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# Habitats Regulations Assessment of the Hertsmere Local Plan

## Scoping Report

Prepared by LUC  
September 2017

**Project Title:** Habitats Regulations Assessment of the Hertsmere Local Plan

**Client:** Hertsmere Borough Council

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# Habitats Regulations Assessment of the Hertsmere Local Plan

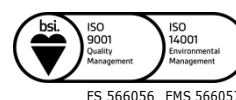
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# 1 Introduction

- 1.1 Hertsmere Borough Council (HBC) commissioned LUC in July 2017 to undertake a Habitats Regulations Assessment (HRA) of the emerging Local Plan.
- 1.2 The purpose of this HRA Scoping Report is to describe the approach that will be taken to the HRA of the new Local Plan.

## Background to the preparation of the new Local Plan

- 1.3 Hertsmere Borough Council is producing a new Local Plan to set the framework for development in the borough over the next 15 years. Once adopted, the Local Plan will replace the existing Hertsmere Local Plan (2012-2027) which consists of the Core Strategy (adopted January 2013), Site Allocations and Development Management Policies Plan (adopted November 2016), Elstree Way Corridor Area Action Plan (adopted July 2015), and the Local Plan Policies Map (published November 2016).
- 1.4 The Core Strategy was submitted for Examination in February 2012, with public hearings being held during May 2012. Following the hearings, further amendments were required to the Core Strategy to address a number of issues raised. The proposed main modifications were published for public consultation, ending October 2012, with the Inspectors Report published in December 2012, alongside the Appendices.
- 1.5 An HRA of the Core Strategy was not carried out as there are no European sites within or adjacent to the borough<sup>1</sup>. A more precautionary approach may be required for the emerging Local Plan, particularly in light of the recent Wealden judgement<sup>2</sup>, which has altered the method by which Natural England expects to see in-combination air pollution effects assessed.
- 1.6 Work has just begun on the new Local Plan, which will help to identify both development needs, and any areas within Hertsmere which need improvement, or protection from future development. The new Local Plan will be vital in influencing the determination of planning applications and guiding of investment across the borough, and will replace the current Local Plan in its entirety.
- 1.7 Consultation was carried out between November 2016 and April 2017, to help identify issues which should be addressed within the new Local Plan. These views will be used to identify more specific development options which the plan should cover. There will be further opportunity for the public to comment on these Issues and Options in autumn 2017, prior to a preferred options document and more detailed draft Local Plan being produced for consultation.

## The requirement to undertake Habitats Regulations Assessment of Development Plans

- 1.8 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in July 2007 and updated in 2010<sup>3</sup> and again in 2012<sup>4</sup>. Therefore when preparing the new Local Plan, Hertsmere Borough Council is required by law to carry out a Habitats Regulations Assessment although consultants can

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<sup>1</sup> <https://www.hertsmere.gov.uk/Documents/09-Planning--Building-Control/Planning-Policy/Local-Plan/SADMod-SA-June16.pdf>

<sup>2</sup> Wealden District Council v. (1) Secretary of State for Communities and Local Government; (2) Lewes District Council; (3) South Downs National Park Authority and Natural England

<sup>3</sup> The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007. HMSO Statutory Instrument 2007 No. 1843. From 1 April 2010, these were consolidated and replaced by the Conservation of Habitats and Species Regulations 2010 (SI No. 2010/490). Note that no substantive changes to existing policies or procedures have been made in the new version.

<sup>4</sup> The Conservation of Habitats and Species (Amendment) Regulations 2012. Statutory Instrument 2012 No. 1927.

undertake the HRA on its behalf. The requirement for authorities to comply with the Habitats Regulations when preparing a Local Plan is explained in the online National Planning Practice Guidance (NPPG).

1.9 The HRA refers to the assessment of the potential effects of a development plan on one or more Natura 2000 sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):

- SPAs are classified under the European Council Directive 'on the conservation of wild birds' (79/409/EEC; 'Birds Directive') for the protection of wild birds and their habitats (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).
- SACs are designated under the Habitats Directive and target particular habitats (Annex 1) and/or species (Annex II) identified as being of European importance.

1.10 Potential SPAs (pSPAs)<sup>5</sup>, candidate SACs (cSACs)<sup>6</sup>, Sites of Community Importance (SCIs)<sup>7</sup> and Ramsar sites should also be included in the assessment.

- Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971).

1.11 For ease of reference during HRA, these designations can be collectively referred to as European sites<sup>8</sup> despite Ramsar designations being at the international level.

1.12 The overall purpose of the HRA is to conclude whether or not a proposal or policy, or whole development plan, would adversely affect the integrity of the site in question either alone or in combination with other plans. This is judged in terms of the implications of the plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated). Significantly, HRA is based on the precautionary principle meaning that where uncertainty or doubt remains, an adverse impact should be assumed.

## Stages of the Habitats Regulations Assessment

1.13 **Table 1.1** below summarises the stages involved in carrying out a full HRA, based on various guidance documents<sup>9,10</sup>.

**Table 1.1 Stages in HRA**

Stage	Task	Outcome
Stage 1: Screening (the 'Significance Test')	Description of the plan. Identification of potential effects on European sites. Assessing the effects on European sites (taking into account potential mitigation provided by other policies in the plan).	Where effects are unlikely, prepare a 'finding of no significant effect report'. Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.
Stage 2: Appropriate Assessment (the 'Integrity Test')	Gather information (plan and European sites). Impact prediction.	Appropriate Assessment report describing the plan, European site baseline conditions, the

<sup>5</sup> Potential SPAs are sites that have been approved by Government and are currently in the process of being classified as SPAs.

<sup>6</sup> Candidate SACs are sites that have been submitted to the European Commission, but not yet formally adopted.

<sup>7</sup> SCIs are sites that have been adopted by the European Commission but not yet formally designated as SACs by the Government.

<sup>8</sup> The term 'European site' is interchangeable with the term 'Natura 2000 site' in the context of HRA. The latter is used throughout this report.

<sup>9</sup> *Planning for the Protection of Natura 2000 sites. Guidance for Regional Spatial Strategies and Local Development Documents.* Department for Communities and Local Government (DCLG), August 2006.

<sup>10</sup> *The HRA Handbook.* David Tyldesley & Associates, a subscription based online guidance document: <https://www.dtapublications.co.uk/handbook/>

Stage	Task	Outcome
	Evaluation of impacts in view of conservation objectives. Where impacts considered to affect qualifying features, identify alternative options. Assess alternative options. If no alternatives exist, define and evaluate mitigation measures where necessary.	adverse effects of the plan on the European site, how these effects will be avoided through, firstly, avoidance, and secondly, mitigation including the mechanisms and timescale for these mitigation measures. If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.
Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation	Identify and demonstrate 'imperative reasons of overriding public interest' (IROPI). Demonstrate no alternatives exist. Identify potential compensatory measures.	This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

- 1.14 In assessing the effects of the new Hertsmere Local Plan in accordance with Regulation 102 of the Conservation of Habitats and Species Regulations 2012, there are potentially two tests to be applied by the competent authority: a 'Significance Test', followed if necessary by an Appropriate Assessment which will inform the 'Integrity Test'. The relevant sequence of questions is as follows:
- Step 1: Under Reg. 102(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not –
  - Step 2: Under Reg. 102(1)(a) consider whether the plan is likely to have a significant effect on the site, either alone or in combination with other plans or projects (the 'Significance Test'). *[These two steps are undertaken as part of Stage 1: Screening shown in Table 1.1 above.]* If Yes –
  - Step 3: Under Reg. 102(1), make an Appropriate Assessment of the implications for the site in view of its current conservation objectives (the 'Integrity Test'). In so doing, it is mandatory under Reg. 102(2) to consult Natural England, and optional under Reg. 102(3) to take the opinion of the general public. *[This step is undertaken during Stage 2: Appropriate Assessment shown in Table 1.1 above.]*
  - Step 4: In accordance with Reg.102(4), but subject to Reg.103, give effect to the land use plan only after having ascertained that the plan will not adversely affect the integrity of the European site.
- 1.15 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse effects are identified and eliminated through the inclusion of mitigation measures designed to avoid, reduce or abate effects. The need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with both the Government and European Commission.
- 1.16 The HRA should be undertaken by the 'competent authority' - in this case Hertsmere Borough Council, and LUC has been commissioned to do this on its behalf. The HRA also requires close working with Natural England as the statutory nature conservation body<sup>11</sup> in order to obtain the necessary information and agree the process, outcomes and any mitigation proposals. The Environment Agency, while not a statutory consultee for the HRA, is also in a strong position to

<sup>11</sup> Regulation 5 of *The Conservation of Habitats and Species Regulations 2010*. HMSO Statutory Instrument 2010 No. 490.



provide advice and information throughout the process as it is required to undertake HRA for its existing licences and future licensing of activities.

## Structure of this report

- 1.17 This chapter (**Chapter 1**) has described the background to the production of the Hertsmere Local Plan and the requirement to undertake HRA. The remainder of the report is structured into the following sections:
- **Chapter 2** describes the European sites in and around Hertsmere.
  - **Chapter 3** details the approach that will be taken to the HRA of the Hertsmere Local Plan, including the specific tasks that will be undertaken and the assumptions that will underpin the HRA judgements made.
  - **Chapter 4** describes the next steps that will be carried out in the HRA of the Local Plan.

## 2 European Sites in and around Hertsmere

- 2.1 This section identifies the European sites within or adjacent to the Hertsmere borough boundary which may be affected by development. This has involved the use of GIS data to map the locations and boundaries of European sites using publicly available data from Natural England.
- 2.2 All European sites lying partially or wholly within 15km from the borough boundary have been considered. This distance has generally been considered reasonable in other local authority HRAs to ensure that all designated sites that could potentially be affected by development are identified and included in the assessment. However, it is recognised that there is the possibility that sites beyond the 15km distance could be affected by development within the borough, for example if the water resources used to supply the borough come from a source that lies further afield and which is subject to European designation. Therefore, if information gathered during the HRA indicates that other European sites could be affected they will be considered in the assessment as appropriate.
- 2.3 Three European sites are located within 15km of the Hertsmere borough boundary, although none fall within the district boundaries. These three European sites are listed below in **Table 2.1** and are mapped in **Figure 2.1** at the end of this section. One of these sites is also a Ramsar site, as outlined below.

**Table 2.1 European sites within 15km of Hertsmere**

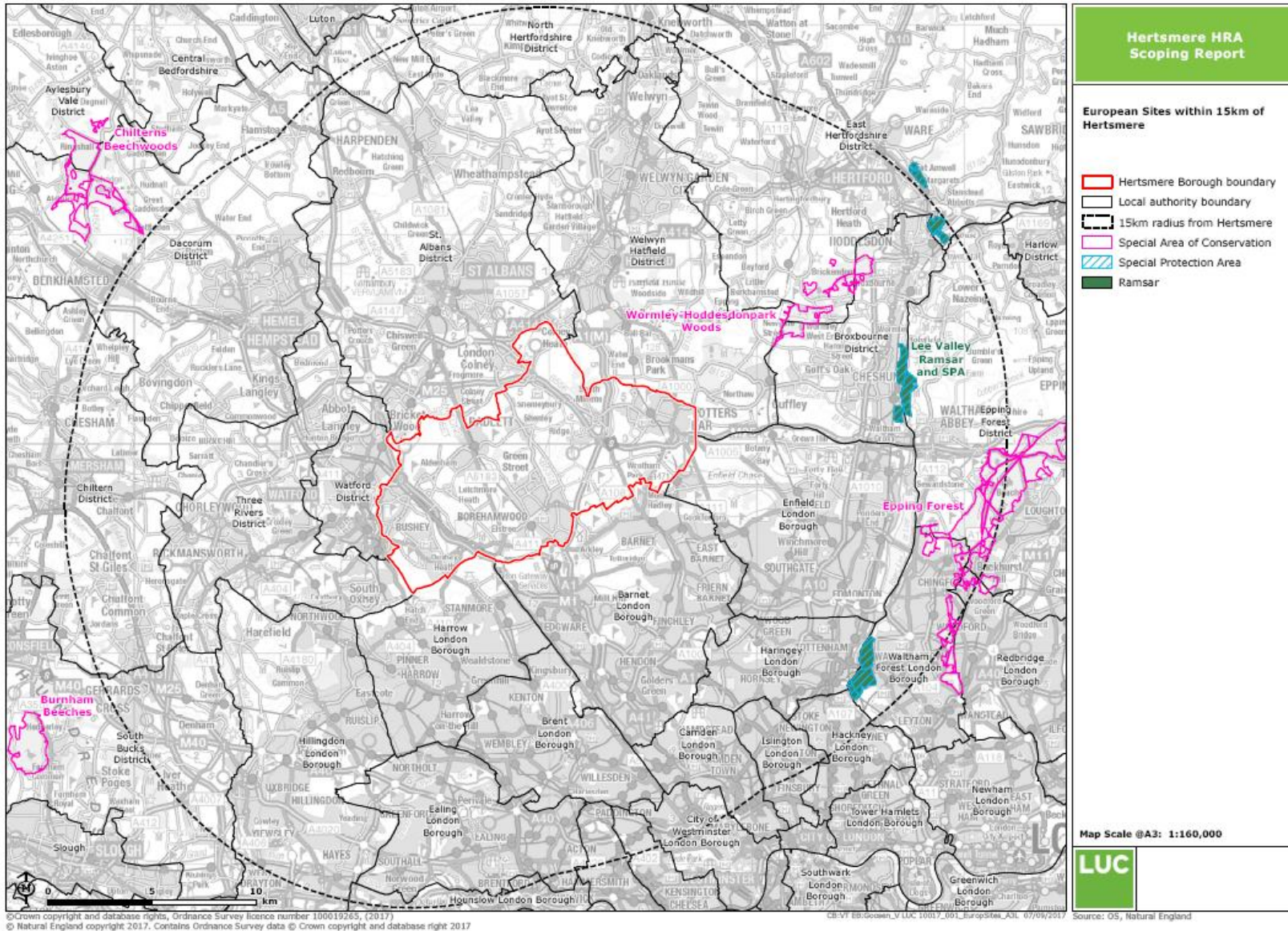
Special Areas of Conservation (SACs)	Special Protection Areas (SPAs) & Ramsar
Wormley – Hoddesdonpark Woods	Lee Valley SPA & Ramsar
Epping Forest	

- 2.4 The attributes of these sites which contribute to and define their integrity have been described (see **Appendix 1**). In doing so, reference has been made to the original citations submitted to the European Commission at the time of classification, the species present in qualifying numbers during the SPA Review undertaken by the Joint Nature Conservation Committee (JNCC) in 2001, the standard data forms published on the JNCC website<sup>12</sup>, and the most recent conservation objectives published on the Natural England website (most were published in 2014)<sup>13</sup>.
- 2.5 This analysis has enabled site interest features to be identified, along with the features of each site which determine site integrity and the specific sensitivities of the site. This information will allow an analysis of how the potential impacts of the Hertsmere Local Plan may affect the integrity of each site.

<sup>12</sup> [www.jncc.defra.gov.uk](http://www.jncc.defra.gov.uk)

<sup>13</sup> <http://publications.naturalengland.org.uk/category/6490068894089216>

Figure 2.1: European sites within 15km of Hertsmere



### 3 Approach to the HRA

3.1 This chapter describes the approach that will be taken to the HRA of the Hertsmere Local Plan throughout its development.

#### Screening methodology

3.2 As required under Regulation 102 of the Conservation of Habitats and Species Regulations 2010<sup>14</sup> an assessment of the 'likely significant effects' of the Hertsmere Local Plan will be undertaken.

3.3 A screening matrix will be prepared in order to assess which policies or site allocations are likely to have a significant effect on European sites. The findings of the screening assessment will be presented in a detailed matrix as an appendix to the HRA report and will be summarised in the main body of the report. The proposed structure of the screening matrix is shown in **Table 3.1** below.

**Table 3.1 Proposed structure of the HRA screening matrix**

Policy/site allocation	Likely activities (operations) to result as a consequence of the policy/site allocation	Likely effects if policy/site allocation is implemented	European site(s) potentially affected	Potential mitigation measures – if implemented could help to avoid likely significant effect	Could the policy/site allocation have likely significant effects on European sites (taking mitigation into account)?

3.4 A 'traffic light' approach will be used to record the likely impacts of the policies and site allocations on European sites and their qualifying habitats and species, using the colour categories shown below.

Red	There are likely to be significant effects (Appropriate Assessment required).
Amber	There may be significant effects, but this is currently uncertain (Appropriate Assessment required).
Green	There are unlikely to be significant effects (Appropriate Assessment not required).

3.5 A risk-based approach involving the application of the precautionary principle will be adopted in the assessment, such that a conclusion of 'no significant effect' will only be reached where it is considered very unlikely, based on current knowledge and the information available, that a policy or site allocation would have a significant effect on the integrity of a European site.

<sup>14</sup> SI No. 2010/490

### Screening assumptions

- 3.6 The screening stage of the HRA will take the approach of screening each policy or site allocation individually. For many of the types of impacts, screening for likely significant effects will be determined on a proximity basis, using GIS data to determine the proximity of potential development locations to the European sites that are the subject of the assessment. However, there are many uncertainties associated with using set distances as there are very few standards available as a guide to how far impacts will travel. Therefore, during the screening stage a number of assumptions will be applied in relation to assessing the likely significant effects on European sites that may result from the Local Plan, as described below.

#### *Physical loss of habitat*

- 3.7 Any development resulting from the new Local Plan will be located within Hertsmere and there are no European sites within the borough itself; therefore loss of habitat from within the boundaries of a European site will be able to be ruled out in relation to all sites.
- 3.8 Loss of habitat from outside of the boundaries of a European site could still affect the site if it occurs in an area used for offsite foraging or roosting by the qualifying species of the site (for example, land in an area used for foraging or roosting by SPA birds for example would be functionally connected to a European site). Therefore, consideration has been given to whether the European sites close to Hertsmere have mobile species amongst their qualifying features that could be affected by habitat loss resulting from development on functional land outside of the European site boundary.
- 3.9 Potential effects on functionally connected land will only be relevant in relation to Lee Valley SPA / Ramsar as this site has bird species as its qualifying features.
- 3.10 The stag beetle is a qualifying feature of Epping Forest SAC and may travel outside of the SAC boundaries; however, they will not travel far. Research<sup>15</sup> suggests that 2km may be an appropriate buffer inside which sites could be functionally connected, as this is the distance that males travel to females during the breeding season. Epping Forest SAC is more than 2km outside the district boundary.
- 3.11 Wormley Hoddesdonpark Woods SAC has no mobile species.

#### *Noise, vibration and light pollution*

- 3.12 Noise and vibration effects, e.g. during the construction of new housing or other development, are most likely to disturb bird species and are thus a key consideration with respect to European sites where birds are the qualifying features, although such effects may also impact upon some mammals and fish species. Artificial lighting at night (e.g. from street lamps, flood lighting and security lights) is most likely to affect bat populations and some nocturnal bird species, and therefore have an adverse effect on the integrity of European sites where bats or nocturnal birds are a qualifying feature. The effects of noise, vibration and light are most likely to be significant if development takes place within 500m of a European site with qualifying features sensitive to these disturbances. This is the distance that, in our experience, provides a robust assessment of effects and meets with the agreement of Natural England.

#### *Air pollution*

- 3.13 Air pollution is most likely to affect European sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by any deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen availability that can then affect plant health, productivity and species composition.
- 3.14 In terms of vehicle traffic, nitrogen oxides (NO<sub>x</sub>, i.e. NO and NO<sub>2</sub>) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO<sub>x</sub> can cause eutrophication of soils and water.

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<sup>15</sup> <http://onlinelibrary.wiley.com/doi/10.1111/j.1469-7998.2006.00282.x/abstract>

- 3.15 Based on the Highways Agency Design for Road and Bridges (DMRB) Manual Volume 11, Section 3, Part 1<sup>16</sup> (which was produced to provide advice regarding the design, assessment and operation of trunk roads (including motorways)), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself. Where increases in traffic volumes are forecast, this 200m buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts.
- 3.16 The following European sites are within 200m of either 'A' roads or motorways:
- Wormley Hoddesdonpark Woods SAC: A10;
  - Epping Forest SAC: M25, A12, A104, A110, A112, A113, A114, A121, A406, A503, A1009, A1069, A1199; and
  - Lee Valley SPA / Ramsar: A414, A503, A1055.
- 3.17 The DMRB Guidance for the assessment of local air quality in relation to highways developments provides criteria that should be applied at the screening stage of an assessment of a plan or project, to ascertain whether there are likely to be significant impacts associated with routes or corridors. Based on the DMRB guidance, affected roads which should be assessed are those where:
- Daily traffic flows will change by 1,000 AADT (Annual Average Daily Traffic) or more; or
  - Heavy duty vehicle (HDV) flows will change by 200 AADT or more; or
  - Daily average speed will change by 10 km/hr or more; or
  - Peak hour speed will change by 20 km/hr or more; or
  - Road alignment will change by 5 m or more.
- 3.18 Recent case law known as the Wealden judgement<sup>17</sup> has revised the method by which Natural England expects to see in-combination air pollution effects assessed. The implication of the judgement is that, where the road traffic effects of other plans or projects are known or can be reasonably estimated (including those of adopted plans or consented projects), then these should be included in road traffic modelling by the local authority whose local plan or project is being assessed. The screening criteria of 1,000 AADT should then be applied to the traffic flows of the plans in combination.
- 3.19 Traffic forecast data will therefore be needed to determine whether increases in vehicle traffic in and around Hertsmere are likely to be significant, either from the Hertsmere Local Plan alone or in combination with other plans or projects.

#### *Recreation and urban impacts*

- 3.20 Recreation activities and general human presence can have an adverse impact on the integrity of a European site as a result of physical disturbance, e.g. through erosion, arson and trampling as well as disturbance to species including breeding birds. Where policies or site allocations in the Local Plan are likely to result in an increase in the local population, or where an increase in tourism is considered likely, the potential for an increase in visitor numbers and the associated impacts at sensitive European sites will be identified.
- 3.21 Consideration will be given to factors such as the characteristics and current use of the European sites and their accessibility from potential development areas. The nature of development proposed will also be taken into account, for example employment sites are considered less likely to result in increased recreation pressure than residential sites as employees will be at work within the development site for the majority of the time.

#### *Water quantity and quality*

- 3.22 Consideration will be given to the potential for new development to result in increased demand for water abstraction and treatment.

<sup>16</sup> *Design Manual for Road and Bridges*. Highways Agency. <http://dft.gov.uk/ha/standards/dmrb/index.htm>

<sup>17</sup> Wealden District Council v. (1) Secretary of State for Communities and Local Government; (2) Lewes District Council; (3) South Downs National Park Authority and Natural England

- 3.23 Rye Meads Waste Water Treatment Works (WwTW), which may treat waste water from Hertsmere in addition to other boroughs / districts, lies adjacent to Lee Valley SPA/Ramsar. The WwTW has been identified in the Hertsmere Infrastructure Assessment<sup>18</sup> (2013) as requiring upgrades to meet expected levels of growth; therefore additional growth from the emerging Hertsmere Local Plan could affect Lee Valley SPA / Ramsar, either alone or in combination with other plans or projects.
- 3.24 It should be noted, however, that there are established regulatory mechanisms over the treatment of waste water that take into account environmental impacts including likely significant effects on European sites, which should provide safeguards to ensure no adverse effects on integrity arise.

### Interpretation of 'likely significant effect'

- 3.25 Relevant case law helps to interpret when effects should be considered as a likely significant effect, when carrying out HRA of a land use plan.
- 3.26 In the Waddenzee case<sup>19</sup>, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 102 in the Habitats Regulations), including that:
- An effect should be considered 'likely', "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site" (para 44).
  - An effect should be considered 'significant', "if it undermines the conservation objectives" (para 48).
  - Where a plan or project has an effect on a site "but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned" (para 47).
- 3.27 A recent opinion delivered to the Court of Justice of the European Union<sup>20</sup> commented that:
- "The requirement that an effect in question be 'significant' exists in order to lay down a de minimus threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill."*
- 3.28 This opinion (the 'Sweetman' case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered 'trivial' or *de minimus*; referring to such cases as those "that have no appreciable effect on the site". In practice such effects could be screened out as having no likely significant effect; they would be 'insignificant'.

### In-combination effects

- 3.29 Regulation 102 of the Amended Habitats Regulations 2010 requires an Appropriate Assessment where "a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site". Therefore, where likely significant effects are identified from the new Hertsmere Local Plan, it will be necessary to consider whether there may also be significant effects in combination with other plans or projects. This exercise will be carried out as part of the screening stage of the HRA.
- 3.30 The first stage in identifying 'in-combination' effects involves identifying which other plans and projects in addition to the new Hertsmere Local Plan may affect the European sites that will be the focus of this assessment. We have reviewed relevant plans to identify those components of nearby plans that could have an impact on the European sites within the Hertsmere boundary (+15km), e.g. areas or towns where additional housing or employment development is proposed near to the European sites (as there could be effects from the transport, water use, infrastructure and recreation pressures associated with the new developments).

<sup>18</sup> <https://www.hertsmere.gov.uk/Documents/09-Planning--Building-Control/Planning-Policy/Hertsmere-Infrastructure-Assessment.pdf>

<sup>19</sup> ECJ Case C-127/02 "Waddenzee" Jan 2004.

<sup>20</sup> Advocate General's Opinion to CJEU in Case C-258/11 Sweetman and others v An Bord Pleanala 22nd Nov 2012.

- 3.31 There are a large number of potentially relevant plans; therefore the review has focussed on planned spatial growth within authorities adjacent to Hertsmere as well as other authorities that are adjacent to the European sites included in this HRA. The findings of any associated HRA work for those plans have been reviewed where available.
- 3.32 **Appendix 2** presents the updated review of other plans, outlining the components of each plan that could have an impact on nearby European sites and considering the findings of the accompanying HRA work (where available). This information will be updated as appropriate as the HRA of the Local Plan progresses, for example to take into consideration the evolving status of other plans and HRAs. The following authorities' plans and HRA work have been included:

#### **Shared boundary with Hertsmere:**

- St Albans City and District;
- Welwyn Hatfield Borough;
- Watford Borough;
- Three Rivers District;
- London Borough of Enfield;
- London Borough of Barnet; and
- London Borough of Harrow.

#### **Shared boundary with Wormley – Hoddesdonpark Woods and Epping Forest SACs and / or Lee Valley SPA & Ramsar:**

- East Hertfordshire District;
- Epping Forest District;
- Broxbourne Borough;
- Welwyn Hatfield Borough;
- London Borough of Redbridge;
- London Borough of Waltham Forest; and
- London Borough of Haringey.

- 3.33 In most cases, the current HRA work carried out for neighbouring Local Plans has concluded that the plans in question would not result in likely significant effects on European sites, and therefore in-combination effects with the new Hertsmere Local Plan can be ruled out. However, the HRA work for the Welwyn Hatfield Local Plan suggests that in-combination effects on Lee Valley SPA & Ramsar relating to the capacity of Rye Meads Wastewater Treatment Works may need to be taken into consideration, if wastewater from Hertsmere is treated at Rye Meads.
- 3.34 The HRA for Broxbourne Borough Council's emerging Local Plan has not yet concluded; however, the HRA Screening report suggests that recreation impacts on Lee Valley SPA & Ramsar could potentially be an issue. In-combination effects with the Hertsmere Local Plan cannot therefore be ruled out at this stage.
- 3.35 The HRA work for the St Albans City and District Council's Local Plan has also not been completed, therefore in-combination effects cannot be ruled out at this stage.

#### **Mitigation**

- 3.36 Some of the potential effects that may be identified during the HRA of the Local Plan may be able to be mitigated through the implementation of other policies in the Local Plan, for example any policies relating to the provision of improved sustainable transport links (which could help to mitigate potential increases in air pollution associated with increased vehicle traffic) and the provision of green infrastructure within new developments (which may help to relieve increases in visitor pressure at European sites). There may also be policies with the specific purpose of protecting and enhancing the environment, including biodiversity.



- 3.37 Such potential mitigation will be taken into consideration during the screening stage of the HRA and will influence the screening conclusions as appropriate.

## Appropriate Assessment

- 3.38 Should it not be possible at screening stage to conclude that there will be no significant effects on European sites as a result of the new Local Plan, it will be necessary to undertake Appropriate Assessment.
- 3.39 The Appropriate Assessment stage of the HRA focuses on those impacts judged likely at the screening stage to have a significant effect, and seeks to conclude whether they would result in an adverse effect on the on the integrity of the qualifying features of a European site(s), or where insufficient certainty regarding this remains. The integrity of a site depends on the site being able to sustain its 'qualifying features' across the whole of the site and ensure their continued viability.
- 3.40 We would prepare an Appropriate Assessment matrix for each of these European sites where significant effects from the Local Plan could not be ruled out. The matrix would set out each European site's qualifying features and conservation objectives, standards and factors which are needed to maintain the site's integrity, existing trends and pressures at the site including the use of areas of off-site functional land (where data are available), as well as the conservation objectives, and the site vulnerabilities identified during the screening stage. For each European site and likely significant effect identified we would aim to distinguish between direct and indirect effects, short or long term effects, construction, operational or decommissioning effects, isolated, interactive or cumulative effects and permanent, intermittent or temporary effects. The impacts will vary, depending on the habitat or species in question for each site.
- 3.41 Assessing the effects on the site(s) integrity involves considering whether the predicted impacts of the Local Plan policies (either alone or in combination) have the potential to:
- Cause delays to achieving the conservation objectives of the site;
  - Interrupt progress towards achieving the conservation objectives of the site;
  - Disrupt those factors that help to maintain favourable condition of the site;
  - Interfere with the balance, distribution and density of key species that are the indicators of favourable condition of the site;
  - Cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem;
  - Change the dynamics of relationships that define the structure or function of the site (e.g. relationships between soil and water, or animals and plants);
  - Interfere with anticipated natural changes to the site;
  - Reduce the extent of key habitats or the population of key species;
  - Reduce the diversity of the site;
  - Result in disturbance that could affect the population, density or balance between key species;
  - Result in fragmentation; and
  - Result in the loss of key features.
- 3.42 The latest available data sources would be drawn on to inform the Appropriate Assessment as relevant. The results of this analysis should enable a conclusion to be reached regarding whether the integrity of any European site would be affected. If this were the case, an assessment of alternative solutions and mitigation would need to be undertaken. In the context of the Local Plan, such solutions may include the clarification of policies to remove areas of uncertainty leading to predicted impacts or to include conditions or restrictions relating to their implementation, the modification of policies to include mitigation or locations for particular developments or the omission of policies where no alternatives exist.

## 4 Next Steps

- 4.1 This Scoping Report has introduced the HRA process that will be undertaken in relation to the new Hertsmere Local Plan as it is prepared.
- 4.2 Once Hertsmere Borough Council has produced the first iteration of the Local Plan, the Issues and Options document in autumn 2017, it will be subject to HRA in line with the methodology presented in **Chapter 3** of this report.
- 4.3 The HRA report will be updated as required throughout the preparation of the Local Plan, with the HRA report relating to each iteration of the Plan being published during consultation periods. Specific consultation will be undertaken with Natural England as the statutory consultation body for HRA.

## **Appendix 1**

### Attributes of European sites within 15km of Hertsmere Borough

Site name	Area (ha)	Location	Qualifying features	Environmental conditions to support site integrity	Threats and pressures
Wormley - Hoddesdonpark Woods SAC	336.47	Fragmented sites to the north east of the Hertsmere boundary, all lying within the 15km buffer boundary.	<p><u>Annex I Habitats (which are a primary reason for the selection of this site):</u></p> <p>Sub-Atlantic and medio – European oak, or oak-hornbeam forests of the <i>Carpinion betuli</i>.</p>	<p>The conservation objectives are to<sup>21</sup>:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the qualifying natural habitats.</li> <li>• The structure and function (including typical species) of the qualifying natural habitats.</li> <li>• The supporting processes on which the qualifying natural habitats rely.</li> </ul>	<p>Threats and pressures<sup>22</sup> on this site include the following:</p> <ul style="list-style-type: none"> <li>• Disease</li> <li>• Invasive species</li> <li>• Air Pollution: risk of atmospheric nitrogen deposition</li> <li>• Deer</li> <li>• Vehicles: illicit</li> <li>• Forestry and woodland management</li> <li>• Public access / disturbance</li> </ul>
Epping Forest SAC	1,630.74	Fragmented sites lying to the south east of the Hertsmere boundary. The SAC is partially within the 15km buffer boundary, however extends outwith this buffer.	<p><u>Annex 1 Habitats (which are a primary reason for the selection of this site):</u></p> <p>Atlantic acidophilous beech forests with <i>Ilex</i> and sometimes also <i>Taxus</i> in the shrublayer (<i>Quercion robori-petraeae</i> or <i>Illici-Fagenion</i>).</p> <p><u>Annex 1 Habitats (which are present as a qualifying feature but not a primary reason for the selection of this site):</u></p>	<p>The conservation objectives are to<sup>23</sup>:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of qualifying natural habitats and habitats of qualifying species.</li> <li>• The structure and function (including typical species) of qualifying natural habitats.</li> </ul>	<p>Threats and pressures<sup>24</sup> on this site include the following:</p> <ul style="list-style-type: none"> <li>• Air pollution: impact of atmospheric nitrogen deposition</li> <li>• Undergrazing</li> <li>• Public access / disturbance</li> <li>• Changes in species distributions</li> <li>• Inappropriate water levels</li> <li>• Water pollution</li> </ul>

<sup>21</sup> European Site Conservation Objectives for Wormley - Hoddesdonpark SAC (UK0013696), Natural England, June 2014.

<sup>22</sup> Site Improvement Plan: Wormley-Hoddesdonpark Woods, Natural England, April 2015.

<sup>23</sup> European Site Conservation Objectives for Epping Forest SAC (UK0012720), Natural England, June 2014.

<sup>24</sup> Site Improvement Plan: Epping Forest, Natural England, December 2016.

Site name	Area (ha)	Location	Qualifying features	Environmental conditions to support site integrity	Threats and pressures
			<p>European dry heaths</p> <p>North Atlantic wet heaths with <i>Erica tetralix</i> (wet heathland with corss-leaved heath).</p> <p><u>Annex II species (that are a primary reason for the selection of this site):</u></p> <p>Stag beetle <i>Lucanus cervus</i></p>	<ul style="list-style-type: none"> <li>The structure and function of the habitats of qualifying species.</li> <li>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely.</li> <li>The populations of qualifying species.</li> <li>The distribution of qualifying species within the site.</li> </ul>	<ul style="list-style-type: none"> <li>Invasive species</li> <li>Disease</li> <li>Invasive species</li> </ul>
Lee Valley SPA & Ramsar	447.87	Fragmented sites lying to the east, north east and south east of the Hertsmere boundary. Three areas of the SPA & Ramsar site are within the 15km buffer boundary, while there is a further area just outside the buffer.	<p><u>Annex 1 species (non – breeding):</u></p> <p>Great bittern <i>Botaurus stellaris</i></p> <p><u>Annex 1 (migratory species, non - breeding):</u></p> <p>Northern shoveler <i>Anas clypeata</i></p> <p>Gadwall <i>Anas strepera</i></p> <p><u>Non Qualifying Species of Interest:</u></p> <p>Cormorant <i>Phalacrocorax carbo</i></p> <p>Great Crested Grebe <i>Podiceps cristatus</i></p> <p>Tufted Duck <i>Aythya fuligula</i></p> <p>Pochard <i>Aythya ferina</i></p> <p>Grey Heron <i>Ardea cinerea</i></p>	<p>The conservation objectives are to<sup>25</sup> Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>The extent and distribution of the habitats of the qualifying features</li> <li>The structure and function of the habitats of the qualifying features</li> <li>The supporting processes on which the habitats of the qualifying features rely</li> <li>The population of each of the qualifying features.</li> <li>The distribution of the qualifying features within the site.</li> </ul>	<p>Threats and pressures<sup>26</sup> on this site include the following:</p> <ul style="list-style-type: none"> <li>Water pollution</li> <li>Hydrological changes</li> <li>Public access / disturbance</li> <li>Inappropriate scrub control</li> <li>Fisheries: Fish stocking</li> <li>Invasive species</li> <li>Inappropriate cutting / mowing</li> <li>Air pollution: risk of atmospheric nitrogen deposition</li> </ul>

<sup>25</sup> European Site Conservation Objectives for Lee Valley SPA (UK9012111), Natural England, June 2014.

<sup>26</sup> Site Improvement Plan: Lee Valley, Natural England, December 2014.

## **Appendix 2**

### Review of Potential for In-Combination Effects with other Local Authority Plans



## Local Plans

### **Welwyn Hatfield Local Plan<sup>27</sup>: Submission version (August 2016) (submitted for Examination May 2017)**

*As of August 2017, the Local Plan was under independent examination. A hearing relating to the examination of legal soundness is programmed for September 2017. The new Local Plan is due to be adopted in Autumn 2017.*

Welwyn Hatfield Borough lies directly to the north east of Hertsmere and includes a small area of Wormley – Hoddesdonpark Woods SAC on the eastern periphery of the District.

#### **Housing**

The provision of 12,000 new homes will be built on a range of sites between 2013 and 2032. Two thirds of these will be within and adjoining Welwyn Garden City and Hatfield. In addition a new village settlement of 1,100 dwellings will be created as an exemplar of sustainable best practice, while more limited development will take place within and around villages. A planned release of a limited amount of land from the Green Belt will take place to meet the need for 6,200 dwellings which cannot be provided for within the existing towns and villages.

#### **Employment Land Provision**

A total of 294.1ha of employment land has been identified to maintain a sufficient supply of jobs in the borough and provide the opportunity for new employment floorspace to be provided between 2013-2032. The Local Plan supports the delivery of at least 116,400sqm of new floor space for industry, offices and warehouses between 2013 and 2032. To meet predicted expenditure growth in the borough, 12,500sqm of new retail floorspace will be made available by 2026.

This will provide for a range of 15,960 to 17,900 total new jobs over the plan period.

Eleven employment areas are designated within the Local Plan.

#### **HRA Findings**

The HRA<sup>28</sup> Report (August 2016) for the Welwyn and Hatfield Proposed Submission Local Plan 2016 identified a number of policies that may result in a likely significant effect on European sites. These issues were considered further during the Appropriate Assessment, which concluded that adverse effects on the integrity of any of the European sites could be ruled out in relation to air pollution, recreational pressure and water quality and quantity.

The potential for in-combination likely significant effects, of the Welwyn Hatfield Proposed Submission Local Plan with plans and projects from surrounding boroughs and districts, was ruled out for many potential effects in the screening assessment. The Appropriate Assessment concluded that there would be no adverse effects on the integrity of European sites in-combination with other plans and projects.

Although, the HRA of the Welwyn Hatfield Proposed Submission Local Plan has concluded that there will be no significant effects on European sites, it states that the issues relating to the capacity of Rye Meads Wastewater Treatment Works (WwTW) and its relationship with Lee Valley SPA and Ramsar site need to be planned carefully and monitored. Rye Meads WwTW serves development in a number of boroughs and districts (which may include Hertsmere), including the northern part of Welwyn Hatfield. In order to ensure a consistent and co-ordinated approach, this HRA recommended additional wording to be included in the Welwyn Hatfield Proposed Submission Local Plan to provide additional safeguards in support of Policy SP13: Infrastructure Delivery. This recommendation has been accepted by Welwyn Hatfield Borough Council, and suitable wording inserted into the Proposed Submission Local Plan. As a result, there are no outstanding recommendations arising from the HRA.

**Therefore, in-combination effects relating to the capacity of Rye Meads WwTW may need to be considered in the HRA, if wastewater from Hertsmere is treated at Rye Meads.**

<sup>27</sup> Local Plan Proposed Submission, (August 2016), Welwyn Hatfield Borough Council <[http://consult.welhat.gov.uk/portal/planning\\_policy/local\\_plan\\_proposed\\_submission\\_august\\_2016/](http://consult.welhat.gov.uk/portal/planning_policy/local_plan_proposed_submission_august_2016/)>

<sup>28</sup> Draft Local Plan Proposed Submission Habitats Regulations Assessment Report, (August 2016), Welwyn Hatfield Borough Council <[http://consult.welhat.gov.uk/portal/planning\\_policy/local\\_plan\\_proposed\\_submission\\_august\\_2016/lpps\\_hra](http://consult.welhat.gov.uk/portal/planning_policy/local_plan_proposed_submission_august_2016/lpps_hra)>



## Local Plans

### **Watford Local Plan 2006 – 2031 Part 1: Core Strategy and Part 2: Site Allocations and Development Management Policies<sup>29</sup>**

*Note that Part 2 is currently in draft form. The above documents will be superseded by the Watford Local Plan (2016-2037) once produced.*

Watford Borough lies directly to the west of Hertsmere, and does not include any European sites within, or adjacent to, its boundaries.

#### **Housing**

The Core Strategy outlines plans for a minimum of 6,500 new homes to be built in Watford between 2006 and 2031 to provide for an increasing population, an average of 260 per year. Nearly 2,500 of these had been built by 2012.

In allocating sites for residential development, priority will be given to sites which will best contribute to building sustainable communities and support the town's regeneration initiatives taking into account the Special Policy Areas of the spatial strategy.

The Site Allocations Development Management Policies list 11 housing site allocations and seven mixed use site allocations for dwellings.

#### **Employment Land Provision**

Provision is made for at least 7,000 additional jobs between 2006-2031.

- Half of all additional jobs (3,300-4,200) to be provided within the wider town centre.
- Most of the remainder of the additional jobs will be provided within mixed use areas at:
  - The Health Campus Special Policy Area (around 1,000-1,900 jobs)
  - Watford Junction Special Policy Area (around 1,350-2,350 jobs)
  - Western Gateway Special Policy Area (around 700-2,000 jobs at Watford Business Park and around 150 retail jobs at Ascot Road)
- Around 500 additional jobs are expected to be delivered through the reoccupation or redevelopment of vacant space in allocated employment areas outside of the Special Policy Areas.

Provision is made for around 80,000sqm of additional B class employment floorspace by 2031.

Four areas have been designated as Employment Areas:

- E1 Watford Business Park
- E2 Imperial Way/Colonial Way
- E3 Fishers
- E4 Greycaine Road/Odhams/Sandown Road E1 Watford Business Park

#### **HRA Findings**

The HRA screening of the Core Strategy concluded that there will be no adverse effect on the integrity of international sites from the implementation of the Strategy, subject to the adoption of the avoidance and reduction measures, as outlined in the HRA and Environmental Reports. Natural England concurred with this conclusion prior to the adoption of the Core Strategy. It also highlighted that the Development Management Policies and Site Allocations in the Local Plan Part 2 do not introduce any policies /sites that would affect the findings of the HRA of the Core Strategy and its conclusions therefore remain unchanged.

**Therefore, in-combination effects with the Hertsmere Local Plan can be ruled out.**

<sup>29</sup> Adopted Local Plan Core Strategy, (adopted January 2013), Watford Borough Council <  
[https://www.watford.gov.uk/downloads/file/114/watford\\_local\\_plan\\_core\\_strategy\\_2006-31\\_adopted\\_30\\_january\\_2013](https://www.watford.gov.uk/downloads/file/114/watford_local_plan_core_strategy_2006-31_adopted_30_january_2013)>

## Local Plans

### Three Rivers District Core Strategy DPD<sup>30</sup> and Site Allocations Development Plan (2014)<sup>31</sup>

*Note that the Council is in the process of preparing a new Local Plan for Three Rivers, to cover the period up to 2032. This is currently at the Issues and Options stage, alongside Call for Sites Public Consultation. Consultation ends early September 2017.*

Three Rivers District lies to the east of Hertsmere, surrounding Watford Borough, and sharing two sections of boundary with Hertsmere. It does not include any European sites within, or adjacent to, its boundaries.

#### **Housing**

The Core Strategy identifies the need for the provision of 4,500 new dwellings in Three Rivers between 2001 and 2026. Housing provision will be made primarily within the existing urban area, and also within housing sites at the most sustainable locations on the edges of existing settlements, in the Green Belt. Over the plan period the District's housing requirements will be set out as follows:

- Approximately 15% should be provided in the principal town (Rickmansworth),
- Approximately 60% should be provided in the Key Centres (South Oxhey, Croxley Green, Abbots Langley, Chorleywood, Leavesden and Garston and Mill End),
- Approximately 24% should be provided in the Secondary Centres (Kings Langley, Carpenders Park, Eastbury, Maple Cross, Moor Park and Oxhey Hall) and
- Approximately 1% in the Villages (Bedmond and Sarratt).

A total of 34 housing sites have been allocated.

#### **Employment Land Provision**

Provision has been made for 2,378 additional jobs between 2006-2026, including:

- A total of 1,268 'business class' jobs
- A total of 810 'non-business class' jobs

It is predicted that by 2026 there may be:

- A slight under supply of industrial and warehousing space amounting to 3.5ha.
- An oversupply of office floorspace in the District, in particular as a result of land at Leavesden. Office space may be released from employment use where it is expected to be surplus to employment needs across the plan period.

There will be a continuing focus of employment use within the key employment areas within the District:

- Leavesden Aerodrome
- Croxley Business Park
- Tolpits Lane
- Maple Cross/Maple Lodge
- Kings Langley Employment Area
- Carpenders Park West
- Rickmansworth Town Centre

Five employment sites have also been allocated.

#### **HRA Findings**

The HRA screening report, with agreement from Natural England, concluded that the Core Strategy would not result in any significant effects on any European sites, either alone or in combination with other plans and programmes. It was considered, in consultation with Natural England, that a full Appropriate Assessment was not necessary.

**Therefore, in-combination effects with the Hertsmere Local Plan can be ruled out.**

<sup>30</sup> Core Strategy DPD, (adopted October 2011), Three Rivers District Council <<http://www.threerivers.gov.uk/egcl-page/core-strategy>>

<sup>31</sup> Local Plan, Three Rivers District Council <<http://www.threerivers.gov.uk/egcl-page/development-plan>>

## Local Plans

### Enfield Core Strategy (2010-2025)<sup>32</sup>

*Note that work is underway on the Issues and Options stage of the new Local Plan (A New Plan for Enfield 2017-2032).*

The London Borough of Enfield lies to the east of Hertsmere. It does not include any European sites within, or adjacent to, its boundaries.

#### **Housing**

Between 2010 and 2030 (beyond current Core Strategy time frame) approximately 13,000 new dwellings are planned. Housing growth will be concentrated in areas of the Borough where it can be most readily accommodated and planned through the intensification of land uses, the promotion of mixed uses and the managed release of surplus industrial land.

New residential development will be provided in the following areas:

- Upper Lee Valley (Meridian in Central Leaside will accommodate up to 5,000 new dwellings, and Ponders End up to 1,000).
- North Circular area, and new Southgate will accommodate up to 2,000 new dwellings.
- Enfield's town centres (including an area around Enfield Town Station), will accommodate up to 500 new dwellings.
- Other large sites borough wide will accommodate up to 1,030 new dwellings.
- Other small sites will accommodate up to 3,950 new dwellings.

#### **Employment Land Provision**

Between 2006 and 2026 provision has been made for a minimum of 6,000 new jobs. Emphasis will be on increasing the number and diversity of jobs within the Borough and strengthening the local economic base, while areas of underused land will be brought back into productive use to support the creation of new communities and economic regeneration. Provisions made include the following:

- Approximately 4,000 new jobs will be created in the Upper Lee Valley area by 2026.
- Approximately 2,000 new jobs will be created in other town centres and place shaping priority areas (Meridian Water, Ponders End, New Southgate and the area around Enfield Town Rail Station).
- Up to 10,000sqm of new retail floor space will be provided in an area around Enfield Town Station.

#### **HRA Findings**

The Appropriate Assessment Screening Report<sup>33</sup> determined that the baseline for the 2009 AA screening for the Core Strategy remains relevant and appropriate. The 2009 AA screening undertaken for the Core Strategy concluded that none of the policies were likely to have any significant adverse impacts on European sites. The emerging Local Plan documents do not introduce any significant changes to the Core Strategy policies; therefore there is no policy change which could have an environmental impact beyond those considered in the 2009 AA Screening Report.

**Therefore, in-combination effects with the Hertsmere Local Plan can be ruled out.**

### Barnet Local Plan Core Strategy<sup>34</sup>

The London Borough of Barnet lies directly to the south of Hertsmere. It does not include any European sites within, or adjacent to, its boundaries.

#### **Housing**

<sup>32</sup> Core Strategy, Enfield Council (adopted November 2010) <<https://new.enfield.gov.uk/services/planning/planning-policy/local-plan/planning-policy-information-enfield-core-strategy.pdf>>

<sup>33</sup> Statement on Appropriate Assessment Screening for Enfield's Local Plan, (May 2013) <<https://new.enfield.gov.uk/services/planning/planning-policy/development-management-document/planning-policy-information-appropriate-assessment-screening-statement.pdf>>

<sup>34</sup> Local Plan – Core Strategy DPD, Barnet London Borough Council (adopted September 2012) <<https://www.barnet.gov.uk/citizen-home/planning-conservation-and-building-control/planning-policies-and-further-information/Adopted-Local-Plan---Core-Strategy-DPD.html>>

## Local Plans

The Local Plan sets out the following housing objectives:

- to promote the development of the major regeneration and development areas, priority estates and town centres in order to provide in the range of 20,000 new homes (contributing to a borough total of 28,000 new homes) by 2026 to meet local and regional housing needs.
- to regenerate the priority housing estates at Dollis Valley, Grahame Park, Granville Road Stonegrove – Spur Road and West Hendon to replace 3,000 existing homes with a greater range of accommodation that provides access to affordable and decent new homes.

### **HRA Findings**

A screening assessment of the Core Strategy was carried out to ascertain its impact on sites of European importance for habitats or species. The screening assessment found that no significant effects were likely; therefore an Appropriate Assessment of the HRA was not deemed necessary.

**Therefore, in-combination effects with the Hertsmere Local Plan can be ruled out.**

## Harrow Local Plan Core Strategy<sup>35</sup>

The London Borough of Harrow lies directly to the south of Hertsmere. It does not include any European sites within, or adjacent to, its boundaries.

### **Housing**

The Core Strategy identifies growth of a minimum of 2,800 new dwellings in the Harrow and Wealdstone Intensification Area.

At least 3,250 new dwellings will be provided throughout the rest of the Borough, approximately as follows:

- 300 homes in Harrow-on-the-Hill & Sudbury Hill
- 406 homes in South Harrow
- 425 homes in Rayners Lane & North Harrow
- 161 homes in Pinner & Hatch End
- 712 homes in Stanmore & Harrow Weald
- 1,229 homes in Edgware & Burnt Oak
- 25 in Kingsbury & Queensbury
- 20 in Kenton & Belmont.

### **Employment Land Provision**

Within the Harrow and Wealdstone Intensification Area provision is made for non-residential development to provide 3,000 jobs, including up to 22,500m<sup>2</sup> comparison retail floorspace, 4,000m<sup>2</sup> convenience floorspace and 8,000m<sup>2</sup> non-retail uses, as well as office re-provision through the redevelopment of redundant accommodation, regeneration of industrial estates and hotel development.

### **HRA Findings**

The HRA report<sup>36</sup> concludes that the Core Strategy was not considered to have an adverse impact on the integrity of any European site. Therefore it was not considered necessary to progress beyond Screening to a full Appropriate Assessment of the plan.

**Therefore, in-combination effects with the Hertsmere Local Plan can be ruled out.**

<sup>35</sup> Harrow Local Plan Core Strategy, Harrow Council (adopted February 2012) <  
[http://www.harrow.gov.uk/info/856/local\\_development\\_framework\\_policy/596/core\\_strategy](http://www.harrow.gov.uk/info/856/local_development_framework_policy/596/core_strategy)>

<sup>36</sup> Habitats Regulations Assessment, Harrow Council (November 2011) <  
[http://www.harrow.gov.uk/download/downloads/id/1383/habitat\\_regulations\\_assessment](http://www.harrow.gov.uk/download/downloads/id/1383/habitat_regulations_assessment)>

## Local Plans

### **St Albans City and District Council District Strategic Local Plan and the Detailed Local Plan 2011-2031<sup>37</sup>**

*The Strategic Local Plan is currently in draft and was due to be adopted in May 2017. The Detailed Local Plan is also currently in draft and due to be adopted in March 2018. This follows the St Albans City and District Council District: District Local Plan Review, 1994<sup>38</sup>.*

St. Albans District is located directly to the north of Hertsmere. It does not include any European sites within, or adjacent to, its boundaries.

#### **Housing**

Provision is made for 8,720 additional homes between 2011-2031. Sites currently permitted or available for development together with the Development Strategy will deliver the land required to meet this Local Housing Requirement / Target in general accordance with the Spatial Strategy.

Further policies and detailed site allocations to support delivery of the Housing Target will be set out in the Detailed Local Plan. Within designated Primarily Residential Areas, priority will be given to residential use.

#### **Employment Land Provision**

Provision for significant new employment development will be made within the East Hemel Hempstead Broad Locations.

Existing employment sites should be retained in employment use.

Development, redevelopment and possible expansion in the following Special Employment locations to also provide employment land:

- Building Research Establishment (BRE) in Bricket Wood
- Rothamsted Research in Harpenden

#### **HRA Findings**

The Appropriate Assessment Screening Report (2008)<sup>39</sup> concluded that any likely potential impacts of the St Albans Issues and Options either alone or in combination with other plans and programmes, were not considered to be significant. Mitigation measures were nevertheless recommended as being necessary if these options were pursued (as agreed with Natural England). In light of the assessment it was concluded that it would not be necessary to undertake a full Appropriate Assessment on the St Albans Core Strategy Issues and Options DPDs. It is also considered that the AA screening report would suffice for any future Site Allocations produced by St Albans City and District Council, providing the Allocations are within the spatial boundaries set by the St Albans Core Strategy.

However, any future plans that are likely to cause an increase in key impacts (i.e. recreation, air pollution) or other impacts that might adversely affect the conservation objectives of nearby European sites (for example, significant impacts within 5km of a SAC) may need to be examined as either an addendum to the screening report or as part of a full Appropriate Assessment.

**Therefore, at this stage, in-combination effects with the Hertsmere Local Plan cannot be ruled out.**

<sup>37</sup> Spatial Planning & Design (Planning Policy), St Albans City and District Council  
<<http://www.stalbans.gov.uk/planning/Planningpolicy/>>

<sup>38</sup> District Local Plan Review, St Albans City and District Council District  
<<http://www.stalbans.gov.uk/planning/Planningpolicy/currentadoptedlocalplan.aspx>>

<sup>39</sup> Core Strategy Issues and Options Paper -s Study to Inform Appropriate Assessment:  
<[http://www.stalbans.gov.uk/Images/SP\\_SLP\\_ENV004HabitatRegulationAssessment2008\\_tcm15-54904.pdf](http://www.stalbans.gov.uk/Images/SP_SLP_ENV004HabitatRegulationAssessment2008_tcm15-54904.pdf)>

## Local Plans

### LOCAL AUTHORITIES THAT DO NOT BORDER HERTSMERE BUT INCLUDE SPAs/SACs/Ramsar SITES WITHIN 15KM OF HERTSMERE

#### East Hertfordshire District Council Local Plan 2016<sup>40</sup>

*Drafted, and currently awaiting examination. This will replace the East Herts Council Local Plan Second Review 2007<sup>41</sup>.*

East Hertfordshire District lies to the north east of Hertsmere, and is partially within the 15km buffer. Fragmented sections of Lee Valley SPA & Ramsar are located within the south of the District. Sections of Wormley - Hoddesdonpark Woods SAC are also located within the District, to the south west.

#### **Housing**

Over the period of 2011-2033 a total of 16,390 new homes will be delivered. In the first five years of the Plan after adoption (2017-2022), the housing requirement will total at least 6,041 homes, comprising:

- 3,725 based on projected housing needs for 5 years
- 1,309 to address the shortfall from the period 2011-2017
- 1,007 to allow a 20% buffer for choice and flexibility, brought forward from later in the plan period

The overall housing supply will meet projected housing need over the plan period 2011 to 2033. Supply Sources will total 18,040 homes including through completions, commitments, villages, within urban areas, windfall sites and at 18 identified sites.

#### **Employment Land Provision**

The aim is to achieve a minimum of 435 - 505 additional jobs in East Herts each year. This will include making provision for 10 to 11ha of new employment land for B1/B2/B8 uses.

#### **HRA Findings**

The HRA (2016)<sup>42</sup> concluded that, provided the recommendations made in the HRA are incorporated into the Local Plan, the Local Plan will not result in a likely significant effect, either alone or in combination, upon any European sites. This conclusion is contingent upon the signature, adoption and implementation of the Epping Forest SAC Memorandum of Understanding between the HMA authorities, Hertfordshire County Council, Essex County Council, Natural England and the Corporation of London. This was expected to ensure that any issues that may arise regarding air quality or recreational pressure on Epping Forest SAC would be identified and addressed before they result in a likely significant effect.

**Therefore, in-combination effects with the Hertsmere Local Plan can be ruled out.**

#### **Epping Forest District Draft Local Plan<sup>43</sup> (consultation 2016 version)**

*Note this version of the Local Plan was published for consultation between 31<sup>st</sup> October and 12<sup>th</sup> December 2016. The plan is expected to be adopted in October 2018.*

Epping Forest District lies to the east of Hertsmere and contains fragmented areas of Epping Forest SAC to the south west. In addition an area of Lee Valley SPA & Ramsar site lies on the western boundary partially within Epping Forest District and partially within Broxbourne District.

The current consultation draft does not provide a huge amount of detail; however it notes that by 2033 it is hoped that Epping Forest District will be a place where new homes of an appropriate mix of sizes, types and tenures to meet local needs have been provided and well integrated communities created. In addition significant residential development will be located near Harlow, to support the regeneration of the town.

A more sustainable local economy including tourism, aviation, research and development and food

<sup>40</sup> District Planning - Shaping the Future of East Herts: <<http://www.eastherts.gov.uk/districtplan>>

<sup>41</sup> Current Planning Policies - Local Plan 2007: <<http://www.eastherts.gov.uk/localplan>>

<sup>42</sup> Habitats Regulations Assessment: <http://www.eastherts.gov.uk/hra>

<sup>43</sup> Draft Local Plan, Epping Forest District (consultation version 2016) <[http://www.efdclocalplan.org/wp-content/uploads/2017/07/n\\_17366\\_Epping-Forest-Draft-Local-Plan-SINGLE-AW-LR-2-2.pdf](http://www.efdclocalplan.org/wp-content/uploads/2017/07/n_17366_Epping-Forest-Draft-Local-Plan-SINGLE-AW-LR-2-2.pdf)>

## Local Plans

production will also be developed.

### **HRA<sup>44</sup> Findings**

A combined Sustainability Appraisal and HRA report has been produced for the emerging Local Plan. This concludes that:

*"In terms of recreational pressures, whilst significant effects from the HMA options considered were not anticipated on the European sites, it was recommended that all new development should deliver greenspace in-line with the Natural England Alternative Natural Greenspace (ANG) standard to ensure self-sufficiency. In relation to air quality, it was considered that the options considered would not lead to a likely significant effect upon the European sites either alone or in combination with other projects or plans. In relation to water abstraction, it was concluded that delivery of the options would not result in adverse effects on the Lee Valley SPA/Ramsar site through excessive water drawdown, either alone or in combination with other plans and projects. It was also evaluated that there would not be a water quality effect from the options on Lee Valley SPA/Ramsar site either alone or in combination with other projects and plans."*

**Therefore, in-combination effects with the Hertsmere Local Plan can be ruled out.**

### **Broxbourne Local Plan 2016-2031: A Framework For The Future Development Of The Borough - Regulation 18 Draft Local Plan Consultation Document<sup>45</sup>**

*Currently in draft; the public consultation on the draft Local Plan, including the Call for Sites, has now closed.*

*This is replacing the Borough of Broxbourne Local Plan Second Review 2001-2011<sup>46</sup> which was adopted in December 2005. This was originally due to be replaced by the Core Strategy<sup>47</sup>, however when this strategy was submitted to the Government in 2010 many of its policies were found to be unsound. Therefore, the Council decided to not adopt the Core Strategy and instead decided to prepare a new-style Local Plan that combines strategic policies and site allocations.*

Broxbourne Borough lies to the east of Hertsmere, and is partially within the 15km buffer. Fragmented sections of Lee Valley SPA & Ramsar lie on the eastern boundary, with other areas located to the north west. Sections of Wormley - Hoddesdonpark Woods SAC are also located within the Borough, to the north and west. **Housing**

Provision will be made for at least 7,123 homes in the plan period at strategic development locations:

- Brookfield Garden Village - 1,250 homes
- Cheshunt Lakeside - mixed-use urban village including 1,000 homes as well as businesses and a primary school
- Rosedale Park - 700 homes and a primary school at linked developments
- The remainder of homes to be provided at smaller sites

### **Employment Land Provision**

Provision will be made for in excess of 6,500 net additional jobs, focusing on three key employment locations:

- Brookfield – 3,000 jobs
- Park Plaza – 4,500 new office jobs
- Cheshunt Lakeside – will accommodate the relocation of businesses from regeneration sites including those in Waltham Cross, Brookfield, and Delamare Road
- Also focus on provision within town centres

<sup>44</sup> Epping Forest District Council, Sustainability Appraisal Interim Report: <http://eppingforest.consultationonline.co.uk/wp-content/uploads/sites/5/2016/08/Interim-Sustainability-Appraisal-Report-for-the-Epping-Forest-District-L....pdf>

<sup>45</sup> Broxbourne Local Plan Consultation: <http://www.broxbourne.gov.uk/resident-planning-and-building-planning-policy-development-plan-conservation/local-plan-consultation>

<sup>46</sup> Broxbourne Local Plan 2005: <http://www.broxbourne.gov.uk/localplan2005>

<sup>47</sup> Broxbourne Core Strategy Process: <http://www.broxbourne.gov.uk/resident-planning-and-building-planning-policy-development-plan/core-strategy-process>

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### **HRA Findings**

The HRA<sup>48</sup> concludes that a likely significant effect of the Local Plan on the conservation objectives of Epping Forest SAC and/ or Wormley Hoddesdonpark Woods SAC can be objectively ruled out based on the information currently available. In addition a likely significant effect on Lee Valley SPA & Ramsar due to water and/ or air pollution caused by the Local Plan can be objectively ruled out based on the information currently available.

However due to the proposed number of new dwellings, and the subsequent likely rise in new residents within 5km of Lee Valley SPA & Ramsar, a likely significant effect of the subsequent increase in public access and associated disturbances at the SPA cannot be objectively ruled out.

The HRA is subject to review and consultation with Natural England. Any responses from Natural England will be taken into account and the HRA reviewed and amended if necessary. If, after consultation, it is still considered that the Local Plan would have likely significant effects on the integrity of Lee Valley SPA & Ramsar, mitigation efforts may be incorporated in to the plan. If likely significant effects can still not be ruled out after additional screening of the plan, an Appropriate Assessment may be required to identify suitable mitigation measures.

To mitigate the pressure of public access associated disturbances on Lee Valley SPA & Ramsar, caused by developments outlined in the Local Plan, the following mitigation measures could be considered:

- Encourage visitors to visit areas not habituated by gadwall, shoveler or bittern populations
- Reduce public access during winter months to areas habituated by gadwall, shoveler or bittern populations
- Help alter public perception of the Lee Valley SPA & Ramsar, so its special conservation status is recognised, appreciated and enforced by visitors
- Increase funding for management of Lee Valley SPA & Ramsar with contributions from developers of all new properties within 15km of the site.

**Therefore, at this stage, in-combination effects with the Hertsmere Local Plan cannot be ruled out.**

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<sup>48</sup> < [https://www.broxbourne.gov.uk/sites/default/files/Documents/Planning/pp\\_LC-218\\_Broxbourne\\_HRA\\_Screening\\_8\\_051216JE-compressed.pdf](https://www.broxbourne.gov.uk/sites/default/files/Documents/Planning/pp_LC-218_Broxbourne_HRA_Screening_8_051216JE-compressed.pdf)>



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### Redbridge Local Plan: Pre Submission Draft<sup>49</sup>

The London Borough of Redbridge lies to the south east of Hertsmere. Although the majority of the borough is outside the 15km buffer, it contains fragmented areas of Epping Forest SAC.

#### **Housing**

The Local Plan makes provision for delivering up to 18,500 new homes across the borough through the creation of high quality developments in a phased programme to help meet existing and future housing needs. In addition the Local Plan aims to ensure diversity in the type, size and tenure of housing, including affordable housing to meet local needs, to deliver the annual housing target of 1,123 new homes.

New dwellings will be distributed in the following areas:

- Illford: 6,000 new dwellings
- Crossrail Corridor: 4,700 new dwellings
- Gants Hill: 500 new dwellings
- South Woodford: 650 new dwellings
- Barkingside: 1,400 new dwellings

#### **Employment Land Provision**

Provision is made for the following:

- Illford: 2,000 new jobs and 20,000sqm of new employment floorspace
- Crossrail Corridor: 2,000 new jobs and 20,000sqm of new employment floorspace
- Gants Hill: 500 new jobs and 10,000sqm of new employment floorspace
- South Woodford: 100 new jobs and 5,000sqm of new employment floorspace
- Barkingside: 200 new jobs and 5,000sqm of new employment floorspace

#### **HRA Findings**

The HRA<sup>50</sup> concludes that there would be no likely significant effect on European sites as a consequence of implementing the Local Plan, subject to some 'project-level' mitigation measures provided for in development control policies.

Natural England has previously advised in respect of the Core Strategy Review Preferred Options Report that an Appropriate Assessment was not required in respect of that plan, essentially concluding 'no likely significant effect'. Natural England made no further comments during the Regulation 19 consultation for the Pre-Submission Local Plan.

**Therefore, in-combination effects with the Hertsmere Local Plan can be ruled out.**

### Waltham Forest Local Plan: Core Strategy<sup>51</sup>

The London Borough of Waltham Forest lies to the south east of Hertsmere. Although the borough is partially outside the 15km buffer, it contains fragmented areas of Epping Forest SAC to the east and an area of Lee Valley SPA & Ramsar to the west.

#### **Housing**

The Council will seek to provide growth in particular areas as follows:

- Blackhorse Lane: up to 2500 new dwellings
- Northern Olympic Fringe: up to 2500 new dwellings
- Walthamstow Town Centre: up to 2000 new dwellings
- Wood Street: up to 1000 new dwellings

<sup>49</sup> Redbridge Local Plan 2015-2030: Pre Submission Draft, London Borough of Redbridge (July 2016) <[https://www.redbridge.gov.uk/media/2268/final-web-pdf\\_redbridge-local-plan\\_reduced.pdf](https://www.redbridge.gov.uk/media/2268/final-web-pdf_redbridge-local-plan_reduced.pdf)>

<sup>50</sup> Habitats Regulations Assessment: Stage 1 Screening Report, Redbridge London Borough Council (February 2017) <<https://www.redbridge.gov.uk/media/3040/lbr-112-redbridge-local-plan-hra-2017.pdf>>

<sup>51</sup> Waltham Forest Local Plan: Core Strategy (adopted March 2012) <<https://branding.walthamforest.gov.uk/Documents/adopted-core-strategy.pdf>>

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### **Employment Land Provision**

Up to 1,000 new jobs will be provided in Blackhorse Lane.

### **HRA Findings**

The HRA<sup>52</sup> concludes that the Waltham Forest Core Strategy includes an adequate policy framework to deliver measures to avoid or mitigate the adverse effects of development on both Epping Forest SAC and Lee Valley SPA & Ramsar, (provided that the effectiveness of measures is adequately monitored). None of the amendments to the Core Strategy, made since the proposed Submission version, have introduced any risk to either, and in the case of Epping Forest, several amendments have strengthened its protection.

The HRA also notes that the Core Strategy will not lead to any significant effects on Wormley-Hoddesdonpark Woods SAC.

**Therefore, in-combination effects with the Hertsmere Local Plan can be ruled out.**

### **Haringey Local Plan: Development Management DPD<sup>53</sup>**

The London Borough of Haringey lies to the south east of Hertsmere. Although there are no European sites within the District boundary, an area of Lee Valley SPA & Ramsar site lies directly adjacent to the eastern boundary.

### **Housing**

The Council will promote development in the following Growth Areas, with the aim of providing approximately 20,410 new dwellings:

- Wood Green
- Tottenham Hale
- North Tottenham (which includes Northumberland Park, the redevelopment of Tottenham Hotspur Football Stadium, and High Road West).

An additional ~3,500 new dwellings will also be provided on smaller sites throughout the District.

### **HRA Findings**

The report<sup>54</sup> concludes that likely impacts on Lee Valley SPA & Ramsar site can be screened out due to

- The ability of project specific mitigation measures to be feasibly incorporated at the appropriate level where the Council is satisfied that proposed mitigation could be 'achieved in practice';
- The urban setting of Lee Valley SPA & Ramsar site and Stoke Newington reservoirs; and,
- The main location of the flyway for bird features is along the Lee Valley, rather than across the urban areas of London towards Stoke Newington reservoirs.

**Therefore, in-combination effects with the Hertsmere Local Plan can be ruled out.**

<sup>52</sup> Habitats Regulations Assessment, London Borough of Waltham Forest (May 2011)  
<<https://branding.walthamforest.gov.uk/documents/sd08-core-strategy-habitats-regulation-assessment-final-submission.pdf>>

<sup>53</sup> Local Plan, Haringey London Borough <<http://www.haringey.gov.uk/planning-and-building-control/planning/planning-policy/local-development-framework>>

<sup>54</sup> Habitats Regulations Assessment Screening Report, London Borough of Haringey (December 2015)  
<[http://www.haringey.gov.uk/sites/haringeygovuk/files/haringey\\_dmp\\_hra\\_101115\\_en\\_comments\\_ih\\_v3.pdf](http://www.haringey.gov.uk/sites/haringeygovuk/files/haringey_dmp_hra_101115_en_comments_ih_v3.pdf)>