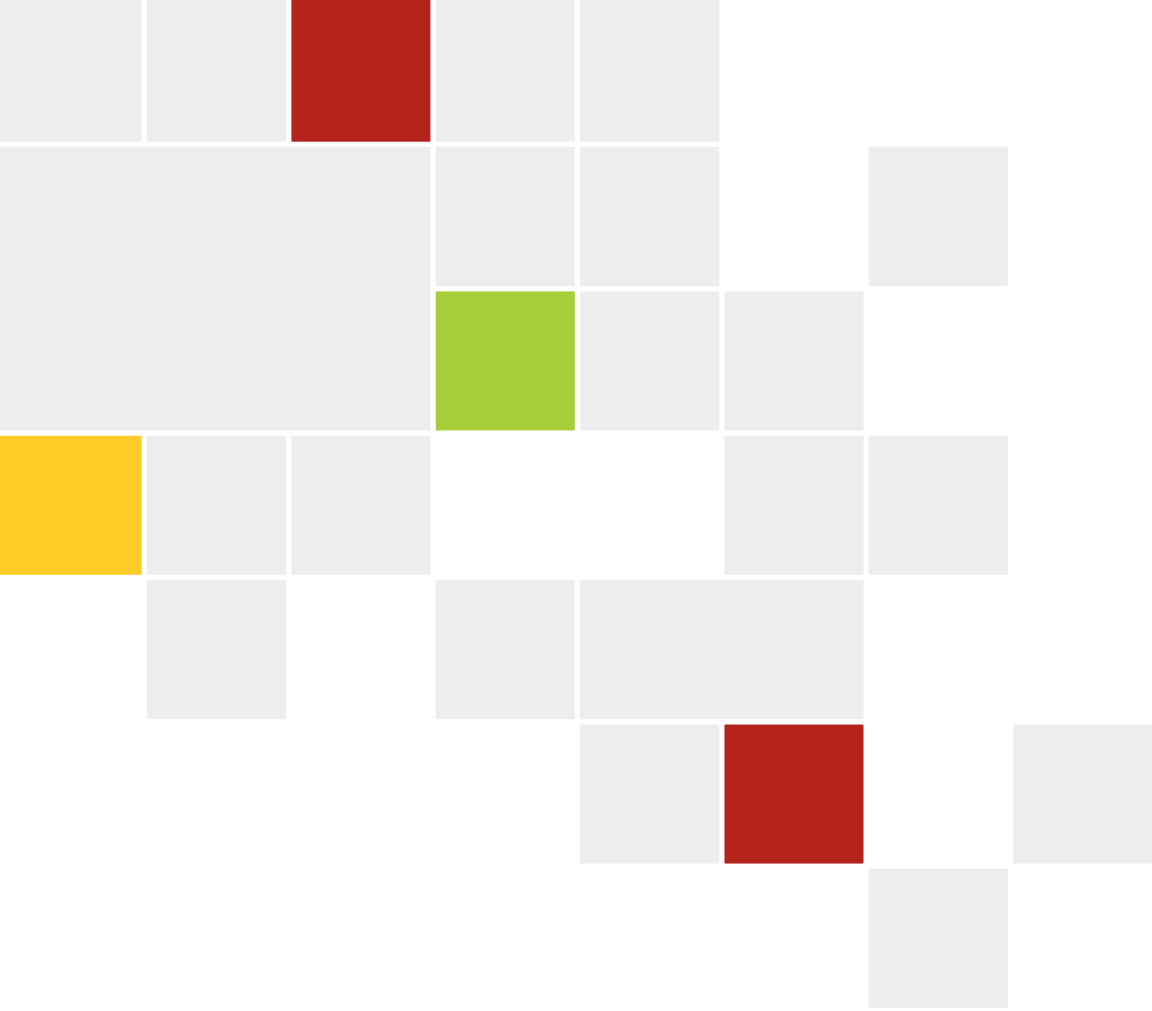
Overlapping or adjacent protected sites

Site(s) of Special Scientific Interest (SSSI)	
Lee Valley SPA	Amwell Quarry SSSI Turnford & Cheshunt Pits SSSI Rye Meads SSSI Walthamstow Reservoirs SSSI
National Nature Reserve (NNR)	
Lee Valley SPA	n/a
Ramsar	
Lee Valley SPA	Lee Valley
Special Areas of Conservation (SAC) and Special Protection Areas (SPA)	
Lee Valley SPA	n/a

<i>Version</i>	<i>Date</i>	<i>Comment</i>
1.0	18/12/2014	

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