

Committee(s): Epping Forest Consultative – for information Epping Forest and Commons – for decision	Date(s): 24 06 2020 06 07 2020
Subject: Local Plans Update: Green Infrastructure Strategy consultation (SEF 18/20)	Public
Report of: Director of Open Spaces	For Decision
Report author: Jeremy Dagley – Head of Conservation, Epping Forest	

Summary

This report proposes a written response in the form of a letter from your Chairman (**Appendix 4** of this report) to the Epping Forest District Council's Green & Blue Infrastructure Strategy (GI Strategy), which is open to public consultation until 16th July 2020. The GI Strategy incorporates a Sustainable Alternative Natural Greenspaces (SANGS) Strategy, which is of particular relevance and importance to the future protection of Epping Forest Special Area of Conservation (EFSAC) from increased recreational pressures generated by development.

A SANGS strategy is required as part of a *final* SAC Mitigation Strategy, a document which is still under discussion with local authorities in the EFSAC's recreational Zone of Influence (Zoi). The proposal in this report is considered an important step in ensuring that the SANGS element of the EFSAC Mitigation Strategy is fit for purpose. A joint approach to SANGS by all the relevant Zoi local authorities is to be promoted in the proposed response, along with other key issues including the financing of SANGS and wider GI.

Recommendation(s)

Members are asked to:

- note any views expressed by representatives on the Consultative Committee about the EFDC GI Strategy and to decide whether these have been appropriately incorporated into the proposed written response (**Appendix 4**).
- delegate authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman, to complete the proposed response letter (**Appendix 4**) to the Epping Forest District Council's Green & Blue Infrastructure Strategy consultation (incorporating SANGS) in line with previous representations and correspondence to the Council on these matters.

Main Report

Background

1. Epping Forest District Council (the Council), whose boundary includes 64% of Epping Forest, submitted its Local Plan to the Secretary of State on 21 September 2018 and it was examined by an Inspector between 12 February and 11 June 2019.
2. After the hearings, at which your officers were present and made representations on your behalf, the Inspector issued her interim advice to the Council. In it she highlighted the need for a strategy to be prepared for sustainable alternative natural greenspaces (SANGS) stating: “A *SANG Strategy is also needed to mitigate the full effect of recreational pressure upon the SAC...*”
3. In the representations and at the hearings your Counsel and officers had pressed for both a SANGS strategy and also a broader Green Infrastructure (GI) strategy for the District in order to enhance wildlife habitats and provide more access to alternative areas in order to protect Epping Forest from increased recreational pressure and its Special Area of Conservation (EFSAC), in particular.
4. In response to these representations, at the hearing of 26th March 2019, Epping Forest District Council (EFDC) undertook to prepare a GI Strategy and indicated that it would incorporate a more specific SANGS Strategy.
5. However, your officers and your Chairman's letters (see below) have reiterated that any SANGS Strategy will need to be incorporated into a wider SAC Mitigation Strategy because the avoidance of adverse impacts should be the starting point in any mitigation hierarchy. The balance between SANGS and on-site measures, under a Strategic Access Management and Monitoring Strategy (SAMMs), needs to be clearly set out and the Local Plan Habitats Regulation Assessment (HRA) needs to review the likely effectiveness of these combined measures in avoiding adverse impacts on the EFSAC. The current *Interim* SAC Mitigation Strategy does not include any SANGS proposals.
6. Your Committee's position with regard to SANGS and progress towards a *final* SAC Mitigation Strategy was set out in the correspondence from your Chairman with EFDC in November 2019 and again in April 2020 (see **Appendix 2** for your Chairman's April letter).
7. Throughout the Local Plan representations and subsequent correspondence, with both the Inspector and EFDC, the importance of SANGS as an avoidance measure has been emphasised. It has also been made clear that in your view **all** development within the recreational Zone of Influence around the EFSAC boundaries should contribute to SANGS in some way. The Cabinet Member responsible for the Local Plan responded to both these letters and his response to the April letter is at **Appendix 3**.

8. In addition, in March 2020 EFDC officers, at relatively short notice (10 days response time) requested your officers' views on a very early draft of the document, entitled the Green & Blue Infrastructure Strategy (hereinafter referred to as the GI Strategy). There were no appendices provided with this early draft and no information on SANGS. Your officers provided comments in line with previous Local Plan representations and in response to gaps (including the lack of SANGS information) in the content and structure of the draft.

Current Position

9. Following this "soft-testing" of the first draft in March, the EFDC GI Strategy consultation was launched on 5th June and now runs for 6 weeks until 16th July 2020. The GI Strategy is a 106-page document (see **Appendix 1**) with four appendices that have been added since March and which contain more information about SANGS and EFDC's approach to a SANGS Strategy.
10. In addition to the general public consultation, EFDC officers are specifically seeking a response from the City of London Corporation (CoL) as The Conservators of Epping Forest in the form of a letter. In relation to SANGS in particular, CoL Buffer Lands sites are featured in the GI Strategy's appendix 4, in direct response to your earlier representations at examination and subsequent correspondence with EFDC about SANGS. Some of this correspondence is outlined in the *Background* section above.
11. It is important to note that the EFDC GI Strategy has not yet been examined as part of the Local Plan examination process and that it has not yet been reviewed by the Local Plan HRA.

Proposals

12. The views of members of the Consultative Committee about the GI Strategy were sought at the meeting of 24th June 2020. Views expressed at that meeting included concern regarding building on existing public open spaces and the effective 'enabling' of development through the use of Buffer Land as SANGs. Where possible these concerns have been incorporated into the draft letter at Appendix 4. Furthermore, Consultative Committee members were encouraged to engage with the consultation themselves and a number of the representatives indicated that their organisations would be responding.
13. A detailed draft response has been prepared by your officers in the form of a letter to cover all aspects of the GI Strategy, including the new appendices on SANGS (Appendices 2 – 4 of the GI Strategy). The draft letter is provided at **Appendix 4** of this report. The letter focuses on all the previous issues raised about:
 - avoidance of adverse impacts on the EFSAC.
 - the balance between SANGS and SAMMs being made clear.

- the need for a region-wide approach to mitigation and SANGS in particular, through a joint, cross-border Supplementary Planning Document (joint-SPD).
- the HRA including a full assessment of the likely effectiveness of the SANGS and SAMMs combination.
- the financing of the SANGS through a clear and separate tariff (separate to the current SAMMs tariff) to be raised by local authorities within the recreational Zone of Influence.

Options

14. **Option 1:** To provide no further written response on the GI Strategy document but just to engage in a dialogue through the SAC Oversight Group. **This option is not recommended.**
15. **Option 2:** To provide a full written response to EFDC in the form of a letter, a first draft of which is at Appendix 4 of this report, through delegation to the Town Clerk in consultation with the Chairman and Deputy Chairman. **This option is recommended.**

Corporate & Strategic Implications

16. The recommendations of this report support the Corporate Plan with particular reference to the following aims:
- a. Contribute to a flourishing society**
- i. People enjoy good health and wellbeing
 - ii. Communities are cohesive and have the facilities they need.
- b. Shape Outstanding Environments**
- i. We inspire enterprise, excellence, creativity and collaboration
 - ii. We have clean air, land and water and a thriving and sustainable natural environment
 - iii. Our spaces are secure, resilient and well maintained.
17. And supports the Open Spaces Business Plan as follows:
- a. Open Spaces and historic sites are thriving and accessible.**
- i. Our open spaces, heritage and cultural assets are protected, conserved and enhanced
 - ii. London has clean air and mitigates flood risk and climate change

Implications

18. **Financial:** In addition to considerable officer time required to respond to the Local Plan, the costs of representation with regard to the Local Plan, total

£60,000 approx. to date. The high cost of representation should be seen in the context of the Plan's proposed duration of 15 years and its scope.

19. **Legal:** The Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the 2012 Regulations") set out the requirements and the statutory procedure for the preparation of a Local Plan.
20. The legislation allows for three possible outcomes to the current examination process:
 - 20.1 The Inspector finds that the plan is sound and legally compliant as submitted. In these circumstances the Inspector must recommend that the plan is adopted.
 - 20.2 The Inspector finds that the plan is unsound and/or legally non-compliant as submitted, but that it is possible to make it sound and legally compliant by making main modifications to it. In these circumstances the Inspector must recommend the necessary main modifications, if requested to do so by the LPA. The main modifications must relate directly to the reasons why the Inspector has found the plan unsound or legally non-compliant.
 - 20.3 The Inspector finds the plan unsound and/or legally non-compliant as submitted, and that it is not possible to make it sound and legally compliant by making main modifications to it. The Planning Inspectorate 5 Procedure Guide for Local Plan Examinations details the circumstances in which the Inspector must recommend non-adoption of the plan. In practice, the LPA would be asked to consider withdrawing the plan before any such recommendation was made.
21. At the end of the examination the Inspector produces a report for the LPA setting out recommendation(s) and the reasons for them. The report is not binding on the LPA, but the LPA may not adopt an 'unsound' plan.
22. **Property:** The Local Plan sets out how and where land and property will be used in Epping Forest District up to 2033. It is important to the City Corporation's stewardship of the Forest to ensure a balanced view is taken regarding both the protection of the Forest and opportunities to best utilise land and property required for operational needs, and that which is surplus to operational purposes.
23. **Charity:** 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.
24. **Equalities & diversity:** An initial screening exercise of the equality impact of this Plan process has been undertaken by Epping Forest District Council.

25. **Exiting the European Union:** The main influence of EU law on plan making in the UK relates to the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') and the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna & Flora, which is incorporated into UK law as The Conservation of Habitats and Species Regulations 2017 ('The Habitats Regulations') and recently amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Conclusions

26. The District Council is an important strategic partner for the City Corporation and the Local Plan consultation process provides an important opportunity to draw together City Corporation and the District Council aspirations for the Forest and surrounding area over the next 15 years.
27. This Local Plan consultation, through your continued representations and dialogue with EFDC, has ensured that a Green Infrastructure Strategy has finally been provided, it having not formed part of the original Local Plan Submission Version. A detailed response is proposed because of the importance of the GI Strategy to the implementation of SANGS and their design and funding. A combination of both SANGS and SAMMs will be required to ensure the continued protection and conservation of Epping Forest.

Appendices

Appendix 1 – EFDC Green & Blue Infrastructure Strategy (106pp) June 2020.

Appendix 2 – Chairman's Letter to Cllr J Philip (EFDC) 20 April 2020

Appendix 3 – Response: Cllr J Philip (EFDC) to Chairman's letter 01 May 2020

Appendix 4 – Proposed Chairman's letter (*draft*) in response to EFDC GI Strategy Consultation

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