



The Conservators of Epping Forest Representations on the Inspector’s Matters, Issues and Questions (MIQs) for Epping Forest District (EFDC) Local Plan 2011-2033

Further to the Conservators’ Regulation 20 response (Document **19STAT0035**) to the Local Plan Submission Version (LPSV – **EB114**) and following the publication of the updated Habitats Regulations Assessment (**EB209** HRA January 2019) and the Transport Assessment Report (**EB503** TAR January 2019), we now make further representations in response to the Matters, Issues and Questions (MIQs) raised by the Inspector in relation to **Matter 16, Issue 1** Policies DM2 and DM22. In addition to the MIQ-specific representations below, we also attach an appendix for Matter 16 as our Appendix 2.

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Matter 16:

Issue 1: Are the Development Management Policies in the Plan justified, effective and consistent with national policy in respect of the specific matters set out below? Are there any other issues concerning their soundness?

Issue 1.Q3: Will Policy DM1 and DM2 taken together provide adequate protection for the whole of Epping Forest, including the parts outside the SAC? In seeking to protect the Forest via two separate policies, is there a risk that the approach could become disjointed?

1. In the Conservators' view it is essential that Epping Forest is considered holistically. As well as the international importance of its biodiversity, recognised by its SAC status, the Forest as a complete entity is an ancient landscape of immense cultural and heritage value, managed for well over 1,000 years, with the largest population of ancient trees anywhere in the UK. The landscape around the physical Forest and the interconnectivity between the Forest and the wider countryside are not only important for sustaining its biological interest, (e.g. bat populations, other mammals, birds of prey, insect pollinators) but for protecting the context of this ancient site.
2. Our concern with the approach of the Plan towards the Forest is expressed in detail in our response (**Document 19STAT0035** Jan 2018; in particular, **paragraphs 7.1 and 7.2**) to the LPSV. Although DM2A refers to the enhancement of the Forest, this, in strict policy terms, only applies to the SAC interest. The ways in which enhancement for the Forest as a whole may be brought about through the Local Plan remain unclear given the emphasis on avoiding or mitigating the likely adverse impacts, which the both of the Habitats Regulation Assessments (Dec 2017 and Jan 2019) have acknowledged.
3. Without a holistic approach, deflection of pressure away from the SAC areas could also have adverse impacts on the non-SAC areas of the Forest, which are nationally or regionally important for biodiversity and also irreplaceable ancient habitats and sites (e.g. The Lower Forest, Epping Long Green).

4. In addition, the way in which the Plan seems to have taken a project-level approach to mitigation, as exemplified in Policy DM1, is another concern. Policy DM1 does not seem to us to provide clear direction as to how the Forest, as a whole, or biodiversity in general would be protected or enhanced. Individual developments' biodiversity net gains, each measured separately against site criteria within each development, are unlikely to make up for the potential fragmentation or urbanisation of the Forest and may not consider connectivity between habitats.
5. In order to ensure that proper consideration can be given to the Forest as a whole, Policy DM2 should be more clearly split into sections to allow for specific requirements relating to Epping Forest to be identified separately, for both the SAC and the wider Forest. Alternatively, this could be achieved by splitting Policy DM2 into two policies, one dealing with Epping Forest and one dealing with the Lee Valley. In this case, the policy dealing with the Epping Forest would have sub-sections dealing with the wider Forest and the SAC. This would provide the opportunity to make sure that the relationship between the SAC and the wider Forest, and development proposals affecting the wider forest, are considered together. We would favour two separate policies for better clarity (see **Appendix 2** for suggestions for wording).
6. We consider that the amendments we recommend in Appendix 2 (our appendix for Matter 16) would be necessary to make the plan sound, by ensuring that it is positively planned and effective. These amendments, based on the framework of the current LPSV Policy DM2, retain one policy for both Epping Forest and the Lee Valley, but if preferable, could be split into two policies as we suggest above. It should be noted that we also made extensive recommendations on the supporting text for Policy DM2 in our Regulation 20 letter (**Document 19STAT0035**). The supporting text should be revisited once the policy wording is updated, which should follow from completion of the SANGs aspect of the overall strategy for recreation, and assessment through the HRA.

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Issue 1.Q4:

Is it sufficiently clear, either in the Policy or supporting text, which/where developments are likely to have a significant effect?

Issue 1.Q4a (Policy DM2E): In Part E, is the 400m radius for requiring developments to mitigate the effects of urbanisation justified in terms of the specific likely effect upon this particular designated site?

7. In the Conservators' view, urbanisation involves a number of different pressures with the potential for significant ongoing costs and irreversible adverse impacts on the SAC, and on the Forest as a whole. In this respect, urbanisation effects are particularly pertinent to Issue 1, Question 3 (1.Q3 above) and we consider a holistic approach to the Forest is essential and should be recognised formally in DM2E. Although the HRA (**EB209**) refers to urbanisation effects, an analysis of the impacts on the SAC is not progressed in the Appropriate Assessment (chapter 5 of the HRA, paragraph 5.19).

8. The Conservators' are responsible for protecting the Forest's 'natural aspect' under the Epping Forest Act 1878. The Forest's 'natural aspect', however, is affected by its external environment, not only by the management actions of The Conservators. The Forest is part of a larger ancient landscape, that still survives in Epping Forest District, which provides the context for its 'natural aspect'. The protection of this landscape is one of the key reasons that the City of London Corporation has purchased the Forest's Buffer Lands (see also *Issue 1, Question 5, (1.Q5)* below).

9. Alongside the protection of the 'natural aspect' comes relative tranquillity, which in surveys is the attribute of the Forest most frequently referenced by visitors as important to them (including the Visitor Survey 2017 (**Document EB715**) and the Quality of Life Capital Study (March 2003)), both part-funded by the District Council in partnership with The Conservators and others). We look to the Local Plan to help us to continue to protect the 'natural aspect' of this hugely important place. Therefore, we consider that the Local Plan Policies need to be explicit in protecting this landscape with suitable buffer zones.

10. The effects of urbanisation are broad and include the increased likelihood of fly-tipping (as evidenced within Epping Forest itself), the increased likelihood of accidental or deliberate fire incidents (the Forest suffered London's largest fire in 2018 at Wanstead Flats – including the Site of Special Scientific Interest), increased intrusion of lighting, noise pollution, increased trampling/ compaction of soils (as the nature of repeat visits change), the introduction of invasive non-native species, predation and disturbance from pets, the dumping of garden materials and increased litter close to residential areas. Residential areas close to the Forest boundaries also increase the likelihood of conflicts related to tree safety or vegetation against property. These can result in the direct loss of large trees and they increase the costs of management of the SAC and wider Forest.

11. A 400m zone with an assumption against development is often included in Local Plans for European sites that are sensitive to urbanisation effects. This was a prominent aspect of work on the Thames Basin Heaths SPA for urbanisation impacts, including walking distances to the site and the impact of cat predation on ground-nesting birds. The HRA (**EB209**) does not assess the appropriateness of this 400m zone (see **Appendix 1C**, Footprint Ecology Statement, paragraphs 2.21 to 2.22). This latter is not directly relevant to the Epping Forest SAC interest, although heathland ground-nesting birds are present. Instead, the issue that is the most pertinent to the SAC, of those issues listed above, is the trampling and compaction of soils and loss of specialist vegetation (e.g. heather, heath rush) or its replacement by generalist taxa or even non-native species (e.g. *Juncus tenuis*).

12. Trampling and compaction also significantly affects ancient tree roots, with both the health of the trees, their associated mycorrhizal fungi and their stability significantly affected. On the soils with a clay component, London Clay, Boulder Clay or Claygate Beds, which cover the majority of Epping Forest, compaction is a key issue. For example, at Hatfield Forest National Nature Reserve (NNR), Essex, situated on boulder clay soils, the increase in recreation use has led to unsustainable trampling

of rides and the complete loss of vegetation along some of them. Visitor monitoring has shown high levels of use by very local residents, and therefore additional development in close proximity is a concern. As a result of increased use, rides have been closed and the managers of this rural NNR site have had to request that visitors stay away from the site during the winter months. Epping Forest's more peri-urban setting and complete open public access make such an option impossible to manage.

13. In the EFDC Open Space Strategy (**EB703**) the Fields in Trust (FIT) guidelines are used to generate accessibility catchments to assess open space provision for residents. In paragraph 10.11 of the Strategy and Fig 10.1 (**EB703, page 39**) the distance of **720m** is used as the FIT standard for a 10-minute walk to an open space from residential housing. The Conservators, therefore, suggest that to ensure that residential development does not lead to unsustainable increases in frequent visits that a minimum buffer/exclusion zone of 800m excluding new developments is used from all Forest SAC boundary points. In addition, the siting of SANGs should be planned to ensure that these would intercept potential visitors from new residential sites (see also Matter 1, Issue 5 representations on a SANGs Strategy above).

Issue 1.Q4b: Policy DM2C –

14. We consider that this Policy should make reference to a Zone of Influence (Zoi) that has been based on evidence and that would be open to regular review, as part of the Mitigation Strategy. In particular, the Local Plan should make reference, not only to the Visitor Survey 2017 (**Document EB715**), but to the forthcoming Visitor Survey 2019, which is contained as a commitment in the interim Mitigation Strategy (**Document EB134**).

Issue 1.Q5: Policy DM2D –

15. In paragraph 4.18 of the LPSV it states in relation to the Epping Forest Buffer Lands that *“these buffers can also act to relieve recreational pressure on the Forest”* (**Document EB114**, page 81). However, the original and current purpose of the Forest’s Buffer Lands was set out in a Memorandum from the City of London Corporation of June 1999 to the Parliamentary Select Committee on Environment, Transport & Regional Affairs:

“The purpose of the Buffer land is to safeguard the rural environment of the Forest and thereby its natural aspect or feel and to provide to the Forest wildlife support and complementary wildlife habitats, thus facilitating the protection of the Forest’s flora and fauna.”

16. As a consequence, although much work has been carried out over the years to manage and improve sustainable public access across some areas of the Buffer Lands, these areas do not in general, have an infrastructure that can accommodate the enhanced visitor numbers that are implied in Local Plan paragraph 4.18, or that would help to avoid adverse impacts on the Forest.

17. However, The Conservators have sought to engage with the Local Plan in assisting with the development of a District-wide SANGs Strategy. We have proposed the inclusion of areas of Buffer Land (and non-SAC Forest Land) that, if carefully designed with robust measures to protect the Forest (such as infrastructure improvements and targeted promotion of suitable areas), could potentially provide the kind of scale and quality of SANGs provision that we consider is necessary to avoid adverse impacts on the Forest and to enhance biodiversity more generally. We have raised these issues a number of times, most recently in our letters of 23rd July and 14th September 2018 to the Council (see The Conservators’ Representations on Matters 1 & 4, **Document 19STAT0035**, Appendix A), and have sought further dialogue during the period of this Examination.

18. This would ensure a strategic approach to SANGs, and to Biodiversity Net Gain also, which would include contributions from large and small developments alike, assisting the latter in making meaningful provision towards the Local Plan's Policy DM1 objectives. As we have stated in our responses to the Plan, including our recent representations on Matters 1 and 4 (**19STAT0035**), we consider that a full mitigation strategy, which should include a SANGs Strategy, should be enacted through a cross-boundary European site conservation supplementary planning document (a joint SPD).

19. A joint SPD would provide certainty and clarity as to the mitigation, the review procedures and its governance. A commitment to an SPD in the Local Plan, with an outline of its contents and objectives, is an established way of achieving such mitigation. It would also assist, in our view, with an holistic approach and would help in uniting the objectives of Policies DM1 and 2 towards Epping Forest.

Issue 1.Q44: Policy DM22

20. In our view consideration should be given to the enlargement of the AQMA to cover the roads around Epping Forest and to consider an innovative approach to managing the air quality within the SAC.

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