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**Epping Forest District Council**



Governance Directorate

Civic Offices

Epping

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**Town and Country Planning Act 1990 (as amended)**

**Section 78**

**Appeal against refusal of planning permission by Epping Forest District Council  
for the proposed demolition of the existing chalet bungalow and construction of 2  
x pairs of semi-detached houses with associated parking and gardens at 66 The  
Plain Epping CM16 6TW.**

**Local Planning Authority Ref: EPF/1111/19**

**Written Statement**

**Of**

**Epping Forest District Council.**

**12 December 2019**

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## 1. Site and Surrounding Area

2. The appeal site contains a detached one-and-a-half storey chalet bungalow situated on the eastern side of the private road section of The Plain that serves a block of flats and five dwellings and runs adjacent to the rear of the New Kingswood Park Estate.
3. The site is located outside of the designated Green Belt in the very north-eastern part of Epping. To the immediate north of the site is the garage court serving a block of apartments known as The Lodge. There are residential properties on all other sides, including detached bungalows to the south.

## The appeal

4. The application was refused by the Area Planning East Sub- Committee on 4/9/19 for the following reasons: -
  1. The proposed development would see the loss of the chalet bungalow on the site. This is contrary to Policy H1(F) of the Epping Forest District Local Plan (Submission Version) 2017.
  2. The proposed new development would cause an unacceptable adverse impact on the character and appearance of the Plain as the design of two pairs of semi detached houses results in an excessively high, bulky and over dominant form of development which out of character with the existing street scene, contrary to the NPPF and the Local Plan (as amended) policies CP3, DBE1, and DBE2 of the Adopted Local Plan and Alterations and policy DM9 of the Epping Forest District Local Plan (Submission Version) 2017.

Minutes of the meeting are contained within appendix 3 of this statement.

## 5. Relevant History

Reference	Description	Decision
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EPU/0053/55	Dwelling house	Approved
EPF/0989/79	Re-construction of four dormer windows and alterations to front storm porch	Permitted development

**Development Plan:**

6. Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).
7. The following policies within the current Development Plan are considered to be of relevance to this application:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP3 – New development

CP6 – Achieving sustainable urban development patterns

CP7 – Urban Form and Quality

CP9 – Sustainable transport

RP4 – Contaminated land

H3A – Housing density

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE3 – Design in urban areas

DBE8 – Private amenity space

DBE9 – Loss of amenity

ST1 – Location of development

ST4 – Road safety

ST6 – Vehicle parking

NC1 – SPAs, SACs and SSSIs

**National Planning Policy Framework (2019):**

8. The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;
  - approving development proposals that accord with an up-to-date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
9. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

**Epping Forest District Local Plan Submission Version (2017) (LPSV)**

10. Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.
11. Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:
  - The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
12. The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The following policies

in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

<b>Policy</b>	<b>Weight afforded</b>
SP1 - Presumption in Favour of Sustainable Development	Significant
SP2 - Spatial Development Strategy 2011-2033	Significant
H1 - Housing Mix and Accommodation Types	Significant
T1 - Sustainable Transport Choices	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant
DM11 - Waste Recycling Facilities on New Development	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 - Air Quality	Significant

### **Consultation Carried Out and Summary of Representations Received**

13. TOWN COUNCIL – Object. The proposal is an overdevelopment of the site in terms of its height, scale, bulk and density, which would result in a detrimental effect on the street scene. The proposal will result in a loss of amenity for neighbouring properties in terms of invasion of privacy.
14. There would not be enough parking provided for four houses. Epping suffers from extreme parking pressures and allowing additional residences with insufficient parking will exacerbate those parking problems and have a detrimental effect on the surrounding area, resulting in unsympathetic change.

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15. This area is in a unique location on a private road. The design of the proposal will have a detrimental effect on the appearance of the properties around it, affecting the character of the street scene and the surrounding area. National policy recognises the importance of taking into consideration the character of different areas, which is crucial in this location, as they all follow a similar style.
16. The importance of bungalow accommodation has been recognised in the emerging Local Plan. The constant development of bungalows into multiple houses is eroding the stock of bungalows in a town where there is an identified need for people wishing to downsize, adversely affecting the mix of dwelling types available, contravening evidence and the emerging Local Plan.
17. 30 neighbouring residents were consulted.
- 18. Responses received: 12 as follows:-**
19. 64 THE PLAIN – Object due to loss of privacy and overlooking, possible noise pollution due to increased activity, this is out of scale with neighbouring properties, and due to safety concerns relating to the increase in cars on the footpath.
20. 66A THE PLAIN – Object due to the impact on parking, the quality of the road, the drainage and water supply, overlooking and loss of light, possible ground work concerns, and because this would be detrimental to the character of the lane.
21. 68 THE PLAIN – Object. Whilst redevelopment of the site is welcomed this scheme is overdevelopment and would cause parking and highway problems.
22. 70 THE PLAIN – Object due to overdevelopment, the impact on this unmade road, parking problems, and the impact on infrastructure.
23. 78 THE PLAIN – Object due to overlooking by the new houses, over development of the plot, loss of light and view to neighbours, increased noise, impact on parking within the surrounding roads, the environmental impact due to the proximity to the SSSI and the removal of trees that has already taken place, disturbance during construction, and due to a reduction in property value.
24. 82 THE PLAIN – Object due to loss of privacy to themselves and future occupiers of the new dwellings, these are out of character with the street, loss of light and view, potential increase in noise, inadequate parking provision, and due to the detrimental impact on vegetation and wildlife.

25. 6 KINGSWOOD PARK – Object as the bulk and density is excessive, as this is an unneighbourly development that would result in overlooking, and due to parking and highway safety concerns.
26. 8 KINGSWOOD PARK – Object as this is out of keeping with The Plain, due to insufficient parking provision, it proposes too many houses, existing trees have already been removed, there are concerns about disturbance during construction, and due to highway safety concerns.
27. 10 KINGSWOOD PARK – Object due to loss of privacy and insufficient parking.
28. 2 KINGS WOOD ROAD – Object due to overdevelopment, impact on existing parking problems, and highway safety.
29. 4 PYE GARDENS – Object due to overlooking and loss of privacy and an increase in road congestion and reduction in road safety.
30. NO ADDRESS PROVIDED – Object since this would amount to overdevelopment, due to the loss of privacy, light and view, since this would result in increased noise, would impact the SSSI, and would cause parking problems in the surrounding area. Also concerned about construction impact and because existing trees have already been removed from the site.

### **Response to Grounds of Appeal**

#### **Reason 1**

31. The Strategic Housing Market Assessment 2015 and its updates indicate that the profile of the population within the District is getting older.. It is therefore important that a proportion of new homes can provide for the needs of those with or who may develop, accessibility needs through the design of those homes. The existing bungalow stock is being lost through redevelopment and as a result the number of homes suitable for people with mobility difficulties are in decline.
32. . The emerging Local Plan has reached an advanced stage in its preparation Having regard to paragraph 48 of the NPPF, its policies, including emerging Policy H1 of the LPSV, can therefore be afforded substantial weight. This policy, amongst other things, requires that the loss of bungalows is resisted and for new homes to be

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accessible and adaptable. This requirement is supported by paragraph 62 of the NPPF.

33. The proposal will result in the loss of a bungalow and replaces it with 4 dwellings which fail to meet the requirements of BS 8300-2: 2018 (Accessible and Inclusive Built Environment) and as a result will reduce the provision of housing within the District which is suitable for people with mobility difficulties. It is therefore contrary to the requirements of paragraph 127 of the NPPF and policy H1 of the SVLP.

#### Reason 2

34. Paragraph 39 of the Planning and Compulsory Purchase Act 2004 requires that the Local Authority must seek to achieve 'good design'. Policies contained within the National Planning Policy Framework define what 'good design' is.
35. The NPPF requires that sustainable development should be approved without delay. There are three dimensions of sustainable development these are that the development must promote economy support social communities and contribute to the protection built and natural environment. To achieve sustainable development, these threads should not be considered in isolation and instead sought jointly and simultaneously through the planning system.
36. Paragraph 124 of the NPPF requires "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."
37. Paragraph 127 of the NPPF requires "*Planning policies and decisions should ensure that developments:*



38. a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
39. b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
40. c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
41. d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
42. e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
43. f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
44. Paragraph 130 of the NPPF requires *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.”*
45. Policy DBE1- (Design of new buildings) of the adopted Local Plan requires that *“New buildings: (i) respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing; (ii) are of a size and position such that they adopt a significance in the streetscene which is appropriate to their use or function; and (iii)*

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*only employ external materials which are sympathetic in colour and texture to the vernacular range of materials.*

46. Policy DM 9 (High Quality Design) of the SVLP requires that (inter alia) A. *All new development must achieve a high specification of design and contribute to the distinctive character and amenity of the local area. The Council will require all development proposals to be design-led and: (i) relate positively to their context; (ii) make a positive contribution to a place; D. Development proposals must relate positively to their locality, having regard to:*

*building heights;*

*(ii) the form, scale and massing prevailing around the site;*

*(iii) the framework of routes and spaces connecting locally and more widely;*

*(iv) the rhythm of any neighbouring or local regular plot and building widths and, where appropriate, following existing building lines;*

*(v) the need to provide active frontages to the public realm; and (vi) distinctive local architectural styles, detailing and materials.*

47. The properties within the Kingswood Park Estate have rear gardens which adjoin the other side of the street on which the proposal would be situated. These properties are not considered to form the immediate context of appeal site. The appeal scheme attempts to mimic the recent development at Kingswood Park. However, due to the heights of existing properties within The Plain being considerably lower in height than that approved development, an incongruous compromise has been made in this appeal scheme with crown roofs rather than the gable style achieved on the Kingswood Park estate. The actual context of the site is the existing 70's style detached bungalows and two storey housing within The Plain. Notwithstanding the fact that a wider street scene plan has not been submitted to allow Officers to make informed comparisons with existing development and that proposed it is considered that the proposal is excessively high, bulky and over dominant form of development which out of character with the existing street scene within The Plain and is therefore contrary to the NPPF and the Local Plan (as amended) policies CP3, DBE1, and

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DBE2 of the Adopted Local Plan and Alterations and policy DM9 of the Epping Forest District Local Plan (Submission Version) 2017.

### **Other matters**

48. DM2 requires that all outline or detailed planning applications for new homes within 3km of the Epping Forest Special Area of Conservation will be required to make a financial contribution to access management and monitoring of visitors to the Epping Forest SAC, in accordance with Visitor Survey Information which demonstrates this is needed. Policy DM22 requires proposals that have potential to produce air pollution, to undertake an air quality assessment that identifies the potential impact of the development, together with, where appropriate, contributions towards air quality monitoring. Assessments shall identify mitigation that will address any deterioration in air quality as a result of the development, having taken into account other permitted developments, and these measures shall be incorporated into the development proposals. This will include an assessment of emissions (including from traffic generation) and calculation of the cost of the development to the environment. All assessments for air quality shall be undertaken by competent persons.
49. Unlike policy DM2 this policy applies to development of all types and all locations as they all have the potential to result in increased traffic generation which would put pressure on the roads through the Epping Forest.
50. Since the proposal is within a settlement close to the SAC and is likely to generate a significant amount of traffic, it is clear there will be an additional adverse impact on the special interest of the Forest and air quality in general. The Council has agreed with Natural England that the contribution required is £325 per new dwelling to mitigate against the harm the proposal will bring to recreational receptors within the SAC.
51. However, in terms of the District wide air quality issue, the Council are still awaiting instruction from Natural England in collaboration with Conservators of Epping Forest

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as to what the mitigation strategy will be. Since there is no mechanism currently available by which to ensure that air pollution mitigation is secured; and the appellant has not submitted any obligation to fulfil the requirements of policy DM2 at the very least; and it would be inappropriate to require financial contributions by means of a planning conditions; this matter remains outstanding and adds to the Council's concerns regarding the proposal. The proposal development, which does not accord with the Development Plan, would increase traffic generation to and from the site and it is concluded that the development proposal, both alone and in combination with other plans and proposals, would have an adverse effect on the integrity of the SAC, through the intensification of nitrogen deposition in the protected area by additional traffic generated. At present, there are no suitable proposals to mitigate this adverse effect. The circumstances envisaged in Circular 06/05 - such as development overriding the public interest - that could lead to the grant of planning permission are not applicable in this case. This is demonstrated further down within this report.

52. In this circumstance, paragraph 177 and para 11(d) (i) requires that the tilted balance towards the presumption in favour of sustainable development does not apply and instead this development should be restricted.

### **53. Planning Balance**

54. The Council accepts that we cannot demonstrate a five year supply of deliverable housing sites. In these circumstances, the revised Framework states that relevant policies for the supply of housing cannot be considered up to date if the local planning authority cannot demonstrate such a supply. Paragraph 11 of the revised Framework sets out the presumption in favour of sustainable development. For decision making this means that where the development plan is absent, silent or relevant policies are out of date, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 8 of the revised Framework requires the social, economic and environmental objectives of sustainability to be considered together.

55. It is the Council's contention that the proposal would be a retrograde step in preserving the distinctive local character of the area. The proposal as a consequence fails to take opportunities available for improving the character and quality of this area and the way it functions. It therefore fails to meet the requirements of the environmental dimension of sustainable development and as such cannot be considered sustainable development.

56. The provision of 3 additional new houses would only make a modest impact on the housing supply for the District as a whole. The Council asserts that the proposal creates environmental harm which significantly and demonstrably outweighs the modest benefit to the supply of housing for the District as a whole, it therefore does not benefit from the presumption in favour of sustainable development.

## **57. Conclusion**

58. In summary the Council contends that the grounds of appeal submitted by the appellant provide no new evidence which would act as a material consideration to alter the decision previously made.

59. The Local Plan and Alterations provide a framework for decision making within the District to ensure that planning decisions are made in a consistent, fair and reasonable manner having regard to relevant Government guidance. The Council's policies are up to date and in line with Government guidance. The policies have been applied reasonably and fairly and resulted in planning permission being refused.

60. Having regards to the above, it is respectfully requested that the Inspector dismisses the appeal.

## **62. Suggested conditions**

63. Notwithstanding and without prejudice to the Council's case the following conditions are suggested should the Inspector be minded granting full planning permission:

- 1           The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2           The development hereby permitted will be completed strictly in accordance with the approved drawings numbers: 03, 10 B, 11 B, 12, L9120/1, L9120/2

Reason: To ensure the proposal is built in accordance with the approved drawings.

- 3           No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 4           The first and second floor window openings in the flank elevations shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

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Reason:- To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 5 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

Reason:- To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 6 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 7 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any

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means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 8 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with policies T1 and DM22 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 9 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

Reason:- The development is of a size where it is likely to result in increased surface water run-off, in accordance with policy U2B of



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the adopted Local Plan and Alterations 1998 & 2006, and policy T1 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 10 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 11 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason- In the interests of the amenities of noise sensitive properties, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.

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65. Appendix 1

**66. Natural England's Additional Advice for Consideration When Undertaking a Habitats Regulations Assessment for Development Affecting Epping Forest SAC**

**67. Epping Forest SSSI**

68. A helpful description of the SSSI area and features is provided in the [Epping Forest SSSI citation](#)

69. Many of the SAC features are also SSSI interest features, for example: the listed woodland types, heathlands and greater stag beetle. In addition to this, the SAC feature transitions and mosaics include grasslands, freshwater habitats (including bogs) and other woodland types that are SSSI features. This mosaic of forest-wood pasture habitats supports a nationally important assemblage of ancient and veteran trees, bryophytes, fungi, invertebrates (including dragonflies and saproxylics such as stag beetle), amphibians, breeding birds and nationally notable lichens. In addition to this, the Forest supports features of significant interest that contribute to its overall character and quality, including natural sections of spring-fed watercourses; archaeological sites, ancient soils with seedbanks and complex communities, and many species of national and county significance.

70. Not all of the SSSI is also notified as SAC, and so it is recommended that the above links are used to confirm which legislation applies, and what assessment criteria apply. Further information on the Habitats Regulations tests is provided below. Preferably, the application (or request for pre-application advice) should reference the SSSI / SAC and include sufficient information to enable an assessment of impacts and mitigation requirements to be made. The range of most likely impacts are outlined below, along with mitigation measures which may be appropriate.

71. *Further* background information on the Epping Forest SAC, SSSI; its notified interest features and conservation objectives can be found on the MAGIC website

**72. Epping Forest SAC**

73. The Conservation Objectives for Epping Forest SAC can be viewed at <http://publications.naturalengland.org.uk/category/6490068894089216>

74. For the purposes of preparing for or undertaking an assessment required by the Conservation of Habitats and Species Regulations 2010 (as amended), all of the qualifying features listed below must all be treated equally.

**75. 2.1 The following Annex I natural habitat types and/or Annex II species of European importance were the primary reason for the initial selection of this SAC:**

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**76. H9120. Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrublayer (*Quercion robori-petraeae* or *Illici-Fagenion*); Beech forests on acid soils**

77. This qualifying habitat comprises beech *Fagus sylvatica* forests with holly *Ilex*, growing on acid soils, in a humid Atlantic climate. Epping Forest is within the north-eastern part of the habitat's UK range. Sites of this habitat type often are, or were, managed as wood-pasture systems, in which pollarding of beech and oak *Quercus* spp. was common. This is known to prolong the life of these trees.
78. The vegetation which comprises this habitat falls within three UK National Vegetation Classification (NVC) community types:
79. W14 *Fagus sylvatica* – *Rubus fruticosus* woodland
80. W15 *Fagus sylvatica* – *Deschampsia flexuosa* woodland
81. W10 *Quercus robur* – *Pteridium aquilinum* – *Rubus fruticosus* woodland
82. Typical species include holly *Ilex aquifolium*, bracken *Pteridium aquilinum* and bramble *Rubus fruticosus*, with wavy hair-grass *Deschampsia flexuosa* in the most acidic areas.
83. Epping Forest SAC contains an extensive area of former beech *Fagus sylvatica* wood-pasture with many old pollards and associated beech and oak *Quercus* spp. Holly *Ilex aquifolium* and honeysuckle *Lonicera periclymenum* are significant components of the shrub layer of the woodlands, with occasional Yew *Taxus baccata* and presence of *Ruscus aculeatus*. The ground flora is frequently dominated by Bracken *Pteridium aquilinum* and brambles *Rubus fruticosus* agg, but more varied mosaics and transitions include scattered patches of wavy hair-grass *Deschampsia flexuosa*; cushions of the distinctive moss *Leucobryum glaucum*; and acid grassland-heathland plants such as *Teucrium scorodonia* and *Calluna vulgaris*.
84. 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 Knothole moss *Zygodon forsteri*. The long history of pollarding, and resultant large number of veteran trees, ensures that the site is also rich in fungi, dead-wood invertebrates and notable bryophytes and lichens.
- 85. S1083. *Lucanus cervus*; Stag beetle.**
86. The decaying timber in the large woodland area of *Epping Forest* supports a large population of stag beetle *Lucanus cervus*. The stag beetle requires decaying wood to complete its lifecycle. Its eggs are laid underground in the soil next to logs or the stumps of dead trees (typically apple *Malus* spp., elm *Ulmus* spp., lime *Tilia* spp., beech *Fagus sylvatica* and oak *Quercus* spp.). The beetle larva (or grub) will spend up to seven years in the wood, slowly growing in size. Timber is also utilised, especially sunken fence posts.
87. Adult stag beetles emerge from mid-May until late July. Males emerge earlier to actively search for females to mate, and can often be seen flying on sultry summer

evenings an hour or two before dusk. As adults they are short-lived and generally die after mating, although occasionally some may over-winter in sheltered warm places.

88. Epping Forest SAC has a large number of ancient trees with decaying timber and a diversity of tree species, habitat structure and canopy conditions characteristic of former royal forests and wood-pasture. *The site straddles the Essex and east London population centres of the species* and records are widespread and frequent in the SAC. Epping Forest is a site of national importance for the conservation of the fauna of invertebrates associated with the decaying timber of ancient trees.

89. 2.2     **The following natural habitat types and/or Annex II species of European importance form important qualifying features of the site and added further justification for the selection of the Epping Forest as a SAC within the Natura 2000 network;**

**90. H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath**

91. Wet heath usually occurs on acidic, nutrient-poor substrates, such as shallow peats or sandy soils with impeded drainage. The vegetation is typically dominated by mixtures of cross-leaved heath *Erica tetralix*, heather *Calluna vulgaris*, grasses, sedges and *Sphagnum* bog-mosses.
92. At this site, this Annex 1 habitat feature is known to predominantly comprise the following UK National Vegetation Classification (NVC) community; *M16 Erica tetralix - Sphagnum compactum wet heath*.

**93. H4030. European dry heaths**

94. European dry heaths typically occur on freely-draining, acidic to circumneutral soils with generally low nutrient content. Ericaceous dwarf-shrubs dominate the vegetation. The most common is heather *Calluna vulgaris*, which often occurs in combination with gorse *Ulex* spp., bilberry *Vaccinium* spp. or bell heather *Erica cinerea*, though other dwarf-shrubs are important locally. Nearly all dry heath is semi-natural, being derived from woodland through a long history of grazing and burning. Most dry heaths are managed as extensive grazing for livestock or, in upland areas, as grouse moors.
95. At this site, this Annex 1 habitat feature is known to predominantly comprise the following UK National Vegetation Classification (NVC) community; *H1 Calluna vulgaris - Festuca ovina heathland*.

**96. Additional Site Notes**

97. The habitat features will comprise a number of associated semi-natural vegetation types and their transitional zones, reflecting the geographical location of the site, altitude, aspect, soil conditions (especially base-status and drainage) and vegetation management. In the UK the core habitats have been broadly categorised by the National Vegetation Classification (NVC) but it should be acknowledged within assessments that conserving the transitions and mosaics with other habitat-types and NVC communities may be important component of favourable conservation status. Maintaining or restoring these characteristic and distinctive vegetation types, and the range of types as appropriate, will be important to sustaining the overall

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habitat feature and the biodiversity it supports. For example, Wet Heathland (M16) may include transitions and mosaics with *Sphagnum* bogs (M-type) and wet acid grasslands. Dry Heathland (H1) may include transitions and mosaics with dry acid grasslands (U1 –types).

98. This SAC classified area within Epping Forest includes three of the main wood pasture types in Britain namely Beech-Oak, Hornbeam–Oak and mixed Oak. The H9120 community and the broader mosaics and transitions characteristic of ancient forests and wood-pastures are well-represented within the site. Maintaining this characteristic diversity and range is critical for the conservation of site features (e.g., H9120 and stag beetles) and site integrity.

### 99. 3.0 Assessing Recreational Pressure and Urbanisation Impacts

- a. Epping Forest SAC features are vulnerable to impacts from recreational pressure, including:
- b. **Trampling pressure** – many SAC habitats (e.g., woodland, heathlands – grasslands/wetlands) support typical and character species that are sensitive to direct damage by trampling, excessive soil compaction and erosion. The Forest is a mosaic of habitats with areas that are subject to a range of recreational pressures. Whilst these are managed overall by City of London Epping Forest, some of these areas are currently experiencing prolonged exceedances of recreational pressure and/or are vulnerable to further increases to the detriment of notable SAC features.
- c. **Dog waste** – many SAC habitats (e.g., woodland, heathlands – grasslands) support typical and character species that can establish and survive in low nutrient soil conditions. Dog faeces adds a significant input of phosphate and nitrate into these Forest soils, locally impacting on ancient soil quality, its seedbank, ground flora and soil fungi. This can change the character vegetation and the overall resilience of the SAC habitat. This is particularly relevant to the root health of ancient trees in areas of high daily visitor access with the increase in daily visits from the proposed increases in local residential populations
- d. **Vandalism** – many SAC habitats (e.g., woodlands, heathlands – grasslands/wetlands) support typical and character features that are vulnerable to physical damage (e.g., breaking tree branches, breaking up old stumps, smothering, digging etc.). Other vandalism can adversely impact on infrastructure necessary for conservation management (e.g., interpretation promotes best practice, bridges/culverts/dams manage water flow, fencing manages livestock & access), and/or resources (e.g., repair costs and staff time)
- e. **Erosion and soil compaction** – many SAC habitats (e.g., woodlands, heathlands – grasslands/wetlands) support typical and character features that are vulnerable to excessive soil erosion (e.g., mountain biking trails can impact on moss habitats, veteran tree roots and heathlands). The Forest is a

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mosaic of habitats with areas that are subject to a range of recreational pressures. Whilst these are managed overall by City of London Epping Forest, some of these areas are currently experiencing prolonged exceedances of recreational pressure and/or are vulnerable to further increases to the detriment of notable SAC features. The impacts of erosion and compaction are very difficult to ameliorate or reverse or mitigate and avoidance is most important.

- f. **Disturbance** – many SAC habitats (e.g.- woodlands, heathlands – grasslands/wetlands) support typical and character species (e.g., breeding birds, reptiles) that are vulnerable to excessive disturbance from noise, dogs and people. Whilst these may not be SAC listed features, they may be either listed SSSI features and/or S41 species, and therefore notable within a statutory planning context.
  - g. **Litter & Pollution** – many SAC habitats (e.g., woodlands, heathlands – grasslands/wetlands) support typical and character features that are vulnerable to litter/pollution. The litter may be non-biodegradable thus cumulatively altering local niches (e.g., affecting soil/water quality, trapping small animals) and/or leach contaminants that can impact on habitats/species either acutely or chronically (e.g. affecting soil/water quality) to the detriment of the overall quality of the SAC feature. Whilst some vulnerable species may not be SAC listed features, they may be either listed SSSI features and/or S41 species, and therefore notable within a statutory planning context.
  - h. **Fire** - many SAC habitats (e.g., woodlands, heathlands – grasslands/wetlands) support typical and character features that are vulnerable to fire. For example, these habitats with constituent soils and wildlife they support may be adversely impacted by fires. For example, some veteran trees may be centuries old with nationally significant rarities associated with them (e.g., saproxylic invertebrates, lichens, mosses etc.) and arguably irreplaceable. Fires can also adversely impact on the character of the topsoil causing impacts to the vegetation and fungal communities.
  - i. **Increase in access by vehicle or Foot** Where the application shares a boundary with the SSSI / SAC, our default position is that no new access should be created into the Forest. Boundaries (see below) should not include any gated access or driveways, and the Forest should not be used temporarily by construction vehicles to access a development site (neither should the Forest be used to store construction materials or waste products (such as skips etc.), or erect, assemble or maintain related equipment.
100. Where appropriate for the location and agreed with City of London Epping Forest, a suitably robust boundary fence of suitable design should be installed (for example, full height fencing, light penetrating where necessary), with monitoring and maintenance responsibilities (in perpetuity) described. For larger sites which may be passed to a grounds maintenance company, the specification of their responsibilities should include any boundary treatment monitoring and maintenance



101. There may be additional recreational activities that adversely impact on Epping Forest SAC, that have been identified by City of London Epping Forest as part of their site management and management plan consultations. Individual applications need to be considered based on the information available and the risks they may pose. Some generic information about the impacts of recreation on woodland may be available via [https://www.forestry.gov.uk/pdf/FCRP020.pdf/\\$FILE/FCRP020.pdf](https://www.forestry.gov.uk/pdf/FCRP020.pdf/$FILE/FCRP020.pdf)

## 102. 4.0 Assessing air quality impacts

103. Epping Forest SAC features are considered sensitive to changes in air quality. Exceedance of these critical values for air pollutants may modify the chemical status of its substrate, accelerating or damaging plant growth, altering its vegetation structure and composition and causing the loss of sensitive typical species associated with it. Critical Loads and Levels are recognised thresholds below which such harmful effects on sensitive UK habitats are not likely to occur to a significant level, according to current levels of scientific understanding. There are critical levels for ammonia (NH<sub>3</sub>), oxides of nitrogen (NO<sub>x</sub>) and sulphur dioxide (SO<sub>2</sub>), and critical loads for nutrient nitrogen deposition and acid deposition. There are currently no critical loads or levels for other pollutants such as Halogens, Heavy Metals, POPs, VOCs or Dusts. These should be considered as appropriate on a case-by-case basis. Ground level ozone is regionally important as a toxic air pollutant but flux-based critical levels for the protection of semi-natural habitats are still under development. More information about site-relevant Critical Loads and Levels for this SAC is available by using the 'search by site' tool on the Air Pollution Information System (see [www.apis.ac.uk](http://www.apis.ac.uk)). 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.

### j. H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath

104. The critical levels for NH<sub>3</sub> and critical loads for Nitrogen deposition are being exceeded for the wet heath habitats (and their transitional communities). In addition to this, site-based evidence indicates that the Critical Levels for NO<sub>x</sub> are also being exceeded. The relevant Critical Levels and Critical Loads for the H4010 wet heath feature at Epping Forest are as follows:

- 1) NO<sub>x</sub> – Critical Level: 30ug NO<sub>x</sub> m<sup>-3</sup> for an annual mean and 75ug NO<sub>x</sub> m<sup>-3</sup> for a 24 hour mean

105. This level is linked to effects that are mainly on growth, photosynthesis and nitrogen assimilation/metabolism within photosynthetic plants. The level is also regarded as likely to cause direct damage to the mosses, liverworts and lichens of the wet heath community (and mosaic communities) because they receive nutrients from atmospheric deposition leading to reduced species diversity and an increase in nitrogen-loving species. Furthermore, the wet heath community (and its mosaic/transitional communities including bog pools etc.) is vulnerable to adverse changes in vegetation composition such as reduced species diversity and an increase in

nitrogen-loving species. There is also an increased risk of heather beetles infesting *Calluna vulgaris*, encouraged by higher N levels in plants

106. 2) NH<sub>3</sub> – Critical Level: 1 µg NH<sub>3</sub> m<sup>-3</sup> for an annual mean.
107. This level is linked to a loss of sensitive mosses and lichens communities. Communities become dominated by robust nitrogen-liking plants at the expense of typical and character lichens and mosses of an open sward.
108. 3) Nitrogen Deposition – Critical Loads: maximum 10kg N/ha/year (see comments)
109. This level is linked to changes in species composition with a marked decline in *Calluna vulgaris* and ericoids and an increased dominance of grasses. There are also likely to be losses of bryophytes and lichens as per (2) above. There may also be negative effects on ericoid mycorrhiza and an increase in drought sensitivity. There is an increased risk of heather beetle infestation and vulnerability to insect pests and frost.
110. It should be noted that the bog pools and transitional bog communities supporting *Sphagnum* moss species may be more vulnerable to Nitrogen deposition than the overall M16 habitat and require a lower critical load of between 5 – 10kg N/ha/year. This should be taken into account when making judgments about the restoration and conservation of the wet heath mosaic, either on a unit basis where detailed survey based information exists or on a precautionary basis for the whole wet heath resource.
111. 4) Sulphur Dioxide – Critical Level: 10 µg SO<sub>2</sub> m<sup>-3</sup> for an annual mean
112. This level is linked to the vulnerability of lichens (and possibly bryophytes) within the wet heath community. SO<sub>2</sub> dissolves in water to produce acidic ions which are readily absorbed through the lichen thalli disrupting photosynthesis. SO<sub>2</sub> has also been shown to inhibit the activity of nitrogenase, which is used by cyanobacterial photobionts to fix atmospheric nitrogen.

#### 113. 4.2 H4030. European dry heaths

- k. The critical levels for NH<sub>3</sub> and critical loads for Nitrogen deposition are being exceeded for the dry heath habitats (and their transitional communities). In addition to this, site-based evidence indicates that the Critical Levels for NO<sub>x</sub> are also being exceeded. The relevant Critical Levels and Critical Loads for the H4030 dry heath feature at Epping Forest are as follows:

- 1) NO<sub>x</sub> – Critical Level: 30ug NO<sub>x</sub> m<sup>-3</sup> for an annual mean and 75ug µg NO<sub>x</sub> m<sup>-3</sup> for a 24 hour mean

- l. This level is linked to effects that are mainly on growth, photosynthesis and nitrogen assimilation/metabolism within photosynthetic plants. The level is



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also regard as likely to cause direct damage to the mosses, liverworts and lichens of the dry heath community (and mosaic communities) because they receive nutrients from atmospheric deposition leading to reduced species diversity and an increase in nitrogen-loving species. Furthermore, the dry heath community (and its mosaic/ transitional communities) is vulnerable to adverse changes in vegetation composition such as reduced species diversity and an increase in nitrogen-loving species. There is also an increased risk of heather beetles infesting *Calluna vulgaris*, encouraged by higher N levels in plants

- m. 2) NH<sub>3</sub> – Critical Level: 1 µg NH<sub>3</sub> m<sup>-3</sup> for an annual mean.
- n. This level is linked to a loss of sensitive mosses and lichens communities. Communities become dominated by robust nitrogen-loving plants at the expense of typical and character lichens and mosses of an open sward.
- o. 3) Nitrogen Deposition – Critical Loads: maximum 10kg N/ha/year (max – see comments)
- p. This level is linked to changes in species composition with a marked decline in *Calluna vulgaris* and ericoids and an increased dominance of grasses. There are also likely to be losses of bryophytes and lichens as per (2) above. There may also be negative effects on ericoid mycorrhiza and an increase in drought sensitivity. There is an increased risk of heather beetle infestation and vulnerability to insect pests and frost.
- q. It should be noted that the bog pools and transitional bog communities supporting *Sphagnum* moss species of the H1/M16 mosaic may be more vulnerable to Nitrogen deposition than the overall dry heath habitat and therefore require a lower critical load of between 5 – 10kg N/ha/year. Furthermore, areas where transitions include acid grasslands may also require a lower critical load of 8 kg N/ha/year. This should be taken into account when making judgments about the restoration and conservation of the H1/M16 mosaic and H1/acid grassland areas, either on a unit basis where detailed survey based information exists or on a precautionary basis for the whole heathland resource.
- r. 4) Sulphur Dioxide – Critical Level 10 µg SO<sub>2</sub> m<sup>-3</sup> for an annual mean
- s. This level is linked to the vulnerability of lichens (and possibly bryophytes) within the dry heath community. SO<sub>2</sub> dissolves in water to produce acidic ions which are readily absorbed through the lichen thalli disrupting photosynthesis. SO<sub>2</sub> has also been shown to inhibit the activity of nitrogenase, which is used by cyanobacterial photobionts to fix atmospheric nitrogen.

114. **4.3 H9120. Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrub layer (Quercion robori-petraeae or Ilici-Fagenion); Beech forests on acid soils**

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- t. The critical levels for NH<sub>3</sub> and critical loads for Nitrogen deposition are being exceeded for the H9120 woodland feature (and the defined mosaic). In addition to this, site-based evidence indicates that the Critical Levels for NO<sub>x</sub> are also being exceeded. The relevant Critical Levels and Critical Loads for the H9120 woodland feature at Epping Forest are as follows:

1) NO<sub>x</sub> – Critical Level: 30ug NO<sub>x</sub> m<sup>-3</sup> for an annual mean and 75ug µg NO<sub>x</sub> m<sup>-3</sup> for a 24 hour mean

- u. This level is linked to effects that are mainly on growth, photosynthesis and nitrogen assimilation/metabolism within photosynthetic plants. The level is also regarded as likely to cause direct damage to the mosses, liverworts and lichens of the dry heath community (and mosaic communities) because they receive nutrients from atmospheric deposition leading to reduced species diversity and an increase in nitrogen-loving species.
- v. Responses to nitrogenous pollutants can be further modified and exacerbated by interactions with other environmental factors, including frost, drought and pest organisms. These interactions generally include increased susceptibility to these factors, which may in turn lead to major ecological changes. Nitrogen oxides are known to have greater adverse effects in the presence of SO<sub>2</sub> or O<sub>3</sub>, and hence the critical level should apply where these pollutants are also close to their critical level.
- w. 2) NH<sub>3</sub> – Critical Level: 1µg NH<sub>3</sub> m<sup>-3</sup> for an annual mean.
- x. This level is linked to a loss of sensitive mosses and lichens communities. Communities become dominated by robust nitrogen-loving species at the expense and virtual loss of acidic-loving species, as bark pH becomes less acidic. The threshold needs to ensure there is a suitable air quality for significant species such as Knothole moss and nationally scarce lichens. Prolonged exceedances may cause direct damage to foliage, (e.g. leaf discoloration, premature senescence and loss) and reduce the ability of stomata to close under drought conditions, leading to plant water stress. There may be increased sensitivity to drought and spring frost and increased risk of pest and pathogens attack. There may also be a loss of mycorrhiza and fungal fruit bodies and through stimulated nitrification, an increasing soil acidity. Furthermore, there may be changes in the composition of the ground flora, bryophyte and lichen communities and an increase in grasses and ruderal species within the understorey. Collectively, these factors are likely to reduce the H9120 feature's resilience against the pressures of climate change and increasing recreation.
- y. 3) Nitrogen Deposition – Critical Loads: 10kg N/ha/year (max – see comments)
- z. This level is linked to changes in ground vegetation and mycorrhiza; nutrient imbalance and changes in soil fauna. Prolonged exceedances may cause a

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change in mycorrhizal flora and reduction in the numbers of large sporocarps, fruiting bodies, which appear particularly sensitive to  $\text{NH}_4^+$ . Sensitive mycorrhizas are replaced by those preferring rich conditions, which tend to be those that are efficient at taking up Phosphate. The characteristic tree species may also develop increased sensitivity to abiotic and biotic stress - reduced frost hardiness, associated with effects on late growth cessation and early bud burst, as young tissue is highly frost sensitive. Notably, Beech may be vulnerable to winter desiccation; increased defoliation by leaf feeders; increased pathogen infection. There may also be a loss of species diversity in the understorey and ground flora (including forbs and mosses), with increased abundance of nitrophilous plants especially grasses. Epiphytes growing on Oak are particularly vulnerable due to their high sensitivity (notably to ammonia) and this is probably brought about by increases in bark pH. Furthermore, pleurococcoid algae can be stimulated and outcompete other epiphytes in areas subject to elevated nitrogen deposition, particularly if P and K are available. Prolonged exceedances of Nitrogen deposition may also affect the composition of leaf litter through changes in species composition and changes in leaf litter chemistry. For example, cellulose activity may be stimulated and the level of lignins and phenol compounds can restrict fungal activity. Additionally, the activity of phenol oxidase often goes down, leading to increased rates of decomposition. Overall mineralisation tends to be increased by N deposition, potentially increasing nutrient availability.

aa. It should be noted that the transitional wetlands and bog communities supporting *Sphagnum* moss species within the ancient Forest - wood pasture mosaic may be more vulnerable to Nitrogen deposition than a typical H9120 woodland community and therefore require a lower critical load of between 5 – 10kg N/ha/year. Similarly, areas of acid grassland/lowland heathland within Forest Wood pasture may be regarded as requiring a critical load of 8kg N/ha/year. It would be nonsensical to deal with the ancient Forest mosaic as isolated community types, so the most sensitive features should be taken into account when making judgments about the restoration and conservation of compartments within the SAC. This may be best achieved by considering thresholds on a unit basis where detailed survey based information exists or on a precautionary basis for the whole ancient Forest – Wood Pasture resource.

bb. 4) Sulphur Dioxide – Critical Level:  $10 \mu\text{g SO}_2 \text{ m}^{-3}$  for an annual mean

cc. This level is linked to the vulnerability of lichens (and possibly bryophytes) within the H9120 feature (for example, these include species growing on trees, dead wood and on the ground). Prolonged exceedances above these levels may impact on tree health in a number of ways. There may be visible decline symptoms (e.g., abnormal branching patterns, reduced crown density and leaf discoloration); poor general health and subtle changes in morphology, physiology and biochemistry which do not affect tree growth but increase the sensitivity of trees to environmental factors such as wind, frost, drought and pests. The most sensitive component is often the epiphytic lichen flora. A large number of foliose and fruticose

lichens are particularly sensitive to SO<sub>2</sub> exposure leading to the use of lichens as bio indicators for SO<sub>2</sub>.

**115. 4.4 S1083. Lucanus cervus; Stag beetle**

- dd. The relevant Critical Levels and Critical Loads for the S1083 stag beetle feature at Epping Forest broadly align with the thresholds for the H9120 woodland feature and the defined habitat mosaic. Site-based evidence also indicates that the Critical Levels for NO<sub>x</sub> are being exceeded. Noting the principle reliance of stag beetles on the decaying wood of trees, it may be argued that the higher Critical Level threshold of 3µg NH<sub>3</sub> m<sup>-3</sup> for Ammonia is relevant for areas beyond the SAC and SSSI boundary. However, the prolonged effect of levels above 1µg NH<sub>3</sub> m<sup>-3</sup> on fungi mycorrhiza and host tree sustainability (when considered in combination with pests, climate change, recreational pressures) is unclear, so it is recommended that the relevant NH<sub>3</sub> threshold for this feature aligns with the precautionary position of 1µg NH<sub>3</sub> m<sup>-3</sup> to ensure a viable and resilient supporting habitat is maintained within the SAC and SSSI.

**116. Other impacts**

- ee. **Root Zone Protection** - Mature or veteran trees close to the boundary of the application site may have roots extending outwards crossing the red-line boundary. An appropriate root protection zone should be clearly marked on plans, and no buildings (or other operations likely to result in soil compaction) should be constructed within this zone. The root protection zone should be in accordance with British Standard BS 5837:2012 ("Trees in relation to design demolition and construction"). We recommend the advice of a suitably experienced arboriculturalist is sought. In some situations, where there are vulnerable veteran trees the root protection zone may need to be greater, perhaps fifteen times the trunk diameter (see <http://www.ancienttreeforum.co.uk/wp-content/uploads/2015/02/ancient-tree-guide-3-development.pdf> ).
- ff. **Tree Surgery Works** - Trees growing within the SSSI / SAC close to the boundary of the application site may also have boughs and branches extending within the red-line boundary. Our advice is that these should not be removed or cut back for aesthetic reasons (e.g. to increase light levels to a garden, or reduce leaf drop in Autumn), and might only be permitted for health and safety reasons. The advice of a professional arboriculturalist should be sought, and a full survey commissioned prior to permission being granted. The site layout may need to be adjusted to take account of both limitations on tree surgery works as well as the root protection zone.
- gg. **Drainage** - The application should confirm that drainage (foul and grey water) will be to mains sewer, or suitable alternative arrangements proposed (separate advice may be needed in this circumstance). Care should be taken to ensure that the development will adhere to Environment Agency best practice and avoid polluting local watercourses or clear pathways (e.g.,

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surface run-off) that may enter the SSSI, SAC. This will be achieved through the implementation of an appropriate design and methodology during the construction phase and through activities enabled by the development (e.g., operations, occupancy etc.).

- 117.** The application should ensure through appropriate design and methodology implemented that the proposed development (at construction phase and activities enabled) will not adversely impact on the natural drainage of the habitats within the adjacent SSSI, for example, by increasing flows to and/or impeding flows to the SSSI areas.

**hh. Dust** - Best practise measures should be deployed to minimise dust arising from construction, which in excess can smother leaves and hinder normal photosynthetic functioning of plants. It can also impact on lower plants (e.g., mosses, lichens, liverworts etc.) that grow on the trunk and branches of trees.

**ii. Soil and ground vegetation protection** - No cut vegetation, compost, soil or construction materials will be deposited into the SSSI or on the SSSI boundaries and if there is a need for temporary placement within the application site in adjacent areas this will require effective containment during the development works and disposal to an appropriate Council Waste facility outside the SSSI, as part of development completion.

**jj. Lighting** - Outside lighting should be directed into the boundaries of the property and should avoid illuminating areas within the SSSI. Light pollution has been shown to impact on bats, invertebrates and birds, and may have a detrimental effect on vegetation.

**kk. Stag Beetles** The SSSI / SAC is notified for stag beetles and land adjacent to the designated site may contain mature or veteran trees which provide valuable supplementary habitat for this species (whose larvae rely on dead wood for their growth and maturity to adulthood). Stag beetles are also a s41 species of principal importance for the purpose of conserving biodiversity under the NERC Act 2006. National planning policy<sup>1</sup> sets out that where these species are present and affected they are material planning considerations. We recommend that any trees within the red-line boundary are surveyed by an experienced arboriculturalist for their suitability to support stag beetle larvae, and advise on their retention where possible. In this scenario, it is beneficial for such trees to be integrated within a larger area of long grass to provide optimal habitat conditions, which could be designed into a landscaping scheme (see [Extant ODPM Circular: Biodiversity & Geological Conservation paragraph 84](#))

- 118.** Advice should be sought on how standing / fallen / felled dead wood could be accommodated to provide a feature such as stag beetle pyramids etc. Further advice is available from [Peoples Trust for Endangered Species Stag Beetles](#) and additional pages.

**119. Application of the Habitats Regulations Tests**

**II.** This applies to plans or projects affecting the Epping Forest SAC only. The planning authority is the competent authority under the Habitats Regulations, and must ascertain that the project will not adversely affect the integrity of the European site in question before granting planning permission, for any plan or project that is likely to have a significant effect on that site (Regulation 61). This process is preferably set within the framework of a Habitats Regulations Assessment (HRA), which covers all the necessary tests in a sequential manner. There is no set format for HRA assessment, however as the competent authority you may request any information you require from the applicant to complete this assessment.

**mm.** Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website.

**nn.** You should also take into account Natural England's advice (within these notes) when undertaking your HRA.

**oo.** In most instances, the assessment of effects under the Habitats Regulations will also cover the assessment of impacts to nationally designated Sites of Special Scientific Interest (SSSI), under the Wildlife & Countryside Act 1981 (as amended). However, this should not be presumed, and the SSSI notified interest features should be checked as part of the assessment process.

**pp. Other Strategic Impacts to Epping Forest SSSI / SAC** Please note that Natural England's remit for this proposed development is specific and narrow with respect to the adjacent designated SSSI. The Council should ensure that it consults more widely with other parties and stakeholders with a wider interest in the Forest (in particular the City of London Corporation as the Conservators of Epping Forest), noting the Forest's additional non designated wildlife and biodiversity importance, as well as its local and historic landscape setting and context. In reaching its decision on any subsequent planning application, the Council should ensure that the full range of impacts to the Forest have been afforded due consideration, assessment and mitigation where appropriate.

**120.** If the developer requires substantive pre-application advice in addition to that provided above, Natural England advises that the applicant/developer consults Natural England directly, so that they have the opportunity to express an interest in using DAS. The first step is for the developer to fill out a simple form, so we can register their interest, and make sure they have the right adviser for their case.

Please visit our website

(<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/das/default.aspx>) for more information and a downloadable request form here .





## **Appendix 3**

### **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

Committee: Area Planning Sub-Committee East

Date: 4 September 2019 Place:

Council Chamber, Civic Offices, High Street, Epping Time: 7.30 - 8.32 pm

Members Present: P Keska (Chairman), B Rolfe (Vice-Chairman), P Bolton, L Burrows, I Hadley, S Jones, C McCredie, M McEwen, J McIvor, R Morgan, J Philip, P Stalker, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse Other Councillors: None. Apologies: N Bedford and H Brady Officers Present: J Godden (Principal Planning Officer (Heritage, Enforcement & Landscaping)), A Marx (Service Manager (Development Management)), V Messenger (Democratic Services Officer) and A Rose (Marketing & Digital Content Officer)

22. WEBCASTING INTRODUCTION The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

23. WELCOME AND INTRODUCTION The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

28. SITE VISITS It was noted that there were no formal site visits requested by members prior to the consideration and determination of the following applications.

29. PLANNING APPLICATION - EPF/1111/19 - WYLDINGTREE, 66 THE PLAIN, EPPING, ESSEX CM16 6TW RESOLVED: That this planning application be determined as set out in the schedule below. APPLICATION No: EPF/1111/19 SITE

ADDRESS: Wyldingtree 66 The Plain Epping Essex CM16 6TW PARISH: Epping



WARD: Epping Lindsey and Thornwood Common

DESCRIPTION OF PROPOSAL: Demolition of existing chalet bungalow and construction of 2 x pairs of semi-detached houses with associated parking and gardens.

DECISION: REFUSED Area Planning Sub-Committee East 4 September 2019 3 Click on the link below to view related plans and documents for this case:

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=623515\\_REFUSAL](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=623515_REFUSAL)

1 The proposed development would see the loss of the chalet bungalow on the site. This is contrary to Policy H1(F) of the Epping Forest District Local Plan (Submissions Version) 2017.

2 The proposed new development would cause an unacceptable adverse impact on the character and appearance of the Plain as the design of two pairs of semidetached houses results in an excessively high, bulky and over dominant form of development which out of character with the existing street scene, contrary to the NPPF and the Local Plan (as amended) policies CP3, DBE1, and DBE2 of the Adopted Local Plan and Alterations and policy DM9 of the Epping Forest District Local Plan (Submissions Version) 2017.

3 The committee had very serious concerns that the loss of the bungalow was contrary to the SVLP policy which should be given very significant weight in the assessment of the case and additionally that size and scale of the development was excessive and that the design and appearance of the scheme was out of keeping in The Plain and that this could not, due to its location and built form, be considered to be a transition site between the properties to the north and those to the south.