

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 21 FEBRUARY 2013
EXECUTIVE – 5 MARCH 2013

REPORT BY EXECUTIVE MEMBER FOR
STRATEGIC PLANNING AND TRANSPORT

HABITAT REGULATIONS ASSESSMENT STAGE 1 - SCREENING
REPORT (DECEMBER 2012)

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report presents the findings of the Stage 1 Screening Report Habitat Regulations Assessment (HRA) of the Draft District Plan Part 1 – Strategy. The report presents the HRA Screening Report and explains that a stepped approach to planning in relation to the potential impacts on European Sites is necessary.

RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL AND EXECUTIVE: That:

(A)	the Habitat Regulations Assessment Stage 1 – Screening Report (December 2012) be supported as part of the evidence base to inform the District Plan Part 1: Strategy.
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RECOMMENDATIONS FOR COUNCIL: That:

(A)	the Stage 1 Habitat Regulations Assessment Stage 1 – Screening Report (December 2012) be agreed as part of the evidence base to inform the District Plan Part 1: Strategy.
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1.0 Background

1.1 The need for Habitat Regulations Assessment is set out within Article 6 of the European Commission’s Habitats Directive 1992, and interpreted into British Law by the Conservation of Habitats and Species Regulations 2010. The ultimate aim of the Directive is to “*maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community*

interest” (Habitats Directive, Article 2(2)). There are several site designations (Natura 2000 Sites, Special Areas of Conservation (SACs) Special Protection Areas (SPA) and sites designated under the Convention on Wetlands of International Importance (Ramsar Sites)) that are contained under one umbrella term - European Sites.

- 1.2 The emerging District Plan considers development within East Herts and so it is appropriate that the HRA should consider the potential implications for European Sites within East Herts, as well as those outside the boundaries of the district that could be affected by such development. Figure 1 of the HRA Report illustrates the European Sites that the Plan has to take into account. There are three European Sites that lie partly within East Herts – Lee Valley SPA; Lee Valley Ramsar Site and Wormley-Hoddesdonpark Woods SAC. Epping Forest SAC also requires consideration because there is potential for the East Herts District Plan to create significant effects on the SAC even though it lies outside the authority boundary.
- 1.3 Given the technical nature of this assessment, the Council commissioned URS consultants to assist in undertaking a HRA of the potential effects of the District Plan Part 1 – Strategy on the European Sites network. This work builds upon the high-level HRA Screening exercise undertaken by Scott Wilson Ltd (now URS) on the District Plan Issues and Options in 2010.
- 1.4 It is important that like the Sustainability Appraisal process, the HRA is integrated fully into the plan-making process. As such, there are two stages of the HRA. The first stage, the subject of this report is to undertake a HRA on the alternative development strategy scenarios in order to inform the formulation of the draft Plan. A second stage HRA will be undertaken in response to any changes made to the Draft Plan as a result of public consultation, prior to the submission of the final District Plan Part 1 – Strategy.
- 1.5 The HRA is closely linked to Transport Modelling which is addressed in Agenda Item 8: Transport Modelling Update and DIAMOND Results. The same scenarios have been used as the basis for each assessment and the results of the transport modelling assessment directly informs the analysis of the potential impacts of each of the seven alternative scenarios on the European Sites network.

2.0 Report

- 2.1 Comprising 5 chapters, Chapter 1 of the HRA Screening Report introduces the purposes of the HRA, with Chapter 2 detailing the methodology used, the scope of the assessment and the background research consulted to inform the assessment.
- 2.2 Chapter 3 looks at each of the European Sites in detail, recording their current conservation status, their quality and the pressures on the sites. This information forms the baseline against which potential impacts can be measured. Fundamentally, the District Plan should seek to prevent any worsening of ecological status and where possible to enhance this status.
- 2.3 Chapter 4 contains the screening tables for the seven scenarios that have been assessed.
- Scenario 1A: 8,000 dwellings north of Harlow
 - Scenario 1B: 5,000 dwellings north of Harlow and 3,000 at Ware
 - Scenario 1C: nothing north of Harlow, 3,000 west of Sawbridgeworth, 3,000 at Ware and 2,000 east of Welwyn Garden City
 - Scenario 2A: 800 south of Bishop's Stortford, 2,000 west of Sawbridgeworth, 1,700 north of Ware and 1,500 at Buntingford
 - Scenario 2B: 150 east of Bishop's Stortford, 3,000 west of Sawbridgeworth, 500 at Buntingford and 2,000 east of Welwyn Garden City
 - Scenario 2C: 800 south of Bishop's Stortford, 1,300 east of Ware, 2,000 at Buntingford and 2,000 east of Welwyn Garden City
 - Scenario 2D: 2,000 west of Sawbridgeworth and 4,000 east of Welwyn Garden City
- 2.4 Table 4 compares the housing levels used in each scenario. Tables 5 to 8 consider the difference between three different approaches to development on nitrogen deposition from road transport. An increase in the deposition of nitrogen from the atmosphere to soils is generally considered to lead to an increase in soil infertility, which can have a serious deleterious effect on the quality of semi-natural, nitrogen-limited terrestrial habitats. Table 9 assesses each scenario against the potential impacts of development such as from air quality issues from transport, water quality and waste water treatment and recreational activity.

- 2.5 Scenario 2C would be the most preferable in terms of air quality on the Lee Valley SPA/Ramsar and Epping Forest SAC. Scenario 2C is most preferred in terms of water quality and on the Rye Meads waste water treatment works. Scenario 1A is the scenario likely to have the lowest risk of significantly increasing recreational activity within Wormley-Hoddesdonpark Woods.
- 2.6 Chapter 5 concludes that while Scenario 2C is the most favourable from the point of view of minimising the risk of the likely significant effects on European Sites, no scenario is likely to be undeliverable. As the Plan progresses the HRA can be undertaken in further detail to analyse proposed policies and to consider a further combination of the scenarios already assessed. Transport modelling would also be complete enabling more detailed calculations to be undertaken and the scale of any mitigation to be identified.
- 2.7 With the exception of Bishop's Stortford North, large extensions would only become important for housing delivery at the later stages of the Plan period. As such it would be reasonable to have a criteria-based policy within the Plan which guards against development coming forward post-2021 until issues such as air quality for example have been resolved. This would enable for the cumulative impacts of development proposals (including those not within East Herts) to be taken account of and appropriate mitigation measures to be in place.
- 2.8 The next stage of the HRA will be undertaken following consultation on the District Plan. At this stage therefore, it is recommended that the advice contained in the HRA be used to support the formulation of the draft Plan.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Habitat Regulations Assessment Screening Report December 2012.

<http://www.eastherts.gov.uk/hra>

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