

<b>Committee(s):</b> Epping Forest & Commons Committee – For Decision	<b>Dated:</b> 13092021
<b>Subject:</b> Epping Forest District Council Local Plan Main Modifications proposed response (SEF 39/21)	<b>Public</b>
<b>Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?</b>	11, 12
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>N</b>
<b>If so, how much?</b>	<b>N/A</b>
<b>What is the source of Funding?</b>	<b>Local Risk</b>
<b>Has this Funding Source been agreed with the Chamberlain’s Department?</b>	<b>Y</b>
<b>Report of:</b> Colin Buttery, Director of Open Spaces	<b>For Decision</b>
<b>Report author:</b> Jeremy Dagley, Head of Conservation, Epping Forest	

### Summary

This report sets out the key issues for Epping Forest in relation to the Epping Forest District Council Local Plan proposed Main Modifications. The Main Modifications are broadly in line with requested changes made on behalf of the Conservators at the Examination-in-Public and in subsequent negotiations. As a result, the proposal is that the Main Modifications should be supported on the whole, but further resolution be sought outside the consultation process and in close liaison with Natural England. The precise wording of the response will be made on the basis of outcomes of forthcoming discussions, including those of the SAC Oversight Group on the SAMMS costings. This report proposes that a letter of response is prepared under delegated authority based on this approach.

### 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 Epping Forest District Council on the proposed Main Modifications to the Local Plan;
- instruct officers to seek resolutions to any outstanding issues in relation to Local Plan Strategies through the key forums, particularly the SAC Mitigation Oversight Group;
- to instruct officers to report back on any significant changes to the Local Plan Strategies that may affect their implementation or effectiveness, including resolution of the SAMMS costings package.

## **Main Report**

### **Background**

1. Epping Forest District Council (EFDC), whose boundary includes 64% of Epping Forest, began undertaking a Main Modifications Consultation in July to enable it to finalise its Local Plan. The Main Modifications consultation will finish on 23<sup>rd</sup> September.
2. The Main Modifications of direct relevance to Epping Forest, have been required by the Planning Inspector, in response to our and Natural England's concerns, in relation to the Local Plan Habitats Regulations Assessment (HRA). The HRA has been significantly amended and updated in relation to both air pollution issues and likely recreational impacts on the Forest.
3. An Air Pollution Mitigation Strategy (APMS) was approved by EFDC in February 2021 and a Green & Blue Infrastructure (G&BI) Strategy, was approved (both subject to Main Modifications) in April this year. The former Strategy included the proposed implementation a Clean Air Zone (CAZ) from 2025. The latter G&BI Strategy included two appendices detailing Suitable Alternative Natural Greenspace Strategies, one for masterplan sites and one for other housing allocations.

### **Current Position**

4. The Main Modifications are presented in a 244-page Schedule of proposed Policy and supporting text alterations, covering the whole of the Local Plan. There are many changes of relevance to Epping Forest, but the key Main Modifications are:
  - a. MMs 46 and 47 in relation to Policy DM2, the policy for the protection and enhancement of Epping Forest;
  - b. MMs74 and 75 in relation to the air quality Policy DM22.
5. Detailed wording suggestions were provided in our submission documents in 2019 to the Planning Inspector in response to her Matters, Issues and Questions (MIQs). Against Matter 16, Issue 1 (Policy DM2) a detailed tabulation of wording changes was presented. The wording changes to Policy DM2 that have been made align well with these requests.
6. For example, Policy DM2A has been broadened in scope and now provides protection for the whole of Epping Forest, its biodiversity and landscape. The specific protection under the Habitats Regulations for the SAC is separated out from this as we requested. Policy DM2B also now specifies and lists each of the separate mitigation measures (air pollution, SAMMS, SANGS) and the need for these to be secured as we requested at the EiP.
7. The main outstanding issues now pertain to the quantity and quality of SANGS to be provided through the Local Plan. In particular, there remains the need to address the significant increase housing proposed by the allocations outside the masterplan areas. The SANGS provision in this case is not adequate and this has been a case we have made for the duration of the Local Plan consultation and most recently in the letter of 12<sup>th</sup> March (see Appendix 1).

8. For example, Epping South remains a case in point. Although its specific Place Policy has been amended to be clear about the need for within-development SANGS, the future quality of any SANG next to the M25 remains questionable and therefore uncertain in its effective delivery.
9. Also in relation to SAMMS, although the Policy DM2B wording is now good, the actual delivery of SAMMS and when it will begin remains uncertain, as the SAC Oversight Group has still not agreed how the costs of SAMMS are to be divided nor to the governance arrangements between local authorities for the delivery of the SAMMS package of works.
10. Policy DM2C has been re-worded to encompass the likely significant effects of urbanisation (fly-tipping, daily access, non-native species introductions etc) as we had proposed. The issue of the buffering of the Forest with a 400m zone has been addressed through the requirement of Project-level HRAs for any development that is proposed within 400m of Epping Forest SAC boundary. This is not a perfect situation, as Project-level HRAs will struggle to address in-combination impacts but this issue is one that is likely to require close working with EFDC planning officers in the near future to try to set out clear guidelines and enable them to understand the key issues and what would constitute an appropriate assessment of adverse impacts.
11. In relation to MMs74 and 75 and Policy DM22 on air quality and mitigation of air pollution, the wording seems to address previous concerns that were expressed about the certainty of delivery and of securing financial contributions for the air pollution mitigation strategy.
12. However, the key issue remains, outside of the Policy wording itself, as to the certainty of the delivery of the two key components of the APMS. In particular, the CAZ is currently being downplayed with the both EFDC Officers and Members suggesting it may not be required as other options may come into being before 2025. However, no deliverable options have yet been proposed by EFDC or Essex County Highways, and the APMS Stakeholder Group proposed for 2021 to discuss these options has not yet been inaugurated.
13. Many of the above concerns were also highlighted in the report to your Committee on 8<sup>th</sup> March (see *Background Papers*), but the Policy wording has been made stronger and provides a better context for further refinement of the Strategies.

## **Proposals**

14. Therefore, although there are the remaining uncertainties around delivery and effectiveness of the Local Plan's associated strategies, namely SAMMS, SANGs and the APMS, it is proposed that such issues as remain are better dealt with outside the Main Modifications (MM) process.
15. Nonetheless, further scrutiny is required by your officers of the updated Local Plan Habitats Regulations Assessment (HRA) and also further consultation is

required with Natural England in formulating the final response to the current MM consultation. This further scrutiny and consultation are particularly in relation to the concerns on the APMS and the SAC Oversight Group governance. However, it is proposed that the final response, based on the above issues but with the provisos set out above, be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman, and be submitted by 22<sup>nd</sup> September to EFDC.

## Options

- 16. Option 1:** that a response is made with the provisos outlined, under delegated authority, broadly supporting the Main Modifications to the key Policies DM2 and DM22 and other relevant text and policies in the EFDC Local Plan, reflecting the fact that the changes align with the requests made at Examination. **This option is recommended.**
- 17. Option 2:** that a response is made requesting further wording changes and new modifications to seek more security around the achievement of the various strategies prior to adoption of the Local Plan. **This option is not recommended.**

## Key Data

18. The EFDC Local Plan is at Main Modifications (MM) consultation stage, which closes on 23<sup>rd</sup> September. 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 homes planned for Epping South and Loughton. 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.
19. 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

20. 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

21. 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**

22. 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**

23. None at this stage for the options recommended above. Any involvement in the APMS Stakeholder Working Group, and its terms of membership and terms of reference remain to be agreed with the Comptroller & City Solicitor prior to officers taking an active role in the Group.

### **Risk implications**

24. 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**

25. None.

### **Climate implications**

26. The responses to EFDC's Local Plan Main Modifications that are proposed in this report have no direct climate implications.

### **Security implications**

27. None.

### **Charity Implications**

28. 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**

29. The Consultative Committee has not been consulted on this report due to the timings of the Main Modifications consultation between July and September. However, key issues relating to the protection of the Forest under Local Plan policies have been discussed at previous meetings in 2019 and 2020.

### **Conclusion**

30. In response to the Main Modifications consultation it is proposed that changes to Local Plan Policy wording, which almost exactly reflect changes requested by The Conservators, are welcomed. In addition, however, it is recognised that a number of key concerns remain and that these should be explored with Natural England and EFDC. These should be highlighted in the response to the

consultation, but it is proposed that resolution of issues around the Local Plan strategies is sought outside the Main Modifications process.

## **Appendices**

**Appendix 1:** Letter of 12<sup>th</sup> March 2021 in response to EFDC Local Plan Policies D8, DM2 and DM22.

## **Background Papers**

- Report to Epping Forest & Commons Committee 8th March 2021: *Epping Forest District Council SAC Mitigation progress response:* (SEF 14/21)

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