

## EAST HERTS COUNCIL

### DISTRICT PLANNING EXECUTIVE PANEL – 15 SEPTEMBER 2016

#### REPORT BY LEADER OF THE COUNCIL

### HABITAT REGULATIONS ASSESSMENT (HRA) OF THE EAST HERTS DISTRICT PLAN – PRE-SUBMISSION VERSION 2016

WARD(S) AFFECTED:      ALL

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#### **Purpose/Summary of Report**

The purpose of this report is:

- To present to Members the Habitat Regulations Assessment (HRA) of the East Herts District Plan Pre-Submission Version 2016.

<b><u>RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL:</u> That Council, via the Executive, be advised that:</b>	
<b>(A)</b>	<b>the Habitats Regulations Assessment, as detailed at Essential Reference 'B' and Essential Reference Paper 'C' to this report, be supported as part of the evidence base to inform and support the East Herts District Plan.</b>

#### 1.0    Background

1.1    The Habitat Regulations Assessment incorporating an Appropriate Assessment is a mechanism for identifying if any aspects of the emerging District Plan would have the potential to cause a likely significant effect on Natura 2000 or European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites).

1.2    In 2010 the Council undertook a Habitats Regulations Assessment (HRA) on the Issues and Options Consultation Document. In line with the 'stepped approach' taken towards preparation of the District Plan, a more detailed HRA Screening Report was then undertaken based on a number of possible development scenarios in order to inform the development

strategy set out in the Preferred Options Consultation Document (see Background Papers).

- 1.3 The Council has commissioned AECOM consultants to undertake a final HRA to support the District Plan. A copy of the final HRA is contained in **Essential Reference Paper ‘B’**. **Essential Reference Paper ‘C’** contains Appendix A of the HRA report. The HRA report complements and forms a part of the Sustainability Appraisal process, which is presented in Agenda Item 12.

## 2.0 Report

- 2.1 The process of HRA is legally required and is set out within Article 6 of the European Commission 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)). This aim relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering favourable conservation status. It is also Government policy for sites designated under the Convention on Wetlands of International Importance (Ramsar sites) to be treated as having equivalent status to Natura 2000 sites.
- 2.2 HRA differs from SA and SEA in that the Habitats Directive applies the precautionary principle to protected areas; plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. In contrast, the SEA Directive simply says that the assessment findings should be taken into account.
- 2.3 Chapter 2 of the HRA report explains the process by which the HRA has been carried out. Chapter 3 explores the relevant pathways of impact. Chapter 4 contains an initial sift of Local Plan policies to determine which present potential scope for impacts on European sites. Chapters 5 to 8 then provide more detailed screening (likely significant effects assessment) of each impact pathway. Each chapter begins with a consideration of the interest features and ecological condition of the site(s) and of the environmental processes essential to maintain their integrity. An assessment of the Plan in respect of each European site is then carried out and mitigation strategies are proposed where

necessary. The key findings are summarised in Chapter 9: Overall Conclusions.

- 2.4 There are three European sites that lie partly within East Herts:
- Lee Valley Special Protection Area (SPA);
  - Lee Valley Ramsar site; and
  - Wormley-Hoddesdonpark Woods Special Area of Conservation (SAC).
- 2.5 In addition, the District Plan has the potential to have an effect on the Epping Forest Special Area of Conservation even though it lies outside the authority boundary.
- 2.6 The HRA concludes that the District 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 Housing Market Area Authorities (East Herts, Epping Forest, Harlow and Uttlesford Councils), Hertfordshire County Council, Essex County Council, Natural England and the Corporation of London. This will ensure that any issues that may arise regarding air quality or recreational pressure on Epping Forest SAC can be identified and addressed before they result in a likely significant effect.
- 2.7 In relation to Wormley-Hoddesdonpark Woods SAC, it is recommended that reference to a commitment by the Council to identified strategic initiatives to manage recreation at Wormley-Hoddesdonpark Woods (as identified in the Site Improvement Plan for that SAC) is incorporated within the Plan. As such, an amendment to paragraph 20.2.6 in the Natural Environment Chapter has been made to this effect.
- 2.8 It is further recommended that major developments deliver green space in line with the Natural England Accessible Natural Green Space Standard. This has been addressed through an amendment to Policy CFLR1 (Open Space, Sport and Recreation).
- 2.9 Subject to agreement it is proposed that consultation on the Pre-Submission District Plan will commence on the 3<sup>rd</sup> November 2016 for a six-week period closing on the 15<sup>th</sup> December 2016.

2.10 As stated in the District Plan Report at Agenda Item 15, one of the key legal tests is whether an Appropriate Assessment under the Habitat Regulations been carried out. The HRA Report therefore fulfils this test.

### 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

Previous versions of the HRA are available on the Council's website:  
<http://www.eastherts.gov.uk/hra>

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