



**RESPONSE of THE CONSERVATORS of EPPING FOREST on the
EPPING FOREST DISTRICT COUNCIL REGULATION 19 SUBMISSION LOCAL PLAN**

1. Introduction and context

1.1 Epping Forest is owned by the City of London Corporation and comprises some 6000 acres (2,500 hectares). It is supported by a further 1,800 acres (730 hectares) of Buffer Lands, acquired by the City to protect the Forest from encroaching development and to maintain the links between the Forest and the wider countryside. The Epping Forest Act 1878 charged the City, as Conservators of Epping Forest, with a duty to conserve varied vegetation and preserve the Forest's *natural aspect*.

1.2 The Conservators comments, in general, are given in response to the Plan in relation to all Forest Land, whether covered by the Epping Forest Act, the Habitats Regulations 2017 or the Wildlife & Countryside Act 1981 or all of these designations. The Conservators consider that the protection and enhancement of the Forest, as a whole, should be a core aim of the Local Plan.

1.3 For example, whilst an assessment of the impacts on the SSSI is not formally part of the Habitats Regulations Assessment (HRA - Document EB206)), on which we comment in detail below, a consistent approach to both the SAC and SSSI interest features in the Plan is important. In particular, irrespective of any designation, the ancient wood-pasture habitats of the Forest and its network of ancient green lanes are irreplaceable. The European site boundary is clearly part of a wider ecological network and approaches to biodiversity conservation need to be compatible with each other and seek the best outcomes for the natural environment. The ancient green lane network, which is extensive across the District, provides the building block for future, wildlife-rich green infrastructure and green corridors to link other ancient woodlands and other important sites like the Lee Valley.

1.4 In addition, maintaining the same approach to the Forest as a whole would be beneficial for developers and decision makers as it would avoid confusion, would provide clarity and would reduce the amount of SSSI assessment required at the project level.

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2. Overview of impacts of the Plan

2.1 The increased housing proposed in the Plan (21% increase) is a cause for great concern because of the pattern of allocations and their proximity to the Forest, with around 6,000 new homes being planned within 6.2 km of the boundaries of the Forest's Special Area of Conservation and within 5km of protected Forest Land.

2.2 The proposed increased housing so close to the Forest would lead to impacts on the Forest from:

- A. Increased traffic and expanded highways – with air pollution a key concern as well as noise, visual intrusion into the natural scenery and loss of relative tranquility
- B. Increased recreational pressure/demands – with increased costs of management and potential damage to soils, impacts on tree hazard management
- C. Impacts of urbanisation – litter, fly-tipping, alien species introductions, noise (and loss of relative tranquility), impacts on natural aspect and scenery.

3. Summary of issues & concerns:

3.1 The Conservators have previously expressed concern and disagreed with elements of the Regulation 18 Local Plan. Many of these concerns remain with the Regulation 19 Submission Plan and are reiterated in detail below. A key issue is that there is no formal, policy commitment to a **Mitigation Strategy** for the Epping Forest Special Area of Conservation (SAC). We also have other concerns with the soundness of the Submission Plan, including:

1. **Mitigation Strategy** – although a strategy is referred to in the preamble to Policy DM2 and a Visitor Survey has just been completed, with air quality monitoring close to being agreed, there is nonetheless no commitment in Policy to this strategy and no proposals to enact it through a Supplementary Planning Document (SPD).
2. **Mitigation Hierarchy** – without this Strategy in place and with a series of potential significant impacts on Forest Land, the Local Plan currently seems to be already some way down the mitigation hierarchy, which should begin with avoidance measures rather than potential compensation
3. **Habitats Regulations Assessment (Document EB206)** does not provide the required Appropriate Assessment.
4. **Housing allocations (Policy SP2)**– the pattern and density of housing allocations, (Policy SP2) in general and in detail (Policies for Places P1 – P15) are likely to have adverse impacts on the Forest.
5. **Development Management Policies (DM2 & DM22)** – we recommend substantial changes to some Policies, as drafted and, in particular, Policy DM2, on Epping Forest protection and Policy DM22 on Air Quality, neither of which include commitments to a Mitigation Strategy.
6. **Highways capacity (Documents EB502 & EB1101A & B)** – the implications of proposed highways capacity changes included in the Infrastructure Development Plan (Documents 1101A & B) and Highways Assessment (Document EB502), especially at **Wake Arms Roundabout**, have not been appropriately assessed and could cause adverse impacts on Epping Forest.

7. **Green Belt (Policy DM4)** – the loss of Green Belt and the long-term protection of its boundaries and preventing infill of the smaller settlements within the GB remains of considerable concern.
8. **Green Infrastructure (Policies SP7 & DM5)** –the lack of a Green Infrastructure Plan and detail on alternative green spaces to reduce pressure on Forest Land, although we broadly welcome the wording and intent of Policies SP7, DM1 and DM5.
9. **Open Spaces (Policies SP2 & P2)**– we disagree with the loss of open spaces in existing settlements and consider these policies contradict others.
10. **Uncertainties inherent in the Plan** – the level of uncertainty over the long-term protection of the Forest and the under-playing of the importance to the District of the whole Forest (not only the statutorily-designated areas like the SAC)

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4. Policy SP2

4.1 Policy SP2 - Representation on Issues

4.1.1. The Conservators consider SP2 to be unsound because it is not consistent with the requirements of the Habitat Regulations 2017 or national policy to protect and enhance areas of biodiversity (such as Epping Forest) and is thereby not justified. The general pattern of District housing allocations is to be concentrated around Epping Forest with around 6,000 houses projected to be provided within less than 5km (see Habitats Regulation Assessment (HRA) Dec 2017 Document EB206) of Epping Forest land (including the SSSI area) and within less than 6.2km of Epping Forest SAC boundaries (6.2km has been established as the *Zone of Influence* for 75% of visits by a recent Visitor Survey by Footprint Ecology on behalf of the Council and other authorities, including the Conservators). We do not consider that the Plan has shown that this level of increase is sustainable in terms of road infrastructure. For example, the general pattern clearly has implications for the highways infrastructure required to serve it, as revealed by the Highways Assessment (HA) list (Document EB502, Table 3-8) of "Essential" highway junction improvements along roads in or leading through the Forest SAC (also listed in the Infrastructure Development Plan (IDP) Part B (Document EB1101B Section 8.3) as DW6, EPP15 and WAB5).

4.1.2 Where a local plan is reliant upon particular projects to secure delivery of some or all of the local plan, any such projects must be assessed as part of the plan level **Habitats Regulation Assessment (HRA)**. Whilst the full detail of a project may not be available, the HRA must gather as much information as it can in order to have certainty, at the plan level, that the quantum and locations of development proposed in the plan can be delivered without adverse effects on European sites.

4.1.3 It seems apparent that the **Wake Arms Roundabout** and **M25 Junction 26** improvements are a fundamental part of the delivery of growth in the plan, due to the level and locations for development proposed. The plan level HRA must therefore demonstrate certainty that the Wake Arms roundabout and M25 J26 projects can be delivered without adverse effects on Epping Forest SAC. The impacts of increased traffic on both these junctions have been considered before in relation to the London Borough of Enfield proposed Northern Gateway Access Road (NGAR). The NGAR proposal would have increased flows by 5.9% (a.m. hours) and 4.1% (p.m. hours) on the A121 Woodriven Hill to Wake Arms Roundabout, less than the percentage increase in traffic from the



current Plan housing proposals over the Plan period (2011 – 2033). In the NGAR public inquiry Inspector's Report (Enfield NGAR Inquiry Report July 2002 (APP/V4630/V/01/1075981) the Inspector was concerned then that traffic models and analysis underestimated actual traffic flows and the effects of congestion. In 2015, another Inspector's report (PINS/Q5300/429/9), which considered the impact on the Forest of this same proposed route as part of the North-East Enfield Area Action Plan (NEEAP), concluded that it was still unclear how the concerns identified by the previous inquiry had been overcome.

It is imperative that this Plan's proposals are subject to more rigorous analysis. This demonstration must follow step-by-step processes and if adverse effects cannot be ruled out then this has implications in terms of the legislation. If there are risks that the project could damage the SAC the Local Plan would not be sound.

4.1.4 Secondly, in SP2A, under the Plan proposals, established and well-used open spaces in settlements close to Epping Forest would be lost, in whole or in part, to built development. The Policy at SP2A then refers to "adequate open space provision", which is unspecific and does not set the level of quality, accessibility or type of open space and does not preclude a reduction in the current area available. This runs counter to the need for provision of increased open space to accommodate a variety of needs (informal/sport) for increased housing. Such an approach is likely to increase the recreational pressure on Epping Forest (including the SAC) when avoidance should be the first consideration (see our response to DM2) in the hierarchy of mitigation for the protected site.

4.1.5. **Short-term mitigation issues:** Elsewhere in this document we examine long-term mitigation through proposals for a Mitigation Strategy. However, SP2 proposals also present a number of issues that will create significant short-term problems for the Forest, particularly relating to traffic. For example, the closure of station car parks at Epping and Loughton for the re-development of these sites, seems likely to cause considerable disruption to traffic flows over a period of many months. It is unclear to The Conservators how these issues will be tackled with regard to protection of the Forest from increased traffic flows and a concomitant increase in localised air pollution.

4.2 Policy SP2 - Suggested changes

4.2.1 Please see our comments on and suggested changes to Policies DM2, DM22, P1, P2, P3, P6 and comments on the Habitats Regulations Assessment (HRA - Document EB206).

5. Policy SP3

5.1 Policy SP3 - Representation on Issues

5.1.1 The Conservators welcome the place-shaping principles embodied in Policy SP3A and, in particular, SP3A sub-policies (vi), (vii), (viii) and (xii).

6. Policy SP7

6.1 Policy SP7 - Representation on Issues

6.1.1. The Conservators welcome the aim of Policy SP7 to provide a comprehensive green and blue infrastructure across the District. We welcome the sub-policy SP7E insofar as this will be used to



ensure that green infrastructure in developments like the garden communities (e.g. Latton Priory sub-policy SP5.1) will not be isolated and unconnected with other important green infrastructure. We also agree with the precautionary note within the HRA (Document EB206) about ensuring connectedness does not bring extra recreational pressures onto protected sites inadvertently.

6.2 Policy SP7 - Suggested changes

6.2.1 The Conservators propose that Cobbin's Brook's protection as a Local Wildlife Site is enlarged to take in the Flood Risk zoning in its entirety. It is further suggested that the valley is linked to The Lower Forest and that the Epping Forest Buffer Lands are strengthened through proposals in a Green Infrastructure Plan document.

6.2.2 We would also propose further protection of links towards The Lower Forest and the Epping Forest green lanes both southwards towards the Buffer Lands and eastwards to ensure that Epping Forest is enhanced as the Plan Vision A (v) seeks to do (page 19 of Submission Plan).

7. Policy DM1 (and Policies Map)

7.1 DM1 - Representation on Issues

7.1.1. This is in general a very positive policy for biodiversity and picks up current policy and good practice in relation to demonstrating biodiversity net gain, preventing loss of irreplaceable habitats, recognition of LPA duties for priority habitats and species and requiring adherence to BS 42020.

7.1.2. However, this Policy is seen through the lens of development impact and seems reactive only, especially without a complementary Green Infrastructure (GI) Plan (see our comments on Policies SP7 and DM5 also). The Conservators consider that the Policy would benefit from explicit recognition of the need to proactively prevent the isolation of important ecosystems. This applies particularly to Sites of Special Scientific Interest, such as The Lower Forest within Epping Forest SSSI and Hainault Forest SSSI. These designated sites must be supported by and linked to a wider biodiversity network across the District and beyond. This should be clearly designated as green infrastructure.

7.1.3. Narrowing of Forest Protection

Furthermore, DM1 and DM2 (see below) do not fully replace the previous Epping Forest District Council Local Plan Policy HC5, which recognised the need to protect the whole of Epping Forest as an historic landscape of high biodiversity. This included the areas of the Forest such as the ancient green lanes and The Lower Forest. The Reg 19 Submission Plan seems to narrow the protection for the Forest and takes a noticeably less holistic approach to this irreplaceable District asset.

7.2 DM1 - Suggested changes

7.2.1. The recognition and protection for the whole of Epping Forest Land under the Epping Forest Act 1878 should be explicitly stated within this Policy to reinforce Local Plan Objective A (ii). In addition, the Plan should take this opportunity to recognise the importance of the covenanted land (protected by the Arbitrator's Awards of 1882 following his appointment under the Epping Forest Act 1878) as well as the Buffer Lands around the Forest in Plan Policy.

7.2.2. For The Lower Forest a protected GI corridor around the west of Epping, to both the Conservation Areas and Epping Forest Buffer Lands and to the main body of Epping Forest, is important. GI links to The Lower Forest's south-east through to the important floodplain of the River Roding should also be designated to ensure enhancement and strengthening beyond the demarcating of Local Wildlife Sites. This should be set out in a Green Infrastructure Plan.

The Conservators of Epping Forest

*Representations on the Regulation 19 Submission Version of EFDC Local Plan
(January 2018)*

Page 5 of 25



7.2.3. In this context of integrating ecosystems and keystone green infrastructure, The Conservators welcome the recognition of the Cobbin's Brook valley as a Local Wildlife Site, which the City's Buffer Lands help to protect. This corridor should be protected and broadened as green infrastructure in line with the flood zones and become a foundation for linking sites and integrating ecosystems, including that of The Lower Forest. This should be set out in a Green Infrastructure Plan.

8. Policy DM2

8.1 Policy DM2- Representation on Issues

8.1.1. Main concerns

8.1.1.1. Policy DM 2 follows the general biodiversity policy DM1 (see our comments above). Policy DM2 specifically relates to Epping Forest SAC and the Lee Valley SPA. Where there are significant issues or the need for strategic approaches for European sites, it is common practice for a specific policy to be included within a local plan in addition to the more general protective biodiversity policies. The inclusion of DM2 is therefore in principle welcomed. Such policies should recognise the specific issues relating to the particular sites and set out the measures necessary to provide the required protection. This can often refer to gathered evidence to underpin a particular approach to European site protection, and where in progress or in place, any specific strategies to provide an area wide mitigation scheme.

8.1.1.2. Policy DM2 as currently worded does not provide sufficient clarity on the specific risks and the requirements from developers are not clear. The wording is currently not fit for purpose as it does not ensure adequate protection for Epping Forest SAC. Current work between neighbouring authorities, Natural England and ourselves has identified risks to Epping Forest that necessitate a strategic level approach to the long-term conservation of the SAC. With over 50,000 dwellings proposed for the HMA of which 11,400 are within the EFDC Local Plan, there are very real risks for the SAC resulting from the two main impact pathways under consideration; air quality and recreation.

8.1.1.3. The policy and its supporting text needs to be reworded to appropriately reflect the current work to gather evidence on these two matters and the strategic solutions necessary to protect Epping Forest. The policy needs to give certainty that the SAC will be protected as development proposals come forward, and this requires clear guidance to developers on what is expected, where development may be constrained, what mitigation is necessary and how that mitigation will be secured and delivered. Without such wording, adverse effects on integrity to the SAC cannot be ruled out. As such the local plan is currently not compliant with the requirements of the Habitats Regulations and is therefore unsound.

8.1.1.4. The following advice highlights the key areas of concern within Policy DM2, and how those concerns could possibly be alleviated.

8.1.2. Concerns on Supporting Text

8.1.2.1. Biodiversity policies should set out how the authority intends to secure the conservation, restoration and enhancement of biodiversity assets as a mutually dependent part of sustainable development alongside economic growth and supporting community needs. For the specific policy

The Conservators of Epping Forest

*Representations on the Regulation 19 Submission Version of EFDC Local Plan
(January 2018)*

Page 6 of 25



wording about the European sites, the policy should commit to securing the conservation of the European sites with recognition of the value of such sites as the most valuable biodiversity sites within a wider network of biodiversity assets. The policy should recognise the opportunity for EFDC to restore and enhance Epping Forest as an integral part of delivering the local plan. The supporting text for policy DM2 runs from paragraph 4.16 to 4.26. The wording does, in places, give a positive focus on the role and value of these sites, but the focus on essentially leaving all considerations to the individual project level does not fulfil plan level requirements to meet the duties places on local planning authorities within the Habitats Regulations and parent European Directives.

8.2 Policy DM2 - Suggested changes

8.2.1. Changes to DM2 Supporting Text

We identify the following specific concerns, and recommendations for how the supporting text may be strengthened:

Para of DM2 supporting text	Concerns	Recommendations
4.16	Incorrectly applies the Habitats Regulations, is confusing and implies that protection comes from detailed project level assessment. This paragraph needs rewording.	Reword to refer to - European sites are afforded the highest level of protection due to their habitats and species that are vulnerable or rare within a European context. The Council has a duty to secure the maintenance and restoration of these sites as part of its work as a public body. Additionally, where development plans or projects are likely to have a significant effect on European sites, the Council must assess the implications of such effects, and secure any mitigation necessary to prevent an adverse effect on site integrity.
4.17	Does not adequately explain a strategic, plan level approach to mitigation. Clarity needed for developers.	Reword to refer to – The Council’s duties to maintain and restore European sites, and protect them from any potential affects arising from new development, is best achieved by putting measures in place at the plan level, so that development projects have clarity on where they can develop and what measures may be necessary to incorporate into a development proposal. Strategic approaches to European site mitigation often include for example, access management, provision of alternative recreation space and sustainable transport choices to reduce air pollution.



4.18	The paragraph correctly acknowledges the issues of air quality and recreation. Concerns relate to the role of buffers.	Suggest rewording the sentence on the role of buffers to say that these <i>may help</i> to relieve recreational pressure. This is currently a presumption and needs to be factored in to a strategic approach.
4.19	Positive reference to Council role and responsibility but a focus on project level HRA though.	Reword to add in –The Council has taken steps to work with partners to develop a plan level approach to securing the protection of European sites.
4.20	Paragraph is confusing as it does not clearly stipulate the HRA findings of likely significant effects from recreation, for Epping Forest SAC. It is essential that the Plan secures the necessary mitigation in order to provide confidence that adverse effects on the integrity of the SAC can be avoided. At the moment, this is not secured. Reference to the MoU as a stewardship role is misleading and does not convey the fundamental importance of it for mitigating the effects of development. This reference needs removing and clarity given on the fundamental importance of the MoU.	Reword paragraph to give clearer summary of HRA findings. Suggest rewording to include – The HRA of the local plan concluded that management regimes in place enable Lee Valley SPA/Ramsar site to be screened out from likely significant effects arising from recreation pressure as a result of the local plan. The HRA concluded that likely significant effects from recreation pressure could not be screened out for Epping Forest SAC. Plan level measures to prevent adverse effects on the integrity of the SAC are therefore required. In terms of air quality, the HRA screened out both the Lee Valley SPA/Ramsar site and Epping Forest SAC from likely significant effects. This conclusion relies on the Memorandum of Understanding between the Essex/East Hertfordshire HMA authorities, Natural England and the City of London as Conservators of Epping Forest, which must be implemented as part of the local plan in order to resolve air pollution issues at Epping Forest.
4.21	Again, as above the misleading stewardship role reference for the MoU needs removing. The MoU is in recognition of the risk of deteriorating air quality as a result of development. It is not stewardship.	Change stewardship role to follow on from suggested paragraph wording above – In recognition of the requirement to prevent air quality deterioration at Epping Forest as a result of traffic increases, the MoU signed by the Essex/East Hertfordshire HMA authorities, Natural England and the City of London as Conservators of Epping Forest ensures that the parties named work in partnership to fulfil....
4.22	No comments	No comments
4.23	The second half of the paragraph relating to Epping Forest suggests that DM2 provides “the mechanisms for managing future recreational pressures on the Forest.” The current wording	Reword last two sentences to – The Council’s approach is to put in place a mitigation strategy that combines a range of access management measures with the provision of green infrastructure to



	<p>does not fulfil this, but recommended changes below would enable this sentence to be correct. Reference to the approach that is “to facilitate the development of a green infrastructure network” does not cover all mitigation measures that should be put in place.</p> <p>Paragraph should be updated in light of recent visitor survey findings too.</p>	<p>encourage recreation at suitable alternative sites. This is being initially detailed within an interim framework, to explain how developers within a 6.2km zone of influence need to adhere to the strategy with tariff based contributions, followed by a European site conservation supplementary planning document. The strategy will have an evidence based suite of costed mitigation and monitoring measures, and set out delivery, governance and review processes.</p>
4.24	<p>Does not make clear that the provision of greenspace is one aspect of a mitigation strategy. Needs an introductory sentence to explain this before describing the green infrastructure provision.</p>	<p>Reword to the start of the paragraph--</p> <p>In pursuit of protecting the vulnerable habitats of Epping Forest, the interim framework, and then subsequent SPD will include a range of measures. One aspect of the strategy will be to provide alternative spaces.....</p>
4.25	<p>Para 4.25 then goes on to indicate that “small scale housing will contribute to support the development and implementation of an access management strategy by the City of London Corporation”.</p>	<p>Reword to –</p> <p>The interim framework and subsequent SPD will set out the contributions being sought by the Council. All development with a net increase of one or more residential units within the 6.2km zone of influence will be required to make a tariff based contribution.</p> <p>It is suggested that a simple map illustrating the zone may be beneficial here within the local plan.</p>
4.26	<p>Does not logically follow paragraph 4.25</p>	<p>Recommend adding this one sentence paragraph to the end of paragraph 4.24.</p>



Policy DM2 – Suggested Changes continued

8.2.2. Changes to DM2 Policy Wording

8.2.2.1. The policy wording in DM 2 is not sufficient to secure such mitigation and we identify the following specific concerns, and recommendations for how the policy may be strengthened.

Section of policy DM2	Concerns	Recommendations
A	This sentence is confined to the SPA and SAC. These sites are particularly reliant upon wider functionally linked land and ecological corridor linkages.	Reword to refer to - development proposals contributing to the conservation and enhancement of the biodiversity, character, appearance and landscape setting of Epping Forest and the Lee Valley, with particular regard for the legislative requirements in relation to the European site designations afforded to these areas.
B	This part of the policy simply deflects issues to project level HRA. Given the issues relate to the in-combination, cumulative effects of the overall quantum of development, such project level assessment is difficult and mitigation measures, particularly for small sites, very difficult to secure. It is not clear whether such project level assessment will be required for development in the settlements identified in DM2C, where contributions are required.	Reword to refer to – the Council is working in partnership with other relevant organisations to put in place strategic approaches to protecting the European sites, in recognition of the cumulative impacts of recreation and air pollution from development. New development will be required to adhere to strategic approaches where applicable, as detailed below. Outside this requirement, where any project specific likely significant effects are identified, either alone or in-combination with other plans or projects, will be required to demonstrate that adequate measures are in place to avoid or mitigate for any potential adverse effects.
C	Here the policy identifies settlements where contributions will be required. This list needs to be updated with the more recent visitor survey results. The visitor survey results will not however identify how the money will be collected, how the tariff is set, governance or any other details. There needs to be a clear, strong policy steer and direct cross-reference to a strategy, which we suggest should be established as an SPD. DM2C does not provide sufficient clarity, weight or guidance to ensure mitigation will be delivered and will be fit for purpose.	Reword to refer to – In recognition of additional recreation pressure from residential development on Epping Forest SAC, the Council will require proposals for any net increase in residential units within 6.2km to make a financial contribution to a strategic approach to mitigate the cumulative effects through access management and monitoring. An interim framework with tariff based developer contributions will be developed into a European site conservation supplementary planning document, with an evidence based suite of costed mitigation and monitoring measures, delivery, governance and review processes.



D	<p>Sets up greenspace provision as mitigation, but fails to specify a quantum of greenspace, how greenspace will be secured, funded or delivered, for example managed in perpetuity. While greenspace provision is a positive step, which recent survey work indicates is likely to work as mitigation and will bring wider benefits, DM2 D is not sufficient or clear to provide necessary mitigation for Epping Forest SAC. It is not a given that there is sufficient greenspace that could be improved or provided as new sites. As with DM2C this could be greatly strengthened by directly cross-referencing to a strategy document, secured as an SPD, that sets out what greenspace is necessary as mitigation for Epping Forest SAC and how such greenspace works alongside the contributions to the management of Epping Forest as a mitigation package.</p>	<p>Reword to refer to – The Council’s strategic approach protecting Epping Forest SAC and Lee Valley SPA recognises the need for natural greenspaces to support the function of the sites or provide Suitable Alternative Natural Greenspace for people to undertake recreation away from the sites. In accordance with the interim framework, to be followed by a European site conservation supplementary planning document, the Council will require development to contribute towards or provide the following: then insert points i to iv. The interim framework/SPD should stipulate where large scale development has additional SANG requirements over and above a contribution to the strategy.</p>
E	<p>Appears to overlap with DM2B in deferring assessment to the project level. It is confusing to bring in a 400m buffer here. The impacts from urbanisation, as with impacts from recreation, extend over a wide area. The 400m zone is identified and suggested in the HRA, drawn from the Thames Basin Heaths (see para 3.21 in the HRA). The buffer has been lifted from the Thames Basin Heaths (where it relates to urban effects that include cat predation and recreation) without justification or clarity. In the Thames Basin Heaths the buffer sets out an area where there is a presumption against development within 400m of the European site boundary, as Natural England advice is that mitigation is unlikely to be effective so close to the European site boundary. EFDC’s Plan includes a number of allocations within 400m. It is not clear what mitigation is possible to resolve urban effects for these sites. The Plan therefore seems to be reliant on a number of sites for which project level HRA is likely to be difficult and potentially may not be able to rule out adverse effects on integrity.</p>	<p>An evidence based buffer that is appropriate for Epping Forest should be established. This may be 400m, but currently the 400m inclusion is simply lifted from elsewhere. Appropriate policy wording should be included after consideration of the suitability of 400m.</p> <p>Reword to refer to - The Council recognises that residential development within 400m (or other distance) of Epping Forest SAC is unlikely to be able to demonstrate effective mitigation measures to prevent adverse effects on the SAC. Planning applications within 400m (or other distance) of Epping Forest SAC will not be permitted unless robust mitigation measures are demonstrated.</p>



8.2.3 Policy DM2 - Further representations on other issues

8.2.3.1. Further representations on Policy DM2 issues no.1

Policy DM2 Representations on - *A meaningful proportion of Natural Greenspace*

Policy DM2D sets up greenspace as mitigation; stating that the Council will ensure the provision of a meaningful proportion of Natural Greenspace or access to Natural Greenspace. This is ambiguous as there is no clarity on what a meaningful proportion of greenspace might be and is unlikely to be effective. In order to function effectively, alternative greenspace sites need to be of a suitable size, design and location to draw access. It cannot be assumed that there is adequate greenspace in suitable locations or that this can be delivered. There is the risk that the mitigation as stated cannot be delivered.

8.2.3.2. Policy DM2 Suggested changes - *A meaningful proportion of Natural Greenspace*

The interim framework/SPD, therefore, should set out how much greenspace is required and demonstrate that such greenspace is deliverable.

8.2.3.3 Further representations on Policy DM2 issues no.2

Policy DM2 Representations on – *a Zone of influence*

The most recent visitor survey work by *Footprint Ecology*, undertaken in October/November 2017 was commissioned jointly by five local authorities (including EFDC) and the Conservators of Epping Forest (City of London Corporation) and one of the aims was to better understand where people who visit Epping Forest live. Draft results from that survey became available from 25th January 2018. Data from that survey showed 75% of visitors had home postcodes within 6.2km of the point where interviewed. The use of the 75th percentile to define a broad zone of influence has been widely used at other European sites, such as the Thames Basin Heaths, the Dorset Heaths and the Solent, and is recommended by Natural England for Epping Forest (see para 5.19 of the HRA (Document EB206)).

8.2.3.4. Policy DM2 Suggested changes – *Zone of Influence*

In line with the HRA recommendations (Document EB206, para 5.24) the survey results should be used to update the *zone of influence* and this should be 6.2km. This now sets a distance at which likely significant effects from recreation would be triggered in the absence of mitigation. This zone should now be clearly referred to and mapped within the Plan on an updated Policies Map.

8.2.3.5. Further representations on Policy DM2 issues no.3

Policy DM2 Representations on - *the need to secure adequate strategic approach*

The impacts of recreation relate to increased recreation pressure from development over a wide area. It is very difficult to adequately assess impacts for small developments at a project level and ensure suitable mitigation is in place. The Local Plan provides the mechanism whereby mitigation for multiple developments over a wide area can be established and done so in a positive way that removes the burdens for developers and ensures adequate protection for the SAC. Such approaches are working well around European sites such as the Thames Basin Heaths, the Dorset Heaths, south-east Devon, the Solent and Cannock Chase, each involving multiple local authorities.

8.2.3.6. The Conservators of Epping Forest would fully support such an approach and indeed have signed up to the MoU as one of the parties fundamental to the development of a strategy. The Conservators see such an approach as the only way to ensure the long-term protection of Epping Forest SAC and the Forest more generally. The MoU represents the tentative initial steps towards the development of a strategy, however such a strategy is a long way from being established. Much more work is necessary to develop the strategy and to date little has been achieved beyond the visitor survey. The lack of clear policy or reference to a strategy in DM2 means that there is not



possible to have confidence that mitigation is achievable, deliverable or adequate to resolve the impacts.

8.2.3.7. Policy DM2 Suggested changes – *the need to secure adequate strategic approach*
DM2 Policy should explicitly cross-refer to a Mitigation Strategy. In the interim, a framework, with tariff-based developer contributions, which leads on to form a European site conservation supplementary planning document (SPD), with an evidence-based suite of costed mitigation and monitoring measures, delivery, governance and review processes should be established. **The Conservators would be happy to work with the Council to produce such a framework.**

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9. Policy DM4 Green Belt

9.1 Policy DM4 - Representation on Issues

9.1.1. The Conservators reiterate their concerns, expressed in response to the Regulation 18 Local Plan, about the erosion of Green Belt. We welcome the removal of the housing proposal, which would have extended Theydon Bois to the east of the railway and created a vulnerable new boundary within the Green Belt. However, we do not consider the Epping South proposed developments (EPP.R1 & EPP.R2), nor their increased density in the Green Belt, to be justified (see our response above to Policy SP2 and below to Policy P1).

9.1.2. Specifically, with DM4 (v) and (vi) we consider that the Policy is unsound because it does not afford enough protection for Epping Forest and would act to undermine Policies DM1, DM2 and DM5. Sub-sections of Policy DM4, (v) and (vi), are insufficiently circumscribed and the word "limited" is not specific enough, particularly in the absence of named exceptions. In our response to Reg 18, we stated clearly that we did not consider that the status of the Green Belt at High Beach and Gilwell Hill, both very close to the Forest boundaries, had been respected and protected. We re-attach the map that we provided in our previous response to the Council (see attached documents) to illustrate the fact that GB has been eroded and the hamlet most closely associated with Epping Forest has been allowed to grow and coalesce, reducing the open character of the place.

9.1.3. These lapses in safeguarding the open nature of the countryside must not be compounded by further erosion of the GB. DM4 (v) and (vi) allow for infilling and also the redevelopment of previously developed land. These two actions could allow the transformation of High Beach from a small hamlet to a much larger settlement with major implications for the road network through the Forest. The recent decision to close the Police helicopter support unit at High Beach creates a potential threat to the openness of the GB here and to the protection of the Forest. Similarly, the housing along Sewardstone Road could also be allowed to infill creating unsustainable ribbon development along an increasingly congested highways corridor, with significant knock-on impacts for the smaller roads through the Forest (see also paragraphs 11.2.2 and 12.1.4 of this document).

9.2 Policy DM4 - Suggested changes

9.2.1. These areas of Green Belt at High Beach and along the Sewardstone Road need to be strengthened by specific exclusion from DM4 (v) and (vi). In addition, they should be demarcated on the Policies Map for their positive role in providing linking and protective green Infrastructure for the Forest and towards the Lea Valley. We have made separate comments about the need for a clear Green Infrastructure Plan to provide clarity and substance to the aspirations of Policies DM5 and SP7 on Green Infrastructure.



10. Policy DM5

10.1 Policy DM5 - Representation on Issues

10.1.1. The Conservators regard this as a positive and strong policy in most respects. The supporting text in paras 4.38 to 4.43 is comprehensive and the emphasis on biosecurity, native planting and the importance of trees in the landscape is warmly welcomed.

10.1.2. However, we consider that these laudable aspirations need to be backed up by a clearly mapped green infrastructure on the Policies Map and a Green Infrastructure Plan as a supplementary document to the Local Plan. We would suggest, in addition, that this policy should make explicit reference to the need for greenspace provision to be part of the recreation mitigation for Epping Forest SAC.

10.2 Policy DM5 - Suggested changes

10.2.1. Within Policy DM5 reference should be added to the requirement to provide greenspace as part of the interim framework and subsequent SPD to mitigate for increased recreation pressure at Epping Forest as a result of new housing growth. It is suggested that the sentence at point DM5(iii) could be expanded to state 'incorporate provision of new green assets or space, including specific provision for European site mitigation in accordance with the strategic approach outlined at policy DM2'.

10.2.2. The key new connections and elements which would make a viable green infrastructure for the District need to be identified on the Policies Map and in a Green Infrastructure Plan that goes beyond the bounds of the Garden Communities and matches the Infrastructure Development Plan. There should be a clear commitment to develop such a Plan in this Policy and in Policy SP7.



11. Policy DM22

11.1 Policy DM22 - Representation on Issues

11.1.1. This policy is referred to within DM2 as the policy delivering the air quality mitigation to protect Epping Forest SAC. Whilst the supporting text for policy DM22 gives appropriate coverage of this, the policy wording itself is weak and does not clearly give the commitment to mitigation delivery through an agreed Mitigation Strategy.

11.1.2. Furthermore, the implications of mitigation for air quality are not elaborated in either the supporting text in para 4.161 or in the Policy itself (see DM22B). However, as seems clear from the HRA (see para 6.12), Scenario 5 and above in the Highways Assessment (HA - Document EB502) and the Infrastructure Development Plan (IDP – Documents 1101A & B) delivery schedule of schemes, mitigation would involve increasing the capacities and changing the geometries of roundabouts and highways junctions within the Forest. Some of these are considered “essential” by the IDP in order to deliver the increase in housing at the proposed locations (see SP2 and Policies P1 -15) and yet the HRA is unable to assess the impacts of these on the Forest SAC and the Plan itself does not offer an explanation of how Epping Forest as a whole would be protected and enhanced by these schemes.

11.1.3. It seems apparent that the Wake Arms Roundabout improvements are a fundamental part of the delivery of growth in the plan, due to the level and locations for development proposed. The plan level HRA must therefore demonstrate certainty that the Wake Arms roundabout project can be delivered without adverse effects. This demonstration must follow step-by-step processes and if adverse effects cannot be ruled out then this has implications in terms of the legislation. If there are risks that the project could damage the SAC the Local Plan would not be sound.

11.2 Policy DM22 - suggested changes

11.2.1. The policy needs to clearly state that the Memorandum of Understanding (MoU) between the Essex/East Hertfordshire HMA authorities, Natural England and the City of London as Conservators of Epping Forest is committed to and being implemented through a Mitigation Strategy as part of the local plan in order to resolve air pollution issues at Epping Forest.

11.2.2. DM22 also needs to make clear that mitigation measures would not compromise the physical integrity of Epping Forest (see our comments on Policies SP2 and DM2).

11.2.3. The HRA does not provide a sufficient assessment of the impacts of the Plan on air quality and further monitoring and modelling is required. A full Appropriate Assessment under the Habitats Regulations 2017 needs to be carried out before the Plan and this Policy DM22 can be considered sound.

(Please see our detailed comments below on the HRA Document EB206)

12. Policy SP5 Garden Communities

11.1 Policy SP5 - Representation on Issues

11.1.1. The proposed Latton Priory development (SP5.1) of 1,050 houses lies within 6.2km of Epping Forest SAC and within 3km of Epping Forest SSSI boundaries. This development is a large potential contributor of the traffic through the Forest and needs to be considered at Plan-level in the Forest Mitigation Strategy.

11.1.2. This was considered by the HRA to be outside the 75% Zone of Influence (ZoI) but the recent draft Visitor Survey (available since 25th January 2018) has shown that this needs to be extended to 6.2km. As such the HRA needs to consider the impacts of this site in terms of its likely recreational impact as well as the impact on roads through the Forest.

11.1.3. The HRA (Document EB206) considered that a Garden Communities site like this would have sufficient greenspace or 'strategic green infrastructure' (HRA para 5.19 (fifth bullet point)). The green infrastructure requirements are welcomed (see Policy SP5F (iv)) but they should be more detailed and part of a Plan-level Mitigation Strategy. The green infrastructure should ensure that the 'Gibberd Saucer' is protected and not breached.

11.2 Policy SP5 - Suggested changes

11.2.1. The impacts of this development need to be considered at Plan level through a Mitigation Strategy for Epping Forest, in particular the impacts of traffic on the B1393 and through the Forest to Wake Arms Roundabout need to be assessed.

11.2.2. The Rye Hill Road southwards to the B1393 should be closed and considered "essential". In the IDP Part B (Document 1101B) a Rye Hill Road diversion is listed as "desirable" only. Furthermore, should this development be progressed the proposed north-south sustainable transport corridor should be established and in full operation prior to any 'safeguarded route' (see Policies Map) to the M11 Junction 7 being constructed. The uptake of sustainable transport may well experience a lag time and provision of an alternative highways option to the motorway could reduce the level of uptake significantly. In addition, any such 'safeguarded route' should not allow a right turn at the intersection with the B1393 so that traffic cannot head directly southbound towards the Forest. Instead the traffic would be directed to the M11 Junction 7 roundabout bypass that is proposed as a "desirable" under the code LPR3 in the Infrastructure Development Plan (IDP - Document EB1101B).

11.2.3. More information on the strategic green infrastructure needs to be provided, including design and location, to determine whether it would be effective. This Policy could be strengthened by directly cross-referencing to a Mitigation Strategy document, secured as an SPD, that sets out what greenspace is necessary as mitigation for Epping Forest SAC and the size of the allocation for greenspace to absorb and sustain the recreational pressure at Latton Priory.

12. Policy P1 - Epping

12.1 Policy P1 - Representation on Issues

12.1.1. The Conservators welcome the fact that the proposed expansion of Epping eastwards contained in the Regulation 18 Plan consultation has been withdrawn as this would have created a long convoluted boundary, which may have made the remaining Green Belt (GB) boundary around Epping vulnerable to further erosion (see our comments in our response to the Reg 18 Plan – Dec 2016).



12.1.2. However, of real concern to the Conservators are the Epping South proposed developments (EPP.R1 & EPP.R2) in the GB, with the proposed increased density and doubling of housing numbers to a minimum of 950. We do not consider these to be justified because of the likely adverse effects on traffic congestion and air pollution at road junctions close to or adjacent to Forest Land. The doubling of the housing numbers would seem to call into question the availability of sufficient green space at these sites for them to “consume their own smoke”. These two developments are likely to have significant adverse impacts through the increased recreational pressure on the Forest, including the SAC, and also on the nearby Forest Buffer Lands at Great Gregories.

12.1.3. The general adverse impacts on the highways infrastructure, air quality and on recreational pressures on the SAC have been dealt with elsewhere in our responses to Policies SP2, DM2, DM22 and to the Habitats Regulations Assessment (Document EB206). Our specific concerns with this Policy P1 relate to the access to the highway and the impact on nearby highway junctions and parking. The access required for the proposed western section of Epping South seems likely to have a direct physical impact on Forest Land owned by The Conservators and protected under the Epping Forest Act 1878. The Conservators have not been consulted about this.

12.1.4. In addition, the Highways Assessment (Document EB502) and Infrastructure Development Plan (IDP - Documents 1101A and B) suggest that the significant increase in traffic would require alterations to the small Ivy Chimneys junction (IDP – EPP28) and the traffic-lighted Bell Common/Theydon Road Junction (Junction 10 in the HA and EPP14 in the IDP). At Bell Common the IDP also proposes as “desirable” that the Bell Common junction (EPP23) is provided with an additional lane. An additional lane would require land-take almost certainly from Epping Forest Land, protected under the Epping Forest Act 1878. This is in contradiction to the Plan Objectives (page 20 of the Reg 19 Submission Plan).

12.1.5. In addition, due to the junction capacity problems, the traffic from these developments is likely to ‘rat-run’ to the Wake Arms Roundabout along Theydon Road and Piercing Hill to Theydon Bois and then through the Forest. These key issues outline above call into question the deliverability of this housing as well as the sustainability of its greenspace and the Plan Policy P1 would not seem to be effective or sound.

12.1.6. In addition to these potential adverse impacts, this Epping South development is likely to have an adverse impact on the Conservators’ Buffer Land at Great Gregories. This site is the out-wintering site for the Conservators’ breeding herd of cattle and the hub for organising the grazing operation that ensures the Forest’s wood-pasture habitats can be grazed and maintained in favourable condition (as defined by Natural England for Epping Forest Site of Special Scientific Interest (SSSI)).

12.1.7. Currently, a well-used public footpath runs through the centre of the site between hedges, also passing close to the yard where the cattle calve and are fed during the winter. There had been incidents of trespass into the fields, which are important protected sites for the young calves and which are also a checking area for the cattle before they go out onto the Forest. The yard has also been subject to trespass on occasion. With the current numbers of people using the public footpath the problems with unauthorised access have been reduced to a manageable level.

12.1.8. However, should such a large residential area be developed, without any nearby alternative greenspace, the footpath would be the only access to countryside for the residents. This seems likely to overwhelm the Great Gregories site which is within a few hundred metres of the development and incidents between dogs and cattle, particularly calves, could put the security of this cattle management area in jeopardy. Should the number of dogs off-lead increase significantly, *Neospora*,



an infection spread through dog faeces causing abortions in cows and already a problem in the area around the Forest, would also become a considerable threat to the health of the breeding herd.

12.2 Policy P1 - Suggested changes

12.2.1. The Epping South development should be re-considered, particularly the western site which has the potential to cause direct adverse impacts on Epping Forest Buffer Lands as well as damage to the Green Belt. This development needs to be considered as part of the broader issue of traffic that is being generated through Epping Forest roads, as highlighted in our comments on Policies SP2, DM2, DM22 and our comments on the HRA (Document EB206). The impacts of this development need to be considered at Plan level through a Mitigation Strategy for Epping Forest.

12.2.2. Should the master-planning for these areas be taken further the natural greenspace requirements would need to ensure that they could "consume their own smoke" and provide for recreational pursuits (such as dog-walking) that would ensure no additional pressure on Epping Forest or its Buffer Lands at Great Gregories. The issue of pressure on the public footpath that access directly onto Great Gregories would need to be directly and effectively addressed by any master-plan.

13. Policy P2- Loughton

13.1 Policy P2 - Representation on Issues

13.1.1. The loss of amenity greenspaces in Loughton (Jessel Green and Borders Lane) are of particular concern to the Conservators, as already stated in our response to the Regulation 18 Plan consultation (December 2016). These proposals run in direct contradiction to other Plan policies on green infrastructure (DM5 and SP7), reducing the greenspace available to the residents at the same time as increasing the density of the residential population. As such this policy would seem to be unsound.

13.1.2. This policy would have the effect of eliminating at least half of a large, well-established and important historic recreational area at Jessel Green (LOU.R5) and would displace recreational pressure onto the Forest (see also our comments above on Policy SP2A). There seems to be no clear strategy to increase the alternative green space in Loughton but rather to make contributions to Epping Forest access management. This suggests that the mitigation hierarchy process of avoiding damage to Epping Forest before considering mitigation options has not been followed here.

13.1.3. In addition to this direct impact on the Forest, the loss of an historic area of green space associated with the idea of "green wedges", later created in nearby Harlow, seems to send the wrong signal about the Local Plan objectives.

13.2 Policy P2 - Suggested changes

13.2.1. The impacts of these developments need to be considered at Plan level through a Mitigation Strategy for Epping Forest (see our comments above on DM2 and below on the HRA).

14. Policy P3 - Waltham Abbey

14.1 Policy P3 - Representation on Issues

14.1.1. Development at Waltham Abbey will require the potential need to upgrade/widen the existing Galley Hill Road and Crooked Mile (see Policy P3N (vii)), in order to ensure safe access points and sufficient capacity for the proposed new developments at WAL.R1 (295 houses), WAL.R2



(315 houses), WAL.R3 (130 houses), WAL.E6 (employment site) and travellers' site (WAL.T1). Galley Hill Road is an ancient green lane, and its verges are part of Epping Forest, owned by the Conservators and protected by the Epping Forest Act 1878. Access to the sites would require the loss of Forest Land to access tracks or highway land about which there has been no consultation with the Conservators. The deliverability of these proposed developments, therefore, is open to question and the Plan would not seem to be effective in this regard.

14.1.2. In addition, this burden of housing within the 6.2km Zone of Influence around Epping Forest and relying on a narrow highway access and Forest roads is part of the broader concerns on soundness expressed by the Conservators elsewhere in this document, relating particularly to Policies SP2, DM2, DM22 and the Plan's Habitats Regulations Assessment (Document EB206). This development would need to be considered along with 'Place' Policies P1, P2, P6 and Garden Communities Policy SP5 in a Mitigation Strategy for the Forest.

14.1.3 Policy P3 - WAL.E8

The Conservators also reiterate their concern, expressed in their response to the Regulation 18 Plan, that the proposed employment site at Waltham Abbey south of the M25 (WAL.E8) has the potential to add to the problems of congestion at M25 Junction 26 southern roundabout. This could have adverse knock-on impacts along the arm of the A121 that leads through Epping Forest, along which queueing is already a significant issue (see also our comments on the Habitats Regulations Assessment (HRA – Document EB206 below).

14.2 Policy P3 - Suggested changes

14.2.1. The impacts of these developments need to be considered at Plan level through a Mitigation Strategy for Epping Forest.

14.2.2. Although the housing developments here are split into sub-plots of less than 400 homes, and sub-Policy P3K implies that a contribution to Epping Forest access management and monitoring is all that is required, any master-planning, in our view, would need to provide a supply of alternative greenspace to serve the needs of this potential new community (see also our comments on the 400-home threshold under the 'HRA Representation on more specific points' - Chapter 5)

15. Policy P6 – North Weald

15.1 Policy P6 - Representation on Issues

15.1.1. The proposed North Weald development of 1,050 houses lies within 6.2km of Epping Forest SAC and within 1.5km of Epping Forest SSSI boundaries. This development is a large potential contributor of the traffic through the Forest and needs to be considered at Plan-level in the Forest Mitigation Strategy.

15.1.2. This was considered by the HRA to be outside the 75% Zone of Influence (Zoi) but the recent draft Visitor Survey (available since 25th January 2018) has shown that this needs to be extended to 6.2km. As such the HRA (Document EB206) needs to consider the impacts of this site in terms of its likely recreational impact as well as the impact on roads through the Forest.

15.1.3. The Conservators are concerned that the Policy P6 only refers in P6F (iii) to highways and junction upgrades. Such a large development so close to Epping Forest needs a clearer plan to ensure that the traffic it generates is not funnelled through Epping Forest along Epping Road. However, it is proposed that the employment site NWB.E4 is to have a western access leading to



Epping Road. Furthermore, there seems to be no plan to ensure that traffic is preferentially directed northwards to the A414 rather than southwards to Epping Forest roads.

15.1.4. The site, which includes the same number of houses as the proposed Latton Priory development (Policy SP5.1), does not seem to be required to provide for its own green space despite being well in excess of 400 homes (see Policy DM2) and within the Zol of Epping Forest SAC. The reference to “adequate public open space” in sub-Policy P6L (v) is insufficient and lacking in the required detail to ensure a green infrastructure.

15.2 Policy P6 - Suggested changes

15.2.1. The impacts of this development need to be considered at Plan level through a Mitigation Strategy for Epping Forest.

15.2.2. A high quality green infrastructure that can cope with the recreational requirements of such a large new residential population needs to be provided for and detailed in the Policy.

15.2.3. The large amount of traffic generated would need to avoid Forest roads and should be directed northwards onto an enhanced A414 junction. Limits to access southwards and the western access from Epping Road to the employment area (NWB.E4) need to be re-considered in order to protect Epping Forest.



16. Habitats Regulations Assessment (Dec 2017)- HRA (Document EB206)

16.1 HRA - Representation on Issues

The Conservators have identified a number of significant concerns with the HRA in relation to Epping Forest SAC. These are listed below and relate to HRA process and the tests that need to be met for Habitats Regulations compliance. This is to a large degree a high-level summary of concerns. Additional concerns are also raised in relation to the Plan Policies, particularly DM2 and DM22.

16.1.1. HRA – Representation on overarching points

STRATEGY & SCALE

- **16.1.1.1.** The HRA does not provide a clear, evidence-based and logical progression from screening potential issues through to detailed Appropriate Assessment of all identified risks, and then to applying relevant and evidence-justified mitigation to prevent adverse effects. The way in which mitigation should be secured, and the need for a clear strategy is not drawn out. The recommendations made above in our detailed response on DM2 are the types of recommendations that we consider should have been elaborated on within the HRA.
- **16.1.1.2. Scale of change:** The HRA fails to identify the scale of change relating to the new development – i.e. the current levels of impact and the potential for additional development to add to that harm. As the Local Plan itself states in paragraph 2.61 the proposed 21% increase in households during the Plan period represents a *“step change from both that identified through previous plans and strategies and previous rates of delivery achieved.”*

16.1.2. RECREATION

- **16.1.2.1. Recreation:** The HRA does not provide a comprehensive review of the ways in which recreation and other urban effects may impact Epping Forest SAC. Para 3.3 – 3.21 cover pathways but fail to include the full range of pathways, for example increased fire risk, contamination of ponds (e.g. increased turbidity or chemical contamination from pet dogs); introduction of non-native species (e.g. fish in ponds); blocking of gateways preventing access for emergency vehicles (e.g. fire engines), damage to veteran trees from climbing, vandalism and other anti-social behaviour. In addition, there is the likelihood of increased root damage to trees from soil compaction and contamination and, thereby, the need for increased tree hazard assessment monitoring and the concomitant additional impacts of safety work.
- **16.1.2.2. Greenspace mitigation:** The HRA does not address whether the level of mitigation proposed is adequate; i.e. matching mitigation measures to the impact pathways and scale of impact proposed. The one recommendation for mitigation relates to greenspace delivery without any detail as to the level of greenspace required to mitigate or whether it can be delivered.
- **16.1.2.3. Appropriate Assessment (Recreation and Urbanisation):** The HRA does not follow the required steps set out in the legislation. The initial sift appears to be a screening stage and appears to identify likely significant effects for Epping Forest as a result of recreation and urban effects; as such these should then be considered in detail within an Appropriate Assessment; instead the HRA appears to go into more detail in an attempt to rule out likely significant effects.

16.1.3 AIR QUALITY

- **16.1.3.1. Appropriate Assessment (Air Quality):** The HRA sets out in Chapter 6 and Appendix C to provide what it considers to be an Appropriate Assessment on Air Quality impacts on the SAC. However, The Conservators do not consider that this assessment, based on 2016



modelling, provides enough information to ensure an Appropriate Assessment which can rule out likely significant effects.

16.1.3.2. The impact of the Plan is downplayed in our view by examining a change between 'Do Something' and a 'Do Minimum' scenario that incorporates changes such as "outstanding commitments", about which there is no detail, and changes in other local authority areas, that would arise within the Plan period of 2011 - 2033. This 'Do Minimum' seems to be an 'in combination' figure rather than a baseline. The HRA Baseline itself (set at 2014) already lies 3 years into the Plan period. The 'Do Something' scenario needs to be compared to that of a 'Do Minimum' that does not incorporate increases from any Local Plan-led growth. The delay in bringing this Local Plan to Examination-in-Public until 2018-19 should not become a factor in assessing the Plan's and other 'in combination' impacts that started earlier.

16.1.3.3. When looking at the data provided by the traffic models for the Annual Average Daily Traffic (AADT) flows table on page 118 (Document EB206) the increases in traffic through the Forest, as a result of the Plans 'in combination', are very significant. For example, on the A121 to the M25 (Junction 26) the two-way flows for the Option (Option D) with the lowest increase are still raised from 25,236 in 2014 to 30,659 vehicles a day by 2033, a 21% increase in traffic through the Forest.

16.1.3.4. Although the subsequent tables in the HRA, which model the changes in NO_x and N values, show a modelled decrease in predicted pollution levels there are several key facts and uncertainties which, in The Conservators' view do not allow the Council as the competent authority to conclude that the Plan "will not adversely affect the integrity of the European Site" and which require much more detailed analysis in a full Appropriate Assessment.

16.1.3.5. Firstly, in the HRA (Document EB206) the tables on NO_x and N values (following page 123), show that in all but 4 of the 140 rows of data the predicted Critical Loads of Nitrogen (kgN/ha/yr) under the 'Do Something' scenarios remain within the 10-15kgN/ha/yr range that is internationally-recognised as damaging to temperate forest and heathland habitats such as those protected within Epping Forest SAC. As stated in para 6.9 of the HRA (page 107) the NO_x concentration, such as the level alongside the A121, is "...certainly high enough for nitrogen deposition to be well above the critical load...".

16.1.3.6. Furthermore, these Critical Load thresholds have been established for exposures of generally not longer than 20 years, and usually for a considerably shorter period. There is scientific evidence that Critical Load thresholds should be lower when of longer duration, such as the decades of N pollution exposure at Epping Forest SAC. One could conclude that, despite the predicted UK-wide improvement in vehicle fleet and other emissions cited in the HRA (para 2.27, page 15), the significant increase in traffic generated through the Forest, as a result of the Local Plan and 'in combination' proposals, would prevent until well beyond 2033 the very significant reductions in N pollution that are considered essential now for conservation of habitat integrity.

16.1.3.7. Thirdly, as with our concerns on recreation above, there is no certainty that the proposed mitigations of modal shift and increased junction capacity are adequate (see our detailed comments on Chapter 6 of the HRA below). In fact, some of the proposed pollution impact mitigation may involve damage to the SAC's integrity (see our comments above on Policy SP2 and below under specific points).



16.1.3.8. Fourthly, the air pollution modelling is extrapolated from traffic modelling that does not take into account the possible queuing and congestion at junctions like the Wake Arms Roundabout (HRA para 6.10, page 107). In addition, The Conservators have requested that any monitoring and modelling require pollution measurements from transects that directly abut the Wake Arms Roundabout. The HRA does not include these locations in its maps of the transects (pages 121 and 122). Therefore, the pollution levels at Wake Arms Roundabout remain unknown and the impact of the very large increases in traffic over the Plan period at this location make any conclusions in the HRA about air quality impacts uncertain.

16.1.3.9. The pollution modelling also has not yet incorporated Ammonia as a component of the N pollution (para 6.10), although this was demonstrated as significant by a PhD study in the Forest over ten years ago.

16.1.3.10. As the HRA states in para 6.13 there is a need for further refinement of the traffic modelling as well as long-term air quality monitoring, the parameters of which are currently being discussed and planned between the four local SHMA authorities, Natural England and The Conservators.

16.1.3.11. Without more information and commitment to a clear Mitigation Strategy, in which the impacts of specific mitigation options, such as capacity enlargement of the Wake Arms Roundabout, are assessed step-by-step, there cannot be a conclusion of no adverse effect on integrity of Epping Forest SAC.

16.1.3.12. As the HRA states in para 2.9 (page 12) the Plan "*must provide an adequate policy framework within which these measures can be delivered*". In the view of The Conservators the fact that a Mitigation Strategy is not included in the wording of the policies of the Plan means that an adequate policy framework is not provided (see also our comments on Policies SP2 and DM2). As such, the Local Plan Regulation 19 Submission Version is unsound.

16.2 HRA – Representations on more specific points (Chapters 5 & 6)

16.2.1 HRA CHAPTER 5 –RECREATIONAL PRESSURE & URBANISATION

- 16.2.1.1. For urban development 400m is used as a threshold to identify whether urban effects are triggered (see para 3.21 of the HRA). Fly-tipping is the concern singled out, yet the 400m is justified due to it relating to walking distance. Fly-tipping is usually undertaken by those with a vehicle and there is no evidence to suggest that it is limited to dwellings within 400m of the SAC. As we discuss above, the 400m in the Thames Basin Heaths is used differently, as a zone within which there is a presumption against development.
- 16.2.1.2. Para 5.19 (first bullet top of page 101) suggests that 5km is a consistent maximum distance that visitors will regularly travel to reach inland countryside sites. This is not the case and a range of visitor surveys show distances well beyond 5km; for example, the 75% distance for Cannock Chase SAC, based on recent visitor survey data is 15km.
- 16.2.1.3. Para 5.23 identifies that a full Mitigation Strategy has yet to be defined and para 5.24 subsequently states that the size of the tariff remains to be determined. There is no mention of detailed mitigation measures. In other words, mitigation measures are yet to be identified and in the view of The Conservators this surely makes any conclusion of no adverse effects on integrity impossible to justify.
- 16.2.1.4. The HRA (para 5.28) refers to Policy DM2 wording regarding greenspace as mitigation and suggests that a 400-house threshold could be applied, such that only allocations above 400 dwellings could consider delivery of their own accessible greenspace.



There is no justification for this 400-house threshold in the HRA, but if the threshold is used, it will apply to relatively few allocations, which could severely limit its effectiveness in our view.

- 16.2.1.5. The HRA does not consider Latton Priory or North Weald Bassett developments (1,050 new houses each) as these were outside the Zone of Influence (ZoI) considered by the HRA; – but see our comments on Policy DM2 and the need for a ZoI of 6.2km. As a result, the HRA itself only lists (para 5.28 & Footnote 53) the two developments that make up the Epping South masterplan area – EPP.R1 and EPP.R2. For these two sites we have made comments under our Policy P1 response. Mitigation outside these developments (i.e. those that are not expected to ‘consume their own smoke’), therefore, must be Natural Greenspace delivered by the local authority. There is no consideration as to whether this is achievable.
- 16.2.1.6. The ‘in-combination’ section for urbanisation (paras 5.36 - 5.37) only refers to London Boroughs of Redbridge and Waltham Forest and fails to consider the overall quantum of growth likely around the Forest.

16.2.2 HRA CHAPTER 6 - AIR QUALITY

- 16.2.2.1. Para 6.12 (page 107) states that the current focus for mitigation is Scenario 5 of the Highways Assessment (HA - Document EB502) that is considering alleviating congestion and thereby increasing the flows of traffic through **Wake Arms Roundabout** lying entirely within Epping Forest SAC. There is no detail given in the HRA as to how the flows would be kept to “the current base case”. In the HA it indicates that this would be achieved through unspecified **local widening** to increase approach lane and circulatory capacity (Table 3-8 of Document EB502). The Infrastructure Development Plan (IDP – Document 1101B)

16.2.2.2. Highway and roundabout widening would imply that land would need to be taken from the Forest SAC in order to achieve mitigation. The HRA does not assess the impact and an Appropriate Assessment under the Habitats Regulations is required into the implications of these mitigation options for the SAC.

- 16.2.2.3. Para 6.13 (page 108) acknowledges the likely knock-on impacts of capacity enlargement at the Wake Arms Roundabout for other junctions in and close to the Forest such as Junctions 10 and 22 in **Table 3-8 of the HA** (Document EB502). The IDP (Document 1101B) also details proposed enhancements and makes it clear that it is “desirable” for capacity changes to the Robin Hood Roundabout (DW11 in the IDP) – entirely within the Forest SAC, along the A104. Such changes could have adverse impacts on the SAC, including on its physical integrity.
- 16.2.2.4. There are also potential losses of protected Forest Land (although non-SAC) around Junction 10 in the HA (Document EB502), which is labelled as EPP23 in the IDP (Document 1101B).

16.3 HRA - Suggested changes

16.3.1. On the basis of our representations above The Conservators consider that an Appropriate Assessment for Epping Forest SAC, into the impacts of air quality, recreation and urbanisation, must be carried out as required by the Habitat Regulations 2017. This assessment needs to examine step-by-step the impacts of mitigation options.

16.3.2. Furthermore, there must be an explicit commitment in Plan Policy to a Mitigation Strategy and the scope and framework for that Strategy should be set out in the Plan to be fully developed in a Supplementary Planning Document (SPD).

(Please also see our suggested changes for Policies DM2 and DM22 in particular).

17. CONCLUSIONS

17.1. Following the points made above The Conservators of Epping Forest cannot support the Regulation 19 Submission Version 2017 of the Plan. We have registered a number of significant concerns around the protection of Epping Forest, in particular in relation to place-shaping and development management policies.

17.2. We welcome the aspiration embodied in Vision A (v), which states that "*Epping Forest will be conserved and enhanced*". We also warmly welcome the protection afforded to the Buffer Lands under the Plan Objective A (ii). The Forest is an irreplaceable asset protected for recreation and enjoyment and of international importance for biodiversity.

17.3. The Conservators, therefore, look forward to continuing to work positively with the Council and others through the Memorandum of Understanding (MoU) to produce a comprehensive Mitigation Strategy for the Forest. We also look forward to working in many other ways and through many other channels with the Council and its partners to ensure that the vision for Epping Forest and for the green infrastructure of the District can be made a reality.

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Signed



Mr Philip Woodhouse
Chairman of The Conservators of Epping Forest
29th January 2018

cc Chief Executives and Heads of Planning at Uttlesford District Council, Harlow District Council and East Herts District Council

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