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Our ref: 369554
Your ref: Brentwood Local Plan Proposed Main Mods



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BY EMAIL ONLY

Dear Planning Policy Team,

Planning consultation: Brentwood Borough Council Local Plan Proposed Main Modifications.

Thank you for your consultation on the above dated 30 September 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Having reviewed the consultation documents, Natural England has the following comments and recommendations on the Schedule of Proposed Main Modifications.

Schedule of Proposed Main Modifications

MM29 - Strategic Policy NE02: Green Blue Infrastructure

Strategic Policy NE02: Green Blue Infrastructure replaces Policy BE18: Green Blue Infrastructure, which was previously approved as noted in the Statement of Common Ground (12th May 2020) between Natural England and Brentwood Borough Council.

Policy BE18 has been withdrawn and replaced by Strategic Policy NE02 to ensure efficacy and consistency with national policy. Generally, the policy has been streamlined and the wording around GBI provision, enhancements management and maintenance has been more closely aligned to para 174 of the NPPF. The new policy broadly appears to give appropriate protection to existing GBI and makes adequate policy provision for extending and securing delivery of new GBI and its management, in line with the NPPF.

At **5.157** A reference should be made to the new Strategic Policy NE01: Protecting and Enhancing the Natural Environment, which incorporates Essex RAMS and Epping Forest SAC ZOI and references the Essex RAMS Supplementary Planning Document, as this is linked to protection of existing Green Blue Infrastructure (GBI) and provision of new GBI as Suitable Alternative Natural Greenspace (SANGs.)

MM74 - Strategic Policy NE01: Protecting and Enhancing the Natural Environment

Strategic Policy NE01: Protecting and Enhancing the Natural Environment replaces Policy NE01: Protecting and Enhancing the Natural Environment and Policy NE02 Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) which were previously agreed with Natural England as noted in the Statement of Common Ground (12th May 2020) with Brentwood Borough Council.

As noted in the Sustainability Appraisal Report Addendum (September 2021), together with MM75 (NE03: Trees, Woodlands, Hedgerows) and MM76 (NE04 Thames Chase Community Forest) the changes represent 'a notable evolution of the policy approach to planning for the natural environment.' Natural England broadly agree that the majority of changes amount to a re-ordering of previous text, as opposed to a substantive change to policy. However, the new focus on planning for biodiversity net gain(s) to reflect evolving national policy context with regards to

implementation of Biodiversity Net Gain and Local Nature Recovery Strategies is noted and welcomed by Natural England.

MM74 (c) should be re-worded as follows: *'Where a proposed plan or project is likely to have an adverse impact on a European Designated Site, alone or in combination, permission will not be granted unless there is due compliance with the requirements of the Habitats Regulations.'* This is to make the statement more accurate and to better reflect the terminology used in legislation.

MM74 (d) – policy wording should be updated to also apply to Epping Forest SAC recreational pressure Zone of Influence (ZOI) and should make clear the mitigation hierarchy will be applied of avoidance first, mitigation second. We suggest the following wording: *'New residential development within the Essex RAMS and Epping Forest SAC Zones of Influence will be required to provide appropriate on-site measures for the avoidance of, and/or reduction in, recreational disturbance on European Designated Sites through the incorporation of recreational opportunities, including the provision of green space and footpaths in the proposals. Proposals will be required to follow the mitigation hierarchy by seeking to avoid creating recreational impacts first and foremost, with mitigation measures considered secondary to avoidance.'*

MM74 (e) makes provision to approve development that will likely have an adverse effect on SSSIs in exceptional circumstances when the benefit of the development clearly outweighs adverse impacts both to the individual SSSI identified as being at risk and the wider SSSI network. Please note that Natural England will object to any proposals brought forward that result in direct loss of SSSI habitat. Notwithstanding this, currently there does not appear to be any policy requirement for mitigation and / or compensation as appropriate, for compensatory habitat to be provided alongside development approved under these exceptional circumstances. Natural England therefore recommends the following paragraph is inserted to ensure any loss of SSSI habitat is adequately compensated for:

'Any development proposals exceptionally permitted will be expected to demonstrate the impacts cannot be avoided, and that any indirect effects are able to be fully mitigated. Whilst direct effects to SSSIs are not supported by the Plan, in such exceptional circumstances a robust compensation scheme will be expected. Applicants will need to demonstrate the efficacy of the mitigation or compensation scheme and provide an appropriate implementation, monitoring and management programme to underpin the scheme, the performance of which will be subject of a condition and/or planning obligation, as appropriate.'

At **Para 8.20**, Natural England recommends re-wording as follows: *'Where Priority Habitats are likely to be adversely impacted by the proposal, the developer must demonstrate that every effort has been made to avoid adverse impacts. Mitigation and compensation measures will only be acceptable where it has been demonstrated impacts cannot be reasonably avoided in the first place. Impacts that cannot be avoided are to be mitigated onsite. Where residual impacts remain, offsite compensation will be required to ensure that there is no net loss in quantity and quality of Priority habitats in the borough of Brentwood.'* This wording better reflects the mitigation hierarchy by ensuring the emphasis is placed on protecting habitats and avoiding impacts first-and-foremost, ahead of relying on mitigation and compensation measures, which invariably come with a degree of risk.

At **Para 8.24**, Natural England recommends re-wording as follows: *'Recreational disturbance has been further considered in an Appropriate Assessment which has identified the need to prepare a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for these locations to deliver the mitigation necessary to avoid adverse effects on integrity from 'in-combination' impacts of residential development that is anticipated within the zone of influence.'* This wording is more accurate because it references the 'Zones of Influence' that underpin the RAMS strategy.

At **Para 8.25**, Natural England recommends the following adjustment to text to improve the accuracy of the statement – remove *'Essex-wide'* in the first sentence. At the beginning of the second sentence, the text *'New residential development that is likely to affect the integrity of European sites...'* should be replaced with *'Development that is likely to have a significant effect on European sites'*. Also the second sentence, the reference to SSSIs should be removed, as they are not European sites.

Policies Map - The last sentence of para 8.25 states *'The appropriate mitigation mechanisms are identified in the RAMS. The Zones of Influence affecting Brentwood are shown on the Policies Map.'* Natural England note that the Epping Forest custom recreational pressure Zone of Influence (ZOI) of 6.2km is not shown on the Policies Map, however a small area of Brentwood Borough Council to the north west does fall within this zone.

Currently, the precise extent of the Epping Forest recreational pressure ZOI is not yet finalised. Autumn surveys have suggested it should be marginally enlarged, however summer surveys that Natural England have previously advised in order to inform the precise extent of the ZOI have not been carried out, so the exact extent is still subject to change pending further evidence. Until updated evidence is forthcoming, Natural England continue to support use of the 6.2km zone. We acknowledge that unless evidence comes forward to demonstrate that an expansion of at least 1km, it is unlikely that Brentwood Borough Council will receive many planning applications that are required to mitigate. Notwithstanding this, for clarity and transparency any ZOI referred to in planning policy should be shown on the Policy Map to make clear the geographical area to which policy applies. On this basis, the Policies Map should be revised to show the Epping SAC ZOI, and to ensure a consistency of approach as the Essex RAMS ZOIs are indicated. It should be noted in the key on the Policy Map that the Epping Forest SAC may be subject to change, and the Policies Map may need to be updated in the future to reflect any evidence-based changes in the ZOI extent.

Para 8.28 – Currently this paragraph states that Brentwood Borough Council falls outside of the Epping Forest SAC ZOI. This is incorrect. As noted in comments on para 8.25 above, **a small area of Brentwood Borough Council does fall within the Epping Forest SAC ZOI.** Policy wording should be changed as follows to reflect this: *'Prior to the adoption of a Supplementary Planning Document, or similar, in respect of the Epping Forest SAC, development in the Zones of Influence will be required to make an appropriate assessment of the impact of the development and identify suitable mitigation proposals, in line with Natural England advice. Areas within Brentwood Borough Council fall just **inside** this ZOI. The Council will carefully consider the impacts to Epping Forest SAC, if any, of development falling within or adjacent to this ZOI.* In order for this policy to be effective (and as noted in comments above on para 8.25), the extent of Epping Forest ZOI will need to be shown on the Policies Map so as to make clear the geographical area to which the policy applies.

MM84 and MM85 - Policy R01: Dunton Hills Garden Village Strategic Allocation

Policy R01: Dunton Hills Garden Village Strategic Allocation, was previously approved as noted in the Statement of Common Ground (12th May 2020) between Natural England and Brentwood Borough Council. The policy has been extensively re-drafted, with RO1 (i) being re-worded, RO1 (ii) replaced in its entirety and RO1 (iii) deleted.

The majority of changes proposed by the Main Modifications amount to a re-ordering of previous text and re-wording to better reflect national planning policy wording, as opposed to a substantive change to policy. However, the alignment of the policy to national planning policy wording has resulted in a more generically worded policy that is less site-specific. Previously, the policy agreed with Natural England in the Statement of Common Ground (SoCG) sought to secure delivery of the following:

- (i) GI screening adjacent to A127, A128 and rail tracks
- (ii) A green infrastructure buffer / wedge on the eastern boundary

The new policy wording omits this detail and defers to the Dunton Hills SPD document (currently being updated) for detailed design matters. Therefore the above points should be added into the SPD as specific numbered points in the 'guidance' boxes on the appropriate pages.

MM117 - Annexe 3 Maintenance and Monitoring of NE01 and R01

NE01

Biodiversity Net Gain (BNG) - under 'target' Natural England would expect to see a percentage figure for BNG. Under current proposals a minimum 10% BNG will be mandated by the forthcoming Environment Bill, expected to be effective from 2023. The target set should reflect this future requirement as a minimum.

Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Natural England recommend adding the following under 'action'; *'Ensure equivalent funds are sourced for projects that did not contribute RAMS payments, to ensure the Project is not left with a shortfall.'*

Sites of Special Scientific Interest (SSSIs) – under 'actions' the LPA should add an action to *'alert Natural England where impacts to SSSI have occurred'*. Natural England are concerned that currently it is not clear the how the LPA will monitor SSSIs to identify *'unacceptable environmental impacts'*, nor is it clear how *'unacceptable environmental impacts'* will be identified and defined. In order for monitoring and to be effective, these issues need to be considered and the monitoring policy updated to address these points.

R01

Natural England strongly supports the inclusion of a target and monitoring action for a minimum delivery of 50% of the sites area as green blue infrastructure at Dunton Hills Garden Village.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk

Yours sincerely

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