

Epping Forest District Council Habitats Regulations: Site-specific assessment processes in relation to the effects of development on atmospheric pollution

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1. Introduction

- 1.1 Under UK legislation, Epping Forest District Council (the Council) is a competent authority with a duty to ensure that plans and projects (including the emerging Local Plan) will not adversely affect the integrity of the Epping Forest Special Area of Conservation (EFSAC). As part of that responsibility, the Council has undertaken a Habitats Regulations Assessment (HRA) of its emerging Local Plan. The Habitats Regulations places a legal duty on the Council that it must carry out an Appropriate Assessment on any plan or project likely to have a significant effect on internationally important ecological assets, either alone, or in combination with other plans and projects. The Council's Local Plan evidence base has identified that development proposed for allocation within the emerging Local Plan would have an adverse impact on the Epping Forest Special Area of Conservation (EFSAC) as a result of, amongst other things, atmospheric pollution arising primarily from vehicle emissions.
- 1.2 In order to be able to draw a conclusion of no adverse effect on the integrity of the EFSAC in relation to atmospheric pollution, the Council has adopted an Air Pollution Mitigation Strategy (APMS). The APMS and the evidence published alongside it is based on the quantum, distribution and nature of development proposed for allocation in the emerging Local Plan and a small proportion of 'windfall' developments based on an annual average.
- 1.3 The Council recognises that planning applications may be submitted on Local Plan sites with proposals that differ in land use or quantum from that originally assessed as part of the Council's air pollution evidence base. In such cases, there is a need to undertake an assessment of the proposals against the evidence base to confirm if there are additional adverse effects over and above that which the APMS seeks to address, i.e. adverse effects which may arise if the Annual Average Daily Trips from the site is greater than that modelled. Of specific importance in this regard is the number of vehicle trips associated with each site expected to use roads within the EFSAC or within 200 metres of the EFSAC.
- 1.4 This guidance note has been prepared to set out the Council's process for reviewing and assessing potential impacts arising from proposals where additional vehicle trips through the EFSAC may occur in order to help applicants. This includes, for example, where the quantum or nature of development on a site differs from that modelled as

part of the emerging Local Plan's evidence base. It identifies the triggers for when such an assessment will be necessary, and the information required to be provided by applicants to enable the Council to undertake an appropriate analysis in accordance with the requirements of the Habitats Regulations.

- 1.5 Applicants are strongly encouraged to complete these assessments early in the process, and ideally through the Council's pre-application service. This will help the Council to assess applications, in consultation with Natural England, and determine them efficiently and effectively.

2. Scoping and triggers for HRA assessment

- 2.1 The method of assessing transport and highway impacts associated with each development will need to proceed through a scoping exercise with the Council, Essex County Council (ECC) and in some cases Highways England (HE), ideally at the pre-application stage. During this exercise, the requirement for and scope of a Transport Statement (TS) or Transport Assessment (TA) to support an application will be determined, as well as the need to undertake a specific assessment of potential impacts on the EFSAC.
- 2.2 The triggers for determining if the transport impact of a development proposal being brought forward need to be assessed in relation to its effects on the EFSAC are:
- a) If the development proposal is not specifically proposed for allocation within the emerging Local Plan (in relation to residential developments this will apply to proposals for six or more dwellings or those greater than 0.2 Ha recognising that a small sites windfall allowance has been included in the evidence work); or
 - b) if the development proposal represents a variation (which results to an increase in the quantum of development or changes the proposed use) from the site's land use allocation as set out in the emerging Local Plan.
- 2.3 In these instances, applicants will be required to provide evidence to support an assessment against the traffic and air quality modelling used to support the development of the adopted APMS. This assessment will be undertaken by the Council and, if necessary, its consultant team. The process for such an assessment is set out in the following section.
- 2.4 If a proposed development does not involve any of the above triggers, no additional assessment by EFDC's consultant team will be required. In either case a project-level HRA will still be required, and a TS or TA may be necessary for highway/transport assessment purposes to support a development proposal, the need for which should be determined and agreed at the pre-application phase.

3. HRA assessment process

- 3.1 For development sites that meet either of the triggers set out above, there will be a need to review the traffic generating characteristics of the site in further detail, and assess any potential adverse effects on the EFSAC over and above that accounted for in the Council's adopted APMS. This will enable the Council and Natural England to be satisfied that any adverse effects in connection with each site application will either not arise, or if they do, will be either appropriately mitigated through the APMS or identify where further mitigation measures are required.
- 3.2 It is expected that for development proposals requiring a TS/TA, the trip generation methodology feeding into the HRA assessment will be scoped by the applicant and reviewed by the Council/ECC/HE at an early stage as appropriate.
- 3.3 The assessment process follows four steps, set out as follows:

Step 1:

As part of pre-application and transport scoping discussions with the Council, applicants will be required to provide the following information relating to each development site:

- (a) The land use and quantum of the authorised existing use of the subject land as was correct at February 2017¹, or confirmation that the site was vacant or not generating traffic at that time (in which case proceed to [c]);
- (b) Calculation of the number of vehicle trips in Annual Average Daily Traffic (AADT) generated by the site under its existing use, including:
- i. Total AADT generated by the site, including heavy duty vehicles as a proportion of total AADT (HDV%).
 - ii. Proportion of site generated AADT on roads within 200 metres of the EFSAC, including HDV%.

These calculations must be supported by evidence such as traffic surveys or other appropriate data source, e.g. TRICS, journey to work data, etc². If it can be clearly demonstrated that a site which was vacant prior to February 2017 could be brought back into use for the purposes for which it was authorised (without the need for any planning permission) the Council may be in a position to consider taking this into account in calculating (b) above.

¹ This date is significant as it represents the period during which traffic survey data was collected to inform the "Baseline" scenario for the Local Plan transport modelling.

² The source of the evidence, calculation methods and all relevant details must be provided. When using empirical data such as TRICS, applicants should ensure they rely on data points which best represent the nature and location of land uses on each site.

- (c) A schedule of the land use and quantum proposed at the site (as is best known at the time).
- (d) Calculation of the forecast number of vehicle trips (AADT) generated by the site under its proposed use to the end of the plan period in 2033:
 - i. Total AADT forecast to be generated by the site, including HDV%.
 - ii. Proportion of site generated AADT on roads within 200 metres of the EFSAC, including HDV%.

These calculations must be supported by evidence such as traffic surveys or other appropriate data source, e.g. TRICS, journey to work data³, etc

- (e) A calculation of the net AADT figure (proposed (d) minus existing (b)) both in total and for roads within the EFSAC or within 200 metres of the EFSAC.
- (f) Details of any mitigation measures proposed to be secured through recognised planning mechanisms in support of the application, and if the proposed mitigation is expected to impact on trip generation and/or distribution. Forecasts under (d) and (e) should be provided for both 'with' and 'without' the proposed mitigation.

Step 2:

Council officers will undertake an initial appraisal of the existing (if applicable) and proposed AADT forecasts and liaise with the applicant to ensure the required information has been supplied and is fit for purpose. Where applicable, the proposed methodology will also be reviewed against any pre-application scoping discussions and advice from ECC/HE.

Step 3:

The relevant site information and AADT will be provided to the Council's appointed transport consultant to check against the site-specific land use and trip data previously forecast in the Council's evidence base.

A short technical note will be prepared setting out any difference in AADT between the site allocation assumptions used in the Council's evidence base and the applicant's forecasts, including any reasoning for this (e.g. difference in land use assumptions, application of a different trip rate and/or trip distribution, mitigation impacts, etc).

The assessment will indicate either:

- (a) There is no forecast increase in AADT at any location that would alter the outputs of the evidence base; or

- (b) There is likely to be an increase in AADT of any number at any location that may alter the outputs of the evidence base.
- (b1) Whether there is an overall increase in the distance travelled by vehicles or HDVs associated with the development on roads within the EFSAC or within 200 metres of the EFSAC as this would result in an increase in pollution within the EFSAC.

Where outcome (a) is reached, no further site-specific assessment of HRA impacts will be required. Where outcome (b) is reached and/or (b1) is also true, the assessment will move to Step 4.

Step 4:

The relevant transport data will be provided to the Council's appointed air pollution modelling consultant, who will undertake a revised assessment to determine the effects against those presented within the Council's evidence base and subsequently addressed through the adopted APMS.

Specifically, the revised assessment outcomes will be reviewed to determine if the mitigation measures identified within the APMS will be capable of satisfactorily addressing any further impact, or if additional measures need to be secured. Such measures will need to be considered on a site-by-site basis and may require additional assessment(s).

4. Costs

- 4.1 Site promoters will be responsible for covering the Council's costs associated with undertaking the above assessments. The level of cost associated with each site will depend on how many assessment steps the application proceeds through.
- 4.2 These costs are separate from any contribution applicants will be required to make towards the implementation of the APMS.
- 4.3 The costs for undertaking each step assuming one enquiry and the corresponding technical note per site is as follows:

- Step 1:** Nil (To be completed by the applicant)
- Step 2:** £215-800 per site (internal EFDC review)
- Step 3:** Initial assessment (EFDC appointed consultant) £900 plus VAT per site
- Step 4:** initial assessment (EFDC appointed consultant) £3,180 plus VAT per site