

**Statement of Common Ground as agreed
between Harlow District Council and
Natural England**

**Harlow Local Development Plan – Examination in
Public**

October 2019

Statement of Common Ground with Natural England

Introduction

1.1 This Statement of Common Ground identifies areas of agreement between Harlow District Council (HDC) and Natural England (NE). It focuses on the matters which are relevant to the two parties and is provided without prejudice to other matters of detail that the parties may wish to raise at a later date.

1.2 The statement has been prepared to assist the examination of the Local Development Plan. The Council has engaged with NE at each stage of the Local Plan process from 2010 onwards. NE submitted responses to the Development Management Policies Consultation and the Regulation 19 Consultation. A hearing statement was prepared by NE prior to appearing at the Examination on 28th March 2019. NE has also written to six authorities, including HDC, on 5th April 2019 and 24th September 2019 regarding Hatfield Forest SSSI/NNR. NE supplied a response to the revised Habitats Regulation Assessment on 29th April 2019.

1.3 The consultation on the Development Management Policies took place between 20th July 2017 and 7th September 2017. In general, Natural England considered the development management policies provided to be relatively comprehensive and referenced the joint Memorandum of Understanding relating to Epping Forest Special Area of Conservation (SAC). Acknowledgement was made to the ongoing work in relation to the SAC led by Epping Forest DC and the City of London's Forest Conservators. The advice was caveated; "further amendments to the policies may be necessary following the undertaking of Habitat Regulations Assessment (as required under section 102 of the Conservation of Habitats and Species Regulations 2010)". NE referred to PL8 Biodiversity and Geodiversity Assets and recommended that the hierarchy of sites mentioned in paragraph 2.48 should be incorporated into the policy itself to satisfy paragraph 113 of the National Planning Policy Framework (NPPF) 2012. The authority was also advised that paragraph 113 further required that criteria based policies are set and that distinctions should be drawn between international, national and locally designated sites, some of which would be beyond the district boundary. In this regard, NE had acknowledged that that Sites of Special Scientific Interest are the highest order of site within Harlow and that the authority should afford sites outside of the authority boundary the same level of protection.

1.4 Prior to the Regulation 19 consultation HDC participated in several meetings with NE and other competent authorities on Epping Forest SAC.

Representations on the Regulation 19 Local Plan

1.5 The Regulation 19 Local Development Plan Pre-Submission Version was published on 24th May 2018 and representations sought until 6th July 2018. NE submitted responses on 6th and 31st July 2018. Natural England commended the plan and was encouraged by the recognition of the value and commitment to the protection and enhancement of Green Infrastructure and 'Green Wedges and Green Fingers' throughout the document. It was noted that inter-authority discussions were ongoing relating to the Habitats Regulations Assessment (HRA) and related Mitigation Strategy for the Epping Forest SAC. Until the HRA were updated, NE could not agree with the conclusions. NE agreed to continue to work with the authority as the until such time as the HRA was updated and further progress made on developing the Mitigation Strategy for Epping Forest SAC.

A summary of the comments received on 6th July 2018 is below:

Policy/text	Support	Object	Comment
Spatial Vision (SV) and Strategic Objectives (SOs)			NE supports the SV's recognition of Green Infrastructure (GI) and green wedges. The SOs should be strengthened to refer to the safeguarding, creation and enhancement of GI and environmental designations under the Placeshaping theme (Enhancing the quality of the built environment); there should also be a commitment to ensuring there is a net gain for the environment and for biodiversity.
Placeshaping 4.4 – 4.8			NE commends the positive approach to the environment in these paragraphs. This could be further strengthened to ensure that new development delivers environmental and biodiversity net gain.
HGT1 Development and Delivery of Garden Town Communities in the Harlow and Gilston Garden Town and HS2 Housing Allocations		This policy needs to be informed by the conclusions of the updated HRA and may require further amendment. NE cannot, at this time, advise that this policy is sound.	Recommend that there should be a policy commitment to ensuring development deliver net gains for biodiversity and the environment. Housing allocations should also consider potential impacts on Harlow Woods Site of Special Scientific Interest ('SSSI') which may be impacted in combination with allocations near Harlow from

			neighbouring Local Plans. A strategic solution is also being prepared for Hatfield Forest SSSI. Initial visitor surveys imply that the catchment is likely to be relatively large and may include parts of Harlow District. The plan needs to ensure that such impacts are considered appropriately through the plan and Sustainability Appraisal ('SA') and that solutions are provided for in policy.
HS1		NE has outstanding concerns relating to the Habitats Regulations Assessment ('HRA'); NE cannot, at this time, advise that this policy is sound until the updated HRA has been produced;	Recommend that there should be a policy commitment to ensuring development deliver net gains for biodiversity and the environment.
HS3 Strategic Housing Site East of Harlow			Recommend that there should be a policy commitment to ensuring that masterplanning delivers net gains for biodiversity and the environment
ED1 Future Employment Floorspace		NE has outstanding concerns relating to the Habitats Regulations Assessment ('HRA'), particularly in relation to air pollution impacts ; NE cannot therefore, at this time, advise that this policy is sound.	
WE1 Strategic Green Infrastructure	NE is encouraged to see the plan taking a positive, strategic approach to Green Infrastructure. We commend the commitment to protection and		

	enhancement of green fingers and wedges and to the delivery of a new linear 'Stort Riverpark.'		
WE2 Green Wedges and Green Fingers	NE generally supports this policy.		
WE3 Biodiversity and Geodiversity Natural England considers this policy		NE considers this policy to be unsound – not consistent with national policy (paragraphs 113, 17 and 118 of the NPPF).	
PL7 Green Infrastructure and Landscaping			NE supports the policy and content; environmental enhancement and biodiversity net gain should be added as an additional criteria
PL8 Biodiversity and Geodiversity Assets			NE supports the policy; should be enhanced by reference to 'net gain' in keeping with para. 109 of the NPPF. This policy is likely to require alteration depending on the outcomes of the HRA to ensure the deliverability of any agreed mitigation strategy.
PL9 Pollution and Contamination			This policy is likely to require alteration depending on the outcomes of the HRA to ensure the deliverability of any agreed mitigation strategy for air quality.
IN6 Planning Obligations			This policy sets out the requirement to provide for

			<p>'environmental protection' but 'net gains' for the environment should also be provided.</p> <p>We note Green Infrastructure, Biodiversity and Wildlife Habitats are considered to fall under 'Infrastructure' but feel the policy would benefit from explicit inclusion of environmental enhancement alongside 'protection'.</p>

1.6 Comments on the Habitats Regulations Assessment were also included in the letter received 6th July 2018. For recreational pressure upon the Epping Forest SAC, NE stated that it seemed inappropriate to screen out an impact from development that is currently within the provisional Zone of Influence (6.2km). For air quality, NE stated it was unclear how the recommendations of the HRA to address air quality impacts have been incorporated into the plan. "Natural England understands that further transport and air pollution modelling is currently being undertaken.at present no solution to increased traffic usage of roads in and around Epping Forest yet exists". Natural England confirmed it was content with the conclusions drawn relating to the Lee Valley SPA.

Additional representations from Natural England

2.1 A summary of the comments received on 31st July 2018 regarding the Sustainability Appraisal

Policy/text	Support	Object	NE Comment
Spatial Vision (SV) and Strategic Objectives (SOs) Table 2.1			The SOs should be strengthened to include objectives specifically relating to the safeguarding, creation and enhancement of green infrastructure and environmental designations under the 'Placeshaping' (Enhancing the quality of the built environment) theme.
Table 3.1: SA topics and objectives (i.e. the SA framework as broadly agreed in 2010)			Given the concerns relating to the HRA the SA Topic 'Air Quality' should have an objective relating to air quality at designated sites and a more general objective relating to the safeguarding and enhancement of designated sites included.
5.23			Given the concerns relating to the HRA and the absence of updated modelling, the mitigation of air quality and traffic related impacts on the Epping Forest Special Area of Conservation ('SAC') needs to be included as an additional bullet.
5.32 - 5.33		NE notes that as <i>"it was concluded that there would be no adverse effect on the integrity of Epping Forest SAC from the options, either alone or in combination with other</i>	

		<i>plans and projects” the HRA was not considered ‘material to the ultimate choice of option.’ Given that the outstanding concerns relating to the HRA, NE is currently unable to agree with that conclusion.</i>	
5.34			NE notes that “ <i>Visitor survey work has now been completed and strategic mitigation solutions will follow (such as access management contributions and, for the largest sites, provision of on-site alternative recreational natural greenspace).</i> ” NE do not disagree with that statement but refers to comments on the HRA
Table 6.1		NE is not yet able to agree that any of the option will not have a significant measure on air quality albeit that air quality impacts on Epping Forest SAC do not appear to be being evaluated here. See also comments relating to Table 3.1	
9.5			Note that as yet Natural England does not agree with the conclusions drawn by the HRA and that further work is ongoing.
9.6	.		Note our comments relating to Policy PL9 in our response to the Local Plan dated the 5th of July 2018.
9.14			NE notes and commends Harlow’s

			commitment to the development of mitigation strategies. Please note however our comments above and in our response to the Local Plan dated the 5th of July 2018.
9.17 - 9.21			Note our comments relating to HRA in our response to the Local Plan dated the 5th of July 2018.
9.22 - 9.25			Natural England commends the consideration given to Sites of Special Scientific Interest (SSSIs). It should be noted that whilst there are no public rights of way running through Harlow Woods SSSI there is public access and the sites are heavily recreated. We have previously raised concerns about a potential in combination effect from two sites allocated in the Epping Forest plan. The SA should acknowledge the potential for recreational impact and where appropriate provide further policy wording to ensure that potential impacts will be mitigated at the project level.
9.31			Note NE's comments relating to Policy WE3 in our letter of the 5th of July 2018.

9.35			Note NE's comments relating to Policy PL7 in our letter of the 5th of July 2018.
9.38-9.39			With reference to the concerns raised in our letter of both in our letter of the 5th of July 2018 and above NE is not currently able to agree with the conclusions of paragraph of 9.38 and 9.39.

2.2 Additional correspondence received from Natural England during the Local Plan process can be found in Appendix 2.

Duty to Cooperate

3.1 HDC has fully engaged with NE on the development of the Harlow Local Development Plan. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, NE has been formally consulted at every stage of consultation on the Local Plan together with its accompanying Sustainability Appraisal (SA) and the Habitat Regulations Assessment (HRA). Harlow District Council has worked collaboratively with Natural England to ensure all natural environment issues have been properly considered and where appropriate reflected in the Harlow Local Plan and effective and on-going working has and will continue to be undertaken.

3.2 HDC attended an inter-authority meeting on 25th July 2019 with the National Trust and NE in their work at Hatfield Forest (SSSI / NNR). Notes of that meeting are within Appendix 2. As a consequence of this collaboration, it was agreed to meet again in October 2019, by which time it was anticipated that the legal justification for the overall approach and assumptions used by Footprint Ecology for the survey work would have been clarified and amplified.

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Areas of Common Ground

4.1 Since the adjournment of the Local Plan Examination, HDC and NE have considered the issues raised in NE's representations including the Regulation 19 Consultation and the matters raised in correspondence received 5th April, 29th April and 24th September 2019 and have also had regard to the Interim Findings of the Inspector appointed to examine the EFDC Local Plan dated 3rd August 2019¹

Epping Forest SAC

4.2 Both parties **agree** that one housing allocation (HS2-9) is located within the Epping Forest SAC 6.2km ZOI as identified through the visitor survey. Both parties acknowledge that the additional summer survey work in relation to recreational pressure at Epping Forest SAC may have implications for the Zone of Influence (ZOI). The survey work originally scheduled for this summer has only just been undertaken. Currently, no contributions are being collected given as the allocation is under the threshold agreed in September 2018 with NE.²

4.3 Based on Harlow's Local Plan HRA and Epping Forest District Council Local Plan HRA (dated January 2019) both parties **agree** that the Harlow Local Plan will contribute a small/negligible amount to air quality issues at Epping Forest. Therefore, given the current evidence, at this point in time, it would not be inappropriate for the Inspector to conclude that the responsibility for mitigating air impacts on Epping Forest SAC will reside with Epping Forest District Council. However, in the event of further work required by the Inspector for the Epping Forest Local Plan any subsequent revised figures for the modelled scenarios should be carried forward through the Harlow District Local Plan. Natural England supports Harlow District Council's commitment to the Memorandum of Understanding (MOU) on Epping Forest issues. Natural England therefore may need to update its advice in light of any further information provided. Currently, there are no Air Quality Management Areas in the district³.

NE and HDC **agree** to leave references in policy wording relating to contributions to address any in-combination air quality impacts for Epping Forest SAC in order to future proof the policy.

¹ <http://www.efdclocalplan.org/wp-content/uploads/2019/08/ED98-Epping-Forest-Post-hearing-Advice-Aug-2019-V1-final.pdf>

² <http://www.efdclocalplan.org/wp-content/uploads/2019/01/EB134-Interim-Approach-to-Managing-Recreational-Pressure-on-the-Epping-Forest-Special-Area-of-Conservation-Oct-2018.pdf> para.24

³ Harlow District's annual air quality returns to Defra are at:
<http://www.essexair.org.uk/AQInEssex/LA/Harlow.aspx?View=reports&ReportType=Harlow&ReportID=harlow19asr&StartIndex=1&EndIndex=7>

Hatfield Forest SSSI and NNR

4.4 HDC and NE **agree** that the HDC's Sustainability Appraisal (May 2018) assessment does not acknowledge that cumulatively the delivery of housing growth is likely to impact on Hatfield Forest SSSI/NNR. Both HDC and NE agree that the interim advice regarding the emerging strategic solution for the Hatfield Forest postdates the Submitted SA.

a. UDC and NE are in **agreement** that the National Trust is currently working towards a Mitigation Strategy which will provide a list of costed measures to address recreational impacts within the boundary of the SSSI / NNR (i.e. the SAMMS package).

UDC will seek to refine the strategic solution in terms of practical application in discussion with other relevant Local Planning Authorities within the Zol.

b. Both HDC and NE **acknowledge** that the National Trust and Uttlesford DC have not submitted **any** representations to Harlow Council during the statutory consultations relating to the preparation of the Local Plan.

c. Both HDC and NE **acknowledge** that the Council's evidence submitted in support of the Local Plan has allowed for the provision of strategic green infrastructure projects outside the district but it does not refer to Hatfield Forest SSSI/NNR⁴.

d. NE and DC **agree** that the inclusion of supporting text that includes avoidance measures for SSSIs and the meaning of residual impacts is appropriate.

4.5 HDC and NE **agree** that as a S28G public body under the Wildlife & Countryside Act 1981 as amended) and consistent with its responsibilities set out within the NPPF, the authority has a duty to take reasonable steps, consistent with the proper exercise of the Council's functions to further the conservation and enhancement of SSSIs.

4.6 HDC and NE also **acknowledge** that as a planning authority HDC has specific obligations under sections 28H and 28I of the Wildlife and Countryside Act 1981 when, having considered the general duty, it could nevertheless propose to carry out or authorise operations likely to damage the special interest features of SSSIs (whether or not these will take place on land included in the SSSI). HDC would be obliged to consult NE to ensure that it is able to provide full advice and information about the effects of an operation or authorisation on a SSSI and any steps that might mitigate them. This would enable HDC as the decision taker to make an informed decision having consulted NE about whether,

⁴ <http://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/18-03-08%20FINAL%20Infrastructure%20Delivery%20Study%20for%20Harlow%20and%20Surrounding%20Area.pdf>
Section 9-7

and how, to go ahead with an operation or whether to grant an authorisation and if so, on what terms (para.62, Circular 06/2005).

4.7 HDC and NE **agree** that developers will not be required to contribute mitigation (in whichever form this may take) beyond the impacts generated by their own developments (“consuming their own smoke”); nevertheless it is likely that in doing so, measures required for this purpose may incidentally serve to improve the baseline position as well.

4.8 HDC and NE **acknowledge** that a detailed SAMMs package is not yet available to indicate costings for a per dwelling tariff for the Hatfield Forest SSSI/NNR, both NE and HDC envisage that any indicative future SAMMS tariffs could reflect other comparable strategies (which have **not** impacted upon viability) such as Epping Forest tariffs. If appropriate, any tariffs would be applied in a proportionate manner to reflect the fact that only 4% of visitors to Hatfield Forest originate from within Harlow District. Further, both HDC and NE **acknowledge** that Harlow is a planned new town; almost half of the land in Harlow is a form of open space, much of which is multi-functional, with 28% being designated as Green Wedges or Green Fingers, and 10% as Green Belt (Para. 2.35 HLDP). Two of the SSSIs are located at Parndon Wood in the south; these are close to new planned strategic site allocations within Epping Forest DC’s Submitted Local Plan.

The following wording is considered appropriate for the supporting text to Policy WE3 (para. 10.25):

“Natural England and the National Trust are formulating a package of on-site Strategic Access Management Measures (SAMM) for the Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). The SAMM will describe a range of mitigation measures available to address the recreational impacts from proposed new housing development within the Hatfield Forest Zones of Influence. Ahead of the SAMM being finalised, financial contributions may be sought towards mitigation measures on larger residential development proposals in consultation with Natural England and the National Trust. If appropriate, and subject to there being no significant adverse impact upon a scheme’s viability, any tariffs would be applied in a proportionate manner to reflect the fact that currently only 4% of visitors to Hatfield Forest originate from within Harlow District.”

The generic text in the policy wording will make reference to the need to make proportionate contributions to any relevant mitigation strategies (existing or emerging) or mitigation measures as required.

4.9 HDC and NE **agree** that any strategic solution which seeks to address the recreational pressure effects at Hatfield Forest SSSI / NNR should have a program of periodic monitoring designed into it so as to ensure that the zone of influence and package of measures remain fit for purpose

Agreement

Signed by: Andrew Bramidge – Head of Environment and Planning

On behalf of Harlow District Council

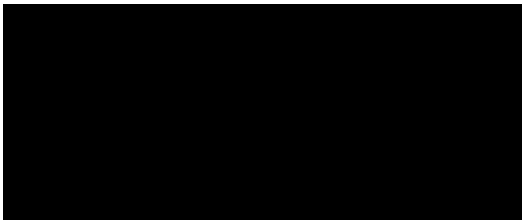
Dated: 29th October 2019



Signed by: Aidan Lonergan - Area Manager - West Anglia Area Team

On behalf of Natural England

Dated: 29th October 2019



Appendix 1– Proposed modifications to the Harlow Local Plan

Modifications were agreed by NE and HDC in February 2019 and have been incorporated into the published schedule (refs: **EX0047** and **EX0050**)

A.1 The modifications below are expressed either in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

A.2 The page numbers and paragraph numbering below refer to the Submission Local Plan.

Section, Paragraph/Policy and Page Number <i>(Refer to Pre-Submission)</i>	Changes to text deletions struck through • <u>additions underlined</u> <i>(Dots denote where the paragraph/policy continues before/after the text)</i>	Reason(s) for change
Chapter 1. Introduction		

Section, Paragraph/Policy and Page Number <i>(Refer to Pre-Submission)</i>	Changes to text deletions struck through • <u>additions underlined</u> <i>(Dots denote where the paragraph/policy continues before/after the text)</i>	Reason(s) for change
Duty to Co-operate Para 1.31 Page 6	<p>.....Conservation to ensure no adverse effects on <u>the</u> integrity of the SAC. <u>The MoU is required because development within Harlow may, in combination with development in other 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 Zone of Influence (ZOI), the boundary of which is based on a recent visitor survey and may be modified to reflect the evidence of future survey data. In the interim period, an inner and outer zone of influence have been identified, 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 the Harlow district), if necessary, to ensure the implementation of the final Strategy and avoidance and mitigation of adverse effects on the integrity of the SAC.</u></p>	To clarify
Chapter 3. Spatial Vision and Local Plan Strategic Objectives		
Vision, final para Page 21	<p>.....New development will minimise the use of global resources, support the development of good waste management, and mitigate and adapt to the effects of climate change, <u>and ensure a net gain in biodiversity is delivered</u>.....</p>	To be more NPPF compliant
Chapter 4. Spatial Development Strategy		
Placeshaping info Para 4.5 Page 28	<p>New development will incorporate sufficient open space and Green Infrastructure, protects and integrates existing landscape assets, and enhance, retain and protect biodiverse habitats <u>to ensure a net gain in biodiversity is delivered</u>.....</p>	To be more NPPF compliant

Section, Paragraph/Policy and Page Number <i>(Refer to Pre-Submission)</i>	Changes to text deletions struck through • additions underlined <i>(Dots denote where the paragraph/policy continues before/after the text)</i>	Reason(s) for change
Chapter 5. Development and Delivery of Garden Communities in Harlow and Gilston Garden Town		
Policy HGT1 Page 38	<p>.....(d) Gilston Area <u>(including seven villages)</u> - delivering approximately.....</p> <p>.....2. <u>The Council will work with the Harlow and Gilston Garden Town partners to deliver the principles of this policy for all four Garden Town Communities.</u> The design, development and phased delivery of each Garden Town Community of the Strategic Housing Site East of Harlow, as allocated on the Policies Map. must accord with.....</p> <p>....(c)including <u>heritage assets</u>, Green Infrastructure, the public realm, community facilities.....</p> <p>....(d) a Strategic Master Plan must be developed for each of the Garden Town Communities in accordance <u>general conformity</u> with the Harlow and Gilston Garden Town Spatial Vision and Design Charter <u>Guide</u></p> <p>.....(e)be consistent with and adhere to the <u>any</u> relevant Design Codes;</p> <p>....(f).....with the proposed development to mitigate any impacts of the new Garden Town Communities, to meet the.....</p> <p>....(i).....accessible and safe transport system which <u>reduces single-occupancy car use and</u> maximises the use.....and the new Garden Town Community<u>ies</u>;</p> <p>.....(l) create distinctive environments which relate to the surrounding area and <u>protect or enhance</u> the natural and historic landscapes, and systems <u>and wider historic environment</u>, Green Infrastructure and biodiversity;</p> <p><u>(m) a Heritage Impact Assessment will be required to inform the design of the Garden Town Community to ensure heritage assets within and surrounding the site are conserved or enhanced and the proposed development will not cause harm to the significance of a heritage asset or its setting, unless the public benefits of the proposed development considerably outweigh any harm to the significance or special interest of the heritage asset in question;.....</u></p> <p><u>.....(p) key transport interventions (such as M11 J7a and provision of sustainable transport (providing viable alternatives to the private car) will be required as prerequisites of this development being occupied. Measures to ensure future upkeep/maintenance of sustainable transport provision will be required.</u></p>	<p>To reflect Statements of Common Ground with Essex County Council and Historic England and to ensure consistency with Epping Forest District Council's equivalent Garden Town policies. The changes also ensure that the Policy applies directly to the Strategic Site East of Harlow, the only Garden Community within Harlow</p>
Chapter 7. Housing Strategy and Growth Locations		

Section, Paragraph/Policy and Page Number <i>(Refer to Pre-Submission)</i>	Changes to text deletions struck through • <u>additions underlined</u> <i>(Dots denote where the paragraph/policy continues before/after the text)</i>	Reason(s) for change
<p>Policy HS3 Page 58-59</p>	<p>.... Developers must produce a <u>Strategic Master Plan</u> based on <u>in general conformity with</u> the <u>Harlow and Gilston Garden Town Charter Design Guide and</u> in partnership with....</p> <p>.....</p> <p>.....of the Harlow and Gilston Garden Town Spatial Vision and Design Charter <u>Guide</u>, including the provision of Green Wedges and Green Fingers (incorporating public <u>natural/semi-natural</u> open space) and.....</p> <p>.....</p> <p><u>(c) include the provision of direct walk/cycle/bus access and link to the Newhall site as part of the Sustainable Transport Corridor;</u></p> <p><u>(d) provide footpaths, cycleways and bridleways within the development and link them to the existing Harlow network and adjacent networks in the Epping Forest District;</u></p> <p>) provide necessary <u>community</u> infrastructure, including, but not limited to;</p> <p><u>a new primary school of at least 2.9ha site area;</u></p> <p><u>in addition to any necessary contributions, the provision of land for at least 10ha for a secondary school if required by the Strategic Master Plan;</u></p> <p><u>child care and Early Years;</u></p> <p><u>youth services;</u></p> <p><u>healthcare facilities;</u></p> <p><u>multi-purpose community space and facilities;</u></p> <p><u>an allotment;</u></p> <p><u>indoor and outdoor sports facilities, which may be shared-use;</u></p> <p><u>neighbourhood equipped areas for play and locally equipped areas for play.</u></p> <p>health centres and education facilities , as set out in the Infrastructure Delivery Plan (IDP);</p>	<p>The changes reflect Statements of Common Ground with Essex County Council and Historic England. It also reflects changes made to Epping Forest District Council's equivalent policies for the East of Harlow Garden Community. The changes also add further clarity.</p>

Section, Paragraph/Policy and Page Number <i>(Refer to Pre-Submission)</i>	Changes to text deletions struck through • <u>additions underlined</u> <i>(Dots denote where the paragraph/policy continues before/after the text)</i>	Reason(s) for change
<p>Policy HS3 Page 58-59 (continued)</p>	<p>(d) — provide footpaths, cycleways and bridleways within the development and link them to the existing Harlow network</p> <p>(e) provide indoor and outdoor sports facilities, which may be shared-use, neighbourhood equipped areas for play and locally equipped areas for play;</p> <p>(f) provide for appropriate local retail facilities, similar to Neighbourhood Centres (incorporating an element of employment use) and Hatches elsewhere in Harlow;</p> <p>(g) — provide for appropriate community facilities as set out in the IDP such allotment provision, youth services and libraries;</p> <p>(h) <u>be designed in a way which conserves and where appropriate enhances heritage assets and their settings, including listed buildings, Scheduled Monuments, Registered Parks and Gardens and Conservation Areas;</u></p> <p>....</p> <p><u>(i) provide satisfactory water supply and waste water network infrastructure for occupants; and</u></p> <p>....</p> <p>Any application for development on the site in the form of individual or part/phased development will be assessed on <u>should be in general conformity with a Strategic Master Plan which has been endorsed by the Council as well as the Harlow and Gilston Garden Town Charter Design Guide.</u></p> <p>Developers will be expected to contribute towards the strategic highway and other infrastructure requirements, proportionate with the impact that the development would have on them <u>as set out in the Infrastructure Delivery Plan.</u></p>	<p>The changes reflect Statements of Common Ground with Essex County Council and Historic England. It also reflects changes made to Epping Forest District Council's equivalent policies for the East of Harlow Garden Community. The changes also add further clarity.</p>

Section, Paragraph/Policy and Page Number <i>(Refer to Pre-Submission)</i>	Changes to text deletions struck through • <u>additions underlined</u> <i>(Dots denote where the paragraph/policy continues before/after the text)</i>	Reason(s) for change
Chapter 10. Linking Development Sites to the Wider Environment		

Section, Paragraph/Policy and Page Number <i>(Refer to Pre-Submission)</i>	Changes to text deletions struck through • <u>additions underlined</u> <i>(Dots denote where the paragraph/policy continues before/after the text)</i>	Reason(s) for change
<p>Policy WE3 Page 86</p>	<p><u>General Strategy for</u> 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:</p> <ul style="list-style-type: none"> (a) National designations (e.g. Sites of Special Scientific Interest) (b) Local designations (e.g. Local Wildlife Site or Local Nature Reserve) (c) Ancient woodland (d) Aged or veteran trees outside ancient woodland <p>Nationally and locally designated assets are identified on the Policies Map.</p> <p><u>Internationally Designated Wildlife Sites</u></p> <p><u>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 developments within the Epping Forest recreational Zone of Influence (ZOI) in order to mitigate and avoid in-combination effects on the Epping Forest Special Area of Conservation (SAC). Contributions will also be sought to address any in-combination air pollution impacts:</u></p> <ul style="list-style-type: none"> <u>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.</u> <p><u>Nationally Designated Wildlife sites</u></p> <ul style="list-style-type: none"> <u>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:</u> <u>(a)</u> <u>(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.</u> <u>(c)</u> <u>(c) there is no alternative to the development.</u> <u>Compensation for the harm will be required.</u> 	<p>To comply with the NPPF (paras. 174-177 NPPF 2012).</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.</p> <p>As such, these are included within the scope of the Habitats Regulations Assessment of the Local Development Plan.</p> <p>The sites are: Epping Forest Special Area of Conservation) SAC; Lee Valley Special Protection Area (SPA) and Ramsar site; and Wormley-Hoddesdonpark Woods SAC.</p>

Section, Paragraph/Policy and Page Number <i>(Refer to Pre-Submission)</i>	Changes to text deletions struck through • <u>additions underlined</u> <i>(Dots denote where the paragraph/policy continues before/after the text)</i>	Reason(s) for change
Policy WE3 (continued) Page 86	<p><u>Nationally Designated Wildlife sites</u></p> <p><u>3. Development which would harm the nature conservation or geological interest of a nationally important wildlife site, as shown on the Policies Map, will not be supported, unless:</u></p> <p><u>(a)</u></p> <p><u>(b) the development provides appropriate avoidance or mitigation measures and, as a last resort, provides compensation to offset any adverse impacts on the interest features of the site; or</u></p> <p><u>(c)</u></p> <p><u>(d)</u></p> <p><u>Locally designated sites of wildlife value</u></p> <p><u>4. Development on, or which negatively affects, a Local Wildlife Site or Local Nature Reserve, as shown on the Policies Map, will not be supported unless:</u></p> <p><u>(a) local development needs significantly outweigh the nature conservation value of the site; and</u></p> <p><u>(b) the development provides appropriate avoidance or mitigation and, as a last resort, provides compensation measures to offset any detriment to the nature conservation interest on the site.</u></p>	See reasons on previous page.

Section, Paragraph/Policy and Page Number <i>(Refer to Pre-Submission)</i>	Changes to text deletions struck through • additions underlined <i>(Dots denote where the paragraph/policy continues before/after the text)</i>	Reason(s) for change
WE3 Justification Para 10.25 Page 86 identified in the future. <u>Development within Harlow may, in-combination with development in other areas, affect European Sites which lie beyond the district.</u> Natural England and the National Trust are formulating a package of on-site Strategic Access Management Measures (SAMM) for the Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). The SAMM will describe a range of mitigation measures available to offset the recreational impacts from proposed new housing development within the Hatfield Forest Zones of Influence. Ahead of the SAMM being finalised, financial contributions may be sought towards mitigation measures on larger residential development proposals in consultation with Natural England and the National Trust. If appropriate, and subject to there being no significant adverse impact upon a scheme's viability, any tariffs would be applied in a proportionate manner to reflect the fact that currently only 4% of visitors to Hatfield Forest originate from within Harlow District.	See reasons for Policy WE3 change
WE3 Implementation Para 10.26 Page 86	The <u>All</u> biodiversity and geodiversity assets <u>in Harlow</u> are protected from inappropriate development.	To clarify protection of biodiversity and geodiversity assets
WE3 Implementation New para after para 10.26 Page 86	<u>Designated biodiversity and geodiversity assets are allocated on the Policies Map. The order of asset type follows the hierarchy in this policy (i.e. Sites of Special Scientific Interest are the highest order asset type). Non-designated assets of biodiversity and geodiversity importance, which extend the geodiversity and network of biodiversity and open spaces across the district, are identified in Evidence Base studies.</u>	To clarify what designated and non-designated biodiversity and geodiversity assets are
WE3 Implementation Para 10.27 Page 86in accordance with their level of <u>international</u> , national, regional or local importance.	See reasons for Policy WE3 change
Chapter 13. Placeshaping		

Section, Paragraph/Policy and Page Number <i>(Refer to Pre-Submission)</i>	Changes to text deletions struck through • <u>additions underlined</u> <i>(Dots denote where the paragraph/policy continues before/after the text)</i>	Reason(s) for change
PL7 Implementation Para 13.44 Page 112	<p>The Council may require a Management Plan to be submitted, which demonstrates how the future maintenance of the Green Infrastructure and landscaping would be managed, in order to protect its quality and functionality in the long-term. <u>including, where appropriate, the protection and recovery of priority habitats and species.</u></p>	To be more NPPF compliant and ensure protection and recovery of priority habitats and species
Policy PL8 Page 112	<p>Development should contribute to and enhance biodiversity or geodiversity assets. <u>to ensure a net gain in biodiversity.....</u></p> <p>.....The greater the significance of the asset, the greater the weight that is given to the asset's protection. <u>Distinction will be made between the hierarchy of international, national and locally designated and non-designated sites so that the level of protection afforded is consistent with their status.</u></p> <p>(a) it creates new biodiversity and protects geodiversity assets and creates links to <u>conserves and enhances</u> existing biodiversity and geodiversity assets;</p> <p>(b) <u>where (a) is not possible</u>, it includes the protection and enhancement of <u>appropriate and effective measures to mitigate the negative effects on</u> existing biodiversity and geodiversity assets;</p> <p><u>(c) where there is a residual impact, it includes provision for compensatory measures to be secured off-site;</u></p> <p><u>(e d) where it can be demonstrated that protection and enhancement of it creates new biodiversity and creates links to</u> existing biodiversity and geodiversity assets .is not possible, appropriate measures must mitigate the negative effects on these assets</p>	To be more NPPF compliant

Section, Paragraph/Policy and Page Number <i>(Refer to Pre-Submission)</i>	Changes to text deletions struck through • <u>additions underlined</u> <i>(Dots denote where the paragraph/policy continues before/after the text)</i>	Reason(s) for change
PL8 Justification Para 13.45 Page 112	As a planned New Town, Harlow benefits from networks of open spaces which contribute to the biodiversity of the district, conserve habitats of local significance and enable the appreciation of wildlife <u>provide opportunities for people to enjoy nature.</u>	To clarify opportunities for people arising from these assets
PL8 Justification Para 13.46 Page 112	Helping to protect and enhance biodiversity is one of the fundamental aims of national <u>planning</u> policies and guidance, halt the overall decline in biodiversity to <u>achieve a net gain in biodiversity</u>	To be more NPPF compliant
PL8 Implementation Para 13.47 Page 112 In Harlow, the highest order asset type is Sites of Special Scientific Interest, followed by locally designated sites (<u>Local Wildlife Sites and Local Nature Reserves</u>), ancient woodland, and aged or veteran trees found outside ancient woodland.....	To add information
PL8 Implementation New para after para 13.48 Page 112	<u>If the richness of biodiversity evident at a non-designated asset increases sufficiently, it may become formally declared as a designated asset, such as a Local Wildlife Site or Local Nature Reserve. Information of any such declarations would be made available on the Council's website.</u>	To add information on potential future declaration of assets

Section, Paragraph/Policy and Page Number <i>(Refer to Pre-Submission)</i>	Changes to text deletions struck through • <u>additions underlined</u> <i>(Dots denote where the paragraph/policy continues before/after the text)</i>	Reason(s) for change
PL8 Implementation Para 13.49 Page 113	<p>The Council may require assessments of biodiversity and geodiversity assets to be submitted, which identify the impacts of development and any necessary mitigation and/or compensatory measures, and consider the presence of invasive, non-native species and their management, including biosecurity measures <u>and the eradication of invasive species. To ensure compliance with national biodiversity policy and legislation, applicants are advised to refer to the Essex Biodiversity Validation Checklist (or its successor), available on the Essex County Council website.</u></p>	<p>To ensure eradication of invasive species; and add advice that ensures developers check the Essex Biodiversity Validation Checklist</p>
Policy PL9 Page 113	<p>All development proposals must minimise and, where possible, reduce all forms of pollution and contamination. <u>For air quality, the acceptability or otherwise of a proposal will be determined with reference to the relevant limit values or National Air Quality Objectives.....</u></p> <p>..... Where it can be demonstrated that pollution and/or contamination is unavoidable, appropriate measures must mitigate the negative effects of the development. <u>Where adequate mitigation cannot be provided, development will not normally be permitted.</u></p>	<p>To clarify and be more NPPF compliant</p>

Section, Paragraph/Policy and Page Number <i>(Refer to Pre-Submission)</i>	Changes to text deletions struck through • <u>additions underlined</u> <i>(Dots denote where the paragraph/policy continues before/after the text)</i>	Reason(s) for change

Section, Paragraph/Policy and Page Number <i>(Refer to Pre-Submission)</i>	Changes to text deletions struck through • <u>additions underlined</u> <i>(Dots denote where the paragraph/policy continues before/after the text)</i>	Reason(s) for change
Policy IN6 Page 165	<p>Planning permission will only be granted for development if the provision is secured for related infrastructure, affordable housing, services, facilities and environmental protection and enhancement <u>and any other planning contributions</u> which are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.</p> <p>The provision of such requirements shall be secured either as part of development proposals, through the use of conditions attached to planning permissions, or through planning obligations. Where it can be demonstrated that provision on-site is not feasible then provision elsewhere, or a <u>financial</u> contribution towards this provision, will be required.</p> <p>Where a planning application extends beyond the district boundary, prior agreement for the provision and location of any necessary obligations will need to be obtained from relevant parties.</p> <p><u>Where the submission of a viability assessment has been justified, the Council will require an independent review of the viability of the scheme to be prepared, the costs of which shall be met by the developer. Where it is accepted that planning contributions are reduced below the requirements set out in policies of the Local Plan, a viability review mechanism will be required to enable a fully policy compliant level of contributions to be achieved over the lifetime of the project. Other than in exceptional circumstances, viability assessments will be made publicly available.</u></p>	<p>To ensure all planning contributions are considered</p> <p>To ensure the contribution is financial</p> <p>To ensure an independent review of the viability of the scheme is prepared where the submission of a viability assessment is justified to</p>

Section, Paragraph/Policy and Page Number <i>(Refer to Pre-Submission)</i>	Changes to text deletions struck through • additions underlined <i>(Dots denote where the paragraph/policy continues before/after the text)</i>	Reason(s) for change
IN6 Implementation Para 17.34 Page 165	<p>Planning obligations are negotiated on a case-by-case basis. <u>The approach to development viability, including how it should be taken into account in decision making, should be in accordance with national planning guidance. Viability review mechanisms will be considered on an individual basis taking into consideration matters such as the scale and phasing of the development and may be required both early and late in the development process. Further guidance will be available in an Adopted Planning Obligations Supplementary Planning Document (SPD).</u> Where developers believe that viability is an issue, applicants will need to make a submission to the Council which should include the following:-</p> <p>(a) — a financial viability appraisal; (b) — a statement outlining the benefits and risks of not meeting the policy requirements and the site being delivered immediately.</p>	To provide implementation details for the viability review mechanisms
IN6 Implementation Para 17.39phasing of development, and measures to meet other <u>Local Plan</u> policies and objectives, such as the protection of the environment.	To improve clarity
Chapter 18. Monitoring		
Linking Development Sites to the Wider Environment	Change in number of biodiversity and geodiversity designated assets in the district <u>Local Sites in Positive Conservation Management</u>	To accord with the Single Data List 160-00 return to Government

Appendix 2– Natural England Letters to Harlow Local Council and notes of a joint meeting held 25th July 2019 to discuss Hatfield Forest SSSI/NNR prepared by Uttlesford DC

NE Response Harlow Development Management Consultation

<https://harlow.jdi-consult.net/ldp/viewreps.php?action=submitsearch&docid=16&respondentid=8440>

NE Responses Harlow Local Plan Pre-Submission 5th and 31st July 2018

<https://harlow.jdi-consult.net/ldp/download.php?action=download&uploadid=662>

<https://harlow.jdi-consult.net/ldp/download.php?action=download&uploadid=681>

NE Emerging strategic approach relating to the Epping Forest Special Area of Conservation (SAC) Mitigation Strategy. Interim advice to ensure new residential development and any associated recreational impacts on Epping Forest SAC are compliant with the Habitats Regulations 20th September 2018 (copied within appendix)

NE Response. Harlow Local HRA (revised) 29th April 2019

<https://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/EX0045%20-%20Letter%20from%20Natural%20England%20regarding%20Habitats%20Regulation%20Asses....pdf>

NE Ref. Hatfield Forest Strategic Solution Interim Position six LPAs Forest 5th April and 24th September 2019 (copied within appendix)

<https://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/EX0058%20-%20Natural%20England%20Hatfield%20Forest%202014%206km%20Zol%20Map.pdf>

<https://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/EX0057%20-%20Natural%20England%20Hatfield%20Forest%20SSSI%20NNR%20Updated%20Interim%20Advice....pdf>

<https://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/EX0056%20-%20Natural%20England%20Hatfield%20Forest%20SSSI%20NNR%20Interim%20Strategic%20LPA%20....pdf>

Date: 20 September 2018
Our ref: 259129



Epping Forest District Council
Harlow District Council
East Hertfordshire District Council
Uttlesford District Council
Broxbourne Borough Council
Brentwood Borough Council
London Borough of Waltham Forest
London Borough of Redbridge
London Borough of Newham
London Borough of Haringey
London Borough of Hackney
London Borough of Tower Hamlets
London Borough of Barking and Dagenham
Lee Valley Regional Park
Essex County Council
City of London Conservators of Epping Forest
MOU Oversight Group -BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
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T 0300 060 3900

Dear All

Emerging strategic approach relating to the Epping Forest Special Area of Conservation (SAC) Mitigation Strategy. Interim advice to ensure new residential development and any associated recreational impacts on Epping Forest SAC are compliant with the Habitats Regulations¹

At the last MOU Oversight Meeting (25th July 2018) Natural England was asked to clarify the Zones of Influence for recreational impacts on Epping Forest SAC and the implications for local planning authorities when determining planning applications for residential development within these zones. This letter therefore provides Natural England's interim advice relating to any interim residential planning applications (i.e. coming forward ahead of the Epping Forest Mitigation Strategy) which have the potential to impact on Epping Forest SAC to ensure compliance with the Habitats Regulations. It does not address the potential air pollution impacts as the updated Habitats Regulations Assessment for the Epping Forest District local plan is required before Natural England can provide further advice on this matter. **This advice therefore applies to those LPA's identified in Table 1 which are partly or wholly within the defined recreational Zone of Influence (ZOI).**

For further information on Epping Forest SAC, please see the [Conservation Objectives](#) which explains how each site should be restored and/or maintained.

Recreational 'Zone of Influence' (ZOI)

As part of the work required to produce the Mitigation Strategy, Footprint Ecology undertook a visitor survey to identify a recreational zone of influence and to identify the

¹ Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the 'Habitats Regulations')

distance the majority of visitors will travel to visit Epping Forest SAC. This report identified that 75% of visitors travelled up to 6.2Km to the SAC. *Natural England therefore advises that in this interim period a zone of influence of 6.2Km is used to determine whether residential applications will have a recreational impact on Epping Forest SAC.*

Table 1 identifies the Local Planning Authorities which fall either partly or completely within the 6.2 Km Zone of Influence for recreational pressure impacts:

Table 1

LPA	Within 0-3Km ZOI	Within 3-6.2 Km ZOI
Epping Forest District Council	✓	✓
London Borough of Redbridge	✓	✓
London Borough of Waltham Forest	✓	✓
London Borough of Enfield	✓	✓
London Borough of Newham	✓	✓
London Borough of Tower Hamlets	X	✓
London Borough of Hackney	X	✓
London Borough of Haringay	X	✓
London Borough of Barking and Dagenham	X	✓
Harlow	X	✓
Broxbourne	X	✓
Uttlesford	X	X
East Hertfordshire	X	X
Brentwood	X	✓ (just clipped by zone)

In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is anticipated that new residential development within this ZOI constitutes a likely significant effect (LSE) on the sensitive interest features of the SAC through increased recreational pressure, either when considered 'alone' or 'in combination'. As you will be aware, the Epping Forest Mitigation Strategy is a large-scale strategic project which involves a number of authorities working together to mitigate these effects. Once finalised, the Mitigation Strategy will comprise a package of strategic mitigation measures to address such effects, which will be costed and funded through developer contributions. The final Mitigation Strategy will address:

- ☐ Recreational pressure impacts (through Strategic Access Management Measures and Suitable Alternative Natural Greenspace (SANGS) provision)
- ☐ Air quality impacts (Mitigation measures still to be identified following updated HRA of EFDC Local Plan)

² Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the 'Habitats Regulations'). Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

There is now an initial draft of costed Strategic Access Management Measures which has been prepared by the City of London Conservators of Epping Forest. This package of measures (once updated with relevant information from Epping forest DC) can therefore be used in this interim period until the full Mitigation Strategy has been completed. It should therefore be noted that the tariffs may be subject to change once the final Mitigation Strategy has been completed and costed to address air pollution impacts and any requirements for the provision of SANGS.

It is recognised that a considerable proportion of the residential allocations in your local plans will already be coming forward as planning applications, prior to the adoption of the Mitigation Strategy. In the interim period until the final Mitigation Strategy is in place and the necessary developer contributions are known, it is important that any recreational impacts from residential schemes such as these are considered in terms of the Habitats Regulations through a project level Habitats Regulations Assessment (HRA). We offer the following advice to guide you on this:

Interim consultation arrangements

Natural England has already developed a set of [Impact Risk Zones \(IRZs\)](#) which helps guide planning authorities on the types and scale of development that we should be consulted on. **We advise that we should continue to be consulted in line with these arrangements (i.e. where there are other IRZs triggered in addition to the RAMS)**

We will shortly be refining the residential IRZs for Epping Forest SAC to align with the 6.2KM zone of influence for recreational impacts. The following types of development which fall within the 6.2Km ZOI should be considered:

- ☐ New dwellings of 1+ units (excludes replacement dwellings and extensions)
- ☐ Houses in Multiple Occupancy (HMOs)
- ☐ Student Accommodation
- ☐ Residential care homes and residential institutions (excludes nursing homes)
- ☐ Residential caravan sites (excludes holiday caravans and campsites)
- ☐ Gypsies, travellers and travelling show people plots

We advise that this should include new applications as well as those with outline planning permission where this issue has not previously been assessed through the HRA process.

In the interim period, we have included a map in Annex 1 to this letter to show the current ZOI and how this affects each LPA, we advise that the following protocol should be followed to ensure consistency and fairness in securing recreational pressure mitigation for these development types:

Interim approach to avoidance and mitigation measures

For larger scale residential developments (100 units or more, or equivalent, as a guide):

- ☐ Well-designed open space/green infrastructure within the development, proportionate to its scale. This can help minimise any predicted increase in recreational pressure to the European sites by containing the majority of recreation within and around the development site boundary. We advise that the Suitable Alternative Natural Green Space (SANGS) guidance *attached as Annex 2* can be helpful in designing this; it should be noted that this document is specific to

the SANGS creation for the Thames Basin Heaths SPA, although the broad principles are more widely applicable. This information is therefore provided as a guide only, until specific guidance for Epping Forest is available. As a minimum, we advise that such provisions should include:

- An appropriate extent of high-quality, informal, semi-natural areas
- Circular dog walking routes of >2.7 km³ within the site and/or with links to appropriate public rights of way (PRoW) networks
- Dedicated 'dogs-off-lead' areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long term maintenance and management of these provisions

Natural England would be happy to advise developers and/or their consultants on the detail of this at the pre-application stage through our charged Discretionary Advice Service, further information on which is available [here](#).

□ The unique draw of Epping Forest means that, even when well-designed, 'on-site' provisions are unlikely to fully mitigate impacts when all residential development within reach of the forest is considered together 'in combination'. We therefore advise that consideration of 'off-site' measures is also required as part of the mitigation package for predicted recreational disturbance impacts. As such, prior to commencement, a financial contribution should also be agreed with and collected from the developer on the basis that it can be used to fund strategic 'off site' measures (i.e. in and around Epping Forest). These measures should be targeted towards increasing the resilience of Epping Forest SAC/SSSI to recreational

pressure in line with aspirations of the emerging Mitigation Strategy. In this interim period, this would include funding towards measures set out within the costed Strategic Access Management Measures provided by the City of London Conservators of Epping Forest. A suitable delivery mechanism for the measures must be agreed to secure them and ensure they are implemented from the first occupation of dwellings. Alternatively, it may be acceptable at the outline planning stage to include a suitably-worded planning condition which secures full adherence with the emerging Mitigation Strategy at the Reserved Matters stage.

For small scale residential development (0-99 houses, or equivalent, as a guide):

□ A financial contribution to strategic 'off site' measures as set out in the costed Strategic Access Management Measures provided by the City of London Conservators of Epping Forest (see above)

We have also attached a template which can be used for undertaking the project level HRA's for residential developments which are within the 6.2Km zone of influence (see

³ Taken from Jenkinson, S., (2013), *Planning for dog ownership in new developments: reducing conflict – adding value. Access and greenspace design guidance for planners and developers*

Annex 3). We have provided this as a suggested way forward to help streamline the assessment process

Interim Funding Mechanism

Natural England understands that during this interim period in some instances it may be inefficient to seek contributions for strategic mitigation in certain circumstances, especially where there are relatively low numbers of housing allocations being proposed within the ZOI. Whilst it must be recognised that where new dwellings within the ZOI are found to have a likely significant effect in-combination, we consider it is a matter for your authorities to consider how the mitigation should be funded. In coming to a decision on this it is necessary for you to ensure that the overall sum of money required is collected to deliver the necessary mitigation for the total quantum of housing which is having the impact. If it is decided to exclude certain applications from contributing towards mitigation it would mean that other developments would need to cover the waived contributions from the excluded dwellings.

We understand that Epping Forest District Council have proposed a mechanism for collecting developer contributions during this interim period but are awaiting confirmation that this is acceptable (as contributions would not be sought from all the LPA's in the ZOI). If this suggested approach is not agreed in this interim period our advice would be that all new housing within the zone of influence found to have a likely significant effect would need to contribute to mitigation by a suitable mechanism.

For any queries relating to the specific advice in this letter only, please contact Jamie Melvin on 02080261025 or at jamie.melvin@naturalengland.org.uk.

In the context of the above advice, we would be happy to provide you with some training on the use of our IRZs, the HRA process etc. through our charged Discretionary Advice Service (DAS), further details on which are available [here](#). The way to progress your request is to complete a [DAS Request Form](#), including the training request, and send it to our consultations hub (consultations@naturalengland.org.uk).

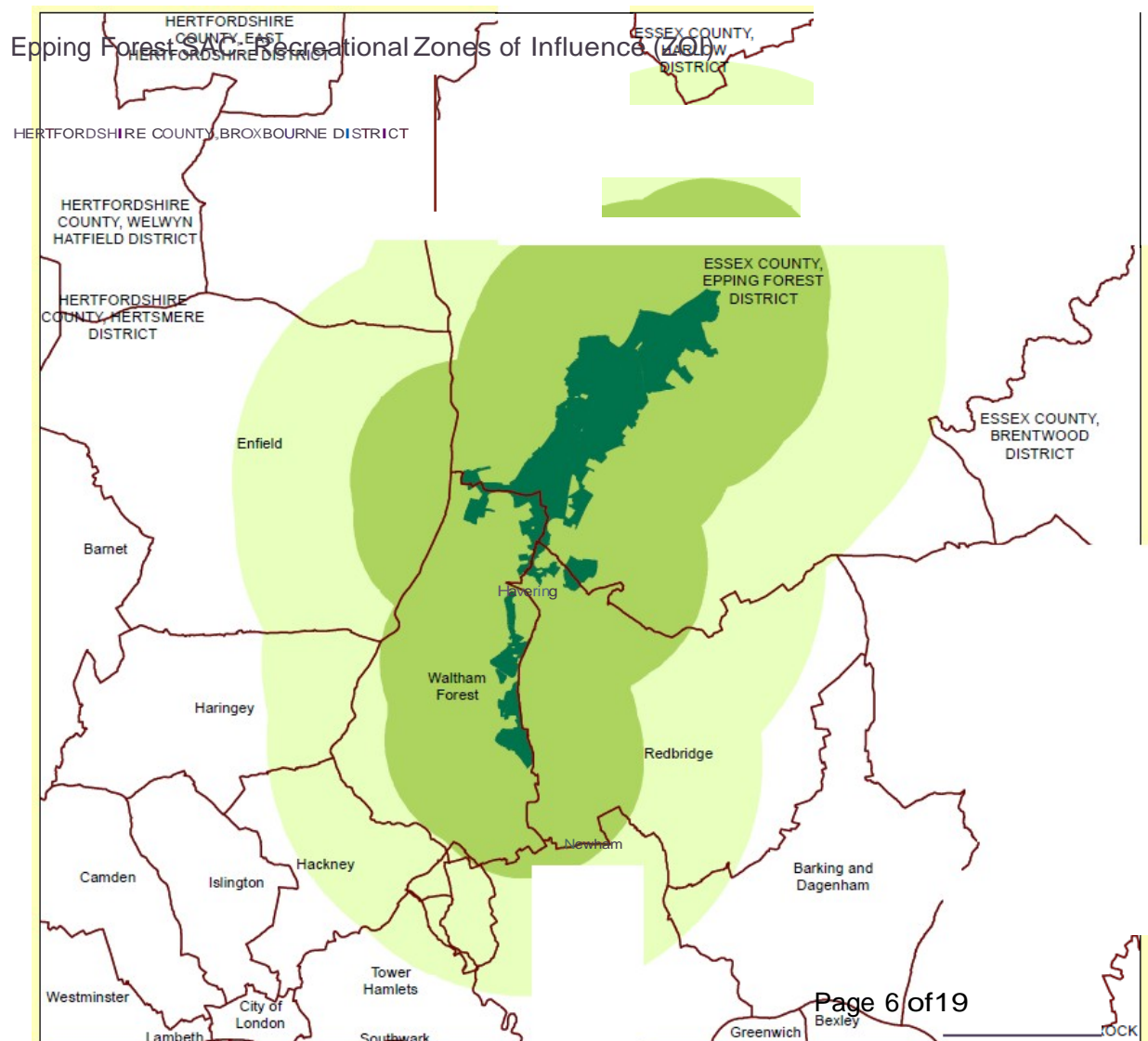
Yours sincerely

Aidan Lonergan

Area Manager – West Anglia Team

Annex 1

Epping Forest SAC Recreational Zones of Influence (ZOI)



Legend

D Local Planning Authority @ Natural England

— Epping Forest SAC

— Epping Forest 0-3km Zone of influence

— Epping Forest 3 - 62km Zone of Influence

Map prepared for Naomi Stevenson
 27/04/2018
 Date: 16/02/18

Map data derived from information
 Ordnance Survey, © Crown copyright and
 Ordnance Survey 100022021.



Annex 2

Guidelines for the creation of Suitable Alternative Natural Green Space (SANGS)

INTRODUCTION

‘Suitable Alternative Natural Green Space’ (SANGS) is the name given to green space that is of a quality and type suitable to be used as mitigation within the Thames Basin Heaths Planning Zone.

Its role is to provide alternative green space to divert visitors from visiting the Thames Basin Heaths Special Protection Area (SPA). SANGS are intended to provide mitigation for the potential impact of residential development on the SPA by preventing an increase in visitor pressure on the SPA. The effectiveness of SANGS as mitigation will depend upon the location and design. These must be such that the SANGS is more attractive than the SPA to users of the kind that currently visit the SPA.

This document describes the features which have been found to draw visitors to the SPA, which should be replicated in SANGS. It provides guidelines on

- ☐ the type of site which should be identified as SANGS
- ☐ measures which can be taken to enhance sites so that they may be used as SANGS

These guidelines relate specifically to the means to provide mitigation for housing within the Thames Basin Heaths Planning Zone. They do not address nor preclude the other functions of green space (e.g. provision of disabled access). Other functions may be provided within SANGS, as long as this does not conflict with the specific function of mitigating visitor impacts on the SPA.

SANGS may be created from:

- ☐ existing open space of SANGS quality with no existing public access or limited public access, which for the purposes of mitigation could be made fully accessible to the public
- ☐ existing open space which is already accessible but which could be changed in character so that it is more attractive to the specific group of visitors who might otherwise visit the SPA
- ☐ land in other uses which could be converted into SANGS

The identification of SANGS should seek to avoid sites of high nature conservation value which are likely to be damaged by increased visitor numbers. Such damage may arise, for example, from increased disturbance, erosion, input of nutrients from dog faeces, and increased incidence of fires. Where sites of high nature conservation value are considered as SANGS, the impact on their nature conservation value should be assessed and considered alongside relevant policy in the development plan.

THE CHARACTER OF THE SPA AND ITS VISITORS

The Thames Basin Heaths SPA is made up of 13 Sites of Special Scientific Interest, and consists of a mixture of heathland, mire, and woodland habitats. They are essentially

'heathy' in character. The topography is varied and most sites have a large component of trees and some contain streams, ponds and small lakes. Some are freely accessible to the public and most have a degree of public access, though in some areas this is restricted by army, forestry or other operations.

A recent survey showed that more than 83% of visitors to the SPA arrive by car, though access points adjacent to housing estates showed a greater proportion arriving on foot (up to 100% in one case). 70% of those who visited by car had come from within 5km of the access point onto the SPA. A very large proportion of the SPA visitors are dog walkers, many of whom visit the particular site on a regular (more or less daily) basis and spend less than an hour there, walking on average about 2.5km. Almost 50% are retired or part-time workers and the majority are women. Further detailed information on visitors can be found in the reports referenced at the end of this document.

GUIDELINES FOR THE QUALITY OF SANGS

The quality guidelines have been sub-divided into different aspects of site fabric and structure. They have been compiled from a variety of sources but principally from visitor surveys carried out at heathland sites within the Thames Basin Heaths area or within the Dorset heathlands. These are listed as references at the end of this document.

The principle criteria contained in the Guidelines have also been put into a checklist format which are contained in Appendix 1.

Accessibility

Most visitors come by car and want the site to be fairly close to home. Unless SANGS are provided for the sole use of a local population living within a 400 metre catchment around the site, then **the availability of adequate car parking at sites larger than 10 ha is essential.** The amount and nature of parking provision should reflect the anticipated use of the site by visitors and the catchment size of the SANGS. It should provide an attractive alternative to parking by the part of SPA for which it is mitigation. **Car parks should be clearly signposted and easily accessed.**

New parking provision for SANGS should be advertised as necessary to ensure that it is known of by potential visitors.

Target groups of Visitors

This should be viewed from two perspectives, the local use of a site where it is accessed on foot from the visitor's place of residence, and a wider catchment use where it is accessed by car. **Most of the visitors to the SPA come by car and therefore should be considered as a pool of users from beyond the immediate vicinity of the site.** All but the smallest SANGS should therefore target this type of visitor.

It is apparent from access surveys that a significant proportion of those people who visit the sites on foot, also visit alternative sites on foot and so this smaller but significant group look for local sites. **Where large populations are close to the SPA, the provision of SANGS should be attractive to visitors on foot.**

Networks of sites

The provision of longer routes within larger SANGS is important in determining the effectiveness of the authorities' network of SANGS as mitigation, because a large proportion of visitors to the SPA have long walks or run or bicycle rides. The design

of routes within sites at the smaller than about 40 ha will be critical to providing routes of sufficient length and attractiveness for mitigation purposes.

Where long routes cannot be accommodated within individual SANGS it may be possible to provide them through a network of sites. However, networks are inherently likely to be less attractive to users of the type that visit the SPA, and the more fragmented they are, the less attractive they will be, though this is dependent on the land use which separates each component. For example, visitors are likely to be less put off by green areas between SANGS than by urban areas, even if they restrict access to rights of way and require dogs to be kept on leads.

Though networks of SANGS may accommodate long visitor routes and this is desirable, they should not be solely relied upon to provide long routes.

Specific guidance on individual SANGS is summarised in Appendix 2. An information sheet for individual SANGS can also be found in Appendix 4.

Paths, Roads and Tracks

The findings suggest **that SANGS should aim to supply a choice of routes of around 2.5km in length** with both shorter and longer routes of at least 5km as part of the choice, where space permits. The fact that a considerable proportion of visitors were walking up to 5km and beyond suggests **the provision of longer routes should be regarded as a standard**, either on-site or through the connection of sites along green corridors.

Paths do not have to be of any particular width, and both vehicular-sized tracks and narrow PRow type paths are acceptable to visitors.

The majority of visitors are female and safety is one of the primary concerns of site visitors. **Paths should be routed so that they are perceived as safe by the users**, with some routes being through relatively open (visible) terrain (with no trees or scrub, or well-spaced mature trees, or wide rides with vegetation back from the path), especially those routes which are 1-3 km long.

The routing of tracks along hill tops and ridges where there are views is valued by the majority of visitors.

A substantial number of visitors like to have surfaced but not tarmac paths, particularly where these blend in well with the landscape. This is not necessary for all paths but **there should be some more visitor-friendly routes built into the structure of a SANGS, particularly those routes which are 1-3 km long.**

Artificial Infrastructure

Little or no artificial infrastructure is found within the SPA at present apart from the provision of some surfaced tracks and car parks. Generally an urban influence is not what people are looking for when they visit the SPA and some people undoubtedly visit the SPA because it has a naturalness about it that would be marred by such features.

However, **SANGS would be expected to have adequate car parking with good information about the site and the routes** available. Some subtle waymarking would also be expected for those visitors not acquainted with the layout of the site.

Other infrastructure would not be expected and should generally be restricted to the vicinity of car parking areas where good information and signs of welcome should be the norm,

though discretely placed benches or information boards along some routes would be acceptable.

Landscape and Vegetation

SANGS do not have to contain heathland or heathy vegetation to provide an effective alternative to the SPA.

Surveys clearly show that **woodland or a semi-wooded landscape is a key feature** that people appreciate in the sites they visit, particularly those who use the SPA. This is considered to be more attractive than open landscapes or parkland with scattered trees.

A **semi-natural looking landscape with plenty of variation** was regarded as most desirable by visitors and some paths through quite enclosed woodland scored highly. There is clearly a balance to be struck between what is regarded as an exciting landscape and a safe one and so some element of choice between the two would be highly desirable. The semi-wooded and undulating nature of most of the SPA sites gives them an air of relative wildness, even when there are significant numbers of visitors on site. SANGS should aim to reproduce this quality.

Hills do not put people off visiting a site, particularly where these are associated with good views, but steep hills are not appreciated. **An undulating landscape is preferred to a flat one.**

Water features, particularly ponds and lakes, act as a focus for visitors for their visit, but are not essential.

Restrictions on usage

The majority of the people using most of the SPA sites come to walk, with or without dogs. At two or three sites there were also a significant number of cyclists and joggers. A small amount of horse riding also occurs at some sites.

The bulk of visitors to the SPA came to exercise their dogs and so it is imperative that **SANGS allow for pet owners to let dogs run freely over a significant part of the walk. Access on SANGS should be largely unrestricted, with both people and their pets being able to freely roam along the majority of routes.** This means that sites where freely roaming dogs will cause a nuisance or where they might be in danger (from traffic or such like) should not be considered for SANGS.

It may be that in some areas where dog ownership is low or where the cultural mix includes significant numbers of people sensitive to pets, then the provision of areas where dogs are unrestricted can be reduced. It should also be possible to vary restriction over time according to the specific needs of a community, providing effective mitigation is maintained. SANGS proposals which incorporate restrictions on dogs should be in the minority of SANGS and would need to be considered on a case by case basis in relation to the need for restrictions.

Assessment of site enhancement as mitigation

SANGS may be provided by the enhancement of existing sites, including those already accessible to the public that have a low level of use and could be enhanced to attract more visitors. The extent of enhancement and the number of extra visitors to be attracted would vary from site to site. Those sites which are enhanced only slightly would be expected to provide less of a mitigation effect than those enhanced greatly, in terms of the number of

people they would divert away from the SPA. In order to assess the contribution of enhancement sites in relation to the hectare standards of the Delivery Plan, it is necessary to distinguish between slight and great enhancement.

Methods of enhancement for the purposes of this guidance could include enhanced access through guaranteed long-term availability of the land, creation of a car park or a network of paths.

SANGS which have not previously been open to the public count in full to the standard of providing 8ha of SANGS per 1000 people in new development in zone B. SANGS which have an appreciable but clearly low level of public use and can be substantially enhanced to greatly increase the number of visitors also count in full. The identification of these sites should arise from evidence of low current use. This could be in a variety of forms, for example:

- ☐ Experience of managing the site, which gives a clear qualitative picture that few visitors are present
- ☐ Quantitative surveys of visitor numbers
- ☐ Identified constraints on access, such as lack of gateways at convenient points and lack of parking
- ☐ Lack of easily usable routes through the site
- ☐ Evidence that the available routes through the site are little used (paths may show little wear, be narrow and encroached on by vegetation)

SANGS with no evidence of a low level of use should not count in full towards the Delivery Plan standards. Information should be collected by the local planning authority to enable assessment of the level of increased use which can be made of the SANGS. The area of the site which is counted towards the Delivery Plan standards should be proportional to the increase in use of the site. For example, a site already used to half of its expected capacity should count as half of its area towards the standards.

Staging of enhancement works

Where it is proposed to separate the enhancement works on a site into separate stages, to deliver incremental increases in visitor use, the proportion of the increase in visitor use arising from each stage should be estimated. This would enable the granting of planning permission for residential development to be staged in parallel to ensure that the amount of housing permitted does not exceed the capacity of SANGS to mitigate its effects on the SPA.

Practicality of enhancement works

The selection of sites for enhancement to be SANGS should take into account the variety of stakeholder interests in each site. Consideration should be given to whether any existing use of the site which may continue is compatible with the function of SANGS in attracting recreational use that would otherwise take place on the SPA. The enhancement should not result in moving current users off the SANGS and onto the SPA. The specific enhancement works proposed should also be considered in relation not only to their effects on the SANGS mitigation function but also in relation to their effects on other user groups.

REFERENCES

CLARKE, R.T., LILEY, D., UNDERHILL-DAY, J.C., & ROSE, R.J. (2005). Visitor access patterns on the Dorset Heaths. *English Nature Research Report*.

LILEY, D., JACKSON, D., & UNDERHILL-DAY, J. C. (2006) Visitor access patterns on the Thames Basin Heaths. *English Nature Research Report*.

LILEY, D., MALLORD, J., & LOBLEY, M. (2006) The "Quality" of Green Space: features that attract people to open spaces in the Thames Basin Heaths area. *English Nature Research Report*.

SITE QUALITY CHECKLIST – FOR A SUITE OF SANGS

This guidance is designed as an Appendix to the full guidance on Suitable Alternative Natural Greenspaces (SANGS) to be used as mitigation (or avoidance) land to reduce recreational use of the Thames Basin Heaths SPA.

The wording in the list below is precise and has the following meaning:

- ☐ Requirements referred to as “must” are essential in **all** SANGS
- ☐ Those requirements referred to as “should have” should all be represented **within the suite** of SANGS, but do not all have to be represented in every site.
- ☐ All SANGS should have at least one of the “desirable” features.

Must have

- ☐ For all sites larger than 4ha there must be adequate parking for visitors, unless the site is intended for local use, i.e. within easy walking distance (400m) of the developments linked to it. The amount of car parking space should be determined by the anticipated use of the site and reflect the visitor catchment of both the SANGS and the SPA.
- ☐ It should be possible to complete a circular walk of 2.3-2.5km around the SANGS.
- ☐ Car parks must be easily and safely accessible by car and should be clearly sign posted.
- ☐ The accessibility of the site must include access points appropriate for the particular visitor use the SANGS is intended to cater for.
- ☐ The SANGS must have a safe route of access on foot from the nearest car park and/or footpath/s
- ☐ All SANGS with car parks must have a circular walk which starts and finishes at the car park.
- ☐ SANGS must be designed so that they are perceived to be safe by users; they must not have tree and scrub cover along parts of the walking routes
- ☐ Paths must be easily used and well maintained but most should remain unsurfaced to avoid the site becoming too urban in feel.
- ☐ SANGS must be perceived as semi-natural spaces with little intrusion of artificial structures, except in the immediate vicinity of car parks. Visually-sensitive way-markers and some benches are acceptable.
- ☐ All SANGS larger than 12 ha must aim to provide a variety of habitats for users to experience.
- ☐ Access within the SANGS must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.
- ☐ SANGS must be free from unpleasant intrusions (e.g. sewage treatment works smells etc).

Should have

- ☐ SANGS should be clearly sign-posted or advertised in some way.

□ SANGS should have leaflets and/or websites advertising their location to potential users. It would be desirable for leaflets to be distributed to new homes in the area and be made available at entrance points and car parks.

Desirable

□ It would be desirable for an owner to be able to take dogs from the car park to the SANGS safely off the lead.

□ Where possible it is desirable to choose sites with a gently undulating topography for SANGS

□ It is desirable for access points to have signage outlining the layout of the SANGS and the routes available to visitors.

□ It is desirable that SANGS provide a naturalistic space with areas of open (non-wooded) countryside and areas of dense and scattered trees and shrubs. The provision of open water on part, but not the majority of sites is desirable.

□ Where possible it is desirable to have a focal point such as a view point, monument etc within the SANGS.

SITE QUALITY CHECKLIST – FOR AN INDIVIDUAL SANGS

The wording in the list below is precise and has the following meaning:

- ☐ Requirements referred to as “must” or “should have” are essential
- ☐ The SANGS should have at least one of the “desirable” features.

Must/ Should have

- ☐ For all sites larger than 4ha there must be adequate parking for visitors, unless the site is intended for local use, i.e. within easy walking distance (400m) of the developments linked to it. The amount of car parking space should be determined by the anticipated use of the site and reflect the visitor catchment of both the SANGS and the SPA.
- ☐ It should be possible to complete a circular walk of 2.3-2.5km around the SANGS.
- ☐ Car parks must be easily and safely accessible by car and should be clearly sign posted.
- ☐ The accessibility of the site must include access points appropriate for the particular visitor use the SANGS is intended to cater for.
- ☐ The SANGS must have a safe route of access on foot from the nearest car park and/or footpath/s.
- ☐ All SANGS with car parks must have a circular walk which starts and finishes at the car park.
- ☐ SANGS must be designed so that they are perceived to be safe by users; they must not have tree and scrub covering parts of the walking routes.
- ☐ Paths must be easily used and well maintained but most should remain unsurfaced to avoid the site becoming too urban in feel.
- ☐ SANGS must be perceived as semi-natural spaces with little intrusion of artificial structures, except in the immediate vicinity of car parks. Visually-sensitive way-markers and some benches are acceptable.
- ☐ All SANGS larger than 12 ha must aim to provide a variety of habitats for users to experience.
- ☐ Access within the SANGS must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.
- ☐ SANGS must be free from unpleasant intrusions (e.g. sewage treatment works smells etc).
- ☐ SANGS should be clearly sign-posted or advertised in some way.
- ☐ SANGS should have leaflets and/or websites advertising their location to potential users. It would be desirable for leaflets to be distributed to new homes in the area and be made available at entrance points and car parks.

Desirable

☐ It would be desirable for an owner to be able to take dogs from the car park to the SANGS safely off the lead.

☐ Where possible it is desirable to choose sites with a gently undulating topography for SANGS

☐ It is desirable for access points to have signage outlining the layout of the SANGS and the routes available to visitors.

☐ It is desirable that SANGS provide a naturalistic space with areas of open (non-wooded) countryside and areas of dense and scattered trees and shrubs. The provision of open water on part, but not the majority of sites is desirable.

☐ Where possible it is desirable to have a focal point such as a view point, monument etc within the SANGS.

Annex 3 – Epping Forest Recreational Mitigation Strategy Habitat Regulation Assessment (HRA) template

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose. This template is to be used only for Epping Forest SAC which has been scoped into the emerging Epping Forest Mitigation Strategy (see below) where recreational pressure is the only HRA issue. The use of this template is not mandatory but we have provided it in an attempt to streamline the process and make it as straightforward and consistent as possible for the authorities involved in the RAMS.

Application details	
Local Planning Authority:	
Case officer	
Application reference:	
Application description:	
Application address:	
Status of Application:	
Grid Ref:	
HRA Stage 1: screening assessment	
Test 1 – the significance test: Based on the development type and proximity to Epping Forest SAC, a judgement should be made as to whether the development constitutes a 'likely significant effect' (LSE) to a European site in terms of increased recreational pressure	
1. Does the planning application fall within the following development types?	
<input type="checkbox"/>	New dwellings of 1+ units (excludes replacement dwellings and extensions)
<input type="checkbox"/>	Houses in Multiple Occupancy (HMOs)
<input type="checkbox"/>	Student Accommodation
<input type="checkbox"/>	Residential care homes and residential institutions (excludes nursing homes)
<input type="checkbox"/>	Residential caravan sites (excludes holiday caravans and campsites)
<input type="checkbox"/>	Gypsies, travellers and travelling show people plots
YES – proceed to point 2 [delete as necessary]	
NO – the application is outside the scope of the Epping Forest Mitigation Strategy, no LSE in terms of increased recreational pressure [delete as necessary]	
2. Is the development within the 6.2KM Zone of Influence (Zol) for the Epping Forest Mitigation Strategy?	
YES – can conclude LSE, proceed to HRA Stage 2: Appropriate Assessment [delete as necessary]	

It is considered that, without mitigation, all new residential development within regular walking/driving distance of the above European site constitutes a LSE through increased recreational pressure, when considered either 'alone' or 'in combination' with other such development. The unique attraction of the Forest presents a strong draw as a place to undertake recreational activities on a regular basis; such activities (e.g. walking, dog walking, etc.) can lead to negative impacts on the sensitive interest features of the SAC (both habitats and species) through, for example, trampling of vegetation, compaction of soil, damage to tree roots and eutrophication of soil etc. Further information on the SAC and its notified interest features is available through the [Conservation Objectives](#).

Visitor surveys have been undertaken to understand the distances within which residents from such development will travel to visit the SAC; this distance is referred to as a Zone of Influence (Zoi).

Following the recent CJEU 'People Over Wind' (or Sweetman II) ruling, avoidance and mitigation measures can no longer be taken into account as part of a planning application at this stage of the HRA process. Therefore, all relevant development within scope of the Epping Forest Mitigation Strategy must progress to HRA Stage 2: Appropriate Assessment, even where mitigation is proposed.

NO – the application is outside the scope of the Epping Forest Mitigation Strategy can conclude no LSE in terms of increased recreational pressure [delete as necessary]

HRA Stage 2: Appropriate Assessment

Test 2 – the integrity test: The applicant must provide sufficient evidence to allow the Appropriate Assessment to be made, which is the stage at which avoidance and/or mitigation measures can be considered

For larger scale residential developments within the Epping Forest Mitigation Strategy Zoi (100 houses +, or equivalent, as a guide) [delete as necessary]

[Insert agreed mitigation in line with Natural England's revised interim advice note (NE ref: 259129, dated 20th September 2018) which sets out the considerations for this scale of development]

Once the necessary mitigation has been agreed between the LPA and developer, Natural England must be consulted on this Appropriate Assessment record.

For smaller scale residential development within the Epping Forest Mitigation Strategy Zoi (0-99 houses, or equivalent, as a guide) [delete as necessary]

[Insert agreed mitigation in line with Natural England's revised interim advice note (NE ref: 259129, dated 20th September 2018) which sets out the considerations for this scale of development]

Provided this mitigation is agreed between the LPA and developer, Natural England does not need to be consulted on this Appropriate Assessment record, unless the

development is directly adjacent to the SAC.

Summary of the Appropriate Assessment : To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England (where necessary)

In line with the previous section, does Natural England need to be consulted for bespoke advice on this AA?

YES – consult Natural England for bespoke advice on the proposed mitigation before reaching a decision on adverse effect on integrity (AEOI) to European sites
[delete as necessary]

NO – it can be concluded that this planning application will not have an adverse effect on the integrity (AEOI) of Epping Forest SAC without the need to consult Natural England, for the reasons given below: [delete as necessary]

☐ Having considered the proposed avoidance and mitigation measures above, **[INSERT LPA]** conclude that with mitigation the project will not have an Adverse Effect on the Integrity of the Epping Forest SAC included within the Epping Forest Mitigation Strategy.

Having made this appropriate assessment of the implications of the plan or project for the site in view of that site's conservation objectives, and having consulted Natural

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and fully considered any representation received (see below), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Natural England Officer: **Not applicable (see above) [delete as necessary]**

Summary of Natural England's comments:

Not applicable (see above) [delete as necessary]

Meeting notes 25th July 2019 at Uttlesford DC: National Trust, NE and six LPAS.

Hatfield Forest Evidence Base – UDC comments

The group needs to consider the legislative differences between Hatfield Forest and European protected sites, particularly given the context of no public rights of way or other rights of access to the site for the public. A number of points were raised on this in the meeting on 25 July 2019, see below, which the meeting did not conclude on:

There was a question as to whether the landowner for the site was intentionally or recklessly by continuing to allow public access to the site;

The landowner has considered closing the site;

The site is an important resource for local people who use the open space for a variety of recreational activities (dog walking, running etc);

The site has a cultural importance;

If the site were closed alternative open space would need to be provided.

A comparison to Therfield Heath, Royston was made where a similar strategy is proposed, although this SSSI is on common land and so has public access rights;

Compliance with CIL Regs (122), having regard to the absence of public footpaths across the Forest, previous planned closures by the NT to safeguard the habitat, an extant management agreement under the W&C Act, absence of an agreed overarching GI Strategy which would have been subject to full consultation.

The new dwellings assumed to be built in the future within the ZOI appears to include development beyond 2033. For the data provided from Uttlesford all developments allocated in the draft Local Plan are expected to be completed by 2033 apart from:

Easton Park, which is most recently expected to see 1,625 completions in the plan period; and

West of Braintree, which is most recently expected to see 640 completions in the plan period.

The group need to also ensure we exclude developments with permission (and completed) from contributing to the mitigation strategy, as no contributions to mitigation measures can be secured if

they already have permission.

These amendments will impact on the number of new homes eligible to contribute to the mitigation package, currently identified in the work as 29,345 homes. This will therefore lower the % of the mitigation package that new development could be expected to contribute, currently identified as 22%.

There is a question over the appropriateness of asking for contributions from development recently allocated in an adopted Local Plan, where the Local Plan did not consider this requirement. Similarly, where the points have not been raised through representations at the appropriate time for Local Plan currently being examined.

Consistency of approach for developments in different LPAs' areas also needs to be considered.

Concern expressed that the survey data included visitors to Woodfest and on August Bank Holiday and Boxing Day, this had the potential to significantly skew the data. Natural England agreed to check with the consultants whether this data was included and their view on whether it was appropriate to include it.

Hatfield Forest Draft Mitigation Strategy – UDC comments

In the meeting others commented that the draft mitigation strategy included items associated with ongoing maintenance. These are cannot reasonably associated with managing the impacts of new development and a review of the items should exclude any inappropriate items.

Natural England in the meeting described the draft mitigation strategy as one of three prongs, the other prongs being new green space provided as part of new developments, and the acquisition of land to provide new green space near Hatfield Forest to act as a buffer. Are there likely to be any additional costs associated with other prongs of the mitigation package for Hatfield Forest?

Table 3 of the draft mitigation strategy indicates that 64% of the financial apportionment for the mitigation strategy should come from development in Uttlesford. This is based on the number of interviewees from within the Zol (see table 2). However, table 2 also shows that when looking at the number of interviewees from the whole survey, those from Uttlesford only make up 52% of the total. Whilst the evidence is proposing that funding is only sought from those within the Zol, 25% of visitors do come from outside this Zol and have impacts too. Expecting development in UDC to fund 52% of the mitigation strategy that is designed to mitigate new impacts (i.e. 52% of 22% of the total cost of the mitigation strategy) is more appropriate and recognises that 25% of visitors, including new visitors, are likely to come from outside the Zol.

Table 3 appears to show the total cost of the mitigation package, sorted into four columns. Totalling up these columns results in a total mitigation package cost of £4,947,504⁵.

Are these separate costs and so can I add these up in this way?

The number not in brackets in each cell in table 3 appears to be the total cost in the header multiplied by the % in the second column (e.g. UDC - % of total capital costs is £852,416, which is £1,331,900 x

⁵ From the header of each column: 22,000 + 1331,900 + 176,719 + 3,416,885 = 4,947,504

64%⁶).

The numbers within the brackets in each cell appear to be 22% of the number not in brackets in each cell⁷. I take this to mean that this is the expected cost of that element of that part of the mitigation strategy, which is for new development in from this district.

Is this interpretation correct?

Notwithstanding the above suggested changes, as currently drafted the mitigation strategy appears to indicate that the total bill for new development is £1,088,452⁸. Again, ignoring the above suggested changes, this implies a cost per dwelling of £37.09⁹.

A question was raised about whether membership and parking costs were offset in the calculations; this approach was taken for the Epping Forest mitigation strategy.

It was agreed that it was not appropriate to refer to 'competent authorities'.

Actions

This note raises a number of actions that need to be considered prior to (or at) the next meeting. For conciseness they are summarised below, with my attempt at who should be responsible for the actions:

ID	Action	Responsible
1	Consider the legislative justification for the approach proposed by Natural England	All
2	Check and amend the number of dwellings (without planning permission) assumed to be built within the ZOI between 2018 and 2033	Study Consultants to review information submitted previously and if necessary request updated data from LPAs
3	LPAs with a recently adopted plan or an emerging plan at examination where this issue has not been raised formally through the representations need to consider the appropriateness of the approach proposed by Natural England in this context.	All but especially relevant LPAs
4	Natural England to check with the consultants whether data for anomalous days was included and their view on whether it was appropriate to include it	NE / study consultants
5	Review the measures in the draft mitigation strategy to ensure contributions to ongoing maintenance are excluded	All
6	NE / NT to respond on whether additional 'prongs' to the mitigation strategy are likely to result in additional costs	NE / NT
7	Consider amending the apportionment of costs (in table 3) in the strategy to reflect the fact that some visitors come	All

⁶ As discussed above in paragraph 6 this should be 52% for UDC not 64%.

⁷ As discussed above in paragraph 3 this should not be 22%, and is likely to be lower

⁸ $4,947,504 \times 22\% = 1,088,452$; this also tallies with adding up all the numbers in brackets

⁹ $1,088,452 / 29,345$

	from outside the Zol (see para 9 above)	
8	Check my workings above (see paragraphs 10-13), to understand the potential cost per dwelling from the approach proposed	All, but especially NE
9	Review whether the strategy does (and should) offset costs from parking and membership	All
10	Review the evidence base and draft strategy prior to the next meeting in October	All
11	Set date for next meeting	UDC to organise in consultation with all
12	Amend references to 'competent authorities' in the draft mitigation strategy	Study consultants
13	NE to re-issue their letter of 5 April	NE
14	NE to consider issuing their legal advice relating to SSSIs and European Sites, would a SSSI be regarded only as a material consideration in coming to a recommendation in a committee/delegated report? Preparation of a possible protocol for a Steering Group to be led by UDC	NE / UDC
16	Further discussion on the GIS layers for the IRZs	All

NE Ref. xxx Hatfield Forest Strategic Solution Interim Position six LPAs Forest 5th April and 24th September 2019 (copied below)

Date: 24 September 2019 Our ref: HatFor Updated Strategic Interim LPA

**Uttlesford District Council Harlow District Council East Herts District Council Epping Forest
Chelmsford Council Braintree Council**

BY EMAIL ONLY

Dear All

New Evidence and Advice on Recreational Disturbance Impacts. A Proposed Strategic Solution at Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). Revised Consultation Arrangements for Local Planning Authorities.

Further to our letter of 5th April 2019, and meeting on 25th July 2019 at Uttlesford Council's offices, Natural England is writing to your authorities with an update regarding the recently released evidence base which describes the adverse impacts of recreational pressure caused by housing growth around Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). All local authorities within the zone of influence (see below) have now been sent the report from Footprint Ecology, and have been invited to review its contents and offer comments. This evidence has been referenced within our consultation responses to Local Plans in recent months, and is now also regularly highlighted to you for individual development management consultations. Whilst it is our advice that these effects are most effectively addressed by local authorities via a strategic solution in preparation

(now a common approach for addressing strategic issues at designated sites country wide), please note that this evidence should be used now to inform all relevant planning decisions.

The purpose of this letter is to update and clarify Natural England's proposed approach in the interim period, so that all local authority partners understand how to apply this new evidence for planning decisions, and what are the next steps towards setting up a strategic approach.

Hatfield Forest – Background and Importance As you will be aware, Hatfield Forest is both SSSI and NNR¹, supporting an ancient forest mosaic of wood pasture, coppice, old grassland plains and wetlands, that collectively support grassland, woodland, wetland habitat features and notable assemblages of veteran trees, invertebrates, fungi, lichen and breeding birds. Hatfield Forest is arguably unique in a

¹ National Nature Reserves are our finest wildlife sites: the crown jewels of England's natural heritage. Consequently, Hatfield Forest should be viewed as holding elevated significance in the national SSSI series.

European context as the best example of a mediaeval forest with all elements surviving. (Rackham, O, 1989 and <https://www.placeservices.co.uk/projects/hatfield-forestconservation-management-plan/>).

The site is owned and managed by the National Trust, who as long-term stewards of the Forest, have been working with Natural England towards better understanding the interactions between, and impacts arising from, increasing volumes of visitors and the habitats and environment which make Hatfield Forest an attractive visitor destination. Towards this end, the National Trust have commissioned research from consultants Footprint Ecology, (part funded by Natural England), which has now reported.

SSSI Responsibilities to Achieve Favourable Condition It is important to note that Hatfield Forest is privately owned and managed by the National Trust with permissive access (there are no public rights of way within the Forest). All SSSI owners have legal responsibilities to take reasonable steps to avoid damaging SSSI features and the National Trust deliver beyond this to conserve and enhance the SSSI for its habitats and features, in accordance with their charitable objectives and the voluntary Stewardship Agreements they have entered into. Therefore whilst local planning authorities have responsibilities to take into account the effects of planned growth on SSSIs as material considerations, these need to be viewed in the context of the sustained efforts over many years by the National Trust to meet their own legal obligations. Please refer to the National Trust website for further information on these steps,

including the 2015-20 Conservation Plan, the “Every Step Counts” project, and other Special Projects which seek to address these obligations.

Despite the best endeavours of the National Trust, the popularity of Hatfield Forest to visitors has grown beyond both its carrying capacity and the ability of the Trust to manage through reasonable endeavours, which in recent years has resulted in an “unfavourable” condition status. The strategic importance of the Forest as a large area of open space, and the lack of alternatives in the area, means that it can no longer reasonably be expected for the National Trust to shoulder the responsibility of growing visitor numbers beyond sustainable levels. There is a clear case that a partnership approach is needed if the Forest is to be sustainably managed moving forwards, particularly where local plan growth is dependent on the Forest for its semi natural greenspace provision. This requires that all public bodies with duties towards SSSIs need to work together to avoid exacerbating the problems experienced.

The Legal Basis for a Strategic Solution Several partner local authorities have questioned the legal basis in relation to decision making linked to recreational impacts on Hatfield Forest SSSI / NNR. In particular any obligations you might have to put in place (or at least consider putting in place) to deliver a strategic solution which would alleviate recreational pressure based on evidence of a likely effect from surrounding development.

You are likely to be aware of other strategic solutions in place for European protected sites (including the Essex RAMS, and at Epping Forest SAC). As you know, Hatfield Forest is both SSSI and NNR, but is not a European protected site, and so there is no duty on you as local authorities to permit or authorise a plan or project only where you can ascertain there will be no adverse effect on the integrity of the European site (if this were the case, you would have an obligation to be satisfied that measures were in place such that a conclusion of no adverse effect could be reached). No such obligation arises in the case of sites that are solely SSSI (NNR status does not change this, although it does arguably elevate the site within the SSSI series).

Nevertheless, there are duties on public bodies including LPAs, in respect of SSSIs, in particular the general duty under section 28G(2) of the Wildlife and Countryside Act 1981 to

“take reasonable steps, consistent with the proper exercise of the authority’s functions to further the conservation and enhancement...” of the SSSI. This is a positive duty to do something rather than a more passive duty, such as a duty to “have regard” to something. There is of course some discretion for the authority to reach a view on what it considers to be reasonable steps and whether those steps are

consistent with the proper exercise of its functions. It would though require the authority to consider what active steps it could take to conserve and enhance the SSSI, whether it was reasonable in all the circumstances to take them and if there were no steps that it considered could reasonably be taken, and why that was the case in its view.

There is a specific obligation on an authority under section 28I of the Wildlife & Countryside Act where it is proposing to permit an operation likely to damage a SSSI, to give Natural England prior notice. This is relevant where the authority is considering an individual planning application, where it is clear that damage is likely to arise (this should be viewed in the context of the Footprint Ecology report, and the identified zone of influence).

The above legal points, are in addition to policy considerations, including those you are familiar with, such as National Planning Policy Framework paragraph 170 onwards, relating to conserving and enhancing the natural environment which must be taken into account when preparing plans and determining planning applications.

Natural England has proposed a strategic solution to address the impacts arising as a result of recreational pressure at Hatfield Forest SSSI / NNR, which in our view represents an efficient and effective means of addressing what is a cumulative effect of a volume of new housing spread across multiple local authorities. We are however interested in any other steps which local authorities may wish to take to address these concerns, in light of the evidence available to all parties.

Recreational Impacts and Zone of Influence The Footprint Ecology evidence study comprises two parts, an initial winter phase, and further summer phase. This recognises that although there are specific recreational pressures on the Forest during the winter months (a product of milder, wetter winters, and poorly draining clay soils leading to trampling damage of footpaths and woodland rides), these pressures are maintained throughout the year with adverse implications for the range of habitats for which the site is notified as SSSI / NNR. The Footprint Ecology reports describe these impacts in more detail, and also describe a range of mitigation measures available to offset these impacts, to ensure that future planned housing growth within the zone of influence can demonstrate sustainability consistent with the requirements of the National Planning Policy Framework (NPPF).

The National Trust has reviewed these recommendations, and is preparing a “Mitigation Strategy”. This takes the form of a package of on-site (i.e. within the SSSI / NNR) Strategic Access Management Measures (SAMM) to which new housing development projects can contribute. This document is in draft form, and at our 25th July meeting, you were invited to provide feedback, in particular regarding:

- The planning mechanisms by which financial contributions could be secured;
- The breakdown of interviewees by local authority;
- The financial apportionment by District; and
- The planned housing growth during the Plan period (including accounting for permissions already granted).

Once this SAMMS report has been finalised and costed, it will describe the rationale for a per dwelling tariff (for this part of the wider mitigation strategy). This is the typical approach routinely adopted by strategic solutions for protected sites nationwide. Please note that it is for local authorities as decision makers to apportion mitigation costs as seems best to them,

and Natural England has no preference for one model over another, so long as the measures required to achieve sustainable development are funded in full for the life of the Plan period.

The study collated and reviewed visitor post code data, and used this to generate a Zone of Influence, within which the majority (75%) of visitors can be expected to arise from. These data allow planners and stakeholders to confidently predict which new housing projects will contribute further towards recreational pressure at the Forest, and therefore where financial contributions towards the mitigation package should be requested.

The completed study comprising a year-round dataset concluded that the zone of influence to capture 75% of visitors should be set at 14.6km. A map of this zone is attached for reference. We understand from our 25th July meeting that some local authorities have raised concerns about this zone, linked to the inclusion of “special event data” which may have resulted in a larger than typical zone, and about some of the assumptions made in the study (including factors which may influence visitor site selection, such as the variable road network, and availability of alternative greenspaces). In seeking to reach a consensus on whether the zone of influence should be amended from 14.6km, the National Trust has asked Footprint Ecology to comment on a number of points, for the discussion of the steering group at its next meeting. The responses to a number of questions put to Footprint Ecology are summarised below.

1) Clarification on the number of dwellings in scope: Councils are able to supply any relevant GIS data required for the study (if possible also windfall and small development, in addition to the main allocations). The predictions of the study can be checked and revisited if needed.

2) The inclusion of special event data, e.g. Woodfest leading to possible data skew and enlarged zone of influence: the study took an average across survey points which reduces the effect of Woodfest and other bias. Taking all the data pooled – without any averaging, filtering etc. – 75% of interviewees came from within 17.8km. The winter half term data (i.e. February) had a 75th percentile value of 18.3km and looking at the winter term time data, both the main car-parks had 75th percentile values above

15km. Footprint Ecology conclude that the 14.6km zone holds up and makes sense.

3) Assumptions made in the study (e.g. accounting for travel routes and availability of alternative greenspace): whenever Footprint Ecology has looked at travel time vs. linear distance they find similar results – i.e. relatively little effect of particular travel routes. At some sites there does seem to be an effect of motorways bringing people from further afield (for example in South Devon there were postcodes from the M5 corridor up towards Bristol), but there is not really anything visible from the post-code maps to suggest that here. Other greenspaces are very hard to factor in. If there is a greenspace that is drawing people away from Hatfield Forest, the best way to find that out would be to conduct interviews at the other space and ask which other sites people there visit and where they might have gone instead that day. It is clear from the GIS data that there is a general paucity of greenspace across much of the relevant areas.

Interim Consultation Arrangements You will be aware that consultation on planning applications is directed through Natural England's Impact Risk Zone (IRZ) system, whereby defined zones are set according to development type around each designated site. These IRZs are reviewed and updated frequently, and we encourage your authority to regularly refresh your GIS systems to ensure that you are aware of the most recent changes. Planning Authorities must consult Natural

England on relevant development proposals within these zones.

Please note that consistent with the changing and emerging evidence base, Natural England has now changed the Impact Risk Zone for Hatfield Forest SSSI / NNR, to be set at 14.6km.

The table below indicates which local authorities are within the respective zones of influence. Local Authority 14.6km zone Uttlesford Yes Harlow Yes East Herts Yes Epping Forest Yes Chelmsford Yes Braintree Yes, just clipped

Interim Approach to Mitigation Several local authority plans are currently being examined by the Planning Inspectorate, and some of the supporting material informing a strategic solution is being finalised. Nevertheless it is important that relevant planning decisions are informed by this new evidence, albeit some Local Plans were adopted before the survey work was commissioned. Whilst this presents some challenges to achieving sustainable development solutions, Natural England does not wish to unduly delay planning decisions if these are able to show that their own impacts can be adequately mitigated, and sustainability with respect to Hatfield Forest SSSI / NNR can be

demonstrated. Our proposal therefore at this interim stage (until a strategic solution is fully signed off by the local authorities) is therefore to seek consultations on the larger housing applications, in order that bespoke mitigation packages can be negotiated and agreed with relevant stakeholders, in particular the National Trust. We suggest this is a proportionate response to new evidence, until a strategy can be agreed.

The National Trust has prepared and consulted upon a draft Mitigation Strategy, containing a list of Strategic Access Management Measures (SAMMs), to enable developers to agree packages of funded measures proportionate to the size and location of their projects. The purpose of a strategic solution is that all relevant housing projects can contribute towards these measures, but at the current time these packages are being negotiated on a case-by-case basis, until such time as mitigation measures and consultation can be streamlined. For this reason we propose that only the largest schemes are required to contribute financially in this way, and we suggest this should apply to projects of 50 or more units. Please note however that this does not mean that projects of less than 50 units are not considered likely to have significant effects, and provision should still be made within relevant Plans (including Neighbourhood Plans).

Once the Mitigation Strategy (the SAMMs) is agreed and costed, and systems to streamline consultation advice have been set up, then all relevant planning applications will be in scope for a financial mitigation contribution. At that point Natural England will further update our Impact Risk Zones to ensure that all relevant applications receive appropriate advice. We anticipate that streamlined consultation would be set up to ensure consistency and efficiency.

The Mitigation Strategy Please note that the document you have been asked to comment upon titled the "Mitigation Strategy" represents only those measures within Hatfield Forest SSSI / NNR which will help to address recreational disturbance impacts. The Footprint Ecology report makes it clear that a wider package of measures is required in order to fully address the impact arisings, which should include alternative greenspace for new residents to utilise (e.g. paragraph 8.2). These off-site measures (i.e. outside of the SSSI / NNR) will need to include both new

greenspace within the red-line boundary of new housing developments of sufficient size, and for the largest allocations (or elsewhere as required), Suitable Alternative Natural Greenspace (SANG).

The principles of SANG have been established through the Thames Basin Heaths SPA and elsewhere for some years, and describe greenspace of a certain quantity and quality that is regarded to be most effective in attracting visitors away from sensitive designated sites. Evidence suggests that SANGS

should be at least 30ha to reach an optimal size, in order to provide a route length of above 2km within their boundary. Nevertheless many smaller allocations will be unable to provide a SANG within their boundary, hence an appropriate proportionate amount of open space should be requested.

Natural England understands that Uttlesford District Council will be producing a Green Infrastructure strategy in due course, which will help to quantify available open space, and identify any deficiencies. At the present time therefore, we are not aware of a holistic evidence base which describes the need for SANGS (or other open space) provision (other than that there is a deficiency). Separate to this, we have also recently commented on Uttlesford Council's Open Space Assessment Report, as part of the targeted consultation on evidence documents (our response letter is dated 11th September 2019, our ref: 292252). There is a certain amount of overlap between these two documents, however in our view insufficient regard was had in that document to the natural environment, in particular in the context of Hatfield Forest SSSI / NNR. The authorities should therefore be aware that these documents are likely to identify and describe open space deficits in the area, which are likely to feed into additional mitigation requirements to address the situation at Hatfield Forest SSSI / NNR.

Suitable Alternative Natural Greenspace (SANG) & other Greenspace Provision. As described above, the complete mitigation solution (described within the Footprint Ecology report) at Hatfield Forest SSSI / NNR includes the provision of alternative areas of greenspace, whether these are formal SANGs or smaller equivalent provision. During this interim stage, we suggest that the largest, strategic housing sites (perhaps 100+ units), include specifically designed green infrastructure provided within the red-line boundary of the proposed development. Such green infrastructure should be designed to absorb significant proportions of the day to day recreational needs of new residents, such as walking, dog walking, jogging / exercise, children's play facilities, and other informal recreation. It should also aim to provide a semi-natural character, with significant proportion of tree / woodland cover, and as may be appropriate, café / basic refreshment facilities.

LPAs and developers may also wish to consider two benchmark standards for open space provision. Firstly, the TCPA have published Guides and Principles for Garden Communities, and Guide 7, Principle 9, references 40% green infrastructure as a target quantum. Whilst some larger housing allocations may not technically qualify for Garden Community status, nevertheless Natural England advises that this represents a quantum and quality standard which is aspirational in this context. Secondly, the strategic solution designed for the Thames Basin Heaths SPA requires a quantum of SANG at a rate of 8ha per 1000 population. Again though, it should be noted that the Thames Basin Heaths SPA (ground nesting birds) is classified for different interest features to Hatfield Forest SSSI / NNR, and so although it may not be directly comparable, does offer an indicative quantum comparison. In both instances, we wish to emphasise that the design quality is as important as quantity, and schemes should aim to provide a rationale which cross references GI design with mitigation requirements for the Forest.

For individual schemes, Natural England would be happy to advise developers and/or their consultants on the detail of requirements at the pre-application stage through our charged Discretionary Advice

Service, further information on which is available here.

Interim Funding Mechanism Natural England are keen to see the delivery of the Strategic Access Management Measures. We are open for the individual Local Planning Authorities to use whatever funding mechanism they are comfortable with, as long as on a periodic basis, contributions are submitted in line with the quanta of development delivered. However we note that the recent MHCLG report "Government Response to Reforming Developer Contributions" (June 2019) proposes to lift the pooling restrictions on planning obligations towards a single piece of infrastructure, making it easier to allocate s106 monies towards overall mitigation strategies, rather than discrete items, and we anticipate this will resolve any pooling concerns. We would also advise that any mitigation measures should be in place by the time residential developments are occupied.

Next Steps Natural England will continue to engage proactively with your authorities towards integrating a strategic solution for Hatfield Forest SSSI / NNR within Local Plan policies, where possible. We are pleased that a steering group has been set up, with Uttlesford District Council as the lead authority, and we look forward to further meetings to discuss & progress the strategy. Please contact us again should you have any queries with the above. We would be grateful if you could also circulate this letter to all relevant staff within Planning Policy and Development Control departments.

Yours sincerely

Aidan Lonergan

Area Manager – West Anglia Team

CC: Sarah Barfoot, Nina Crabb, Henry Bexley, Leigh Freeman - National Trust

Date: 05 April 2019

Our ref: HatFor Strategic Interim LPA



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Forest**

Chelmsford Council

Braintree Council

BY EMAIL ONLY

Dear All

Emerging strategic approach relating to the Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). Interim advice pending the examination of emerging Local Plans.

Natural England is writing to your authorities to alert you to an emerging evidence base linked to the

adverse effects of recreational pressure at Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). This evidence has also been referenced within our recent consultation responses to local authority Local Plans in preparation (and a number of specific individual development consultations), and we refer you to that advice for our representations on how to integrate this evidence in Local Plan policies. We propose that these effects are most effectively addressed via a strategic solution, now a common approach for addressing strategic issues at designated sites country wide.

The purpose of this letter is to outline Natural England's proposed approach in the interim period, which recognises the validity and relevance of new evidence at the present time to inform planning decisions, but which comes ahead of the examination and adoption of new Local Plans.

Hatfield Forest – Background and Importance

As you will be aware, Hatfield Forest is both SSSI and NNR, supporting an ancient forest mosaic of wood pasture, coppice, old grassland plains and wetlands, that collectively support grassland, woodland, wetland habitat features and notable assemblages of veteran

trees, invertebrates, fungi, lichen and breeding birds. Hatfield Forest is arguably unique in a

European context as the best example of a mediaeval forest with all elements surviving. (Rackham, O, 1989 and [https://www.placeservices.co.uk/projects/hatfield-forest-](https://www.placeservices.co.uk/projects/hatfield-forest-conservation-management-plan/)

[conservation-management-plan/](https://www.placeservices.co.uk/projects/hatfield-forest-conservation-management-plan/)).

The site is owned and managed by the National Trust, who as long-term stewards of the Forest, have been working with Natural England towards better understanding the interactions between and impacts arising from increasing volumes of visitors and the habitats and environment which make Hatfield Forest an attractive visitor destination.

Towards this end, National Trust have commissioned research from consultants Footprint Ecology, (part funded by Natural England), which is now reporting.

Recreational Impacts and Zone of Influence

The study comprises two parts, an initial winter phase, and further summer phase. This recognises that although there are specific recreational pressures on the Forest during the winter months (a product of milder, wetter winters, and poorly draining clay soils leading to trampling damage of footpaths and woodland rides), these pressures are maintained throughout the year with adverse implications for the range of habitats for which the site is notified as SSSI / NNR. The Footprint Ecology reports describe these impacts in more detail, and also describe a range of mitigation measures available to offset these impacts, with the view that existing damage may be reversed towards favourable SSSI condition status, and

to ensure that additional housing growth in the area can demonstrate sustainability consistent with the requirements of the National Planning Policy Framework (NPPF).

Currently, the National Trust is reviewing these recommendations, and is formulating a package of on-site (i.e. within the SSSI) Strategic Access Management Measures (SAMM) which new housing projects can contribute towards. Once this package of measures has been finalised and costed, it will enable a tariff based system to be worked up, towards calculating proportionate financial contributions to be secured (e.g., within s106 agreements). This is the typical approach routinely adopted by strategic solutions for protected sites nationwide.

The Footprint Ecology reports also include a visitor survey element, whereby Forest users are interviewed to better understand their activities within the Forest, and importantly where they are visiting from. The study therefore collates and reviews post code data, and has used this to generate a Zone of Influence, within which the majority (75%) of visitors can be expected to arise from. These data allow planners and stakeholders to confidently predict which new housing projects will contribute further towards recreational pressure at the

Forest, and therefore where financial contributions towards the mitigation package should be requested.

The initial study for the winter period concluded that the zone of influence to capture 75% of visitors should be set at 10.4km from the boundary of the SSSI / NNR. Please note however that the additional summer survey report sets this same parameter at 14.6km, indicating that the draw of the Forest is, as might be expected, stronger in the warmer and drier seasons. The National Trust are shortly to complete and circulate the summer report, and will write to you shortly with further details. We recommend that this report should be used as part of the evidence base of emerging Local Plans, where appropriate. Maps of each of these zones

are attached for reference.

Interim Consultation Arrangements

You will be aware that consultation on planning applications is directed through Natural

England's Impact Risk Zone (IRZ) system, whereby defined zones are set according to development type around each designated site. These IRZs are [reviewed and updated frequently](#), and we encourage your authority to regularly refresh your GIS systems to ensure that you are aware of the most recent changes.

Please note that consistent with the changing and emerging evidence base, Natural England has submitted a change to the Impact Risk Zone for Hatfield Forest SSSI / NNR, to be set initially at 10.4km, pending publication of the fuller year-round visitor recreation survey, at which point this will be extended to 14.6km. We will write to you again when this extended zone has been uploaded.

The table below indicates which local authorities are within the respective zones of influence.

<i>Local Authority</i>	<i>10.4km zone</i>	<i>14.6km zone</i>
Uttlesford	Yes	Yes
Harlow	Yes	Yes
East Herts	Yes	Yes
Epping Forest	Yes	Yes
Chelmsford	Yes, just clipped	Yes
Braintree	No	Yes, just clipped

Interim Approach to Mitigation

Ahead of the examination and anticipated adoption of a strategic solution for the Forest, it is important that planning decisions are informed by this new evidence, albeit some schemes

are coming forward ahead of the Local Plan and its strategic over-arching policies. Whilst

this is not the preferred route towards informing planning decisions, we do not wish to unduly delay planning decisions if these are able to show that their own impacts can be adequately mitigated, and sustainability with respect to Hatfield Forest SSSI / NNR can be

demonstrated. Our proposal at this interim stage is therefore to seek consultations on the larger housing applications, in order that bespoke mitigation packages can be negotiated

and agreed with relevant stakeholders, including the National Trust.

At the time of writing, the National Trust is preparing a list of Strategic Access Management Measures (SAMMs), to enable developers to agree packages of funded measures proportionate to the size and location of their projects. Whilst this will, in time, be able to provide a means for all relevant housing projects to contribute towards these measures, at the current time these packages are being negotiated on a case-by-case basis, and consequently we propose that only the largest schemes are required to contribute in this way, which we suggest are reserved for projects of 50 or more units.

Once the SAMMs are agreed and costed, we will write to you again, as this will enable a larger proportion of affected development projects to contribute in a standardised manner. We will also then update our Impact Risk Zones to capture the majority of new housing applications to contribute in this way. At that point, Natural England would respond to planning consultations using a standardised advice letter indicating the mitigation funds required to align with the emerging policy framework.

Accessible Natural Greenspace

For the largest, strategic housing sites (we suggest 100+ units), Natural England further advises that recreational pressure impacts to Hatfield Forest SSSI / NNR are additionally

mitigated via the provision of Accessible Natural Greenspace (ANG), a specific form of

Green Infrastructure, to be provided within the red-line boundary of the proposed development. Such green infrastructure should be designed to absorb significant proportions

of the day to day recreational needs of new residents, such as walking, dog walking, jogging / exercise, children's play facilities, and other informal recreation. It should also aim to provide a semi-natural character, with significant proportion of tree / woodland cover, and as may be appropriate, café / basic refreshment facilities.

Specifically, LPAs and developers may wish to consider two benchmark standards for ANG provision. Firstly, the TCPA have published [Guides and Principles for Garden Communities](#), and Guide 7, Principle 9, references 40% green infrastructure as a target quantum. Whilst some larger housing allocations may not technically qualify for Garden Community status, nevertheless Natural England advises that this represents a quantum and quality standard which is aspirational in this context. Secondly, the strategic solution designed for the Thames Basin Heaths SPA requires a quantum of SANG at a rate of 8ha per 1000 population. Again though, it should be noted that the Thames Basin Heaths SPA (groundnesting birds) is classified for different interest features to Hatfield Forest SSSI / NNR, and so although it may not be directly comparable, does offer an indicative quantum comparison. In both instances, we wish to emphasise that the design quality is as important as quantity, and schemes should aim to provide a rationale which cross references GI design with mitigation requirements for the Forest.

For individual schemes, Natural England would be happy to advise developers and/or their consultants on the detail of requirements at the pre-application stage through our charged Discretionary Advice Service, further information on which is available [here](#).

Strategic Alternative Natural Greenspace

It should be noted that the combination of on-site (within SSSI) measures (SAMM) and ANG may not in themselves be sufficient to mitigate the totality of recreational pressure felt at the Forest. Natural England anticipates exploring with stakeholders as part of the medium-term the provision for land acquisition to develop larger, strategic areas of open space, better able to offer facilities and an environment more comparable to the scale of Hatfield Forest. In time therefore, developer contributions may be sought towards this aspiration.

Interim Funding Mechanism

Natural England are keen to see the delivery of the Strategic Access Management Measures. We are open for the individual Local Planning Authorities to use whatever funding mechanism they are comfortable with. As long as on a periodic basis, contributions are submitted in line with the quanta of development delivered.

Next Steps

Natural England will continue to engage proactively with your authorities towards integrating a strategic solution for Hatfield Forest SSSI / NNR within Local Plan policies. As the strategy progresses, we will write to you again with updates on progress with the SAMMs mitigation, and any changes to the Impact Risk Zones etc. Please do contact us again should you have any queries

with the above. We would be grateful if you could also circulate this letter to all relevant staff within Planning Policy and Development Control departments.

Yours sincerely

Aidan Lonergan

Area Manager – West Anglia Team

CC: Sarah Barfoot, Nina Crabb - National Trust

Maps of the Zone of Influence for Hatfield Forest SSSI

(based on seasonal surveys)

Winter
survey

