



Newham Borough Council

Newham Local Plan (Regulation 18) - Habitats Regulations Assessment Information Report



Report for

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1. Introduction

1.1 Background

- 1.1.1 London Borough of Newham's Local Plan currently comprises the Local Plan (2018), Gypsy and Traveller Accommodation DPD (2017) and the Joint Waste Plan (2012). The London Borough of Newham Council (the Council) has commenced a refresh of the Local Plan in response to updated Newham objectives and strategies; changes in the development context and market trends; and updated national and regional planning requirements. Consultation on Issues and Options was undertaken between October and December 2021.
- 1.1.2 The Council engaged Wood Environment & Infrastructure Solutions UK Ltd to undertake an Integrated Impact Assessment (IIA) of the Local Plan. In September 2022 Wood Environment & Infrastructure UK Ltd became part of WSP. IIA incorporates Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA), Health Impact Assessment (HIA), Equalities Impact Assessment (EqIA) and Habitats Regulations Assessment (HRA).
- 1.1.3 Consultation on the draft Scoping Report for the IIA (which contained the approach to the assessments) took place at the same time as the consultation on the Issues and Options.

1.2 The Newham Borough Local Plan

- 1.2.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the regulatory requirements for developing and adopting a Local Plan. Before adoption, this involves preparing and consulting on what the local plan should contain (Regulation 18), producing a Publication Draft Local Plan (Regulation 19), submitting the Local Plan to the Secretary of State for Housing, Communities and Local Government (Regulation 22) and subjecting the Local Plan to public examination (Regulation 24).
- 1.2.2 The Newham Local Plan sets out the spatial strategy for Newham for a fifteen-year period between 2023 and 2038. The spatial strategy identifies the location, scale and uses of development that will come forward in Newham and demonstrates how needs of Newham's current and future population will be met. This includes the need, set by the London Plan 2021, to deliver at least 47,600 additional homes in Newham over the period 2019/20 to 2028/29. The Newham Local Plan also seeks to meet Newham's needs for:
- a requirement for 335,00 sqm of industrial floorspace;
 - a minimum requirement for 90,000 of office floorspace; and
 - 25,973sqm of retail floorspace.
- 1.2.3 The Borough's Local Plan is also bound to, and will be tested against, its general conformity and compliance with the London Plan 2021. The London Plan 2021 is the Spatial Development Strategy for Greater London and sets out a regional vision and policies that cover housing, transport, employment and the environment.
- 1.2.4 The creation of the London Legacy Development Corporation (LLDC) removed a portion of land around Stratford from the remit of the London Borough of Newham as Local Planning Authority. The LLDC's planning powers are due to be handed back to boroughs by the end of 2024. The Council is working with the LLDC, Mayor of London and other Host Boroughs to plan proactively in advance of this transition, so that a Plan which

covers the whole borough is ready at the point of transition. This draft Local Plan therefore covers the entirety of Newham.

- 1.2.5 The new Local Plan will replace the adopted Local Plan (2018). The review of the Local Plan will include three rounds of consultation and engagement. The first round of engagement on the Issues and Options document took place between the 18 October and the 17 December 2021.

1.3 Habitats Regulations Assessment

- 1.3.1 Regulations 105 and 107 of The Conservation of Habitats and Species Regulations 2017 (as amended) (the ‘Habitats Regulations’)¹ transpose the provisions of Articles 6(3) and 6(4) of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the ‘Habitats Directive’) as they relate to land-use plans in England and Wales. Regulation 105 states that if a land-use plan is “(a) *is likely to have a significant effect on a European site² or a European offshore marine site³ (either alone or in combination with other plans or projects); and (b) is not directly connected with or necessary to the management of the site*” then the plan-making authority must “...*make an appropriate assessment of the implications for the site in view of that site’s conservation objectives*” before the plan is given effect.
- 1.3.2 The plan can only be given effect if it can be concluded (following an ‘appropriate assessment’) that the plan “...*will not adversely affect the integrity*” of a site, unless the provisions of Regulation 107 are met.
- 1.3.3 The process by which Regulation 105 is met is known as Habitats Regulations Assessment (HRA)⁴. An HRA determines whether there will be any ‘likely significant effects’ (LSE) on any European site as a result of a plan’s implementation (either on its own or ‘in combination’ with other plans or projects)⁵ and, if so, whether there will be any ‘adverse effects on site integrity’⁶. The Council has a statutory duty to prepare the Local

¹ The 2017 Regulations have been amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 to reflect the UK’s exit from the EU, although these largely carried forward the provisions and terminology of the 2017 Regulations and do not fundamentally alter their interpretation. This report therefore primarily refers to the 2017 Regulations and (where appropriate for clarity) the relevant provisions of the Habitats Directive.

² As noted, the 2019 amendment to the Habitats Regulations largely carried forward the provisions and terminology of the 2017 Regulations, and so the term ‘European site’ is currently retained and for all practical purposes the definition is essentially unchanged. European sites are therefore: any Special Area of Conservation (SAC) from the point at which the European Commission and the UK Government agreed the site as a ‘Site of Community Importance’ (SCI) (if this was before 31 Jan 2020); any classified Special Protection Area (SPA); and any candidate SAC (cSAC). However, the term is also commonly used when referring to potential SPAs (pSPAs), to which the provisions of Article 4(4) of Directive 2009/147/EC (the ‘new wild birds directive’) are applied; and to possible SACs (pSACs) and listed Ramsar Sites, to which the provisions of the Habitats Regulations are applied a matter of Government policy (NPPF para. 181) when considering development proposals that may affect them. “European site” is therefore used in this document in its broadest sense, as an umbrella term for all of the above designated sites. Note, it is likely that this term will be supplanted at some point in the future although an appropriate UK-wide alternative has not yet been agreed (e.g. the NPPF in England has adopted the term ‘Habitats sites’ to refer collectively to those sites defined by Regulation 8, whereas the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 uses the term ‘National Site Network’).

³ ‘European offshore marine sites’ are defined by Regulation 18 of The Conservation of Offshore Marine Habitats and Species Regulations 2017; these regulations cover waters (and hence sites) over 12 nautical miles from the coast.

⁴ The term ‘Appropriate Assessment’ has been historically used to describe the process of assessment; however, the process is more accurately termed ‘Habitats Regulations Assessment’ (HRA), with the term ‘Appropriate Assessment’ limited to the specific stage within the process.

⁵ Also referred to as the ‘test of significance’.

⁶ Also referred to as the ‘integrity test’.

Plan and is therefore the Competent Authority for an HRA. Key terminology is explained in **Appendix A**.

1.4 This Report

- 1.4.1 Regulation 105 essentially provides a test that the final plan must pass; there is no statutory requirement for HRA to be undertaken on draft plans or similar developmental stages (e.g. issues and options; preferred options). However, it is accepted best-practice for the HRA of strategic planning documents to be run as an iterative process alongside plan development, with the emerging policies or options reviewed during development to ensure that potentially adverse effects on European sites can be identified at an early stage, and avoided or mitigated through the plan development process. This is undertaken in consultation with Natural England (NE) and other appropriate consultees.
- 1.4.2 The Council has engaged WSP to undertake an Integrated Impact Assessment (IIA) of the Local Plan refresh. The IIA will incorporate Habitats Regulations Assessment (HRA), Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA), Health Impact Assessment (HIA) and Equalities Impact Assessment (EqIA).
- 1.4.3 This 'Regulation 18 HRA Information Report' is intended to accompany the Regulation 18 consultation documentation and provide guidance on the HRA-related issues that will be relevant to both the plan development and the HRA. It includes:
- an outline of the approach and scope of the Local Plan HRA;
 - a summary of the environmental and European site baseline, as currently understood, and any known data gaps or environmental aspects subject to ongoing or future studies;
 - informal guidance for Newham Borough Council on any HRA-related issues or risks that may be relevant to the policy design or allocations selection process, and/or which may need to be considered when developing the Local Plan.
- 1.4.4 As the Local Plan is still under development **this report is not intended to be a formal 'HRA screening'; nor is it a 'draft HRA' or similar**. It will ultimately (with additional data and assessment) form part of the 'draft HRA' that is submitted alongside the Regulation 19 version of the Local Plan but is primarily intended to assist Newham Borough Council as it develops its plan and provide an opportunity for consultees to comment on HRA-related issues.
- 1.4.5 This Regulation 18 HRA Report (this report) has been issued for consultation alongside the draft Local Plan Refresh. The Council's [website](#) provides details of the Local Plan Refresh and the current consultation.

2. Approach to the HRA of the Local Plan

2.1 Overview

- 2.1.1 European Commission guidance⁷ suggests a four-stage process for addressing Articles 6(3) and 6(4), and hence Regulations 105 and 107 (see Box 1), although not all stages will necessarily be required: HRAs of Local Planning documents rarely proceed beyond Stage 2, as alternatives to ‘adverse effect’ policies or allocations are almost always available.

Box 1 – Stages of HRA

Stage 1 – Screening or ‘Test of significance’

This stage identifies the likely effects of a project or plan on a European site, either alone or ‘in combination’ with other projects or plans and considers whether these effects are likely to be significant. The ‘screening’ test or ‘test of significance’ is a low bar, intended as a trigger rather than a threshold test: a plan should be considered ‘likely’ to have an effect if the competent authority is unable (on the basis of objective information) to exclude the possibility that the plan or project could have significant effects on any European site, either alone or in combination with other plans or projects; an effect will be ‘significant’ simply if it could undermine the site’s conservation objectives. Mitigation measures should not be taken into account at the ‘screening’ stage, in accordance with the People over Wind (Court of Justice of the European Union (ECJ) Case C-323/17).

Stage 2 – Appropriate Assessment (including the ‘Integrity test’)

An ‘appropriate assessment’ (if required) involves a closer examination of the plan or project where the effects on relevant European sites are significant or uncertain, to determine whether any sites will be subject to ‘adverse effects on integrity’ if the plan or project is given effect. The scope of any ‘appropriate assessment’ stage is not set, and the assessments will not be extremely detailed in every case (particularly if mitigation is clearly available, achievable and likely to be effective): they must be ‘appropriate’ to the effects and proposal being considered, and sufficient to ensure that there is no reasonable doubt that adverse effects on site integrity will not occur (or sufficient for those effects to be appropriately quantified should Stages 3 and 4 be required).

Stage 3 – Assessment of Alternative Solutions

Where adverse effects remain after the inclusion of mitigation, Stage 3 examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of European sites. A plan or project that has adverse effects on the integrity of a European site cannot be permitted if alternative solutions are available, except for imperative reasons of overriding public interest (IROPI; see Stage 4).

Stage 4 – Assessment Where No Alternative Solutions Exist and Where Adverse Impacts Remain

This stage assesses compensatory measures where it is deemed that there are no alternatives that have no or lesser adverse effects on European sites, and the project or plan should proceed for imperative reasons of overriding public interest (IROPI). The EC guidance does not deal with the assessment of IROPI.

⁷ Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC 2002).

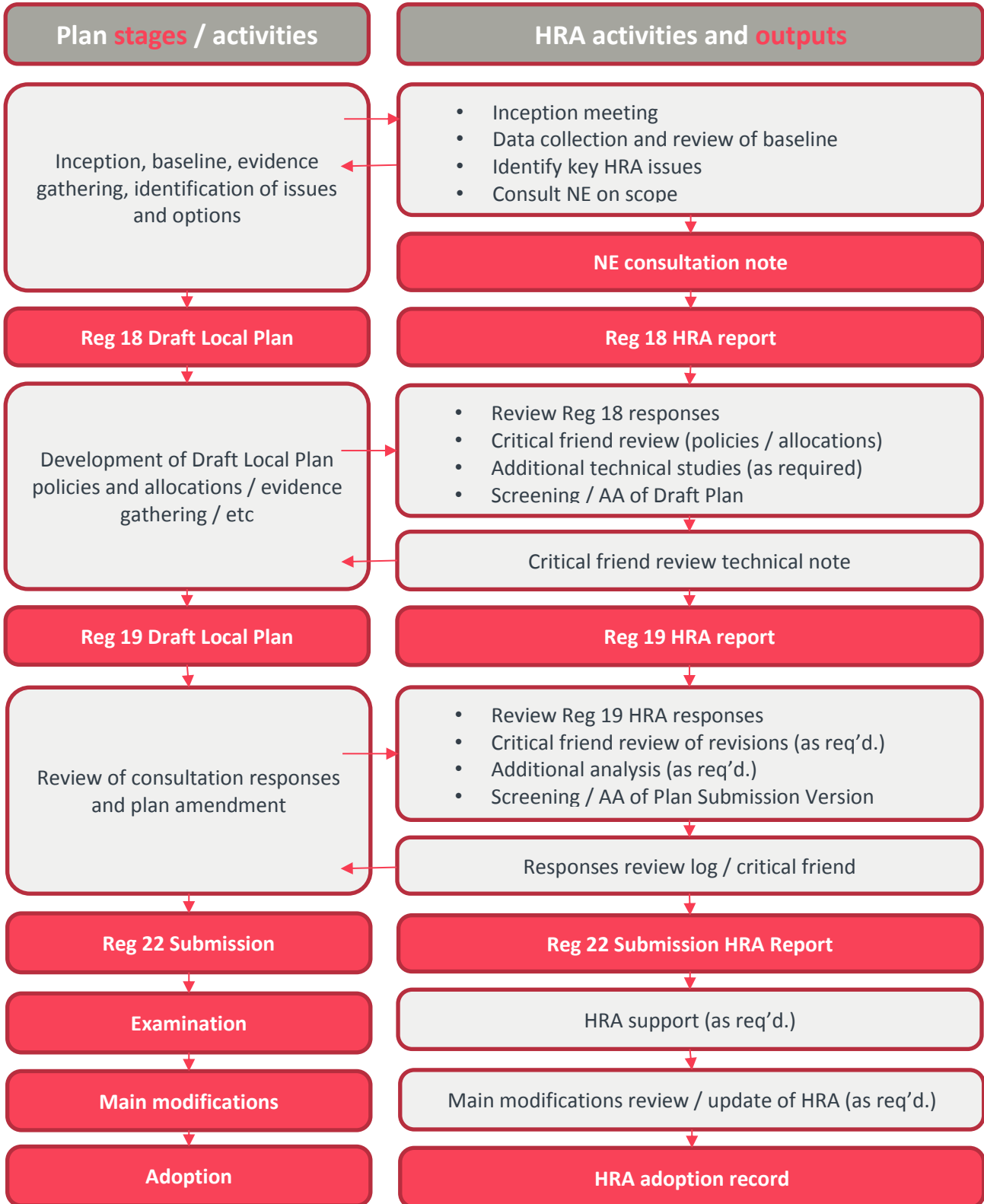
- 2.1.2 HRAs of local planning documents rarely proceed beyond Stage 2, as alternatives to policies or allocations that adversely affect the integrity of a European site are almost always available.
- 2.1.3 As noted, it is important to recognise that these stages principally reflect the legislative tests applied to the final, submitted project or plan; there is no statutory requirement for HRA (or these specific stages) to be completed for draft plans or similar developmental stages. Attempting to rigidly apply these steps to the emerging or interim stages of strategic plans is not always appropriate, and often reduces the clarity and usefulness of the HRA as a plan-shaping process for both plan-makers and consultees.
- 2.1.4 In practice, therefore, there is flexibility for the HRA process to be run in a manner that provides maximum benefit for plan-development and sound decision-making, whilst still ultimately meeting the legislative tests.
- 2.1.5 The HRA of the Local Plan refresh therefore employs an iterative and consultative approach to HRA, with outputs tailored to each stage of the plan development and consultation process, and the requirements of the key stakeholders, rather than trying to force the guideline HRA stages on to the emerging plan. The HRA therefore contributes to the plan evidence-base, so assisting with the development of sustainable policies from the beginning of the plan-making process rather than being a purely retrospective ‘test’ applied towards the end.
- 2.1.6 **Figure 2.1** below provides an overview of our preferred approach to the HRA of Local Plans, identifying the relationships between the HRA process / key outputs and the plan development / consultation points (Reg. 18 etc.). Note, this is indicative and additional outputs may be appropriate to support Newham Borough Council as the plan evolves.
- 2.1.7 In summary, the early stages of the process are relatively iterative and do not look like a ‘formal’ HRA – so, for example, an Issues and Options HRA report does not attempt to ‘screen’ the Issues and Options (partly as these will usually be too broad for any such assessment to be meaningful, although guidance would be provided to Newham Borough Council if any options would clearly risk unavoidable adverse effects if pursued), but rather set out the current local baseline and intended scope, discuss potential data gaps, and identify the key HRA-related issues for the Local Plan to address in its development.
- 2.1.8 The HRA reporting aligns more closely with the guideline stages as the Local Plan develops, with the Preferred Options being accompanied by a comprehensive ‘Draft Local Plan HRA’ report that will comprise a detailed ‘screening’ and (probably) ‘appropriate assessment’ of the Preferred Options Draft Plan, setting out the HRA-related evidence and the anticipated conclusion (if the plan were to be adopted as drafted, recognising that the HRA can only be completed for the final, adopted plan). This report would then be updated for subsequent consultation stages to reflect consultation responses and plan amendments.
- 2.1.9 It should be noted that the “People Over Wind” judgment⁸ has altered how mitigation and avoidance measures are accounted for in an HRA (see **Section 1** below). The judgment states that “...it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects [mitigation] of the plan or project on that site”. This contrasts with established practice in this area (based on the “Dilly Lane” judgment⁹) whereby avoidance and mitigation measures were typically considered at screening. This presents some challenges for plan-level HRA, and in practice many more Local Plan HRAs now require an ‘appropriate assessment’; however, typically this is met

⁸ Court of Justice of the European Union (ECJ) Case C-323/17 - People over Wind, Peter Sweetman v Coillte Teoranta, preliminary ruling which is accepted by the English courts as binding: see e.g. Gladman Developments Ltd. v SSHLG [2019] EWHC 2001 (Admin).

⁹ Hart District Council v Secretary of State for Communities and Local Government [2008] EWHC 1204 (Admin).

by ensuring that the subsequent assessment is ‘appropriate’ to the issues being considered.

Figure 2.1 Indicative HRA process for Local Plans



2.2 Guidance

2.2.1 The following guidance has been used during the review and assessment of the Publication Local Plan:

- UK Government (2019). Appropriate Assessment: Guidance on the use of Habitats Regulations Assessment. <https://www.gov.uk/guidance/appropriate-assessment> [Accessed November 2022].
- Tyldesley, D. & Chapman, C. (2022). The Habitats Regulations Assessment Handbook [online]. DTA Publications Limited. Available at: <https://www.dtapublications.co.uk/handbook/> [Accessed November 2022].
- EC (2018). Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. Commission Notice C(2018) 7621 final, Brussels, 21.11.2018.
- PINS Note 05/2018: Consideration of avoidance and reduction measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta).
- DTA Publications (2020) The Habitats Regulation Handbook.
- SNH (2017) Habitats Regulations Appraisal of Plans: Guidance for plan-making bodies in Scotland. Scottish Natural Heritage.
- SNH (2019). SNH Guidance Note: *The handling of mitigation in Habitats Regulations Appraisal – the People Over Wind CJEU judgement* [online]. Scottish Natural Heritage. Available at: <https://www.nature.scot/sites/default/files/2019-08/Guidance%20Note%20-%20The%20handling%20of%20mitigation%20in%20Habitats%20Regulations%20Appraisal%20-%20the%20People%20Over%20Wind%20CJEU%20judgement.pdf>. [Accessed November 2022].
- DCLG (2006) Planning for the Protection of European Sites: Appropriate Assessment. Guidance for Regional Spatial Strategies and Local Development Documents. Department for Communities and Local Government, HMSO, London;
- English Nature (1997 2001) Habitats Regulations Guidance Notes 1 9, Natural England, Peterborough;
- European Commission (2002) Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. European Commission, Brussels;
- European Commission (2001) Assessment of plans and projects significantly affecting Natura 2000 sites. European Commission, Brussels;
- European Commission (2007) Managing Natura 2000 sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC. European Commission, Brussels.
- European Commission (2018). Managing Natura 2000 sites - The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. European Union, 1-86.
- Natural England (2020). Guidance on how to use Natural England's Conservation Advice Packages in Environmental Assessments. Natural England, Peterborough.
- Defra (2012). The Habitats and Wild Birds Directives in England and its seas: Core guidance for developers, regulators & land/marine managers [online]. Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/82706/habitats-simplify-guide-draft-20121211.pdf. [Accessed November 2022].

Additional topic-specific guidance (for example, in relation to the assessment of air quality effects) is identified within the relevant assessment sections.

2.3 Consultation and Plan Evolution

- 2.3.1 The HRA process is completed alongside the development of the Plan, and the HRA reports issued at each stage of the plan development reflect the assessment and process at that point in time.
- 2.3.2 The consultations to date are as follows:
- consultation on the Issues and Options Document and IIA Scoping Report (which included reference to HRA) between the 18 October and the 17 December 2021, to which Natural England provided a response in relation to HRA (see **Appendix B**) and
 - the Reg. 18 consultation HRA document (this report).
- 2.3.3 Appropriate HRA reports will be produced to accompany future consultation stages; additional consultations on specific technical aspects are undertaken and documented as required.

2.4 Study Area

- 2.4.1 The zone of influence of a Local Plan varies according to the aspect being considered (for example, noise effects would rarely extend more than a few hundred metres from the source), and so it is not usually appropriate to employ slightly arbitrary spatial buffers to determine those European sites that should be considered within an HRA.
- 2.4.2 However, as distance is a strong determinant of the scale and likelihood of most effects, the considered use of a suitably precautionary search area as a starting point for the assessment (based on an understanding of both the likely plan outcomes and European site interest features) has some important advantages. Using buffers allows the systematic identification of European sites using GIS, so minimising the risk of sites or features being overlooked, and ensures that sites for which there are no reasonable impact pathways can be quickly and transparently excluded from any further screening or assessment. It also has the significant advantage of providing a consistent point of reference for consultees following the assessment process, allowing the screening to focus on the potential effects, rather than on explaining why certain sites may or may not have been considered in relation to a particular aspect of the plan.
- 2.4.3 Most Local Plan HRAs adopt a 15 – 20km buffer for the identification of European sites that may be exposed to significant effects, with sites beyond this distance considered as required. The HRA of the Local Plan refresh therefore considers:
- all European sites within 20km of the Council's administrative area (see **Table 3.2**);
 - any additional sites that may be hydrologically linked to the Local Plan's zone of influence; and
 - any additional sites identified by Natural England following the SA Scoping Consultation (particularly in relation to air or water quality, see below).
- 2.4.4 This is considered to be a suitably precautionary starting point for the assessment of the Local Plan. **Note, at the screening stage the assessment essentially assumes that there will be 'no effect' (and hence no possibility of 'in combination' effects) on European sites not included within the scope.**

2.5 Data Collection

2.5.1 The screening and appropriate assessment stages take account of the baseline condition of the European sites and their interest features¹⁰, including (where reported) data on

- the site boundaries and the boundaries of the component SSSIs;
- the conservation objectives;
- information on the attributes of the European sites that contribute to and define their integrity;
- the condition, vulnerabilities and sensitivities of the sites and their interest features, including known pressures and threats;
- the approximate locations of the interest features within each site (if reported); and
- designated or non-designated 'functional habitats' (if identified).

2.5.2 These data are derived from:

- the most recent JNCC-hosted GIS datasets;
- the Standard Data forms for SACs and SPAs and Information Sheets for Ramsar sites;
- Article 12 and 17 reporting;
- the published site Conservation Objectives;
- Supplementary Advice to the conservation objectives (SACO) where available¹¹;
- Site Improvement Plans (SIPs); and
- the supporting Site of Special Scientific Interest's favourable condition tables where relevant and where no SACOs applicable to the features are available.

2.5.3 Note:

- For SPAs, the qualifying features are taken as those identified on the most recent JNCC datasets and citations where these post-date the 2nd SPA Review (i.e. it will be assumed that any amendments suggested by the SPA review have been made) unless otherwise identified to us by NE; any site-specific issues relating to the SPA Review can be addressed in the screening and appropriate assessment of the preferred options (see below).
- The conservation objectives for Ramsar sites are taken to be the same as for the corresponding SACs / SPAs (where sites or feature ecological characteristics are coincident); SSSI Definition of Favourable Condition (FCTs) are used for those features or areas not covered by SAC/SPA designations.

2.5.4 Where possible the site data is used to identify other features that may be relevant to site integrity, particularly '**typical species**' (for SACs), within-site **supporting habitats**, and designated or non-designated '**functional habitats**'.

¹⁰ The interest features are taken to be the qualifying features; and other site features that may be relevant to site integrity, particularly 'typical species' (for SACs) and within-site supporting habitats for SPAs.

¹¹ NE has published '*Supplementary advice on conserving and restoring site features*' for most European sites in England which describe in more detail the range of ecological attributes which are most likely to contribute to a site's overall integrity, and the targets each qualifying feature needs to achieve in order for the site's conservation objectives to be met.

- 2.5.5 A '**typical species**' is broadly described by EC guidance as being any species (or community of species) which is particularly characteristic of, confined to, and/or dependent upon the qualifying Annex I habitat feature at a particular site. This may include those species which:
- are critical to the composition or structure of an Annex I habitat (e.g. constant species identified by the National Vegetation Classification (NVC) community classification);
 - exert a critical positive influence on the Annex I habitat's structure or function (e.g. a bioturbator (mixer of soil/sediment), grazer, surface borer or predator);
 - are consistently associated with, and dependent upon, the Annex I habitat feature for specific ecological needs (e.g. feeding, sheltering), completion of life-cycle stages (e.g. egg-laying) and/or during certain seasons/times; or
 - are particularly distinctive or representative of the Annex I habitat feature at a particular site.
- 2.5.6 Within-site **supporting habitats** are those which support the population(s) of the qualifying species, and which are therefore critical to the integrity of the feature.
- 2.5.7 '**Functional habitats**' are generally taken to be habitats or features outside a European site boundary that are important or critical to the functional integrity of the site habitats and / or its interest features. These might include, for example:
- 'buffer' areas around a site (e.g. dense scrub areas preventing public access; areas of land that reduce the effects of agricultural run-off; etc.); and
 - specific features or habitats relied on by mobile species during their lifecycle (e.g. high-tide roosts for waders; significant maternity colonies for bats known to hibernate within an SAC; areas that are critical for foraging or migration; etc).

2.6 Reviewing the Emerging Plan

- 2.6.1 The principles¹² of 'screening' are applied to the plan refresh and its components (i.e. the policies and allocations) as part of an iterative review process, to ensure that:
- any necessary technical assessments focus on those plan aspects that are likely to result in significant effects on European sites; and
 - that the policies of the adopted plan are drafted to provide appropriate overarching safeguards that help (alongside any subsequently identified mitigation) to ensure that the adopted plan will have no significant effects or no significant adverse effects.
- 2.6.2 The outcomes of the HRA reviews are reported as appropriate at each consultation stage; this reporting may outline anticipated conclusions in relation to specific plan aspects. The outcomes of these reviews are re-visited throughout plan refresh to ensure that they remain robust, and that the overall performance of the plan in relation to the safeguarding of European sites meets expectations.
- 2.6.3 The reviews are intended to be a coarse filter for identifying potential effect pathways that cannot be self-evidently discounted, and hence those aspects where further investigation ('appropriate assessment') is required to determine the scale or nature of any effects and /

¹² i.e. exploring whether significant effects on European sites are possible; note, from a strict procedural perspective the tests in Regulation 105 (including the 'test of significance') can only be formally applied to the plan intended for adoption and not to its various phases or iterations; therefore the term 'screening' is used advisedly when applied to assessments completed at earlier stages of the plan development.

or any bespoke mitigation that is necessary, rather than detailed assessments in their own right.

2.7 Screening / Assessment of the Draft Local Plan

- 2.7.1 Consultation on the Regulation 19 Local Plan will be accompanied by a comprehensive HRA document that will comprise a detailed ‘screening’ and (probably) ‘appropriate assessment’ of the plan, setting out the HRA-related evidence and the anticipated conclusion (if the plan were to be adopted as drafted, recognising that the HRA can only be completed for the final, adopted plan).
- 2.7.2 The HRA would include a **‘screening’** of the European sites (excluding those sites and features that are not vulnerable (i.e. both exposed and sensitive) to the outcomes of the plan) as well as reviews of the policies and allocations to identify those that cannot have significant effects, alone or in combination, or which cannot be assessed at the plan level (e.g. policies that support development or other changes but which are too general to allow any specific assessments of effects (i.e. the locations, scale, quantum etc. are not specified below the geographical level of the plan, assuming that the type of development proposed is not such that significant effects would be unavoidable regardless of these aspects). The screening does not take into account ‘mitigation’, in accordance with ‘People over Wind’ (see below).
- 2.7.3 An **‘appropriate assessment’** determines whether any aspect of the plan will have ‘adverse effects on integrity’ for any European sites, taking into account the sites’ conservation objectives and conservation status. Site integrity (in HRA terms) is *“the coherent sum of the site’s ecological structure, function and ecological processes, across its whole area, which enables it to sustain the habitats, complex of habitats and/or populations of species for which the site is designated”* (EC Guidance ‘Managing Natura 2000’ (2018)).
- 2.7.4 Where a site or interest feature has a ‘favourable’ conservation status then a ‘no adverse effects on integrity’ conclusion can be reached provided that this status will not be undermined by the plan or project at hand; if the conservation status is ‘unfavourable’ then the plan or project must not reduce the conservation status further or create conditions that would make it more difficult for the site or feature to reach ‘favourable’ conservation status. It should be noted that this is not simply a test of whether there are negative effects; an effect may be negative but not undermine the site’s conservation objectives. The integrity test incorporates the precautionary principle, whereby plans or projects should not be approved unless there is no reasonable scientific doubt that adverse effects on site integrity will not occur¹³.
- 2.7.5 Appropriate assessments are therefore used to provide a more detailed examination of those plan aspects where significant effects are likely, or (commonly) where there is a residual uncertainty which the assessment is intended to resolve or a mitigation measure requires examination. The ‘appropriate assessment’ stage may therefore conclude that the proposals are likely to have an adverse effect on the integrity of a site (in which case they should be abandoned or modified); or that the effects will be ‘significant’ but not adverse (i.e. an effect pathway exists, but those effects will not undermine site integrity, perhaps due to mitigation proposed for inclusion within the plan); or that the effects would,

¹³ It should be noted that ‘no reasonable scientific doubt’ does not mean ‘absolute certainty’ (which is rarely achievable in any case, particularly at the plan level where detail on specific future developments is often unavailable); sufficient certainty may be achieved through the use of suitably conservative assumptions (e.g. in modelling) or evidence from best-practice elsewhere, taking into account any advice from the relevant statutory bodies. The plan-making authority can then put in place a legally enforceable framework that provides certainty by ensuring that the potential adverse effects identified using the best-available information will not be realised.

if screening were re-visited, be ‘not significant’ (i.e. the anticipated effect is subsequently shown to be nugatory or *de minimis*¹⁴).

- 2.7.6 The approaches used for appropriate assessments vary according to the sites affected and the effect-pathways.
- 2.7.7 Consideration of ‘**in combination**’ effects is not a separate assessment but is integral to both the screening and appropriate assessment stages (although it should be noted that effects that are nil or nugatory and indistinguishable from background variations cannot operate ‘in combination’ and so can be excluded at the screening stage).
- 2.7.8 There is limited guidance available on the scope of the ‘in combination’ element, particularly with regard to which plans should be considered. However, the assessment should not be limited to plans at the same level in the planning hierarchy and there is consequently a wide range of plans that could have potential ‘in combination’ effects with the Local Plan Refresh.
- 2.7.9 The plans identified by the IIA will provide the basis for the assessment of ‘in combination’ effects; these plans are reviewed to identify any potential effects and then considered (as necessary) within the screening and appropriate assessment stages. The assessment does not generally include national strategies, national policy or legislation since the Local Plan must be compliant with these. It is considered that ‘in combination’ effects are most likely in respect of other regional and sub-regional development plans and strategies.

2.8 Notes on Mitigation and Avoidance

- 2.8.1 The development of avoidance or mitigation measures is important to the HRA and plan development process. ‘Avoidance measures’ are those that are implemented during the iterative plan development process (for example, abandoning a policy or allocation that is likely to have unavoidable adverse effects if implemented)¹⁵; mitigation measures are used where significant effects are identified in order to prevent adverse effects on a site’s integrity¹⁶.
- 2.8.2 Avoidance or mitigation measures should aim to reduce the probability or magnitude of impacts on a European site until ‘no likely significant effects’ or ‘no adverse effects on integrity’ are anticipated, and they will generally involve the development and adoption of (for example) wording changes to policies, or additional safeguarding policies. Measures must be specific and targeted, and likely to work; it is not appropriate to re-state existing legislation or policy, for example by adding “*and must have no significant effect on any European site*” (or similar) to every policy. The avoidance or mitigation measures should also reflect the limited influence that the Council can exert on non-planning issues, and should not generally exceed requirements set by national planning policy or guidance.
- 2.8.3 The ‘People Over Wind’ judgment creates some issues for the application of avoidance and mitigation measures in the HRA process, stating that “...*it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects [mitigation] of the plan or project on that site*”; as noted, this contrasts with established practice in this area (based on the ‘Dilly Lane’ judgment)

¹⁴ In the absence of avoidance or mitigation measures, as per ‘People over Wind’.

¹⁵ Note, the term ‘avoidance measures’ in this context is not synonymous with the representation of ‘mitigation’ used in the People over Wind judgment; see also para. 2.3.21.

¹⁶ Although it should be noted that not all ‘likely significant effects’ will require mitigation measures: the effect may be considered to be likely to be significant (i.e. has the potential to undermine the conservation objectives) but may be shown on further examination to be too limited to have any risk of adversely affecting site integrity.

- 2.8.4 There is currently little information on the practical implementation of the ‘People over Wind’ judgment¹⁷, particularly for plan-level HRAs where the assessment process is usually concurrent with plan development and where measures are invariably incorporated into the plan before the formal ‘screening’ of the final version takes place. Indeed, many ‘recommendations’ derived from an iterative policy review process might be interpreted as ‘avoidance’ or ‘mitigation’ measures if viewed solely in terms of their implications for European sites, making it difficult to distinguish between basic good policy practice and ‘mitigation’.
- 2.8.5 For example, generic policies promoting the use of Sustainable Drainage Systems (SuDS); or safeguarding designated sites (including European sites); or requiring that developers ensure utility provision in advance of occupation, are fairly standard inclusions in virtually all land-use plans but will all act to moderate potential environmental changes that could affect European sites. However, it would clearly be illogical to attempt to screen a hypothetical version of the plan that did not include such policies, particularly if these are included independently of the HRA results.
- 2.8.6 The broader context of the ‘People over Wind’ case suggests that the judgment is principally focusing on those instances where specific measures are included or relied on to avoid or mitigate a specific effect that has been identified, and which would otherwise be significant; the judgment argues that the effectiveness of any such measures should be examined through an appropriate assessment stage. It is therefore arguable that an exhaustive examination of a plan’s genesis to see if any aspects might count as ‘mitigation’ for screening purposes is not necessary, or (arguably) consistent with the intent of the Habitats Directive or the ‘People over Wind’ judgment.
- 2.8.7 Therefore, the screening does not take account of specific measures that are included in response to a specific identified effect on a European site, and which are intended to avoid or reduce that effect. However, generic policy safeguards that would be included regardless of the presence of European sites are essentially just ‘the plan’ and are not considered to be ‘mitigation’ unless there is a specific effect or pathway that they are intended or relied on to obviate. Aspects requiring specific investigations to understand the problem (and hence the mitigation requirements), or which rely on established mitigation to avoid an effect, are subject to AA.

2.9 Uncertainty and ‘Down the Line’ Assessment

- 2.9.1 For most policies, even at the strategic level, it will be clear if adverse effects are likely at an early stage, and in these instances the policy should not be included within the plan since plans should not include proposals which would be likely to fail the Habitats Regulations tests at the project application stage. For other options, however, the effects may be uncertain, and it is therefore important that this uncertainty is addressed either through additional investigation or (if this is not possible) appropriate mitigation measures that provide certainty that the predicted effect will not occur or will not adversely affect site integrity.
- 2.9.2 It is usually possible to incorporate caveats or measures within policy text that are sufficient to ensure that adverse effects will not occur. However, for other policies this may not be possible because there is insufficient available information about the nature of the development that is being proposed through the policy to enable a robust conclusion to be reached. In these instances, it may be appropriate and acceptable for assessment to be

¹⁷ The Planning Inspectorate issued a guidance note (PINS Note 05/2018: *Consideration of avoidance and reduction measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta*) although this does not provide substantive practical information for LPAs or clear guidance on what might constitute an ‘avoidance measure’, and the guidance note appears to have been subsequently withdrawn.

undertaken 'down-the-line' at a lower tier in the planning hierarchy. For this to be acceptable, the following conditions must be met:

- the higher tier plan appraisal cannot reasonably predict the effects on a European site in a meaningful way; whereas;
- the lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, retains enough flexibility within the terms of the higher tier plan over the exact location, scale or nature of the proposal to enable an adverse effect on site integrity to be avoided; and
- HRA of the plan at the lower tier is required as a matter of law or Government policy.

2.9.3 This approach is applied as appropriate to the screening and appropriate assessment stages.

3. Baseline Summary and Impact Pathways

3.1 Effect Pathways and Key Regional Pressures

- 3.1.1 The provisions of the Habitats Regulations ensure that ‘direct’ (encroachment) effects on European sites as a result of land use change (i.e. the partial or complete destruction of a European site) are extremely unlikely under normal circumstances, and this will not occur as a result of the Local Plan. Indeed, local plans will generally assist the safeguarding of European sites through their protective policies. However, there will be a number of areas where the direction, controls or influence provided by a plan can result in outcomes that can affect European site interest features.
- 3.1.2 Most potential effect pathways are associated with broad ‘quantum of development’ or population growth aspects, and whilst a local plan is not necessarily the main driver of these effects, they do have a key role in managing them locally through the site allocation process. In this context, the main aspects through which the Local Plan could affect European sites in the study area are:
- through individual allocations or supported developments that are ‘directed’ to a specific location or area; or
 - through ‘in combination’ effects resulting from the cumulative impacts of development associated with the Local Plan and with the plans and programmes of external authorities (such as neighbouring LPAs).
- 3.1.3 In broad terms, the current iteration of the emerging Local Plan and accompanying IIA includes:
- the number of homes and employment land that should be provided for over the plan period (the quantum of growth);
 - policies providing geographical direction for development (neighbourhood policies and specific allocations);
 - policies broadly supporting development or other changes, but which do not specify a quantum or location;
 - various development control policies that set out Newham’s Borough Council tests or expectations when considering proposals, such as safeguarding policies, environmental protection policies or policies relating to design or other qualitative criteria.
- 3.1.4 These aspects could affect European sites on their own, through typical development-related mechanisms operating at the local scale in relation to specific allocations (e.g. noise, lighting, etc.; see **Table 3.1**); or collectively by exacerbating regional pressures (e.g. pressures on water supply).

Table 3.1 Typical effect pathways and environmental changes associated with terrestrial development

Pressure / Threat	Common environmental changes
Hydrological changes	Temperature changes Salinity changes Water flow changes Flood regime changes
Pollution and other chemical changes	Non-synthetic and synthetic compound contamination Radionuclide contamination Introduction of other substances (solid, liquid or gas) De-oxygenation Nutrient enrichment Organic enrichment
Physical loss	Physical loss of habitat Physical change to another habitat
Physical damage	Habitat structure changes Changes in suspended solids Siltation rate changes
Other physical pressures	Litter Electromagnetic changes Noise changes Introduction of light Barrier to species movement Death or injury by collision
Biological pressures	Visual disturbance Genetic modification and translocation of indigenous species Introduction or spread of non-indigenous species Introduction of microbial pathogens Exploitation / harvesting of species Removal of non-target species during exploitation / harvesting

3.1.5 Significant effects or significant adverse effects as a result of individual allocations 'alone' are typically unlikely as most environmental changes have a limited 'zone of influence' (for example, noise effects on species will rarely be significant over 500m from the source based on natural rates of attenuation alone). However, the Local Plan HRA must also consider the potential for development supported by the plan to operate 'in combination' both internally (e.g. between allocations) or with external plans and programmes (e.g. cumulative housing growth regionally). 'In combination' changes are often of an inherently larger scale or operate over larger areas.

3.1.6 There is obviously a wide range of potential mechanisms and pathways for 'in combination' effects depending on the European sites and features. However, there are a few key mechanisms by which local plans (etc.) most commonly operate cumulatively to affect European sites; these are noted below, and provide the broad framework for assessing potential 'in combination' effects associated with the Local Plan:

- **Recreational pressure:** Many European sites will be vulnerable to some degree of impact as a result of recreational pressure, although the effects of recreational pressure are complex and very much dependent on the specific conditions and interest features at each site. Local plans can influence recreational pressure through their allocations and associated controls.

- **Urbanisation:** Urbanisation is generally used as a collective term covering a suite of often disparate risks and impacts that occur due to increases in human populations near protected sites. This would include varied aspects such as fly-tipping or vandalism, predation by cats, or the dispersal of invasive species, although the effects of these aspects depend on proximity, accessibility and the interest features of the sites. This is generally only realised where allocations are close to a designated site.
- **Atmospheric pollution:** The most relevant air pollutants to habitats and species (particularly plant species) are the primary pollutants sulphur dioxide (SO₂, typically from combustion of coal and heavy fuel oils), nitrogen oxides (NO_x, mainly from vehicles) and ammonia (NH₃, typically from agriculture although emissions from vehicles due to catalytic conversion is an increasing issue in some areas). These pollutants affect habitats and species mainly through acidification and eutrophication. Local Plans will generally have few specific point-sources for air emissions and such emissions would typically be controlled through project-level permissions; the main issue for local plans is the assessment of 'in combination' effects due to air quality changes that might be associated with the quantum of development growth proposed / supported by a Local Plan, particularly in relation to traffic and N-deposition.
- **Water resources and flow regulation:** The exploitation and management of water resources is connected to a range of activities, most of which are not directly controlled or influenced by local plans; for example, agriculture, flood defence, recreation, power generation, fisheries and nature conservation. Much of the water supply to water-resource sensitive European sites is therefore managed through specific consenting regimes that are independent of local plans. Increased housing growth (which is likely to be supported by a local plan) increases demand on public water supply (PWS) abstractions, some of which are associated with European sites; however, the consenting regimes are subject to HRA and, importantly, water companies are required to produce 25-year Water Resource Management Plans (WRMPs) that take into account predicted population growth and protected sites when considering future water resource provision. It is therefore very unlikely that development within one local planning authority area could have direct and consequential effects on a European site if growth is in line with water company predictions, particularly as most water companies operate conjunctive-use systems that do not rely on single-source provision (i.e. it would typically be very difficult to directly link PWS in a particular area to a specific European site). This aspect is most typically managed through policy.
- **Water quality:** Most waterbodies and watercourses are affected to some extent by point or diffuse sources of pollutants, notably nitrates and phosphates. Point sources are usually discrete discharge points, such as wastewater treatment works (WTW) outfalls, which are generally managed through specific consenting regimes that are independent of local plans. In contrast, diffuse pollution is derived from a range of sources (e.g. agricultural run-off; road run-off) that cannot always be easily traced or quantified. Development promoted or supported by local plans is likely to increase demand on wastewater treatment works, and potentially increase run-off which could indirectly affect downstream European sites – although there will inevitably be attenuation as distance from the source increases.

3.1.7 In addition, many European interest features (particularly more mobile animal species) may use or be reliant on non-designated habitats outside of a European site during their life-cycle. Developments some distance from a European site can therefore affect the site integrity if its population of interest features is reliant on habitats being affected by a development. All of the above aspects (recreation, water resources, etc.) can therefore also affect European site integrity indirectly through effects on 'functional habitats' outside of the designated site boundary.

3.2 European Site Summaries

3.2.1 As noted, the screening stage considers potential effects on:

- All European sites within 20km of the Council's Administrative Area;
- Any additional sites that may be hydrologically linked to the Local Plan's zone of influence and exposed to potentially significant environmental changes (in this instance the Thames Estuary and Marshes SPA and Thames Estuary and Marshes Ramsar sites are included in the scope¹⁸); and
- Any additional sites identified by NE during scoping consultations. On the 6th March 2019 Natural England published interim advice detailing the emerging strategic approach on the Epping Forest SAC mitigation strategy.

3.2.2 This is considered to be a suitably precautionary starting point for the assessment of the Local Plan. This area includes the European sites identified in **Table 3.2**. Note, at the screening stage the assessment would essentially assume that there will be 'no effect' (and hence no possibility of 'in combination' effects) on European sites not included within the scope.

Table 3.2 European sites within study area

Site	Location relative to the Council's Administrative Area
Epping Forest SAC	Woodland site approximately 2km north of the London Borough of Newham boundary
Lee Valley SPA	Wetland site approximately 3,5km north-west of the London Borough of Newham boundary.
Lee Valley Ramsar	Wetland site approximately 3,5km north-west of the London Borough of Newham boundary.
Wimbledon Common SAC	Woodland site approximately 17km south-west of the London Borough of Newham boundary.
Richmond Park SAC	Woodland site approximately 18,7km south-west of the London Borough of Newham boundary.
Thames Estuary and Marshes Ramsar	Coastal site approximately 23 km east of the LBN area (note, the Ramsar site is not entirely coincident with the Thames Estuary and Marshes SPA).
Thames Estuary and Marshes SPA	Coastal site approximately 24 km east of the LBN area.

3.2.3 Natural England's response to consultation on Issues and Options identified that Epping Forest SAC would need to be included in the HRA assessment. Epping Forest SAC falls within the 20km buffer of the Council's Administrative Area and this site has been included in the scope (see **Table 3.2**).

¹⁸ Other sites further downstream on the Thames Estuary (e.g. Benfleet and Southend Marshes SPA / Ramsar) are considered too distant to be exposed to potentially significant effects through (e.g.) water quality changes due to the distance and consequent natural attenuation by the tidal estuary, and existing discharge controls and consents.

- 3.2.4 The following sections provide a summary of the European sites within 20km of the Newham Borough Council area, including a contextual overview of each site; their interest features; their condition; and the current pressures and threats identified for each site¹⁹. These are based on the citations, the Site Improvement Plans (SIPs), information on the condition of the underlying SSSIs, and any supplementary advice provided by Natural England²⁰. A summary of the conservation objectives is subsequently provided.
- 3.2.5 Note, to simplify the data presentation some overlapping sites with shared features or other commonalities are addressed together.
- 3.2.6 The extent of each site in favourable or unfavourable condition has been estimated using the Natural England condition assessments for the corresponding SSSI units, although it must be noted that the boundaries of the component SSSI units (to which the condition assessments relate) do not always match the European site boundaries exactly (i.e. the SSSIs are often larger) and it is not always possible to split SSSI units to determine the precise area of the European site (or interest feature) that is in each condition category.
- 3.2.7 The potential mechanisms by which the Local Plan could affect these sites are discussed in **Section 3.1**. There are many factors currently affecting the European sites over which the Local Plan will have no or little influence; analysis of the available European site data and the SSSI condition assessments indicates that the most common reasons for an ‘unfavourable’ condition assessment of the component SSSI units are due to inappropriate management of some form (e.g. over- or under-grazing, scrub control, water-level management etc.).

Epping Forest SAC

Overview

- 3.2.8 Epping Forest is a former royal forest and one of the few remaining large-scale examples of ancient wood-pasture in lowland Britain. It is long (~19km) but relatively narrow, covering a series of semi-natural woodland and grassland blocks between Wanstead in London (near the A12) and the M25 at Epping. Approximately two-thirds of the forest is designated as an SAC.
- 3.2.9 The site supports a mosaic of high-value habitats including ancient semi-natural beech woodlands (which dominate the site), unimproved acid grasslands, wet and dry heath, as well as small rivers, streams and bogs. The woodlands primarily correspond to the NVC communities W14 (*Fagus sylvatica* – *Rubus fruticosus* woodland), W15 (*Fagus sylvatica* – *Deschampsia flexuosa* woodland) and W10 (*Quercus robur* – *Pteridium aquilinum* – *Rubus fruticosus* woodland); the heathland habitats are primarily NVC communities M16 (*Erica tetralix* - *Sphagnum compactum* wet heath and H1 (*Calluna vulgaris* - *Festuca ovina*) heathland. The long history of grazing (formerly) and management has produced habitats (including large numbers of veteran trees) that are important for a range of

¹⁹ The Natural England Site Improvement Plans identify ‘pressures’, which are factors that are known to be currently affecting a site, and ‘threats’ which are factors that may not be exerting a pressure at the moment but which have the potential to do so based on local site knowledge.

²⁰ NE has published ‘*Supplementary advice on conserving and restoring site features*’ for most SACs and SPAs, which describe in more detail the range of ecological attributes which are most likely to contribute to a site’s overall integrity, and the targets each qualifying feature needs to achieve in order for the site’s conservation objectives to be met.

associated species and species groups, including rare epiphyte²¹ communities, fungi, and saproxylic²² invertebrates.

- 3.2.10 The forest is London's largest open space and so is a significant resource for recreation, being used for a range of activities including walking, dog walking, running, cycling, wildlife watching and horse-riding. Indeed, the Epping Forest Act 1878 stipulates that it "*shall at all times [be kept]...as an open space for the recreation and enjoyment of the people*".

Interest Features

- 1.1.1 The SAC has the following qualifying features:
- Annex I habitats:
 - ▶ Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrublayer (*Quercion robori-petraeae* or *Ilici-Fagenion*);
 - ▶ Northern Atlantic wet heaths with *Erica tetralix*; and
 - ▶ European dry heaths.
 - Annex II species:
 - ▶ Stag beetle *Lucanus cervus*
- 3.2.11 The Atlantic acidophilous beech forests and Stag beetle features are the primary reasons for the selection of the site.
- 3.2.12 The supplementary advice also provides guidance on the 'typical species' considered to be associated with the site; these include:
- The constant and preferential plant species of the M16 and H1 NVC vegetation types which comprise the Northern Atlantic wet heaths with *Erica tetralix* feature of the SAC;
 - The constant and preferential plant species of the M16 and H1 NVC vegetation types which comprise the European dry heaths feature of the SAC;
 - The constant and preferential plant species associated with W10, W14 and W15 NVC vegetation types which comprise the Atlantic acidophilous beech forests feature;
 - The key species of ground flora associated with W10, W14 and W15 NVC vegetation types which comprise the Atlantic acidophilous beech forests feature;
 - Key species of epiphytic bryophytes including the endangered Schedule 8 Knothole moss *Zygodon forsteri* and notable species;
 - Key species of epiphytic lichens including: Pinheads, Southern Oceanic Species and threatened species; and
 - The assemblage of saproxylic invertebrates.
- 3.2.13 No specific areas of 'functional land' are identified in relation to this site; however, the supplementary advice identifies a potential need to maintain or restore the functional connectivity of the site with the wider landscape, to support the migration, dispersal and genetic exchange of those typical species associated with the Annex I habitats.

²¹ Epiphytes are plants (typically non-parasitic) that grow on other plants – for example, mosses or ferns growing on tree trunks.

²² Species dependent on dead or decaying wood.

Condition, Pressures and Threats

- 3.2.14 The SSSI underpinning the SAC is mostly in 'favourable' or 'unfavourable recovering' condition. The primary reasons for SSSI units being in 'unfavourable no change' or 'unfavourable recovering' condition are air pollution and public access / disturbance, although management and invasive aquatic species are also issues for some units. Accordingly, the SIP identifies the following pressures affecting site integrity:
- Air pollution (impact of atmospheric nitrogen (N) deposition);
 - Undergrazing;
 - Public access / disturbance; and
 - Invasive species.
- 3.2.15 Changes in species distributions (relates to tree recruitment), water level management (principally relating to groundwater levels in wet heath areas), water pollution (primarily from local road run-off), disease (principally tree diseases) and invasive species (spread of heather beetle; impact of grey squirrel on woodland regeneration; *Crassula* dominance in Speakman's Pond) are all identified as threats.

Lee Valley SPA / Lee Valley Ramsar

Overview

- 3.2.16 The Lee Valley SPA and Lee Valley Ramsar site (hereafter the 'SPA/Ramsar' unless considering specific site features) comprise a series of man-made and semi-natural waterbodies (reservoirs, lagoons and gravel pits) along the River Lea in North London. The closest units to the borough area are a group of reservoirs around Walthamstow constructed in the late 19th century; the remainder of the SPA/Ramsar is located north of the M25 and substantially beyond the zone of influence of the Local Plan. Parts of the sites are managed as nature reserves.
- 3.2.17 The Walthamstow reservoirs are operated by Thames Water and are used for fishing and birdwatching, but watersports are not permitted. There are however a number of well-used public paths around the reservoir margins. Other units of the SPA are used for recreational watersports.

Interest Features

- 3.2.18 The SPA has the following qualifying features:
- Qualifying individual species listed in Annex I of the Wild Birds Directive (Article 4.1):
 - ▶ Great bittern *Botaurus stellaris* (non-breeding).
 - Qualifying individual species not listed in Annex I of the Wild Birds Directive (Article 4.2):
 - ▶ Gadwall *Anas strepera* (non-breeding); and
 - ▶ Northern shoveler *Anas clypeata* (non-breeding).
- 3.2.19 The site meets the following Ramsar criteria:
- Criterion 2 (supports vulnerable, endangered, or critically endangered species or threatened ecological communities):

- ▶ The site supports the nationally scarce plant species whorled water-milfoil *Myriophyllum verticillatum* and the rare or vulnerable invertebrate *Micronecta minutissima* (a water-boatman).
 - Criterion 6 (Species/populations occurring at levels of international importance):
 - ▶ Gadwall *Anas strepera* (winter); and
 - ▶ Northern shoveler *Anas clypeata* (spring/autumn).
- 3.2.20 The site's diversity of habitats is important in supporting these species. Two broad supporting habitats at the site are considered important for the SPA waterbird assemblage and its component species; these are:
- Open standing water and canals; and
 - Fen, marsh and swamp.
- 3.2.21 Possible areas of 'functional land' are identified away from the SPA/Ramsar, specifically King George V Reservoir and Holyfield Lake for gadwall; and King George V Reservoir, William Girling Reservoirs and Ponders End Lake for shoveler.
- 3.2.22 The qualifying features of the sites may make use of other habitats outside the site boundary, although most of the features are strongly associated with the wetland and open water habitats of the SPA / Ramsar rather than exclusively terrestrial habitats, and are primarily attracted to the site for this reason.

Condition, Pressures and Threats

- 3.2.23 The SSSI units underpinning the SPA and Ramsar site are currently in 'favourable' or 'unfavourable recovering' condition, and the SIP does not identify any pressures currently affecting site integrity. The SIP identifies several threats, principally:
- Water pollution (principally related to the need for clear open water and moderately eutrophic conditions);
 - Water level management (principally relating to the operation of the reservoirs for water abstraction);
 - Public access / disturbance (recreational watersports (not within Walthamstow reservoirs), angling and dog-walking);
 - Inappropriate scrub control (relating to reedbed management and marginal habitats);
 - Fish stocking (relating to recreational angling and the need to balance this against the interest feature requirements);
 - Invasive species (the wetlands are periodically colonised by Azolla);
 - Inappropriate cutting / mowing (rotational management of reedbed for **bittern**);
 - Air pollution (principally relating to potential effects on reedbeds supporting **bittern**, although it should be noted that for most wetland habitats eutrophication via run-off and flood water is overwhelmingly more significant than air pollution, and available-N is rarely a limiting factor in these ecosystems).
- 3.2.24 The nearest units of the SPA to the Borough area (Walthamstow Reservoirs SSSI) are in 'unfavourable recovering' condition, due primarily to decreases in shoveler numbers, but this is not thought to be associated with the management (including recreational use) of the reservoirs, instead reflecting wider population trends or changes in site preferences.

Wimbledon Common SAC

Overview

3.2.25 Wimbledon Common is approximately 350 ha. in size and supports the most extensive area of open, wet heath on acidic soil in Greater London. It supports a mosaic of other habitats including broadleaved woodland, acid grassland, dry and wet heath, scrub and mire. It has numerous old trees and a great quantity of fallen decaying timber which supports an important stag beetle population and other invertebrate species.

Interest Features

3.2.26 The SAC has the following qualifying features:

- Annex I habitats:
 - ▶ Northern Atlantic wet heaths with *Erica tetralix*
 - ▶ European dry heaths
- Annex II species:
 - ▶ Stag beetle *Lucanus cervus*

3.2.27 The **Stag beetle** feature is the primary reason for the selection of the site.

3.2.28 The supplementary advice also provides guidance on the 'typical species' considered to be associated with the site; these include:

- The constant and preferential plant species of the H1 and H2 NVC vegetation types which comprise the **European dry heaths** feature of the SAC;
- The constant and preferential plant species of the M16 and M25 NVC vegetation types which comprise the **Northern Atlantic wet heaths with *Erica tetralix*** feature of the SAC;
- Other species: Heather *Calluna vulgaris*, Bell heather *Erica cinerea*, dwarf gorse *Ulex minor*, pill sedge *Carex pilulifera*, heath bedstraw *Galium saxatile*, petty whin *Genista anglica*, *Hypochaeris radicata*, tormentil *Potentilla erecta*, sheep's sorrel *Rumex acetosella*, *Myrica gale*, *Salix repens*, *Eleocharis* spp., *Eriophorum angustifolium*, *Molinia caerulea*, *Trichophorum cespitosum*, *Anagallis tenella*, *Drosera* spp., *Narthecium ossifragum*.
- Mosses *Hypnum jutlandicum*, *Dicranum scoparium*, *Polytrichum juniperinum*.

3.2.29 No specific non-designated areas of land outside the site boundary are identified as being functionally important to the maintenance of site integrity, although the need to maintain or restore the connectivity of the site to its wider landscape through features such as habitat patches, hedges, watercourses and verges is noted.

Condition, Pressures and Threats

3.2.30 The SSSI underpinning the SAC is in 'unfavourable recovering' condition. The primary reason for SSSI units being in this condition is the low structural and age diversity of the heath. Accordingly, the SIP identifies the following pressures and threats affecting site integrity:

- Public access/ Disturbance (high visitor use)

- Habitat fragmentation (which affects the Stag beetle)
- Invasive species (Oak processionary moth)
- Air pollution (impact of atmospheric nitrogen (N) deposition)

Richmond Park SAC

Overview

- 3.2.31 Richmond Park has been managed as a royal deer park since the seventeenth century and it supports a mosaic of habitats including acid grassland, marshy grassland and neutral grassland as well as open parkland and wood pasture. This site is designated for the population of Stag beetle associated with ancient trees and deadwood.

Interest Features

- 3.2.32 The SAC has the following qualifying features:
- Stag beetle *Lucanus cervus*
- 3.2.33 No specific non-designated areas of land outside the site boundary are identified as being functionally important to the maintenance of site integrity, and no 'typical species' are considered, although the need to maintain or restore the connectivity of the site to its wider landscape through features such as habitat patches, hedges, watercourses and verges is noted.

Condition, Pressures and Threats

- 3.2.34 The SSSI underpinning the SAC is in 'unfavourable-recovering' condition and there are no current pressures or threats for the SAC according to the SIP.

Thames Estuary and Marshes SPA / Thames Estuary and Marshes Ramsar

Overview

- 3.2.35 The Thames Estuary and Marshes SPA and Thames Estuary and Marshes Ramsar site (hereafter SPA/Ramsar) are largely (but not entirely) coincident sites covering a mosaic of intertidal habitats, saltmarsh, coastal grazing marshes, saline lagoons and flooded chalk pits. The sites provides wintering habitats for important assemblages of wetland bird species, particularly wildfowl and waders, as well as supporting migratory birds on passage. The sites form part of the wider Thames Estuary, together with other classified SPAs and Ramsar sites in both Essex and Kent.
- 3.2.36 The SPA/Ramsar runs for approximately 24km along the southern edge of the Thames estuary from east of Gravesend to the eastern end of the Isle of Grain, with a small area of intertidal mudflat on the northern side of the Thames around East Tilbury and Mucking Flats. The Ramsar site is slightly larger than the SPA (~5500 ha. vs. 4800 ha.), and includes additional areas of terrestrial marsh on the southern shore near Gravesend and Cliffe. Most of the SPA/Ramsar to the south of the river is brackish grazing marsh, although some of this has been converted to arable use, with relatively small areas of saltmarsh and wide intertidal mudflats beyond the sea wall.

- 3.2.37 The site performs important hydrological functions, including shoreline stabilisation, sediment trapping, flood water storage and desynchronization of flood peaks, and maintenance of water quality by removal of nutrients. Recreational uses include yachting, angling, wildfowling (seasonal), jet skiing, waterskiing, and birdwatching, although public access to much of the site is limited to the seawall and a few other public rights of way.

Interest Features

- 3.2.38 The SPA has the following qualifying features:

- Qualifying individual species listed in Annex I of the Wild Birds Directive (Article 4.1):
 - ▶ Hen harrier *Circus cyaneus* (Non-breeding)
- Qualifying individual species not listed in Annex I of the Wild Birds Directive (Article 4.2):
 - ▶ Pied avocet *Recurvirostra avosetta* (Non-breeding);
 - ▶ Ringed plover *Charadrius hiaticula* (Non-breeding);
 - ▶ Grey plover *Pluvialis squatarola* (Non-breeding);
 - ▶ Red knot *Calidris canutus* (Non-breeding);
 - ▶ Dunlin *Calidris alpina* (Non-breeding);
 - ▶ Black-tailed godwit *Limosa limosa islandica* (Non-breeding);
 - ▶ Common redshank *Tringa totanus* (Non-breeding).
- Qualifying assemblage of waterbird species (Article 4.2), including:
 - ▶ Pied avocet *Recurvirostra avosetta* (Non-breeding);
 - ▶ Grey plover *Pluvialis squatarola* (Non-breeding);
 - ▶ Red knot *Calidris canutus* (Non-breeding);
 - ▶ Dunlin *Calidris alpina alpina* (Non-breeding);
 - ▶ Black-tailed godwit *Limosa limosa islandica* (Non-breeding);
 - ▶ Common redshank *Tringa totanus* (Non-breeding).

- 3.2.39 Note, the above assemblage species are noted in the citation, although the composition of the assemblage will vary over time.

- 3.2.40 The site meets the following Ramsar criteria:

- Criterion 2 (supports vulnerable, endangered, or critically endangered species or threatened ecological communities):
 - ▶ The site supports one endangered plant species and at least 14 nationally scarce plants of wetland habitats. The site also supports more than 20 British Red Data Book invertebrates.
- Criterion 5 (Assemblages of international importance):
 - ▶ Species with peak counts in winter: 45118 waterfowl (5 year peak mean 1998/99-2002/2003).
- Criterion 6 (Species/populations occurring at levels of international importance):

- ▶ Ringed plover *Charadrius hiaticula* (spring/autumn);
- ▶ Black-tailed godwit *Limosa limosa islandica* (spring/autumn);
- ▶ Grey plover *Pluvialis squatarola* (winter);
- ▶ Red knot *Calidris canutus* (winter);
- ▶ Dunlin *Calidris alpina alpina* (winter);
- ▶ Common redshank *Tringa totanus* (winter).

3.2.41 The site's diversity of habitats is important in supporting these species. The Ramsar citation notes the following broad supporting habitats at the site:

- Tidal flats;
- Seasonally flooded agricultural land;
- Saline / brackish lakes and marshes (seasonal and permanent);
- Saltmarshes;
- Sand / shingle shores (note, these are limited in extent); and
- Freshwater lagoons.

3.2.42 No areas of 'functional land' are identified away from the SPA/Ramsar, although non-designated fields within and adjacent to the complex will be used by site interest features and may have a functional linkage.

Condition, Pressures and Threats

3.2.43 The majority of the SSSI units underpinning the SPA and Ramsar site are in 'favourable' condition. There are several units comprising small areas of saltmarsh on the seaward side of the sea wall that are in 'unfavourable declining' condition due to coastal squeeze, and units coinciding with the Ramsar only that are in 'unfavourable no change' condition due to regular ploughing.

3.2.44 The SIP covers the wider Greater Thames Complex of sites (including Medway Estuary SPA, the Swale SPA and Benfleet & Southend Marshes SPA) rather than the Thames Estuary and Marshes SPA specifically. The SIP identifies the following pressures currently affecting site integrity.

- coastal squeeze (due to the presence of coastal defences along much of the coastline and sea-level rise);
- public access / disturbance (various activities including boating and watersports; walking; bait-digging; fishing, and wildfowling, with dog walking and recreational boating being particularly notable);
- changes in species distributions (declines in population size for some bird species associated with the SPAs, principally ringed plover, knot and redshank at the Thames Estuary and Marshes SPA, although the extent to which this is attributable to site-specific versus regional-scale processes is not clear);
- fisheries (particularly dredging of shellfish; thought to be principally a problem in the Swale Estuary);
- vehicles (illicit use of vehicles, typically off-road bikes).

3.2.45 The following issues are identified as threats by the SIP:

- public access / disturbance (as above);
- invasive species (a range of marine and freshwater species including sea squirt and pacific oyster (spreading along the Kent coast; smother other sessile species); common freshwater INNS such as pennywort, crassula, and parrot's feather; increases in *Spartina anglica* (mainly an issue for Benfleet and Southend Marshes SPA);
- changes in species distributions (as above);
- fisheries (as above);
- air pollution (principally relating to potential effects on terrestrial habitats supporting hen harrier (a feature of the Thames Estuary and Marshes SPA), and breeding little tern and seabirds (not a feature of Thames Estuary and Marshes SPA). It should be noted however that for most wetland habitats eutrophication via run-off and flood water is overwhelmingly more significant than air pollution, and available-N is rarely a limiting factor in these ecosystems.

3.2.46 It should also be noted that the Thames Estuary and Marshes SPA/Ramsar have not been identified as sites that are in unfavourable condition due to excessive nutrients (such that 'nutrient neutrality'²³ is being deployed or considered as mitigation in recent NE advice to LPAs²⁴).

Conservation Objectives

3.2.47 The conservation objectives for the sites noted above have been revised by NE in recent years to improve the consistency of assessment and reporting. As a result, the high-level conservation objectives for all sites are effectively the same:

3.2.48 For SACs:

- With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features'...), and subject to natural change; ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring [as applicable to each site];
 - ▶ *The extent and distribution of the qualifying natural habitats;*
 - ▶ *The extent and distribution of the habitats of qualifying species;*
 - ▶ *The structure and function (including typical species) of the qualifying natural habitats;*
 - ▶ *The structure and function of the habitats of qualifying species;*
 - ▶ *The supporting processes on which the qualifying natural habitats rely;*
 - ▶ *The supporting processes on which the habitats of qualifying species rely;*

²³ Poor water quality due to nutrient enrichment from elevated nitrogen and phosphorus levels is one of the primary reasons for some aquatic and estuarine European sites being in unfavourable condition, and substantial reductions are needed to achieve favourable conservation status. 'Nutrient neutrality' is a mitigation approach that potentially allows new developments to be approved provided that there is no net increase in nutrient loading within the catchments of the affected European site.

²⁴ Letter from NE to LPA Chief Executives and Heads of Planning, 16 March 2022; Re. Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites.

- ▶ *The populations of qualifying species; and,*
- ▶ *The distribution of qualifying species within the site.*

3.2.49 For SPAs:

- With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the ‘Qualifying Features’...), and subject to natural change; ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:
 - ▶ *The extent and distribution of the habitats of the qualifying features;*
 - ▶ *The structure and function of the habitats of the qualifying features;*
 - ▶ *The supporting processes on which the habitats of the qualifying features rely;*
 - ▶ *The population of each of the qualifying features; and*
 - ▶ *The distribution of the qualifying features within the site.*

3.2.50 The conservation objectives for Ramsar sites are taken to be the same as for the corresponding SACs / SPAs (where sites overlap). The conservation objectives are considered when assessing the potential effects of plans and policies on the sites; information on the sensitivities of the interest features also informs the assessment.

3.2.51 As noted, NE has published ‘Supplementary advice on conserving and restoring site features’ (known as “Supplementary Advice on Conservation Objectives” or SACO for most SPAs and SACs, which describe in more detail the range of ecological attributes which are most likely to contribute to a site’s overall integrity, and the minimum targets each qualifying feature needs to achieve in order to meet the site’s conservation objectives. These are considered at the screening and appropriate assessment stages, as necessary. The SACOs are available online at the following locations:

Table 3.3 Supplementary Advice on Conservation Objectives

Site	SACO location
Epping Forest SAC	http://publications.naturalengland.org.uk/file/4800280847974400
Lee Valley SPA	http://publications.naturalengland.org.uk/publication/5670650798669824?category=6581547796791296
Lee Valley Ramsar	SACO not provided for Ramsar sites.
Wimbledon Common SAC	http://publications.naturalengland.org.uk/publication/5706571287887872?category=6528471664689152
Richmond Park SAC	http://publications.naturalengland.org.uk/publication/5279688851193856?category=6528471664689152
Thames Estuary and Marshes SPA	https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9012021&SiteName=thames&SiteNameDisplay=Thames%20Estuary%20and%20Marshes%20SPA&countyCode=&responsiblePerson=&SeaArea=&FCAArea=&NumMarineSeasonality=8&HasCA=1
Thames Estuary and Marshes Ramsar	SACO not provided for Ramsar sites.

4. Review of Regulation 18 Plan

4.1 Overview

- 4.1.1 As noted, the broad principles of 'screening' can be applied to the emerging plan and its components (i.e. the policies and allocations) as part of an iterative review process, to ensure that any necessary technical assessments focus on those plan aspects that are likely to result in significant effects on European sites, and that any data gaps or additional investigations can be identified.
- 4.1.2 The following sections provide a brief review of the emerging plan components to identify potential effect pathways and (where possible) provides an initial assessment of whether significant effects are likely for any sites and, if so, whether adverse effects will occur based on the currently available data and contents of the plan. Note that any conclusions reached at this stage are indicative only and will be reviewed as the plan is developed and additional evidence gathered. However, indicative conclusions are provided to illustrate the 'direction of travel' for the assessment, to assist consultees with their review of the HRA process.

4.2 'Screening' of Plan Components: Policies and Allocations

Review of Draft Site Allocations

- 4.2.1 The allocation sites (housing, employment, retail, etc.) proposed by Newham Borough Council have been reviewed to identify those which (if developed) could result in significant effects on a European site that are not obviously avoidable with the standard project-level measures that would be required to meet existing regulatory regimes. The assessment largely focuses on the identification of specific effects that might be associated with specific allocations (and which may therefore require the inclusion of allocation-specific mitigation within the plan) rather than the broader 'quantum of development' effects²⁵.
- 4.2.2 The risk of effects is obviously strongly dependent on how a particular development is implemented at the project stage and in most cases potential effects can be avoided using best-practice and standard scheme-level avoidance measures which do not necessarily need to be specified for each allocation.
- 4.2.3 In practice, none of the allocations will have significant effects alone due principally to their size, their distance from the nearest European sites, and the absence of impact pathways. As a result, it is considered that the Newham plan only has the potential to affect European sites through 'in combination' effects associated with the overall quantum of development within this area of London, principally through recreational pressure and air quality.

²⁵ Effects due to the overall quantum of development are essentially a within-plan 'in combination' effect and are considered in relation to specific European sites in Section 4.3.

Review of Draft Policies in the Draft Local Plan

- 4.2.4 When considering the likely effects of a policy, it is recognised that some policy ‘types’ cannot usually result in impacts on any European sites. Different guidance documents suggest various classification and referencing systems to help identify those policies that can be ‘screened out’ on that basis; the general characteristics of these policy types are summarised in **Table 4.7**.

Table 4.1 Policy ‘types’ that can usually be screened out

Broad Policy Type	Notes
General statements of policy / aspiration	The European Commission recognises* that plans or plan components that are general statements of policy or political aspirations cannot have significant effects; for example, general commitments to sustainable development. This may include policies that support development or other changes but which are too general (e.g. locations, scale, quantum etc. not specified below the geographical level of the plan) to allow any specific assessments of effects, provided that the type of development proposed is not such that significant effects would be unavoidable regardless of location etc.
General design / guidance criteria or policies that cannot lead to or trigger development	A general ‘criteria based’ policy expresses the tests or expectations of the plan-making body when it comes to consider proposals, or relates to design or other qualitative criteria which do not themselves lead to development (e.g. controls on building design; requirements for affordable homes; etc); however, policies with criteria relating to specific proposals or allocations should not be screened out.
External plans / projects	Plans or projects that are proposed by other plans or permissions regimes and which are referred to in the plan being assessed for completeness (for example, Highways Agency road schemes; specific waste development proposals promoted by a County Minerals and Waste Plan; DCO applications being advanced separately from the plan at hand); however, these would be considered as part of the plan-level ‘in combination’ assessment.
Environmental protection policies	Policies designed to protect the natural or built environment will not usually have significant or adverse effects (although they may often require modification if relied on to provide sufficient safeguards for other policies).
Policies which make provision for change but which could have no conceivable effect	Policies or proposals that cannot affect a European site (due to there being no impact pathways and hence no effect; for example, proposals for new cycle path several kilometres from the nearest European site; criteria for a development’s appearance; etc.) or which cannot undermine the conservation objectives, either alone or in combination, if impact pathways exist.

* EC, 2000, Managing Natura 2000 sites: the provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC April 2000 at

- 4.2.5 It must be noted that it is inappropriate to uncritically apply a policy classification tool (as in **Table 4.7**) to all policies of a certain type. There will be some occasions when a policy or similar may have potentially significant effects, despite being of a ‘type’ that would normally be screened out. Moreover, many policies will have a number of elements to them which may meet different criteria.
- 4.2.6 The criteria in **Table 4.7** were applied to a review of the draft policies within the Local Plan to identify the following broad policy groups:

- **‘No effect’** policies: policies that will have ‘no effect’ (i.e. policies that, if included as drafted, self-evidently would not have any effect on a European site due to the type of policy or its operation; for example, a policy controlling town centre shop signage; a policy setting out sustainable development criteria that developments must meet). Note that ‘no effect’ policies cannot have in-combination effects.
- **‘No likely significant effect’** policies: policies where impact pathways exist but the effects will not be significant (alone or in-combination).
- **‘Likely significant effect’** policies: policies where the precise effects on European sites (either alone or in combination) are uncertain or significant, or where measures have been incorporated into the policy to mitigate potential effects, and hence require additional investigation (appropriate assessment). Note that further investigation will often demonstrate that there is no significant effect or allow the suitability of any incorporated mitigation measures to be confirmed.

4.2.7 Reflecting these policy groups, a colour coding system (see **Table 4.8**) has been used for the purposes of screening the Local Plan policies in **Appendix C**.

Table 4.2 Colour coding for screening of Local Plan policies

	No effect or no LSE – policy will not or cannot affect any European sites and can therefore be screened out (subject to a brief review of the final policy prior to adoption).
	Policies with mitigating/moderating elements that do not have significant effects but which are relied on (at least in part) to ensure that significant or significant adverse effects from specific pathways do not occur; these are examined through AA.
	Policies that have potential pathways for effects that require examination through appropriate assessment; note, this does not imply such policies will have adverse effects or even (potentially) significant effects; rather it is an assessment flag.

4.2.8 It should be noted that the inclusion of a policy in the ‘yellow’ category does not mean that significant effects are inevitable since in many instances the assessments reflect uncertainties that need to be explored through further analysis (and it would be possible to undertake an appropriate assessment stage and still conclude (following a further screening) that there will be no significant effects).

4.2.9 The review considers the policies collectively and individually, and so takes the non-specific cross-cutting protective policies within the plan into account although cross-cutting or overarching policies are not relied on where specific mitigation for specific effects is considered necessary for the policy (this is particularly relevant for policies that provide broad or non-specific support for development but which are screened out because they do not define or direct particular developments or activities; in these instances the plan’s protective policies will form a key part of the overall decision-making process). The review also considers any internal tensions within the plan that may be relevant to HRA.

4.2.10 In summary, the vast majority of the planning policies contained in the draft Local Plan Refresh are categorised as ‘no effect’ or ‘no significant effect’ policies (see **Appendix C**). However, the policies in **Table 4.8** are explored further through appropriate assessment.

Table 4.3 Policy aspects requiring examination through appropriate assessment

Policies	Screening rationale
BFN1: Spatial Strategy	The policy establishes the Spatial Strategy for development within Newham in the plan period, seeking to achieve economic growth and community benefits. It also sets out the level of growth that is planned for in terms of housing, jobs, retail, leisure, open space and infrastructure. There are in-combination issues that may need consideration through Appropriate Assessment.
Policy CE1: A carbon neutral climate adapted Borough	The policy sets the broad criteria that new development in will be expected to meet in relation to climate change adaptation and mitigation. Strictly the policy is a 'no LSE' policy as it does not itself trigger development although the policy includes 'mitigating' elements / criteria that would need to be met in relation to shifts from car use that may be relied on to minimise effects on air quality sensitive sites and which have therefore been considered as part of the AA.
CE6: Air Quality	The policy requires development to mitigate its effects on Newham's air quality and result in an improvement to Newham's air quality. The policy sets out general criteria for the avoidance of pollution and protection of air quality. Protective policy; no pathway for effects. Strictly the policy is a 'no LSE' policy as it does not itself trigger development although the policy includes 'mitigating' elements / criteria that would need to be met in relation to air quality and which could help minimise effects on designated sites and which have therefore been considered as part of the AA.
GWS3: Green and Water Spaces	The policy requires development to contribute towards the nature recovery and conserve and protecting biodiversity, whilst also addressing areas deficient in biodiversity. The policy protects and enhances Epping Forest SAC by ensuring that development demonstrates that, if necessary, measures are put in place to avoid or mitigate any potential adverse effects through contributions to the Strategic Access Management and Monitoring Strategy and provision of Suitable Alternative Natural Green Space. Protective policy; no pathway for effects. Strictly the policy is a 'no LSE' policy as it does not itself trigger development although the policy includes 'mitigating' elements / criteria that would need to be met in relation to management and avoidance of recreational pressures on the Epping Forest SAC.
Policy NA1- N16: Neighbourhood Policies and associated sites Allocated for Residential/Mixed Use Development	The policies identify the sites that are proposed for allocation and provides general criteria relating to how sites will come forward, including the use of design codes. The policy has the potential to significantly affect European sites through effect pathways associated with quantum of development etc. and aspects of it need to be examined through appropriate assessment. The effectiveness of cross-cutting mitigating policies requires review.
T3: Transport Behaviour Change	The policy requires developments to be car free and encourage other forms of transport and facilitate their use. This policy would help mitigate potential effects in relation to air quality which would be considered as part of AA.

4.3 Initial screening of European sites

Context

- 4.3.1 The European sites that will be considered at the screening stage are set out in Table 3.2. This includes all European sites within 20km of the Council's Administrative Area. No additional sites have been identified for explicit consideration in the screening process.
- 4.3.2 Sites or interest features within a study area can often be excluded from further assessment at an early stage in the assessment process ('screened out') because the plan or project will self-evidently have either 'no effect' or 'no significant effect' on these sites (i.e. the interest features are not sensitive to the environmental changes associated with a plan or project; or will not be exposed to those changes due to the absence of any reasonable impact pathways); or, if both exposed and sensitive, the effects of the environmental changes will clearly be inconsequential to the achievement of the conservation objectives).
- 4.3.3 The following sections provide a brief summary of the initial assessment of the the European sites and their interest features based on the (a) the plan as currently outlined and (b) the baseline data summarised in **Section 3** and the policies and proposals of the Local Plan. Effects from specific allocations are not expected and so assessment focuses on the following pathways 'in combination':
- Recreational pressure;
 - Urbanisation;
 - Atmospheric pollution;
 - Water resources and flow regulation; and
 - Water quality.
- 4.3.4 Each site is subject to an initial 'screening', with additional notes that may be relevant to an appropriate assessment stage provided, including observations on data gaps and proxy assessments or data that may be available from other LPA plans. The conclusions in this section are therefore indicative, and intended to identify the general 'direction of travel' in the HRA process, to provide assessment transparency and an opportunity for consultees to consider specific assumptions.
- 4.3.5 It should be noted that the screening test is treated as a 'low bar', with sites, aspects or features only 'screened out' if they will self-evidently be unaffected by the Local Plan (i.e. it is aiming to identify those aspects that will clearly have 'no effect' or 'no significant effect' (alone or in combination) due to an absence of impact pathways). It does not attempt a detailed quantification if significant effects via particular pathway cannot be simply or self-evidently excluded (this is completed at an 'appropriate assessment' stage, when mitigation is also accounted for).
- 4.3.6 When screening it is appropriate to assume that all relevant lower-tier consents and permissions (etc.) will be correctly assessed and controlled, and that any activities directly or indirectly supported by the Local Plan will adhere to the relevant legislative and regulatory requirements and all normal best-practice (e.g. it would be inappropriate to assume that normal controls on, for example, the installation of a new discharge to a watercourse would not be correctly followed). The screening also recognises that there are some aspects over which the Local Plan will have no control.

Screening at the Regulation 18 Stage

- 4.3.7 The screening tests are strictly applied to the final, submitted plan and not to emerging or developmental stages; any 'screening conclusions' set out in the following sections are necessarily provisional, therefore, based on the plan as currently conceived; however, they are intended to be robust should the plan be adopted as currently drafted. In some cases there may be data gaps or uncertainties associated with policy implementation, and some baseline studies are being updated by Newham Borough Council (see below); however, it does indicate those aspects that may require specific consideration when designing policy and selecting preferred options, and those that would appear to have a low probability of affecting European sites or features.
- 4.3.8 It should be noted that Newham Borough Council is completing various reports and studies to update the environmental baseline for the Local Plan, some of which will be relevant to the HRA baseline including:
- Green Infrastructure Study (inc. Water);
 - Employment Land Review;
 - Community Facilities Needs Assessment;
 - Climate Change Evidence Base;
 - Characterisation Study;
 - Leisure Needs Assessment;
 - LPR Sustainable Transport Strategy (inc. Transport modelling);
 - Retail and Leisure Study;
 - Strategic Flood Risk Assessment;
 - Strategic Housing Market Assessment; and
 - Gypsy and Traveller Accommodations Needs Assessment.
- 4.3.9 Additional studies will be undertaken or co-opted as required depending on the impact pathways that are identified during the plan development process; these might include new or ongoing regional investigations, or studies relating to specific allocation sites.
- 4.3.10 Note, **for European sites not identified in Table 3.2 the final HRA will almost certainly conclude that there will be 'no effect' (and hence no possibility of 'in combination' effects) on these sites due to the absence of reasonable pathways for effects.** This is based on initial assessments of the emerging plan and will be reviewed as the plan is developed, but is a robust conclusion based on the currently available information. Sites not noted in **Table 3.2** are not therefore considered further in this report.

Recreational Pressure

- 4.3.11 Many European sites will be vulnerable to some degree of impact as a result of recreational pressure, although the effects of recreational pressure are complex and very much dependent on the specific conditions and interest features at each site. For example: some bird species are more sensitive to disturbance associated with walkers or dogs than others; some habitats will be more sensitive to trampling or mechanical disturbance than others; some sites will be more accessible than others.

- 4.3.12 The most typical mechanisms for recreational effects are through direct damage of habitats, or disturbance of certain species. Damage will most often be accidental or incidental, but many sites are particularly sensitive to soil or habitat erosion caused by recreational activities and require careful management to minimise any effects (for example, through provision and maintenance of 'hard paths' (boardwalks, stone slabs etc.) and signage to minimise soil erosion along path margins).
- 4.3.13 Disturbance of species due to recreational activities can also be a significant problem at some sites, although the relationship (again) is highly variable and depends on a range of factors including the species, the time of year and the scale, type and predictability of disturbance. Most studies have focused on the effects on birds, either when breeding or foraging. For example, a long-term monitoring project by Natural England on the Thanet Coast has found that turnstones (a shoreline-feeding waterbird) are particularly vulnerable to disturbance from dogs, which interrupts their feeding behaviour and can prevent them from gaining sufficient body fat for overwintering or migration. Finney et al. (2005), meanwhile, noted that re-surfacing the Pennine Way significantly reduced the impact of recreational disturbance on the distribution of breeding Golden plover, by encouraging walkers to remain on the footpath.
- 4.3.14 In contrast, some species are largely unaffected by human disturbance (or even benefit from it) which can result in local or regional changes in the composition of the fauna. The scale, type and predictability of disturbance is also important; species can become habituated to some disturbance (e.g. noise), particularly if it is regular or continuous. Unpredictable disturbance is most problematic.
- 4.3.15 Most recreational activities with the potential to affect European sites are 'casual' and pursued opportunistically (e.g. walking, walking dogs, riding) rather than structured (e.g. organised group activities or trips to specific discrete attractions), which means that it can be difficult to quantify or predict either the uptake or the impacts of these activities on European sites and (ultimately) harder to control or manage effects. It also means that it is difficult to explore in detail all of the potential aspects of visitor pressure at the strategy level. However, it is possible for plans and strategies to influence recreational use of European sites through the planning process, for example by increasing the amount of green space required within or near developments if potentially vulnerable European sites are located nearby.
- 4.3.16 Visitor surveys are often sought to determine whether public access is having a significant or significant adverse effect on a site, although in practice they rarely assist in quantifying the scale or ecological significance of any effects; rather, they typically assume that the site is being (or will be) significantly affected by visitor pressure and then provide a semi-quantitative basis for setting radii for policy interventions (such as developer contributions) that are intended to ensure that possible adverse effects do not occur or can be mitigated. Probably the most common metric used for 'buffer zones' or 'zones of influence' is the distance within which approximately 70 - 75% of visitors live; these have been determined for several sites around the UK where visitor pressure is considered significant enough to warrant policy-based interventions. In general, for most inland terrestrial sites these 'zone of influence' distances (i.e. those within which 'significant' effects may occur) are less than 10km, and typically in the range 6 – 8km. Some sites (typically coastal sites or 'national attraction' sites) have larger distances, but these are almost always less than 20km. These values can be used if sites are potentially vulnerable to visitor pressure, but bespoke buffers have not been developed.

Table 4.4 European sites within study area

Site	Notes	Screen in?
Epping Forest SAC	Visitor studies undertaken for Epping Forest have identified a 6.2km 'zone of influence' for the site, within which new housing development is assumed likely to have a significant effect in combination. This area forms the basis of the Epping Forest Strategic Access Management and Monitoring Strategy (SAMM) that is relied on by councils local to the SAC as mitigation for the potential effects of housing growth in their administrative areas. Some of the neighbourhoods where growth is envisaged and some proposed allocations are within the 6.2km buffer around Epping Forest SAC and therefore likely significant effects cannot be excluded.	Yes
Lee Valley SPA / Ramsar	Visitor pressure is identified as a factor affecting these sites, this is considered to be more of an issue for the more northerly site units, rather than the more closely managed Walthamstow reservoirs, although the 'supplementary advice' does note the potential for recreational pressure to affect undesignated waterbodies that may provide 'functional land' near the Walthamstow units, such as the King George V reservoir. The SPA is approximately 3.5km from the Newham Borough Administration Area and the Southwark Plan HRA highlights the initiatives by landowners/managers to promote public access to the SPA indicating that recreational pressure would not cause significant effects to this site ²⁶ .	Uncertain
Wimbledon Common SAC	Public access / disturbance is not identified as a threat or pressure at the site. The site is over 17km from the Newham Borough Council area and so significant effects due to visitors originating from new development in the Newham Borough Council area would not be expected, alone or in combination.	No
Richmond Park SAC	Public access / disturbance is not identified as a threat or pressure at the site. The site is over 17km from the Newham Borough Council area and so significant effects due to visitors originating from new development in the Newham Borough Council area would not be expected, alone or in combination.	No
Thames Estuary and Marshes SPA / Thames Estuary and Marshes Ramsar	This site is a substantial distance from the Newnham area and so significant effects due to visitors originating from new development in the Newham Borough Council area would not be occur, alone or in combination.	No

Urbanisation

- 4.3.17 Urbanisation is generally used as a collective term covering a suite of often disparate risks and impacts that occur due to increases in human populations near protected sites. Typically, this would include aspects such as fly-tipping or vandalism, although the effects of these aspects again depend on the interest features of the sites: for example, predation of some species by cats is known to be sizeable (Woods et al. 2003) and can be

²⁶ Southwark Council, 2020 Available at:

<https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjz1c3qjaL7AhVST3wKHVjPDJYQFnoECCYQAQ&url=https%3A%2F%2Fwww.southwark.gov.uk%2Fassets%2Fattach%2F12576%2FEIP23-Habitats-Regulation-Assessment-April-2020-.pdf&usg=AOvVaw3txqZyhX2MUvf8-6lpghHS> [Accessed: September 2022]

potentially significant for some European sites. Recreational pressure is arguably one type of effect associated with urbanisation, although this is usually considered separately as it is less closely associated with proximity; as a broad guide, urbanisation effects are more likely when developments (etc.) are within a few hundred metres of a designated site, whereas people will typically travel further for recreation.

- 4.3.18 Where sensitive sites are involved, development buffers of around 400m are typically used to minimise the effects of urbanisation: for example, NE has identified a 400m zone around the Chichester and Langstone Harbours SPA within which housing development should not be located due to the potential effects of urbanisation (particularly, the risk of chick predation by cats, which cannot be mitigated). Similarly, LPAs near the Thames Basin Heaths SPA have adopted a 400m zone around the SPA boundary where there is a presumption against new residential development as the impact on the SPA is considered likely to be adverse.
- 4.3.19 Urbanisation effects as a result of the Local Plan will not occur for the European sites located outside the borough boundary due to the separation distances.

Atmospheric Pollution

- 4.3.20 A number of pollutants have a negative effect on air quality; however, the most significant and relevant to habitats and species (particularly plant species) are the primary pollutants sulphur dioxide (SO₂, typically from combustion of coal and heavy fuel oils although this has declined substantially), nitrogen oxides (NO_x, mainly from vehicles) and ammonia (NH₃, principally from agriculture although it should be noted that the contribution of ammonia from vehicles²⁷ to N-deposition is known to be underestimated by most standard models), which (together with secondary aerosol pollutants²⁸) are deposited as wet or dry deposits. These pollutants affect habitats and species mainly through acidification and eutrophication.
- 4.3.21 Acidification increases the acidity of soils, which can directly affect some organisms and which also promotes leaching of some important base chemicals (e.g. calcium), and mobilisation and uptake by plants of toxins (especially metals such as aluminium).
- 4.3.22 Air pollution contributes to eutrophication within ecosystems by increasing the amounts of available nitrogen (N)²⁹. This is a particular problem in low-nutrient habitats, where available nitrogen is frequently the limiting factor on plant growth, and results in slow-growing low-nutrient species being out-competed by faster growing species that can take advantage of the increased amounts of available N.
- 4.3.23 Overall in the UK, there has been a significant decline in SO_x and NO_x emissions in recent years and a consequential decrease in acid deposition. In England, SO_x and NO_x have declined by 97% and 72% respectively since 1970 (Defra, 2018) which is the result of a switch from coal to gas, nuclear and renewables for energy generation, and increased

²⁷ Ammonia from vehicles has not typically been measured, partly as the contribution of vehicles to ammonia emissions was historically low and partly due to the relative difficulty of doing so compared to NO_x and the absence of European air quality standards for ammonia. However, certain catalytic converters that reduce NO_x emissions do so by emitting nitrogen as ammonia rather than NO_x, with the result that whilst NO_x emissions from vehicles are declining (and will continue to do so) ammonia emissions are not. This is likely to be resolved in the medium to long-term by the switch to electric vehicles.

²⁸ Secondary pollutants are not emitted, but are formed following further reactions in the atmosphere; for example, SO₂ and NO_x are oxidised to form SO₄²⁻ and NO₂⁻ compounds; ozone is formed by the reaction of other pollutants (e.g. NO_x or volatile organic compounds) with UV light; ammonia reacts with SO₄²⁻ and NO₂⁻ to form ammonium (NH₄⁺).

²⁹ Nitrogen that is in a form that can be absorbed and used by plants.

efficiency and emissions standards for cars. These emissions are generally expected to decline further in future years. In contrast, emissions of ammonia have remained largely unchanged; they have declined by 10% in England since 1980 (Defra, 2018), but since 2008 have started to increase.

4.3.24 The effect of SO_x and NO_x decreases on ecosystems has been marked, particularly in respect of acidification; the key contributor to acidification is now thought to be deposited nitrogen, for which the major source (ammonia emissions) has not decreased significantly. Indeed, eutrophication from N-deposition (again, primarily from ammonia) is now considered the most significant air quality issue for many habitats.

4.3.25 The Local Plan proposals may indirectly contribute to local air pollution and the wider diffuse of pollution. In practice, the principal source of air pollution associated with the Local Plan will be related to changing patterns of vehicle use due to the promotion of new development (since the Local Plan Refresh does not provide for any new significant point-sources).

The Department of Transport's *Transport Analysis Guidance*³⁰ states that "beyond 200m, the contribution of vehicle emissions from the roadside to local pollution levels is not significant" and therefore this distance is typically used to determine the potential exposure of the European sites to any local effects associated with the Local Plan. Environment Agency (EA) guidance (EA, 2007) also states that "Where the concentration within the emission footprint in any part of the European site(s) is less than 1% of the relevant long-term benchmark (EAL, Critical Level or Critical Load), the emission is not likely to have a significant effect alone or in combination irrespective of the background levels".

4.3.26 Highways England's *Design Manual for Roads and Bridges* (DMRB) sets out an approach for assessing the effect of emissions from specific road schemes on designated sites; this suggests that a quantitative air quality assessment may be required if a European site is within 200m of an affected road and the predicted change in annual average daily traffic (AADT) is over 1000.

4.3.27 This approach has some limitations when considering the effects of a Local Plan (rather than a specific road scheme) although in the absence of any other specific guidance or thresholds it has typically been applied to main roads³¹ within 200m of a European site, with case law³² indicating that changes in AADT on particular roads should be determined 'in combination' with other plans and projects.

4.3.28 GIS analysis suggests that the following European sites have units within 200m of an A-road that is within 20km of the Newham Borough Council area:

Table 4.5 European sites (and component SSSIs) within 20km of the Newham Borough Council area with A-roads within 200m

European site(s)	Relevant SSSIs and A roads
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³⁰ See

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/254128/webtag-tag-unit-a3-environmental-impact-appraisal.pdf; accessed 07/11/2022.

³¹ i.e. trunk roads, A-roads and most B-roads. Changes in the number of vehicles using minor roads in the region will be too small to meaningfully assess using the industry standard approaches to AADT modelling that can be applied at the strategy-level (i.e. without substantial additional data collection including field monitoring at specific locations – this may be appropriate for a specific development or allocation but not for traffic-growth generally).

³² *Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority* [2017] EWHC 351.

Epping Forest SAC	Epping Forest SSSI: <ul style="list-style-type: none"> • A114 • A104 • A1199 • A12 • A121 • A1069 • A406 • A503 • B170 • B172 • B1393
Lee Valley SPA / Ramsar	Walthamstow Reservoirs SSSI: <ul style="list-style-type: none"> • A503 • A12 • A10 • A104 • A503 • A1055 • A107 • B179
Wimbledon Common SAC	Wimbledon Common SSSI: <ul style="list-style-type: none"> • A3 • A219
Richmond Park SAC	Richmond Park SSSI: <ul style="list-style-type: none"> • A3 • A307 • A308 • B353 • B321

4.3.29 In practice, the principal source of air pollution associated with the Local Plan will be related to changing patterns of vehicle use due to the promotion of new development (since the Local Plan does not provide for any new significant point-sources). Highways England's Design Manual for Roads and Bridges (DMRB) sets out an approach for assessing the effect of emissions from specific road schemes on designated sites; this suggests that a quantitative air quality assessment may be required if a European site is within 200m of an affected road and the predicted change in annual average daily traffic (AADT) is over 1000. This approach has some limitations when considering the effects of a Local Plan (rather than a specific road scheme) although in the absence of any other specific guidance or thresholds it has typically been applied to main roads³³ within 200m of a European site, with case law³⁴ indicating that changes in AADT on particular roads should be determined 'in combination' with other plans and projects.

³³ i.e. trunk roads, A-roads and most B-roads. Changes in the number of vehicles using minor roads in the region will be too small to meaningfully assess using the industry standard approaches to AADT modelling that can be applied at the strategy-level (i.e. without substantial additional data collection including field monitoring at specific locations – this may be appropriate for a specific development or allocation but not for traffic-growth generally).

³⁴ Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351.

Table 4.6 Summary of initial European site screening in relation to air quality

Site	Notes	Screen in?										
Epping Forest SAC	Air quality has been shown to have negatively affected the epiphytic lichen communities ³⁵ of the Epping Forest SAC near the roads that cross the site. This is primarily an issue for the councils local to the site (most London councils that are a similar distance from the SAC as the Council is have screened this aspect out of the HRAs of their Local Plans) although NE has requested traffic studies for more distant councils (e.g. Chelmsford) in the recent past and therefore this site is considered in more detail on a precautionary basis.	Yes										
Lee Valley SPA / Ramsar	The units of this site are within 20km of the borough area (Walthamstow reservoirs) are within central London, with six A- and one B-roads within 200m (Table 4.5 European sites (and component SSSIs) within 20km of the Newham Borough Council area with A-roads within 200m	No										
	<table border="1"> <thead> <tr> <th>European site(s)</th> <th>Relevant SSSIs and A roads</th> </tr> </thead> <tbody> <tr> <td>Epping Forest SAC</td> <td>Epping Forest SSSI: <ul style="list-style-type: none"> • A114 • A104 • A1199 • A12 • A121 • A1069 • A406 • A503 • B170 • B172 • B1393 </td> </tr> <tr> <td>Lee Valley SPA / Ramsar</td> <td>Walthamstow Reservoirs SSSI: <ul style="list-style-type: none"> • A503 • A12 • A10 • A104 • A503 • A1055 • A107 • B179 </td> </tr> <tr> <td>Wimbledon Common SAC</td> <td>Wimbledon Common SSSI: <ul style="list-style-type: none"> • A3 • A219 </td> </tr> <tr> <td>Richmond Park SAC</td> <td>Richmond Park SSSI: <ul style="list-style-type: none"> • A3 • A307 • A308 </td> </tr> </tbody> </table>	European site(s)	Relevant SSSIs and A roads	Epping Forest SAC	Epping Forest SSSI: <ul style="list-style-type: none"> • A114 • A104 • A1199 • A12 • A121 • A1069 • A406 • A503 • B170 • B172 • B1393 	Lee Valley SPA / Ramsar	Walthamstow Reservoirs SSSI: <ul style="list-style-type: none"> • A503 • A12 • A10 • A104 • A503 • A1055 • A107 • B179 	Wimbledon Common SAC	Wimbledon Common SSSI: <ul style="list-style-type: none"> • A3 • A219 	Richmond Park SAC	Richmond Park SSSI: <ul style="list-style-type: none"> • A3 • A307 • A308 	
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Epping Forest SAC	Epping Forest SSSI: <ul style="list-style-type: none"> • A114 • A104 • A1199 • A12 • A121 • A1069 • A406 • A503 • B170 • B172 • B1393 											
Lee Valley SPA / Ramsar	Walthamstow Reservoirs SSSI: <ul style="list-style-type: none"> • A503 • A12 • A10 • A104 • A503 • A1055 • A107 • B179 											
Wimbledon Common SAC	Wimbledon Common SSSI: <ul style="list-style-type: none"> • A3 • A219 											
Richmond Park SAC	Richmond Park SSSI: <ul style="list-style-type: none"> • A3 • A307 • A308 											

³⁵ Epiphyte richness is a key factor in defining hyper-Atlantic forms of the Atlantic acidophilous beech forests Annex I type.

- B353
- B321

); however, traffic associated with growth in the borough area is unlikely to contribute to future traffic growth on these roads, given their location and negligible value as through-routes to or from the borough area. Furthermore, the habitats of these units (principally managed open water) are eutrophic and for most wetland habitats (particularly waterbodies) eutrophication via run-off (in this instance supply from surface water sources) and flood water is overwhelmingly more significant than air pollution, and available-N is rarely a limiting factor in these ecosystems. Arguably, therefore, the site will not be exposed to potentially significant air quality changes associated with traffic originating in the borough area, alone or in combination with other plans or projects.

Wimbledon Common SAC	There are two A-roads within 200m of this site, the A3 and A219. This location is over 17km from the borough area by road and will not be subject to potentially significant traffic growth as a result of the Local Plan; the site will not therefore be exposed to potentially significant air quality changes associated with traffic originating in the borough area, alone or in combination with other plans or projects.	No
Richmond Park SAC	There are three A-roads and two B-roads within 200m of the site. This location is over 18km from the borough area by road and will not be subject to potentially significant traffic growth as a result of the Local Plan Refresh; the site will not therefore be exposed to potentially significant air quality changes associated with traffic originating in the borough area, alone or in combination with other plans or projects. given their location and negligible value as through-routes to or from the borough area. The site will not therefore be exposed to potentially significant air quality changes associated with traffic originating in the borough area, alone or in combination with other plans or projects.	No

Water Resources

- 4.3.30 The exploitation and management of water resources is connected to a range of activities, most of which are not directly controlled or influenced by the Local Plan Refresh; for example, agriculture, flood defence, recreation, power generation, fisheries and nature conservation. Much of the water supply to water-resource sensitive European sites is managed through specific consenting regimes that are independent of the Local Plan.
- 4.3.31 It is clear that development supported or managed by the Local Plan is likely to increase demand for water, which could indirectly affect some European sites in the study area. When assessing the potential effects of increased water demand it is important to understand how the public water supply (PWS) system operates and how it is regulated with other water resource consents.
- 4.3.32 Potable water in the borough is supplied by Thames Water as part of its London Water Resource Zone (WRZ). The London WRZ is supplied primarily from surface water resources of the River Thames and River Lee (80%), either directly or via storage reservoirs, with the remainder comprising groundwater abstractions. The London WRZ is an integrated system and so direct and specific supply relationships cannot necessarily be made – i.e. it is rarely possible or appropriate to identify a particular ‘source’ for water supply to a specific area. Consequently, direct effects on specific European sites as a result of development within the borough cannot necessarily be identified or quantified.
- 4.3.33 More importantly, the water resources planning process helps to ensure that growth in water demand does not affect European sites. The Water Industry Act 1991, as amended

by the Water Act 2003 and Water Act 2014, requires that all water companies must publish a Water Resources Management Plan (WRMP) that sets out their strategy for managing water resources across their supply areas over the next 25 years and beyond. WRMPs use calculations of Deployable Output (DO) to establish supply/demand balances; this enables water companies to identify those WRZs with potential supply deficits over the planning period³⁶. The calculations account for any reductions in abstraction that are required to safeguard European sites³⁷ and so the WRMP process (with other regulations) helps ensure (as far as is achievable) that future changes in demand will not affect any European sites³⁸.

- 4.3.34 Thames Water has accounted for the growth supported by the London Plan in forecasting for the 2019 WRMP, and has predicted future deficits from the beginning of the new planning period (2020-2025) increasing to 362 MI/d by 2044/45 and 623 MI/d by 2099/2100; this is due to the projected increase in population and the effects of climate change. Thames Water plans to meet these deficits through demand-reduction, new resource exploitation and water transfers into the WRZs using new and existing infrastructure.
- 4.3.35 The 2019 WRMP has been subject to HRA, which has concluded that it will have no adverse effects on any European sites, including those water-resource sensitive sites and features within the borough HRA study area (i.e. Lee Valley SPA/Ramsar and Thames Estuary and Marshes SPA/Ramsar). The WRMPs provide the best estimate of future water resource demand, and therefore it is reasonable to assume that the growth set out in the Local Plan can be accommodated without significant effects on any European sites due to PWS abstractions. Furthermore, since the WRMPs explicitly account for the growth predicted by the London Plan³⁹, 'in combination' effects between the Local Plan and the WRMP are unlikely to occur. Having said that, the Local Plan can obviously help manage demand and promote water efficiency measures through its policy controls.
- 4.3.36 Thames Water is currently preparing its 2024 WRMP for consultation, and so the conclusions noted below will be reviewed once this is published; however, it is unlikely that this will substantively alter the conclusions noted below.

³⁶ Forecasts are completed in accordance with the Water Resources Planning Guidelines (published by the Environment Agency) and take into account (inter alia) economic factors (economic growth, metering, pricing), behavioural factors (patterns of water use), demographic factors (population growth, inward and outward migration, changes in occupancy rate), planning policy (LPA land use plans), company policies (e.g. on leakage control and water efficiency measures) and environmental factors, including climate change. The WRMP therefore accounts for these demand forecasts based on historical trends, an established growth forecast model and through review of local and regional planning documents.

³⁷ For example, sustainability reductions required by the Review of Consents (RoC) or the Environment Agency's Restoring Sustainable Abstractions (RSA) programme. It should be noted that, under the WRMP process, the RoC changes (and non- changes to licences) are considered to be valid over the planning period. This means that the WRMP (and its underlying assumptions regarding the availability of water and sustainability of existing consents) is compliant with the RoC and so the WRMP can only affect European sites through any new resource and production-side options it advocates to resolves deficits, and not through the existing permissions regime.

³⁸ Calculations of DO include for Target Headroom (precautionary 'over-capacity' in available water) to buffer any unforeseen variation in predicted future demand; the WRMP is also reviewed on a five-yearly cycle to ensure it is performing as expected and to account for any variations between predicted and actual demand.

³⁹ Defra/ EA guidance on WRMPs requires that forecast population and property figures be based, wherever possible, upon plans published by local authorities (including 'adopted', 'emergent', 'consultation' and 'draft' local plans).

Table 4.7 Summary of initial European site screening in relation to water resources

Site	Notes	Screen in?
Epping Forest SAC	The site features are not considered 'water resource sensitive', and will not be vulnerable to changes in abstraction (etc.) that may be associated with the growth supported by the Local Plan Refresh.	No
Lee Valley SPA / Ramsar	This site is water resource sensitive and part of it (e.g. Walthamstow reservoirs) form part of the PWS system in London. However, the WRMP HRA has demonstrated that there will be no adverse effects on this site as a result of the WRMP options. Local water-level management is critical to site integrity, although this is closely managed and the Local Plan will not affect the flooding / water management regime employed within the SPA / Ramsar.	No
Wimbledon Common SAC	This site is water resource sensitive although the groundwater bodies feeding the marshes do not form part of the London WRZ system, and are not relied on to supply London as part of the WRMP. The WRMP HRA has demonstrated that there will be no adverse effects on this site as a result of the WRMP options. Local water-level management is critical to site integrity, although this is locally managed by IDBs and the Local Plan will not affect the flooding / water management regime employed within the SPA / Ramsar.	No
Richmond Park SAC	The site features are not considered 'water resource sensitive', and will not be vulnerable to changes in abstraction (etc.) that may be associated with the growth supported by the Local Plan.	No
Thames Estuary and Marshes SPA / Thames Estuary and Marshes Ramsar	This site is water resource sensitive; however, the WRMP HRA has demonstrated that there will be no adverse effects on this site as a result of the WRMP options.	No

Water Quality

- 4.3.37 There are two main ways in which the new development / population growth in the borough could affect water quality:
- Alteration of surface runoff flow and quality impacting on the hydro-ecology and quality of the receiving water systems (diffuse sources); and
 - Increase in sewage treatment works effluent discharges (point sources) and storm-induced discharges from the sewer systems (CSOs - intermittent sources) affecting the hydro-ecology and quality of the receiving waters.
- 4.3.38 With regard to European sites, none of the sites are downstream of the borough and therefore are not vulnerable to changes in water quality associated with growth in the borough.
- 4.3.39 Wastewater and sewage from Newham (along with Bexley, Bromley, Croydon, Greenwich, Lambeth, Lewisham, Merton, Southwark, Sutton and Wandsworth) is treated at Beckton STW, which is located in the borough near Thamesmead. This site was recently upgraded as part of the London Tideway Tunnels programme, which aims to enhance the treatment capacity of London's five major STWs (Mogden, Crossness,

Beckton, Long Reach and Riverside). The upgrade was partly driven by the Urban Waste Water Treatment Directive (UWWTD) and the need to increase the volume of storm sewage influent passing through full treatment, and increased capacity by around 44%.

- 4.3.40 This upgrade, and the Tideway Tunnels, will substantially improve sewerage discharges to the Thames and it is understood that there are no fundamental capacity or headroom issues associated with Beckton STW or, by extension, development in Newham. The existing consenting regime takes into account effects on European sites.
- 4.3.41 Run-off from impermeable surfaces can have considerable effects on waterbodies and watercourses, and is a notable issue in both urban and rural areas. Development has traditionally sought to capture and divert rain and run-off to the nearest watercourse or treatment facility as quickly as possible, and extensive drainage networks have been developed to facilitate this. However, as developed areas have increased so have the total volumes and flow rates of run-off. This has two principal effects: firstly, impermeable surfaces provide very little resistance to the mobilisation and transport of pollutants within run-off; and secondly, flow rates and volumes often exceed the capacity of the receiving drains or watercourses, causing localised flooding or the operation of combined sewer overflows (CSOs)⁴⁰. The effect of run-off from developed areas can be mitigated or reduced by the use of Sustainable Drainage Systems (SuDS) and by increasing the area of permeable surfaces (both natural and artificial) within developed areas. These measures offer effective attenuation by reducing the volumes of surface run-off. They also increase the retention of pollutants and, in the case of some SuDS, can allow for treatment of pollutants.
- 4.3.42 However, it should also be recognised that the water quality effects of the Local Plan are ultimately either controlled by existing consents regimes (which must undergo HRA) or have diffuse 'in combination' effects that are difficult to quantify, and so the HRA process typically aims to ensure that suitable mitigating policy that will minimise the impacts of plan-supported development on water quality generally is provided.

Table 4.8 Summary of initial European site screening in relation to water quality

Site	Notes	Screen in?
Epping Forest SAC	There is no pathway for this site to be affected by changes in water quality associated with the proposals within the Local Plan.	No
Lee Valley SPA / Ramsar	There is no pathway for this site to be affected by changes in water quality associated with the proposals within the Local Plan.	No
Wimbledon Common SAC	There is no pathway for this site to be affected by changes in water quality associated with the proposals within the Local Plan.	No
Richmond Park SAC	There is no pathway for this site to be affected by changes in water quality associated with the proposals within the Local Plan.	No
Thames Estuary and Marshes SPA / Thames	Water quality is not identified as a pressure or threat for these sites. Effects from development in the borough are only possible via discharges to the Thames, and the upgrades to Beckton STW and the	No

⁴⁰ All sewerage pipes have a certain capacity, determined by the size of the pipe and the receiving water treatment works. At times of high rainfall, this capacity can be exceeded, with the risk of uncontrolled bursts. CSOs provide a mechanism to prevent this, by allowing untreated sewerage to mix with surface water run-off when certain volumes are exceeded. This is then discharged to the nearest watercourse.

Site	Notes	Screen in?
Estuary and Marshes Ramsar	Thames Tideway scheme ensure that there is sufficient sewerage treatment headroom. Notwithstanding this, these sites are a significant distance downstream from the borough so there is no likelihood of significant effects.	

Flooding / water level management

- 4.3.43 The implementation of the European Floods Directive (Directive 2007/60/EC) in England and Wales is being co-ordinated with the Water Framework Directive. Catchment Flood Management Plans (prepared by the EA), Shoreline Management Plans (prepared by coastal local authorities and the EA), River Basin District Flood Risk Management Plans (prepared by the EA) and Local Flood Risk Management Strategies set out long term policies for flood risk management. The delivery of the policies from these long-term plans will help to achieve the objectives of these plans and the RBMPs.
- 4.3.44 Development supported by the Local Plan is unlikely to significantly alter regional flood risk levels, but may exacerbate the effects of local flooding. Run-off from impermeable surfaces can have considerable effects on waterbodies and watercourses, meaning that flow rates and volumes often exceed the capacity of the receiving drains or watercourses. This can lead to local water quality impacts on European sites. The effect of run-off from developed areas can be mitigated or reduced by the use of SuDS and by increasing the area of permeable surfaces (both natural and artificial) within developed areas.
- 4.3.45 However, no European sites are considered to be exposed to potential changes in flood risk that may result from the Local Plan as the borough lies outside the surface water catchments of the sites. There will therefore be no possibility of effects through this mechanism.

Effects on functional habitats or species away from European Sites

- 4.3.46 The provisions of the Habitats Regulations ensure that 'direct' (encroachment) effects on European sites as a result of land use change (i.e. the partial or complete destruction of a European site) are extremely unlikely under normal circumstances, and this will not occur as a result of the Local Plan. However, many European interest features (particularly more mobile animal species) may use or be reliant on non-designated habitats outside of a European site during their life-cycle. Developments some distance from a European site can therefore have an effect on the site if its population of interest features is reliant on the habitats being affected by a development and sufficient numbers are exposed to the environmental changes. All of the above aspects (recreation, water resources, etc.) can therefore also affect European site integrity indirectly through effects on functional habitats outside of the designated site boundary.
- 4.3.47 With regard to the European sites within the study area, this is only a potential issue for Lee Valley SPA/Ramsar. However, the interest features of these sites will not be functionally linked to, or dependent on, habitats within the borough and possible functional habitats outside the borough area (e.g. the King George V reservoir, in relation to the Lee Valley SPA/Ramsar) will not be affected by the Local Plan for the same reasons that the European sites themselves will not be (i.e. distance and absence of effect pathways).

Screening Summary

- 4.3.48 In is anticipated (based on the available data and the plan as currently conceived) that a formal screening would conclude that there will be either no effects or no significant effects alone or in combination on the interest features of the following sites:
- Wimbledon Common SAC
 - Richmond Park SAC
 - Thames Estuary and Marshes SPA / Thames Estuary and Marshes Ramsar
- 4.3.49 The interest features of the following European sites may be exposed and sensitive to effects from the Local Plan 'in combination' with other plans and programmes:
- Epping Forest SAC (recreational pressure and atmospheric pollution);
 - Lee Valley SPA/ Ramsar (recreational pressure and atmospheric pollution);
- 4.3.50 These potential effects will be examined at the Regulation 19 stage through more detailed 'appropriate assessments'; Section 4.4 below outlines some of the key issues for these assessments, including potential data gaps and indicative conclusions (based on the available data and the plan as currently drafted).

4.4 Outline Appropriate Assessments – Notes and Observations

Epping Forest SAC

Recreational Pressure

- 4.4.1 With regard to Epping Forest SAC, parts of the site are subject to high levels of recreational use and dog walkers make up a large proportion of visitors. Effects from recreational users can include:
- Dog fouling causing eutrophication;
 - Vegetation wear, soil compaction, erosion or damage to veteran tree roots from trampling or wear;
 - An increase in fire risk;
 - Visitor and livestock interactions, which can prevent best grazing management;
 - Tree climbing can cause damage to veteran trees;
 - Removal of deadwood or fungi;
 - Disturbance to wildlife or invertebrates;
 - Spread of non-native or invasive plants;
 - Spread of disease;
 - Visitors breaching byelaws or vandalising areas, which can take staff time away from management; and
 - Direct vandalism or damage of infrastructure.

- 4.4.2 A visitor survey at Epping Forest SAC was conducted by Footprint Ecology⁴¹ in 2019, which has formed the basis of strategic mitigation planning in the area. This study concluded that 75% of visitors lived within approximately 6.8km of the SAC, and that any net increase in residential dwellings within this area would have a 'likely significant effect' in combination.
- 4.4.3 This study has formed the basis of an agreed Strategic Access Management and Monitoring (SAMM) Strategy for the SAC, which is reflected in proposed Policy GWS3:
- *The Epping Forest Special Area of Conservation will be protected and enhanced by ensuring that development within 6.2km of the boundary of Epping Forest Special Area of Conservation demonstrates that, if necessary, measures are put in place to avoid or mitigate any potential adverse effects, through:*
 - ▶ *Developments of new net additional residential homes contributing towards the delivery of the agreed Strategic Access Management and Monitoring Strategy;*
 - ▶ *Developments of new net additional residential homes contributing to the provision of Suitable Alternative Natural Greenspace.*
- 4.4.4 This policy inclusion (or similar commitment to the principles of the SAMM) can almost certainly be relied on to ensure that the renewed plan will have no adverse effects on the integrity of the Epping Forest SAC through this mechanism, and it is likely that this conclusion would be reached at the appropriate assessment stage. There are no substantive data gaps in relation to this aspect.

Air Quality

- 4.4.5 Air quality has negatively affected the epiphytic lichen communities⁴² of the Epping Forest SAC near the roads that cross the site. The SAC is approximately 2km from the Council's Administrative Area boundary at its closest point, and so the Local Plan proposals may indirectly contribute to local air pollution and wider diffuse pollution 'in combination' with other plans. In practice, the principal source of air pollution associated with the Local Plan will be related to changing patterns of vehicle use due to the promotion of new development (since the Local Plan does not provide for any new significant point-sources).
- 4.4.6 Highways England's Design Manual for Roads and Bridges (DMRB) sets out an approach for assessing the effect of emissions from specific road schemes on designated sites; this suggests that a quantitative air quality assessment may be required if a European site is within 200m of an affected road and the predicted change in annual average daily traffic (AADT) is over 1000.
- 4.4.7 This approach has some limitations when considering the effects of a Local Plan (rather than a specific road scheme) although in the absence of any other specific guidance or thresholds it has typically been applied to main roads⁴³ within 200m of a European site,

⁴¹ Liley D., 2020. Epping Forest Visitor Survey (2019). Unpublished report by Footprint Ecology for Epping Forest District Council online at: <https://www.efdclocalplan.org/wp-content/uploads/2021/02/EB716-Epping-Forest-visitor-report-2019-030221.pdf> [Accessed: September 2022]

⁴² Epiphyte richness is a key factor in defining hyper-Atlantic forms of the Atlantic acidophilous beech forests Annex I type.

⁴³ i.e. trunk roads, A-roads and most B-roads. Changes in the number of vehicles using minor roads in the region will be too small to meaningfully assess using the industry standard approaches to AADT modelling that can be applied at the strategy-level (i.e. without substantial additional data collection including field monitoring at specific locations – this may be appropriate for a specific development or allocation but not for traffic-growth generally).

with case law⁴⁴ indicating that changes in AADT on particular roads should be determined ‘in combination’ with other plans and projects. This is a developing area, so there are currently no guidelines as to the catchment for inclusion into any air quality assessment, nor on the extent to which thresholds can still be applied (particularly where plan contributions to traffic flows are negligible).

- 4.4.8 Several studies in recent years have demonstrated that AADT increases associated with Local Plans ‘in combination’ are likely to be over 1000 on roads within 200m of the Epping Forest SAC, including several relatively minor roads, and it is certain (even without specific transport modelling) that LBN will contribute vehicles to these increases, particularly near the southernmost units of the SAC. In addition, the critical levels and critical loads for N-deposition are all exceeded at the site.
- 4.4.9 The ‘Supplementary Advice’ provides a broad target for air quality, specifically to “*Restore as necessary the concentrations and deposition of air pollutants at or below the site-relevant Critical Load or Level values given for the feature at this site on the Air Pollution Information System*”. The ‘Supplementary Advice’ also notes that “*It is recognised that achieving this target may be subject to the development, availability and effectiveness of abatement technology and measures to tackle diffuse air pollution, within realistic timescales*”.
- 4.4.10 The potential for effects on European sites outside an LPA boundary due to air quality is difficult for a Local Plan to specifically mitigate, since the decision to travel by car to locations outside the LPA area is typically made in the context of regional and national travel conditions rather than local provision of sustainable travel options. However, the promotion of sustainable transport is woven throughout the Local Plan, particularly in T1 (Strategic Transport); T2 (Local Transport); and T3 (Transport Behavioural Change). This will help moderate the effects of the plan, but will not necessarily mitigate or offset potential changes in air quality as accessibility to transport within the borough is unlikely to be the key factor governing longer-distance out-of-area travel.
- 4.4.11 The London Plan 2021, as the Spatial Development Strategy for Greater London, provides additional policy to help address potential significant negative effects. These include the requirement for new development to be at least air quality neutral (London Plan 2021 Policy SI 1) and for development to be net zero-carbon (London Plan 2021 Policy SI 2). It should also be noted that the local authorities immediately around Epping Forest SAC, plus Essex County Council, Hertfordshire County Council, Highways England, NE and the Corporation of London, have agreed to work collaboratively to reduce air quality impacts on the SAC, putting in place a memorandum of understanding to support this. Furthermore, other overarching strategies and policies including the London Mayor’s Transport Strategy and the London Environment Strategy are (with the transition to electric vehicles) expected to result in a significant net improvement in air quality in the Epping Forest area over the plan period and beyond.
- 4.4.12 It should be noted that Local Plans for several London boroughs have been recently adopted or submitted for EiP; these include the Hackney Local Plan (adopted 2020); and the Tower Hamlets Local Plan (adopted 2020). These boroughs are all substantially closer to Epping Forest SAC and/or better connected by road than the Borough. The HRAs for all of these plans concluded that there would be no adverse effects on Epping Forest SAC due to air quality changes, invariably without reference to the relative contributions to AADT.
- 4.4.13 Nitrogen deposition is likely to remain over the minimum critical load for the site habitats in the medium term irrespective of the Local Plan Refresh contributions, which will be

⁴⁴ Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351.

inconsequential. However, it should be noted that the background rate of N-deposition from vehicles has been declining for some years and is expected to decrease substantially over the plan period with the shift to electric vehicles, based on the UK Air Quality Plan for Nitrogen Dioxide and government predictions⁴⁵; incorporating allowances for expected background air quality improvements into any assessments is in accordance with IAQM guidance (IAQM 2020)⁴⁶.

- 4.4.14 Given the small contribution of the Local Plan to predicted changes in traffic volumes and hence air quality around Epping Forest, specific mitigation measures for potential effects associated with out-of-district travel are not considered essential to ensure ‘no significant effects’. Whilst the Local Plan’s ability to influence out-of-district travel will be limited, sustainable travel principles (including support for transport behavioural change, which will encourage other forms of transport and facilitate their use) are woven throughout the proposed Local Plan policies, particularly with regards to the strategic allocations.
- 4.4.15 Case-practice from other local plans within 10km of Epping Forest SAC suggests that specific additional mitigation beyond such policy measure is not typically considered necessary to enable a ‘no adverse effects’ conclusion to be reached.

Lee Valley SPA / Lee Valley Ramsar

Recreational Pressure

- 4.4.16 The recreational pressure aspect for this site is complicated by the varying characteristics of the component SSSIs and their location relative to the Newnham area.
- 4.4.17 Most of the component SSSIs are outside the M25, almost 15km from the Newnham area, and so substantially beyond the zone within which new developments might typically be expected to contribute to visitor pressure⁴⁷. The closest SPA unit to the LBN area is the Walthamstow Reservoirs SSSI, which is ~3.5km from the closest point of the borough, and this is therefore the only unit potentially exposed to the recreational pressures associated with growth in the LBN area (in combination).

⁴⁵ Air quality plan for nitrogen dioxide (NO₂) in UK (2017): <https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017>

⁴⁶ This notes that “*To assume no improvement over a 15 or 20 year period, would effectively ignore the more stringent legal requirements for vehicle NO_x emission standards to be achieved under real world driving conditions, trends in new vehicle registrations and ongoing government and international initiatives to improve air quality through reductions in emissions*”

⁴⁷ Attempts to predict the effects of increased recreation on European sites that may be associated with development or allocations derived from strategic plans typically aim to identify the distance within which a certain percentage of visits originate, which is then used to identify the ‘zones of influence’ within which new development would be considered likely to have significant effects on a site, unless appropriately mitigated. Probably the most common metric used for ‘zones of influence’ is the distance within which approximately 70 - 75% of visitors live. Typically, the distance within which 75% of visitors live has been shown in studies to be less than 6 – 7km (for non-coastal sites), although in practice this distance is as likely to reflect the local settlement and population distributions, and journey times (which are not generally examined in detail), as much as the attractiveness of the European site. However, it is important to note that there is no standard method for defining the ‘zone of influence’ and a range of approaches have been adopted for different sites. For example, in a study for Canterbury City Council, Fearnley *et al.* (2014) suggested several possible options for a ‘zone of influence’ around the Thanet Coast SAC, on which mitigation proposals could be based; these ranged from 4.9km (the distance within which 75% of all ‘regular visitors’ (visiting at least once a week) live) to 7.2km (the distance within which 90% of all ‘regular visitors’ live), to 9.8km (the distance within which 75% of all visitors live). Indeed, Fearnley *et al.* (2014) note that “*The identification of a ‘zone of influence’ is really an exercise in identifying a boundary which seems pragmatic, representative of visitor patterns to the site, the physical features of the site, infrastructure, current housing distribution and the nature of the surrounding area*”. The South-East Devon European Site Mitigation Strategy (Liley *et al.* 2014) identifies several alternative approaches for determining the a ‘zone of influence’ around the Exe Estuary SPA (and hence the appropriate area for seeking developer contributions towards mitigation); these ranged from 7.8km from the SPA boundary to 14.3km, with a distance of 10km ultimately selected for the purposes of seeking developer contributions.

- 4.4.18 Despite this, recreational pressure is not thought to be a substantive issue at Walthamstow Reservoirs due to the closely managed nature of this site; indeed Thames Water recently (2017) opened its Walthamstow Wetlands project which aims to substantially increase public access to these reservoirs, and it is reasonable to assume that this would not have been permitted if increasing public access would risk adverse effects on the SPA. Access to the reservoirs is therefore well-managed, and growth within the LBN area would not alter this. On this basis adverse effects would not be expected, and it is arguable that a 'no significant effects' conclusion could be reached (this was the position reached in the HRA of the London Plan (AECOM 2017)).
- 4.4.19 It should be noted that early HRA work undertaken for the London Borough of Enfield⁴⁸ has employed a 7km 'zone of influence' buffer around the SPA within which it considers significant effects to be likely, which NE has suggested is acceptable; however, this buffer has not then been linked to any specific mitigation requirements in the emerging plan (e.g. similar to the SAMM commitments in Policy GWS3 noted above). This aspect may need to be reviewed as the LBN plan is developed, although current evidence suggests that there is no risk of adverse effects and that the existing policy measures relating to greenspace (etc.) provision are likely to be sufficient to mitigate any perceived risks from increased recreational use of the Walthamstow Reservoirs SSSI component of the SPA.

⁴⁸ Available at: https://www.enfield.gov.uk/__data/assets/pdf_file/0017/11915/Habitats-Regulation-Assessment-2021-Planning.pdf

5. Summary and Conclusions

5.1 Summary

- 5.1.1 Newham Borough Council is currently reviewing its Local Plan. Regulation 105 of the Habitats Regulations states that if a land-use plan is “(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and (b) is not directly connected with or necessary to the management of the site” then the plan-making authority must “...make an appropriate assessment of the implications for the site in view of that site’s conservation objectives” before the plan is given effect. The process by which Regulation 105 is met is known as HRA. An HRA determines whether there will be any ‘likely significant effects’ (LSE) on any European site as a result of a plan’s implementation (either on its own or ‘in combination’ with other plans or projects) and, if so, whether these effects will result in any adverse effects on the site’s integrity. The Council has a statutory duty to prepare the Local Plan Refresh and is therefore the Competent Authority for an HRA.
- 5.1.2 This ‘Regulation 18 HRA Report’ is intended to accompany the Regulation 18 consultation documentation and provide guidance on the HRA-related issues that will be relevant to both the plan development and the HRA; it provides an initial assessment of the Local Plan Refresh based on the best currently available data, but as the Local Plan Refresh is still under development it is not intended to be, or replicate, a formal ‘HRA screening’; nor is it a ‘draft HRA’ or similar. It will ultimately (with additional data and assessment) form part of the ‘draft HRA’ that is submitted alongside the Regulation 19 version of the Local Plan Refresh but is primarily intended to assist Newham Borough Council as it develops its plan and provide an opportunity for consultees to comment on HRA-related issues. Additional data collection is likely to be required prior to submission of the Local Plan Refresh for examination.
- 5.1.3 The assessments completed to date indicate that the vast majority of the draft Local Plan Refresh policies and proposed site allocations will have ‘no effect’ (either alone or in combination) on any European sites, typically because either they are policy types that do not make provision for changes or because they relate to sites that are a considerable distance from the European sites (with no known pollutant or effect pathway).
- 5.1.4 An initial ‘screening’ exercise (recognising that ‘screening’ conclusions can only be formally reached for the final plan) indicated that the interest features of the following European sites may be exposed and sensitive to effects from the Local Plan Refresh ‘in combination’ with other plans and programmes:
- Epping Forest SAC (atmosphere pollution and recreational pressure);
- 5.1.5 Other sites within the study scope (sites within 20km from the Newham Borough Council area) are unlikely to be exposed to potentially significant effects as a result of the plan.
- 5.1.6 The sites and aspects noted will therefore been examined through an ‘appropriate assessment’ stage to ensure that proposals coming forward under the Local Plan either avoid affecting designated sites entirely (no significant effect) or will not adversely affect site integrity where potential effect pathways remain. Site integrity (in HRA terms) is “*the coherent sum of the site’s ecological structure, function and ecological processes, across its whole area, which enables it to sustain the habitats, complex of habitats and/or populations of species for which the site is designated*” (EC Guidance ‘Managing Natura 2000’ (2018)).

5.1.7 In summary:

- **Air Quality:** Development within the Newham Borough Council area and associated traffic growth will (in combination with other local plans) result in potentially significant increases in traffic (>1,000 AADT) at roads within 200m of the Epping Forest SAC. Additional modelling (traffic and potentially air quality) may be required to quantify this precisely, but it is likely an increase in residential developments will increase traffic related emissions. It is recognised that the potential for effects on distant European sites due to air quality is difficult for a Local Plan to specifically mitigate, since the decision to travel by car outside the LPA area is typically made in the context of regional and national travel conditions rather than local provision of sustainable travel options; however, the mitigating policies included in the Local Plan reflect mitigation advocated by NE in the emerging strategic approach on the Epping Forest SAC mitigation strategy for these effects, and are consistent with policies included in other local plans for LPAs near this SAC that have allowed a conclusion of 'no adverse effects' to be reached. Additional work in relation to air quality modelling will be undertaken by the Council in 2023 and will inform the HRA of the Regulation 19 Local Plan.
- **Visitor/Recreational Pressures:** The screening has indicated that the interest features of Epping Forest SAC may be vulnerable (i.e. sensitive) to environmental changes associated with increased visitor pressure. However, the draft Local Plan adopts mitigation in Policy GWS3 which is likely to allow a conclusion of 'no adverse effects' to be reached.

5.2 Conclusions and next steps

- 5.2.1 The HRA conclusions are necessarily preliminary, being dependent on the future development of the Local Plan refresh and additional data collection. The HRA will be updated in light of comments on this report and the draft Local Plan. It is likely (based on the available data and the policy protections and mitigation included in the draft plan) that a 'no adverse effects' conclusion could be reached if the Local Plan Refresh is adopted in its current form. It will be necessary to review any changes that are made to the Local Plan at Regulation 19 and prior to adoption (and following additional data collection in relation to air quality) in order to ensure that the HRA conclusions remain applicable.

Appendix A European site terminology

Table A1 Terminology

Name	Abbreviation	Notes
Special Area of Conservation	SAC	Designated under the EU <i>Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora</i> , and implemented in the UK through the <i>Conservation of Habitats and Species Regulations 2017</i> , and the <i>Conservation (Natural Habitats, & c.) Regulations (Northern Ireland) 1995</i> (as amended).
Sites of Community Importance	SCI	Sites of Community Importance (SCIs) are sites that have been adopted by the European Commission but not yet formally designated by the government of each country. Although not formally designated they are nevertheless fully protected by <i>Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora</i> , the <i>Conservation of Habitats and Species Regulations 2017</i> , and the <i>Conservation (Natural Habitats, & c.) Regulations (Northern Ireland) 1995</i> (as amended).
Candidate SAC	cSAC	Candidate SACs (cSACs) are sites that have been submitted to the European Commission, but not yet formally adopted as SCIs. Although these sites are still undergoing designation and adoption they are still fully protected by <i>Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora</i> , the <i>Conservation of Habitats and Species Regulations 2017</i> and the <i>Conservation (Natural Habitats, & c.) Regulations (Northern Ireland) 1995</i> (as amended).
Possible SACs	pSAC	Sites that have been formally advised to UK Government, but not yet submitted to the European Commission. As a matter of policy the Governments in England, Scotland and Wales extend the same protection to these sites in respect of new development as that afforded to SACs.
Draft SACs	dSAC	Areas that have been formally advised to UK government as suitable for selection as SACs, but have not been formally approved by government as sites for public consultation. These are not protected (unless covered by some other designation) and it is likely that their existence will not be established through desk study except through direct contact with the relevant statutory authority; however, the statutory authority is likely to take into account the proposed reasons for designation when considering potential impacts on them.
Special Protection Area	SPA	Designated under <i>EU Council Directive 79/409/EEC on the Conservation of Wild Birds</i> (the 'old Wild Birds Directive') and <i>Directive 2009/147/EC on the Conservation of Wild Birds</i> (the 'new Wild Birds Directive', which repeals the 'old Wild Birds Directive'), and protected by Article 6 of <i>Directive 92/43/EEC on the Conservation of</i>

Name	Abbreviation	Notes
		<p><i>natural habitats and of wild fauna and flora.</i> These directives are implemented in the UK through the <i>Wildlife & Countryside Act 1981</i> (as amended), the <i>Conservation of Habitats and Species Regulations 2017</i>, the <i>Wildlife (Northern Ireland) Order 1985</i>, the <i>Nature Conservation and Amenity Lands (Northern Ireland) Order 1985</i> and <i>The Conservation (Natural Habitats, &C.) (Northern Ireland) Regulations 1995</i> (as amended) and the <i>Offshore Marine Conservation (Natural Habitats & c.) Regulations 2007</i>.</p>
Potential SPA	pSPA	<p>These are sites that are still undergoing designation and have not been designated by the Secretary of State; however, ECJ case law indicates that these sites are protected under Article 4(4) of <i>Directive 2009/147/EC</i> (which in theory provides a higher level of protection than the Habitats Directive, which does not apply until the sites are designated as SPAs), and as a matter of policy the Governments in England, Scotland and Wales extend the same protection to these sites in respect of new development as that afforded to SPAs, and they may be protected by some other designation (e.g. SSSI).</p>
Ramsar		<p>The <i>Convention on Wetlands of International Importance especially as Waterfowl Habitat</i> (Ramsar Convention or Wetlands Convention) was adopted in Ramsar, Iran in February 1971. The UK ratified the Convention in 1976. In the UK Ramsar sites are generally underpinned by notification of these areas as Sites of Special Scientific Interest (SSSIs) (or Areas of Special Scientific Interest (ASSIs) in Northern Ireland). Ramsar sites therefore receive statutory protection under the <i>Wildlife & Countryside Act 1981</i> (as amended), and the <i>Nature Conservation and Amenity Lands (Northern Ireland) Order 1985</i>. However, as a matter of policy the Governments in England, Scotland and Wales extend the same protection to listed Ramsar sites in respect of new development as that afforded to SPAs and SACs.</p>

Appendix B Natural England's Comments on the HRA, 2021

Table B1 NE comments on the HRA Scoping

Comments	LBN response
Our comments on this section relate to the scope of the HRA, which we understand will be completed at a later stage in the process.	Noted.
<p>We are aware that Epping Forest SAC is already an issue that Newham Council is working on at a strategic scale, and we look forward to continuing to work with the borough on this issue.</p> <p>Epping Forest is one of the last examples of large-scale wood pasture in lowland Britain and has retained features such as ancient and semi-ancient natural woodland, old grassland and scattered wetland. Epping Forest SAC is already subject to high levels of recreational pressures from impacts including walking, mountain biking and activities such as unmanaged fires, as well as the increase in traffic on several roads which cut through the SAC. The site is therefore particularly sensitive to further increases to recreational pressure and traffic-related air pollution, which are both predicted to escalate due to planned development in the Authorities within the Zone of Influence of the SAC. The Local Plan should give great weight to the protection of Epping Forest SAC.</p>	Noted.
On the 6th March 2019 Natural England published interim advice detailing the emerging strategic approach on the Epping Forest SAC mitigation strategy. This outlines the avoidance and mitigation measures required for developments of different sizes and in different Zones of Influence (ZoI) of Epping Forest SAC.	Noted.
As you are aware the discussions around moving the interim strategy forward are ongoing. Currently the oversight group is hopeful that a governance agreement and breakdown of the SAMM tariff may be able to be brought before councils in early 2022 and we would advise that this may need to be considered as the Local Plan Refresh is drafted.	Noted. The SAMMs governance agreement was agreed by LB Newham cabinet in July 2022 and will be considered as part of the Local Plan review.

Comments	LBN response
<p>We note that in the interim advice, it details the need for larger developments (over 100 units) within the ZOI to mitigate the potential impacts on Epping Forest SAC through the toolbox approach. To our knowledge, Newham has not yet identified potential toolbox measures within the borough, and any mitigation would have to be agreed on a bespoke basis between the developer, NE and the LPA. In line with other boroughs in the area, Newham may wish to use the Local Plan Refresh as an opportunity to put together a strategy that would allow new developments coming forward to contribute towards pre-agreed measures.</p>	<p>Noted. Through the Green Infrastructure Study, which has just commenced, LB Newham will be identifying suitable toolbox measures. We look forward to working with Natural England on this process.</p>
<p>Natural England are working with the boroughs of Redbridge, Waltham Forest and Enfield to put together borough wide approaches to SANG style measures (the toolbox approach). We have also visited LLDC, and fed into a list of possible projects within LLDC that could fit the criteria of the toolbox approach to form mitigation. We are continuing to engage with LLDC on their approach to Epping Forest SAC mitigation. As a large part of LLDC will return to Newham at the end of 2024, we feel that it is important that Newham and LLDC have similar approaches to Epping Forest mitigation.</p>	<p>Noted. We will discuss this further with LLDC and Natural England.</p>
<p>We would be happy to arrange an initial meeting to discuss the scope of a borough wide toolbox approach for Newham, and the use of Natural England's charged Discretionary Advice Service for our input to help develop a strategy, including the possibility of a site visit to greenspaces within the borough. The Local Plan can be used as a vehicle to identify potential developer mitigation options around the borough. Having this sort of strategic approach to the avoidance and mitigation measures for Epping Forest SAC would help in the evidence base for the HRA</p>	<p>Noted.</p>
<p>We would advise the HRA will also need to consider Air Quality impacts on Epping Forest SAC, and depending on the outcome of the Appropriate Assessment, there may be a need for cross-boundary cooperation on this issue also.</p>	<p>Noted. We look forward to discussing this further with Natural England.</p>

Appendix C

Summary of Local Plan Policies and Allocations

	No effect or no LSE – policy will not or cannot affect any European sites and can therefore be screened out (subject to a brief review of the final policy prior to adoption).
	Policies with mitigating/moderating elements that do not have significant effects but which are relied on (at least in part) to ensure that significant or significant adverse effects from specific pathways do not occur; are examined through AA.
	Policies that have potential pathways for effects that require examination through appropriate assessment; note, this does not imply such policies will have adverse effects or even (potentially) significant effects; rather it is an assessment flag.

Summary of Local Plan Policies

Section	Policy No.	Policy Title	Summary	HRA Summary
Building a Fairer Newham Policies	BFN1	Spatial Strategy	The policy establishes the Spatial Strategy for development within Newham in the plan period, seeking to achieve economic growth and community benefits. It also sets out the level of growth that is planned for in terms of housing, jobs, retail, leisure, open space and infrastructure. There are in-combination issues that may need consideration through Appropriate Assessment.	Uncertain
Building a Fairer Newham Policies	BFN2	Co-designed Masterplanning	The policy seeks to ensure that sites are designed and developed comprehensively, avoid piecemeal delivery and that masterplans demonstrate that development is co-ordinated.	No LSE
Building a Fairer Newham Policies	BFN3	Social Value and Health Impact Assessment - delivering social value, health and wellbeing	The policy establishes that development is required to create positive health and wellbeing effects for local communities proportionate to the developments size.	No LSE

Section	Policy No.	Policy Title	Summary	HRA Summary
Building a Fairer Newham Policies	BFN4	Developer Contributions and Infrastructure Delivery	The policy governs the levels of developer contributions required from development and the expected levels of infrastructure delivery.	No LSE
Climate Change	CE1	Environmental design and delivery	The policy requires all development to reduce its contribution to climate change and consider the ongoing climate emergency. General statement of policy / General design / guidance criteria or policies that cannot lead to or trigger development. Strictly the policy is a 'no LSE' policy as it does not itself trigger development although the policy includes 'mitigating' elements / criteria that would need to be met in relation to climate change mitigation and adaptation.	No LSE
Climate Change	CE2	Zero Carbon Development	The policy ensures all development within Newham are designed and constructed to be Net Zero Carbon in operation and heat/energy efficient.	No LSE
Climate Change	CE3	Embodied Carbon	The policy establishes that development must consider Embodied Carbon across its lifetime and utilise Modern Methods of Construction.	No LSE
Climate Change	CE4	Overheating	The policy requires development to ensure it is designed to reduce the likelihood of overheating, especially in regard to the changing climate.	No LSE
Climate Change	CE5	Retrofit and Circular Economy	The policy allows for the retrofitting of buildings following best practices and to aid in reducing a buildings carbon emissions.	No LSE
Climate Change	CE6	Air Quality	<p>The policy requires development to mitigate its effects on Newham's air quality and result in an improvement to Newham's air quality. The policy sets out general criteria for the avoidance of pollution and protection of air quality.</p> <p>Protective policy; no pathway for effects. Strictly the policy is a 'no LSE' policy as it does not itself trigger development although the policy includes 'mitigating' elements / criteria that would need to be met in relation to air quality and which could help minimise effects on designated sites and which have therefore been considered as part of the AA.</p>	No LSE

Section	Policy No.	Policy Title	Summary	HRA Summary
Climate Change	CE7	Managing Flood Risk	The policy creates a criteria for development to ensure it is not at risk of flooding and resilient to flooding.	No LSE
Climate Change	CE8	Sustainable Drainage	The policy ensures development appropriately manages its effects on the water environment and reduces the risk of surface water flooding.	No LSE
Community Facilities	CF1	Existing Community Facilities	The policy affords protection to Newham's existing community facilities, only allowing their removal and replacement after a development meets a strict criteria.	No LSE
Community Facilities	CF2	New and Re-provided Community Facilities	The policy establishes a set of criteria for new and re-provided community facilities to ensure such facilities are in a suitable location and size.	No LSE
Community Facilities	CF3	Cultural and Leisure Facilities	The policy ensures existing cultural and leisure facilities are protected and replaced as needed, whilst also ensure new such facilities can be developed within Newham.	No LSE
Community Facilities	CF4	Education and Childcare Facilities	The policy seeks to ensure a sufficient supply of educational facilities are located within Newham to meet its needs and ensures new educational facilities meet a strict criteria.	No LSE
Design	D1	D1: Design Standards	The policy establishes a set of criteria development must meet to be considered good design.	No LSE
Design	D2	D2: Public Realm Net Gain	The policy ensures suitable development provides a positive contribution to Newham's public realm, whilst also ensure its existing public realm is well designed and managed.	No LSE
Design	D3	D3 Design-led residential site capacity optimisation	The policy creates criteria for residential development to follow to ensure they are of a suitable capacity and well designed.	No LSE

Section	Policy No.	Policy Title	Summary	HRA Summary
Design	D4	D4 Tall Buildings	The policy establishes a set of criteria governing the appropriate building heights within areas of Newham.	No LSE
Design	D5	D5 Living Well at High Density	The policy ensures high density development is of a high quality and appropriately designed to improve its surroundings.	No LSE
Design	D6	D6 Shopfronts and advertising	The policy governs shopfront and advertising developments and ensures these developments are well deigned and enhance the character and setting of their surroundings.	No LSE
Design	D7	D7 Neighbourliness	The policy establishes the criterion for development to be neighbourly from the outset and maximise their social and environmental benefits for the local neighbourhood.	No LSE
Design	D8	D8 Conservation Areas and Areas of Townscape Value	The policy affords protection to Newham's Conservation Areas and Areas of Townscape Value, ensuring development enhances these important assets.	No LSE
Design	D9	D9 Archaeological Priority Areas	The policy creates criteria that ensures Newham's Archaeological Priority Areas are protected.	No LSE
Design	D10	D10 Designated and non-designated buildings, ancient monuments and historic parks and gardens	The policy affords protection to Newham's designated and non-designated heritage assets, ancient monuments and historic parks and gardens, ensuring development protects these important assets.	No LSE
Economy	J1	Employment and growth	The policy requires developments, where appropriate, to support diverse, inclusive, and green economic growth.	No LSE
Economy	J2	New employment floorspace	The policy governs development within strategic sites to ensure they provide economic development where appropriate in industrial and mixed use areas, to ensure they provide economic benefits.	No LSE

Section	Policy No.	Policy Title	Summary	HRA Summary
Economy	J3	Protecting employment floorspace	The policy affords protection to Newham's existing employment floorspace, only allowing its lost if there is not further use for said employment floorspace.	No LSE
Economy	J4	Delivering Community Wealth Building and Inclusive Growth	The policy requires employment generating developments to create high quality economic opportunities and commit to delivering a greener economic future.	No LSE
Green and Water Spaces	GWS1	Green Spaces	The policy seeks to ensure development provides high quality green spaces and does not compromise the quality and provision of existing green spaces.	No LSE
Green and Water Spaces	GWS2	Water Spaces	The policy creates a set of criteria that affords protection to Newham's water spaces and encourages the creation of a network of high-quality water spaces.	No LSE
Green and Water Spaces	GWS3	Biodiversity, urban greening, and access to nature	The policy requires development to contribute towards the nature recovery and conserve and protecting biodiversity, whilst also addressing areas deficient in biodiversity. The policy protects and enhances Epping Forest SAC by ensuring that development demonstrates that, if necessary, measures are put in place to avoid or mitigate any potential adverse effects through contributions to the Strategic Access Management and Monitoring Strategy and provision of Suitable Alternative Natural Green Space. Protective policy; no pathway for effects. Strictly the policy is a 'no LSE' policy as it does not itself trigger development although the policy includes 'mitigating' elements / criteria that would need to be met in relation to management and avoidance of recreational pressures on the Epping Forest SAC.	No LSE
Green and Water Spaces	GWS4	Trees and Hedgerows	The policy affords protection to Newham's trees and hedgerows and seeks to expand the number of trees and hedgerows within Newham.	No LSE
Green and Water Spaces	GWS5	Play and informal recreation for all ages	The policy ensures development provides play and informal recreation spaces when appropriate and ensure such spaces are well designed.	No LSE

Section	Policy No.	Policy Title	Summary	HRA Summary
High Street	H1	HS1 Newham's Town Centres Network	The policy protects existing town centres within Newham and ensure there are sufficient town centres/parades of shops within Newham to meet local needs.	No LSE
High Street	H2	HS2 Managing New and Existing Town and Local Centres	The policy creates a set of criteria for development within town/local centres to ensure they are an appropriate use and do not compromise the purpose of the town/local centre.	No LSE
High Street	H3	HS3 Edge-of-Centre and Out-of-Centre Retail, Restaurants, Cafes, and Services	The policy creates a set of criteria for edge-of-centre and out-of-centre retail, restaurants, cafes, and services to ensure such uses are appropriately located and designed.	No LSE
High Street	H4	HS4 Markets, and events/pop-up spaces	The policy governs spaces for markets, events and pop-up spaces, protecting such spaces from being lost unless the space is no longer required. It also allows for the creation of such spaces.	No LSE
High Street	H5	HS5 Visitor, Evening and Night Time Economy	The policy seeks to ensure Newham's existing and emerging town centres are supported to become Evening and Night Time Economy Zones that are of a suitable scale and design.	No LSE
High Street	H6	HS6 Health and Wellbeing on the High Streets	The policy requires development of the high street to have positive effects, seeking to ensure there is not a consolidation of the same type of development that could cause negative effects.	No LSE
High Street	H7	HS7 Delivery-led businesses	The policy creates criteria to ensure delivery-led business are well designed and sited.	No LSE
High Street	H8	HS8 Visitor Accommodation	The policy allows for the creation of new hotels/visitor accommodation in suitable locations.	No LSE

Section	Policy No.	Policy Title	Summary	HRA Summary
Homes	H1	Meeting Housing Needs	The policy seeks to ensure Newham's housing needs are met, with housing developments maximising their potential density.	No LSE
Homes	H2	Protecting and Improving Existing Housing	The policy requires existing housing to be protected and improved, with any loss of housing replaces by high quality housing.	No LSE
Homes	H3	Affordable Housing	The policy requires 50% of all homes delivered over the lifetime of the updated Local Plan to be affordable.	No LSE
Homes	H4	Housing Mix	The policy requires residential developments to deliver a mix and balance of housing types (as appropriate).	No LSE
Homes	H5	Build to Rent Housing	The policy establishes a criteria built to rent housing has to meet for such developments to be permitted.	No LSE
Homes	H6	Supported and Specialist Housing	The policy protects existing housing that is for specialist housing and encourages the development of further specialist housing.	No LSE
Homes	H7	Housing for older people	The policy supports housing for older people in suitable locations that have access to the necessary facilities and services.	No LSE
Homes	H8	Purpose Built Student Accommodation	The policy requires purpose built student housing to meet a strict criteria in order to be deemed acceptable whilst also requiring it to deliver various bands of affordable housing.	No LSE
Homes	H9	Houses in Multiple Occupation and Large-Scale Purpose-Built Shared Living	The policy supports HMOs for family use but also supports the loss of HMO's in certain circumstances.	No LSE
Homes	H10	Gypsy and Traveller Accommodation	The policy provides a site for Gypsy and Traveller accommodation and further allows for the creation of such accommodation over the updated Local Plan's lifetime.	No LSE

Section	Policy No.	Policy Title	Summary	HRA Summary
Homes	H11	Housing Design Quality	The policy creates a long and strict criteria for housing within Newham to ensure housing is high quality.	No LSE
Neighbourhoods	N1	N1 Gallions Reach	The policy sets out the vision, and key development considerations for the neighbourhood. The neighbourhood falls outside of the buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
Neighbourhoods	N2	N2 North Woolwich	The policy sets out the vision, and key development considerations for the neighbourhood. The neighbourhood falls outside of the buffer zone for Epping Forest. See N1.	Uncertain
Neighbourhoods	N3	N3 Royal Victoria	The policy sets out the vision, and key development considerations for the neighbourhood. The neighbourhood falls outside of the buffer zone for Epping Forest. See N1.	Uncertain
Neighbourhoods	N4	N4 Royal Albert North	The policy sets out the vision, and key development considerations for the neighbourhood. The neighbourhood falls outside of the buffer zone for Epping Forest. See N1.	Uncertain
Neighbourhoods	N5	N5 Canning Town and Custom House	The policy sets out the vision, and key development considerations for the neighbourhood. The neighbourhood falls partly within the buffer zone for Epping Forest. See N1.	Uncertain
Neighbourhoods	N6	N6 Manor Road	The policy sets out the vision, and key development considerations for the neighbourhood. The neighbourhood falls partly within the buffer zone for Epping Forest. See N1.	Uncertain
Neighbourhoods	N7	N7 Three Mills	The policy sets out the vision, and key development considerations for the neighbourhood. The neighbourhood falls within the buffer zone for Epping Forest. See N1.	Uncertain
Neighbourhoods	N8	N8 Stratford and Maryland	The policy sets out the vision, and key development considerations for the neighbourhood. The neighbourhood falls within the buffer zone for Epping Forest. See N1.	Uncertain

Section	Policy No.	Policy Title	Summary	HRA Summary
Neighbourhoods	N9	N9 West Ham	The policy sets out the vision, and key development considerations for the neighbourhood. The neighbourhood falls within the buffer zone for Epping Forest. See N1.	Uncertain
Neighbourhoods	N10	N10 Plaistow	The policy sets out the vision, and key development considerations for the neighbourhood. Most of the neighbourhood falls within the buffer zone for Epping Forest. See N1.	Uncertain
Neighbourhoods	N11	N11 Beckton	The policy sets out the vision, and key development considerations for the neighbourhood. The neighbourhood falls outside of the buffer zone for Epping Forest. See N1.	Uncertain
Neighbourhoods	N12	N12 East Ham South	The policy sets out the vision, and key development considerations for the neighbourhood. The neighbourhood falls partly within the buffer zone for Epping Forest. See N1.	Uncertain
Neighbourhoods	N13	N13 East Ham	The policy sets out the vision, and key development considerations for the neighbourhood. Most of the neighbourhood falls within the buffer zone for Epping Forest. See N1.	Uncertain
Neighbourhoods	N14	N14 Green Street	The policy sets out the vision, and key development considerations for the neighbourhood. Most of the neighbourhood falls within the buffer zone for Epping Forest. See N1.	Uncertain
Neighbourhoods	N15	N15 Forest Gate	The policy sets out the vision, and key development considerations for the neighbourhood. Most of the neighbourhood falls within the buffer zone for Epping Forest. See N1.	Uncertain
Neighbourhoods	N16	N16 Manor Park and Little Ilford	The policy sets out the vision, and key development considerations for the neighbourhood. Most of the neighbourhood falls within the buffer zone for Epping Forest. See N1.	Uncertain
Transport	T1	Strategic Transport	The policy affords protection to Newham's existing strategic transportation network and allows for its expansion.	No LSE

Section	Policy No.	Policy Title	Summary	HRA Summary
Transport	T2	Local Transport	The policy encourages the creation of 15 minute neighbourhoods by developments achieving a set of criteria.	No LSE
Transport	T3	Transport Behaviour Change	The policy requires developments to be car free and encourage other forms of transport and facilitate their use. This policy would help mitigate potential effects in relation to air quality which would be considered as part of AA.	No LSE
Transport	T4	Servicing a development	The policy ensures development considers its potential effects from servicing and delivering to and from the development.	No LSE
Transport	T5	Airport	The policy details the type of development that will be supported at London City Airport (e.g. consolidation of ancillary airport infrastructure) .	No LSE
Waste & Utilities	W1	Waste Management Capacity	The policy affords protection to Newham's waste management sites and for such facilities to follow the principles of a circular economy.	No LSE
Waste & Utilities	W2	New or Improved Waste Management Facilities	The policy creates a list of criteria that allows for the creation of waste management facilities to ensure they are well designed.	No LSE
Waste & Utilities	W3	Waste Management in Developments	The policy ensures all development within Newham minimises the amount of waste they would produce and appropriately manage it.	No LSE
Waste & Utilities	W4	Utilities and Digital Infrastructure	The policy requires developments to be appropriately connected to the required utilities and provide a good level of digital connectivity.	No LSE

Table B2 Allocations review

Reference number	Site name	Proposed uses	Summary	HRA Summary
N1.SA1	Beckton Riverside	Residential development, industrial and employment uses, community and education uses, leisure uses, open space and town centre uses. Two scenarios presented based on whether or not new DLR station provided.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N2.SA1	North Woolwich Gateway	Mixed-use residential with industrial and employment uses, prioritising light industrial to complement adjacent Strategic Industrial Location to the west of the site and open space.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N2.SA2	Rymill Street	Comprehensive redevelopment to provide residential, retail, community floorspace in the form of a health centre, and provision of greenspace.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N3.SA1	Silvertown Quays	Residential development, industrial and employment uses, community, education and leisure uses, open space and town centre uses.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N3.SA2	Lyle Park West	Residential development, industrial and employment uses, extension to Lyle Park and town centre uses.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N3.SA3	Connaught Riverside	Residential development, industrial and employment uses, open space, community and education facilities and town centre uses.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain

Reference number	Site name	Proposed uses	Summary	HRA Summary
		Residential development should be +located outside the boundaries of the Local Industrial Location.		
N3.SA4	Thameside West	Residential development, industrial and employment uses, new DLR station, community and education uses, open space and town centre uses.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N4.SA1	Royal Albert North	Residential development, industrial and employment uses, community and education uses and open space.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N5.SA1	Canning Town East	Residential development, community uses and open space.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N5.SA2	Silvertown Way East	Residential development, industrial and employment uses and community uses.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N5.SA3	Canning Town Holiday Inn	Residential development, industrial and employment uses, a town centre use and open space. The type and quantity of town centre uses should be consistent with a district centre designation.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N5.SA4	Limmo	Residential development and open space.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain

Reference number	Site name	Proposed uses	Summary	HRA Summary
N5.SA5	Canning Town Riverside	Residential development, industrial and employment uses and open space.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N5.SA6	Custom House Phase 1	Residential development, community uses, open space and town centre uses. The type and quantity of town centre uses should be consistent with a local centre designation.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N5.SA7	Custom House Phase 2	Residential development, education and open space.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N5.SA8	Custom House Phase 3	Residential development and open space.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N7.SA1	Abbey Mills	Residential development, open space and community floorspace.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N7.SA2	Parcelforce	Residential development, industrial and employment uses, community and education uses, open space and town centre uses.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N7.SA3	Sugar House Island	Mixed-use development of residential, employment and industrial, retail and open space.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain

Reference number	Site name	Proposed uses	Summary	HRA Summary
N8.SA1	Stratford Central	Residential, town centre uses including retail, food and drink, leisure, cultural, office, civic uses and industrial and employment uses, community facilities and open space.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N8.SA2	Stratford Station	Residential, employment and industrial uses, town centre uses, open space and school. Increased capacity at Stratford to be provided through the redevelopment of the ticket hall and new and improved station entrances from Montfichet Road and the Carpenter's estate. Any redevelopment of Stratford bus station should retain the function of the bus station.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N8.SA3	Greater Carpenters District	Residential, including refurbishment, industrial and employment, town centre uses, community facilities and open space.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N8.SA4	Stratford High Street Bingo Hall	Residential development with employment and industrial floorspace.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N8.SA5	Stratford Town Centre West	Residential, office and other town centre uses in the form of ground floor active frontages and open space.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N8.SA6	Stratford Waterfront South	Higher education campus development for UCL East comprising academic floorspace, office and workspace in the form of commercial research space and small-scale	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain

Reference number	Site name	Proposed uses	Summary	HRA Summary
		retail and residential (any provision for student accommodation should not exceed current planning permissions).		
N8.SA7	Rick Roberts Way	Residential, employment and industrial, community and education facilities and open space.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N8.SA8	Bridgewater Road	Residential and open space.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N8.SA9	Pudding Mill	Residential development, industrial and employment uses, community and town centre uses and open space.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N8.SA10	Chobham Farm North	Residential development with industrial and employment floorspace. Industrial and employment uses.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N9.SA1	Plaistow North	Residential with town centre uses and open space. The site should provide a childcare facility as part of the local centre offer	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N10.SA1	Balaam Leisure Centre	Residential.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain

Reference number	Site name	Proposed uses	Summary	HRA Summary
N10.SA2	Newham 6 th Form College	Residential development and open space. Residential development on this site must follow the delivery of intensified of education uses on the remaining built footprint of the college campus.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N10.SA3	Newham Leisure Centre	Reconfiguration of leisure centre, car park and open space to provide a new leisure centre, residential and re-provision of open space.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N10.SA4	Balaam Street Health Complex	Residential development with reconfiguration and re-provision of health centre.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N11.SA1	East Beckton Town Centre	Reconfiguration of part of East Beckton district centre to provide residential, town centre uses, community facilities and open space.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N11.SA2	Cyprus	Residential development with greenspace reconfiguration and re-provision. There should be no loss of open space.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N11.SA3	Royal Road	Education, residential and re-configuration of greenspace.	Site falls outside of the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N13.SA1	East Ham Western Gateway	Residential development and community facilities.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain

Reference number	Site name	Proposed uses	Summary	HRA Summary
N13.SA2	East Ham Primark	Residential development with retail floorspace.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N13.SA3	Former East Ham Gasworks	Residential development, open space and community facility.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N13.SA4	Shrewsbury Road Health Complex	Reconfiguration of health complex with residential development.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N14.SA1	Queen's Market	Two options will be consulted on: Option 1 - Refurbishment and modernisation of Queen's Market and Hamara Ghar, retail, community facilities and improved public realm. Community facility floorspace should include a health centre designed to meet NHS needs. Option 2 - Refurbishment and modernisation of Queen's Market and Hamara Ghar, retail, community facilities, employment and industrial uses and improved public realm and residential development. Community facility floorspace should include a health centre designed to meet NHS needs, library, community centre and childcare facility. Employment and industrial uses should provide workspace.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain
N15.SA1	Lord Lister Health Centre	Residential development, re-provision of health centre and open space.	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in	Uncertain

Reference number	Site name	Proposed uses	Summary	HRA Summary
			relation to recreational pressure and air quality.	
N15.SA2	Woodgrange Road West	Residential with re-provision of community facility, town centre retail floorspace, and light industrial and employment use .	Site is within the 6km buffer zone for Epping Forest. Potential in-combination issues in relation to recreational pressure and air quality.	Uncertain

