

Open Spaces Department

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Your ref: EPF/2503/19

Date: 07/12/2020

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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

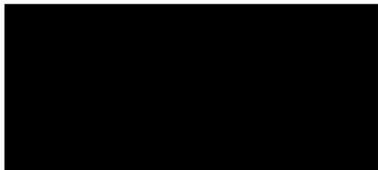
The location for this development remains in the Green Belt under the current Local Plan. The proposal for WAL-E8 designation in the Submission Version of the Local Plan (SVLP) has been the subject of comment by the Conservators at the Local Plan Regulation 18 and 19 consultation stages. The Conservators 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