



HRA Screening Note

ABERFELDY VILLAGE MASTERPLAN

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Dear Ben,

Aberfeldy Village – Epping Forest Special Area of Conservation (SAC) Habitat Regulations Assessment (HRA) Screening Note

This note is an update to the previously submitted version that was submitted to the Council in support of the hybrid planning application. This updated version has been prepared in response to the changes to the planning application boundary as explained in the covering letter to accompany the amendments to the Proposed Development

This note provides information relevant to the consideration of whether there are likely to be potentially significant impacts arising from the delivery of the Aberfeldy Village development on the Epping Forest Special Area of Conservation (EFSAC). EFSAC is protected under the Conservation of Habitats and Species Regulations (the Habitats Regulations)¹.

This note sets out key characteristics of the development, the site and its location, its proximity to the EFSAC, the potential for direct and indirect impact on the EFSAC and conclusions in relation to the overall assessment.

Development Context

Development Description

The Proposed Development comprises the comprehensive redevelopment of the Site. The Proposed Development will provide new retail and workspace floorspace along with residential dwellings and the pedestrianisation of the A12 Abbott Road vehicular underpass to create a new east to west route. The Development will also provide significant, high quality public realm, including a new Town Square, a new High Street and a public park.

The masterplan location is shown in Figure 1 below.

Site Context

The site area extends to approximately 8.14 hectares and is centred on National Grid Reference TQ383813, OS Co-ordinates 538392, 181361.

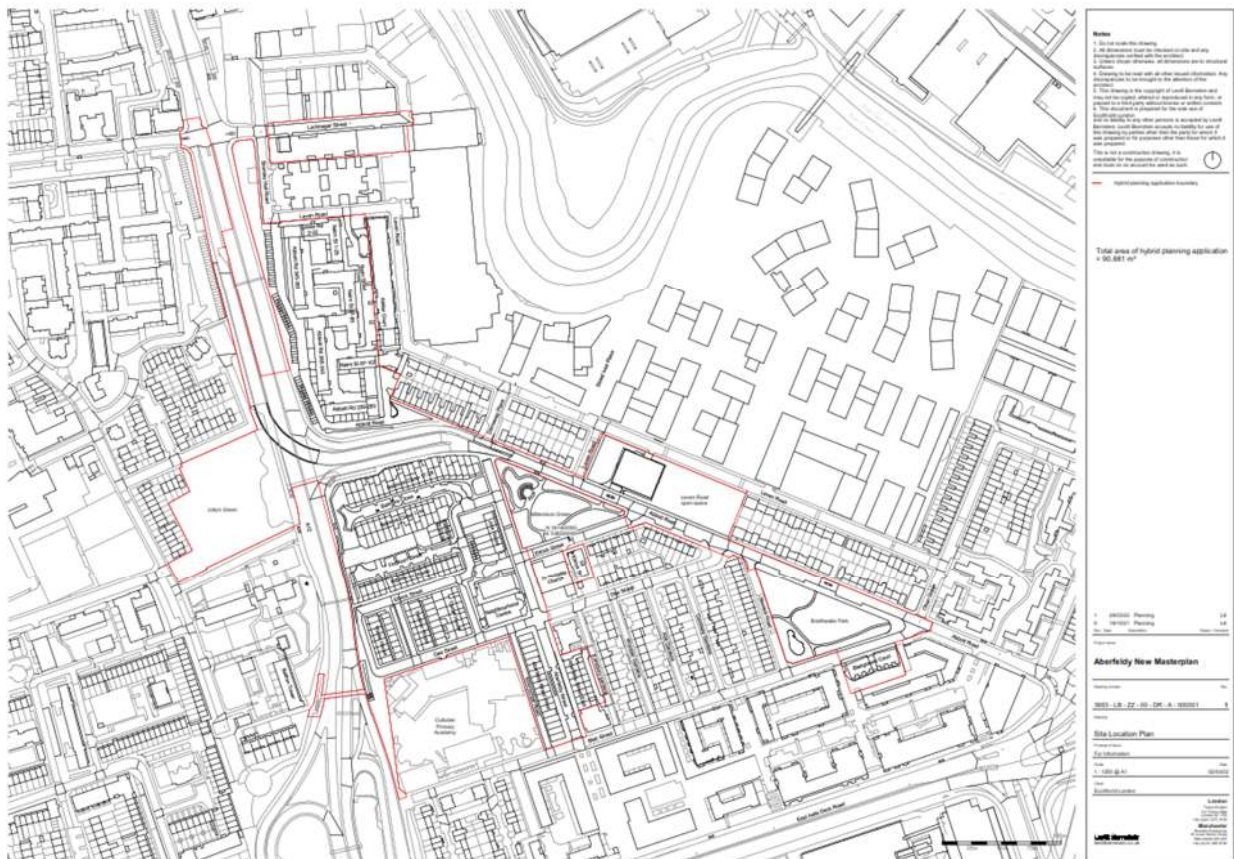
The site includes phases 4, 5 and 6 of the existing Outline Planning Permission for the Aberfeldy Estate which comprises existing affordable homes and the retail and community uses on Abbott Road. In addition, the proposed development also includes Kilbrennan House, Blairgowrie House, nos. 33-35 Findhorn Street and the Nairn Street Estate. The two local green spaces situated along Abbot Road have also been included for their enhancement. All plots are located in Poplar in East London on a



parcel of land between the A13 East India Dock Road to the south, A12 Blackwall Tunnel Northern Approach to the west and Bow Creek to the north and northeast. At its closest point, Bow Creek is 70m northeast of the site and the River Thames is $\sim 700\text{m}$ south. The smaller northern plot is a former industrial site with all buildings removed and cleared.

The site is located within a highly urbanised area of London and includes residential and commercial buildings. Other land use in the vicinity includes industrial/former industrial sites (largely orientated around the River Thames and Bow Creek). Transport infrastructure is the other major feature of the landscape within and surrounding the site, with major roads being present. Green infrastructure is somewhat limited, with pocket-parks and street trees within the vicinity of the site, with the exception of the Thames and its associated habitats. There are minor areas of public realm landscaping within the site, however these are limited in extent.

Figure 1 Development Masterplan Redline



Designated Sites Background

EFSAC

As is referenced above, SACs are sites protected under the Habitats Regulations and need to be considered by local authorities when drawing up and adopting planning policy.

EFSAC covers 1630.74 ha and lies entirely within the administrative boundary of Epping Forest District Council.



The SAC predominately comprises broad-leaved deciduous woodland with areas of grassland and wetland. The primary reason for its selection as a SAC is the woodland habitat and specifically '*Atlantic acidophilous beech forest*'. Whilst epiphytes on the site have declined, primarily as a result of air pollution, the SAC remains an important site for rare species including the moss (*Zygodon forsteri*).

Table 1 Qualifying Features and Characteristics of EFSAC

A European designated site covering approximately 1630ha comprising areas of inland water bodies (Standing water, Running water) (6%), Bogs, Marshes, Water fringed vegetation, Fens (0.2%), Heath, Scrub, Maquis and Garrigue, Phygrana (3.8%), Dry grassland, Steppes (20%) and Broad-leaved deciduous woodland (70%).

Primary reasons for its designation include the presence of Annex I habitat Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrublayer (*Quercion robori-petraeae* or *Ilici-Fagenion*) and Annex II species stag beetle (*Lucanus cervus*). The site also supports Annex I habitats Northern Atlantic wet heaths with *Erica tetralix* and European Dry Heaths, although these habitats are not primary reason for the selection of the site.

Epping Forest represents Atlantic acidophilous beech forests in the north-eastern part of the habitat's UK range. Although the epiphytes at this site have declined, largely as a result of air pollution, it remains important for a range of rare species, including the moss *Zygodon forsteri*. The long history of pollarding, and resultant large number of veteran trees, ensures that the site is also rich in fungi and dead-wood invertebrates.

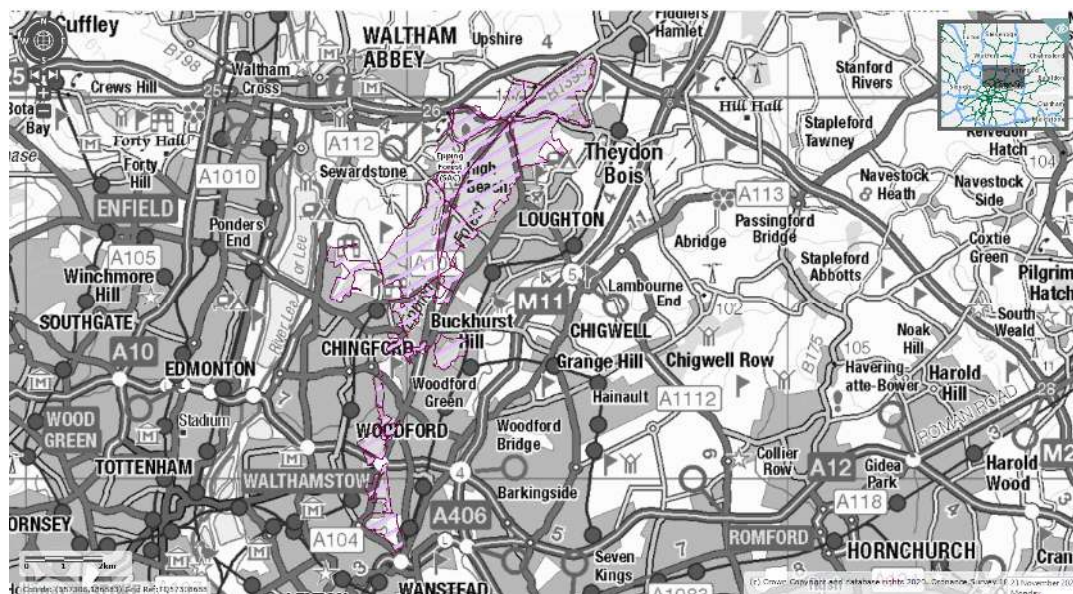
Epping Forest is a large woodland area in which records of stag beetle are widespread and frequent; the site straddles the Essex and east London population centres. Epping Forest is a very important site for fauna associated with decaying timber and supports many Red Data Book and Nationally Scarce invertebrate species.

It is understood that nitrogen deposition has become noticeable throughout Epping Forest, with trees showing signs of stress, canopies thinning and shoots dying back.

Further to the direct impact associated with air pollution (primarily from vehicles) the key additional potential impact for development on EFSAC has been identified as increased indirect impacts from recreational pressure (increased visitors).



Figure 2 EFSAC Location and Extent (image from Magic maps)



Policy and Guidance Context

As referenced above, the key potential impacts for development on the EFSAC have been identified as increased recreational pressure (increased visitors) and atmospheric pollution (air quality) from vehicles.

Unlike other European designated sites (e.g Thames Basin Heath Special Protection Area) there is currently not a formally adopted mitigation strategy for EFSAC for Tower Hamlets. The current approach to mitigation for recreational pressure, for local authorities in proximity of EFSAC, is detailed in the 'Interim Mitigation Strategy for Epping Forest Special Area of Conservation'ⁱⁱ.

The evidence base for the Interim Mitigation Strategy is a survey of the visitors to the SAC (Appendix 1 of the Mitigation Strategy). Data from this survey were used to establish a Zone of Influence (ZOI) of 6.2km which was drawn on the basis of where the 75th percentile of visitors come from. Further work was proposed to be carried out in June 2021 but it is understood this has not yet been undertaken and the 6.2km ZOI remains appropriate.

With regards to atmospheric pollution, the HRA Technical note for the London Borough of Tower Hamlets Local Plan (August 2018)ⁱⁱⁱ states:

'In relation to Epping Forest SAC, the HRA concludes at Table 4.4 that the LBTH plan does not include proposals for developments that are likely to have significant point-source emissions, and that traffic on roads within LBTH is not likely to directly affect the woodland (as, guidance suggests that "beyond 200m, the contribution of vehicle emissions from the roadside to local pollution levels is not significant").

Assessment

Methodology



The European Commission (EC) have produced guidance for assessing the effects of plans and projects on sites protected under EU Directives (Natura 2000 sites) (EC, 2001) and Department of Environment, Food and Rural Affairs' (DEFRA) provide core guidance for developers, regulators and land/marine managers (DEFRA, draft 2012). In the absence of a standardised statutory methodology for undertaking HRA, these documents are typically followed by competent authorities in undertaking their duties under the EU Directives and the Habitats Regulations which give effect to those Directives in the UK.

The EU guidance Assessment of plans and projects significantly affecting European sites (EC, 2001) sets out a 4-stage process for the assessment of likely significant effects and the Appropriate Assessment (AA) as described below.

Stage 1: Screening

The screening stage considers whether a project, along, or in combination with other projects, stands to result in likely significant effects on a Natura 2000 site, and seeks to assess the significance of said effects. This Stage therefore determines the need for a more detailed AA (Stage 2).

If at this stage no likely significant effects are predicted, then a Judgement on the Likely Significant Effects can be made and the project may proceed to adoption without further reference to the Habitats Regulations.

This screening stage is broken down further into 4 steps.

- Step 1 Management of the Natura 2000 site(s): Determining whether the project or plan is directly connected with, or necessary to, the management of any Natura 2000 site or its special interest features.
- Step 2 Description of the plan or project: Describing the project or plan and the description and characterisation of other projects or plans that in combination have the potential for having significant effects on the Natura 2000 site(s).
- Step 3 Characteristics of the Natura 2000 site(s) and prediction of impacts: Identifying the potential effects of the plan or project on the Natura 2000 site(s). This includes sites which are outside of the project area that may be affected by virtue of their connections with the project area, the potential for indirect effects of the project to be experienced at a distance from the site or for sites with mobile species, those which have significant ecological links with land in the project area.
- Step 4 Assessment of significance: Assessing the significance of any effects on the Natura 2000 site(s). Regulation 61(6) of the Habitats Regulations 2017 states that: "In considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given".

A precautionary approach must be followed with a plan assumed to result in likely significant effect unless such effects can be ruled out.

Results

Step 1

EC guidance (EC, 2001) states that for a project to be '*directly connected with or necessary to the management of the site*', the 'management' component must relate to measures that are for



conservation purposes, and the 'directly' element refers to measures that are solely conceived for the conservation management of a Natura 2000 site and not direct or indirect consequences of other activities.

The Aberfeldy Village development is not directly connected with, or necessary to, the management of any Natura 2000 or Ramsar site. It is therefore necessary, in the first instance, for the competent authority to determine whether the Proposed Development is likely to have a significant effect on the relevant sites, moving to the step 2 of the methodology.

Step 2

This step requires all elements of a project, alone or in combination, which may stand to have the potential for significant effects on Natura 2000 sites, to be identified.

The Site is described in the opening sections of this letter.

The Proposed Development comprises the comprehensive redevelopment of the Site. The Proposed Development will provide new retail and workspace floorspace along with residential dwellings and the pedestrianisation of the A12 Abbott Road vehicular underpass to create a new east to west route. The Development will also provide significant, high quality public realm, including a new Town Square, a new High Street and a public park.

There is accordingly no overall change in land use at site. The development will however result in a change in resident numbers with 330 existing homes being demolished and up to 1,628 new homes proposed.

Furthermore, the development may stand to result in changes to vehicular movement or vehicle numbers in this location, which may stand to result in increased vehicular movement in surrounding areas, including those which are located near to EFSAC. This is considered further below at steps 3 and 4.

Precedent dictates that elements of such residential schemes in this location may stand to result in likely significant effects upon Natura 2000 sites through two pathways; increased recreational pressure and increased nitrogen deposition through increased traffic movement.

It will accordingly be necessary to move to the next step to assess whether these potential pathways may stand to result in likely significant effects.

Steps 3 and 4

Table 1.1 summarises the characteristics of the EFSAC and describes the qualifying features. On this basis two pathways for potential effects were identified: recreational pressure; and increased nitrogen deposition through road traffic.

Recreational Pressure

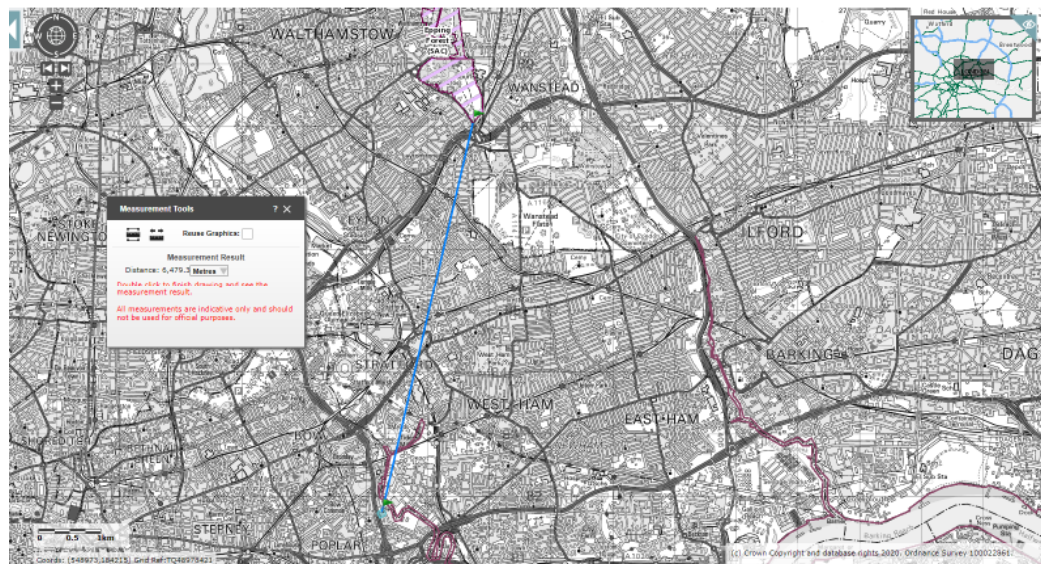
The Interim Mitigation Strategy for EFSAC concluded that the Zone of Influence for surrounding developments was 6.2km. This was drawn on the basis of where the 75th percentile of visitors come from.

Defra's Magic Map (managed by Natural England) has been used to measure the distance of the site from the SAC which is ~6.4km. Therefore, in accordance with the Interim Mitigation Strategy for EFSAC no mitigation for recreational impact will be required for the development.



It can therefore be concluded that there are no likely significant effects anticipated from the Aberfeldy scheme on European designated sites through recreational pressure.

Figure 4 Screenshot from Defra's Magic Map³



Air Quality

A Transport Assessment has been produced for the project by Velocity and has been submitted as part of the planning application. It has been confirmed by the Transport Consultants that:

'the proposed development will not result in a net increase in traffic on the road network because the development is not expected to generate additional vehicle movements'

It can therefore be concluded that there are no likely significant effects anticipated from the Aberfeldy Village Masterplan on European designated sites through increased traffic generation resulting in nitrogen deposition.

Assessment of Significance and Summary

In accordance with the interim mitigation strategy the site falls outside of the recreational impact ZOI and no recreation effects are anticipated.

Further to this, a traffic assessment has been undertaken and the Transport consultants have confirmed that the proposed development will not result in a net increase in traffic on the road network. Therefore it can be concluded that no additional air pollution effects on EFSAC are predicted.

It can accordingly be concluded that there is **no potential for a likely significant effect on the qualifying features of the EFSAC and an AA is not considered necessary.**



Yours sincerely

Mike Harris

Director

For and on behalf of Greengage Environmental Ltd

Encl

ⁱ Conservation of Habitats and Species Regulations 2017
www.legislation.gov.uk/uksi/2017/1012/regulation/1/made

ⁱⁱ Epping Forest District Council (2018) Interim Mitigation Strategy for Epping Forest Special Area of Conservation <https://eppingforest.moderngov.co.uk/mgConvert2PDF.aspx?ID=87389>

ⁱⁱⁱ Wood (2018) Technical note: London Borough of Tower Hamlets: Examination in Public (Habitats Regulations Assessment) Matter 1: General Matters and Legal requirements Issue 1 – Is the Local Plan legally compliant? [Technical_note_HRA_FINAL_FOR_ISSUE.pdf \(towerhamlets.gov.uk\)](http://Technical_note_HRA_FINAL_FOR_ISSUE.pdf(towerhamlets.gov.uk))

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