



***RESPONSE of THE CITY of LONDON CORPORATION as THE CONSERVATORS of EPPING FOREST to the LONDON BOROUGH of WALTHAM FOREST DRAFT LOCAL PLAN 2012- 2035 (REGULATION 18) PUBLIC -CONSULTATION – 30 September 2019***

Thank you for consulting the City of London Corporation, as the Conservators of Epping Forest, on the London Borough of Waltham Forest's (the Borough) Draft Local Plan Regulation 18 public consultation document.

The Trustees of the Epping Forest Charitable Trust – the Epping Forest & Commons Committee - considered this matter in public session on the 9 September 2019, subsequent to the meeting the following comments were agreed.

Epping Forest Officers would welcome the opportunity to further discuss the detail of the comments as part of the section 33A 'Duty to Co-operate in relation to the planning of sustainable development' duty (Planning and Compulsory Purchase Act 2001, as amended by the Localism Act 2011). There is particular interest in seeking to ensure recognition for:

- the City Corporation's role in providing significant levels of Open Space across the Borough;
- appropriate policy protection for the Epping Forest Special Area of Conservation (SAC) and a holistic approach to the Forest;
- a Mitigation Strategy to prevent damage to the SAC from increased recreational pressure and deteriorating air quality, arising from additional housing provision ; and
- improved recognition for the City Corporation's current pattern of visitor facilities in the Borough.

I understand that Officers from Natural England are also in discussion with the Borough with regard to a moratorium on planning consents ahead of the agreement of tariffs to support a mitigation strategy for the SAC.

**Introduction and context**

Epping Forest is held as a Charitable Trust by the City of London Corporation and comprises some 6,100 acres (2,500 hectares) of public open space and high tier conservation habitat, including 1,055 acres (427 hectares) in the Borough. The Forest is supported by a further 1,800 acres (730 hectares) of Buffer Lands, acquired by the City Corporation to protect the

North of the Forest from encroaching development and to maintain the links between the Forest and the wider countryside.

The Epping Forest Acts 1878 & 1880 charges the City Corporation, as the Conservators of Epping Forest, with a series of key duties:

- To regulate and maintain the Forest in accordance with the Acts
- To maintain Epping Forest as an open space for the recreation and enjoyment of the public
- To conserve and maintain a range of Forest habitats, particularly wood-pasture
- To preserve the Forest's unique landscape as defined by a *natural aspect* duty
- To preserve the Queens Elizabeth's Hunting Lodge and other historic Forest buildings for their heritage interest

Subsequent to its founding legislation, Epping Forest's conservation significance as one of only a few large-scale examples of surviving ancient wood-pasture including its Atlantic beech forest; North Atlantic wet heaths and European dry Heaths has received further recognition and legal protection as an internationally important IUCN Category IV Protected Area. Epping Forest is part of a European-wide network of habitats entitled *Natura 2000* sites, which provide Europe's habitat protection under its Bern Convention 1979 obligations, to which the United Kingdom is a signatory. The land is statutorily protected as a Special Area of Conservation (SAC) under European Union Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora, known as the 'Habitats Directive' The Habitats Directive was transposed into national law, recently updated as The Conservation of Habitats and Species Regulations 2017.

The Forest area is also statutorily protected as a Site of Special Scientific Interest (SSSI) under the Wildlife and Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) and all Forest Land within London is recognised under the "umbrella" of Sites of Importance for Nature Conservation (SINCs) under the London Plan.

Epping Forest also contains a range of Scheduled Ancients Monuments notified under the **Ancient Monuments and Archaeological Areas Act 1979** and Listed Buildings, features and Parks and Gardens jointly designated by Historic England and Local Planning Authorities under the auspices of the **Planning (Listed Buildings and Conservation Areas) Act 1990**, with parts of the Forest coinciding with some 17 Conservations Areas.

Epping Forest also contains 7 Large Raised Reservoirs, notified under the **Reservoirs Act 1975** (as amended by the Flood & Water Management Act 2010); three Flood Management Schemes and two main rivers notified under the **Water Resources Act 1991**.

### **Epping Forest in the London Borough of Waltham Forest**

The London Borough of Waltham Forest shares a special bond with Epping Forest, as the Borough takes its name from Waltham Forest, one of the four Royal Forests that remained after the disafforestation of the 13<sup>th</sup> Century Forest of Essex. Over the following 400 years,

the open wood pasture of Waltham Forest gradually ceded to farmland, leaving the major Wood Pasture areas to be named Epping and Hainault Forests from the 17<sup>th</sup> Century.

Some 427 hectares (1,055 acres) of Epping Forest are located within the Borough's jurisdiction, which equates to 11% of the Borough's landholding, including Leyton Flats, Gilberts Slade, Walthamstow Forest, Highams Park Lake, Chingford Plain and Pole Hill. In addition to the Borough's 296.19 hectares (731.9 acres) of open space, by virtue of greenspace land holdings provided by Epping Forest and the Lee Valley Regional Park, the Borough has an estimated 1,204.92 hectares (2,977.42 acres) of unrestricted access open space, the most parks and open spaces of any Borough north of the River Thames. Under the Abercrombie London Plan standard of 1.6 hectares (3.95 acres) per 1,000 population, the Borough's open space provision provides 1.07 hectares per 1000 population. With the addition of the City Corporation and Lee Valley Regional Park's open space this rises to an estimated 4.37 hectares per 1,000 population, some 2.73 times above the early London standard. An estimated 45% of this provision is provided by Epping Forest Land.

The City Corporation are pleased to be an active partner with the London Borough of Waltham Forest, cooperating together alongside Transport for London on the construction of the Epping Forest Olympic Cycleway in 2011 and Forest Transport Strategy Safe Crossing Points at Dannett's Hill, Chingford and Canada Plain, Leytonstone; and more recently as delivery partner at Whipps Cross for the 'Enjoy Waltham Forest' C23 cycling programme and as a bidding partner and major venue for the 'Welcome to the Forest' London Borough of Culture across 2019.

The Local Plan process provides new opportunities to identify areas for collaboration between Waltham Forest and the City Corporation on the delivery of improvements to the quality of life of Waltham Forest residents and visitors, while enhancing the range of ecosystem and public health benefits that greenspaces contribute to the public good.

### **City of London Corporation Comments**

The significance of the City Corporation's 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.

## **SPATIAL STRATEGY**

### **3. Vision & strategic objectives**

The City of London Corporation generally supports the aspirational nature of the growth-led vision for Waltham Forest in 2035. The City Corporation has similar ambitions across its delivery platform. However, the City Corporation considers that the Borough should provide a more balanced vision by including the protection and enhancement of Epping Forest as a whole as a core aim of the Local Plan's Vision and Strategy. Small strategic

changes within the ‘*Liveable Waltham Forest*’ strand (see page 13) and Strategic Objective 11 – ‘Enhance the natural environment’ - would offer a positive and counter-balancing objective. More detail is given below under Strategic Objective 11 (Section 17 of the Document).

The City Corporation is aware that the Borough’s Full Council declared a Climate Emergency on 26 April 2019. The City Corporation welcomes the engagement of a Borough Climate Emergency Commission and would hope that the Commission’s recommendation would be integrated into the Local Plan, especially at sections 10 – ‘*Decent Homes for Everyone*’ and 18 ‘*Ensuring Climate Change Resilience*’.

The City Corporation would also challenge the Borough to broaden the ambition demonstrated around housing and employment extending this resolve to the protection of the Epping Forest Special Area of Conservation (SAC); and the continuing expansion of new and restored Greenspaces, enabling the Borough to increase its provision to the London standard and by virtue of the City Corporation and Lee Valley Regional Park landholding, maintain its pre-eminent position regarding the high levels of greenspace provision for its citizens. . It should be noted that although the overall open space provision in hectares is relatively high, the Epping Forest areas come with a much greater need for protection and positive management for biodiversity than general open spaces because of their irreplaceability, fragility and high nature conservation status.

#### **4. Waltham Forest’s Spatial Strategy**

##### **Policy 1 – Presumption in Favour of Sustainable Development**

In relation to Epping Forest SAC’s protection under the Habitats Regulations 2017, the City Corporation would remind the Borough that section 177 of the National Planning Policy Framework (NPPF)(Feb 2019) clearly states ‘*The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site*’. Given the presence of the Epping Forest Special Area of Conservation (SAC) partly within the Borough’s jurisdiction, together with its corresponding 6.2km Zone of Influence, which extends across the whole of the Borough, the City Corporation considers that this Policy requires very significant amendment and qualification.

Furthermore, **Policies 2 - 4** need to be subject to a Habitats Regulations Assessment and a likely Appropriate Assessment. The *People Over Wind, Peter Sweetman v Coillte Teoranta European Court of Justice (ECJ) Judgement (C323-17)* makes it clear that likely significant effects on the SAC cannot be screened out at an early stage based on general assumptions about future mitigation (e.g. Policy 4H). These assessments must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt

as to the effects of the plan on the SAC. The lack of any HRA in the Evidence Base (Appendices Section 2) is, therefore, of considerable concern at this comparatively late stage in the Plan process. The HRA issue is discussed in more detail below in relation to Strategic Objective 11 (Section 17).

### **Policy 3 – Location and Management of Growth**

The City Corporation welcomes the Borough's commitment in Policy 3.D to protecting designated sites and areas as part of a managed growth strategy. While the listing is not expected to be definitive, it would be sensible to see the Borough's higher-tier protections especially Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSI), which coincide with two thirds of Epping Forest, properly reflected in the policy.

## **5. South Waltham Forest**

The comments offered in connection with Policies 6-11 should be considered alongside more fundamental concerns raised above in relation to Policies 1 – 4, the apparent lack of adequate Habitats Directive assessments of the impact of the Spatial Strategy, and further detailed concerns raised below on Strategic Objectives 8 and 11.

At 5.4 and Policy 10 (page 39) the Area profile refers to Epping Forest and Wanstead Flats. Wanstead Flats are part of Epping Forest and the profile may read better by commenting *'The east is defined by the grassland Open Spaces of Epping Forest at Leyton and Wanstead Flats, which share a boundary with the London Borough of Redbridge'*.

Similarly, the Vision for South Waltham Forest does not reference Epping Forest in relation to Open Spaces, particularly given that Leyton Flats is the most highly visited part of Epping Forest with over 440,000 annual visits.

### **Policy 6 – South Waltham Forest**

The City Corporation notes the Borough's view that the South Waltham Forest area presents 'an enormous and transformational opportunity for good growth and regeneration'. The Policy needs to reflect the very real constraint posed by the proximity of the Epping Forest SAC at Leyton Flats with a Zone of Influence that encompasses the entire development area. It is recognised that the developed character of much of the area presents little opportunity to provide Suitable Accessible Natural Greenspaces (SANGS) as mitigation for any potential development. Mitigation proposals under discussion with adjoining LPAs, including the Borough, suggest that Strategic Access Management and Monitoring Strategy (SAMMS) improvements can be made at Leyton Flats to help address the current intensity of use – with 440,000 visits per year -, that would undoubtedly increase given the presence of 15,000 additional dwellings. Improvements range from the expanded catering facilities, public toilets, the hardening and definition of paths; new glades in existing woodland, including the little used Houblon Woods adjoining Whipps Cross Hospital. There is also the potential for engagement with the City Corporation and the London Borough of Redbridge with regard to making SANGS-based improvements

at Wanstead Park and Wanstead Flats to help disperse the pattern and pressures of current and projected visiting.

The City Corporation also questions the intensification of Strategic Industrial Locations (SIL) and Borough Employment Areas (BEA) activity close to the SAC at Section 9.

#### **Policy 10 – Leytonstone Strategic Location**

Policy 10.10 (page 39) recommends improvements to the public realm and public spaces across the area and references the City Corporation's landholding at Epping Forest, including Wanstead Flats. The City Corporation is mindful that previous Cycleway Route Implementation & Stakeholder Plan (CRISP) exercises led by Sustrans saw little public enthusiasm for public space improvements at Wanstead Flats in 2008 where they include unimaginative new macadam path provision, lighting and signage. The City Corporation supports moves that encourage a modal shift towards walking, cycling and the growing Personal Electric Transport (PET) sector. Careful discussion is required between Borough and City Corporation officers, alongside good and meaningful public consultation, to design and manage the impact of the proposed improvements to public open spaces. The Epping Forest SAC Mitigation Strategy (EFSACMS) and an associated commitment to developing a viable Governance mechanism provides an ideal vehicle for ensuring that SAC protection and improvement; LPA growth aspirations and public acceptance of change are realistically matched and properly funded.

#### **Policy 11 – Whipps Cross Strategic Location**

Board papers recently considered by the Bart's Health NHS Trust suggest public consultation will shortly consider proposals for up to 1,400 new dwellings within the existing Hospital footprint that would help fund the comprehensive redevelopment of the ageing hospital. It is likely that the density of these dwellings will generate very little new Public Open Space within the site, which will place additional pressure on Hollow Pond and Leyton Flats, which is already noted as Epping Forest's most heavily visited site, with 440,000 visits per year. When taken in combination with other proposed District Centres, the additional pressure that will be placed on the SAC at Leyton Flats will be considerable. Policy 11 needs to acknowledge the pressure at 11.7 and 11.8, which will challenge the assumptions made at 11.8 without a clear EFSACMS.

### **6. Central Waltham Forest**

The comments offered in connection with Policies 6-11 should be considered alongside the more fundamental concerns raised above in relation to Policies 1 – 4, the apparent lack of adequate Habitats Directive assessments of the impact of the Spatial Strategy, and further detailed concerns raised below on Strategic Objectives 8 and 11.

The Area Profile (pages 42-43) and Vision for Central Waltham Forest (page 44) fails to acknowledge the presence of Epping Forest Land at Canada Plain and Gilberts Slade. Similarly, at page 46 the summary for Central Waltham Forest falls short of committing to public open improvements at J.(page 46) referencing only the public realm.

### **Policy 14 – Forest Road Corridor Strategic Location**

Policy 14.6 (page 48) commits development to deliver improvements to public spaces across the area. As indicated for proposed developments in South Waltham Forest, the City Corporation supports moves that encourage a modal shift towards walking, cycling and the growing Personal Electric Transport (PET) sector and welcomes a commitment to improving public open spaces. Careful discussion is required between Borough and City Corporation officers, alongside good and meaningful public consultation, to design and manage the impact of the proposed improvements to public open spaces. The Epping Forest SAC Mitigation Strategy (EFSACMS) and an associated Governance mechanism provides an ideal vehicle for ensuring that SAC protection and improvement; LPA growth aspirations and public acceptance of change are realistically matched and properly funded.

### **Policy 16 - Wood Street Strategic Location**

Policy 16.6 (page 51) commits development to deliver improvements to public spaces across the area. As indicated for proposed developments in South Waltham Forest, the City Corporation supports moves that encourage a modal shift towards walking, cycling and the growing Personal Electric Transport (PET) sector and welcomes a commitment to improving public open spaces. Careful discussion is required between Borough and City Corporation officers, alongside good and meaningful public consultation, to design and manage the impact of the proposed improvements to public open spaces. The Epping Forest SAC Mitigation Strategy (EFSACMS) and an associated Governance mechanism provides an ideal vehicle for ensuring that SAC protection and improvement; LPA growth aspirations and public acceptance of change are realistically matched and properly funded.

## **7. North Waltham Forest**

The comments offered in connection with Policies 6-11 should be considered alongside the more fundamental concerns raised above in relation to Policies 1 – 4, the apparent lack of adequate Habitats Directive assessments of the impact of the Spatial Strategy, and further detailed concerns raised below on Strategic Objectives 8 and 11.

The City Corporation is grateful for the recognition at 7.7 (page 54) of the contribution made by Epping Forest to the character of North Waltham Forest. The City Corporation is surprised by the observations regarding the ‘linkage’ opportunities outlined at 7.7 which are not depicted on the Vision Map (page 56). As its founding legislation predates Town and Country Planning legislation, Epping Forest relies heavily on Green Belt designation to lend the Forest support through the development control process. The City Corporation would welcome the opportunity to contribute to the current Green Belt Review. Given the recent relaxation of development control on Previously Developed Land or ‘brownfield land’ within NPPF, the City Corporation questions the need for the de-designation of the Green Belt in this area.

In the Vision for the North of the Borough (page 55) the City Corporation would challenge the proposed expansion of the Sewardstone Road Neighbourhood Centre, given the

proximity of Epping Forest and the long-term maintenance of the Sewardstone Corridor as a strategic gap between the Borough and Epping Forest District.

The City Corporation would also remind the Borough that Epping Forest extends all the way south to Forest Gate and therefore North Waltham Forest does not form a 'gateway to Epping Forest', unless the reference is to the District. The City Corporation is also mindful of the findings by Epping Forest District Council Green Belt Review regarding the quality of the Green Belt area between Waltham Abbey and Sewardstone. It is the City Corporation's view that the significant damage to the Green Belt by the developments at Gilwell Park and Meridian Way has been caused by previous poor planning decisions. Further damage should not be compounded to or inflicted upon the corridor by the densification of existing urban areas. The 'gateway' to Epping Forest should be celebrated by the lower density housing lauded in your description of the area at 7.6 (page 54).

### **Policy 17 – North Waltham Forest**

The City Corporation welcomes the commitment at 17.F to managing the appropriate protection of the Green Belt, though would welcome a stronger commitment to the Green Belt role. The Policy would also benefit from a commitment to improve public open spaces seen in the other Spatial Strategy areas and in Policies 18-22, especially sites at Highams Park and Mallinson Park Wood, specifically seeing the better integration of the Wood with Epping Forest from which it is indivisible. Forest Land at The Sale and Highams Park represents the thinnest and least resilient compartment of Epping Forest measuring just some 200 metres in places. Given the vulnerability of this site, the proposed development of 450 dwellings at the nearby Neighbourhood Centre will present a significant challenge to the protection offered by the SAC.

## **THEMATIC POLICIES**

### **8. Decent Homes for Everyone**

***Strategic Objective 1** – 'Ensure a significant increase in the supply, choice and mix of high-quality new homes, particular delivering genuinely affordable homes to enable and encourage residents to stay in the Borough and strengthen communities.'*

### **Policy 23 – Increasing Housing Supply**

The City Corporation understands and recognises the Borough's ambitious targets for the construction of 18,000 dwellings by 2030 and 27,000 dwelling by 2035. The City Corporation supports the approaches outlined in Policy 23 regarding targeting new housing in strategic locations associated with facilities and transport hubs, but with the significant proviso of our comments on the Spatial Strategy Policies 1 – 4 and lack of assessment of impacts. The focus on developing brownfield land; residential intensification and optimised housing densities should ensure that calls for use of Metropolitan Green Belt Land for residential development are minimised. However, again these proposals need to be subject



to proper assessment and the Sustainability Appraisal (SA) must be reassessed in the light of the HRA (and any AA).

### **Policy 27 Housing Design**

The City Corporation would support Policy 27.B.vi, which ensures that the calculation of external amenity space includes only open space that is genuinely accessible and usable by residents.

The City would also contend that Policy 27 needs to go further where developments affect the Epping Forest SAC. There are protective measures contained within the Conservation of Habitats and Species Regulations 2010 (the 'Regulations') that are designed to protect SACs that could be damaged by development consented within the Zone of Influence of a SAC. Under the Regulations, the local planning authority ('LPA') must consider whether development proposals (alone or in combination) in the proximity of a protected site are likely to have a significant detrimental effect on it. If so, they should refuse consent, although mitigation measures can also be taken into account (*R (Hart DC) v. Secretary of State* [2008] 2P&CR 16, para 76) including the provision of Suitable Alternative Natural Green Space ('SANGS'). Natural England has provided guidance on SANGS provision. <http://sa-cd8d-appendix-4-sangs-guidance.pdf>

The City Corporation encourages the Borough to adopt the SANGS initiative as part of the Local Plan approach to delivering housing close to SACs. If SANGS are offered, they must be real and deliverable, not hypothetical (*R (Helford Village Company) v Kerrier DC* [2009] EWHC400 (Admin) paras 39, 40) and if financial contributions are to be made in lieu of contributing land for SANGS, they must be applied to some definite and achievable effective mitigation measures – simply making payments is not enough (*Wealden DC v SoS DCLG* [2017] EWCA Civ 39, paras 30).

Mitigation measures provide for a system to reduce, avoid or offset the potential adverse environmental consequences of development activities. Their objective is to maximise project benefits and minimise undesirable impacts. Such mitigation measures can be in the form of preventative, corrective or compensatory measures. Prevention means that the potential impact is prevented or reduced before it occurs. Corrective measures reduce the impact to a level which is acceptable. If preventative or corrective measures fail, then compensatory measures are applied which will compensate for the unavoidable impact. The City Corporation urges the Borough to consider wherever possible corrective measures that will restore or create Forest habitats rather than seeking to compensate for measures which will respond to damaging activities.

Epping Forest is an attractive and compelling recreational resource for the people of East London and Essex. Whilst SANGS are considered to be an essential and effective mitigation measure to help ensure that visit rates do not increase, it has been identified that local residents enjoy using a variety of green spaces for their recreational activity including Epping Forest. It is likely therefore that residents living in new development will still visit

and use the SAC from time-to-time even with the provision of SANGS. The aim of strategic access management measures and associated monitoring is to therefore reduce the likelihood of any adverse impact on the SAC should residents from a new development choose to visit Epping Forest.

A combination of access management measures will be required to be delivered at Epping Forest to provide confidence that, even if the provision of SANGS on its own does not divert new residents from new development, there will be no increase in harm caused as a result of recreational pressure on the Epping Forest SAC. A range of measures will be introduced through a Strategic Access Management and Monitoring Strategy (SAMMS) which should be funded through a Mitigation Strategy Tariff.

### **Policy 31 – Small sites**

Again, the City Corporation welcomes a commitment to developing or redeveloping small sites of less than 0.25 hectares through intensification of use. The City Corporation would however oppose the apparent exemption from the provision of external amenity space and would suggest that Small Sites are subject to a similar requirement on funding external amenity space as outlined in Policy 27.B.v. It is recommended that pooled contributions are collected for smaller sites through the Community Infrastructure Levy (CIL).

### **Policy 35 – Travellers**

The City Corporation welcomes the Borough's commissioning of a Travellers Needs Assessment. It is the City Corporation experience through regular occupations, contrary to Epping Forest Byelaws, of Forest Land, especially within the Borough at Mill Plain, Woodford, that there is insufficient pitch provision for Travellers.

### **Policy provision for energy use by homes**

Notwithstanding the proposals in Section 18 '*Ensuring Climate Change Resilience*' the City Corporation would welcome a specific Section 8 policy on energy use in new and existing homes which currently accounts for 14% of total UK emissions. In a new report 'UK housing: Fit for the future?' the Committee on Climate Change (CCC) warns that the UK's legally-binding climate change targets will not be met without the near-complete elimination of greenhouse gas emissions from UK buildings. The report finds that emissions reductions from the UK's 29 million homes have stalled, while energy use in homes emissions increased between 2016 and 2017.

Efforts to adapt the UK's housing stock to the impacts of the changing climate: for higher average temperatures, flooding and water scarcity, are also lagging far behind what is needed to keep us safe and comfortable, even as these climate change risks grow. Around 4.5 million homes overheat, even in cool summers; 1.8 million people live in areas at significant risk of flooding; and average UK water consumption is higher than in many other European countries. Cost-effective measures to adapt the UK housing stock are not being rolled-out at anywhere near the required level, the report finds.

## **Section 9. Building a Resilient and Creative Economy**

Spatial Policies 14 – Forest Road (p48); 16 – Wood Street (p51); 17 – North Waltham Forest (North Chingford 7 Highams Park)(p57) and Thematic Policy 38 (p86) posit Borough Employment Areas (BEA) close to the Forest at Chingford Plain and Highams Park.

The narrative at 9.10 (p87) which argues that scale, noise, odours, dusts, emissions and hours of operation associated with industrial, manufacturing and logistical uses ‘sit less comfortably’ with sensitive uses such as housing. The City Corporation would take the view that the location of Strategic Industrial Locations (SIL) and BEA sites close to the Forest would also sit equally uncomfortably given the potential impact on the immediate environmental quality of the Forest. Again, we reiterate our comments above on Habitats Regulations Assessment process and likely significant effects.

The Borough is reminded that the ‘*London Plan Annex One - Opportunity and Intensification Areas*’ (Item 32 ‘*Upper Lee Valley*’ (p372) which states ‘*Any new development and infrastructure brought forward in this area must avoid adverse effects on any European site of nature conservation importance (to include SACs, SPAs, Ramsar, proposed and candidate sites) either alone or in combination with other plans and projects. The location, construction and design of new development and infrastructure should avoid- significant and cumulative impacts on European biodiversity sites*’.

### **Recognition of the Short-term rental market**

The City Corporation believes that the Local Plan should reflect the Greater London planning restriction that affects short-term rentals, which have the potential to reduce the capacity of the rental market and distort long-term rents, building value and the availability to local residents. In most cases, short-term rentals are considered to be a “change of use” to residential premises as temporary sleeping accommodation.

## **Section 10. Promoting Culture and Diversity**

The City Corporation is disappointed to see references to cultural attractions at 10.4 (p99) restricted to the Lee Valley, London Wildlife Trust and Borough’s own cultural facilities. Reference to the Epping Forest cultural facilities within the Borough including The View Visitor Centre and the Queen Elizabeth’s Hunting Lodge, together with the Epping Forest Collection which has enjoyed accredited Museum status for the past 3 years, has been overlooked, despite their inclusion in the London Borough of Culture. It is hoped that promotional Policy 45 (page 100) will include support for the Epping Forest elements of the Borough’s culture.

The City Corporation recognises that Tourism Visitors play an important part in London’s economy and would welcome a Policy position within the Local Plan that recognises this position. In 2012, London attracted nearly 28 million overnight visitors, comprising 16 million from overseas and 12 million from the UK. A significant number of these are for

business purposes. The capital also received 297 million-day visitors a year. Together they helped to support 253,000 jobs, nearly 5.5 per cent of the total employment for London. The sector employs 700,000 people – one in seven of the capital’s jobs – and accounts for 11.6 per cent of the capital’s GDP.

Tourism also strengthens London’s reputation as an open and welcoming City and is central to the City’s soft power. The industry is a key contributor to London’s diverse cultural and retail offer as well as the night-time economy, and benefits both visitors and Londoners. The London and Partners Tourism Vision for London projects that, in 2025, visits to the capital will reach 40.4 million annually. Some 25.7 million of these will be international visits. But such growth and associated economic benefits will only be realised with a coherent vision and the means of implementation.

The industry believes this can be achieved through activity in four areas: Infrastructure and amenities: ensuring London can sustain and accommodate growing numbers of visitors; investing in culture, amenities and digital infrastructure. The City Corporation believes that the London Plan has overlooked the tourism value of Epping Forest as a cultural destination and would encourage the Borough to recognise through the Local Plan Policy the need to:

- Support the Epping Forest bid for World Heritage Status (See Section 16)
- would underline the importance of investing in culture and amenities within the Borough that are associated with Epping Forest
- Recognise the need to expand dedicated overnight visitor accommodation capacity in the Borough, which impacts on Section 8 objectives

### **11. Distinctive Town Centres and High Streets**

**Strategic objective** – *‘Support Waltham Forest’s network of thriving, safe and accessible town centres, maintaining the distinctive role of each and making them accessible to all’.*

No comment.

### **12 Social and Community Infrastructure**

**Strategic Objective** – *‘Ensure timely, strategic and local infrastructure investment and delivery to support good sustainable growth for communities both now and in the future, through working with partners, investors, developers and providers’.*

### **13 Promoting Health and Wellbeing**

**Strategic Objective** – *‘Improve the health and well-being of all who live and work in the borough’.*

The City Corporation would emphasise the importance the role of open spaces play in supporting and improving public health and wellbeing, drawing attention to City Corporation research in this area entitled ‘Green Spaces – The Benefits for London’.

**RESPONSE of THE CITY of LONDON CORPORATION as THE CONSERVATORS of EPPING FOREST to the LONDON BOROUGH of WALTHAM FOREST DRAFT LOCAL PLAN 2012- 2035 (REGULATION 18) PUBLIC -CONSULTATION – 30 September 2019**

<http://democracy.cityoflondon.gov.uk/documents/s27356/Green-Spaces-The-Benefits-for-London%20App1.pdf>

The City Corporation would also draw attention to the importance of supporting and funding the pan-London provision of sporting facilities including the significant provision of 45 sports pitches on Wanstead Flats adjacent to the Borough and Hackney Council's provision of 82 sports pitches at Hackney Marshes.

#### **14. Creating High Quality Places**

**Strategic Objective** – *'Promote exemplary standards of design in place-making and the highest quality of development'*.

No comment at this stage.

#### **15. Sustainable Transport and Infrastructure**

**Strategic Objective** – *'Improve active and sustainable transport choices across the Borough and beyond building on the success of the 'Enjoy Waltham Forest programme', encouraging wider integrated walking and cycling routes'*.

##### **Air pollution, air quality and transport**

**Strategic Objectives 1 and 2** need to be assessed in terms of their impact on Epping Forest SAC in relation to their likely effect on air pollution and air quality, both alone and in combination. As a comparison, the HRA for the Epping Forest District Local Plan concluded that adverse impacts on Epping Forest SAC in terms of air pollution could not be ruled out.

Air quality impacts, therefore, need to be assessed and understood in relation to the Borough's Local Plan. Authorisation for a plan or project may be given only on the condition that the competent authority is certain that the plan or project will not have lasting adverse effects on the integrity of the site concerned – i.e. where no reasonable scientific doubt remains as to the absence of such effects (*Commission v Poland*, C-441/17 at [114] - [117]). In addition, in relation to critical loads of nitrogen deposition and its effects (which additional traffic is likely to generate in the case of the proposals in the Borough Local Plan) Advocate General Kokott's Opinion in the Netherlands cases (C-293/17 and C-294/17) is also relevant. At paragraphs 62 – 63 of her opinion AG Kokott observed, in the context of nitrogen deposition, that:

*"...it seems difficult, if not impossible, to accept values that are higher than the critical loads. These are intended to define scientifically based load limits for vegetation types or other protected assets, compliance with which means that pollutant deposition is not expected to have significant harmful effects even in the long term..."*

## **Policy 67**

The City Corporation welcomes Policy 67 – Liveable Neighbourhoods for All (p143) which reflects one of the City Corporation’s five strategic objectives for Epping Forest .

## **16. Enhancing and preserving our Heritage**

**Strategic Objective – ‘Ensure Waltham Forest’s network of cultural, inclusive and sustainable neighbourhoods are safe and diverse, celebrating their locally distinctive character and heritage’**

The City Corporation would seek the Borough’s support, ideally through a dedicated policy, for a long-term project to secure World Heritage Site (WHS) status for Epping Forest as cultural landscape that celebrates a rare survival of wood pasture; the most significant assemblage of veteran pollard trees in Northern Europe and the site of a widespread public campaign that saved the Forest and ultimately led to the formation of the National Trust, while also strongly influencing Sir Patrick Abercrombie’s plans for Open Space in the 1938 London Plan and Sir Frederick Gibberd’s Green Wedges in the Harlow Mark One New Town.

## **Policy 79 – Conservation Areas**

Four of the Borough’s 14 Conservation areas – Chingford Green; Woodford Green; Forest School and Leytonstone coincide with Epping Forest Land. The City Corporation believes that Policy 79 would benefit from the recognition that public open spaces can help define and reinforce the special character of Conservation Areas and should be subject to similar terms to Policy 79.D.

Policy 79.D may also benefit from wording that ensures that diseased, dead and hazardous trees should be removed and replaced with appropriate replacement plantings.

## **Policies 81 & 82**

The City Corporation would encourage policies 81 & 82 (page 166) to consider the periodic review of non-designated Heritage Assets and Locally Listed Buildings, to consider whether such assets may be capable of formal listing. The City Corporation believes that while the Highams Estate has been disaggregated, with a surviving Red Book landscaping scheme, and a recognised and celebrated landscape designer in Humphry Repton, the Borough should consider a listing application for the Borough’s Highams Park Open Space and the conjoined City Corporation-held Highams Park Lake site.

## **17. Protecting and Enhancing the Environment**

***Strategic Objective – Enhance the Borough’s natural environment and develop a multi-functional network of green and blue infrastructure to deliver benefits for all, including increased public access.***

The City Corporation welcomes parts of the statements made at 17.1 through 17.5, particularly the recognition of the importance of green and blue infrastructure. The City Corporation is however concerned that the Local Plan's strategic objective for the natural environment is surprisingly narrow and fails to recognise a range of ecosystem services beyond those associated with public access.

### **Biodiversity duty**

Of great concern to the City Corporation is that the Strategic Objective 11 does not mention biodiversity. This Strategic Objective 11, in our view, should signal very clearly the key duty of Local Authorities under the Natural Environment and Rural Communities Act 2006 (Section 40) to conserve biodiversity. At a time of an unprecedented biodiversity crisis the narrowness of this objective seems perverse, particularly with *biodiversity net gain* becoming the new target for public authorities, rather than simply trying to conserve an under-pressure and dwindling part of our natural world. Paragraph 17.1 states that there is an extensive "resource", including Epping Forest, and proposes "maximising the benefits", seemingly without any consideration of how these existing natural systems would be able to cope with an intensification of use and access.

Although Policy 86 addresses biodiversity issues, they are largely dealt with through the prism of development; as an adjunct to and secondary to development. For example, Policy 86.C refers to "enhancement where appropriate" and Policy 84.C.iii states that development should increase "biodiversity value". These are welcome statements but relate only to development and are made in isolation without a clear over-arching Objective.

We would contend, especially given the need to "buffer" the internationally important Forest, that biodiversity issues need to be integral to and uppermost in decision-making across the whole Borough (see below for further discussion of the duties of a "Competent Authority" under the Habitats Directive).

### **Tranquillity**

Tranquillity and semi-naturalness were the two highest rated features of Epping Forest from the Parish and community stakeholder groups whose opinions were sought for the Epping Forest Quality of Life report 2003 (Levett-Therival), and more recent visitor surveys. The "natural aspect" of the Forest, - a forerunner of today's 'natural beauty' descriptor for National Parks and areas of Outstanding Natural Beauty -, and its links to the surrounding ancient 'Purlieu' countryside that evolved with it, providing the commoner's outbye or lay-back support land are fundamental to the Forest's value to the people and to the Forest's future protection. Similarly, the retention of Dark Skies are also an important measure of the protection of the Forest. |The City Corporation looks forward to working with the Borough to continue to protect the whole Forest, and not just the SAC from windfall, small-scale, as well as large developments, that might erode these important elements.

### *Other Evidence Base documents relating to Strategic Objective 11*

It is disappointing to note that at the Regulation 18 stage of the Local Plan process key

documents such as the Open Space Strategy; Playing Pitch Strategy; Green and Blue Infrastructure Study and Green Belt Review are only 'in process'. It is hard to understand how these key strategic documents, involving complex issues, can be properly integrated into the Local Plan at a relatively late stage, with limited potential for public scrutiny of what will be the Regulation 19 submission. The City Corporation considers that it is significant that it has not been contacted by consultants working in relation to any of these key documents despite the City Corporation's ownership of a third of the green infrastructure in the Borough. At this point, therefore, we wish to make clear our readiness to work with the Borough on these issues.

### **Policy 84 – Green Infrastructure and the Natural Environment**

The European Commission describes Green infrastructure as a strategically planned network of natural and semi-natural areas with other environmental features designed and managed to deliver a wide range of ecosystem services such as water purification, air quality, space for recreation and climate mitigation and adaptation. This network of green (land) and blue (water) spaces can improve environmental conditions and therefore citizens' health and quality of life. It also supports a green economy, creates job opportunities and enhances biodiversity. The *Natura 2000* network constitutes the backbone of the EU green infrastructure.

[https://ec.europa.eu/environment/nature/ecosystems/strategy/index\\_en.htm](https://ec.europa.eu/environment/nature/ecosystems/strategy/index_en.htm)

For Green Infrastructure, taking up our points made above about the Strategic Objective 11's narrowness, the City Corporation would encourage a more progressive approach to green infrastructure stewardship focusing on a Restoration Prioritisation Framework that would guide CIL investment from development towards key Borough priorities, rather than funding local and possibly low-priority schemes.

### **Policy 86 – Biodiversity and Geodiversity**

#### **Competent Authority duty**

This policy needs to be explicit about the Borough's role as a 'Competent Authority' under the Habitats Regulations 2017 (Habitats Directive). It needs to set out that under the law, as Competent Authority, the Borough is responsible for ensuring that its Local Plan must not have an adverse effect on the integrity of Epping Forest SAC either alone or, importantly, in combination. In order to assess the impact of the Plan it is a requirement that the Plan is subject to a Habitats Regulations Assessment (HRA) and, if necessary, a more detailed Appropriate Assessment. An HRA needs to be carried out early in the Plan process. The significant effects on the Epping Forest SAC are likely to come from three impact pathways:

- a) disturbance from recreational pressure;
- b) intensification of existing urbanisation impacts; and
- c) atmospheric pollution from Nitrogen Oxides (NOx) and Ammonia (NH3), particularly from increased traffic and congestion. Therefore, we are concerned that the Evidence Base (Section 2, Table 2.1, of the LBWF Local Plan Appendices document) does not include reference to an HRA.



The Policy 86 (86.H) does not reflect these requirements. It does not emphasise the international importance of the Forest nor its irreplaceability. Moreover, it significantly confuses matters by presenting a mishmash of statutory and non-statutory designations and by mentioning some sites and not others. Significantly, and irrespective of Policy 87 (see comments below), this approach has the effect of diluting the “policy message” statutory protection afforded to the Forest. In doing so it does not address the strict and more stringent requirements of the Habitats Directive. It does not highlight the need for a SAC Mitigation Strategy to be agreed and in place prior to development permissions. As it stands, Policy 86 is significantly defective and, in our view, would not be legally compliant if it remains unchanged at Regulation 19.

The City Corporation would wish to work closely with the Borough and Natural England, as early as possible, to ensure that an HRA is conducted in a manner that will ensure that it addresses all the SAC issues. Crucial to this, and the protection of the Forest, is a EFSACMS which would be integral to the HRA (and possible AA). This must be developed ahead of the Regulation 19 Plan. At the moment an *interim* Mitigation Strategy has been discussed at a meeting in March 2019, but there remains no governance of the process to develop the Strategy and no obvious coordination with other Competent Authorities, including Epping Forest District Council and the neighbouring London Boroughs, despite correspondence from Natural England and the City Corporation.

The statement heading Policy 86. A-J (pages 176-177) could be interpreted as suggesting that Policy 86 is only concerned with proposals that directly affect biodiversity and geodiversity. As currently constituted Policy 86 could be interpreted to indicate that where there is no biodiversity impact associated with a development there would be no requirement to add features for biodiversity or maintain new exposures of geodiverse interest. LPAs are guided by the NPPF when developing planning applications to encourage opportunities. At section 175.d NPPF states ‘.. *to incorporate biodiversity improvements in and around development ..., especially where this can secure measurable gains for biodiversity*’. The Policy could more positively state that it is seeking to expand and improve biodiversity and geodiversity resources in the Borough.

The City Corporation supports Policy 86.B regarding biodiversity site surveys but would challenge the Borough that while the term ‘major development’ is not defined in the Glossary, smaller-scale developments could equally have an adverse impact on biodiversity and geodiversity. The City Corporation would challenge the Borough to broaden the development range under which biodiversity survey is a requirement.

### **Policy 87 – The Lee Valley Regional Park and Epping Forest**

The City Corporation welcomes the recognition given in the draft Local Plan to both Epping Forest and the Lee Valley Regional Park as major assets for the Borough. However, given the relative size of Epping Forest’s contribution, and its alphabetical sequencing, it is surprising that Epping Forest is mentioned after, rather than before, the Regional Park.

A separate Policy for Epping Forest as a whole, not just the SAC parts, is welcome as the Forest should be considered holistically. However, as discussed in detail above Policy 87 needs to be explicit about the protection afforded to the SAC. The Mitigation Strategy should be clearly stated as a sub-Policy within this Policy 87. Furthermore, we would wish to see this Policy not just framed in terms of references to development but also see a statement about partnership working between the Borough and The City Corporation to buffer and enhance the Forest environment and integrate green infrastructure elsewhere in the Borough with the Forest's open space. This latter issue of integration would consider the use of native tree species close to the Forest for example and even the use of Forest tree seeds in providing new trees in remaining green infrastructure areas.

### **Green corridors and SANGs**

#### *The Green Arc*

As an Outer London Borough, Waltham Forest has a particular role to play in developing links through Green Corridors to Green Arc. Green Arc is designed to be a larger, accessible protected area in which the Forest would be embedded, and the Borough clearly linked through the Lee Valley and Roding corridor. Green Arc also points the way to the importance of Suitable accessible Greenspaces and corridors (SANGs or SANGSC) which will be the key change required in the Local Plan if it is to provision enough new open space in the face of the step change which is being proposed in the number of housing units and residents. These new residents will require both built and natural green infrastructure if the quality of life is to be maintained or improved and if the wildlife and wilderness or semi-natural values of nature conservation sites are to be sustained for the long-term.

The Green Arc is referenced in *The London Plan* and we would expect its vision to be set out in this Local Plan. Such an explicit and integrated approach to the Borough's Green Infrastructure is fully in accord with the London Plan's current wording about the protection of links between the Lee Valley and Epping Forest. Also, such a proactive and clear approach to green infrastructure would allow developers to respond positively. It would also allow better planning for the embedding of sustainable transport links (e.g. cycling routes, safe routes to schools, quiet ways) and other constructed infrastructure within the green infrastructure in a way that complements, or at least fits in, rather than erodes or disrupts the most valuable environmental assets.

### **Policy 87 B. & C**

The clarity indicated in Policies 86.I and 88.A regarding no adverse impacts on geodiversity or the water environment sets an appropriate standard which would be welcomed for the Lee Valley and Epping Forest content.

### **Policy 87.D – Development Impacts**

The text within Policy 87.D needs to be altered to reflect the Boroughs role as a 'Competent authority' under the Habitats Directive. Similarly, the text at 17.22 (page 180) needs to be reflected as part of the Policy process, with specific policy points made regarding

Competent Authority status; Appropriate Assessment; Mitigation Strategy; Mitigation Tariffs to manage recreational impacts; SANG creation and declining air quality.

## **Vision Statement (page 12)**

### **Epping Forest's Vision**

The Borough's Vision Statement for the Local Plan 'Waltham Forest as a place of leisure'(page 12) references the role of the City Corporation. A positive way of cementing the links between the Borough and the City Corporation would be the outlining of the Vision for Epping Forest. **We would request that this is included and set out in full in the future drafts of the Local Plan (at Reg 19 and beyond).** We consider that It is most important that this Vision is reflected in the Local Plan Vision, given that it came out of joint working with the Borough and other authorities, in developing a vision for the Forest (*Quality of Life Report 2003 – Levett-Therivel*).

### **OUR VISION**

A world-class green space that benefits our local community and enhances our environment.

### **OUR MISSION**

To conserve and protect Epping Forest as London's largest biodiverse green space for the health, recreation and enjoyment of the public.

### **OUR STRATEGIC PRIORITIES**

#### **1. A welcoming destination for all**

We will ensure that Epping Forest remains a high-quality destination for the 4.4 million visitors who benefit annually from the Forest and its environs. We will encourage the widest range of visitors by increasing accessibility where practicable and with arrival points that provide welcoming infrastructure, whilst preserving the wildness of the Forest. Through positive engagement with the wider community we will build practical support and advocacy for the Forest and will be proactive in our responses to anti-social and illegal behaviours to maintain a safe and clean space for visitors.

#### **2. A beautiful Forest, sustaining internationally and nationally important wildlife habitats in a wood-pasture mosaic**

We will continue our evidence-based conservation management to sustain the wildlife and natural processes within the Forest's internationally important wood-pasture and parkland habitats and its surrounding ancient countryside. We will work with others to better understand and mitigate new threats and challenges to its ecological health. We will aim to increase the Forest's resilience to recreational pressures and to minimise urbanisation impacts whilst encouraging the exploration of nature by our visitors.

#### **3. An inspiring space for peoples' health, recreation and enjoyment**

We will promote the Forest's strategic role in making London an exciting and healthier place to work and live. With improved connectivity to London through sustainable travel, we will promote the Forest as a wonderful place for exploring (with cared-for trails, promoted routes

***RESPONSE of THE CITY of LONDON CORPORATION as THE CONSERVATORS of EPPING FOREST to the LONDON BOROUGH of WALTHAM FOREST DRAFT LOCAL PLAN 2012- 2035 (REGULATION 18) PUBLIC -CONSULTATION – 30 September 2019***

and mapping), a destination for recreation and diverse leisure pursuits, and a location for formal sports facilities. In promoting the Forest, we will respect the balance of needs of all visitors and those of the natural environment.

#### **4. A series of heritage landscapes which are protected and celebrated**

We will work with our stakeholders, partners and communities to promote public knowledge and understanding of the Forest's natural heritage, and the environmental management required to maintain the Forest and its status as a celebrated, unique and internationally significant conservation and heritage landscape. And we will work to protect and interpret the Forest's built heritage, monuments, gardens and archaeology, recognising and promoting the Forest as a protected and conserved area and buffer land that is resistant to building encroachment.

#### **5. A resilient environment, where challenges are embraced, and opportunities explored**

We will commit to a programme of continuous improvement, which is informed by robust planning, consultation and evaluation, and which is adequately financed and resourced. In doing so, we will continue to preserve an environment where visitors feel positive about 'giving back' by responding to opportunities to volunteer and contribute to the Forest's success. Compliance with applicable standards and legislation across all areas of operation will be underpinned by our positive relationships with stakeholders, partners, funders, emergency services and local authorities, which will help to inform and support our strategic priorities and actions.

### **18. Ensuring Climate Change Resilience**

**Strategic Objective** – *Waltham Forest builds its resilience through addressing sustainability, efficient waste management and the effects of climate change through all stages in the development process'.*

The City Corporation welcomes the Borough's commitment to minimise any further impact on the natural environment by climate change.

Please see the City Corporation's comments on a Housing specific energy conservation policy at section 10, and air pollution at section 15.

#### **Policy 96 – Managing Flood Risk**

Epping Forest already provides three Flood Storage Schemes as part of its wider ecosystem services approach. The City Corporation would welcome a Policy amendment that provided for catchment management systems that maximise the opportunities to manage surface run-off to augment water bodies within the Forest which are being depleted of water as gravel groundwater levels continue to fall during periods of prolonged global heating. A good example would be flooding caused on the Whipps Cross Hospital campus caused directly by flow from Hollow Ponds in time of spate. Pumping and attenuation infrastructure could help manage sustainable water supplies to water bodies that are increasingly compromised by low summer rainfall.

**RESPONSE of THE CITY of LONDON CORPORATION as THE CONSERVATORS of EPPING FOREST to the LONDON BOROUGH of WALTHAM FOREST DRAFT LOCAL PLAN 2012- 2035 (REGULATION 18) PUBLIC -CONSULTATION – 30 September 2019**

Policy 99 should also reference the flood risk associated with Large Raised Reservoir potential dam failures on Forest Land at Connaught Water and Highams Park.

## **19. Promoting Sustainable Waste Management**

**Strategic Objective** – *Waltham Forest builds its resilience through addressing sustainability, efficient waste management and the effects of climate change through all stages in the development process’.*

### **Policy 99 – Waste Management**

To offer continuity through the development process the City Corporation believes that the Borough should develop a growth profile is prepared through a staged process, that calculates the arisings per head by dividing annual arisings by population or household data to establish short- and long-term average annual growth rates per household and factors in a range of different scenarios, e.g. constant rate of growth, progressively lowering growth rates due to waste minimisation initiatives. The final forecast can then be modelled with scenarios based on the long- and short-term rate of growth per household, together with household forecasts.

## **20. Delivering the Plan**

It is again disappointing the City Corporation is not listed at 20.5 (page 204) as a potential partner in the Borough’s place-shaping role.

The text at 20.11-20.19 for Planning obligations and Community Infrastructure Levy (CIL) will also need to reflect the Epping Forest SAC Mitigation Strategy funding tariff regime associated with managing recreational impacts; SANGS and SANGSC provision and air quality management. Similarly, Policy 100 will need to be amended to reflect the SAC mitigation tariff, ideally as a third adjunct beyond Policy 100.G-I - Planning Obligations and 100.J-K – Community Infrastructure Levy.

The City Corporation would also welcome a clearer process on how the substantial areas of Greenspace provided within the Borough by the City Corporation and Lee Valley Regional Park could seek and be awarded CIL proceeds.

The Borough’s attention is drawn to Government Guidance regarding CIL which states ‘The Conservation of Habitats and Species Regulations 2017, as amended, require local authorities to avoid or mitigate the impact of increased human activity on certain habitats and species in protected areas, namely Special Areas of Conservation and Special Protection Areas.

LPAs are responsible for securing adequate mitigation for protected site impacts. Such measures are taken into account via an appropriate assessment when considering impacts on the protected site(s). They may choose to use their levy income to provide new or

improved areas of open space (such as Suitable Alternative Natural Greenspace (SANGS) or similar approaches) which provide recreation space to deflect visitors, as part of a suite of measures to reduce the impacts on protected sites arising from development. Suitable Alternative Natural Greenspace are open space and are within the levy definition of infrastructure.

If delivering Suitable Alternative Natural Greenspace, local authorities must put in place a system which ensures that mitigation is delivered at a time and place when it will be effective. To ensure compliance with the Conservation of Habitats and Species Regulations 2017, the local authority must be clear that it intends to prioritise the use of the levy to deliver Suitable Alternative Natural Greenspace and maintain its effectiveness in the long term. Where it is appropriate to do so, this should be set out in the relevant plan (the Development Plan and the London Plan in London) and could also be included in the infrastructure funding statement.

The guidance also indicates that CIL proceeds can also be passed to third parties such as the City Corporation for investment to relevant infrastructure improvements. Guidance also states that funding can be directed outside the immediate area to support investment in SANGs where suitable areas are not available within the LPA area. 'Charging authorities may pass money to bodies outside their area to deliver infrastructure that will benefit the development of the area. For example, these bodies may include the Environment Agency for flood defence or, in 2-tier areas, the county council, for education infrastructure ([regulation 59\(4\)](#)).

If they wish, a number of charging authorities may pool funds from their respective levies to support the delivery of infrastructure that benefits the wider area, for example, a larger transport project where they are satisfied that this would also support the development of their own area. See '[Can groups of charging authorities pool a proportion of their Community Infrastructure Levies?](#)' This could include, for instance, funds to support the delivery of [Suitable Alternative Natural Greenspace](#). Authorities are strongly encouraged to consider growth planning priorities for their area at Local Enterprise Partnership or equivalent broad area level in determining levy spending priorities'.

## **Conclusion**

In conclusion, the City Corporation welcomes the ambition and objectives of the Borough's Local Plan and encourages the Borough to give further serious consideration to the impact of the Plan's proposals on the statutorily protected areas of Epping Forest.

The City Corporation seeks the opportunity to work with both the Borough and Natural England to ensure that the Regulation 19 version of the Local Plan guarantees that an enhanced Epping Forest remains a valuable asset to the Epping Forest Trust, the Borough and the nation, but most of all to Londoners who make 4.2 million visits each year.

-----oo00oo-----

**Signed**

**Mr Graeme Doshi-Smith**  
**Chairman of The Conservators of Epping Forest**  
30<sup>th</sup> September 2019

For correspondence please contact:

[Jeremy.dagley@cityoflondon.go.uk](mailto:Jeremy.dagley@cityoflondon.go.uk)

Tel: 020 8532 1010