



Epping Forest & Commons Committee- Supplementary Agenda

Date: MONDAY, 8 MARCH 2021
Time: 11.00 am
Venue: VIRTUAL PUBLIC MEETING (ACCESSIBLE REMOTELY)

16. **EPHING FOREST DISTRICT LOCAL PLAN: SAC MITIGATION PROGRESS (SEF 14/21)**

For Decision
(Pages 1 - 32)

Item received too late for circulation in conjunction with the Agenda.

John Barradell
Town Clerk and Chief Executive

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Committee(s): Epping Forest & Commons Committee – For Decision	Dated: 08032021
Subject: Epping Forest District Council SAC Mitigation progress (SEF 14/21)	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	11, 12
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	Local Risk
Has this Funding Source been agreed with the Chamberlain’s Department?	Y
Report of: Colin Buttery, Director of Open Spaces	For Decision
Report author: Jeremy Dagley, Head of Conservation, Epping Forest, Open Spaces	

Summary

This report sets out the current situation with regards to the Epping Forest District Council’s (the Council) Local Plan and proposed SAC mitigation measures, both in relation to its Green & Blue Infrastructure Strategy, and SANGS, and in relation to air pollution. In relation to the latter proposals on mitigating air pollution impacts, the Council has proposed an Air Pollution Mitigation Strategy and will soon invite your officers to become members of an APMS Stakeholder Working Group. The APMS also includes a specific measure in relation to the *Next* plc proposed distribution centre development to which this report proposes an objection is retained.

Recommendation(s)

Members are asked to:

- delegate authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman, to complete a response to the proposed Green & Blue Infrastructure Strategy amendments discussed with Council officers, reiterating the concerns on SANGS capacity and quality and on SAMMS contributions from masterplan sites;
- approve the ‘in principle’ acceptance of any invitation by Epping Forest District Council for membership of the APMS Stakeholder Working Group, with the provisos listed in this report;
- instruct the Comptroller & City Solicitor to review the terms of reference, and other membership rules, in relation to the APMS Stakeholder Working Group and to make recommendations in a further report to your Committee for decision;
- approve the reiteration of objections, by your officers, to the *Next* plc development in line with the proposals set out in this report.

Main Report

Background

1. Epping Forest District Council (the Council), whose boundary includes 64% of Epping Forest, is in the process of completing the main modifications to its Local Plan submission version (LPSV), following its examination-in-public in 2019.
2. The key parts of the main modifications, required by the Planning Inspector, have been addressing the incomplete data in the Local Plan's Habitats Regulations Assessment (HRA) in relation to air pollution and providing a Suitable Alternative Natural Green Spaces Strategy (SANGS Strategy), in order to prevent adverse impacts on the Epping Forest Special Area of Conservation (SAC).
3. A Green & Blue Infrastructure (G&BI) Strategy was produced by the Council in June 2020, incorporating an approach to SANGS. The Chairman made a response to this (see **Appendix 1**), approved by your Committee, on 6th July (see *Background Papers* below - Report SEF18/20) pointing out ongoing concerns with the lack of detail of SANGS and the lack of certainty with their capacity and as effective alternative greenspaces to the Forest.
4. In relation to air pollution impacts on the Forest, there have been a series of iterations of the HRA analysis of traffic and air quality models and a number of meetings between Council officers, their consultants, Natural England and your officers. Following Natural England's agreement with the Council on the final elements of the Air Pollution Mitigation Strategy (APMS) in November last year, the Council published it on 7th January as a decision of the Planning & Sustainability Portfolio holder (see link in **Background Papers** below). This decision was subsequently confirmed, with amendments, at a meeting of the full Council on 8th February 2021.
5. One of the additional elements of the APMS introduced late into the proposals and which had not been discussed with your officers, is the proposal for a right-hand-turn ban at Forest Side, Honey Lane Quarters (see Map at **Appendix 3**). This traffic control element is required by Highways England if a proposed development of a distribution centre for Next plc is to be approved. The site for the distribution centre is allocated in the LPSV and had originally been objected to by your officers at the Local Plan examination-in-public.
6. However, a planning application of reduced scale (Phase 1 only) was submitted by Next plc in November 2020 and your officers maintained the objections (see **Appendix 2** for letter of objection) because of the development's likely impacts on traffic levels through the Forest, on the openness of the Green Belt and on the lack of consultation on the newly-proposed right-hand-turn ban.

Current Position

7. Following the Chairman's letter of 6th July and further discussions with Natural England (NE), the Council and its consultants have developed some modified proposals for the G&BI Strategy. Although not yet in finalised form for publication, the Council has discussed some outline proposals with your officers and NE and

as recently as 5th March 2020 set these out in some more detail. The main changes proposed relate to the function of the SANGS provided on the five masterplan sites at Harlow Water Lane Garden Town (2,100 homes), Latton Priory Garden Town (1,050), North Weald Bassett (1,050), Epping South (450) and Waltham Abbey North (740). These were originally declared as “strategic SANGS” providing the impression that they could serve a wider area than the immediate masterplan site. It has been indicated that this would be revised in the light of the concerns expressed in the Chairman’s letter.

8. This would be an important concession to our concerns but there remain doubts over the function of Latton Priory’s SANGS as the proposals in the G&BI Strategy suggest at the moment that some of the capacity may be available to other sites. The capacity should be designed as a bespoke solution to the master-planned site, particularly because greenspaces associated closely with major developments are significantly less likely to attract visitors from outside those developments.
9. Furthermore, it remains unclear at this stage whether the master-planned sites will also be contributing to the on-site Strategic Access Management & Monitoring Measures (SAMMS) mitigation for the Forest. For other international site strategic solutions, large development sites deliver both SANGS and SAMMS mitigation to ensure that mitigation is certain and effective. Without SAMMS contributions from such large developments, there would need to be clarity that the level and quality of the SANGS would provide complete mitigation for the additional recreational pressure on the Forest.
10. This represents a high bar and the lack of detail on the design of the SANGS for the master-plan areas, thus far, does not provide sufficient confidence that the mitigation provided will be adequate. Water Lane and Epping South are of particular concern in this regard.
11. In addition to the masterplan sites, it has been indicated that the G&BI Strategy would begin to recognise our previously expressed concerns about the need for other alternative greenspaces to be provided for the other homes outside the master-planned sites. However, in the recent discussions with Council officers, no new SANGS have been identified for the non-masterplan housing. Instead, two existing sites seem likely to be put forward as so-called “infrastructure projects”, the capacity of which for visitors would be enhanced by various measures to make the sites more attractive and better sign-posted destinations. The scale of mitigation of these two sites is not yet clear and there would be likely to be constraints at each.
12. Overall, the discussions, thus far, do not, in your officers’ opinions, provide enough certainty about the list of infrastructure projects or additional SANGS for the non-masterplan sites. Furthermore, as currently drafted the Local Plan Policy DM2 does not clearly set out that such alternatives will be secured before the development and the process by which such infrastructure projects will be identified for each development, or cluster of housing developments, is not set out as yet.

13. The APMS approved by the Council on 8th February contains detailed appendices with proposed actions and spending commitments, including some spending (£40,000) on Forest Land (see *Background papers for Air Pollution Mitigation Strategy*: see paragraph 5.45 of the APMS and the APMS's appendix 4 on page 37(Document EB154)).
14. The foundation of the proposed mitigation in the APMS is in two parts: an increase in electric vehicles using Forest roads and a Clean Air Zone (CAZ) introduced from year 2025. The CAZ would involve vehicle charging for use of roads passing through the Forest, although the Council has yet to decide on the type of CAZ and the vehicles to be charged. The APMS proposes a "Stakeholder Working Group" onto which your officers and those of Natural England would be invited to take forward the development of the CAZ" (see *Background papers for Air Pollution Mitigation Strategy*: appendix 2 on page 33 of the APMS (Document EB154)). This suggests that officers are expected to advise on the way in which the CAZ might operate to protect the Epping Forest SAC.
15. At the Council's 8th February meeting, a Portfolio Advisory Group (PAG) of Epping Forest District councillors has also been set up and its membership of district councillors is currently being decided. The Council has undertaken to consider how your Committee might be able to feed its concerns and views into this PAG, and the role of the Members' Duty-to-Cooperate Board meetings in relation to this.
16. In relation to the right-hand-turn ban, the Council has responded to the objections made in your officers' response on 7th December (**Appendix 2**). As a result, an updated HRA was provided with further traffic modelling to examine the impacts on air quality along Forest Side and the other roads in and around the High Beech area. The HRA concludes that impacts of the right-hand-turn ban on air quality in the Forest would be largely neutral. This provides an answer to some concerns but the HRA did not analyse the impact on the Wake Road, only on the A104. The Wake Road bisects the heathland of Sunshine Plain a key habitat of the SAC designation. In addition, the impact on the Forest car park at Honey Lane and on rat-running and potential erosion damage to verges along the minor roads on the western flank of the Forest are not fully addressed.

Proposals

17. In relation to the G&BI Strategy it is recognised that the discussions with NE and your officers were preliminary, non-public and were not set against any published or approved new draft G&BI Strategy. However, further observations from The Conservators have been requested by Council officers. Therefore, it is proposed that the Town Clerk be given delegated authority to respond with the concerns outlined above and to reiterate the compliance problem with the lack of clarity on the capacity, quality and process of establishing SANGS for all developments, particularly non-masterplan developments.
18. Furthermore, the precision of the wording of the related Policy DM2 remains a point of difference with the Council and it is proposed that this would be raised in detail in the letter to reiterate the concerns expressed at examination-in-public,

and since then, by your officers. The letter would also recognise the recent positive discussions with councillors in relation to their intentions towards the *Green Arc* project and the enhancement of the overall green connections across the District. In that regard it is proposed that the role of Buffer Lands is raised for more detailed consideration in the development and refinement of the G&BI Strategy's "infrastructure projects". The Council has indicated that it would wish to receive any further comments from the City Corporation, as Epping Forest Conservators, by Friday 12th March 2021.

19. Given the complex issues to be monitored during the implementation of the APMS, and the need to ensure that the proposed mitigation, including alternatives to the CAZ, is fully explored and carefully implemented, it is proposed that your officers should accept any invitation to become a member of the APMS Stakeholder Working Group in principle. However, it is proposed that this would be with three key provisos:

- that Natural England accepts membership and is able to actively participate in the Stakeholder Working Group;
- that the Local Plan Policies DM2, DM22 and D8 are worded with sufficient precision, to your officers' satisfaction, to ensure that triggers and brakes on development are enforceable and that the mitigation measures can be secured before any related development;
- that the Terms of Reference of membership of the Group are acceptable, with advice from the Comptroller & City Solicitor and approved by your Committee.

20. In terms of the *Next* plc development (see **Appendices 2 and 3**), it is proposed that the objection to the development is retained and reiterated in a follow-up response to the Council by your officers this month. Although the air quality issues have been addressed to some extent, in relation to the impact of the right-hand-turn ban, the other impacts of that ban and the wider issues, including the impacts on the Green Belt and the traffic congestion likely to be caused by the development remain.

Options

21. Option 1: no further responses are made in relation to the G&BI Strategy, Local Plan policies, the APMS or the air quality issues of *Next* plc development. Although officer time would be saved, the further opportunity to influence and improve the Local Plan and its impacts on the Forest would be missed and reliance for any improvements would rest with Natural England only. **This option is not recommended.**

22. Option 2: no further responses are made at this point for the G&BI Strategy and responses are reserved for full the Planning Inspector's Main Modifications consultation later this year, including any further reference to the Buffer Lands. Responses, however, are made to the APMS and *Next* plc air quality issues. Such an option would not provide further opportunity to influence the major adverse impact of recreational pressure. **This option is not recommended.**

23. Option 3: Further responses are made on all points as proposed: to the G&BI Strategy, including the proposed reference to the Buffer Lands and “infrastructure projects”; to the APMS reserving our position in relation to Stakeholder Group membership; to the accompanying Local Plan policies influencing both air pollution and recreational pressure; and to the *Next* plc development. This approach would continue, and further open up, the dialogue with the Council, both councillors and officers, and may secure the required changes to the Local Plan prior to the Main Modifications (MM) consultation. This is likely to maximise influence on the Local Plan mitigation outcomes and engagement thereafter. **This option is recommended.**

Key Data

24. The EFDC Local Plan is close to Main Modifications (MM) consultation stage. The target number of homes remains the same as at the Local Plan examination, with 11,400 residential units proposed for completion by 2033. However, within this total, there are now fewer planned for Epping South and Loughton, as it stands, prior to the MM consultation. There are 5 new master plan housing sites in or around the perimeter of the 6.2km recreational Zone of Influence for the SAC. These are proposed to provide 5,390 new homes by 2035.
25. Under the Council’s Air Pollution Mitigation Strategy, a Clean Air Zone is proposed for introduction by 2025. By that date, the other mitigation measure, for the air quality in the SAC, is for 5% of vehicles passing along Forest roads to be electric (ULEVs).

Corporate & Strategic Implications

26. The engagement by officers in responding to the EFDC Local Plan, and its SAC mitigation proposals, aims to uphold the target Outcomes 11 and 12 of the Corporate Plan. Outcome 11 states that: *“We will have clean air, land and water and a thriving and sustainable natural environment”*. Outcome 12 states that: *“Our spaces are secure, resilient and well-maintained. Build resilience to natural and man-made threats by strengthening, protecting and adapting our infrastructure, directly and by influencing others”*.

Financial implications

27. None at present. The financial implications of SAMMS were subject to a separate report to your Committee in November 2020 (see *Background Papers - Report SEF27/20*) and remain subject to discussion by the local authorities around the SAC, including the London Boroughs of Waltham Forest, Enfield, Newham, Hackney and Redbridge as well as Epping Forest District Council. The outcomes of these local authority discussions would be reported to your Committee in future and any decisions on SAMMS funding and management would be subject to your Committee’s separate approval.

Resource implications

28. Significant staff resources continue to be required throughout both this and the next financial year to respond to and negotiate with the Council, its consultants

and to liaise with Natural England on air quality and recreational impacts on the Forest. However, this is to influence policy extending to 2033 and well beyond.

Legal implications

29. None at this stage for the options recommended above. Any involvement in the APMS Stakeholder Working Group, and its terms of membership and other terms of reference, would need to be agreed with the Comptroller & City Solicitor, and approved by your Committee, prior to officers taking an active role in the Group.

Risk implications

30. Any involvement on the Stakeholder Working Group for the Council's APMS carries a potential reputational risk for the City Corporation as Conservators of Epping Forest. A final decision would be requested from your Committee on this, under a separate report, after the terms of membership are confirmed.

Equalities implications

31. None.

Climate implications

32. The responses to the Council's Local Plan policies that are proposed in this report have no direct climate implications.

Security implications

33. None.

Charity Implications

34. Epping Forest is a registered charity (number 232990). Charity Law obliges Members to ensure that the decisions they take in relation to the Charity must be taken in the best interests of the Charity.

Epping Forest Consultative Committee

35. The Consultative Committee has not been consulted on this report due to the timings in relation to the G&BI Strategy discussions, the Council's 8th February decision to approve the Air Pollution Mitigation Strategy and ongoing discussions with the Council in relation to *Next* plc and an updated project-level HRA.

Conclusion

36. The discussions on the Green & Blue Infrastructure Strategy have shown some progress towards better mitigation solutions in terms of alternative greenspaces. However, more remains to be done to secure full recreational mitigation and the newly proposed infrastructure projects require further scrutiny. A further response, therefore, is proposed now to seek to make changes before the Inspector's Main Modifications consultation.

37. In relation to air pollution, the Council's Air Pollution Mitigation Strategy (APMS) provides the mechanisms for effective mitigation provided the Local Plan policies are tightened up in terms of the precision of their wording. However, within the APMS, the Clean Air Zone leaves much detail to be sorted out. Alternatives to this form of mitigation need to be further explored. Your officers' roles in helping to influence and monitor the implementation of the mitigation through a proposed APMS Stakeholder Working Group may be effective, but only provided that the

Local Plan policies offer enforceable brakes on development and provided that the terms of membership for the Group are deemed acceptable by the City Solicitor and through further approval by your Committee.

Appendices

Appendix 1: Chairman's letter of 6th July 2020 in response to 1st draft EFDC G&BI Strategy

Appendix 2: Letter of objection 7th December 2020 to *Next* plc planning application

Appendix 3: Map of areas affected by proposed right-hand-turn-ban

Background Papers

- Epping Forest District Council Document EB154 - Epping Forest Air Pollution Mitigation Strategy (71 pages, with 4 appendices)
<https://www.efdclocalplan.org/wp-content/uploads/2021/01/EB154-Adoption-of-the-Interim-Air-Pollution-Mit-Strategy-v2.pdf>
- Report to Committee 6th July 2020: *Local Plans Update: Green Infrastructure Strategy consultation* (SEF 18/20)
- Report to Committee 16th November 2020: EF SAC Mitigation for Local Plans: on-site SAMM proposals (SEF 27/20)

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Chairman, Epping Forest and Commons Committee

Graeme Smith



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Date 8 July 2020

Dear Councillors Philip and Bedford

RESPONSE to the EPPING FOREST DISTRICT COUNCIL GREEN & BLUE INFRASTRUCTURE STRATEGY CONSULTATION – JUNE/JULY 2020

1. We are grateful for a second opportunity to respond to your Council's proposed Green & Blue Infrastructure Strategy (hereinafter referred to as the G&BIS), following our response to you of 2nd March.
2. As we stated in our 2nd March response and in previous correspondence, the implementation and funding of Suitable Alternative Natural Greenspaces (SANGS) are critical to the future protection of Epping Forest Special Area of Conservation (EFSAC). Although our comments cover all chapters and the range of proposals and ambitions contained in this G&BIS document, our overriding concern is with the likely effectiveness of the SANGS Strategy contained therein. Therefore, our comments on the SANGS element of the document form the first and major part of our response and strongly influence our overall conclusions.

Our key concerns are:

3. The G&BIS only sets out a requirement for SANGS associated with the masterplanned developments and there is not enough clarity to provide confidence that the mitigation is fit for purpose for these developments on their own;
4. More widely, there is no SANGS provision for housing away from the masterplanned developments. A clear, comprehensive strategy that provides effective mitigation for the quantum of housing growth is necessary. A wider range of infrastructure, away from the masterplanned developments, is required and needs to be clearly secured;

5. Mitigation measures should be effective, reliable, timely, guaranteed to be delivered and as long-term as they need to be to achieve their objectives. The strategy as drafted does not provide the fundamental information necessary to demonstrate that the Council is able to comply with the Habitats Regulations and would be able to rule out adverse effects on integrity as a result of the housing growth proposed in their plan;
6. There is no clear timetable or governance for delivering SAC mitigation, including SANGS.
7. We suggest that the SANGs component should be a separate strategy, ensuring that the measures that are necessary as mitigation are clearly set out for developers and others. These measures need to be separated from more aspirational elements within the G&BIS so that there is no doubt as to how SANGs will be provided, how they will function and how the legal obligations are fulfilled. Such an approach would provide a much better opportunity for SANGs delivery to be joined-up with neighbouring authorities to provide certainty that the in-combination effects of growth on recreation use of Epping Forest SAC are addressed.

General Context

8. As before in our previous response, the City Corporation particularly welcomes this example of closer cooperation on such an important document, which will form an integral part of the new 15-year Local Plan. We are pleased that our comments of 2nd March were helpful to the process of developing the G&BIS.
9. The G&BIS contains a broad range of positive messages about green space and we congratulate the Council on seeking to take such an ambitious and holistic approach. This approach could help fulfil the ideas of a Green Arc across the District, which is something we and your Council have been supporting over many years.
10. We welcome the fact that SANGS form part of the overall G&BIS package as stated clearly in paragraph (para) 1.20. Earlier, in para 1.3, we consider that this point, that SANGS should not be considered in isolation, needs to be similarly emphasised. However, having made that point, it is vital that SANGs do not become obscured by the provision of “multi-functional” green spaces (the integration discussed at para 1.25) as SANGS have a very specific, measurable function within GI. SANGS must be a ‘ring-fenced’ and clearly identifiable element of this holistic approach, the effectiveness of which, in avoiding adverse impacts on the EFSAC, can be clearly monitored and measured by the competent authority.

11. The provision of the appropriate quantity and quality of SANGS must be the early priority of the G&BIS. We welcome the Council's acceptance of the quantum of SANGS required of 8ha per 1000 residents (para 1.6, Appendix 3) but for a SANGS network to be effective in providing an alternative attraction, to that provided by Epping Forest, there will need to be large, additional semi-natural open spaces (>30ha) amongst any network.

A SANGS Strategy

Hierarchy of planned provision

12. The City Corporation in its evidence at the Examination-in-Public (EiP) (representations on Matters 1 & 4 and Matter 16) and in its letters of 24th July 2018, 14th September 2018 and 28th November 2019 has reiterated its concern that the mitigation hierarchy, for the protection of European sites under the Habitat Regulations 2017 (as amended), must begin with **avoidance** measures rather than relying on on-site mitigation (SAMMS).
13. It is, therefore, a matter of concern to the City Corporation that in the context-setting paragraphs 1.27 to 1.30 a hierarchy of SANGS delivery within a coherent SANGS Strategy is not set out. This concern is reinforced by the SANGS guidance in Appendix 3 which, although covering much ground around the characteristics of different types of SANGS, does not make a clear commitment to such a strategy.
14. For SANGS funding and delivery the current draft of the G&BIS seems, instead, to be reliant on four masterplan developments. In the context of other SANGS Strategies for European sites, such as for the Thames Basin Heaths or the Dorset Heathlands, these would be described as "bespoke" SANGS, designed around specific private developments. They should form only part of any network. In addition, we have significant concern that even these masterplan sites, apart from Latton Priory, do not seem to have room to accommodate the size and quality of SANGS required to provide effective avoidance measures for EFSAC.

Strategic SANGS

15. In a SANGS Strategy for EFSAC there needs to be, in our view, the provision of a network of different SANGS that provides a range of visitor experience and recreation opportunities. To rely on the four masterplan locations (as set out in of the G&BIS Appendix 2) feels very much like all the eggs are in one basket. We would like to see strategic SANGS that serve multiple, scattered and smaller housing developments. Paragraph 1.15 of Appendix 3 of the G&BIS seems to recognise this requirement but does not go on to set out how this might be achieved. There is also the need, in our view, to anticipate a likely regional requirement for SANGS (see below), which may need to be considered outside the G&BIS but which should form part of a SANGS strategy through the Duty-to-Co-operate.

16. Of the housing within the current recreational Zone of Influence (Zoi) of 6.2km, around 2,500 homes are planned outside the current master-planned areas (not including any windfall sites) and yet these developments are not being required to contribute towards the provision of SANGS. Furthermore, there is not a mechanism for the provision of SANGS for such developers and therefore it is not clear how these developments will be able to come forward and be compliant with the Habitats Regulations. For wider growth away from the large sites, strategic SANGs will be necessary. These would be expected to be managed by ownership or by agreement (with commuted sums) by the local authority as competent authority or by other parties, provided a legal agreement for in-perpetuity management is in place. Such provision would allow the Council as competent authority to respond to changing pressures and feedback from monitoring of the visitor patterns and behaviours across the District.

Third-party SANGS – existing greenspaces

17. It is also likely, given the land ownership distribution, that there will also need to be clearly identified existing 3rd party greenspace sites or “buffering” sites close to the Forest, like Copped Hall south and Warlies Park. There is nothing in the current G&BIS draft that examines how existing greenspaces could contribute to the requirement for 8ha per 1000 housing units that is proposed as the correct measure of SANGS provision in the document. If such existing greenspaces are to be included in the SANGS network, clear evidence would need to be provided to show a meaningful contribution to the uplift of capacity equivalent to the 8ha per 1000 residents required by a SANGS Strategy. In addition, and as importantly, the protection of the existing heritage and wildlife interests of these sites would have to be clearly demonstrated to ensure net gain. To do this a clear framework of delivery of SANGS across the District and the wider region is required (see regional coordination section below).

SANGS tariff

18. The corollary to the above hierarchical or network approach to SANGS is that these sites need to be funded through a mechanism that allows for provision across the District in the most appropriate and effective locations and allows for in-perpetuity support for the management of the sites. Funding could be achieved through collection of a tariff or CIL contribution, as a fully-functioning, developing network of SANGs cannot be tied to a single development. This is a key issue that we have raised repeatedly over the last two years since the Regulation 19 consultation. However, the current draft of the G&BIS remains unclear about how GI enhancements and SANGS provision outside the masterplan areas will be funded. Paragraph 1.4 of Appendix 4, for example, skirts the subject and avoids mention of a tariff but offers no effective alternative mechanism.

Management in-perpetuity

19. In addition to tariff monies there needs to be clear guidance on how SANGS will be managed in-perpetuity and specific funding mechanisms need to be identified by the G&BIS or a separate SANGS Strategy. Any such mechanisms and management need to fit closely with the provision of SAMMS and to be flexible enough to adjust in response to changes in housing allocations and any visitor use patterns over time.

Regional coordination – duty -to-cooperate

20. The G&BIS, through its provision of SANGS, will become an important component of the Epping Forest SAC Mitigation Strategy. This Mitigation Strategy remains to be agreed across the relevant London and Essex authorities and will need to address the regional requirement for SANGS. Something of this regional requirement should be recognised in the G&BIS in the form of the supply of Strategic SANGS in the hierarchy of planned provision (see paras 15 and 16 of this letter above). At present, the recognition of this likely regional requirement is missing from the G&BIS and we hope that this can be discussed between the competent local authorities, Essex County Council and the GLA in the near future.

Appendices: the new G&BIS appendices, SANGS and EFSAC Mitigation

Appendix 1

21. Of the projects listed under this Appendix, none, apart from perhaps movement and wayfinding, appear to have any SAC Mitigation potential.

Appendix 2 “Bespoke” Masterplan SANGs – lack of certainty about provision

22. Appendix 2 of the G&BIS sets out to describe the details of the SANGS and GI provision for the four Masterplan sites in turn. However, although there are many good ideas for enhancement of surrounding countryside areas and for improving connectivity between sites contained in this Appendix, there does not seem to be any clear proposal for provision of the SANGS, other than at Latton Priory (part of one of the four masterplan areas).

23. For example, it is not clear if there is sufficient hectarage, unoccupied by housing allocation, within Water Lane, Waltham Abbey, North Weald or Epping South for SANGS to be accommodated. Also, the characteristics of the proposed SANGS are not defined and their locations are not mapped.

Water Lane & Latton Priory

24. We remain concerned about how a semi-natural SANGS of meaningful size and quality can be fitted into the 2,100-house Water Lane (para 1.6 of Appendix 2) masterplan area. This site seems to be over-reliant on existing green space, such as Epping Forest Land at Epping Long Green (paras 1.11

and 1.12) but no discussions have been held with the City Corporation about this and no mechanism for funding enhancements or additional protection for wildlife features have been proposed. The two component woods of Harlow Woods SSSI, pressure on which was highlighted as a significant concern at the Local Plan EiP, also seem to remain vulnerable to increasing demands for recreational space.

25. In the meantime, the CRow Act 2000 open access land at Nazeing Wood Common, to the immediate west of Water Lane and mentioned in passing at para 1.10, seems to provide a significant opportunity for SANGS to be provided by your Council through management agreements with 3rd party land-owners, just as such arrangements have been made elsewhere in the UK. This area of common land also seems to present a great opportunity for biodiversity enhancement as expressed clearly in the G&BIS in Chapter 3 at para 3.54. However, such an approach does not seem to be proposed and no action seems to have been taken, presumably due to the lack of a SANGS Strategy outside of the masterplan areas.
26. It also is somewhat puzzling that in this G&BIS document, that an opportunity has not been taken to map the full extent of the SANGS being offered at Latton Priory. In the Latton Priory consultation document (<https://www.lattonpriory.co.uk/pdf/latton-priory-2020-update.pdf>) it makes clear that additional land is available and the map on page 8 of the developers' consultation document shows this additional land as a key and integrated part of the SANGS offer. These two pieces of land to the south-east and south of the site are not shown on the maps on pages 72 & 74 of the G&BIS (Appendix 2) and yet make up around 40% of the green space on offer. Even for this masterplan area there has been no decision about the extent of SANGS.

North Weald

27. For North Weald there is no clear indication (paras 2.6 and 2.27) of what the SANGS offer might look like for this 1,050-house development. There seems only to be an aspiration to create a SANGS alongside Merlin Way, which would presumably incorporate the existing green space of the flood alleviation scheme, but no map of its likely extent is provided.
28. There is also in paras 2.2 – 2.6 a clear desire expressed to increase the visits to the semi-natural and other important woodlands to the south of the site. As para 2.4 states, these sites would need careful management to protect their current wildlife interests but in the absence of a SANGS tariff it is not clear how such work would be paid for nor how 3rd party landowners could be engaged. Of concern to the City Corporation, however, is the lack of acknowledgement of the likely increased pressure on Epping Forest SSSI at The Lower Forest.

29. Although The Lower Forest lies on the other side of the M11, the main road to Epping passes underneath the motorway and would connect the new residents of North Weald with this existing large open space, only 1.5km to 2km from their homes. On heavy boulder-clay soils, similar to those at Hatfield Forest National Nature Reserve (Uttlesford District), and with a very limited infrastructure this site could suffer increased impacts, including loss of ride-side vegetation and soil loss along similar lines to the damage recorded at Hatfield Forest since its increased local residential population at Takeley in Uttlesford.

Waltham Abbey

30. Similar to North Weald this site seems to have little detail of the location and the extent of the SANGS proposed for the masterplan area. Enhancements suggested for nearby existing habitats (para 3.20) are very welcome, particularly given the ecological importance of the Cobbins Brook valley and catchment, but sources of funding are unclear as already stated above. Forest Land at Aimes Green and its green lanes lies close by as does the City's buffer Land at Warlies Park but no specific proposals are made in relation to the protection or enhancement of these sites, other than some outline ideas in Appendix 4 for Warlies Park.

Epping South

31. The quality of any Epping South SANGS, even if the hectareage could be provided, must be open to considerable doubt given its proximity to the M25 and a major electricity pylons route (para 4.5 of the G&BIS). There is no detail provided of where a SANGS could be provided of sufficient scale and quality. The northern boundaries of the site are proposed for enhancement (para 4.16) and while this is a welcome proposal to enhance edge habitats it does not add up to a SANGS. Even the proposal to use the PROW network to the east of the site (para 4.17) to enhance recreational opportunities inevitably leads towards development in the form of the large M11-M25 Junction. A concern is raised here that, as with North Weald (paras xx – xx), there seems to be an over-reliance on existing PROWs and linear routes (para 4.12) to provide access for recreation rather than additional new recreational spaces that would provide SANGS, which would need to be achieved by negotiation of agreements with neighbouring private land-holders or through proposed land purchase.

32. The more attractive PROW route for any Epping South development would seem to be south of the site and the bridge across the M25 motorway. This is referred to a number of times in relation to it as a route to the EFSAC. While we welcome the recognition in para 4.15 of the problems that might arise by this route directing additional recreational pressure onto the EFSAC there is no solution offered, other than enhancement of the eastern PROW network, the problems of which are outlined above. Furthermore, there is no acknowledgement of our concern, made in response to the Regulation 19 consultation and in a representation to the Examination-in-Public (EiP) about

the protection of the City's Buffer Lands at Great Gregories, which are an essential part of the EFSAC Grazing Strategy and, thereby, to the management of the EFSAC's favourable conservation status. The likely very large percentage increase in visitor pressure on this site immediately across the footbridge from the proposed Epping South development would be likely to lead to increased conflicts with the grazing operation and certainly to increased costs in protecting and managing the facilities there.

33. In the current G&BIS it is not clear that how SAC mitigation will be delivered. Ultimately, as a competent authority relying on the SANGs to deliver the mitigation for the growth in your plan, it is fundamental that your strategy provides the confidence that SANGs can be delivered and provide effective mitigation. Given the importance of the SANGs components, there is perhaps merit that this should be much more clearly separated out in the strategy, so that the legal requirements to deliver mitigation are not lost in the more aspirational elements of the strategy.

Appendix 3 SANGS Guidance

34. Some of this guidance sets out important general parameters, including in para 1.2 for example "*it will not be acceptable to simply offer a field nearby for dogs to be exercised*". The guideline in paragraph 1.17 is also welcomed, that additional recreational activities could be to the detriment of wildlife interests on a site of ecological importance, and this is particularly relevant to Appendix 4 and any proposals to enhance existing sites for SANGS purposes (see further comments below).
35. However, in para 1.2 the approach set out concerning the integration of the SANGS into the new built developments is a significantly limiting constraint, one which would probably only work to attract residents from within the new developments. If this were to be the case the SANGS would not fulfil a strategic role. Connectivity with the surrounding landscape, therefore, is most important and although this is highlighted in Appendix 2 in its discussion of the four Masterplan sites, and also referenced in para 1.15 of Appendix 3, the lack of SANGS details and location maps make it difficult to assess whether it would be achievable.
36. Moreover, the connectivity seems aimed at the new residential development itself and allowing its residents to move away from the site rather than attracting others into the Masterplan SANGS. And while making connections to the PRoWs would be positive (para 1.24, Appendix 3), the SANGS need to be large enough in their own right, for dog-walking for example, and narrow paths (para 1.25) would not accommodate off-lead dog-walking or allow dog-walkers to avoid other activities (e.g. cycling).

37. Paragraph 1.3 offers the prospect of a Landscape Framework through a Memorandum of Understanding with the masterplan developers, but it seems intended only for coordination between the four masterplan areas. If this is the case this seems to be unnecessarily limiting, in our view, and there is, instead, every reason to develop this Landscape Framework into a full SANGS Strategy for the District, encompassing all residential developments and linked to a SANGS tariff and commuted sums that can sustain a SANGS network as discussed earlier in this letter.
38. Paragraph 1.4 seems to hold out the possibility that the SANGS may be broadened beyond the masterplan areas, but this opportunistic approach is not a substitute for a planned SANGS Strategy. Our concerns in this regard are somewhat amplified by paragraph 1.5, which seems to be articulating a project-level approach to avoidance and mitigation. It is this project-level approach that we made representations about at the Local Plan EiP last year.
39. Furthermore, this Appendix does not set out guidelines for the timing and phasing of the SANGS provision, which need to be in place ahead of occupancy of the new residential areas. Para 1.9 proposes that an aspirational Landscape Framework should outline indicative but not necessarily quantifiable benefits and the development of such a framework seems to be some way down the planning timeline and it is, therefore, not clear to us where this might leave the Local Plan and its avoidance strategy.
40. Another concern is the focus of SANGs on dog walkers and walkers (para 1.21). We believe there could be wider scope for a range of different SANG types, for example including cycling. Cycling, particularly mountain-biking, is becoming a key issue for the EFSAC. We note that SANGs-type projects as mitigation in Dorset have included dedicated cycling provision.
41. These details of timing, phasing, minimum areas, quality and shape of the network need to be set out in the checklist in para 1.34 of Appendix 3. The first bullet point in para 1.34 seems to suggest that some SANGS sites, as opposed to general green infrastructure sites, might be smaller than 8ha in size. However, sites smaller than this are unlikely to be effective alternatives to the Forest and the quality of a SANGS is about the size of the sites as well as other features.

Appendix 4 Sites for enhancement

42. This Appendix we consider is both incomplete and too narrow in its focus and does not address the need for a SANGS hierarchy or a coherent network, as raised earlier in this letter.
43. Para 1.19 of Appendix 3 sets some context for existing green spaces which might provide SANGS away from masterplan areas, similar to the 3rd-party

SANGS approaches used in the Thames Basin Heaths SANGS network. However, as para 1.20 of Appendix 3 points out, the nature conservation value of each existing area needs to be assessed carefully so that it would not be damaged by an increase in visitor numbers or any associated infrastructure.

44. In paragraph 1.11, for example, it states that the important ecological features of Roding Valley Meadows SSSI would “*not be affected by increased recreational use*”. However, this seems unlikely given the impact on the hay meadow ecology from trampling of grassland flowers, widening pathways, increased fire risk and impact of increased dog-walking on the grazing activity. Similar issues apply to the City Corporation’s buffer land sites that are highlighted in this Appendix. To accommodate enhanced numbers would require careful design and planning following from monitoring of existing visitor use of the sites.
45. The Appendix also, significantly, omits to mention other key areas that elsewhere, in Appendix 2, are highlighted as places where there are likely be direct impacts from the proposed masterplan sites, let alone the other 2,500-plus houses within 6.2 km of the EFSAC. For example, within Epping Forest Land itself The Lower Forest and Epping Long Greens are not highlighted and yet it is clear from Appendix 2 that North Weald and Water Lane/Latton Priory developments, respectively, are likely to have significant impacts on these existing protected sites. Of the City’s Buffer Lands, Great Gregories is also not mentioned and yet, as highlighted already in this letter, this site could well see a very significant increased visitor pressure should any development at Epping South be approved. We therefore believe Appendix 4 requires much more work and further evidence gathering.
46. Biodiversity net gain is a vital measure of success for future greenspace and for the G&BIS, as this document rightly outlines (Chapter 1, paras 1.13 and 1.42). Therefore, the starting point for considering inclusion of any existing site in the SANGS network, must be whether, given its existing visitor numbers and its existing wildlife interests, it could accommodate an uplift the equivalent of 8ha of new open space per 1000 new residents. For example, while the suggestion made for Jessel Green concerns enhancing access for visitors of restricted mobility, this seems unlikely to make a significant contribution, in terms of the protection of the EFSAC, to the additional 8ha SANGS requirement.
47. The issue of funding for such sites is flagged up in para 1.4, but the necessity of a SANGS tariff, currently used widely by many other local authorities protecting sites of international importance, is ignored. The funding and long-term maintenance for the four sites proposed for consideration on page 103 and in para 1.5, including two City Corporation Forest buffer land sites, is not explained. The types of visitor that these might attract and how any such provision would fit with a wider SANGS network is also not explored in any

detail nor how such consultation might be funded. At this stage, therefore, there is considerable uncertainty as to whether such sites could achieve mitigation for the EFSAC and a significant amount of work is required, including consideration of existing functions of the land, engagement with neighbouring owners (e.g. Copped Hall Trust, Warlies Park House) and information-gathering from existing visitors.

General comments on the G&BIS

48. In Chapter 2 of the G&BIS the housing total for the District of 11,400 new homes is highlighted in para 2.3. As highlighted above, the proposed funding for green spaces (including SANGS) for the District seems to be concentrated at the masterplan areas which encompass 5,890, 51% of these residences. The apparent lack of a mechanism for funding provision for the remaining 49% is of profound concern. Increased pressure on existing open spaces outside EFSAC, including ancient woodlands and grasslands (para 2.7) such as parts of Epping Forest including its green lanes and The Lower Forest, as highlighted above, need a clear strategy.

49. Taking land out of intensive agriculture (para 2.25) and making linkages between important sites (para 2.16) are excellent ambitions and we welcome the broad aspirations of this G&BIS. The Vision at 2.41 is excellent but a concern here is that it may be overly complex making it difficult to bring together the number of threads within it, at least at this early stage in the development of a Strategy for the District. Our concern, as expressed earlier is that this might be to the detriment of a focus on some of the immediate priorities including the implementation of a SANGS network. We consider that a separate SANGS Strategy document is required to resolve this issue.

50. In Chapter 3, we would request caution in the development of multifunctionality or certainly in the idea that individual sites should be expected to be multifunctional. Many sites will only have a single or few priority functions or features to protect. It may not be possible to combine different modes of access, such as cycling and horse-riding. The latter activity often seeks out quieter areas away from cycling hubs. Also commuting routes may detract from green spaces leading to a feeling of busy-ness and bustle (para 3.46).

51. Section 3.5 addresses the Water Environment and we consider it to be very light in detail. Water features are a key draw for visitors and much more could be made of the role of water in enhancing spaces for both people and wildlife. We would welcome a commitment to providing more water-side access, for example in the Roding Valley.

52. We note that tourism is not considered within the G&BIS. Given the commitments made within the submission version of the Local Plan for the tourist economy it would seem important to have more within the G&BIS on tourism. For example, the Local Plan highlights the links between tourism and the environment.
53. In relation to habitat protection and wildlife diversity for the District, we do not agree that natural open space only has value if “safe and attractive access” is provided (para 3.7). Semi-natural habitats have intrinsic value and also provide important parts of the visible landscape (trees and hedges) and soundscape (e.g. songbirds like Skylarks) or support a core of species that can then populate other more accessible spaces to the benefit of visitors to those places.
54. In Chapter 3 (para 3.16), the idea of engagement through art is an important one and art can be used to convey important messages about the value of a site which can then affect the expectations and behaviour of visitors. It can certainly be influential in shaping opinion as well as engaging and adding interest. We suggest that this section should include a wider focus than just public art, that can be very expensive. Wider focus could include art for engagement, events, festivals etc.
55. In regard to Chapter 4 and Implementation, most of the comments above on a SANGS Strategy cover the key issues about which we have concerns with this Chapter. We are not clear about what is conveyed on the maps at page 54. More detail on these maps about how actual SANGS proposal sites would be used to intercept and attract visitors from different residential focal points (including masterplan areas) would have been helpful at this point. The main concern remains, however, related to *Stewardship* (paras 4.20 – 4.22) and the management, development and long-term protection of green infrastructure, especially a network of SANGS. The mechanisms outlined in this section do not provide us with confidence that such stewardship can be achieved, in spite of the excellent ambitions within the document.
56. Appendix 1 seems to have relatively few projects. We would welcome the inclusion of a project to review existing Public Rights of Way and increase the number of routes, linking existing sites and joining up other Rights of Way. This would fit well alongside the first project (Movement and Wayfinding).

Conclusions

57. We welcome the opportunity to comment on the G&BIS and recognise that it contains many positive measures for both people and biodiversity. We applaud its ambition for a holistic approach to greenspace provision.

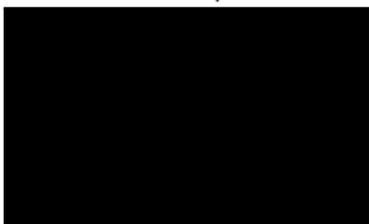
58. However, the G&BIS strategy, as drafted, cannot be relied upon as mitigation for the recreation pressure on Epping Forest SAC as a result of the housing growth in Epping Forest District. Mitigation measures should be effective, reliable, timely, guaranteed to be delivered and as long-term as they need to be to achieve their objectives. Epping Forest District Council needs to be able to demonstrate the deliverability of all of the mitigation on which the Local Plan relies because, if the confidence is misplaced and the mitigation does not materialise when required, permission cannot be given for the development provided for by the plan and alternative strategies will need to be developed.

59. SANGs are an essential part of the mitigation package, and yet it would seem that only a restricted proportion of houses coming forward would be linked to any kind of SANGS provision. Even for those houses, the G&BIS, as yet, does not provide sufficient confidence that mitigation has been secured or would be effective. As a result, there seems to be no clear hectarage of SANGS anticipated, no list of SANGS site options and a SANGS tariff requirement is not set out as we believe it should be in this document.

60. For the District, to make progress on the above issues, we consider that there is a need to divorce the SANGS strategy from the more aspirational G&BIS and that a separate, comprehensive, clear and effective SANGS strategy is necessary. This needs to set out the SANGS that will be delivered by developers and also a range of other infrastructure and greenspace provision that would provide for mitigation for smaller sites across a wide area. Detail of how existing sites might contribute to this, how mitigation will be funded and what requirements would be placed on developers need to be clearly set out. The City of London, as Conservators of Epping Forest, remains ready to explore with you how the non-SAC open spaces we manage might contribute to the mitigation required in the District and regionally.

61. More broadly, we remain concerned that there is, as yet, no timetable for the decisions on governance of the SAC Oversight Group which would have an overview of SANGS provision regionally. We believe mitigation will be best delivered if coordinated across local authorities. We see a role for the Greater London Authority in helping facilitate this.

Yours sincerely



Graeme M. Smith BSc(Hons), CISSP, CISM, CRISC, CAPM, CC
Chairman, Epping Forest and Commons Committee

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Open Spaces Department

Colin Buttery
Director of Open Spaces



Telephone 02085321010

Your ref: EPF/2503/19

Date: 07/12/2020

Email: tristan.vetta@cityoflondon.gov.uk

Development Control,
Epping Forest District Council,
Civic Offices,
High Street,
Epping,
Essex,
CM16 4BZ

FAO: James Rogers

Dear Mr Rogers,

EPF/2503/19 - Next proposed Distribution Centre - Land north of Dowding Way, Waltham Abbey, EN9 3YX

Dashboard - Summary of Reasons for the Objection by The Conservators of Epping Forest

- **Effects of ceasing the right turn into Forest Side on other road networks to accommodate the scheme.**
- **The unknown longevity of any S.106 agreements to stop vehicle movements through the SAC.**
- **The focus on staff punishment for breaches, rather than enforceable constraints on Next Plc or its successors in title at the site"**
- **The increased urbanisation and reduction in the openness of the Greenbelt caused by the scheme.**

1. Introduction

The City of London made comments on *Next's* revised planning application EPF/2503/19 in a letter of 9th January 2020, for which receipt was acknowledged by you on 10th January 2020 (the letter had been mis-dated as 2019). Although, subsequently, there have been significant modifications to this planning application, including the removal of Phase 2 and the adoption of ANPR as the vehicle tracking method, many elements that concern The Conservators remain. Therefore, our comments of January 2020 should be read in conjunction with this letter and some

are reiterated below. We also refer to the following documents provided on the Council's planning website:

MAIN DOCUMENTS REFERRED TO:

- **Planning Statement November 2020**
- **Vectos Transport Assessment (TA) Addendum 19th November 2020**
- **updated Habitats Regulations Assessment (SES Aug 2020)**
- **Atkins Technical Note January 2020: review of VISSIM**

2. Protection of Epping Forest and the Special Area of Conservation

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. The Epping Forest Act 1878 charged the City as Conservators of Epping Forest (here after referred to as The Conservators), with a duties to conserve its varied native vegetation and to preserve the Forest's *natural aspect*. The Conservators work with a wide range of stakeholders, including encompassing local authorities like Epping Forest District Council, to protect the Forest's surrounding landscape and preserve its relative tranquillity and special qualities. "*Epping Forest will be conserved and enhanced and will continue to form a key part of the District's unique and distinctive identity.*" - Local Plan Vision in Chapter 2, page 19 Local Plan Submission Version 2017

Epping Forest is of international importance for its woodland and heathland habitats and for the presence of certain species such as the Stag Beetle. The site is designated as a Special Area of Conservation (SAC) and thus afforded full protection by law under the provisions of the Habitats Regulations (2017, as amended). It is the role of Epping Forest District Council, as competent authority, to ensure that the requirements of the Habitats Regulations are met before deciding whether to authorise any planning application. Where a particular application would be likely to have a significant effect on the SAC, an appropriate assessment and integrity test is required before that application is authorised.

3. Traffic Impacts of Phase 1

3a. Planning Statement (Nov 2020) and impacts of Phase 2 omission

The Conservators note that Phase 2 of the original proposed development has been omitted from the planning application by a late amendment tabled on 11th November 2020. This notice of amendment was accompanied by 12 documents, including a **Planning Statement** which sets out in **paragraph 1.4** that the amendment has been made following feedback:

"to ensure that the traffic movements – and associated impacts – arising from the development do not exceed those assessed in the Local Plan HRA".

Further to the Planning Statement, the **Vectos Transport Assessment (TA) Addendum** of 19th November 2020 goes on to state (**paragraph 4.6**) that removal of this Phase 2 development will mean that:

“The proposed development will generate less traffic on both the local and strategic highway network compared to the submitted scheme”.

Although this might be the case, it does not alter the fact that concerns remain about Phase 1 on its own. In the feedback referred to in the Planning Statement, which included a letter from Epping Forest District Council (EFDC) of 29th June 2020 (see **updated HRA Aug 2020**), it is clear there are concerns about journeys generated through Forest roads from Phase 1. The concerns raised by EFDC are only related in that letter to the mitigation of Phase 1 because, as the letter states in para 1.26:

“I have not found reference to the Phase 2 development in this suite of documents but the mitigation measures for this scheme would need to be addressed prior to the determination of the planning application”.

3b. Car parking spaces - unchanged provision

In addition, even with the removal of Phase 2 the number of car parking spaces remains unaltered at 367. Although there is a phasing in of the car parking spaces, the provision in the medium to long-term will be for that total. This suggests no increased confidence in the uptake of any the mitigation measures since the previous version of the application. As we stated in our letter of January 2020, even if car-sharing and other measures are adopted in the short-term, this level of provision indicates a reliance on the car for the majority of visits. This is a new development in an out-of-town location and the 367- vehicle provision is much more certain and quantifiable than the long-term continuity of any of the other travel plan schemes. It is going to generate additional traffic throughout the day and the impacts and mitigation, therefore, need to be judged on this unchanged quantum of development.

It seems that little new evidence is offered to show that this additional traffic will not cause delays, congestion and queuing on the local road network, including the roads through the Epping Forest SAC. For example, the microsimulation traffic modelling has not been re-run despite the findings of the Atkins report of January 2020 for Highways England. The **Vectos Transport Assessment (TA) Addendum** of 19th November 2020 takes it as read, as stated in **paragraph 4.8**, that with the removal of Phase 2 and the same mitigation package, the network delays, queuing and capacity will be *“improved”* by comparison. As a result para 4.8 states that *“... it was not considered necessary to rerun the microsimulation model, as the 2019 TA has demonstrated that the proposed highway improvement schemes mitigate the effects of the submitted scheme, even with the higher development trips associated with Phase 2 which is no longer proposed”.*

However, we do not accept this conclusion in paragraph 4.8 that the effects on the network and the Forest SAC are mitigated. Despite calling attention to them in our letter of 9th January 2020, there remain gaps in the Transport Assessment (Oct 2019) and Habitats Regulation Assessment (August 2020) as set out below.

3c. Lack of new traffic modelling and queue length discrepancies

In our letter of 9th January 2020 (see attached), we pointed out the large discrepancies between the modelled and actual queue lengths at various junctions. For example, on page 2 of our letter in relation to the Honey Lane/Forest Side junction on the A121 east we stated:

“At this junction the figures for queueing provided in Appendix 21 of the TA (TA (v5) Part B Appendix 21B) show observed traffic queues of 1,300m in length (am period) and greater than 400m and up to 1,000m (pm period), compared to the model’s figures of 400m and 200m respectively. These are highly significant discrepancies”. (City of London Corporation letter of **9th January 2020**).

We concluded, on page 3 of our letter:

“At this stage, therefore, we conclude that even if Next-related traffic, both commercial and staff-generated, was to be removed from directly using Forest roads, the indirect impacts of the proposed development would be to worsen congestion on the A121 through the Forest SAC.”

These precise concerns were then supported by a technical review of the modelling conducted by Atkins on behalf of the Highways Agency and published subsequently on 16th January 2020. The review of the microsimulation (VISSIM) models and the applicant’s October 2019 Transport Assessment (2019 TA), conducted by Atkins in its 16th January 2020 Technical Note report, found significant flaws in the modelling and assumptions of the 2019 TA. For example, the Atkins Technical Note paragraph 2.1 states about the chosen network area for the modelling that:

“...the impact of the development has not been assessed outside of the network extents, especially to the west of A121 Dowding Way, where development traffic could impact on the operation of the roundabout and other junctions within Waltham Abbey. Further explanation on why the above network extent has been used and not the wider network mentioned in the TA should be provided, or the TA amended to only show the actual model.” (Atkins Technical Note Jan 2020 para 2.1)

This comment can be extended to the roads around North Chingford and on the west side of the Forest (e.g. Daws Hill).

A number of other limitations with the modelling assumptions are highlighted in paragraphs 2.5 and 2.6 and then the Atkins Technical Note the went on to examine the queue length discrepancies along the A121 Woodricken Hill, which passes through Epping Forest SAC. In **paragraph 2.8.2** of the **Atkins Technical Note** this is examined in some detail for both directions of traffic movements along this road. In the summary in **paragraph 2.9** the Technical Note recommends that the modelling needs to:

“Provide some commentary on the large differences between observed and modelled maximum queues, unless the other items listed help to reduce them”. (Atkins Technical Note Jan 2020 para **2.9**)

This work has not been done, as paragraph 4.8 of the TA Addendum stated, and yet queue length is a major issue for the SAC because of its likely impacts on air pollution (NO_x and NH₃) in the Forest. As we stated in our January 2020 letter, irrespective of whether the *Next* vehicle fleet avoids the road network (or is electric), the congestion and queueing caused by this development will have knock-on effects on all vehicle types and congestion across the highway network. Therefore, the fact that the 2019 TA and the VISSIM modelling have not been updated or reviewed in the light of these flaws, in our view, does not allow the updated **HRA (August 2020)** to conclude, as it does in **paragraph 7.2**, that there would be no adverse effect beyond reasonable scientific doubt.

3d. Right-turn ban at Forest Side - HRA Assessment

The fact that traffic congestion caused by this development is likely to be an issue is flagged up by a late mitigation proposal of a right-turn ban (eastbound) on the A121 east at the Forest Side/Honey Lane junction. The **Planning Statement (Nov 2020), paragraph 7.39** (page 42), makes clear that the proposed ban on a right turn into Forest Side from the eastern arm of the A121, is “*to improve the eastbound flow of traffic and prevent queued vehicles from blocking back through J26 of the M25 Motorway*” The **Vectos TA Addendum** provided in the last week of November lists it as *physical mitigation* for the highway network (para 2.11). This late offer of mitigation seems an attempt to address the Atkins Technical Note (Jan 2020) concern about the queuing back onto the M25, despite the withdrawal of Phase 2 of the scheme. Clearly, there seems to be an accepted impact of Phase 1 alone.

However, this highway network mitigation measure has not been assessed by the **updated HRA (August 2020)** because it post-dates it. The consequences of banning such a right turn, in isolation to any other measures on the A121 and beyond, seem likely to lead to congestion being displaced along the A121. This seems likely to exacerbate queuing at the Wake Arms Roundabout (from all five entry points) deep into the SAC and likely to lead to displaced right-turning into Wake Road, which like Forest Side leads to High Beach. Wake Road also bisects an important area of lowland wet heath, a qualifying feature of the SAC.

Without such a mitigation measure being modelled and assessed, therefore, we would disagree with the August 2020 HRA’s conclusion that the *Next* proposals for Phase 1 travel plans produce “*no adverse effect on the SAC beyond reasonable scientific doubt*”.

3e. Non-peak and Contingency measures

As the London Borough of Waltham Forest (LBWF) has already pointed out, the 2019 TA did not address the non-peak hours. LBWF has raised concerns about the impact on congestion along roads through North Chingford (Station Road/Rangers Road and Daws Hill for example) which pass directly through the Epping Forest SAC and yet are not fully modelled or assessed as part of the 2019 TA.

Of even more concern to The Conservators is the fact that contingency measures seem to remain to be addressed. For example, when there are closures or congestion problems on the M25, or at Junction 26, the RMP (appended to the TMMS in the updated HRA August 2020) seems to remain silent on any alternative route plans or contingency arrangements for HGV traffic during such periods. We can only conclude, therefore, that the earlier statement in the May 2018 Vectos TA report, paragraph 4.41, applies and that the restrictions on HGV and LGV movements would be set-aside. This clearly depends on the wording and heads of terms of the S.106 agreement but there seems to be no clear commitment on this issue and, therefore, no certainty about the full effectiveness of the RMP.

3f. ANPR method and other site occupiers

The ANPR method that the *Next* TMMS (as appended to the updated HRA August 2020) has now adopted, following intervention by EFDC, seems likely to be more effective method of deterring travel through the road network within the SAC. However, we remain sceptical as to its long-term enforceability or adherence. The emphasis seems to be on punitive measures against individual employees rather than a deterrent aimed at *Next* itself. Although, through the S106, there is the

possibility of an injunction being deployed by EFDC this seems unlikely for relatively small breaches even if regular and, thereby, significant as a cumulative impact on the SAC.

3g. Longevity and effectiveness of any Section 106

Furthermore, we remain unconvinced of the certainty of such measures being of long-term duration for two reasons. Firstly, we are aware that a similar HGV restriction on Sainsbury's Distribution Centre was removed some years ago and, as far as we are aware, is no longer in place as a meaningful restriction. Secondly, should *Next* vacate the site there is no clear mechanism set out in the TMMS for ensuring that a new occupier or successor in title would be bound by the same restrictions. In page 73 of the updated HRA August 2020, in the appended TMMS (section 10), it simply states that successors would have to comply and suggests that EFDC would be responsible for ensuring this despite the fact that it was EFDC in its letter of 29th June 2020 that raised this lack of continuity in mitigation measures as a concern.

3h. Mitigation measures, DRT and offsetting - not mitigation

The updated HRA (August 2020) persists in listing the DRT service as one of 11 measures aimed at mitigating the impacts of traffic (para 6.8 of HRA Aug 2020). It then goes onto detail the reduced traffic movements that it considers the DRT will deliver (para 6.14 HRA Aug 2020) even purporting to create a "*net beneficial effect*". This is despite the letter from EFDC of 29th June 2020 (appended to the HRA) which clearly sets out the reasons that there is no scientific basis for the DRT traffic offset figures and that such a relatively untried system cannot be relied upon as a form of mitigation acceptable under the Habitat Regulations 2017 (see para 1.24 of the EFDC Letter 29th June 2020).

Furthermore, of the 11 measures of the Integrated Transport Plan (ITP) listed in the HRA at paragraph 6.8, only the ANPR scheme seems likely to have a certain, measurable impact although concerns remain about its enforceability and its longevity as discussed above.

4. Impacts of Urbanisation and on the Green Belt

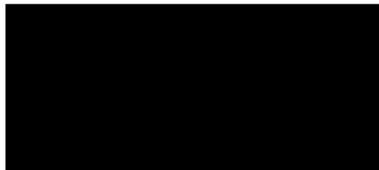
The location for this development remains in the Green Belt under the current Local Plan. The proposal for WAL-E8 designation in the Submission Version of the Local Plan (SVLP) has been the subject of comment by the Conservators at the Local Plan Regulation 18 and 19 consultation stages. The Conservators are concerned about the loss of openness in the Green Belt from this development so close to the Forest's boundaries. It would have a significant impact on the countryside on the edge of the Forest and thereby on the Forest's '*natural aspect*'.

It seems likely that any development here would put further pressure on the arable land immediately to the south on the other side of Dowding Way, as well as on the area originally designated for Phase 2. It is of great concern to The Conservators that at future Local Plan reviews further development would then be considered south of Dowding Way and that this would lead to both a coalescence of development around this site and a significant further erosion of the Green Belt.

The '*natural aspect*' is our responsibility to protect and we seek the assistance of the District Council in defending this characteristic of the Forest and the relative tranquillity for visitors that flows from it. The relative tranquillity of the Forest has been one of its most highly-valued aspects

by visitors, as evidenced by the Quality-of-Life survey (2003) (co-funded by Epping Forest District Council) and confirmed in recent Epping Forest Visitor Surveys between 2010 and 2019.

Yours sincerely,



Mr Tristan Vetta
Epping Forest Land Agent

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Right-hand-turn ban
- main traffic flow affected

Shared Use Trails

— Surfaced

- - - Unsurfaced

 Epping Forest Por

 Gates

 Car Parks

 Buffer Land

 Forest Land

Created By:

Jez Dagley

Date Created:

1 Feb 2021

0 50 99 198



Metres



