

Epping Forest SAC and the Lee Valley SPA

- 4.1 The Epping Forest and Lee Valley form significant areas of land in the District that are valuable for many reasons. They are the two sites that contain land subject to international protection for its biodiversity value. The Epping Forest contains a Special Area of Conservation (SAC) identified primarily for its habitat value in respect of beech trees and wet and dry heaths. The Lee Valley Regional Park contains a Special Protection Area (SPA) and is a Ramsar Convention on Wetlands Site both of which designations relate to its importance as a bird habitat. Known as 'European Sites' they are afforded protection in that detailed assessments (Habitats Regulation Assessments) are required of any development plans and proposals likely to give rise to that have a likely significant impact effect on the integrity of the sites. These sites form a critical part of the biodiversity assets and green and blue infrastructure of the District.
- 4.2 The Council has a duty as the 'competent authority' under the Habitats Regulations to protect the Epping Forest SAC and the Lee Valley SPA/Ramsar sites from the effects of development. This can be achieved using many measures but an important approach is one of mitigation through, for example, access management strategies, habitat management, provision of new Natural Green Space and sustainable transport choices.

Key Evidence

- Habitats Regulation Assessment (AECOM, 2017);
- Open Space Strategy (4 Global 2017);
- Epping Forest - the next 10 years (City of London Corporation, 2015);
- Lee Valley Park Development Framework (Lee Valley Regional Park Authority, 2011); and
- Memorandum of Understanding 'Managing the impacts of growth within the West Essex/East Hertfordshire HMA

Approach

- 4.3 The Epping Forest (the Forest) and the Lee Valley are critical assets within the District for their contributions to biodiversity and recreation. The Forest in particular experiences considerable pressure on its habitats from visitors from both within and outside of the District and road traffic pollution as well as air pollution from London. The Forest is owned and managed by the City of London Corporation and is adjoined by buffer lands purchased by the Corporation to protect its boundaries from encroachment by urban development. These buffers can also act to relieve recreational pressure on the Forest. The potential impact of development on the Forest can arise from development some distance from the Forest itself, particularly in terms of the impact of air pollution from traffic generated on its sensitive ecosystems and from additional recreational pressures.
- 4.4 The Council takes its responsibilities seriously with regard to the protection of these sites and will ensure that Habitats Regulation Assessments of development proposals likely to affect these sites are undertaken. This responsibility also applies to European sites that are outside the boundary of the District but may be affected by development within the District.
- 4.5 The Habitats Regulations Assessment concluded that, as a result of the management regimes in place, there would be no likely significant effect on the Lee Valley SPA/Ramsar sites from recreational pressures arising from new development. Furthermore, air quality modelling demonstrated that changes in atmospheric pollution would not lead to a likely significant effect on these sites either alone or in combination with other projects and plans. The Forest is currently assessed as being of 'unfavourable status'. Concerns exist in relation to both increasing recreational use and air-borne pollutants, including from traffic. This latter point relates to an underlying traffic/air quality issue as a result of existing substantial

baseline traffic flows. Standard impact assessment methodologies show that the Local Plans being developed within the West Essex/East Hertfordshire Housing Market Area would not result in an adverse effect due to an expected improvement in air quality through the introduction of new technologies, and contributions to any retardation of that improvement is extremely small. However, addressing the underlying issue is a matter of good stewardship.

- 4.6 In recognition of this stewardship role the West Essex/East Hertfordshire Housing Market Area authorities have signed a Memorandum of Understanding (March 2017) with the City of London Corporation and Natural England. Paragraph 2.4 of the MoU sets out that its purpose is to ensure that the parties named, work in partnership to fulfil the following requirements:
- To 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.
 - To commit to prepare a joint strategy, based on relevant available data and evidence and to an agreed timetable; and
 - 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, (where required, and more broadly deliver the requirement to prevent deterioration of the SAC features and aid in their improvement/restoration).
- 4.7 The MoU parties are now actively working together through an oversight Board and working groups to fulfil these requirements.
- 4.8 In addition to the above the Council, through this Local Plan, recognises the need to provide confidence that new development does not result in any likely significant effects on the Forest and the Lee Valley SPA/Ramsar sites. Policy T 1 (Sustainable Transport Choices) and Policy DM 22 (Air Quality) provide the mechanisms

by which the Council will seek to address the underlying issue of traffic/air quality issues in relation to the Forest, and provide for monitoring. In addition Policy DM 2 provides the mechanisms for managing future recreational pressures on the Forest in particular. The Council's approach is to facilitate the development of a green infrastructure network. Through improved links to other green spaces, and to the quality of those green spaces and links, the human pressure on these assets is intended to be more widely spread, with the aim of being less harmful to biodiversity.

- 4.9 In pursuit of protecting the vulnerable habitat of Epping Forest the Council seeks to provide alternative spaces and corridors that can relieve the recreational pressure on the Forest. It recognises that additional development in the District is likely to give rise to further visitor pressure on the Forest that needs to be mitigated. This can be achieved by increasing public access to land that is not in the Forest, and altering the character of existing open spaces and the links between open spaces. These linkages are intended to improve access for walkers, dog walkers, cyclists and horse riders, as well as provide space, including additional space for wildlife and plant species.
- 4.10 However, it is recognised that some housing sites will not be of a sufficient scale to make provision for a meaningful proportion of natural green space. Where those sites are within the 'sphere of influence' of the Forest (as determined by an up-to-date Visitor Survey, the most recent of which was undertaken in October/November 2017) the Council will seek contributions to support the development and implementation of an access management strategy by the City of London Corporation.
- 4.11 The suitability of natural green space and corridors will be dependent on a range of factors including location and the potential of the land to increase recreational opportunities and biodiversity value.

Policy DM 2 Epping Forest SAC and the Lee Valley SPA

- A. The Council will expect all relevant development proposals to assist in the conservation and enhancement of the biodiversity, character, appearance and landscape setting of the Epping Forest Special Area of Conservation (SAC) and the Lee Valley Special Protection Area (SPA). The Council will expect all relevant development proposals to ensure that there is no adverse effect on the site integrity of the Epping Forest Special Area of Conservation (SAC) and the Lee Valley Special Protection Area (SPA). The Council has adopted Mitigation Strategies in relation to mitigating for recreation and air quality impacts on Epping Forest SAC. For recreation impacts, the Mitigation Strategy comprises of two inter-related parts: Site Access Management and Monitoring (SAMM) which includes actions within the designated site, and provision of Suitable Alternative Natural Greenspace (SANGs), which provides for alternative sites for recreation.
- B. New residential development likely to have a significant effect, either alone or in combination with other development in these areas plans or projects, will not be permitted unless sufficient will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects from the development ensuring that there will be no harm to the integrity of the protected sites. For Epping Forest SAC, the need for a strategic approach has been identified and such measures will be expected to include those identified in the Mitigation Strategies adopted by the Council relating to air quality and recreational pressures, which will be reviewed and updated as required over the plan period. The relevant strategies for Epping Forest are as follows:

B1 – Epping Forest Air Quality Strategy – To mitigate for potential or identified adverse effects on air quality arising from additional development in the District, all development giving rise to a net increase in average annual daily traffic, will be required to be mitigated in accordance with appropriate measures including those identified in the adopted Air Quality Mitigation Strategy.

B2 – Epping Forest SAMM Strategy - To

mitigate for potential or identified adverse recreational effects of additional development in the District, all residential developments within the zone of influence identified by visitor survey work are required to be mitigated through SAMM measures. Relevant development, as set out in the SAMM strategy, will be required to make a financial contribution towards its implementation.

B3 – Epping Forest SANGs Strategy - To mitigate for potential or identified adverse recreational effects of additional development in the District, in particular from strategic developments, on the Epping Forest SAC the Council will ensure provision of and access to sufficient Suitable Alternative Natural Green Space (SANGs). SANGs provision should be in accordance with the adopted SANGs Strategy. This could involve:

- (i) providing new green spaces; or
- (ii) improving access to green spaces; or
- (iii) improving the recreation facilities, naturalness, and habitat quality of existing green spaces; or
- (iv) improving connectivity between green spaces where this would not contribute to a material increase in recreational pressure on designated sites.

Development proposals may be required to make a financial contribution towards the delivery of SANGs in accordance with the adopted SANGs strategy.

- C. All outline or detailed planning applications for new homes within the settlements of Loughton, Epping, Waltham Abbey, North Weald Bassett, Theydon Bois, Coopersale, Thornwood, Buckhurst Hill, Chigwell and Chigwell Row will be required to make a financial contribution to access management and monitoring of visitors to the Epping Forest SAC, in accordance with Visitor Survey Information which demonstrates this is needed. In recognition of the risks posed to Epping Forest SAC from urbanisation effects over and above that resulting from recreational pressures (Including from fly-tipping, the introduction of non-native plant species and incidental arson) in close proximity, planning applications for development will not be permitted within 400m perpendicular to the boundary of the Epping Forest SAC, unless it can be demonstrated through project level HRA that

the development would not generate any such impacts.

- ~~D.~~ To mitigate against potential or identified adverse effects of additional development in the District, in particular from strategic developments, on the Epping Forest SAC, and Lee Valley SPA the Council will ensure the provision of a meaningful proportion of Natural Green Space or access to Natural Green Space. This could involve:
- ~~(i)~~ providing new green spaces; or
 - ~~(ii)~~ improving access to green space; or
 - ~~(iii)~~ improving the naturalness of existing green spaces; or
 - ~~(iv)~~ improving connectivity between green spaces where this would not contribute to a material increase in recreational pressure on designated sites.
- E. Planning applications on sites within 400m of the Epping Forest SAC will be required to submit a site level Habitats Regulations Assessment setting out how any urbanisation effects (including from fly tipping, the introduction of non-native plant species and incidental arson) will be mitigated against.

Air Quality

- 4.12 The 2008 Ambient Air Quality Directive sets legally binding limits for concentrations in outdoor air of major air pollutants that impact public health such as particulate matter (PM10 and PM2.5) and nitrogen dioxide (NO²). As well as having direct effects, these pollutants can combine in the atmosphere to form ozone, a harmful air pollutant (and potent greenhouse gas) which can be transported great distances by weather systems.
- 4.13 The Department for Environment, Food and Rural Affairs carries out an annual national assessment of air quality using modelling and monitoring to determine compliance with European Union Air Quality Limit Values. It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit.
- 4.14 The local air quality management (LAQM) regime requires every district to regularly review and assess air quality in their area. These reviews identify whether national objectives have been, or will be, achieved at relevant locations, by an applicable date.
- 4.15 If national objectives are not met, or at risk of not being met, the local authority concerned must declare an air quality management area and prepare an air quality action plan. This identifies measures that will be introduced in pursuit of the objectives and can have implications for planning. Air quality can also affect biodiversity and may therefore impact on our international obligations under the Habitats Directive.
- 4.16 As set out in the supporting text to Policy DM 2 the health of the Epping Forest SAC is sensitive to, amongst other things, air-borne pollutants, including those generated as a result of traffic. In addition the Council was required to declare an Air Quality Management Area (AQMA) in the area of

Bell Common, Epping in 2010. This is still being monitored as nitrogen dioxide levels are still elevated and the Council is required to reduce them by 2020.

Key Evidence

- Habitats Regulations Assessment (AECOM, 2017); and
- Memorandum of Understanding on managing the impacts of growth within the West Essex/East Hertfordshire Housing Market Area on Epping Forest Special Area of Conservation (2017).

The Approach

- 4.17 Local Plans can affect air quality in a number of ways, including through what development is proposed and where, and the encouragement given to sustainable transport. Therefore in plan making, it is important to take into account air quality management areas and other areas where there could be specific requirements or limitations on new development because of air quality.
- 4.18 The approach to the location of development in the Local Plan has included the consideration of the sustainability of sites in respect to accessibility, or potential accessibility to facilities, services and jobs, by means other than the car. The reduction in levels of car use can have a significant positive effect on the air quality in an area, as can the provision of infrastructure which supports the use of new technologies, such as electric vehicles. This approach is taken forward through Policy SP 2 (Spatial Distribution) and Policy T 1 (Sustainable Transport Choices). As set out within the Memorandum of Understanding the Council is working with the City of London Corporation, Natural England and other Housing Market Area authorities to 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 deterioration of the SAC features.
- 4.19 In addition to the above policies it is important that the effects from development, both individually and cumulatively, are assessed where they have a potential effect on the health of people

and biodiversity within the District, and that appropriate mitigation and monitoring measures are secured. As traffic is a major contributing factor to effects of humans and habitats, all new development which requires the submission of a Transport Assessment or Transport Statement (as set out in the Council's Local Validation Checklist) will be required to submit an assessment of air quality impacts which may arise as a result of the development. This is in addition to other developments which will require the submission of such assessment where the proposal has the potential to impact on air quality.

(including from traffic generation) and calculation of the cost of the development to the environment. All assessments for air quality shall be undertaken by competent persons.

Policy DM 22 Air Quality

- A. The Council will seek to ensure that the District is protected from the impacts of air pollution. Potential air pollution risks will need to be properly considered and adequate mitigation included in the design of new development to ensure neither future, nor existing residents, workers, visitors, or environmental receptors including the Epping Forest SAC are adversely impacted as a result of the development.
- B. Mitigation measures required will be determined by the scale of development, its location, the potential to cause air pollution, and the presence of sensitive receptors in the locality. Such requirements will include, where appropriate, measures identified within the Air Quality Mitigation Strategy for Epping Forest Special Area of Conservation adopted by the Council (or as further updated during the life of the plan).
- C. ~~Larger p~~ Proposals or those that have the potential to produce air pollution, including those required to be supported by a Transport Assessment or Transport Statement, will be required to undertake an air quality assessment that identifies the potential impact of the development, ~~together with,~~ and where appropriate, make financial contributions towards air quality monitoring. Assessments shall identify mitigation measures that will address any deterioration in air quality as a result of the development, having taken into account where relevant, all other permitted developments plans and projects, and these measures shall be incorporated into the development proposals. This will include an assessment of emissions