



Chigwell Neighbourhood Plan:

HRA Screening Report

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For: Chigwell Parish
Council

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ABBREVIATIONS

SAC	Special Area of Conservation
SIP	Site Improvement Plan
MoU	Memorandum of Understanding
PRoW	Public Right of Way

1 INTRODUCTION

Background

- 1.1 Engain has been commissioned by Chigwell Parish Council to undertake an assessment of the Neighbourhood Plan and its potential to have adverse effects on European designated sites. The Neighbourhood Plan has been through several iterations and this document assess the version of the Neighbourhood Plan issued in December 2017.

The HRA Process

- 1.2 The requirement for a Habitats Regulations Assessment (HRA) derives from Article 6(3) and (4) of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, 21 May 1992 (“Habitats Directive”). This is implemented in domestic law in England and Wales through Part 6 of the Conservation of Habitats and Species Regulations 2017 (“2017 Regulations”).
- 1.3 The first stage of a HRA is the “screening test”, otherwise known as the “likely significant effect” (“LSE”) test. The second stage of a HRA, to be applied only where a plan or project has failed the screening test, is known as “appropriate assessment”.
- 1.4 Article 6(3) of the Habitats Directive contains the LSE test:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, having obtained the opinion of the general public.”

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- 1.5 Significant effects are those that will affect the integrity of the site, which can be defined as:

“the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified”.

- 1.6 The LSE screening test is to be based on objective information, rather than scientific evidence. Typically this would comprise baseline data regarding the project site and the relevant Natura 2000 sites, as well as details of the plan or project description. The LSE test is only failed if there is a real, rather than a hypothetical risk, therefore risks that have no realistic chance of occurrence need not be considered.
- 1.7 Mitigation measures applied through the design process of a plan or project may also be taken into account when assessing whether there is a likely significant effect. Where necessary, such mitigation measures may be secured through planning policies or conditions and other restrictions to which a planning permission may be made.

2 THE NEIGHBOURHOOD PLAN

Summary of the Plan

- 2.1 The Neighbourhood Plan seeks to meet the following objectives:
1. Protect the visual amenity within the attractive areas of Chigwell
 2. Protect Open Green Spaces and its Green Belt.
 3. Provide a new Community Hub replacing Victory Hall
 4. Protect local shops and employment
 5. Protect Listed Buildings and the Conservation Area
 6. Provide an effective free local public transport system
- 2.2 The Plan seeks to continue to support sensible and sensitive housing growth, where schemes can achieve wider community benefits as at Rolls Park and the Limes.

Relationship with the Local Plan

- 2.3 The Epping Forest District Local Plan makes provision for new homes in Chigwell Parish to 2033, and the Neighbourhood Plan supports the vast majority of those proposals.
- 2.4 The primary difference between the Local Plan and the Neighbourhood Plan arises due to the former's support for development at Chigwell Convent (Policy P7 Chigwell: CHIG.R7 Land at Chigwell Convent – approximately 28 homes) and the latter's preference for development at Rolls Park (with an estimated capacity of 30-45 homes).
- 2.5 The inclusion of Rolls Park in the Neighbourhood Plan is for the purposes of facilitating the delivery of a community hub and infrastructure improvement – therefore the final number of dwellings on that site is driven in part by these needs rather than relating to the need to deliver a certain housing target.

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- 2.6 The net effect of the Neighbourhood Plan policy in relation to Rolls Park and Chigwell Convent is that the total number of dwellings will be similar to or the same as that allocated in the Local Plan.

3 HRA SCREENING ASSESSMENT

European Sites Considered in the Assessment

3.1 The Parish Council have been advised by Epping Forest District Council (EFDC) and Natural England (NE) that, given the proximity of the Neighbourhood Plan area to the Epping Forest Special Area of Conservation (SAC), the Neighbourhood Plan may require assessment under the Habitats Regulations. The nearest component of the SAC to the Parish boundary is Buckhurst Hill, approximately 400m from the Parish boundary. The main component of the SAC is approximately 1 km from the Parish boundary.

3.2 The qualifying features of the SAC are:

1. Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer (*Quercion robori-petraeae* or *Ilici-Fagenion*) (Beech forests on acid soils)
2. European dry heaths
3. Northern Atlantic wet heaths with *Erica tetralix* (wet heathland with cross-leaved heath).
4. stag beetles (*Lucanus cervus*).

3.3 The Site Improvement Plan (SIP) for Epping Forest SAC identifies the following prioritised issues:

1. air pollution: impact of atmospheric nitrogen deposition;
2. under-grazing;
3. public access / disturbance;
4. changes in species distributions;
5. inappropriate water levels;
6. water pollution;

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7. invasive species; and
 8. disease.
- 3.4 It is generally agreed that the primary issues to be considered at a Plan level are air pollution and public access / recreation. These matters have been analysed thoroughly at Local Plan level, as detailed in the latest published version of the '*Habitats Regulations Assessment Screening of Epping Forest District Council Regulation 19 Local Plan*' prepared by AECOM and published in December 2017. This is supported by a Memorandum of Understanding between EFDC and NE (City of London Corporation [Conservators of Epping Forest]) (February 2017).
- 3.5 The Local Plan HRA identifies that Policy P7: Chigwell has potential HRA implications in terms of air quality and recreational pressure on the Epping Forest SAC, but that other sites (e.g. the Lee Valley Special Protection Area) are sufficiently distant as to be screened out of further assessment. On the basis of the high degree of correlation between the current iteration of the Local Plan and Neighbourhood Plan, there is no reason to contend this matter and it is agreed that the sole focus of screening of the Neighbourhood Plan should be on the Epping Forest SAC.

Neighbourhood Plan Policies

- 3.6 The following policies are included in the Neighbourhood Plan:

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Table 3-1. Review of Neighbourhood Plan Policies and Implications for the HRA

Policy Number	Policy Name	Policy Details	HRA Implications
CHG1	A Spatial Plan for the Parish	<p>The Parish will continue to be defined by the Metropolitan Green Belt. Development will therefore only be appropriate within the urban area of the Parish within the Green Belt inset settlements of Chigwell Village and Chigwell Row and within the urban area of Grange Hill, unless it is suited to a countryside location.</p> <p>Proposals for the redevelopment of previously-used land, for infill development and for plot subdivision in these three locations will be supported, provided their standards of design accord with other relevant policies of the Neighbourhood Plan and the Epping Forest Local Plan.</p> <p>Proposals for development of existing public open land or private open land that acts as an effective visual break in the urban form in these three locations will be resisted.</p>	<p>Potential for in-combination effects of residential development via their potential contribution to increased visitor numbers to the SAC, as set out in the HRA of the Local Plan for Policy P7 Chigwell, and contribution to air quality issues.</p>
			<p>Positive contribution to development planning via alignment with the relevant policies of the Epping Forest Local Plan (particularly Policy DM2).</p> <p>Positive contribution via the protection of open land used for recreational purposes</p>
CHG2	Enabling Development at Rolls Park, Chigwell	<p>Proposals for a mixed development scheme at Rolls Park, as shown on the Policies Map, will be supported, provided:</p> <ul style="list-style-type: none"> • The scheme comprises a housing scheme, a community park scheme and delivers on off-site community facility scheme; • The housing scheme comprises the minimum number of homes to enable the financing in full of the off-site community facility scheme, 	<p>Potential for in-combination effects of residential development via their potential contribution to increased visitor numbers to the SAC and to air quality issues</p>

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Policy Number	Policy Name	Policy Details	HRA Implications
		<p>subject to an agreement with the planning authority on the approach to delivering affordable housing and to the provision of a viability appraisal at the planning application stage;</p> <ul style="list-style-type: none"> • The housing scheme accords with the following principles: <ul style="list-style-type: none"> ○ The layout is confined to no more than 2Ha on that part of the site adjoining the existing Rolls Park complex of buildings and divides the scheme into three small development zones within that part of the site; ○ the landscape scheme retains the existing mature trees on the edge of the developable area as part of an effective landscape buffer; ○ the layout, the landscape scheme and the public park are arranged in a way to prevent any future extension of the scheme into the Green Belt; • The community park scheme will comprise: <ul style="list-style-type: none"> ○ a new public park and footpaths laid out in the form of a Natural Green Space to complement the adjoining Grange Farm Country Park to contribute to the Epping Forest SAC mitigation strategy; ○ a new Scout Hut with ancillary outdoor recreational uses; • The off-site community facility scheme delivers a new Parish Community Centre on land to be made available for this purpose by the Parish Council, comprising multi-purpose facilities, a Parish Office and Library, which will be completed prior to the final occupation of the housing scheme; and • the housing and community facility schemes are accessed via the lane to Chigwell Lane and provision is made for improving the lane and junction. 	<p>Potential recreational effects are mitigated by the inclusion of the provision of natural green space, in accordance with the Epping Forest SAC mitigation strategy</p> <p>Potential air quality effects can be addressed through inclusion of policy support for contribution to regional mitigation strategy</p>

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Policy Number	Policy Name	Policy Details	HRA Implications
CHG3	Chigwell Row – A Sustainable Community	Development proposals to improve the sustainability of Chigwell Row as a distinct village settlement will be supported. Where such proposals are located in the Green Belt adjoining the inset settlement boundary, they will be supported, provided they can demonstrate they will not compromise the essential open character of the Green Belt and their public benefits are such to provide very special circumstances.	No HRA implications – the policy site is more than 4km from the SAC (this should be subject to review of the latest evidence on visitor behaviour at the SAC as it emerges)
CHG4	Regenerating Limes Farm	<p>Proposals for the comprehensive regeneration of Limes Farm, as shown on the Policies Map, will be encouraged and supported, provided the proposals seek to improve the well-being, housing, environment, local services and community facilities for the residents of the area through a package of measures.</p> <p>Proposals for housing or other development on the existing open spaces of the area will be resisted until such a time that a comprehensive regeneration masterplan has been approved.</p>	<p>Potential for in-combination effects of residential development via their potential contribution to increased visitor numbers to the SAC, as set out in the HRA of the Local Plan for Policy P7 Chigwell. Also potential contribution to air quality issues</p> <p>This is in part counter-acted by the inclusion of a policy for the protection of recreational space within the Limes Farm Estate</p> <p>The potential for contribution to air quality issues is limited because this is a regeneration rather than new residential proposal. The residual risk can be addressed by inclusion of policy support for contribution to regional mitigation strategy</p>

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Policy Number	Policy Name	Policy Details	HRA Implications
CHG5	Supporting Community Assets	<p>Proposals to develop a new community facility for Chigwell on the Victory Hall site on Hainault Road, as shown on the Policies Map, will be supported.</p> <p>Proposals that will lead to the unnecessary loss of the following community facilities, as shown on the Policies Map, will be resisted:</p> <ul style="list-style-type: none"> land and premises making up the Chigwell Riding School and Jubilee Lodge the grounds and facilities of the Metropolitan Sports Ground the churches of St. Mary's, St. Winifred's and All Saints the community facilities at Limes Farm the Chigwell & Hainault Synagogue. <p>Proposals to establish a new doctor's surgery or a new dentist facility in the Parish will be supported, provided they are located outside the Green Belt and have sufficient off-street car parking spaces.</p>	No HRA implications: the policy would not lead to additional residential development
CHG6	Supporting Local Shops	<p>The Neighbourhood Plan designates village centres at Brook Parade, Chigwell, at Limes Farm, at Grange Hill and at Chigwell Row, as shown on the Policies Map, for the purpose of applying and implementing development plan policy in relation to shops in small local parades</p> <p>Proposals that will lead to more than 25% of the total number of units in Brook Parade or Grange Hill village centres being in an A3 café/restaurant, A4 drinking establishment or A5 hot food takeaway use will be resisted.</p> <p>Proposals to increase the number of public car parking spaces at a village centre will also be supported</p>	<p>No HRA implications in respect of recreational pressures on the SAC: the policy would not lead to additional residential development</p> <p>Small potential for in-combination effect due to contribution to air quality issues associated with increased traffic</p>
CHG7	Supporting Local Businesses	<p>Development proposals to create new businesses of a scale that is appropriate to a village location, or to a countryside location that are consistent with Green Belt policy, are encouraged.</p>	No HRA implications in terms of recreational pressure: the policy would not lead to additional

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Policy Number	Policy Name	Policy Details	HRA Implications
		<p>Proposals that result in the loss of an existing business use will be resisted, unless it can be demonstrated that its continued use is no longer viable. Proposals to expand an existing employment or business use will be supported, provided their impact on flood risk, local amenity, traffic and landscape can be satisfactorily mitigated and they are consistent with Green Belt policy</p> <p>Proposals to enable working from home that require planning permission will be supported, provided the business use remains ancillary to the main residential use and there is no significant harm caused to local residential amenity by way of car parking, traffic movements or noise.</p>	<p>residential development</p> <p>Potential HRA implications in terms of contribution to air quality issues associated with increased traffic</p>
CHG8	Promoting Good Design in the Parish	<p>Development proposals will be supported, provided their design respects the important features of the street scene and they utilise materials which are in keeping and are not obviously incongruous with the character of the Parish.</p> <p>Proposals should have special regard to:</p> <ul style="list-style-type: none"> • The significance of larger buildings set in large plots to establishing the character of much of the Parish, whereby proposals for plot subdivision to deliver flatted accommodation will not normally be appropriate • The scale of gates and railings on the property frontage, which should complement the street scene and should not be overbearing and out of character • The use of weatherboarding and agricultural vernacular in the detailing of buildings • The desire for front and rear gardens to new dwellings in those parts of the Parish where this is already very common 	<p>No HRA implications: the policy would not lead to additional residential development</p>
CHG9	Promoting Good Design	<p>Development proposals in the Chigwell Conservation Area, as shown on the Policies Map, will be supported, provided have special regard to the following</p>	<p>No HRA implications: the policy would not lead to additional</p>

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Policy Number	Policy Name	Policy Details	HRA Implications
	in the Chigwell Conservation Area	<p>design principles:</p> <ul style="list-style-type: none"> • There is no subdivision of existing residential plots • The views along High Road into and through the Conservation Area from the south west and north east are not obstructed or punctuated by new development • The mature landscaping of trees and hedgerows that forms part of a front boundary should not be removed to enable the implementation of a development proposal • There is no unnecessary loss of a non-designated heritage asset in the Conservation Area • The building line of properties with little or no front garden on High Road north of Chigwell School is maintained • Views of St. Mary's Church from the north are not obstructed by development in the setting of the Conservation Area 	residential development
CHG10	Protecting Local Green Spaces	<p>The Neighbourhood Plan designates the following as Local Green Spaces, as shown on the Policies Map</p> <ul style="list-style-type: none"> • Land at Chigwell Convent, High Road, Woodford Bridge • Glebe Land at High Road/Vicarage Lane • Proposals for development within a Local Green Space will be resisted unless exceptional circumstances can be demonstrated. 	Potential positive contribution via the protection of existing accessible green space

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Mitigation Within the Neighbourhood Plan

- 3.7 The primary means of mitigating potential effects on the SAC embedded within the Neighbourhood Plan is the support for Policy DM2 of the Local Plan, and the attendant SAC mitigation strategy for alleviating the potential effects of increased recreation and air quality issues. Policies CHG1; CHG2; CHG4 and CHG10 also contain additional measures to mitigate adverse effects on the SAC, either through support for Policy DM2 or through promoting the protection of existing accessible natural green space.
- 3.8 Further analysis of the potential for significant effects of the Neighbourhood Plan, with particular reference to Policies CHG1, CHG2, and CHG4, is undertaken in the following section. This is set in the context of the Local Plan HRA, the relevant points of which are summarised below.

Likely Significant Effects

The Local Plan HRA

- 3.9 The Local Plan HRA adopts the approach that sites more than 4 km from the SAC are unlikely to have significant effects as a result of recreational pressure. This distance is based upon visitor survey work at the SAC (e.g. City of London, 2014), which is necessarily an interpretative endeavour as opposed to empirical fact. It is acknowledged that this 4km distance (which is the distance within which the majority of visitors to the SAC are thought to be drawn) may be subject to change upon further studies and analysis of the latest visitor surveys. Nevertheless, the 4km distance is adopted as a sound approach on the basis of currently available objective evidence, and would therefore be highly likely to meet the requirement of evidence on which HRA assessments are made. On its own this 4km buffer may not be sufficient to screen out any likely significant effects from visitor pressure, as it is liable to change as more evidence becomes available. It would therefore require this to be part of a package of measures to avoid adverse effects before this could be screened out.
- 3.10 On the basis of the 4km buffer, three of the site allocations in the Local Plan are screened out of further assessment (**CHIG.R1 – Land adjacent to The**

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Paddock (approx. 12 homes), CHIG.R2 – Woodview (approx. 23 Homes) and CHIG.R11 – Land at Hainault (approx. 7 homes). It is possible that **CHIG.R10 The Maypole (approx. 11 homes)** should also be screened out as, although in Table 6 of the HRA report it is recorded as being 2.4km from the SAC, on the associated maps it appears to be more than 4 km from the SAC.

- 3.11 As the remaining site allocations in the Local Plan are within 4km of the SAC, the HRA concludes that there is a potential in-combination effect relating to recreational pressure upon the Epping Forest SAC. In addition CHIG.R6 is identified as having a potential effect on the SAC by virtue of the resulting loss of green space. This however would be counter-acted by Policy CHG4 of the Neighbourhood Plan, which seeks to retain the existing open spaces.
- 3.12 The HRA of the Local Plan concludes that site allocations on their own are not likely to result in significant effects on the SAC. It concludes that the application of the Local Plan Policy DM2 is sufficient to avoid in-combination effects in two ways:
1. Smaller sites *may* be able to demonstrate that adequate mitigation is provided, by contribution to a tariff or by providing their own on-site mitigation.
 2. Larger sites of more than 400 units within the core catchment area (nominally 4km) should consider potential to deliver their own on site accessible natural green space.
- 3.13 Subject to the application of these recommendations, the Local Plan HRA therefore concludes that in-combination effects on Epping Forest SAC are unlikely to occur. By extension, a Neighbourhood Plan that adopts the relevant policies of the Local Plan would also be unlikely to result in significant effects.

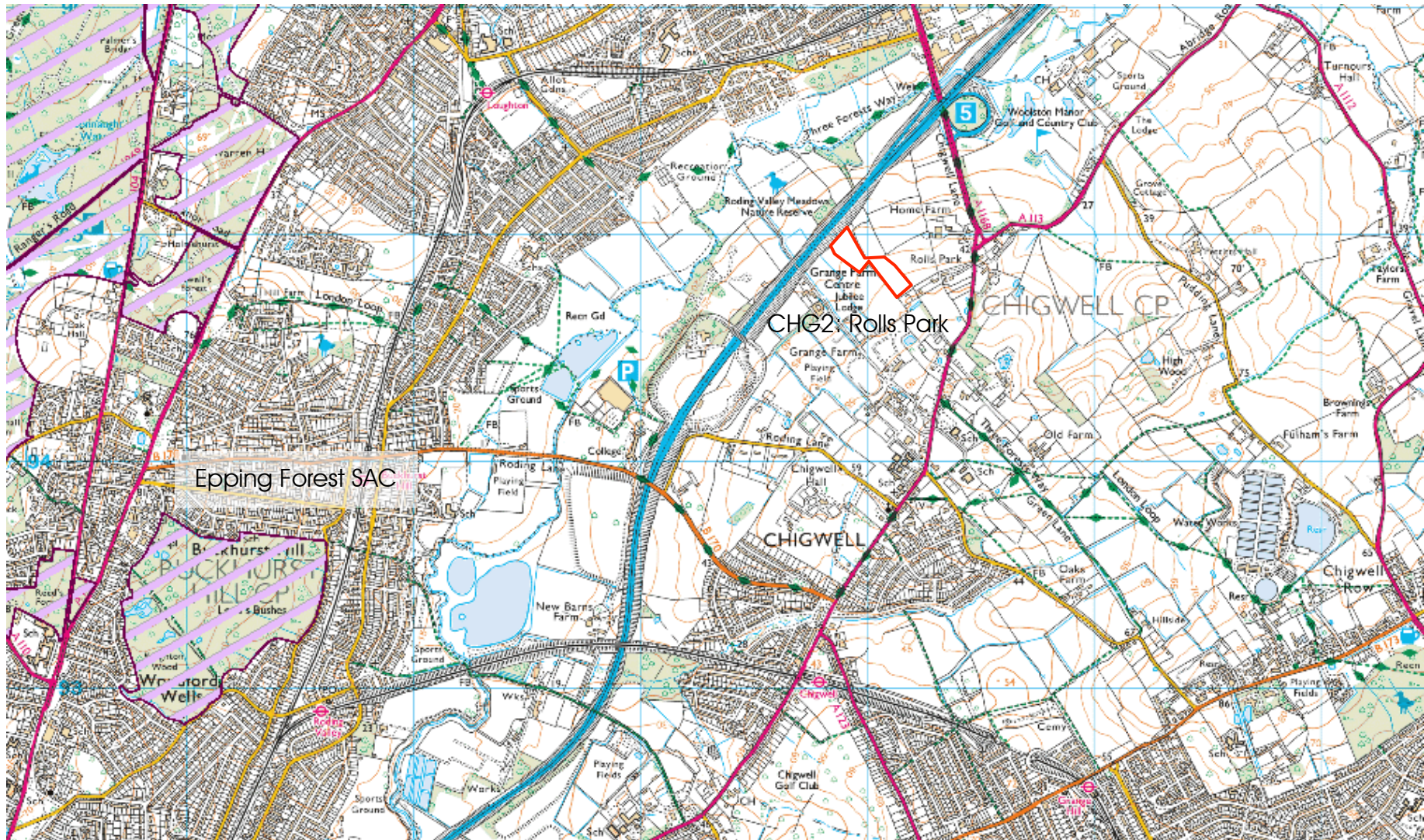
Neighbourhood Plan Policies

- 3.14 CHG1, in common with the Local Plan policies with which it correlates, has potential implications for the SAC by virtue of supporting residential development within the Parish. This is however addressed by the inclusion of

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the policy wording in support of the Epping Forest District Local Plan (particularly Policy DM2), and the Epping Forest Mitigation Strategy. In accordance with the HRA of the Local Plan, the potential in-combination effects of this Neighbourhood Plan policy can therefore be screened out.

- 3.15 Similarly, CHG4 ostensibly has implications for the SAC. This is however counter-acted by the inclusion in the policy of protection for accessible green space within the residential area. This represents a slight betterment on the Local Plan in terms of the implications for the SAC, and in combination with the mitigating measures supported in CHG1, it is not considered likely to result in significant effects on the SAC.
- 3.16 The Rolls Park site supported in the Neighbourhood Plan as Policy CHG2 is approximately 2.6 km from the SAC. As it has capacity for not more than 45 dwellings, it falls within the category of smaller sites as defined in the HRA of the Local Plan, i.e. sites that may be able to avoid adverse impacts by contribution to a tariff and provision of on-site natural green space.
- 3.17 The Rolls Park masterplan (in preparation) includes the provision of a substantial proportion of the site as accessible natural green space, in accordance with the wording of the policy. There are excellent public rights of way links to the surrounding landscape and further areas of accessible natural green space within the Parish.
- 3.18 The Rolls Park site is separated from the SAC not just by direct distance of over 2km, but also by landscape and transport barriers such as the M4 motorway, the mainline railway and the urban area of Loughton and Woodford. A visit to the SAC from the Rolls Park site would therefore necessitate a journey of 5km or more by road. Further analysis of the visitor survey data may shed light on this, but it is in principal more likely that the vast majority of residents of the Rolls Park site would use the accessible natural green space within easy reach than make a car journey to reach the SAC (Figure 1). On its own this may not be sufficient to justify an exclusion from further consideration. It is a contributing factor however to lessening the likelihood of a significant effect occurring.



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ON BEHALF OF
 Chigwell Parish Council

PROJECT
 Chigwell Neighbourhood
 Plan

SCALE
 NTS

PROJECT NO
 eg17803

DATE
 Jan 2018

APPROVED
 MD

TITLE
 Figure 1: Location of Rolls Park in
 relation to the SAC

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- 3.19 Whilst smaller sites of accessible green space have limitations in their ability to avoid or mitigate effects on an SAC, the provision of this space in the Rolls Park masterplan is a positive contribution to avoiding and mitigating potential effects on the Epping Forest SAC. This measure will act positively in combination with policy support within the Neighbourhood Plan for the Local Plan requiring financial contribution to visitor management at the SAC.

4 EVALUATION AND CONCLUSIONS

Conclusions and Recommendations

- 4.1 The only substantive difference between the Local Plan and the Neighbourhood Plan is the allocation of the Rolls Park site. The Local Plan HRA concludes that all its allocations in Chigwell would not have a significant effect either alone or in-combination, subject to the application of Policy DM2. The application of Policy DM2 is supported in the Neighbourhood Plan.
- 4.2 The matter at hand is therefore whether the development of up to 45 dwellings at the Rolls Park site is likely, either alone or in combination with other plans or policies, to have a significant effect on the SAC. The ability to mitigate the impacts of sites of similar size that is embedded within the Local Plan, supports a conclusion that it is possible to mitigate such effects, through the provision of on-site accessible natural green space and through financial contribution to the SAC mitigation strategy for managing visitor impacts and air quality issues.
- 4.3 The approach to mitigating adverse effects that has been adopted in the Local Plan HRA is, at a high level, based upon strategies that have successfully been adopted under similar circumstances i.e. the provision of alternative natural green space and financial contribution to a mitigation strategy for recreational and air quality issues based on a proportionate scale. The effectiveness of this approach is accepted, and the strategy is at an advanced stage of development. It is therefore considered reasonably likely, based upon the available evidence, that the mitigation is likely to be effective and there will therefore be no significant adverse effect resulting from any of the policies in the Neighbourhood Plan.
- 4.4 It is therefore recommended that to provide a clear link between the mitigation proposed in the Local Plan and that required for the Neighbourhood Plan, that specific policy wording is included to the effect that:
- Mitigation for the potential adverse effects of the Neighbourhood Plan upon the Epping Forest SAC will be applied in accordance

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with the provisions of Policy DM2 of the Epping Forest District Local Plan including the creation of alternative natural green space and the financial contributions in the emerging SAC mitigation strategy.

Conclusion

- 4.5 With the inclusion of specific reference to Policy DM2 of the Local Plan in the Neighbourhood Plan, the uncertainty over the potential for effects on the SAC is addressed. The mitigating measures in the Neighbourhood Plan are in this way linked to those in the Local Plan, so that as long as the latter remain sound, the former is likewise made sound.
- 4.6 The reliability of this approach to mitigation is supported by the acceptance of this type of mitigation strategy in other districts where recreational pressures and air quality issues on SAC features are the standard approach e.g. Thames Basin Heaths and Ashdown Forest.
- 4.7 It is therefore considered that, on the basis of the objective evidence available at the time of writing, the policies in the Neighbourhood Plan would be unlikely to have a significant effect on the SAC. Subject to the recommendations in this report, there is no likely significant effect as a result of the Chigwell Neighbourhood Plan.

5 REFERENCES

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