

Committee(s):	Date(s):
Epping Forest & Commons	12 03 2018
Subject: Epping Forest District Council Local Plan – Regulation 19 Consultation update (SEF 19/18)	Public
Report of: Director of Open Spaces & Heritage	For information
Report Author: Jeremy Dagley – Head of Conservation, Epping Forest	

Summary

This report provides an update on The Conservators' response to the Epping Forest District Council ('the Council') Regulation 19 Submission Local Plan. The Council has confirmed that it will be submitting its Plan to the Planning Inspectorate by its 31st March deadline. Discussions are underway in relation to mitigating adverse impacts as part of a mitigation strategy as required under the Memorandum of Understanding (MoU) for the protection of the Epping Forest Special Area of Conservation (SAC), to which The Conservators' are co-signatories. The proposed mitigation measures and any proposed Statement of Common Ground with the Council would be brought before your Committee later this year for approval.

Recommendation(s)

Members are asked to:

- note the response on behalf of The Conservators' to the Plan in **Appendix 1**;
- note that Epping Forest District Council is seeking a Statement of Common Ground with The Conservators prior to the Plan's Examination-in-Public; and
- note the consequent range of mitigation issues (**Appendix 2**) that are under consideration, a final prioritised list of which will be brought before Committee for approval at the earliest opportunity.

Background

1. Epping Forest District Council, whose boundary includes 64% of Epping Forest, published its Local Plan, under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012), in mid-December 2017. It sought representations from the public and other bodies over a 6-week period that concluded on 29 January 2018.
2. It was not possible, therefore, to provide a response for approval by Grand Committee before this deadline. Therefore, following an update by The

Superintendent of Epping Forest at January's Committee meeting, a response was made by the Town Clerk under delegated authority, in consultation with the Chairman and Deputy Chairman.

3. The Local Plan addresses the next phase of the District's development for the 15 years to 2033, including the allocation of 11,400 new homes, of which nearly 4,378 units are currently allocated within 3km of the Forest's boundaries and the majority, over 6,000, are within 5km. This proposed significant increase in development and its associated infrastructure, presents a considerable threat to the Forest and this is reflected in the response that was made under delegated authority. This response concludes that the Local Plan is '**unsound**' because it is not consistent with national legislation, including The Conservation of Habitats & Species Regulations 2017 (The Habitats Regulations) and is not considered 'justified' or 'sustainable'. The full response is attached at **Appendix 1**.

Update

4. Your officers met on 21st February with the District Council, other local authorities and Natural England to discuss the issues raised in our response and similar concerns on the soundness of the Plan raised by Natural England.
5. The District Council informed us that it intends to submit its Plan to the Planning Inspectorate by 31st March 2018. It further accepted that changes to the Plan, in response to our and Natural England's concerns, could not be made before this submission deadline. Therefore, it conceded that there would have to be modifications to the Plan and that it would seek these through separate Statements of Common Ground with Natural England and The Conservators. It would present any Statements of Common Ground, should they be agreed, to the Inspector alongside the Plan before the Examination-in-Public which is expected in autumn 2018.
6. In addition to seeking these Statements of Common Ground, the Council also wishes to make progress with a Mitigation Strategy for the Epping Forest Special Area of Conservation (SAC), which it is required to prepare as the 'Competent Authority' (as defined by The Habitats Regulations) for the SAC in respect of its Plan. The preparation of a mitigation strategy is also an agreed action under the Memorandum of Understanding (MoU) for the protection of Epping Forest to which The Conservators are co-signatories. The current scope of **impacts**, in relation to the SAC, that are under consideration for mitigation are listed under **Appendix 2** of this report.
7. The proposed mitigation **measures** to respond to these and any other impacts, identified during the course of the forthcoming discussions, will be presented to your Committee for consideration and approval at the earliest opportunity. If approved these mitigation measures could form part of a Statement of Common Ground with Epping Forest District Council, which would also be brought to your Committee for approval subsequently.

Conclusions

8. The Conservators and Natural England both consider that the Epping Forest Submission Local Plan is 'unsound' because of its likely adverse impacts on Epping Forest Special Area of Conservation (SAC) and the Forest more broadly. As a result, there is a requirement for the Council, in agreement with other parties to the MoU, to consider mitigation measures which would form an effective and measurable mitigation strategy. In addition, as the Council is unable to make further modifications to its Plan prior to submission on 31st March, it is seeking to reach a Statement of Common Ground with The Conservators before the Examination-in-Public.

Appendices

- **Appendix 1:** Response of The Conservators of Epping Forest on the Epping Forest District Council; Regulation 19 Submission Local Plan
- **Appendix 2:** List of mitigation impacts under consideration as part of the Mitigation Strategy for Epping Forest Special Area of Conservation (SAC).

Jeremy Dagley

Head of Conservation

T: 020 8532 5313

E: jeremy.dagley@cityoflondon.gov.uk