

From: Fraser, Sarah [REDACTED]
Sent: 13 February 2019 12:40
To: Wendy Hague
Cc: Melvin, Jamie; Fuller, Neil
Subject: RE: Response to rep

Hi Wendy

Thanks for the suggested text which is all really helpful and helps to address our advice – sorry its taken me a while to get back to you.

I have proposed some suggested changes which I hope makes sense as follows:

1. **Regarding 1.31** – The current proposal to only require contributions in the inner zone is something that has been agreed as an interim measure. This may change depending on the findings of the summer visitor survey and may change if contributions are required to deliver any SANGS – which may be required in the inner and outer zones. We appreciate that there is still more work to do on this side of things until a firm decision has been agreed.
2. **Policy WE3 – Internationally designated sites** - We have advised that there needs to be a commitment in policy to have the Mitigation Strategy in place by the time the local plan is adopted – this gives certainty that any mitigation measures agreed will be in place before once the provisions of the local plan come into force at adoption. We would also advise that there is a commitment to ensure the Mitigation Strategy is adopted as an SPD to give the strategy additional weight in policy terms to meet the certainty requirements of the Habs Regs. I think in reality there will end up being 2 mitigation strategies – one for air quality impacts and one for recreational impacts. The air quality Mitigation Strategy won't have a ZOI. We may therefore need to distinguish between these 2 strategies.
3. **Policy WE3 Net Gain and ecological networks** – We would also advise that this policy should include a commitment to net gain – something along the lines of “The Council will support the safeguarding and enhancement of existing ecological networks, including the restoration and creation of new habitats, veteran trees, tree and woodland planting and local nature reserves. All designated sites and non-designated priority habitats and species, will be protected from damage as a result of development or poor management, and enhanced where appropriate. Development should also deliver overall biodiversity net across the plan area and developer contributions will be sought accordingly”

I haven't been able to provide comprehensive comments in relation to the air quality side of things as we are still developing our thinking – hope these suggestions help and thank you for taking the time to share your thoughts on how the policies can be strengthened to take account of our advice.

Happy to discuss further if that would help

Kind regards

Sarah

Sarah Fraser MRTPI
Senior Planning Adviser
Essex, Herts, Cambridgeshire, Bedfordshire & Northamptonshire Area Team
Natural England

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

landline no. [REDACTED]. mobile no. [REDACTED]

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Natural England offers two chargeable services - the Discretionary Advice Service ([DAS](#)), which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service ([PSS](#)) for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

From: Wendy Hague [REDACTED]

Sent: 30 January 2019 15:45

To: Fraser2, Sarah (NE) <[REDACTED]>

Subject: FW: Response to rep for

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[REDACTED]

The new text below is work is in DRAFT only.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Suggested changes

New text: xxxx

Deleted text: -xxx

| Para/policy | Page | Policy | Supporting Text | Reason |
|-------------|------|--------|---|---|
| 1.31 | 6 | - | "...the integrity of the SAC. The MoU is required because development within Harlow may, in-combination with development in other | For clarification as suggested by EFDC. |

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| | | | <p>areas, affect the integrity of European Sites which lie outside of the district. Epping Forest District Council is preparing a Mitigation Strategy for the Epping Forest Special Area of Conservation (SAC), containing measures to address recreational pressures and air quality impacts. It is proposed that measures set out within the Strategy will be funded through a proportionate approach to developer contributions within the inner (or if necessary, outer) Zone of Influence (ZOI), the boundaries of which are based on a recent visitor survey and may be modified to reflect the evidence of future survey data. In the interim period Although it is anticipated that the majority of these contributions will be provided by developments within the inner ZOI, contributions may be sought from developments within the outer ZOI (which currently includes part of Harlow District) if necessary to ensure the</p> | |
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| | | | implementation of the Strategy and avoidance of adverse effects on the integrity of the SAC.” | |
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| WE3 Biodiversity and Geodiversity | 86 | <p>General Strategy for Biodiversity and Geodiversity</p> <p>All biodiversity and geodiversity assets in the district will be preserved and enhanced. Assets of sufficient importance have a designation. The types of asset designations are: • National designations (e.g. Sites of Special Scientific Interest) • Local designations (e.g. Local Wildlife Site or Local Nature Reserve) • Ancient woodland • Aged or veteran trees outside ancient woodland</p> <p>Nationally and locally designated assets are identified on the Policies Map</p> <p><u>Internationally Designated Wildlife Sites</u></p> <p>-</p> <p>1. Where necessary, contributions towards the measures set out in the Epping Forest Mitigation Strategy, which will be in place by the time the local plan is adopted, will be sought from</p> | | <p>To comply with the NPPF (paras. 174-177 NPPF 2012) as recommended by NE and EFDC .</p> <p>No European sites are located within the District.</p> <p>There are four European Sites that lie beyond the District boundary but are located within sufficient proximity that the Local Development Plan could provide linking impact pathways that could impact the integrity of those European sites. As such, these are included within the scope of the Habitats Regulations Assessment of the Local Development Plan. The sites are: Epping Forest Special Area of Conservation) SAC; Lee Valley Special Protection Area (SPA) and Ramsar</p> |

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| | | <p>developments within the Epping Forest recreational ZOI in order to mitigate and avoid in-combination effects on the Epping Forest SAC.</p> <p>Contributions will also be sought to address any in-combination air pollution impacts;</p> <p>2. Development proposals which may have an adverse impact on any internationally designated wildlife site, either alone or in-combination, must satisfy the requirements of the Conservation of Habitats and Species Regulations, determining site specific impacts and avoiding or mitigating against impacts identified.</p> <p><u>Nationally Designated Wildlife sites</u></p> <p>3. Development which would harm the nature conservation or geological interest of an nationally important wildlife site, as shown on the Policies Map, will not be permitted unless:</p> <p>(a) it is required in connection with the management or</p> | <p>site; and Wormley-Hoddesdonpark Woods SAC.</p> |
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| | | <p>conservation of the site; or</p> <p>(b) the development provides appropriate avoidance or mitigation measures and as a last resort compensation to offset any adverse impacts on the interest features of the site.</p> <p>(b) there are imperative reasons of overriding public interest for the development; and</p> <p>(c) there is no alternative to the development.</p> <p>Compensation for the harm will be required.</p> <p>- <u>Locally designated sites of wildlife value</u></p> <p>4. Development on, or which negatively affects, a Local Wildlife Site or Local Nature Reserve, as shown on the Policies Map, will not be permitted unless:</p> <p>(a) local development needs significantly outweigh the nature conservation value of the site; and</p> <p>(b) the development provides appropriate avoidance or mitigation, and as a</p> | | |
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| | | last resort compensation measures, to offset any detriment to the nature conservation interest on the site. | | |
| 10.25 | | | “..identified in the future. Development within Harlow may, in-combination with development in other areas, affect European Sites which lie beyond the district. | As above |
| 10.27 | | | “...their level of international, national, regional or local importance.” | As above |
| PL8 Biodiversity and Geodiversity assets | 112 | “.....The greater the significance of the asset , the greater the weight that is given to the asset’s protection. Distinction will be made between the hierarchy of international, national, locally designated and non-designated sites so that the level of protection afforded is consistent with their status | | |
| PL09 Pollution and Contamination | 113 | “All development proposals must minimise and, where possible, reduce all forms of pollution and contamination. For air quality, the acceptability or otherwise of a proposal will be determined with reference to the relevant limit values | | For clarification and to reflect paras 103 and 181 of the NPPF. |

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| | | <p>or National Air Quality Objectives.</p> <p>.....Where it can be demonstrated that pollution and/or contamination is unavoidable, appropriate measures must mitigate the negative effects of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.”</p> | | |
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