

# APPENDIX 1 to REPORT SEF 39/21

## Open Spaces Department

Colin Buttery  
Director of Open Spaces

Alison Blom-Cooper  
Interim Assistant Director  
Planning Policy & Implementation  
Epping Forest District Council  
High Street  
Epping  
CM16 4BZ



**Telephone** 020 8532 1010

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Dear Alison,

### **EPPING FOREST DISTRICT COUNCIL LOCAL PLAN POLICIES D8, DM2 & DM22 and AMENDED DRAFTS of PARTS 3 & 4 of the GREEN & BLUE INFRASTRUCTURE STRATEGY**

Thank you for consulting the Conservators on the proposed amendments to Local Plan Policies DM2, DM22, D8 and also on the proposed modifications to Parts 3 and 4 of the Green & Blue Infrastructure Strategy, relating to SANGS measures. The Conservators have been able to take a preliminary view on these issues over the last few weeks both in respect to your full Council's debate of the Air Pollution Mitigation Strategy (APMS) on 8th February and in the light of Natural England's response of 5th March to the three Policies cited above.

In relation to the former, we note the reservations expressed by councillors about the proposed Clean Air Zone (CAZ) and we also note that the APMS's timetable for the introduction of the CAZ remains only indicative (Appendix 3, page 36, APMS - Document EB154). Our comments on the Plan Policies below are made with these uncertainties in mind. However, like Natural England in its response, we accept the APMS measures in principle and acknowledge that it is for your Council to be satisfied that the CAZ and the other elements of the APMS are achievable in practice.

#### **APMS and Policy DM2(B1) and Policy DM22**

Therefore, we concur with Natural England's reservations, expressed in its letter, that the inherent uncertainties and nature of the measures, like CAZ, require precisely worded policies, with clear provisos and restrictions on development. The current wording of Policy DM2 (B1) does not provide that precision in our view

**City of London** Epping Forest Office  
The Warren, Loughton, Essex IG10 4RW  
**Switchboard** 020 8532 1010  
[www.cityoflondon.gov.uk](http://www.cityoflondon.gov.uk)

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because, with the insertion of the 'and/or', it is not tied to the delivery of the measures, only the finance for them.

In relation to the other key APMS measure, to increase the uptake of ULEVs, we have discussed with you the need to provide clearer incentives to reach the percentage targets. We are conscious that there remain large uncertainties about meeting the APMS targets and, therefore, the policy wordings in DM2 and DM22 need to be tightened to tie into specific measures. In addition, we are keen to explore with you other measures that might encourage the reduction of polluting road traffic.

Monitoring will also be absolutely key to the certainty around mitigation measures and their impacts, and this needs to be clearly set out in and linked to the two policies.

### **SAMMS and Policy DM2(B2)**

As discussed at the recent SAC Oversight Group meetings, the financial contributions have still not secured any SAMMS mitigation measures. The contributions have not been released by any authority due to a lack of agreement on a mitigation governance structure by the competent authorities. The Policy wording, therefore, needs to make much clearer links between implementation being secured before development, or in a timely manner, to ensure that adverse impacts are avoided. The current wording, in our view, needs further revision as we requested in our letter of 9th September 2020.

"Relevant development" needs to be defined based on likely significant effects and a Zol that is periodically reviewed as part of a joint SAMMS and SANGS Strategy. All development in the Zol in the District should contribute to SAMMS, recognising the likely significant effects on the Forest that the Plan HRA has demonstrated. SAMMS contributions should be required, even if the development is also expected to deliver "bespoke" SANGS. The Policy wording, in our view, should be much clearer. For example, amended wording could read: "*all development within the Zone of Influence, as defined and periodically reviewed by the SAMMS Strategy, will be required to make a sufficient financial contribution to secure effective implementation of the SAMMS Strategy measures for in-perpetuity protection of Epping Forest SAC*".

There also needs to be wording to ensure early adoption of the updated costings for SAMMS (from November 2020 LUC report and The Conservators' revised table for in-perpetuity costs) and any future updated financial contributions required to meet the more detailed SAMMS measures. The mechanism for revision and review of projects and costs needs to be clearly set out and linked in the Policy wording. This is where a Supplementary Planning Document (SPD) on SAC Mitigation measures would be important, as we have requested before, to ensure strong

links between implementation and review mechanisms and policy. We repeat our view that an SPD should be considered and this would assist in cross-border coordination of mitigation projects.

### **G&BI Strategy and Policy DM2(B3)**

Although there have been some minor wording changes to Policy DM2(B3), these do not accord with the changes we requested in our response to you of 9th September 2020 (please see page 3 of 10 of our response). As we stated then, the wording of this Policy is too vague and does not meet the requirements to secure actual delivery of any SANGS measures in a timely fashion. “Measures could involve” does not provide certainty of mitigation. The G&BI Strategy at this stage is still not adopted and is still under development (see comments on Parts 3 and 4 below). This makes the Policy wording even more important, as with our APMS comments above, because of the uncertainties of delivery and uncertainties about the quanta of SANGS to be provided at this stage.

In addition, the four measures listed (shown as ii) to v) on the January 2021 draft), apart from the first (numbered as ii)) do not provide any guarantee of being able to deal with the “uplift” in recreational pressure associated with additional residential developments. Under DM2 (B3), approving “access to natural greenspaces” or “improving recreation facilities” may have no, or not sufficient impact, on the increased visitor pressure on the Forest. These measures may not be able to cater for more people at those modified greenspaces, if they are already at capacity at key times.

The Policy DM2(B3) needs wording that makes it clear that measurable capacity increases through additional greenspace are required to be secured as mitigation and that financial contributions alone are not sufficient. Delivery of a clear quantum of SANGS or related infrastructure projects, with precise location and hectarage, must be secured, not just the finance for them.

Quality of SANGS also remains an issue. Monitoring their future effectiveness in drawing visitors to them as an alternative to the Forest, by a review of the number of visitors to such sites, needs to be built into either the G&BI Strategy or the Policy, and if in the former it must be clearly linked to the Policy's wording.

### **Green & Blue Infrastructure Strategy - revised drafts of Parts 3 and 4**

We welcome the re-framing of the SANGS on the master-planned sites as “bespoke SANGS” rather than “Strategic”. This reflects more accurately the scope of such greenspaces, linked to large developments, in reducing recreational pressures on the Forest. The use of the 8ha per 1000 residents is also welcomed, being in-line with precedent at the long-standing Thames Basin Heaths strategic solution. However, in our view, this leaves a gap in the provision of strategic,

District-wide SANGS that are attractive enough to ensure the deflection of visitor pressure from Epping Forest SAC.

Concerns remain for us and our preliminary views before seeing the final Strategy are in relation to **Part 3, "Bespoke SANGS"**:

- If the masterplan sites are also contributing to SANGS then the 8ha per 1000 would make sense, in our view. However, if they are not, then there needs to be even more clarity that the 8ha per 1000 is adequate to accommodate the increased recreational requirements of these extra residents. Compared to other strategic solutions, where both SANGS and SAMMS are delivered through dual tariffs, it is a low level of mitigation that is being proposed.
- This is particularly pertinent for Waltham Abbey, where there is no space for SANGS, for North Weald where the SANGS location is still not secured and for Epping South where the quality of SANGS, in terms of its likely attractiveness, remains open to considerable doubt.
- For Waltham Abbey the Forest's nearby green lanes that link to the Lee Valley, and Warlies Park on the Forest Buffer Lands, are likely to both take increased recreational pressure. They will, therefore, alleviate pressure on the SAC if the correct infrastructure is put into place through Part 4 funding. This needs to be addressed directly in the G&BI Strategy and more specific measures need to be put forward in relation to this development and the use of City of London-owned land.
- There was reference to the fact that some of the Masterplan sites straddle the 6.2km Zol. It makes sense that the whole of the master-planned sites are expected to deliver appropriate quanta of SANGS and not divided into sections. If the SANGS are not sufficient for the whole development, there would be likely to be displacement away from them if visitors found them too busy or too many conflicts arose between different recreational activities.
- There seems to be a suggestion that master-planned sites may be able to sell their SANG capacity in the future to other developers as mitigation for other sites (e.g. Thornwood). The GI strategy suggests this will be on a 'commercial basis'. In our view this requires precise clarification as it seems to be clearly anti-strategic. If a SANG is set out in a masterplan to provide a set level of mitigation for a given number of houses, it shouldn't then be possible to sell it off in the future.
- We would welcome wording in the G&BI Strategy to indicate a minimum parcel size for the SANGS within the masterplans and clarity on the overall quantum (calculated using the 8ha per 1000 residents). It is important that the

SANGS is not made up of lots of small disparate patches but works as an integrated place and visitor destination.

#### **Part 4 Infrastructure Projects**

In relation to Part 4, Infrastructure projects, our preliminary views are:

The existence of the Buffer Lands, and their contribution as attractor sites away from the SAC, should be emphasised and a mechanism set out in Part 4 as to how the District Council will work with The Conservators to ensure that these sites are used and financed in future to accommodate the extra recreational pressure that will inevitably come their way. Their role in alleviating the recreational pressures on the SAC cannot be doubted and yet there remains no clear route for supporting these sites through the infrastructure project proposals, e.g. through the provision of car parking or connected, circular walk routes.

The Part 4 projects relate to the scattered smaller developments - and particularly Loughton. We welcome the proposal to keep such projects as a "live" list and to actively review and consider the quanta, location and recreational activities provided by such projects.

This flexibility to adapt to particular recreational pressures on the SAC, like mountain biking, could be effective in addressing likely significant effects from new developments. This, of course, could only be the case where sufficient new capacity can be provided and as long as existing greenspaces are not damaged.

However, the process for the review of this "live" list is not yet clear. Review needs to be both regular and ahead of new developments in order to meet their needs. New locations, where the projects would be effective for those developments, need to be specifically identified in the Strategy. Ideally, for such an approach to be effective there would be an agreed list of projects with a set level of capacity (new houses) that they could mitigate. Small developments could then contribute to the most appropriate (e.g. nearest) that has available capacity at the time. This would provide certainty of adequate mitigation being available and deliverable. This is not the case at the moment.

Parts of the City Corporation's Epping Forest Buffer Lands may be able to contribute to this infrastructure approach and possibly cater for specific activities.

We would welcome a continuing dialogue on this with your Council in order to ensure opportunities are highlighted for practical and deliverable solutions.

- The process for developing these infrastructure projects therefore needs to be set out clearly in the G&BI Strategy Part 4 and clearly linked to additional wording in Policy DM2(B3).
- Based on discussions it is clear that, at the moment, only two projects (a Roding Valley site and footpath links to a site at Theydon Bois) are put forward (plus measures at the LVRP related to Waltham Abbey North). We are concerned at this relatively late stage in the Local Plan process, that there is no evidence available as to the scope and capacity of mitigation that these sites will provide. For example, what kind of catchment (which development sites) and how much capacity there is for these sites to absorb increased recreation (how many houses)? We are aware that the Roding Valley area is already a well-visited site. The evidence needs to be set out prior to the adoption of the Local Plan, in our view, as otherwise this part of the SANGS Strategy cannot be ascribed any certainty in mitigating impacts on the SAC.
- For small development sites outside the catchment of these infrastructure projects (e.g. in Chigwell), some other mitigation will be necessary alongside SAMM – i.e. further infrastructure projects or SANG. Without any projects or mitigation those houses should be phased to a later point in time or not relied on in the Plan because there is no confidence, at this stage, that adequate mitigation can be provided.
- Some small development sites are identified as providing their own on green space, i.e. more akin to bespoke SANGS. For example, this is stated as required for R4 and R9 in Loughton. There needs to be clarity as to the scale and adequacy of SANG provision for such sites. In order to rule out adverse effects on integrity for these sites it will be necessary to have confidence that measures being relied on will be effective and are achievable in practice.
- If any SANGs or infrastructure projects are limited in their capacity, greater reliance will need to be placed on SAMMS.
- However, reliance on SAMMS for the smaller developments remains a concern of The Conservators and we consider that mitigation that **avoids** placing further pressure on the Forest SAC is essential in addition to SAMMS.

### **Policy DM2(C)**

This Policy, in our view, places too much emphasis on project level HRA and does not provide a way to deal with the issues at strategic Plan level. Therefore, it does not provide sufficient protection from the likely significant effects of urbanisation

and un-buffered recreational access. The Local Plan policy needs to address growth within 400m in-combination. A 400m or 500m buffer, and at examination-in-public we put forward an 800m buffer related to your Council's own evidence, reduces the recreation pressure on the SAC because development this close is very difficult to deflect. Also, it reduces the reliance on SANGS and SAMMS, particularly the latter which we consider is being relied upon too heavily by the Local Plan Policy DM2 (see comments on the G&BI Strategy above)

### **Policy D8**

We endorse completely the points raised in paragraph c) of the Natural England letter of 5th March with regards to the wording of Policy D8. Triggering a review of the Local Plan would be an important restriction on development and a protection of the Forest SAC from adverse impacts but only if the parameters of such a review are clearly laid out within a strict timetable for resolution of any delays in securing mitigation.

### **Conclusions**

The precise wording of the Policies remains absolutely crucial to the Local Plan's compliance with the Habitat Regulations and we concur with Natural England's reservations in this regard, as set out in its recent letter of 5<sup>th</sup> March.

The protection of the internationally important Forest is at stake and we would request that the issues raised here are addressed comprehensively in the main modifications.

1. We consider that the Policy wording needs to be tightened in all three Policies DM2, DM22 and D8 so as to ensure that mitigation delivery is secured rather than only finances for some future possible mitigation.
2. The Clean Air Zone indicative timetable needs to be addressed through Policy precision and clearer measures to promote ULEVs need to be set out in the APMS or in the Policy DM22. If the CAZ remains unspecified for a long period, then the uncertainty increases around its likely impacts on mitigation and how much it can be relied upon as an achievable mitigation measure.
3. It is also key that the balance between SANGS and SAMMS is addressed so that the final adopted Local Plan places explicit emphasis on securing more, measurable and location-specific SANGS capacity in a timely way ahead of developments, including for smaller developments.
4. We support the idea of Green Infrastructure projects (Part 4) as an adjunct to the larger SANGS approach, provided there are sufficient opportunities and

they can be shown to increase capacity for specific recreational activities that might otherwise result in more recreational pressure on the Forest SAC.

Yours sincerely

**Dr Jeremy Dagley**  
**Head of Conservation**  
**Epping Forest, City of London**

Cc:  
Cllr Nigel Bedford  
Cllr Chris Whitbread  
Nicky Linihan  
Aidan Lonergan (NE)  
Jamie Melvin (NE)