Statement of Common Ground (SoCG) between the London Borough of Havering and Natural England

Habitat Regulations

September 2018
Introduction

1. This Statement of Common Ground (SoCG) has been prepared jointly between the London Borough of Havering (Council) and Natural England (NE). The purpose of this SoCG is to inform the Inspector of areas of agreement between the two authorities regarding habitat regulations and possible impacts on the environment as result of the adoption the submitted draft Havering Local Plan (Local Plan).

Background

Habitat Regulations Assessment

2. The Council engaged consultants (AECOM Infrastructure and Environment UK Limited) to undertake a Habitat Regulations Assessment (HRA) of the Havering Local Plan (reference: LBHLP.9). The study forms part of the evidence base and has informed the content of the Havering Local Plan.

3. The objective of the HRA study was to identify any aspects of the Havering Local Plan which may cause adverse effects on the integrity of Natura 2000 sites.

4. The HRA considered all identified effects of the Local Plan policies on internationally important wildlife sites (Natura 2000 sites), and concluded that the Havering Local Plan is not likely to have a significant effect on any internationally designated site, and consequently that no amendments to the Local Plan are required.

5. The HRA concluded that there are no Natura 2000 sites within the London Borough of Havering. The only Natura 2000 site affected by the Local Plan would be the Epping Forest Special Area of Conservation (Epping Forrest) which is located 6.5kms from Havering.

6. Specifically, the HRA concludes that the two main development pressures on Epping Forest to result from the Local Plan will be recreational pressure and atmospheric pollution. Due to the distance between Epping Forest and Havering, it is considered that the increase in population in Havering is unlikely to significantly increase recreational pressure. The HRA also concludes that the contribution of growth in Havering to vehicle flows (and thus changing air quality) in Epping Forest, will be negligible and would not contribute materially to any adverse effect (particularly in combination with mitigation measures and improvements to air quality sought by the Local Plan (i.e. promotion of green infrastructure and open spaces, and improved sustainable transport links)).

Peter Sweetman v Coillte Teoranta

7. The Council has considered whether there are any implications to the HRA or Local Plan resulting from the recent decision of the Court (Seventh Chamber) in People Over Wind and Peter Sweetman v Coillte Teoranta (Sweetman Case) of 12 April 2018. The Council considers that the findings in the Sweetman Case do not affect the conclusions of the HRA or the draft Local Plan.
8. The Sweetman Case concerned matters which may be taken into account when assessing likely significant effects in a HRA. The Court in the Sweetman Case found that, contrary to common practice, mitigation measures (i.e. measures specifically introduced to a plan or project in order to protect a given European site) cannot be taken into account during the assessment of likely significant effects, but can only be considered during a subsequent appropriate assessment.

9. On the basis of a combination of distance and absence of pathways / negligible contribution to the environment, mitigation measures were considered unnecessary for current circumstances. Consequently, the HRA is not affected by the recent Sweetman Case as it did not rely on mitigation measures in forming its view on likely significant effects (that is because no mitigation measures are proposed).

*Conservation of Habitat and Species Regulations 2010*

10. The Council considers that adequate consideration has been given to the Conservation of Habitat and Species Regulations 2010 in the preparation of the Havering Local Plan.

11. The Conservation of Habitat and Species Regulations 2010 came into effect to combine the various amendments made to the Conservation (Natural Habitats) Regulations 1994 for England and Wales. They cover the designation and protection of European sites and the protection of European protected species. Policy 30 Nature Conservation in the Havering Local Plan sets out that the Council will protect and enhance the rich biodiversity and geodiversity in Havering by such means as protecting Sites of Special Scientific Interest, Local Nature Reserves and Sites of Importance for Nature Conservation, conserving and where possible extending wildlife corridors and protecting recognised priority species and habitats.

*Duty to co-operate and consultation with Natural England*

12. Section 4.8 Natural Environment of the Duty to Co-operate Statement 2018 sets out the engagement that the Council undertook regarding the natural environment. It identifies that NE was a key strategic partner. Havering engaged with NE from the early stages of plan preparation and HE made the Council aware of the particular issues and opportunities regarding nature conservation in Havering throughout the course of preparing the Local Plan from 2015 through to its submission in 2018.

13. Importantly, the Council shared draft policies with NE in the preparation of the Havering Local Plan (prior to Regulation 19 consultation in summer 2017) which resulted in broad support for the policies and themes in the Local Plan by NE.

14. NE commented at the Regulation 19 stage that they do not consider that this “Local Plan poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation”.
Common Ground

15. NE and the Council consider that the Local Plan is sound, and generally supports its aims and objectives.

16. NE and the Council consider that the Local Plan makes adequate provision for habitat regulations and any possible impacts on the environment and generally endorse the conclusions in the HRA.

17. NE does not consider that the Local Plan poses any likely risk or opportunity in relation to its statutory purpose, and consequently does not wish to make any further comments in this examination.

Endorsement

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<td>Marc Turner</td>
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Signed on behalf of Natural England

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