



East Herts District Plan

Examination Hearing Statements

Matter 1: Appendix A

Epping Forest Air Quality Governance Report

Managing the Impacts of Growth within the West Essex/East Hertfordshire HMA on Epping Forest Special Area of Conservation.

Background:

At this Group's meeting of 8 August 2017 it was agreed that this meeting should focus on Governance, Resource and Timetable matters. This paper has been produced to facilitate this discussion and therefore should be considered within the spirit of which it has been developed i.e. as a 'starter for ten'.

Overview of Epping Forest Mitigation activities:

Natural England published a Site Improvement Plan for Epping Forest in January 2017 (a copy is attached). It identified 9 prioritised issues. The priorities (and measures to address the issues) relevant to the work of this Group were identified as follows:

Priority 1: Air Pollution: impact of atmospheric nitrogen deposition. The measure identified was to establish a Site Nitrogen Action Plan (SNAP). The delivery body was identified as being Natural England.

Priority 3: Public Access/Disturbance. The measure was to identify key areas and agree a plan to maintain SAC features. The delivery bodies were identified as being Natural England and the Conservators of Epping Forest.

In March 2017 the local authorities of East Hertfordshire, Epping Forest, Harlow and Uttlesford District Councils and Essex and Hertfordshire County Councils together with Natural England and the City of London Corporation (Conservators of Epping Forest) were co-signatories to a memorandum of Understanding (MoU) titled 'Managing the Impacts of growth within the West Essex/East Hertfordshire Housing Market Area on Epping Forest Special Area of Conservation.

The purpose of the MoU focuses on the issue of air quality adversely affecting the Forest and in particular the exceedance of Nitrogen loads and levels which are affecting the health and resilience of trees and impact on the balance of vegetation and fungal communities. The emerging spatial options for the distribution of growth across the HMA have been subject to an assessment of air quality to determine whether any of these options are likely to have an unacceptable impact on the Epping Forest SAC. The detailed findings of this assessment are subject to a separate report as part of the Habitats Regulation Assessment (HRA) process.

The assessment of air quality has been derived from transport modelling data, which are forecasts based on the best available data. It is therefore necessary to continue to monitor the position, and ensure that where any adverse impacts begin to emerge (and to confirm projected improving trends such as those which are expected to arise from improved vehicle emissions factors), that the partners are aware of these, and in a position to respond to the changing evidence. It is therefore necessary to establish an appropriate evidence base and monitoring framework.

Paragraph 2.4 of the MoU sets out that its purpose is to ensure that the parties named, work in partnership to fulfil the following requirements:

Revised Working Draft following 14 September 2017 meeting.

i) To collect and analyse data and evidence related to the impacts of proposed development and growth under the Local Plans to provide sufficient and robust evidence on which to base a strategy for the protection of Epping Forest SAC.

ii) To commit to prepare a joint strategy, based on relevant available data and evidence and to an agreed timetable; and

iii) The joint strategy will address both the requirement to avoid, or effectively mitigate, adverse impacts on the integrity of the SAC from Local Plan-led development, (*where required, and more broadly deliver the requirement to prevent deterioration of the SAC features and aid in their improvement/restoration*).

Site Nitrogen Action Plan (SNAP):

Natural England produced a note (dated 31 July 2017) providing information on, and a suggested approach to, producing a SNAP for Epping Forest SAC. An overview of SNAPs is provided below.

- They should outline practical steps that Natural England and partners can take to reduce and mitigate atmospheric nitrogen impacts.
- They are comparable to Diffuse Water Pollution Plans and Nutrient Management Plans for rivers and they embody the Outcomes Approach.
- They aim to: i) achieve a decline in atmospheric nitrogen deposition to the sensitive habitats of the site by addressing the emission sources, and ii) ensure habitat restoration measures are in place (where feasible) that help to mitigate nitrogen deposition impacts and secure improvements in habitat quality.
- They provide a timetabled trajectory towards favourable conservation status and a firmer basis for habitats regulation assessments (local casework).
- That Natural England has a key role to play in co-ordinating their establishment (as stated in the published IPENS Atmospheric Nitrogen Theme Plan) and is required to report to Defra Biodiversity on their progress.

In addition

- In the note Natural England anticipates that the Area Team will take the lead on developing the SNAP, with support from Zoe Russell (Air Quality SS) and other relevant Natural England specialists. The note recommends that SNAPs are produced in close partnership with the relevant authorities and sectors.
- Provides aims and objectives which are consistent with those set out at paragraph 2.4 of the March 2017 MoU (as set out above).

Points for consideration:

Following discussions at the meetings of 11 July and 8 August it has become clear that there are two strands of work and subsequent outputs (as set out in Stage 2 above) that need to be undertaken which are not necessarily interdependent in terms of progressing the work. Furthermore, it would appear that the outputs of the Air Quality/effects of Nitrogen strand of work are to all intent and purpose a SNAP. However, the timescales suggested for the completion of this work differs between

that suggested by Natural England for the Epping Forest MoU work and that indicated as being the timescale for completion of the SNAP.

Consideration needs to be given to management of resources in terms of how this work is taken forward bearing in mind that there are two specific strands of work requiring, for the main part, different technical expertise.

A balance needs to be achieved between using sufficiently robust traffic data to inform the Air Quality work whilst recognising the challenges of aligning different traffic/transport models and recognising the different timescales for both production of individual local plans and the period which they cover.

Process Overview:

The first step to informing the development of a joint strategy is through data gathering.

Stage 1: Agreement to Governance arrangements and indicative timetable

It is important to ensure that there are clear governance arrangements in place together with an indicative timetable so that:

- resources are managed effectively,
- there is a clear oversight to the work particularly taking into account the complexity of interests and issues involved
- confidence is provided to all parties (as well as the Planning Inspectorate) that progress is, and will be made, on meeting the MoU commitments
- recognises statutory responsibilities

Stage 2: Data Gathering

The data identified within the MoU to be collected is as follows:

- Allocated housing and commercial development sites, including delivery timeframes
- Highways infrastructure changes
- Public transport developments
- Visitor numbers and behaviour, purposes of visits and distances travelled
- Forecast change in traffic flows, and subsequent impacts on air quality including continued monitoring of the Bell Common Air Quality Management Area
- Forecast change to visitor pressures, and any significant positive or negative impacts

The MoU sets out that based on these data, assessments will be made of the ecological impacts that would be the consequence of predicted likely changes in air pollution and recreational pressures to allow avoidance and mitigation plans to be put in place. In practical terms this data falls into two categories. The first being to understand the current situation in respect to traffic and air quality (the baseline) and future potential effects of increased traffic as a result of development. The second is to understand the current 'profile' of visits made to the Forest and therefore what increased visitor pressures may arise in the future as a result of new development.

Stage 3: Development of mitigation measures and approaches to future monitoring

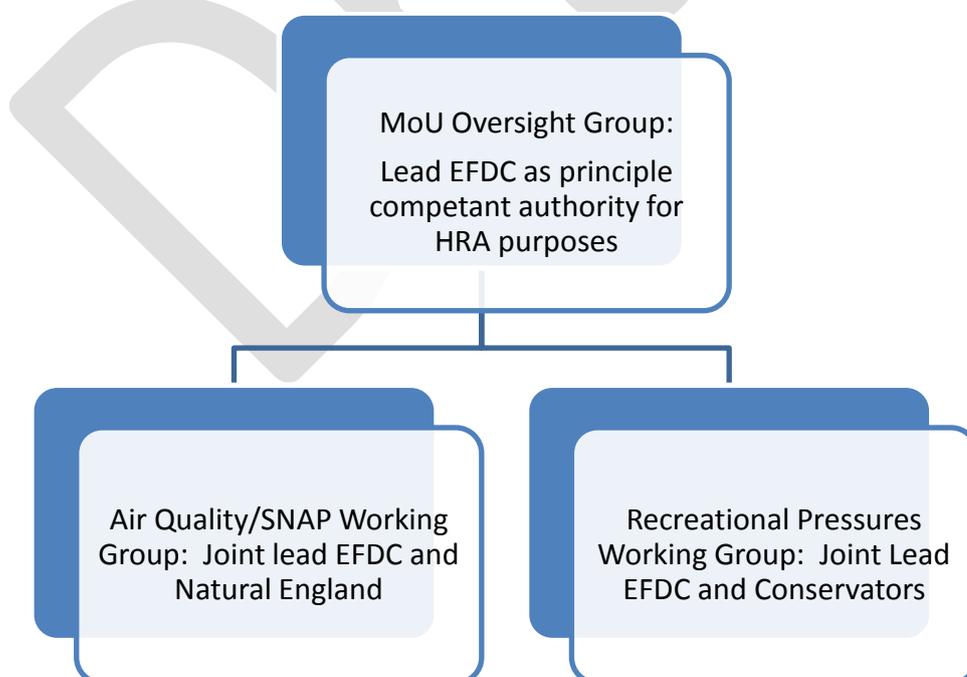
Using the information gathered above an analysis will be undertaken which will inform the development of mitigation and monitoring strategies in respect to:

- The management of the effects of nitrogen on the health of the Forest
- The management of pressures arising from new residents using the Forest for recreational purposes as a result of development (including the geographic extent to which this will relate)

Suggested way forward

Taking the above points into account to assist the discussion around Governance, Resource application and timescales a suggested governance diagram has been set out below. The approach has sought to recognise the roles and responsibilities of the individual MoU partners. For example:

- As the Air Quality work broadly aligns with the SNAP it is suggested that this should be jointly led by EFDC and Natural England. Taking this approach could be beneficial to Natural England in that there could be an opportunity to achieve the development of the SNAP in a shorter timescale than currently indicated in the Natural England SNAP paper. As a pilot it is considered that this would be beneficial to informing the wider SNAP process.
- As the Recreational Pressures mitigation is likely to include the development of a site access management plan, which is the responsibility of the Conservators, there is logic in having EFDC and the Conservators as joint leads.



Composition of the Oversight and Working Groups and activities:

The approach currently suggested has been developed in order to make best uses of resources and to reflect the different 'spheres of influence' in relation to the activities. The composition of the Groups should be kept under review in order to respond to emerging evidence. It is suggested that the Board meets bi-monthly and reports back to the Co-Operation Board. The Groups should determine how they wish to operate. For example, detailed technical discussions in relation to Air Quality monitoring could be undertaken by way of conference call and email exchanges and a lead reporting officer identified to feed back to 'physical' meetings of the Group.

MoU Oversight Group:

- Epping Forest District Council
- East Hertfordshire District Council
- Uttlesford District Council
- Harlow District Council
- LB Waltham Forest
- LB Redbridge
- Broxbourne Council
- Essex County Council
- Epping Forest Conservators
- Natural England
- Harlow and Gilston Garden Town

Air Quality/SNAP Working Group:

- Epping Forest District Council (Planning Policy and Air Quality officers)
- LB Waltham Forest (Air Quality Officer)
- LB Redbridge (Air Quality officer)
- Epping Forest Conservators
- Natural England (Area Office lead and Air Quality specialist)
- Harlow and Gilston Garden Town
- Essex County Council (transport)
- Hertfordshire County Council (transport)
- Transport for London

Some priority areas for consideration to feed back to the Oversight Group include:

- What constitutes an appropriate baseline for both future traffic levels and air quality should be monitored against
- Achieving a robust approach to traffic growth considerations whilst recognising the challenges of operating with different transport models with different local plan 'end dates'.
- Approaches to monitoring including costs.

Recreational Pressures Working Group:

- Epping Forest District Council
- LB Waltham Forest
- LB Redbridge
- Harlow District Council
- Epping Forest Conservators
- Natural England
- Harlow and Gilston Garden Town

A priority area for consideration to feed back to the Oversight Group is:

- Agreeing the geographic 'Area of Influence' with respect to likely future recreational pressures

Engagement/involvement of other authorities:

At its meeting of the 11 July 2017 the MoU Oversight Group agreed that other authorities which have thus far not actively engaged in meetings and other activities should be included in the circulation of papers arising from the work of the Group.