



Hearing Statement

Epping Forest Local Plan: Examination in Public

Matter 1, 2, 3, 4 and 7

Iceni Projects Limited on behalf of
Tele Lands Improvement Limited

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1. INTRODUCTION

1.1 This Hearing Statement has been prepared on behalf of Tele Lands Improvement Limited (Lands Improvement or LI) who submitted representations to the Epping Forest Local Plan Regulation 19 Consultation and the Site Select Report Consultation.

1.2 This Hearing Statement responds to the following matters:

- Matter 1, Issues 1-5
- Matter 2, Issue 1
- Matter 3, Issue 1 and 3
- Matter 4, Issues 1-4 and 6
- Matter 7, Issue 1.

2. MATTER 1: LEGAL COMPLIANCE¹

Issue 1: In preparing the Plan, has regard been had to national policies and advice; and to Neighbourhood Plans whether “made” or in preparation?

Q1: Is it necessary to highlight at the outset any significant inconsistencies with either national policy or guidance? Are they robustly justified?

2.1 There are significant inconsistencies between the Submitted Version Local Plan (SVLP) and associated evidence base and the 2012 National Planning Policy Framework (NPPF):

- **Objectively Assessed Need** - The NPPF requires plans to meet an area’s objectively assessed needs subject only to the caveats at NPPF14. NPPF47 emphasises the importance of evidence being prepared on that basis, to boost significantly the supply of housing. The West Essex and East Hertfordshire Strategic Housing Market Assessment (July 2017, Current SHMA) identifies a 'FOAN' of 12,573 homes for Epping Forest). The SVLP instead relies on the lower 2015 SHMA figure of 11,400. It justifies that, based on the March 2017 Memorandum of Understanding (MoU) (EB1202, OAN MoU) (SVLP, paragraph 2.44). Every other OAN MoU authority has instead adopted the July 2017 OAN figure in the Current SHMA. It is therefore not justified to rely on out-dated evidence and the Local Plan does not meet the area’s objectively assessed needs with respect to the supply of housing. As a result, different housing numbers are used throughout the SVLP² and existing evidence base which obscures the number of homes being planned (inconsistent with NPPF 15).
- **Sustainability Appraisal (SA)** – The Plan has not assessed all reasonable alternatives through the SA process or identified, described or evaluated the likely significant impacts with links to appropriate evidence (for the reasons given in the Regulation 19 Representations and expanded below). The SVLP therefore fails to satisfy the legal requirements for adoption³. As such, it is also inconsistent with NPPF 165 and is not Justified in the terms of NPPF 182.
- **Habitat Regulation Assessment (HRA)** - In accordance with the Regulations⁴, an Appropriate Assessment (AA) should be undertaken where a significant effect on the integrity of a European Site, either alone or in combination, with other plans or projects cannot be ruled out. Mitigation

¹ Word Count: 3,850

² 11,400 identified in paragraph 1.44, 2.44, 2.58 and Table 2.1 vs 12,573 identified in paragraph 2.43 vs 13,152 identified in Appendix 5.

³ EU Directive 2001/42/EC; Environmental Assessment of Plans & Programmes Regulations 2004; NPPF para 32; PPG 018

⁴ Article 6 of the EC Habitats Directive 1992; Conservation of Habitats & Species Regulations 2017.

measures cannot be taken into account (*People Over Wind and Peter Sweetman v Coillte Teoranta*, ECLI:EU:C:2018:244).

The Habitats Regulation Screening Assessment (HRSA) in 2016 and 2017 (EB205 and EB206) identify the potential for Likely Significant Effects (LSE) on Epping Forest SAC⁵. It relies on a proposed mitigation strategy and a Memorandum of Understanding (MoU) (EB1200) to conclude that there would not be an *adverse* effect on the integrity of the European Site and therefore identified that an AA was not required. This is wrong because:

- Firstly, AA can only be avoided where there is no doubt about the absence of LSEs (not adverse effects);
- Secondly, it is clearly unlawful having regard to *Sweetman*; and
- Thirdly, it relies on mitigation measures which are an interim strategy as the full mitigation strategy has not yet been completed).

The SVLP is not accompanied by AA. As such, it cannot be determined that there will not be an adverse effect on the integrity of the SAC and therefore, the SVLP cannot be effective, justified or consistent with national policy. This raises doubt and concern over whether the development options put forward in the SVLP are most effective and appropriate alternatives based on robust evidence for delivering the NPPF and Plan objectives.

- **Statement of Community Involvement** – Various stakeholders, including LI, have been excluded or marginalised from the consultation process to date, given the extent of missing information and evidence base (**Appendix A1**). This conflicts with NPPF 155 and is reflected in the finding of procedural defects in relation to the SVLP process which emphasises the importance (*CK Properties (Theydon Bois) Limited v Epping Forest District Council* [2018] EWHC 1649 at 83 and 86), of, and wide powers during, the examination process to ensure that the substantive areas of concern are properly addressed. The current state of the SVLP and evidence base requires those powers to be used to suggest further consultation on the additional information occurs without delay to ensure effective participation and a robust evidence base.
- **Duty to Cooperate with regards to Epping Forest SAC** – Epping Forest crosses the administrative boundaries of Epping Forest, Redbridge and Waltham Forest. The February 2017 MoU (EB1200, SAC MoU) for managing impacts of growth on Epping Forest SAC does not include the London Boroughs of Redbridge (LBR) and Waltham Forest (LBWF). With the significant quantum of housing proposed for Redbridge and Waltham Forest⁶, the future

⁵ Paragraph 6.1 of the HRSA (December 2017), page 105

⁶ The Draft London Plan targets 37,730 homes until 2028/29 for Redbridge and Waltham Forest.

recreation pressure on Epping Forest SAC is clearly a significant strategic cross boundary issue that requires regional coordination. The SAC MoU acknowledges (EB1200) that impacts will occur on the SAC from areas outside the SHMA. The December 2017 DtC Statement of Compliance (EB119) states that LBWF and LBR have been invited to participate on SAC issues. No further detail is given. No further MoU or Mitigation Strategy (or evidence on which to base it) is available. The Council has not fulfilled its duty to co-operate under section 33A of the 2004 Act for the purposes of NPPF 178 and 181.

- A significant amount of the evidence required to demonstrate that the SVLP is Positive, Justified, Effective for NPPF 182 purposes is missing (see **Appendix A1**) or out of date⁷. As such, the SVLP conflicts with NPPF 165, 158 and 182.
- **Air Quality** – The Council has not published its Air Quality Annual Status Report covering 2017, to fulfil the requirements of Part IV of the Environment Act (1995) which should have been submitted to Defra by 30 June 2018. The plan is therefore not consistent with up to date environmental information for the purposes of NPPF 165 and 158.

2.2 These inconsistencies are so significant, either in isolation or in combination, that they cannot be justified. Rather, significant additional work is required to be undertaken by the Local Authority to the evidence base and SVLP, such that the Examination of the Plan cannot proceed at present. We would expect the updated Local Plan and evidence base to be the subject of further public consultation, with interested parties given an early and effective opportunity to participate in the proper consideration of alternative options for meeting needs and protecting the SAC.

⁷ E.g. the Visitor Survey used to inform the Interim Mitigation Strategy.

Issue 2: Is the Plan legally compliant in respect of how it accords with the Local Development Scheme (LDS) and the Statement of Community Involvement (SCI); and has the consultation carried out during its preparation been adequate?

Q2: Has the Plan been prepared in accordance with the adopted SCI, 2013, particularly in respect of the following: f: Does the absence of Appendix B of the Site Selection Report (and potentially other documents) at the Regulation 19 stage contravene the requirements of the SCI? If so, what are the implications of this for the test of legal compliance?

Q3. Did the Council's consultation process prior to inviting representations on the Regulation 19 version of the Plan offer interested parties the opportunity for meaningful engagement? In particular: g: How have the consultation responses made during the preparation of the Plan informed the submitted version, particularly in relation to the desire to protect open spaces and community facilities, and to increase local job and business growth? h: Has the inclusion and exclusion of specific sites only at the Regulation 19 stage denied some interested parties this opportunity? i.e. What action did the Council take to inform interested parties about significant changes to the Plan?

2.3 The Regulations state that the community should be given an opportunity for early and effective involvement in the consultation process⁸. The absence of Appendix B of the Site Selection Report and other evidence base documents/supporting information (**Appendix A1**) and the way in which the Council engaged stakeholders with respect to the Site Selection Report, or lack of engagement on missing information, contravenes the requirements of the Statement of Community Involvement (SCI) and 35(1) and 17 of the Town and Country Planning (Local Planning) Regulation 2012 which requires the proposed submission documents (including supporting documents) to be published on the website. Accordingly, the Council has acted in breach of Regulation 19 of the Town and Country Planning (Local Planning) Regulation 2012.

2.4 We note that the Local Development Scheme (LDS) is silent on when the supporting evidence documentation will be prepared. This directly contravenes Paragraph 9 of Epping's SCI which states that a full list and timetable of supporting evidence will be provided in the LDS. This means that interested parties had/have no idea if/when the evidence will be prepared or made available nor able to identify the opportunities for engagement, as required by Paragraph 10 of the SCI. Furthermore, the absence of key information within the SA and a summary of the representations received, fails to demonstrate a transparent and effective approach to consultation.

2.5 We do not consider that consultation responses made to the Council prior to the Regulation 19 version of the Local Plan have been used to inform the SVLP, especially with respect to sport facilities

⁸ EU Directive 2001/42/EC – Article 2 (b), Article 6 (2), NPPF para 16.

in Epping town itself. On the 10 October 2017 (**Appendix A2**), as new landowners, LI wrote to the Council to confirm their intention to bring forward the Regulation 18 Allocation SR-0132Ci for the relocation and redevelopment of the Epping Sports Club on land to the west of Bury Lane. This letter was never acknowledged or discussed with Icení or Lands Improvement, nor did the Council make any attempt to discuss the viability of this allocation with us. The site was then removed in the Regulation 19 version of the Local Plan but the reasons why were not apparent until Appendix B of the Site Selection Report was released, stating that the scheme was unviable.

- 2.6 The lack of supporting information has prejudiced interested parties' ability to understand the decision-making process, understand the impacts/outcomes of the SVLP, to engage with the Local Plan process or the ability to respond to key matters typically addressed within a Local Plan (e.g. air quality, highways, green belt release, housing land supply/strategy, viability etc.). Furthermore, this missing information also significantly impedes the Inspectors ability to examine the Local Plan, as she is similarly unable to determine how the Local Plan has been prepared or justified. If this isn't remedied by the Inspector by allowing interested parties to review and respond to the missing information, it represents a potential Judicial Review risk to any adopted Local Plan. We recommend the Inspector use her powers to request the Council consult on the outstanding documentation or any amendments to the Local Plan as a result.

Issue 3: Has the Duty to Cooperate, as required by S33A of the Planning and Compulsory Purchase Act, been met?

Q1: The strategic cross-boundary issues addressed by the Co-operation for Sustainable Development Board are set out in Section 3 of the Duty to Cooperate Statement, December 2011 (EB119). Has the Duty to Cooperate been met in respect of these matters and are there any significant omissions?

- 2.7 Epping Forest SAC falls within Epping Forest District as well as LBR and LBWF, all of which have a duty, as a Competent Authority under the Conservation of Habitats and Species Regulations 2017, to ensure that decisions comply with those Habitat Regulations and do not result in adverse effects on the integrity of the Epping Forest SAC. However, the Local Plan, associated evidence base and MoU for managing the impacts on growth on Epping Forest is silent on engagement with these two London Boroughs. Furthermore, the Duty to Cooperate Statement (EB119) is silent on the recreational impacts on Epping Forest (only focusing on air quality impacts on the Forest). For the Interim Strategy (or indeed any related strategy) to be effective, all three authorities must agree, as requested by Natural England (see **Appendix A3**). There is currently no evidence to show that the LBR and LBWF have signed up to the Interim Mitigation Strategy prepared by the Council. Therefore, we consider that the Council has failed under Section 33A of the Planning and Compulsory Purchase Act in its duty to co-operate in this respect.

**Issue 4: Has the Plan been informed by an adequate process of Sustainability Appraisal (SA)?
Have the requirements of the SEA Directive and Regulations been met?**

Q1: Is the SA comprehensive and satisfactory and has it sufficiently evaluated reasonable alternatives? In particular, I understand that a “dispersed” pattern of development was pursued as a result of Community Choices consultation. Were alternative distributions considered through SA, such as a more concentrated pattern, or different dispersal pattern?

2.8 AECOM’s approach to the Sustainability Assessment (SA) is not adequate, as it has failed to comply with the necessary guidance and regulations, with respect to the assessment of reasonable alternatives. The methodology also does not demonstrate how the ‘significance criteria’ have been addressed, which should be used to determine the likely significant effects⁹. A detailed appraisal of the SA has been undertaken and included at **Appendix A4**.

2.9 The selection of the Spatial Strategy, Settlement Spatial Options and Site Options are not substantiated by the SA report. The Spatial Strategy is the outcome of the Strategic Spatial Options Study¹⁰, which was not subject to a SEA compliant assessment. The 2012 options do not include any maps/plans or quantum of development for each growth area. Further assessment of alternatives for the OAHN within the District has not been undertaken. A further five Spatial Strategy Alternatives are assessed in very broad terms, but the quantum of development is not explained¹¹. The results are therefore impossible to understand.

2.10 A review of the SA has identified the following key failings:

- Lack of appropriate discussions on how the options for the spatial distribution (District wide and settlement specific) were selected and rejected.
- Inadequate prediction an evaluation of the effects of the preferred approach and reasonable alternatives, alternatives to the Spatial Strategy are no considered.
- Failure to provide an outline of the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selection the preferred approach in light of the alternatives¹²
- The assessments of the Site Options are not included within the SA.

⁹ Schedule 1 and 2, Environmental Assessment of Plans and Programmes 2004, NPPF para 32

¹⁰ SA of Strategic OAHN Spatial Options, AECOM, 2016 (EB203)

¹¹ Section 6, Table 6.2, SA 2017 (EB204)

¹² Sch.2 (8) Environmental Assessment of Plans and Programmes 2004

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- Failure to predict and evaluate effects in sufficient detail according to the significance criteria set out in the Regulations.
 - The assessment of policies has not been properly assessed against the SA Framework, a comparison is not made.
 - Failure to show how the findings of the consultations have been considered or influenced the plan's development and SA.
 - The process is not transparent, the assessment information is scattered between numerous documents.
 - The cumulative impact assessment has not assessed the impacts of different spatial strategies, strategic options for the settlements or site options.
 - Mitigation measures have not been suitably identified within the SA.
 - Failure to link to the appropriate evidence to support the decisions taken, key evidence was not available or complete when the assessment was undertaken.
 - Failure to show how the SA has informed the Local Plan and the selection refinement and publication of the proposals

2.11 The site options are not appraised within the SA and the separate Site Assessment Report was published three months after the Local Plan and SA were issued for consultation. Key evidence was also not available when the SA was undertaken including transport modelling and air quality information. The SA is therefore deficient and does not demonstrate an integrated approach to the development of the Plan.

2.12 Given the above, the findings of the SA cannot be considered credible, justified, robust or fit-for-purpose and therefore the Local Plan is not sound. Considerable additional work is required to address the deficiencies identified above and the approach suggested by the Inspector for the North Essex Part 1 Local Plan SA is recommended.

Q2: The SA Report of 2017 (EB2014) indicated that the Plan will have either negative or minor negative effects in the relation to the following SA objectives: biodiversity and green infrastructure; the historic environment; land and waste; and landscape. Have reasonable alternatives been considered to seek to avoid these effects and, if they are unavoidable, is the Plan justified?

2.13 Reasonable alternatives have not been considered to avoid effects on biodiversity and green infrastructure; the historic environment; land and waste; and the landscape, it is therefore not possible to determine whether the Preferred Strategy is appropriate. Furthermore, the SA considers

that the impact for Air Quality is neutral and for Transport, uncertain positive. Given that the Transport modelling and Air Quality assessment were not complete at the time of the SA (nor available now), it is not known how these results were determined. The initial transport analysis that had been carried out at the time established that even without development, parts of the highway network will be operating over capacity. There will therefore be a significant impact upon the highway network as a result of the increase in traffic, which is also the main source of air pollution in the District. Given the proposed levels of growth, the results in the SA cannot be correct.

- 2.14 Therefore, the Plan has clearly not been informed by an adequate process of Sustainability Appraisal, nor have the requirements of the SEA Directives and Regulations been met.

Issue 5: Have the requirements of the Conservation of Habitats and Species Regulations 2017 been met?

- 2.15 This section sets out issues of compliance with regard to the Habitats Regulations and should be read in conjunction with **Appendix A5**.

Q1. Is the Council's HRA process consistent with the People Over Wind, Peter Sweetman v Coillte Teoranta Judgement?

- 2.16 **No.** We do not consider that the HRA process undertaken by EFDC is compliant with the recent judgment of the Court of Justice of the European Union (CJEU). The ruling associated with *People Over Wind, Peter Sweetman v Coillte Teoranta* (April 2018) states that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage. This is supported by PINS Note 05/2018, which states that the screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of significant effects cannot be excluded, the competent authority must undertake an AA to establish whether the plan or project will affect the integrity of the European Site, considering the effectiveness of the proposed avoidance or reduction measures as relevant.
- 2.17 However, the HRSA (EB206)¹³ states that: '*Case law has established that it is legally permissible to take mitigation measures into account [at the screening stage] in drawing a conclusion on likely significant effects*'¹⁴. It is stated that there is potential for LSE on Epping Forest SAC¹⁵ however, on the basis of a mitigation strategy it was considered that there would not be an adverse effect on the

¹³ Accompanying the Regulation 19 consultation

¹⁴ Paragraph 2.5, page 11

¹⁵ Paragraph 5.2.1, page 54 (EB205 – November 2016)

integrity of the European Site and therefore an AA was not required. Clearly this contravenes the findings of the *People Over Wind* judgement¹⁶ and is therefore inconsistent with recent case law.

Q2. The Habitats Regulations Assessment of the Regulation 19 Local Plan (EB206 & 206A) identified that, without mitigation, the Plan would result in likely significant effects upon Epping Forest SAC, either alone or in combination with other plans or projects, in respect of recreational pressure; urbanisation and air quality. [Sub-questions2a-2j(iii)]

2.18 Tele Lands Improvements have a number of concerns relating to the approach that EFDC has taken in relation to the Conservation of Habitats and Species Regulations 2017¹⁷ ('the Habitats Regulations'). In summary, these concerns are:

- The Submission Version Epping Local Plan (SVELP) seeks to deliver 11,400 homes over the Plan period, of which approximately 6,000 homes will be built within c.6km of the Epping Forest SAC, a site protected under EU legislation¹⁸. In accordance with the Regulations, an Appropriate Assessment (AA) should be undertaken where there is likely to be a significant effect on the integrity of a European Site, either alone or in combination, with other sites. **An AA has not been undertaken.**
- EFDC undertook Habitats Regulation Screening Assessment (HRSA) in 2016 and 2017 (EB205 and EB206) which states that there is potential for Likely Significant Effects (LSE) on Epping Forest SAC¹⁹. However, based on a proposed mitigation strategy (which is currently an Interim Strategy and the full mitigation strategy has not yet been completed) and a Memorandum of Understanding (MoU) (EB1200) it was concluded that there would be no adverse effects on the integrity of the European Site and therefore an AA was not required. This position has not been updated and therefore, EFDC has not complied with CJEU ruling from the *People Over Wind* judgement and this is **not consistent** with recent Case Law.
- Without an AA it cannot be determine if there will be an adverse effect on the integrity of the SAC and therefore, the SVELP **cannot be effective, justified or consistent with national policy.**

¹⁶ Paragraph 7.3.6, page 66

¹⁷ Her Majesty's Stationery Office, (2017); The Conservation of Habitats and Species Regulations 2017

¹⁸ The need for HRA is set out within Article 6 of the EC Habitats Directive 1992 and interpreted into British law by the Conservation of Habitats & Species Regulations 2017.

¹⁹ Paragraph 6.1 of the HRSA (December 2017), page 105

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- Notwithstanding, an Interim Mitigation Strategy for the Epping SAC has been prepared. However, this Interim Strategy is flawed, for these reasons:
 - The SAC crosses the boundary of three authorities, EFDC, LB Redbridge and LB Waltham Forest, all of which have a duty, as a Competent Authority under the Habitats Regulations, to ensure that decisions comply with the Regulations and do not result in adverse effects on the integrity of the Epping Forest SAC. Consequently, for the Interim Strategy (or indeed any related strategy) to be effective, all three authorities must be in agreement. Two of the above authorities are not signed up to the Interim Strategy and therefore the effectiveness of this Strategy cannot be determined with sufficient certainty.
 - In addition, the Interim Mitigation Strategy provides for onsite mitigation only with no consideration of offsite mitigation. Onsite mitigation comprises the Interim Strategic Access Management and Monitoring Strategy (SAMMS). The most effective off-site avoidance measures (and one commonly used as mitigation) would be Suitable Alternative Natural Greenspaces (SANGs) with the addition of potential buffer land however EFDC does not have a SANGS strategy. Without offsite mitigation, there cannot be any certainty that the Plan will be able to deliver its housing objectives, including 6,000 homes within c.6km of the SAC. Therefore, the Plan is not justified.
 - Furthermore, the Interim Strategy does not address Natural England's (NE) concerns and lacks the following evidence base to justify the Strategy (**Appendix A3 and Appendix A6**):
 - Updated visitor survey assessment;
 - Updated transport and air pollution modelling;
 - Identification of proposed mitigation measures to address recreational and air pollution impacts; and
 - Updated conclusions on whether there will be any adverse impacts, either alone or in-combination.
 - Additionally, with the lack of credible evidence, absence of an AA to ascertain the LSE on the SAC, and appropriate mitigation raises doubt and concern that the development options put forward in this Plan are most effective and appropriate for delivering the Plan objectives. There is insufficient information to demonstrate that proposed mitigation could be achieved in practice and the issues raised by consultees confirm there is real doubt that it will be possible to achieve both the proposed mitigation requirements and the delivery objectives (DLA Delivery v Lewes District Council [2017] EWCA Civ 58).
 - Without the above evidence the Mitigation Strategy cannot be justified. NE have a statutory duty under Regulation 9 of the Habitats Regulations. As a statutory advisor on the conservation
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matters of European Sites, they advised EFDC, in a letter dated 15 June 2018, that it is “*very difficult to identify suitable mitigation measures to minimise or remove any air quality impacts to enable a conclusion of no adverse effect on site integrity of the SAC to be reached at the individual planning application until the updated HRA has been prepared. It may therefore not be possible for you to determine such planning applications until the updated Local Plan Habitats Regulations Assessment has been finalised*” (**Appendix A6**). Consequently, NE have halted determination of applications until a thorough AA has been carried out. The same principle should be applied to the development of the Local Plan, there is no justification for taking a different approach which is not compliant with the Regulations. In addition, due to the lack of AA being undertaken, there is no certainty that the alternatives presented in the Local Plan will have the least adverse effects on the SAC, and as such the alternatives should be reconsidered in this context. The lack of a robust approach to the alternative is set out in more detail at paragraph 2.8-2.14 of this Statement.

- 2.19 Once further information in relation to proposed mitigation measures is available, the Strategy and HRA should be reviewed and updated. These will require further public consultation and review to determine these are compliant with the requirements set out in The Habitats Regulations. LIH reserves its right to comment on this information once it is available and as above submits that the Examination process should ensure that a proper opportunity is provided to do so in way that can influence the SVLP.

3. MATTER 2: CONTEXT, VISION & OBJECTIVES AND SUSTAINABLE DEVELOPMENT²⁰

Issue 1: Are the context, vision and objectives for the Plan accurate and comprehensive?

Q3: Do the vision and objectives adequately reflect the Plan's aims for air quality, green and blue infrastructure, protection of the landscape and biodiversity, and healthy living? Should specific reference be made to the aim of conserving or enhancing the historic environment, including archaeology?

3.1 The SVLP vision is silent on air quality, green and blue infrastructure, protection of the landscape and biodiversity and healthy living. Furthermore, the vision does not consider the management of recreation pressure on Epping Forest SAC.

3.2 The objectives of the SVLP are lacking as follows:

- Air Quality: Objective A(vi) only addresses air pollution in the context of new development. However, Section 82 of the Environment Act 1995 requires local authorities to review air quality and prepare Air Quality Action Plans for areas where air quality objectives aren't being achieved. Therefore, it is also the role of the Council to take responsibility for air pollution. This objective should be updated accordingly.
- Green and blue infrastructure: The objectives are silent on managing recreation pressure on the Epping Forest SAC, or the possibility of development of a Green or Blue infrastructure strategy to help alleviate this pressure. The Local Plan should include mechanisms to allow a Green Infrastructure Strategy to be produced. If this is not produced in a timely fashion, the plan should include a trigger for a Local Plan review on that basis.
- Sport and recreation infrastructure: The objectives are silent on this and should be updated accordingly as this contributes to healthy living.
- Protection of landscape and biodiversity: The objectives are silent and this should be updated accordingly.
- Healthy living: The objectives are silent and this should be updated accordingly.

²⁰ Word Count: 232

4. MATTER 3: THE QUNTITATIVE REQUIREMENTS FOR DEVELOPMENT²¹

Issue 1: Is the housing requirement for the plan period 2011-2033 appropriately defined having regard to the composition of the Housing Market Area (HMA) and the Objectively Assessed Need (OAN) for housing within the HMA?

Q2: Does the SHMA July 2017 identify the *full* OAN for housing for the HMA and for Epping Forest specifically?

- 4.1 We have significant concerns regarding the assessment for the affordable housing need in the July 2017 SHMA and consider that it underestimates the level of affordable across the District, as the Opinion Research Services (ORS) methodology assumes that the same proportion of households will require affordable homes in 17 years' time, as per current demand.
- 4.2 The problem with this approach is that the market has not remained stable and younger generations are facing much higher rents and purchasing prices than twenty years ago. This means that there is likely to be an increase in the number of 45-55 years in twenty years' time experiencing housing need. As the market has not been stable, the ORS methodology must under-estimate future affordable housing need.
- 4.3 The second weakness of the ORS methodology is the use of an active claim for housing benefit as a proxy for having a housing need. ORS assume that any household who lives in an affordable home or who has an active claim for housing benefit has an affordable housing need. Not all households who struggle to afford their housing will be able to access Housing Benefit, so if there are households living with housing need not eligible for Housing Benefit then, once again, the SHMA will underestimate the aggregate level of need over time. At the time of the last Census, in March 2011, there were 5,742 households living in a home rented from a private landlord in the District however only 1,914 households were claiming Housing Benefit at that time. This means that only around one third of tenants were likely to have been claimants. On this basis, there is likely to be an undercount of affordable housing need in the SHMA.
- 4.4 In addition to the above, in their Representations to the Regulation 18 and 19 Local Plan, Harlow Council raise concerns regarding affordable housing provision across the SHMA and how Harlow's

²¹ Word Count: 896

unmet affordable housing need will be met. The SVLP is silent on this issue and as such this matter is likely to further increase the affordable housing requirement across the SHMA.

4.5 We consider that the OAN for District, as well as the SHMA, does not adequately consider affordable housing need and is likely to result in significant under provision in the long term. We consider that significant further work is required to determine the true affordable housing need in the District, and that this could have significant implications for the OAN and proposed spatial strategy.

a. Was the standard methodology recommended by the Planning Practice Guidance (PPG) followed? Are any departures, particularly in relation to how migration and market signals were taken into account, clearly explained and justified?

4.6 The standard methodology was not followed as the Government's proposed formula would lead to a local housing provision of 923 dwellings per annum across the District (2016 to 2026), well above the average rate of 518 per annum identified within the SVLP. However, it is noted that the standard method only applies to plans submitted to the Secretary of State after 24th January 2019. Until this date the previous OAN method will apply for all Plans submitted for examination. As the SVLP was submitted for examination in September 2018, we assume it will be considered in line with the previous OAN method.

Q3: What is the relevance of the OAN figure of 13,278 for Epping Forest DC referred to in Paragraph 6.8 of the Sustainability Appraisal (EB2014)?

4.7 We understand that the 13,278 for the District is the DCLG figure however this is not fully explained in the SA.

Q4: Is it justified for the HMA as a whole, and for Epping Forest DC specifically to plan for less than the OAN as established by the SHMA 2017, at 51,100 and 11,400 homes respectively?

4.8 The West Essex and East Hertfordshire Strategic Housing Market Assessment (July 2017, Current SHMA) identifies a 'FOAN' of 12,573 homes for Epping Forest). The SVLP instead relies on the lower 2015 SHMA figure of 11,400. It justifies that, based on the March 2017 Memorandum of Understanding (MoU) (EB1202, OAN MoU) (SVLP, paragraph 2.44). Every other OAN MoU authority has instead adopted the July 2017 OAN figure in the Current SHMA. It is therefore not justified to rely on out-dated evidence and the Local Plan does not meet the area's objectively assessed needs with respect to the supply of housing. As a result, different housing numbers are used throughout the SVLP²² and existing evidence base which obscures the number of homes being planned

²² 11,400 identified in paragraph 1.44, 2.44, 2.58 and Table 2.1 vs 12,573 identified in paragraph 2.43 vs 13,152 identified in Appendix 5.

(inconsistent with NPPF 15). We would expect Local Authorities to adopt the more up to date figure set out in the 2017 SHMA.

a. Has the alternative of delivering the OAN been tested through Sustainability Appraisal? If no, is the SA process deficient?

- 4.9 No, further assessment of alternatives to the OAN for the District has not been undertaken through the SA. It is not clear why the SA refers to the OAN figure of 13,278 (DCLG figure) compared to the lower figure of 11,400 identified in the SVLP. The higher figure has been discounted without explanation. The assessment undertaken in the HMA Spatial Strategy Options Study is not SEA compliant as the SA has not assessed different housing need figures and is therefore deficient as it has not assessed all reasonable alternatives.

Issue 3: Is the Functional Economic Market Area (FEMA) upon which the Plan is based appropriately defined; and are the requirements for job growth and employment land set out in the Plan justified?

- 4.10 We understand that the highways solution in the SVLP is predicated on a 60% modal shift from new development however the Council have not yet released further information to support this requirement. We are therefore uncertain whether the location of employment land is justified, with respect to journey to work patterns, especially as there is limited public transport links between the major employment and housing allocations. We therefore reserve our right to review and comment on this matter once the full employment need is identified and included in the SVLP, and when corresponding transport data/information is released.

5. MATTER 4: THE SPATIAL STRATEGY/DISTRIBUTION OF DEVELOPMENT²³

Issue 1: Does the distribution of development in the Plan place too much reliance upon the Garden Community Sites around Harlow at the expense of testing the capacity of the other settlements in the District?

Issue 2: Beyond the Harlow area, is the distribution of development in the Plan justified having regard to the defined settlement hierarchy?

I1Q3: Will the level of growth proposed elsewhere in the district be sufficient to support the vitality and viability of individual settlements over the Plan period?

- 5.1 As identified in our Representation to Regulation 19 Consultation, we do not consider the spatial strategy identified in the SVLP is appropriate as it places a disproportionate reliance on Harlow to provide significant proportion of the housing need. There is a very weak link between the proposed spatial strategy and alignment of existing infrastructure/settlements in the District, which does not constitute sustainable development.
- 5.2 Additionally, the growth locations around Harlow have a very weak spatial relationship to one another and fail to deliver the sustainability benefits that a community of circa 4,000 homes could deliver if provided in one location. Furthermore, the growth locations are remote from Harlow town centre, remote from existing and proposed employment locations, remote from the rail network and will likely lead to greater car usage²⁴. Without the further highways evidence identified within the ECC Highway Assessment Report (**EB502**), it is impossible to see how these “garden towns” will achieve a 60% modal shift proposed by the SVLP. Therefore, it is considered the proposed Garden Town locations represent an unsustainable development pattern.
- 5.3 Epping is one of the Borough's largest towns and is correctly identified in the District's settlement hierarchy as a main town. Given its connectivity to public transport and strategic highway infrastructure however, we consider that the town's potential to sustainably accommodate growth has been underplayed, with low levels of growth identified (only 1,305 homes) relative to the wider Plan. However, North Weald Bassett, which is identified as a Large Village, is identified as providing

²³ Word Count: 2,222

²⁴ Essex County Council object to development at North Weald Bassett as no sustainable transport solutions to demonstrate that adverse transport impacts on the network can be mitigated (Paragraph 4.24 of Report dated 22 January 2018)

a similar level of growth (1,050 homes) but does not have the connectivity to public transport and strategic highway infrastructure like Epping.

- 5.4 It is also noted that the alternative growth distributions have not been addressed in the SA.
- 5.5 It is our contention that the levels of growth identified for Epping to be insufficient for one of the most sustainable locations in the Borough and that the Council's strategy has skewed large amounts of growth away from one of the most sustainable locations to areas that are far less sustainable, such as the peripheral locations identified for urban extensions on the edges of Harlow, and that this does not constitute sustainable development. We consider there to be a serious missed opportunity by the SVLP to revitalise and create a new vision for the town of Epping.

Issue 3: Is the distribution of employment land in the Plan justified in light of the distribution of housing?

Q1: In light of the housing growth proposed around Harlow, does the Plan's proposal to locate the majority of employment land at North Weald Bassett and Waltham Abbey risk creating unsustainable travel to work patterns? How will this be avoided?

- 5.6 The disparity between housing and employment allocations in the SVLP is likely to create unsustainable travel to work patterns. North Weald Bassett does not have access to a main railway line nor frequent bus service, and the employment allocations in Waltham Abbey are located some distance from a train station. Furthermore, it is noted that a number of Harlow residents drive to Epping as it is the first station on the Central Line and the Underground is cheaper than National Rail²⁵. Furthermore, it is noted that Harlow Council also considers the current spatial strategy would result in unsustainable travel to work patterns²⁶.
- 5.7 As previously identified, we understand that the highways solution in the SVLP is predicated on a 60% modal shift from new development however the Council have not yet identified their transport strategy to support this requirement and we have significant reservations about the effectiveness of this approach, especially as there is limited public transport links between the proposed major housing and employment locations.
- 5.8 It is crucial that further technical work is carried out to agree the spatial distribution of employment and housing allocations, taking into account access to public transport networks. Until this work is

²⁵ There is information in the Census and local press which indicates that residents from surrounding towns including Harlow drive to Epping Station and park when they travel into London for work and other journeys.

²⁶ Representation to Regulation 19 Consultation dated 29 January 2018.

carried out there is a risk that the proposed spatial strategy for Epping will lead to significant impacts on the highways network.

- 5.9 We therefore reserve our right to respond to this matter further once additional information and evidence on the proposed transport strategy has been prepared and released to the public.

Issue 4: Is the distribution of development justified in respect of the need for, and approach to, Green Belt release?

Q2: Are the changes to the Green Belt boundary informed by a robust assessment of the contribution made by individual sites to the purposes of the Green Belt?

- 5.10 The landscape and Green Belt evidence used to support the Submission Version does not provide a robust evidence base for decision taking with respect to the location of Green Belt release and the development choices reached. The approach followed is deeply flawed for the following reasons:

- The Settlement Edge Landscape Sensitivity Study (EB712) is out of date²⁷ in terms of the methodology adopted and the current thinking in relation to concepts of susceptibility and analysis of sensitivity as it relates to specific proposals.
- The assessment and analysis undertaken in the Settlement Edge Landscape Sensitivity Study (EB712) is not in accordance with the methodology described by Chris Blandford Associates within the report. As a result, the conclusions are unsupported by proper evidence and analysis. The conclusions drawn cannot be verified and therefore should not be relied upon in the decision making.
- The Green Belt Stage 2 Assessment (EB705A) does not allow for consideration of how smaller, discrete parcels contribute to the Green Belt that may be suitable for further consideration for release. Instead, a combination of both small and extremely large parcels are assessed. This serves to skew the findings in favour of the smaller parcels and does not allow proper consideration of the contribution that the settlement edge of larger land parcels make or do not make to the Green Belt. For example, the land to the west of Bury Lane allocated within Regulation 18 Local Plan in conjunction with the Epping Sports Club, is located within a much larger parcel (069.3) without any consideration as to the mitigation and landscaping proposed for this allocation and therefore unfairly skews the Green Belt Assessment of this parcel.
- The Green Belt Stage 2 Assessment (EB705A) does not take the next step and make recommendations as to how the release of parcels, or land within them, may be achieved. Whilst boundaries are identified, these are not considered alongside an assessment of suitability of land

²⁷ With respect to published guidance from LI/IEMA (GLVIA 3).

for release to identify robust, permanent and defensible green belt boundaries that will endure beyond the plan period, in line with the Local Plan spatial strategy and as required by the NPPF. The identification of parcels has been entirely based on landscape features with no regard given to development proposals and land ownership, and are therefore considered to be unfairly aggregated and weighted. There is no evidence that the harm to the Green Belt cannot be suitably mitigated through the incorporation of sensitive design measures for Options A and C in the way that it seems to have been applied for the Hybrid Option in the Sustainability Appraisal.

- The Green Belt Stage 2 Assessment (EB705A) is overly reliant on subjective assessment without measurable, transparent and replicable criteria and parameters and does not clearly define a set of measurable parameters for each of the purposes against which to assess the contribution of a parcel to the Green Belt.

5.11 Furthermore, it appears that the Council have ignored the land recommended for release under the Green Belt Reviews (despite their flaws noted above) and have allocated parcels of Very High Impact over sites with very low, low, moderate or high levels of harm. In Epping for example, the South Epping Master Plan area is deemed to have a Very High impact if removed from the Green Belt but was chosen for allocation over sites which are deemed to have high, moderate, low and very low harm if released from the Green Belt. A further example at Epping is the Epping Sports Club, which is identified as having a very low level of harm but has not subsequently been released from the Green Belt but remains in the Green Belt. By this rationale, it would seem appropriate to also remove all parcels identified at Very High harm from the Green Belt, rather than lower impact sites. Therefore, the approach in the SVLP to the release of Green Belt is not justified as it is not based on a robust evidence base.

Q5: Having regard to paragraph 85 of the NPPF, and to the potential for an increased level of housing need in the District to be identified in the future, how has the Council satisfied itself that the Green belt boundaries will not need to be altered at the end of the Plan period? Is it necessary to identify areas of safeguarded land between the urban area and the Green Belt?

5.12 The SVLP is not consistent with Paragraph 85 of the NPPF as it does not consider the Green Belt boundaries beyond the plan period and it is likely that they will need to be altered during or at the end of the plan period.

5.13 It is evident from the Government's AON figure of 923 dwellings per annum, which the Plan does not plan for, greatly exceeds the Council's AON figure of 518 dwellings per annum provided for in the proposed SVLP. Accordingly, further Green Belt release is certain to be required at the end of the plan period and certain to be required as part of a Local Plan review within the next five years. The SVLP has not given any consideration to this point, nor to the likely long term growth locations. Accordingly, the Plan is not consistent with national planning policy, it has not been positively prepared and it is neither justified nor effective in its approach to Green Belt boundaries.

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- 5.14 In our view it would be necessary for the Council to identify areas of safeguarded land for future housing growth, infrastructure, employment uses and Green Infrastructure.

Issue 6: Is the distribution of development justified in respect of its effect upon transport and other infrastructure in the District? Will the plan be effective in securing the infrastructure necessary to support proposed growth?

Q1 – Have the transport impacts of the Plan as a whole been tested? Has all necessary mitigation been identified and is there confidence that it can be delivered in time to support the proposed growth? Are there any remaining uncertainties or shortcomings?

Q2 – Is Planned growth dependent upon a “step-change” towards sustainable travel? What does this mean and how will the Plan facilitate it? What has been done to assess the need for increased public transport and how will this be provided? How will success be monitored?

- 5.15 The transport effects of the plan as a whole do not appear to have been properly tested and mitigation has not been properly identified. At present it is considered that congestion in Epping will significantly worsen as a result of the proposed Local Plan development, as various roads and road junctions are currently operating over capacity without the Local Plan developments and no mitigation has been identified. The ECC Highway Assessment Report (EB502) states that this information would be prepared before submission to the Secretary of State. However, if this work has been prepared it has not been made public.
- 5.16 We understand that the SVLP depends on a step change towards sustainable transport and this is confirmed in the ECC Highway Assessment Report, December 2017. However, the measures to achieve this do not appear to have been identified. The Plan needs to include these measures so that there can be a level of confidence that the step change towards sustainable transport can be delivered or funded.
- 5.17 In response to the lack of supporting information for the Local Plan, we have discussed with ECC how mitigation will be identified and secured, including the sustainable transport measures needed to achieve the ambitious objectives for reducing car use (60% modal shift). ECC have informed us that the mitigation will be identified on a site by site basis with the developers of each site. Therefore, it seems that there now is no intention to identify mitigation at this stage and that the comprehensive area wide solutions that would be required for a Local Plan are not being identified or assessed. Therefore, the transport impacts of the Plan as a whole have clearly not been tested.
- 5.18 In correspondence on the proposed modal shift requirement (**Appendix A7**), ECC gave Freiburg as an example of how this could be achieved. However, Freiburg has achieved its success as a result of major strategic interventions including a major tram and cycle network. No details of such measures are currently set out in the SVLP, nor IDP. Freiburg is a very different town to Epping with a population of 220,000 people and a large academic community. Epping has a population of about

11,500 people. As a result of being much larger, Freiburg is able to sustain a tram network of 30km of track and 70% of the population lives within 500m of a tram stop. The town also has over 400km of cycle paths amongst other sustainable transport measures. It is therefore highly unlikely that the success in modal shift in Freiburg will be replicated in Epping and it is noted that there are no local examples of this modal shift attainment.

Q 5 – Does the Infrastructure Delivery Plan and Schedule (EB1101A & B) demonstrate that the development in the Plan can be served by adequate infrastructure at the appropriate time? Are there any significant omissions or funding gaps?

- 5.19 Given the significant gaps in the SVLP and associated evidence base, we do not consider that the IDP (EB1101A & B) assesses the full extent of infrastructure that is likely to be required to address the impacts on Epping Forest SAC or to deal with highways or social infrastructure requirements of the future population. We therefore reserve our right to comment on the IDP once any further evidence base documentation and/or Plan update is prepared.
- 5.20 Furthermore, we have significant concerns regarding the lack of provision for sporting facilities, nor identification of requirements to upgrade existing facilities, in the IDP, given the existing provision problems faced by sports clubs in Epping. The Epping Sports Forum (**Appendix A8**) identify that they were not consulted by 4Global as part of the Open Space and Sports Facilities evidence base (EB713 and EB714) and therefore this evidence base does not identify the extent of the problems faced by sporting clubs in Epping, nor the extent of shortages in pitches/fields in the District. This has flow on implications, as the IDP then does not adequately address the likely sports infrastructure requirements over the life of the Plan.

6. MATTER 7: PLACE-SHAPING & GENERAL MASTERPLAN APPROACH²⁸

Issue 1: Is the application of Policy SP3 to all allocated sites justified; and is it otherwise effective and consistent with national policy?

Q5: Part H(v) requires development to promote healthy and active lifestyles. Does the Plan as a whole respond sufficiently to the requirements of Section 8 of the NPPF on “promoting healthy communities” by facilitating social interaction and creating healthy, inclusive communities? Is a specific overarching policy on health and well-being required?

- 6.1 It is considered the Local Plan does not respond sufficiently to the requirements of Section 8 of the NPPF on promoting healthy communities. The focus of the content in the Local Plan dealing with health and HIA is on health infrastructure and access to it, which fails to cover the actual requirements for HIAs. The Plan does not set out how the Plan and planning process can support the wider health and well-being needs of the current and future population. Healthcare infrastructure plays a role in this; however, the environment and design have a very large influence in keeping populations healthy. It is considered the Local Plan does not reflect the above requirements and a specific, meaningful and implementable overarching policy on health and well-being needs to be provided.
- 6.2 Whilst Part H(vii) of Policy SP3 requires new developments to reinforce strategic green infrastructure in the District, there is no Green Infrastructure Plan to accompany the SVLP, nor are the potential locations, delivery or funding mechanisms for this set out in the IDP (EB1101A & B). Whilst the Interim Mitigation Strategy for Epping Forest SAC identifies four strategic sites to provide Strategic Alternative Natural Green Space (SANGS), there is no evidence to show how this will be designated/implemented, nor whether this is sufficient to alleviate the recreation pressure on Epping Forest SAC. This approach, in combination with the fact that the IDP does not identify how the Council will address the recreation pressure on Epping Forest SAC, and with the uncertainty regarding the Zone of Influence in the Interim Mitigation Strategy and timing of a complete Mitigation Strategy, is simply not effective, nor consistent with national policy and regulations.
- 6.3 Furthermore, the policy and the SVLP more broadly, lacks any quantifiable requirements for the delivery of open space or sports infrastructure (**Appendix A8**) and in the absence of this, it is likely that open space deficiencies will worsen over time. It is recommended that quantum requirements are identified in the SVLP to give certainty on the delivery of open space and sports infrastructure from development sites.

²⁸ Word Count: 407

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- 6.4 It is recommended that further work is undertaken by the Council to identify the likely recreational pressure on Epping Forest SAC, the location and type of strategic green infrastructure that would be required in the District and provide further evidence that sport, recreation and open space provision within the SVLP adequate to meet the needs of existing Sports Clubs.

A1. EFDC LOCAL PLAN EVIDENCE BASE: MISSING INFORMATION



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Louise St John Howe
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Sent via email: louise@postservices.co.uk

22 January 2019

Dear Louise,

EXAMINATION OF EPPING FOREST DISTRICT LOCAL PLAN 2011-2033: MISSING

I write on behalf of Tele Lands Improvement Ltd to highlight severe concerns regarding the development of the Epping Forest District Local Plan 2011-2033. We are disappointed to advise that there is a significant amount of information and evidence associated with this Local Plan that has not been prepared and/or is not publicly available (see **Appendix 1**).

Unfortunately, this is prejudicing our client's ability to engage with the plan making process and ability to respond to the Inspectors questions or take part meaningfully in the Local Plan Examination process, as we simply have no idea how significant matters have been addressed or justified (eg. air quality, highways, Green Belt release and impacts to Epping Forest SAC). Furthermore, this lack of information results in significant failures in the Sustainability Appraisal and Habitat Regulations Assessment.

We understand from our discussions with Natural England that they have recently reviewed and commented on Epping's Air Quality Report however this has not been made available for public scrutiny. We have submitted a Freedom of Information Request (**Appendix 2**) to Natural England to obtain this information but fear that this won't be provided until after Hearing Statements are due on 24 January 2019 and therefore cannot feed into our Hearing Statements for Matters 1-4 and 7, or future Hearing Statements.

The planning process is meant to be front loaded and this information is normally in place to support a Local Plan by the time of submission. We fear that the lack of information results in the risk of significant delay to the examination process, with the follow-on risk that the existing evidence base documents are over taken by events.

We question the legality of this and we reserve our position on lawfulness, as well as the right to make further representations as/if/when this evidence base and missing information is made available.

We look forward to submitting Hearing Statements in due course and appearing at the Examination this year to discuss these matters.

Kind regards,

A handwritten signature in cursive script, appearing to read 'Katie Inglis', written in a light grey or blue ink.

Katie Inglis

Associate

Encl.

APPENDIX 1: Missing Evidence Base/Information for the Submission Version Epping Local Plan

Subject Matter	Missing Information
Air Quality	<ul style="list-style-type: none"> • Impacts of the Local Plan (as a whole and for individual allocations) on air quality at relevant receptors in Epping, in particular for Air Quality Management Area (AQMA No. 2 at Bell Common) and elsewhere along the High Road, taking account of 2017 monitoring data. • Impacts of the Local Plan as a whole on nitrogen oxides and ammonia concentrations and nitrogen deposition rates across the whole of Epping Forest SAC. Nor the impacts of this in-combination with other local plans. • The Appropriate Assessment for the effects on Epping Forest SAC arising from the impacts of the above and details of any required mitigation and how it will be delivered. • The impacts of the Local Plan/air quality impact on the Lower Forest SSSI.
Highways	<ul style="list-style-type: none"> • No capacity analysis has been undertaken at the Theydon Road/High Road junction nor have improvement works been proposed. • Further details of the highway analysis needs to be provided in the evidence including predicted queue lengths and delays at present and as a result of the Local Plan development. • No proposals for improvement of the Bury Lane/High Road junction or other junctions that have been identified as being significantly over capacity. • No details have been provided on the sustainable transport measures being proposed. • No details have been provided on how the 60% modal shift has been calculated. There are currently no measures or evidence identified to show how this modal shift will be achieved. • The traffic data and modelling, including capacity analysis and trip distribution, used in the County Council's Highway Assessment is not provided. • No justification why certain junctions which are already over capacity have not been analysed and why mitigation isn't identified, including Epping Road/High Road. • The potential for a relief road to alleviate the High Street in Epping as a reasonable alternative, despite the fact that work undertaken by County Council show that the road could provide a solution to traffic congestion in the locality.
Green Belt	<ul style="list-style-type: none"> • Justification for amendments to Green Belt boundary for Southern Epping Master Plan when scored as having a high sensitivity/harm for release.
Epping Forest SAC, Recreation and Urbanisation	<ul style="list-style-type: none"> • The impacts of the Local Plan on Epping Forest SAC, namely the Zone of Influence for recreational visitors (ie. summer survey data). • Evidence that the SAMMS payments in the Interim Mitigation Strategy for the allocations outside of the four strategic sites is sufficient to mitigate the likely significant effects on Epping Forest SAC. • The impacts of the Local Plan and Zone of Influence for urbanisation impacts on the Epping Forest SAC. • The in-combination effects of the above with other local plans. • No Appropriate Assessment for the effects on Epping Forest SAC arising from the impacts set out above. • Details of any mitigation for air quality, urbanisation and in-combination impacts on Epping Forest SAC.

Habitats Regulations	<ul style="list-style-type: none"> • All the of the above, as well as the Scoping Opinion for the Habitats Regulations Assessment. Therefore, it is impossible to tell whether some elements of the Habitat Regulations Assessment were scoped out in agreement with consultation bodies (e.g. Natural England). • Limited evidence base makes it difficult to fully evaluate the HRA and determine if the conclusions at the screening stage include consideration of mitigation (potential with recent case law, People Over Wind) and whether the appropriate assessment is conclusive and robust.
Sustainability Appraisal	<ul style="list-style-type: none"> • As all the above information is missing, the failures of the SA relates to the lack of reference to evidence and information being issued after the consultation on the Local Plan and SA.

APPENDIX 2: Freedom of Information Request

BY EMAILfoi@naturalengland.org.uk

Our ref: RYP/050427.00001

18 December 2018

Dear Sirs

EIR Request: Epping Local Plan

- 1 Epping Forest District Council is promoting a Local Plan which involves consideration of the most appropriate strategy for growth at Epping.
- 2 Air quality is an issue of significant public importance in that process given the implications for duties under the Conservation of Habitats and Species Regulations 2017 and the Environmental Assessment of Plans and Programmes Regulations 2004.

Information request

- 3 Please would you provide copies of the following in relation to air quality modelling in connection with the draft Local Plan:
 - (a) air quality data, reporting or other analysis provided to Natural England by Epping Forest District Council (or its agents, officers and advisers) since 1 August 2018;
 - (b) correspondence and any notes of meetings or telephone calls with officers at Epping Forest District Council since 1 August (including, but not limited to, Natural England's comments on any information falling within (a)).

Basis of request

- 4 This information is requested under Regulation 5(1) of the Environmental Information Regulations 2004 (**EIR**). We note the following:
 - (a) The EIR require Natural England to operate with a presumption of disclosure;
 - (b) We do not consider that any exception applies in relation to the information requested as a whole;
 - (c) In any event, there is, in the circumstances outlined above, clearly an overwhelming public interest in the disclosure of this information

- 5 Our client will pay such reasonable charges as Natural England requires under Regulation 8 of the EIR in accordance with the decisional practice of the Information Tribunal, provided that they are notified to us in advance.

Timescale for disclosure

- 6 Natural England is required to provide this information as soon as possible under the EIR. We are happy to receive materials in hard copy or electronic format.

We look forward to hearing from you in due course.

Please contact Roy Pinnock of this firm, on 0207 246 7683, should you have any queries.

Yours faithfully


Dentons UKMEA LLP

A2. LI CORRESPONDENCE WITH EFDC (OCTOBER 2017)



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Nick Smithson
Forward Planning
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Civic Offices
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10 October 2017

Dear Mr Smithson,

DRAFT LOCAL PLAN ALLOCATIONS: EPPING SPORTS CLUB AND LAND WEST OF BURY LANE (SR-0132CI)

We write on behalf of Lands Improvement Holdings (LIH), who have recently acquired land within Epping Forest adjoining Epping. Part of the landholding, the Epping Sports Club and land west of Bury Lane, is allocated within the Draft Epping Forest Local Plan (SR-0132Ci) and we write to reaffirm our support for the allocation, to provide additional information and to request further consideration of the nature and extent of this allocation.

The following documentation is provided for your consideration:

- Location Plan prepared by Omega
- Red Line Plan prepared by Omega
- Access Opportunities Plan prepared by Omega and TPP
- Landscape and Ecology Opportunities Plan prepared by Omega and Tyler Grange
- Land Use Opportunities Plan prepared by Omega
- Email correspondence from the Chair of Epping Sports Club.

This letter outlines our understanding of the sport and recreation need in Epping. It explores the opportunities and constraints for the identified land parcels, suggests alterations to the draft allocation to allow appropriate response to local circumstances, meet any unmet needs in the locality and provide sufficient flexibility to deliver a signature new piece of sporting infrastructure for the town of the highest quality, layout and design.

a. Epping Open Space, Sports and Recreation Need

The Epping Corporate Plan 2015-2020 states that more and better cultural, community and recreation facilities are required in Epping. This is supported by the Epping Leisure and Cultural Strategy 2014, which aims to increase the number and frequency of people participating in leisure, cultural and community activities, by ensuring that local provision is accessible and of the highest affordable quality.

The Epping Forest Open Space, Sport and Recreation Assessment 2012 assessed the need in the District up to 2017. This concluded that there was demand for open space, walking, jogging and cycling facilities in Epping, with residents noting dissatisfaction with the quantity and quality of local provision within Epping. This document did not take into consideration the additional population projections identified as part of the Draft Local Plan and is now out of date.

Sports England commented on the Draft Local Plan in late 2016 noting that it was likely that further facilities were required and requested further evidence on sports and recreation provision. They also requested that where there is to be a loss of facilities as a result of development, proposals must be in place for their re provision. In response to these comments, the Council is preparing an Open Space, Playing Pitch and Indoor Sports Study to understand the current level of provision and identify any additional requirements to meet the needs of the current and future population. We understand that this will be released mid October 2017 and we welcome the opportunity to engage and contribute towards the document.

We confirm the intention is to relocate the Epping Sports Club to the west of Bury Lane, as part of a comprehensive development.

The subject site provides the opportunity to improve and expand sports and recreation provision in Epping to meet anticipated demand in the locality in a highly suitable and sustainable location for such infrastructure and we would welcome the opportunity to discuss the outcomes of the Open Space, Playing Pitch and Indoor Sports Study to identify how our site could meet some of that need.

b. Current Allocation: SR-0132Ci

The subject site is proposed to be allocated for residential development (approximately 49 homes) under Draft Policy P 1 Epping within the Draft Local Plan, identified as SC-0132Ci as shown in Figure 1 below.

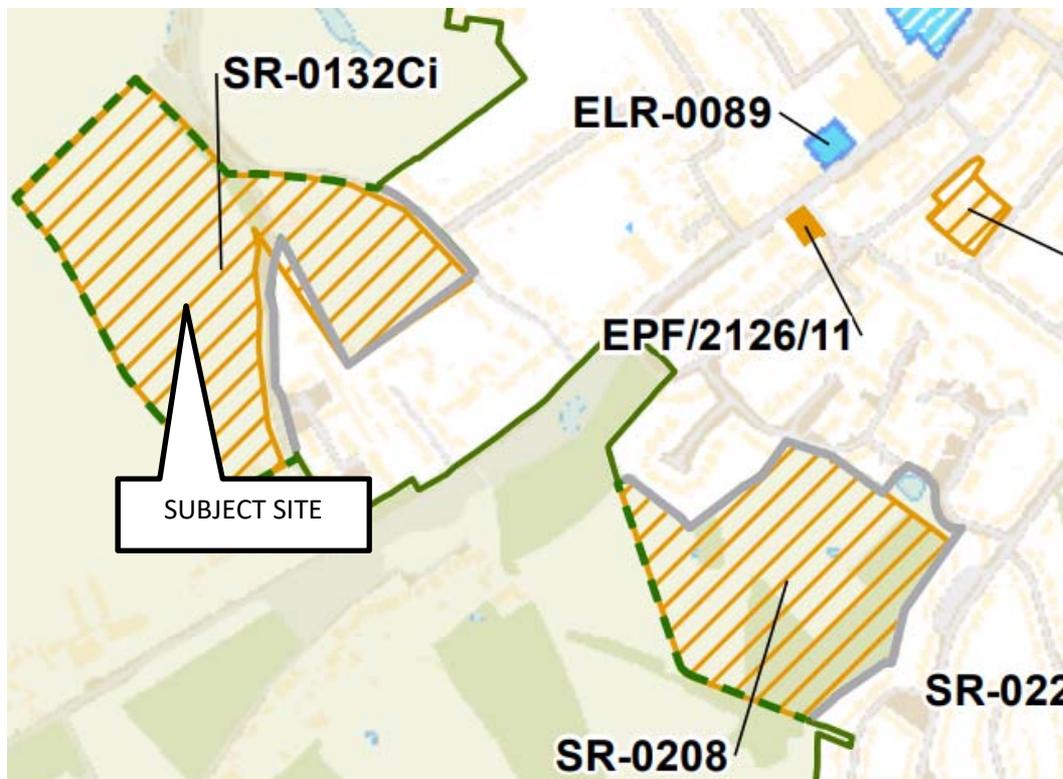


Figure 1: Site Allocation, Draft Local Plan 2016

The Sports Club land amounts to circa 2.2ha. With the provision of the 49 dwellings on the current Sports Club land, this results in a density of 22 dwellings per hectare. We note that Draft Policy SP 2

Place Shaping in the Draft Local Plan suggests that new residential development should achieve densities between 30 and 50 dwellings per hectare, and the current site allocation does not comply with this policy. Accordingly, a policy compliant scheme on the existing Sports Club site should yield somewhere between 66 and 110 homes. It is also noted in the 2012 SLAA that the site could support approximately 70 dwellings.

As the subject site is located on the edge of the largest settlement in the District, we consider that a higher quantum of development could be achieved across the Sports Club to maximise residential density in sustainable locations and minimise greenfield land take elsewhere, in accordance with development principles articulated in Draft Policy SP 2.

We recommend in the next iteration of the local plan, that the allocation be amended to reflect this.

The intention of the new landowner, Lands Improvement, is to relocate the existing sports club and provide improved and expanded sporting facilities for Epping on land to the west of Bury Lane. We therefore, continue to support the adopted approach of a single allocation of the existing Sports Club and land to the west of Bury Lane to allow for a comprehensive redevelopment approach in this locality.

c. Wider Site Opportunities and Constraints

We confirm the intention to relocate the Epping Sports Club to land to the west of Bury Lane and we are currently in early discussions with the Sports Club regarding the relocation of the club.

John Brades, Chairman of the Epping Sports Club, will shortly be providing Lands Improvement a list of requirements for consideration. Correspondence from the Chairman to date, enclosed with this letter confirms that the current facilities are insufficient for modern day purposes and need significant investment to bring them up to standard, and confirms that they wish to expand and grow their membership and therefore need improved facilities to do this.

As such, we have undertaken an initial assessment of the opportunities and constraints of the subject site and wider site and have provide this in plan form for your consideration. Table 1 below outlines the opportunities and constraints identified to date and provides an insight as to the design and feasibility process that we have recently commenced.

Table 1: Site Opportunity and Constraints

Opportunities and Benefits	Constraints and potential mitigation
The provision of additional sports and recreation facilities to meet anticipated demand and expand the type of facilities currently provided in Epping to the benefit of existing and future residents.	TPO trees along western edge of Bury Lane would need to be retained. Vehicle access to land west of Bury Lane would need to utilise existing gaps within the boundary tree cover where practicable.
The ability to provide a definitive Green Belt boundary to the west of Bury Lane and square off Green Belt boundary to create a comprehensive and cohesive settlement boundary to the north west of Epping.	Ecology and wildlife. Further survey work will be undertaken to understand the impact and seek appropriate mitigation measures are provided on the site.
We note that the current Sports Club has limited parking on-site. The relocation would allow adequate parking facilities to be provided on-site.	Bell Common Conservation Area is located to the south of the site. No key views towards the site are identified within the Bell Common Character Appraisal. The retention and enhancement of site boundary planting could serve to maintain screening and therefore appropriate mitigation measures can be provided on-site.

<p>Built form could be positioned close to the existing settlement edge, with the new sports pitches located towards the northern reaches of the site, offering a soft transition to the wider countryside and filtering views into the lower northern reaches of the site. Similar to St. John's School and Epping cemetery.</p>	<p>Views into and around the site. This can be appropriately mitigated through planting and landscaping on site.</p>
<p>Provision of a pedestrian and cycle link from Bury Lane to the cemetery. We understand that this is a community aspiration.</p> <p>This could include a pedestrian and cycle crossing on Bury Lane to create a safe and sustainable link to Epping centre.</p> <p>There is also the opportunity to provide walking and cycling links into the wider footpath network around Swaines Green and extend Centenary Walk. In addition, there is also the opportunity to provide walking and cycling links to Epping Upland and Epping Green to the north.</p>	
<p>Ability to provide additional reinforced planting to support Green Infrastructure links and strengthening containment and habitat connectivity both on site, to the north and to Swaines Green.</p> <p>This would help enhance ecological management and habitat corridors in the locality, which could be separate from pedestrians.</p>	
<p>Provide strategic boundary planting to the perimeter of the existing sports ground to ensure the redevelopment is sensitive to the amenity of surrounding residential occupiers.</p>	
<p>Opportunity to safeguard land for potential future cemetery expansion.</p>	

d. Proposed Amendments to Draft Allocation

We note that the Sports Club amounts to 2.2ha in total and that Draft Policy SP 2 Place Shaping in the Draft Local Plan suggests that new residential development should achieve densities between 30 and 50 dwellings per hectare. The current site allocation for 49 dwellings results in 22 dwellings per hectare, which therefore does not comply with draft policy. Accordingly, a policy compliant scheme on the existing Sports Club site should yield somewhere between 66 and 110 homes.

Further detailed work is required to understand the opportunities and constraints of the subject site and wider site to ensure that the appropriate facilities for the Sports Clubs and residents of Epping are placed in the most suitable and sustainable location west of Bury Lane. For example, the topography west of Bury Lane needs to be analysed as sports pitches require flat land and the most suitable location needs to be identified to ensure minimal earthworks are required.

Delivery of the sports pitches will also need careful consideration in terms of timing associated with the delivery of housing on the existing Sports Club site. Due to the lead in time associated with creating pitches, which can be up to three years, early delivery of housing within the Local Plan housing trajectory will allow these pitches to come forward at the earliest possible opportunity for residents.

We recommend in the next iteration of the local plan, that the allocation wording be amended to reflect the following:

- Amended dwelling yield for the sports club site to reflect Draft Policy SP 2.
- Flexible wording regarding the re location of the Epping Sports Club to allow the subject site to support improved recreation provision, subject to an appropriate agreement being reached with the Sports Club and viability of this provision.
- Increase to the red line of the allocation to allow for opportunities and benefits identified above to be realised and to respond to the Council's updated evidence base.
- The housing trajectory anticipates housing being delivered within the first five years of the Plan period to ensure facilities are provided at the earliest possible opportunity for residents.

e. Conclusions

As identified above, Lands Improvement consider that there are significant opportunities to support the development of the Epping Sports Club and land to the west of Bury Lane and confirm their support for the allocation within the Draft Local Plan for the two parcels of land within one allocation. We note that whilst there are constraints, which need to be explored further at planning application stage, these can be overcome with good design and additional supporting information so that a signature new piece of sporting and recreational infrastructure can be delivered for the town.

We also consider that the site can support an increased dwelling capacity, in accordance with Draft Policy SP 2 and that the ability to maximise residential development in this location will enable greater investment to be levered into new sporting facilities for the town.

We would be happy to meet with you to discuss the site and proposals moving forward, if required. In the meantime, please do not hesitate to contact myself or Viktoria Oakley from Lands Improvement should you have any queries regarding this matter.

Yours sincerely,

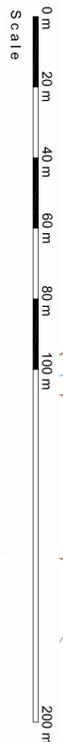
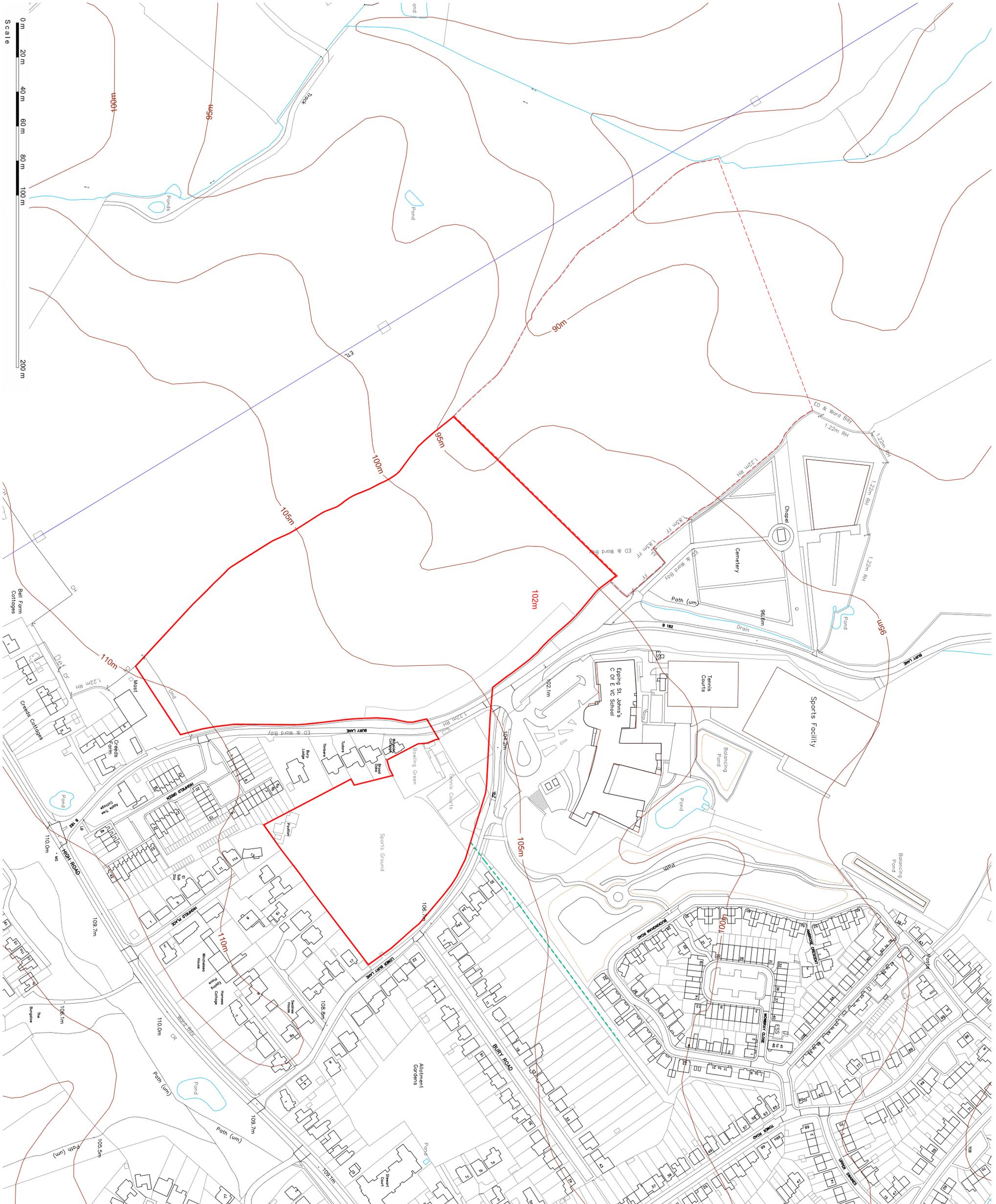


Katie Inglis
SENIOR PLANNER

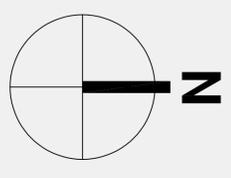
Encl.

Location Plan prepared by Omega
Red Line Plan prepared by Omega
Access Opportunities Plan prepared by Omega and TPP
Landscape and Ecology Opportunities Plan prepared by Omega and Tyler Grange
Land Use Opportunities Plan prepared by Omega
Email correspondence from the Chair of Epping Sports Club.

cc. Derek MacNabb



REV	DATE	CHANGES	BY	CHK	ISSUE FOR
A	06/10/17	ISSUE	JA	JH	COMMENT
B	09/10/17	REVISED	JA	JH	COMMENT
C	09/10/17	REVISED	JA	JH	COMMENT



OMEGA PARTNERSHIP

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LANDS IMPROVEMENT

LAND WEST OF EPPING

LOCATION PLAN

project number	drawing number	revision
2636	A-1110	C

scale 1:1500 @ A1 done SEPTEMBER 2017

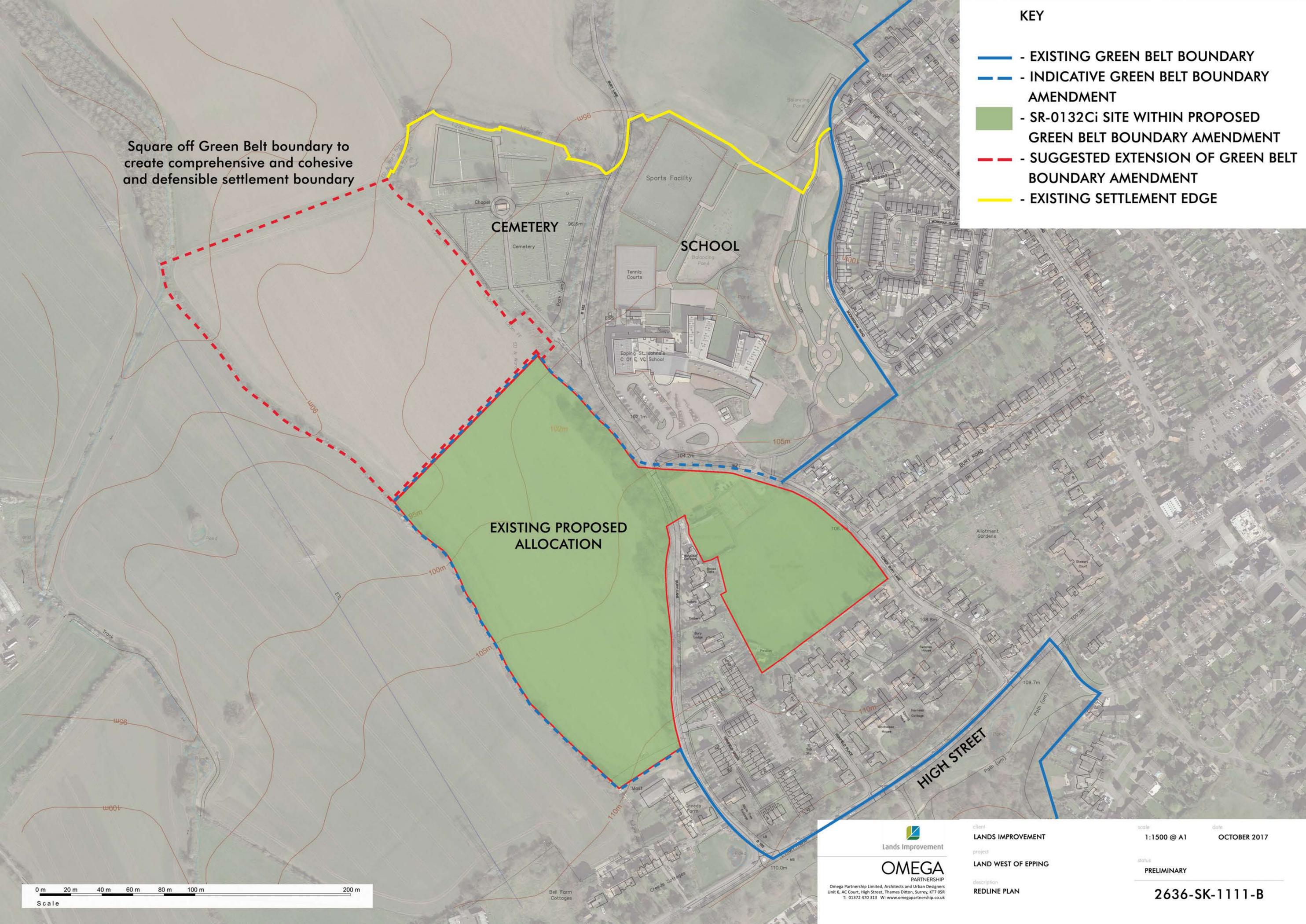
status PRELIMINARY

2636-A-1110-C

KEY

- - EXISTING GREEN BELT BOUNDARY
- - - INDICATIVE GREEN BELT BOUNDARY AMENDMENT
- - SR-0132Ci SITE WITHIN PROPOSED GREEN BELT BOUNDARY AMENDMENT
- - - SUGGESTED EXTENSION OF GREEN BELT BOUNDARY AMENDMENT
- - EXISTING SETTLEMENT EDGE

Square off Green Belt boundary to create comprehensive and cohesive and defensible settlement boundary



 OMEGA PARTNERSHIP <small>Omega Partnership Limited, Architects and Urban Designers Unit 6, AC Court, High Street, Thames Ditton, Surrey, KT7 0SR T: 01372 470 313 W: www.omegapartnership.co.uk</small>	<small>client</small> LANDS IMPROVEMENT	<small>scale</small> 1:1500 @ A1	<small>date</small> OCTOBER 2017
	<small>project</small> LAND WEST OF EPPING	<small>status</small> PRELIMINARY	
	<small>description</small> REDLINE PLAN		2636-SK-1111-B



GREEN COUNTRY WALK



FOOTPATH THROUGH WOODLAND



HEDGE PLANTING BOUNDARIES

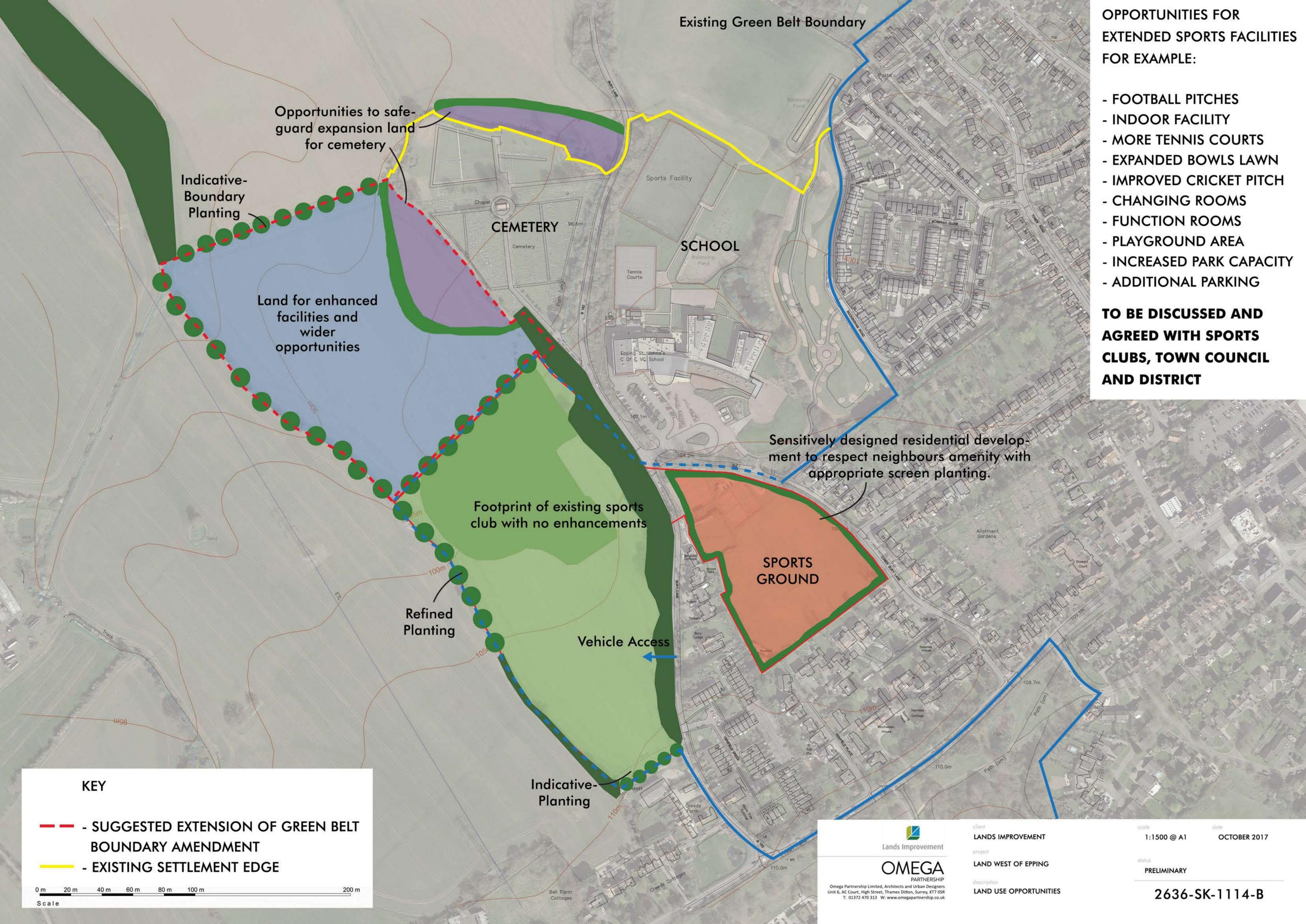
KEY

- EXISTING TREES
- NEW STRATEGIC PLANTING/GREEN CORRIDORS
- VIEWING CORRIDORS

0 m 20 m 40 m 60 m 80 m 100 m 200 m

Scale

  OMEGA PARTNERSHIP <small>Omega Partnership Limited, Architects and Urban Designers Unit 6, AC Court, High Street, Thames Ditton, Surrey, KT7 0SR T: 01372 470 313 W: www.omegapartnership.co.uk</small>	client LANDS IMPROVEMENT project LAND WEST OF EPPING description LANDSCAPE/ECOLOGY OPPORTUNITIES	scale 1:1500 @ A1 date OCTOBER 2017 status PRELIMINARY 2636-SK-1113-C
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OPPORTUNITIES FOR EXTENDED SPORTS FACILITIES FOR EXAMPLE:

- FOOTBALL PITCHES
- INDOOR FACILITY
- MORE TENNIS COURTS
- EXPANDED BOWLS LAWN
- IMPROVED CRICKET PITCH
- CHANGING ROOMS
- FUNCTION ROOMS
- PLAYGROUND AREA
- INCREASED PARK CAPACITY
- ADDITIONAL PARKING

TO BE DISCUSSED AND AGREED WITH SPORTS CLUBS, TOWN COUNCIL AND DISTRICT

Opportunities to safeguard expansion land for cemetery

Indicative-Boundary Planting

Land for enhanced facilities and wider opportunities

Footprint of existing sports club with no enhancements

Refined Planting

Vehicle Access

Indicative-Planting

Sensitively designed residential development to respect neighbours amenity with appropriate screen planting.

SPORTS GROUND

CEMETERY

SCHOOL

KEY

- - - - SUGGESTED EXTENSION OF GREEN BELT BOUNDARY AMENDMENT
- - EXISTING SETTLEMENT EDGE



Lands Improvement
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client
LANDS IMPROVEMENT
 project
LAND WEST OF EPPING
 description
LAND USE OPPORTUNITIES

scale
1:1500 @ A1
 date
OCTOBER 2017

status
PRELIMINARY

2636-SK-1114-B

Oakley, Viktoria

From: John Brades <john.brades@live.com>
Sent: 04 October 2017 16:22
To: Oakley, Viktoria
Subject: Information Pack for Epping Forest District Council

Dear Viktoria,

Following our meeting on 19th September and our subsequent discussion, I understand that you are seeking to submit this email as part of a pack of information to Epping Forest District Council. The purpose of this pack is to reinforce the allocation of the sports ground and relocation site on Bury Lane and to justify extending the area of land allocated on Bury Lane north towards the cemetery. The aim being to ensure that sufficient land is identified to accommodate and facilitate the possible re-provision, expansion and enhancement of the sports clubs and also where appropriate to respond to local needs that the Council are identifying as part of their Open Space, Playing Pitch and Indoor Sports Study.

As chairman of Epping Sports Club, (cricket, tennis and bowls clubs) I make the following observations regarding the relocation of the sports clubs:

- Our current facilities are in the main insufficient for modern day purposes and need significant investment to bring them up to fully acceptable standards for accommodation, play and coaching.
- It is a fact that our current location inhibits any expansion to enable us to carry out the necessary works to achieve our aspirations for growth.
- We are all seeking to grow our memberships and need new impetus and improved facilities to do this.
- In our demised lease agreement there is an option for us to take up relocation as close as possible to where our existing ground is based. The location identified is close to town, with good access for our members.
- It is true to say that if a new and improved facility were offered to us it is something that we would have to carefully consider. There is no doubt that it would help us retain and attract new memberships whilst offering us the opportunity to generate additional revenue perhaps by renting out facilities to the community all year round.
- Any enhanced and expanded facility would need to offer an opportunity for our sports to be played all year round.
- A fresh approach including the possibility of new facilities will be more attractive to local advertisers and sponsors.

Although at an early stage of our relationship with you as the new owners, we are interested to explore the possibility of relocating, and in particular building a level of confidence with yourselves as landowner, with the District Council and with the Town Council.

Kind regards, John
07769 704133

John Brades
Chairman
Epping Sports Club

A3. NATURAL ENGLAND RESPONSE TO THE INTERIM MITIGATION STRATEGY (1ST OCTOBER 2018)

Supplementary Committee Agenda



**Epping Forest
District Council**

Cabinet Thursday, 18th October, 2018

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.00 pm

Democratic Services: A. Hendry (Democratic Services)
Tel: (01992) 564246 Email:
democraticservices@eppingforestdc.gov.uk

9. INTERIM APPROACH TO MANAGING RECREATIONAL PRESSURE ON THE EPPING FOREST SPECIAL AREA OF CONSERVATION (Pages 3 - 4)

(Planning and Governance Portfolio Holder) Natural England's response to proposed interim approach to managing recreational pressures on the Epping Forest Special Area of Conservation.

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Date: 01 October 2018
Our ref: [Click here to enter text.](#)
Your ref:



Alison Blom Cooper -
Cc: Nicky Linihan - nicky@fortismere-associates.co.uk
David Coleman - dcoleman@eppingforestdc.gov.uk

-
By email only

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ms Cooper,

Proposed Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation (SAC)

Thank you for providing an updated proposal setting out the interim approach for managing recreational pressures on Epping Forest SAC. Natural England supports the approach as detailed in the papers circulated for the last Co-Op Board Meeting on the 10th September 2018.

This interim proposal provides a solid base on which to further develop the final Mitigation Strategy which will also address any air pollution impacts identified from the updated transport and air pollution modelling. We are currently reviewing and considering the latest outputs from this work following on from a meeting with yourselves on 3rd October 2018.

We recognise the significant work that has gone into producing this strategy by yourselves and the City of London Corporation. In relation to the Interim approach for addressing recreational pressure we particularly welcome:

- The commitment to undertake a further visitor survey in the summer of 2019 to ensure the evidence is as robust and accurate as possible;
- Recognition that the Zones of Influence and the apportionment of costs may need to change depending on the findings of the further visitor survey;
- The commitment for allocations to provide Strategic Natural Green Space at Latton Priory, Water Lane, North Weald Bassett and South of Epping Masterplan area within the Epping Forest District Local Plan Submission Version.

Natural England notes the current **interim** approach for managing recreational pressures requires these interim measures to be apportioned across Epping Forest District Council, London Borough of Redbridge and London Borough of Waltham Forest as the majority of visitors have been shown to originate from these local authorities. It is not for Natural England to comment on how the apportionment is taken forward, that is for the local authorities to agree amongst themselves. However, the current proposal ensures that the necessary elements of this interim approach including considerations around the zone of influence and SANGS can be reviewed pending the results from the summer visitor survey.

We trust this letter assists with progressing this important piece of work

Yours sincerely,

A handwritten signature in black ink, reading "Aidan Lonergan". The signature is written in a cursive style with a long horizontal flourish at the end.

Aidan Lonergan
Area Manager – West Anglia Team

**A4. SUSTAINABILITY APPRAISAL REVIEW REPORT (JAM
CONSULTING)**



Copped Hall Estate, Epping
Sustainability Appraisal Review
Epping Forest District Council Local Plan

prepared on behalf of
Tele - Lands Improvement

January 2019



Contents

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Executive Summary

- ES.1 Jam Consult Ltd has been commissioned by Tele – Lands improvement to undertake a review of Epping Forest District Council’s (EFDC) Sustainability Appraisal (SA), to determine whether the preparation of the Local Plan has been based on an adequate process of SA and to identify any issues, which raise concerns regarding legal compliance of the SA and the soundness of the Local Plan.
- ES.2 Sustainability Appraisal (SA) is mandatory for new or revised Development Plan Documents (DPDs), which includes the Local Plan under section **19(5) of the Planning and Compulsory Purchase Act 2004**. The appraisal should include an assessment of the economic, social and environmental sustainability of the plan.
- ES.3 When conducting a SA of DPDs an environmental assessment must also be conducted in accordance with the requirements of **European Directive 2001/42/EC** (The Strategic Environmental Assessment Directive), transposed into the UK legislation by the **Environmental Assessment of Plans and Programmes Regulations 2004, Section 12**.
- ES.4 This report identifies the Regulations and Guidance that are applicable to the Local Plan preparation and Sustainability Appraisal (SA) process. The document then sets out consideration of the SA process from 2010-2018, which has been undertaken by AECOM on behalf of Epping Forest District Council. The report draws attention to the significant flaws in the SA process, in particular, the assessment of the alternative spatial strategies and site options.
- ES.5 The review has identified the following key failings in the process:
- Lack of appropriate discussion on how the options for the spatial distribution (District wide and settlement specific) were selected and rejected.
 - Inadequate prediction and evaluation of the effects of the preferred approach and reasonable alternatives, alternatives to the Spatial Strategy are not considered
 - Failure to provide an outline of the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in the light of the alternatives [Sch.2 (8) Environmental Assessment of Plans and Programmes 2004]
 - The assessments of the Site Options are not included within the SA
 - Failure to predict and evaluate effects in sufficient detail according to the significance criteria set out in the regulations
 - The assessment of policies has not been properly assessed against the SA Framework, a comparison of results is not made

- Failure to show how the findings of the consultations have been considered or influenced the plan's development and SA
- The process is not transparent, the assessment information is scattered between numerous documents
- The cumulative impact assessment has not assessed the impacts of different spatial strategies, strategic options for the settlements or site options
- Mitigation measures have not been suitably identified within the SA
- Failure to link to the appropriate evidence to support the decisions taken, key evidence was not available or complete when the assessment was undertaken
- Failure to show how the SA has informed the Local Plan and the selection, refinement and publication of the proposals.

ES.6 The review of the SA process has shown that AECOM's approach cannot be considered to be the most appropriate given the reasonable alternatives as the SA process has failed to comply with the necessary guidance and regulations. In particular, the review has found that the selection of the Spatial Strategy, Settlement Spatial Options and Site Options are not substantiated by the SA report and has revealed a thoroughly flawed approach to the assessment. The findings cannot be considered credible, justified or robust and can only lead to the conclusion that the SA is not fit for purpose and that the Local Plan is not sound.

1. Introduction

- 1.1 Jam Consult Ltd has been commissioned by Tele – Lands improvement to undertake a review of Epping Forest District Council’s (EFDC) Sustainability Appraisal (SA), to determine whether the preparation of the Local Plan has been based on an adequate process of SA and to identify any issues, which raise concerns regarding legal compliance of the SA and the soundness of the Local Plan.
- 1.2 SA is by its nature an iterative process, it is therefore important to review all the documents in the process as they should be considered together. The following SA Reports have been prepared by EFDC to support the emerging Local Plan:
- SA Scoping Report, Scott Wilson 2010
 - Interim SA Report, URS 2012
 - Interim SA Report, AECOM 2016
 - SA of Strategic OAHN Spatial Options, AECOM 2016
 - SA and Equalities Impact Appraisal, AECOM 2017
- 1.3 Information of relevance to the SA is also included within the draft Local Plan documents and the Plan’s supporting documents and background papers, which need to be considered alongside the SA in order to fully understand the process undertaken and the evidence used to inform decisions taken. In particular, the following:
- Site Selection Reports prepared by Arup (2016-18)
 - Habitats Regulations Assessment
 - Key evidence documents e.g. Housing Need, Transport Modelling, Air Quality assessments, Green Belt assessments and Landscape Character/Sensitivity studies.
- 1.4 Sustainability Appraisal (SA) is mandatory for new or revised Development Plan Documents (DPDs), which includes the Local Plan under section **19(5) of the Planning and Compulsory Purchase Act 2004**. The appraisal should include an assessment of the economic, social and environmental sustainability of the plan.
- 1.5 When conducting a SA of DPDs an environmental assessment must also be conducted in accordance with the requirements of **European Directive 2001/42/EC** (The Strategic Environmental Assessment Directive), transposed into the UK legislation by the **Environmental Assessment of Plans and Programmes Regulations 2004, Section 12**.

- 1.6 Sustainability Appraisals should be carried out in accordance with Government Guidance 'National Planning Practice Guidance' and the 'National Planning Policy Framework, 2012 (updated 2018)'. Sustainability Appraisal, as defined under the Planning and Compulsory Purchase Act, fully incorporates the requirements of the SEA directive.
- 1.7 Other documents and guidance that should be referred to include:
- EC Guidance on the SEA Directive – Implementation of Directive 2001/42 on the assessment of the effects of certain plans and programmes on the environment, September 2003
 - The Planning Inspectorate - Local Development Frameworks: Examining Development Plan Documents – Learning from Experience, September 2009
 - Local Development Frameworks: Examining Development Plan Documents – Soundness Guidance, Planning Inspectorate, August 2009 and update February 2010
 - Principles of Plan Making, Chapter 6 The Role of Sustainability Appraisal, PAS April 2013.
 - RTPI Practice Advice Note, January 2018.

2. The SA Process

2.0 The **Planning Practice Guidance [PPG]** is clear on the purpose of the SA process:

“This process is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the **proposals in the plan are the most appropriate given the reasonable alternatives. It can be used to test the evidence underpinning the plan** and help to demonstrate how the tests of soundness have been met. Sustainability appraisal should be applied as an iterative process informing the development of the Local Plan.” **[PPG 001 - emphasis added]**

2.1 Scoping Report, 2010 (EB200)

2.1.1 The purpose of the Scoping Report is to identify the scope and level of detail of the information to be included in the SA, including the plan context, the relevant social, economic and environmental issues and the proposed approach to the assessment. The assessment methodology and SA framework to be used in the subsequent assessments should be set out.

2.1.2 The Scoping Report was prepared in 2010 and is therefore very out of date, referring to the East of England Regional Strategy, which was revoked in 2012 and prior to the publication of the NPPF 2012. It is therefore unclear why a revised Scoping Report has not been prepared, although updates to the baseline information have been made in subsequent reports.

2.1.3 The report sets out the key issues and potential objectives, however, it does not include the proposed methodology or SA framework including the decision-making criteria, which are key to the SA process.

2.2 Interim SA Report, URS 2012 (EB201)

- 2.2.1 An interim SA report was published in 2012, alongside a 'Community Choices' Issues and Options for the Local Plan Consultation document (**EB131**). The SA report presents: 'an appraisal of alternative approaches that might be taken to addressing key plan issues'.
- 2.2.2 An outline of the reasons for selecting the alternative approaches presented in the 'Community Choices' Issues and Options document is set out in **Section 4** of the report and an appraisal of the alternatives in **Section 6**. The appraisal is very broad brush and inconsistent with the significance criteria set out in the regulations. The SA should assess the impacts against the significance criteria given in the regulations [Schedule 1 & 2 of the Environmental Assessment of Plans and Programmes, 2004] with a commentary on the reasoning for the score, which is linked to the evidence available. The methodology should include:
- the probability, duration, frequency and reversibility of the effects
 - the cumulative nature of the effects
 - the transboundary nature of the effects
 - the risks to human health or the environment (for example, due to accidents)
 - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)
 - the value and vulnerability of the area likely to be affected due to—
 - special natural characteristics or cultural heritage;
 - exceeded environmental quality standards or limit values; or
 - intensive land-use;
 - the effects on areas or landscapes which have a recognised national, Community or international protection status.
- 2.2.3 **Section 6.7** of the report sets out the 'Potential Direction of Growth Alternatives', which assesses several growth options for each settlement, including 8 around Epping. There is no map, plan or explanation of the areas being assessed, with purely alphabetical site references. The information is therefore impossible to understand.
- 2.2.4 **Appendix I** of the SA report sets out a draft Site Appraisal Methodology for comment. The methodology is extremely prescriptive and does not address the significance criteria as set out in the regulations but is heavily reliant on proximity of sites to features. On page 120, the issue of housing is dealt with, which states somewhat surprisingly that there are no applicable decision-making criteria for the following reasons:
- "It is not possible to distinguish between alternative potential site allocations in terms of their potential to support housing."

2.2.5 The above conclusion is clearly incorrect. The ability of the site to support the identified need within the plan period would be an appropriate decision-making criterion.

2.2.6 Other discrepancies of note include:

- Employment - no criteria for the number or type of jobs that would be provided
- Transport - is purely assessed on the distance to a bus stop or the central line
- Water - has no criteria at all
- Flood risk – does not address surface water drainage or SuDS
- Infrastructure – is not addressed
- Deliverability and Viability – are not addressed.

2.3 Interim SA Report, AECOM 2016 (EB202)

- 2.3.1 The Scope of the report remains fundamentally the same as the 2010 version, although it has been updated to take into account new evidence. The SA report is published alongside the Draft Local Plan under regulation 18 of the regulations. The report considers the assessment of reasonable alternatives including:
- Site options
 - Reasonable Alternatives
 - The Preferred Option
- 2.3.2 **Section 5.1.7** explains the approach to the assessment of Site Options, which has been carried out by a separate detailed site selection process. Justification for this approach is provided as follows:
- “The criteria employed as part of the site selection process are in line with the SA framework (see Table 4.1), hence it can be said that the process integrated SA.
- As such, whilst specific sites are discussed below, as part of the justification for developing alternative spatial strategies, **site options appraisal is not given further explicit attention within this part of the Report.” (emphasis added)**
- 2.3.3 Unfortunately, the logic of the above statement is not correct. The SA should set out in a transparent manner how the Local Plan policies and proposals have been assessed against the SA framework, which should be subject to consultation (**PPG 017-020**).
- 2.3.4 There has clearly been no SA of the site options, contrary to the regulations and guidance. The site assessment has been part of a separate exercise, the results of which are not explained within the SA report.
- 2.3.5 The Site Selection Report, Arup 2016 (**EB801, page 5**) Draft Local Plan (**EB123, p118**) set out the Site Selection Methodology (SSM) used, including **Stage 5**:
- “Stage 5 Sustainability Appraisal/Habitats Regulation Assessment of Candidate Preferred Sites – establish the impact of the candidate Preferred Sites alone and in combination.”
- The report goes on to state:
- “It should also be noted that the results of Stage 5 of the SSM (Site Selection Methodology) is documented under separate cover **in the Interim SA Report for the Draft Local Plan (Aecom 2016).**” (**emphasis added**)
- 2.3.6 It is clear from paragraph 2.3.2 above that the SA has **not included** a SA/HRA of the candidate sites. It has also not been undertaken as part of the Site Selection exercise as confirmed by the Arup Report. There has therefore been no SA of the candidate sites.

- 2.3.7 **Section 6** of the SA Report sets out the approach to the assessment of alternatives. The report does not include the approach taken to the assessment of the alternatives in 2012 as it is now considered dated. The absence of the information does not aid transparency of the process.
- 2.3.8 **Para 6.1.13** states that the work completed in 2016 essentially involved examining two options:
- 1 **Broad Strategy for the sub-regional Housing Market Area** (including sites on the Harlow fringe)
 - 2 **Site options within Epping Forest District** (non-Harlow fringe).
- 2.3.9 The SA report explains the steps taken through the work undertaken by the sub-regional Housing Market Area to consider the housing need and establish a broad strategy for growth through the Strategic Spatial Options Study [see Section 2.4 of this report]. The SA report does not consider further options for growth at the local level.
- 2.3.10 The SA report does not undertake further assessment of alternatives for the Objectively Assessed Housing Need (OAHN) within the borough or explain why the preferred option of 11,400 (below the established OAHN of 13,278) has been selected. The SA also does not consider all the options for the proposed site allocations for the different settlements, which have been considered in the site selection work. The SA has therefore not assessed all reasonable alternatives as required by the regulations and guidance [Section 12 (2), Schedule 2 Environmental Assessment of Plans & Programmes Regulations, 2004; PPG 018].

District Wide Reasonable Alternatives

- 2.3.11 **Table 6.3** sets out the preferred distribution of the housing requirement for the ‘non-Harlow’ site allocations and **Table 6.4** sets out the reasonable alternatives considered for the housing distribution in this regard. The SA recognises that the sites identified for allocation will provide for a quantum of growth above the identified need of 11,400 homes but “there is an expectation that a number of these allocations will change subsequent to the forthcoming consultation” (**Table 6.4 p19**). No further explanation is provided on why the number will change.

- 2.3.12 **Section 6.4** sets out how the reasonable alternatives were established but fails to explain the quantum and location of development in the different alternatives, in particular the preferred strategy. The alternatives given are as follows:
- Preferred Strategy
 - Lower Growth at North Weald Bassett
 - Higher Growth at North Weald Bassett
 - Lower growth at Urban Greenspaces
 - Higher growth along the Central Line
- 2.3.13 It is impossible to understand the implications of these alternatives and the following assessments without further information or a map/plan, the SA results are therefore meaningless. In addition, the Preferred Strategy has also been identified before the consideration of the alternatives.
- 2.3.14 The SA report fails to set out the reasons for the selection and rejection of alternatives, as required by the regulations and guidance.
- “6.4.3 The above options were determined to be the ‘reasonable’ alternatives in that their appraisal would enable and facilitate discussion of important issues/opportunities for the District. Whilst it was recognised that there are other options that could potentially feature, there is a need to limit the number of alternatives, with a view to facilitating engagement.”
- The explanation given above tells the reader nothing about the reasons for the selection and rejection of alternatives but indicates that there are potentially other reasonable alternatives, which have not been considered. The regulations and guidance are clear that all reasonable alternatives need to be considered [Sch.2 (8) Environmental Assessment of Plans and Programmes 2004, PPG 018].
- Draft Plan and Proposed Policies**
- 2.3.15 **Section 10 (pp 27-41)** sets out the appraisal of the draft plan and proposed policies. The assessment has been undertaken by Sustainability Objective topic e.g. Air quality, Biodiversity, rather than the Spatial Strategy or Policy against the SA Framework. This approach makes a comparison of how the different policies perform extremely difficult to follow as the reader has to pick out how each policy performs from each objective. A matrix of impacts of the policies against the SA framework is frequently used as best practice because it enables easy comparison of results to be undertaken.
- 2.3.16 Overall the results are very inconclusive and difficult to interpret, frequently stating that it is not possible to determine the impact at this stage and that further work will be required.

Settlement Spatial Options

2.3.17 The SA does not include the spatial options for the settlements set out in the Draft Local Plan. For example, with regard to Epping, the Draft Local Plan states the Council has considered 3 spatial options to accommodate new housing:

- Intensification within the existing settlement
- Expansion of the settlement to the south
- Expansion of the settlement to the east

2.3.18 There has been no SA of the above spatial options or other reasonable alternatives, contrary to the regulations and guidance.

Site Options

2.3.19 In addition, the SA has not included the assessment of Site Options (**Stage 5**) of the Site Assessment process identified by the Council. The Draft Plan identifies 16 sites for potential allocation, which have not been subject to SA.

2.3.20 In fact, the preferred distribution and allocation of sites was identified by Officers and Members, prior to SA and consultation being undertaken, again contrary to the regulations and guidance.

“Based on the findings from Stage 4, a preferred distribution for the allocation of (non-Harlow) sites to meet the housing requirement was identified at a Local Plan Officer Working Group, which was subject to a ‘check and challenge’ session with Members on 6 August 2016.” **SA Report para 6.3.18**

2.4 SA of Strategic OAHN Spatial Options, AECOM 2016 (EB203)

- 2.4.1 An assessment of the Spatial Options was undertaken by Aecom on behalf of the West Essex and East Hertfordshire Housing Market Area, however, the assessment is not a formal SA and is not compliant with the SEA regulations, as the report states:
- “It should be noted that the SA was not undertaken in line with the requirements prescribed by the Environmental Assessment of Plans and Programmes Regulations 2004 which transpose into national law European Union Directive 2001/42/EC ‘on the assessment of the effects of certain plans and programmes on the environment’ (the Strategic Environmental Assessment or SEA Directive. The SEA Directive applies to certain plans, and programmes and requires an assessment of a ‘draft plan’ as well as ‘reasonable alternatives’. In this case, the focus is solely on reasonable alternatives and there is no ‘draft plan’ being prepared. **Instead it is anticipated that the selected alternative will be reflected in the content of the local plans** for East Herts, Epping Forest, Harlow and Uttlesford districts.” **SA of Strategic Spatial Options, p3, (EB203) [emphasis added]**
- 2.4.2 The assessment uses a different SA framework to the one used in the assessment of Epping Forest’s Local Plan. Of particular note is the absence of Air Quality issues within the framework, a significant issue for the District.
- 2.4.3 The conclusions to the report make clear:
- “This study provides an appropriate strategic basis for the more localised options (reasonable alternatives) to be explored through the Sustainability Appraisals for the Local Plans.”
- As set out in this report, the SA has not undertaken an adequate assessment of the reasonable alternatives either for the housing distribution, OAHN or the site options.
- 2.4.4 Section 9.3 sets out the requirements of the regulations, which should be included within the SA, as set out below:
- “9.2.3 Finally, it is important to note that effects are predicted taking account of the effect characteristics and ‘significance criteria’ presented within Schedules 1 and 2 of the SEA Regulations. So, for example, account is taken of the probability, duration, frequency and reversibility of effects as far as possible. Cumulative effects are also considered, i.e. the potential for the Draft Plan to impact an aspect of the baseline when implemented alongside other plans, programmes and projects. Explicit reference is made within the appraisal as appropriate (given the need to balance the desire of systematic appraisal with a desire to ensure conciseness/accessibility).”
- 2.4.5 The results of the SA do not demonstrate: how the significance criteria have been addressed; the cumulative impacts of the alternatives or the preferred strategy; or the necessary mitigation measures needed to minimise any negative impacts, as required by the regulations.

2.5 SA and Equalities Impact Appraisal, AECOM 2017 (EB204)

2.5.1 This SA Report is published alongside the Submission Version of Epping Forest Local Plan, under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

2.5.2 **Paragraph 018** of the National Planning Practice Guidance sets out how the SA should assess alternatives and identify likely significant effects. The SA has failed to carry out the assessment according to the regulations and guidance, particularly in respect of the following:

- Lack of appropriate discussion on how the options for the spatial distribution (District wide and settlement specific) were selected and rejected.
- Inadequate prediction and evaluation of the effects of the preferred approach and reasonable alternatives
- Failure to link to the appropriate evidence to support the decisions taken
- Failure to provide an outline of the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in the light of the alternatives [Sch.2 (8) Environmental Assessment of Plans and Programmes 2004]
- Failure to provide conclusions on the overall sustainability of the different alternatives
- Failure to show how the SA has informed the Local Plan and the selection, refinement and publication of the proposals.

The Preferred Strategy

2.5.3 The Broad Strategy for growth (the preferred strategy), concentrating growth around Harlow was selected as a result of the Strategic Spatial Options Study 2016 and a detailed Site Selection Process, neither of which were tested against alternative options within the SA. Only one spatial strategy option, the Preferred Strategy, has been considered. The SA has not tested all reasonable alternatives and is therefore deficient. No new alternatives have been assessed.

2.5.4 The recent findings of the Inspector, Roger Clews, for the North Essex Authorities' Strategic Plan (8/6/18) draws attention to similar failings in the production of the SA. In particular, the Inspector raised three principal shortcomings:

1. The objectivity of the assessment of the chosen spatial strategy and the alternatives to it, including a lack of evidence to support the assumptions made.
2. The clarity of the descriptions of those alternatives and of the reasons for selecting them.
3. Selection of alternatives and combinations of alternatives of assessment.

Strategic Options for Settlements

- 2.5.4 The Strategic Options for the Settlements are discussed in **paras 7.24-26** of the SA Report but it fails to explain satisfactorily how strategic options were selected, amended or rejected. No maps are contained within the SA report and the reader is referred to the Site Selection Report.
- 2.5.5 SA results for the '**Strategic Options for Settlements**' are now included in the SA Report (**Appendix V**). It is unclear when this work was carried out as it was not included in the previous versions of the SA (2012 or 2016). It is therefore not known whether there was an opportunity given through the consultation process to comment on the results and thereby inform the Plan making process. Whilst the results have been provided in this report, which was issued for consultation in 2017, it would appear the results have been issued retrospectively at an advanced stage of the Plan's development when decisions had already been made.
- 2.5.6 The regulations state that the community should be given an opportunity for early and effective involvement in the consultation process [EU Directive 2001/42/EC – Article 2 (b), Article 6 (2), NPPF para 16]. The EC SEA Guidance also emphasises the importance of Article 2 (b) in the consultation process in decision making:
"7.4. This definition clearly states that consultation is an inseparable part of the assessment. Further, **the results of the consultation have to be taken into account when the decision is being made**. If either element is missing, there is, by definition, no environmental assessment in conformity with the Directive. This underlines the importance that is attached to consultation in the assessment." **(emphasis added)**
- 2.5.6 If the results of the assessment of the Strategic Options for the Settlements undertaken in 2016 were only published for the first time in December 2017, this cannot be considered early or effective involvement in the consultation process. Furthermore, the results only provide a 'high level' SA assessment and it would appear that the assessment has only considered the following environmental issues:
- Green Belt
 - Landscape
 - Historic Environment
 - Land Use
 - Climate Change/Flood Risk
- 2.5.7 The assessment should have been carried out against the SA framework, including the social and economic impacts, to enable a proper comparison of the effects to be made. The assessment is inadequate.

2.5.10 The Submission Draft Local Plan now states, in relation to Epping, that only two Strategic Options (rather than 3 in 2016) were considered suitable and the number of sites to be allocated has been reduced from 16 to 11. This change is not explained in the SA.

District Wide Reasonable Alternatives

2.5.11 The SA sets out the reasons for revised District Wide reasonable alternatives at **para 7.29**:

“The alternatives were developed to enable further consideration of the following in relation to the Draft Local Plan:

- Whether transport impacts on Epping could be minimised;
- Whether air quality impacts on Epping Forest could be minimised;
- Whether transport impacts and congestion generally across the District could be minimised;
- The Potential impacts from decisions on key infrastructure -particularly Princess Alexandra Hospital and the location of two new secondary school(s);
- Contribution to five year land supply within the Local Plan; and
- Potential alignment with emerging Neighbourhood Plans.”

2.5.12 Three new reasonable alternatives were identified as set out in **Table 7.1** as follows:

- A Minimising Change to the Draft Local Plan
- B Exploring Alternative Travel Patterns
- C School Variation across the District

2.5.13 The alternatives once again are described in general terms i.e. lower growth, higher growth, without a specific quantum of development for each alternative being given. The difference between the alternatives is therefore not clear or the reason for their selection. No explanation of how these alternatives were selected is provided.

2.5.14 Further confusion arises at **para 7.31**, which seeks to clarify the impact of the alternatives on the site selection process.

“7.31 It was understood that the sites ultimately identified for allocation in the Submission Version Local Plan would represent a hybrid of the three alternatives above, taking into account the findings of the technical assessment work (transport modelling, education requirements and the SA process).”

2.5.15 It is not known why it was considered that a hybrid of the three alternatives would provide the best solution. The reasons for this decision are not given and would appear to preempt the results. In addition, the site allocations have not been assessed as part of the SA process.

- 2.5.16 The detailed results of the assessment of alternatives are provided in **Appendix VI** of the SA report. The results are extremely vague. For example, against the issue of air quality, all the alternatives score the same (uncertain), as follows:
- “It is predicted that all of the alternatives have the potential for a negative effect on air quality as a result of increased traffic; however, the significance of this is uncertain at this stage. At this stage it is difficult to differentiate the alternatives in terms of air quality.”
- 2.5.17 No reference is made to air quality modelling results or the potential impact upon Epping Forest, one of the key reasons for considering additional alternatives. The Council’s document, July 2018 (**EB121**) sets out key evidence, including transport and air quality modelling that was still not complete six months after the publication of the Local Plan and SA. It is evident that the Local Plan and SA is not based on an up to date evidence base.
- 2.5.18 Summary findings are provided at the end of the appendix, which fail to tell the reader which alternative is considered the best and has been taken forward or if a combination of alternatives has been selected. The results do not explain the duration, permanence or cumulative nature of effects and have not identified the necessary mitigation measures to address the adverse effects, contrary to the regulations and guidance.

Other Reasonable Alternatives

- 2.5.17 Other options with regard to travel patterns have also not been considered such as the potential for an Epping Western Relief Road or other relief roads. This is despite the fact that the Council’s work seems to show that the Western Relief Road could provide a solution to the traffic congestion identified in the County Council’s Highway Assessment Report for the Submission Local Plan.

Site Options

- 2.5.18 The Council's 5 Stages of the Site Selection Process are reiterated in **Figure 5, page 22** of the SA Report, which confirms that **Stage 5** should have included the SA and HRA of the 88 preferred sites proposed within the Regulation 18 Draft Local Plan. The SA of these sites was not included in the SA report 2016 or the Site Selection Report 2016.
- 2.5.19 The Site Selection Report (updated June 2017, following Reg. 18 consultation and Counsel advice) has revised the SSM as follows:
"3.3 The Council has identified three key stages during the plan making process where reasonable alternatives should be subject to SA. These key stages are: **(1) District-wide spatial distribution alternatives (which is outside of the scope of the site selection process); (2) settlement-specific spatial distribution options; and (3) site options, which will be integrated into the SSM.** (Further detail is provided in Section 4 (below))." **(EB802A, pA4 – emphasis added)**
- 2.5.20 It should be noted that items 1, 2 and 3 have not been subject to an adequate SA process, through a failure to assess all reasonable alternatives for both the District wide and settlement spatial distribution, as well as a failure to assess the site options at all.
- 2.5.21 The Site Selection Report **(EB805AK)** states at section 4:
"4.46 **The SA assessment, undertaken by AECOM, will establish the impact of the candidate Preferred Sites alone and in combination.** AECOM will also undertake an HRA of the candidate Preferred Sites as well as any more detailed assessment required for individual sites (as identified at Stage 2)." **(EB805AK, pA19 – emphasis added)**
- 2.5.22 The SA report does not include any SA of the candidate Preferred Sites, alone or in combination. **Appendix IV** sets out the Site Selection Method Criteria, but no results. The Site Selection Method Criteria do not comply with the SA Regulation requirements, which should assess the duration, permanence and reversibility of impacts, as well as any cumulative impacts and necessary mitigation measures. As a consequence, it is not known how the sites perform alone or in combination or why they have been selected.
- 2.5.23 In addition, the Site Selection report prepared by Arup was not completed until March 2018, some three months after the Submission Draft Local Plan and SA were issued for consultation. It is therefore not possible for the site selection work to have informed the Local Plan or to have been tested in the SA. The SA has therefore failed to demonstrate an integrated process to the development of the Plan.

3. Site Selection Reports (EB801/805)

- 3.1.1 With regard to Tele-Lands Improvement land, specific consideration has been given to Site SR-0132Ci Epping Sports Club, which was selected for allocation in 2016, **Appendix B1.5.2 (EB801J)** and SR – 0132Cii Land west of Bury Lane, Epping, which was not allocated.
- 3.1.2 The reasons given for the allocation of Epping Sports Club are as follows:
“The site is located in a sustainable location, mostly within Epping. Subject to the re-provision of sports facilities within the site, and the suitability of these in terms of Green Belt harm, the site should continue to be considered.”
- 3.1.3 The reasons for not allocating the Land west of Bury Lane are, however, confused:
“The site scores poorly against a number of criteria, including Green Belt and landscape harm but it was felt that it may be possible to overcome these constraints. Noting a preference for a smaller scale development **the site should be considered further**” (emphasis added)
“The site should not proceed for further testing”
As a consequence, the site has not been considered further in the process.
- 3.1.5 The Epping Sports Club site was later discounted in **Appendix B1.6.6** of the March 2018 Site Selection Report (**EB805P**), after the Reg 19 consultation period on the Submission Local Plan and SA for the following reasons:
“No on-site restrictions or constraints were identified and it was considered that identified deficiencies in primary school places and GP surgeries would not adversely affect the achievability of the site; consideration of infrastructure requirements has been dealt with through the Infrastructure Delivery Plan 2017.
This site was proposed for allocation in the Draft Local Plan (2016). However, responses received through the Regulation 18 Draft Local Plan consultation indicated that the site is less preferred by the community. It was considered that other sites in Epping were more preferable in terms of their overall deliverability, noting the timescales for the availability of this site and its more marginal viability. If the alternative sites in Epping were allocated they would cumulatively provide the desired growth in the settlement and better support the emerging Epping Neighbourhood Plan. The site is not proposed for allocation.”
- 3.1.4 The above findings, demonstrate the lack of an adequate SA of the sites within Epping. It is not possible to undertake a comparative assessment of the sites against the SA framework. There has been no SA of the sites within the Plan at all, including the cumulative effects. The evidence to support the above reasons for not allocating the sites is not provided.

- 3.1.5 The community consultation responses are not provided in the SA and the evidence to support the reasons for not allocating the site is not provided. The site selection results can therefore not be verified or the removal of the allocation justified.
- 3.1.5 The decision to remove the allocation after the publication of the Submission Version Plan and SA does not demonstrate a fair or transparent process and has prevented the community from having effective involvement in the process. The failures in the Site Selection process demonstrate that the information has not informed the Plan as key information was published after the consultation.

4. Consultation

- 4.1 The SA reports have failed to show how the consultations have been taken into account in decision making in accordance with the regulations and guidance. [EU Directive 2001/42/EC Article 8] It is not known what the key issues were in relation to the SA or how they have been addressed, issues raised during the consultation process are very brief, broad brush and scattered throughout the document.
- 4.2 The SA does not explain the findings of the consultation process or how the responses have influenced the Plan. A brief summary of issues raised is given regarding the 2012 consultation but, as the report states, the findings of this consultation were superseded by the 2016 Plan and SA as the results were considered out of date. There are several references to responses to the consultation in 2016 being 'reviewed' but the SA does not include a summary of the responses.
- 4.3 No information is provided on the responses from Statutory Consultees or neighbouring authorities. Document **EB115A** summarises the responses received to the consultation, which includes several concerns regarding infrastructure, transport, air quality, Green Belt and the impacts on Epping Forest SAC. All of these issues are of relevance to the SA and should have been discussed within the report, particularly with regard to alternatives, cumulative impacts and mitigation measures.

- 4.4 The consultation report (**EB115A**) also states on **page 36**, that concerns were raised in relation to the interim SA 2016
- “Concern that the Interim Sustainability Appraisal did not assess enough reasonable alternatives and that there is not sufficient justification for the spatial strategy.”
- 4.5 The concerns raised in the consultations should have been set out in the SA report and an explanation provided on how the issues were addressed. The failure to include the responses to the consultation process means that it is not known how the responses were taken into account in the decision-making process, contrary to the regulations.

5. Cumulative Impacts

- 5.1 The SA states that the cumulative impacts have been considered within the SA. If this is the case it is not apparent. The cumulative impacts of the individual policies and proposals should have been considered as well as the cumulative impacts of the Plan as a whole. The failure to consider cumulative impacts within the SA is contrary to the regulations and guidance.
- 5.2 Arup’s Site Selection Report refers to the need for a SA of the site options both alone and in combination. The SA fails to include the assessment of the sites either alone or in combination.

6. Mitigation Measures

- 6.1 Mitigation measures are not addressed properly within SA. There is only limited mention of mitigation within the SA and no chapter which summarises the mitigation measures that will be used. [Sch.2 (7) Environmental Assessment of Plans and Programmes 2004; NPPG 013 and 017]
- 6.2 The lack of assessment of impacts, inevitably results in the inability to identify suitable mitigation measures.



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**A5. HABITATS REGULATIONS ASSESSMENT REVIEW DOCUMENT
(ICENI PROJECTS)**



This document sets out the findings of the Habitats Regulations Assessment (HRA) review in respect to the Inspector's Matters, Issues and Questions for the hearing sessions on the Epping Forest District Council (EFDC) Local Plan.

Absence of an Appropriate Assessment Being Undertaken

As stated in paragraphs 1.1 of the Habitats Regulations Screening Assessment (HRSA) reports (EB205¹ and EB206²), the HRA for the Local Plan comprises a Screening Assessment only, i.e. an Appropriate Assessment (AA) **has not** been undertaken, despite identifying that there is potential for Likely Significant Effects (LSE) on Epping Forest SAC.

Inconsistencies with Recent Case Law (including *People Over Wind* judgement)

The Habitats Regulation Screening Assessment (HRSA) in 2016 and 2017 (EB205 and EB206) identify the potential for Likely Significant Effects (LSE) on Epping Forest SAC. It relies on a proposed mitigation strategy and a Memorandum of Understanding (MoU) (EB1200) to conclude that there would not be an adverse effect on the integrity of the European Site and therefore identified that an AA was not required. This is wrong:

- firstly, AA can only be avoided where there is no doubt about the absence of LSEs (not adverse effects);
- secondly, it is clearly unlawful having regard to Sweetman; and
- thirdly, it relies on mitigation measures which are an interim strategy as the full mitigation strategy has not yet been completed).

Furthermore, PINS NOTE 05/2018 states that '*the implication of the CJEU judgment is that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considering at the HRA screening stage whether the plan or project is likely to have an adverse effect on a European Site*'³. The screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of

¹ AECOM, (2016); Habitats Regulations Assessment Screening of Epping Forest District Council Regulation 18 Local Plan

² AECOM, (2017); Habitats Regulations Assessment of Epping Forest District Council Regulation 19 Local Plan

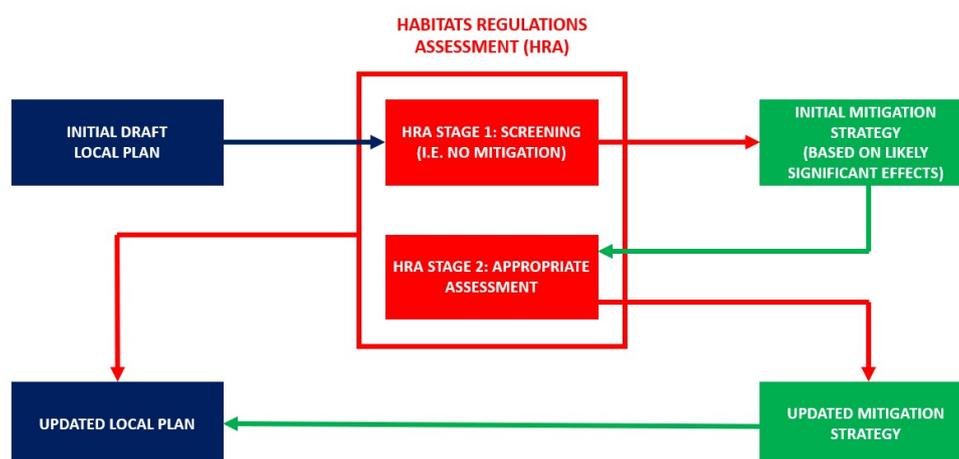
³ Paragraph 5, page 2 from PINS NOTE 05/2018: Consideration of avoidance and reduction measures in Habitats Regulations Assessment: *People over Wind, Peter Sweetman v Coillte Teoranta*

significant effects cannot be excluded, the competent authority must undertake an AA to establish whether the plan or project will affect the integrity of the European site, considering the effectiveness of the proposed avoidance or reduction measures as relevant.

Without an Appropriate Assessment, the Local Plan Cannot be Considered Effective, Justified or Consistent with National Policy

The purpose of the HRA being undertaken alongside the Local Plan is to identify any potential adverse impacts on European sites at the Plan level, and provide appropriate, strategic mitigation (e.g. through the provision of SANGs) to address these impacts. The 'precautionary principle' is inherent within the Habitats Regulations, and where there is potential for LSE an AA should be undertaken. Delaying the AA goes against the precautionary principles, particularly as the HRSA 2017 states that proposed growth throughout Epping Forest District as a result of the site allocations '*could not be dismissed in the initial sift from potentially posing likely significant effects upon the Lee Valley SPA/ Ramsar site and Epping Forest SAC, as a result of increased air pollution*'⁴.

The Habitats Regulations Process (produced by Icen Projects)



The figure above demonstrates how the Mitigation Strategy and HRA feed into the Local Plan process (in a simplified format). The Local Plan should contain sufficient detail to demonstrate the types of mitigation proposed, mechanisms for implementation and timescales for delivery. The current draft of the Local Plan makes limited reference to proposed mitigation measures, despite such measures being relied upon within the HRA to minimise adverse, LSE on the SAC.

Issues and Concerns Relating to the Interim Mitigation Strategy

An Interim Mitigation Strategy was published in October 2018 and provides preliminary details of measures to mitigate adverse effects on Epping Forest SAC. However, there is no evidence to suggest

⁴ Paragraph 6.1, page 105

that a credible assessment of the effects on Epping Forest SAC has been undertaken, or that the mitigation measures proposed would be effective.

The interim Mitigation Strategy for the SAC remains only interim because it has yet to deal with the other potential adverse impacts on Epping Forest SAC associated with air pollution from traffic and urbanisation effects and, off-site avoidance measures. To protect the SAC, a full Mitigation Strategy encompassing all these elements is required. In addition, the outline costings for the recreational mitigation elements need to be subject to detailed appraisal to ensure the full costs are robustly assessed and the mechanisms required for assessing and securing its effectiveness set out. It should also be noted that this interim strategy has not been agreed with all relevant authorities (notably the London Boroughs of Redbridge and Waltham Forest), and is therefore limited in its effectiveness. Therefore, it is irrational to conclude that there is sufficiently certainty, beyond all reasonable doubt, that mitigation is sufficient to mitigate the effects on the SAC.

Insufficient Evidence Base

The HRA and Local Plan are reliant on an incomplete evidence base and it is consequently impossible to undertake a proper assessment of likely effects on the integrity of the SAC.

The MoU (EB1200) states at paragraph 3.4⁵ that there is uncertainty regarding visitor and recreational pressure on Epping Forest SAC and further data is required to clarify this point.

The visitor data for Epping Forest SAC used within the HRSA⁶ is based on analysis undertaken by Footprint Ecology in 2016⁷. The Zone of Influence (Zoi) applied in the HRSA is reduced from 5km⁸ and 4km⁹ between the Regulation 18 and 19 consultation reports with limited justification. Furthermore, additional visitor surveys were undertaken in Autumn 2017 and identified a Zoi of 6.2km, which NE advised in their interim guidance note (letter dated 15/06/18) should be used until an updated survey is undertaken to verify the results and determine whether there is potential for recreational impacts on Epping Forest SAC¹⁰. This survey is scheduled for Summer 2019¹¹. Once complete, the results should be used to inform an updated HRSA, and AA as required to ascertain the potential for recreational and urbanisation impacts on Epping Forest SAC and comply with the requirements of the Habitats Regulations.

⁵ Paragraph 3.4, page 6

⁶ Submitted in November 2016 (Regulation 18 Local Plan) and December 2017 (Regulation 19 Local Plan)

⁷ Footprint Ecology, (2016); Initial review of current visitor data for Epping Forest (not included in evidence base)

⁸ Paragraph 3.2.19, page 18 of the HRA dated November 2016 (Regulation 18 consultation)

⁹ Paragraph 5.19, page 100 of the HRA dated December 2017 (Regulation 19 consultation)

¹⁰ Page 2 under heading 'Recreational Impacts'

¹¹ Paragraph 29 of the Interim Mitigation Strategy

NE provided interim advice¹² on the HRSA (EB205) and recommended that the air quality analysis around Epping Forest SAC be classified as an AA¹³. Concerns regarding the transport and air quality modelling have also been raised, and the Highways Assessment Report (EB502)¹⁴ states that further work in relation to sustainable travel and highway improvements will be undertaken prior to the submission of the Local Plan to the Secretary of State. However, there is no evidence that these updates have been undertaken.

Mitigation Strategy Cannot Be Justified

An integral part of the Habitats Regulations process is to seek to avoid or reduce the impacts on European Sites. Therefore, this plan should promote the alternatives that has the less adverse effects on the SAC. The current Plan has not had an AA undertaken to ascertain if the proposed development will have the least LSE on integrity of the European Sites. Therefore, there is no certainty that the alternatives put forward in the Local Plan will have the least adverse effects on the SAC and the alternatives, such as the Epping Sports Club, should be re-considered in light of an AA.

Without a comprehensive assessment of LSE at the screening stage, accompanied by a robust evidence base, effective mitigation cannot be proposed or assessed.

Under the Habitats Regulations, the conclusion of an AA may consider proposed mitigation measures, provided that there is reasonable certainty that these measures can be secured. However, at present the mitigation measures considered within the HRA are speculative, with limited detail on the mechanisms and timescales for delivery. Consequently, the conclusion that no adverse effects on the integrity of Epping Forest SAC are anticipated is premature due to the uncertainty regarding the effectiveness and implementation of mitigation measures. The HRA, including any AAs, should therefore be updated once further details on the proposed mitigation measures are available to ensure the conclusions presented are robust and compliant with the Habitats Regulations.

Avoidance of harm should be the first consideration. However, the HRA Screening Assessments do not provide evidence that avoidance measures have been considered before mitigation or compensation measures. Whilst, it is unlikely that avoidance would have been compatible with the social and economic objectives of the Local Plan, the HRA should have demonstrated that it was considered and provide justification as to why it was not carried forward before advancing to proposed mitigation.

It is possible that some proposed mitigation measures may result in potentially significant adverse effects. Improvements to Wake Arms Roundabout is a focal point in mitigating adverse impacts on Epping Forest SAC within the HRA, however, there is no evidence that the impacts of improving the

¹² Natural England's response to the Regulation 18 Draft Local Plan HRA. It should be noted that this response is missing from the Council's evidence base.

¹³ Paragraph 2.7, page 11 of the HRA (December 2017) (EB206)

¹⁴ Ringway Jacobs, (2017); Highway Assessment Report

junctions around Wake Arms Roundabout have been considered. For example, to facilitate junction improvements around the Roundabout, additional land from the SAC is likely to be required, resulting in adverse impacts, but this is not considered within the HRA. Where mitigation measures are proposed, the potential impacts of these on European sites should also be considered within the AA and factored into any conclusions.

The representations from NE and the Conservators of Epping Forest provide suggestions as to alternative wording which could be incorporated into the Local Plan to demonstrate a commitment to protecting and enhancing the environment and mitigating any adverse impacts that may arise as a result of the Local Plan in accordance with the Habitats Regulations. However, in their response to the interim Mitigation Strategy, NE dated 15th June 2018 acknowledge that, until an updated HRA is undertaken, developing a comprehensive strategy is difficult. As many of the mitigation measures proposed within the Local Plan are still under development and have not been assessed as part an AA, it is not clear whether these could be implemented without threatening the delivery of the Plan or how the Plan should be modified.

**A6. NATURAL ENGLAND ADVICE ON THE EMERGING APPROACH ON
MITIGATION (15TH JUNE 2018)**

Date: 15 June 2018
Our ref: 247581
Your ref:



Nigel Richardson Assistant Director Governance (Development Management) - NRichardson@eppingforestdc.gov.uk
Cc: Nicky Linihan - nicky@fortismere-associates.co.uk
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Dear Mr Richardson,

Emerging Strategic Approach Relating to the Epping Forest Special Area of Conservation (SAC) Mitigation Strategy – Interim Advice for Development

Thank you for your letter dated 21st May 2018, requesting advice from Natural England on how your authority should respond to planning applications for minor development. Having considered your request, we have taken the view that until the updated Habitats Regulations Assessment (HRA) has been produced, all development needs to be considered in the same way, due to the complexities and uncertainties relating to air quality impacts on Epping Forest SAC.

Natural England is keen to work with Epping Forest District Council (EFDC) and other stakeholders to address the challenges of dealing with planning advice at this interim stage. Based on the information we have currently received, Natural England advises that minor developments will require a Habitats Regulations Assessment with EFDC acting as the competent authority. We recognise this is not an ideal situation but nevertheless sets out the situation if EFDC needs to determine planning applications at this moment in time in a manner that is compliant with the requirements of the Habitats Regulations. Natural England understands that further relevant information will be available soon (e.g. the Mitigation Strategy for Recreation and a revised HRA for the EFDC Local Plan) to enable us to review this initial interim advice.

Background to Local Plan Habitats Regulations Assessment (HRA) and Mitigation Strategy

We welcome the productive working relationship we have established with you regarding the development of the Mitigation Strategy to address air pollution and recreational pressure impacts on Epping Forest SAC and SSSI. We also welcome and support the additional work you are undertaking to update the Local plan HRA which we understand will include consideration of the following:

- Visitor Survey assessment (undertaken by Footprint Ecology)
- Updated transport and air pollution modelling
- Identification of proposed mitigation measures to address recreational and air pollution impacts
- Updated conclusions on whether there will be any adverse impacts, either alone or in-

combination.

We therefore recognise that there is going to be a period of difficulty for you in determining planning applications until these additional pieces of information are available. In our view it is going to be very difficult to identify suitable mitigation measures to minimise or remove any air quality impacts to enable a conclusion of no adverse effect on site integrity of the SAC to be reached at the individual planning application until the updated HRA has been prepared. It may therefore not be possible for you to determine such planning applications until the updated Local Plan Habitats Regulations Assessment has been finalised

Recreational Impacts

As part of the work required to produce the Mitigation Strategy, Footprint Ecology undertook a visitor survey to identify a recreational zone of influence and to identify the distance the majority of visitors will travel to visit Epping Forest SAC. This report identified that 75% of visitors travelled up to 6.2Km to the SAC. *Natural England therefore advises that in this interim period a zone of influence of 6.2Km is used to determine whether residential applications will have a recreational impact on Epping Forest SAC.*

Air Pollution Impacts

Given the above Natural England considers that significant uncertainty remains and that this uncertainty undermines the conclusions drawn in section 9. At this stage Natural England advises that neither an adverse effect nor a likely significant effect on Epping Forest SAC can be ruled out.

Work is now ongoing by your authority to update the HRA with respect to the likely air pollution impacts on Epping Forest SAC from the Epping Forest District Local Plan. Natural England has outlined our concerns in relation to the impacts the proposed level of growth and development could have on Epping Forest SAC as part of the local plan consultation process. Whilst we are of the view that there will be impacts *until the HRA has been updated Natural England doesn't have the following critical information to provide any interim advice* regarding how to deal with air pollution impacts:

- The severity of the in-combination air pollution impacts, especially with respect to whether there are any adverse effects and
- The mitigation measures which will be applied to reduce or remove any impacts to enable a conclusion of no adverse effects to be reached (where adverse effects have been identified)

In the absence of this information we are unable to identify additional mitigation measures which could be applied. Also there is uncertainty with respect to how long this interim approach would need to be in place, particularly given the current delay with the local plan.

Interim Approach

Normally minor development would not be considered to be complex or difficult. However, in this instance, due to the in-combination impacts of air pollution and recreational pressure, such cases should be considered as being complex. This is due to the difficulty in identifying mitigation solutions which are compliant with the Habitats Regulations ahead of the strategic approach which will be developed by the Mitigation Strategy, which in turn will be informed by the updated HRA. You might therefore want to regard these applications as complex and outside of routine planning decision targets.

We note that your authority has issued an interim statement detailing how planning applications will be considered in this interim period. In light of this statement we would advise that:

- All residential planning applications which are within 6.2Km of Epping Forest SAC need to be subject to a project level HRA to address recreational impacts,
- All residential and employment proposals within Epping Forest District likely to have an air pollution impact on Epping Forest SAC will need to be subject to a project level HRA. The Habitats Regulations Assessment requires the likely effect of plans to be considered alone and in combination with other plans/projects.

The factors which need to be considered to determine if the proposals are likely to have an air pollution impact are as follows:

- a) The proximity of the development to Epping Forest SAC and whether the proposal gives rise to emissions which are likely to contribute to adverse air quality effects (e.g. exceedances of AQ thresholds) alone, and in combination within Epping Forest SAC.
- b) Whether the proposal will result in an increase in traffic on roads in close proximity to Epping Forest SAC alone and in combination with other plans/projects and,
- c) Whether the SAC habitats and species features that are sensitive to air pollution effects are within 200m of the relevant key roads (i.e. all roads relevant to alone and in combination assessments including the EFDC HRA and MoU listed roads).

We have also provided some additional information which should be considered (Annex 1) when undertaking a HRA for impacts on the SAC.

Should you have any queries please do not hesitate to contact Jamie Melvin (e: Jamie Melvin: e: jamie.melvin@naturalengland.org.uk T: 02080261025)

Yours sincerely,



Aidan Lonergan
Area Manager – West Anglia Team

A7. CORRESPONDENCE WITH ESSEX COUNTY COUNCIL (ECC)

Joanna Ready

From: David Sprunt, Principal Transportation & Infrastructure Planner
<David.Sprunt@essex.gov.uk>
Sent: 05 October 2018 07:45
To: Mike Lewin
Cc: Oakley, Viktoria (Viktoria.Oakley@lih.co.uk); McDiarmid, Paul
(Paul.McDiarmid@lih.co.uk); Russell Vaughan
Subject: RE: Epping Local Plan

Hi Mike

Most examples I'm aware of are in Germany and Hollandone that springs to mind is Frieberg

Regards

David

David Sprunt
Transportation Strategy & Infrastructure
Highways and Transportation
Essex County Council

Mobile: 07584 151451

Email: david.sprunt@essex.gov.uk

Web: www.essex.gov.uk



From: Mike Lewin [mailto:mike.lewin@tppweb.co.uk]
Sent: 04 October 2018 11:03
To: David Sprunt, Principal Transportation & Infrastructure Planner
Cc: Oakley, Viktoria (Viktoria.Oakley@lih.co.uk); McDiarmid, Paul (Paul.McDiarmid@lih.co.uk); Russell Vaughan
Subject: RE: Epping Local Plan

David

Thank you for your response.

Just one further query at this stage, please see below in red.

Kind regards

Mike

Michael Lewin
Director
for Transport Planning Practice Ltd

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dir: 020 7608 0004
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From: David Sprunt, Principal Transportation & Infrastructure Planner [mailto:David.Sprunt@essex.gov.uk]
Sent: 04 October 2018 10:34
To: Mike Lewin
Cc: Oakley, Viktoria (Viktoria.Oakley@lih.co.uk); McDiarmid, Paul (Paul.McDiarmid@lih.co.uk); Russell Vaughan
Subject: RE: Epping Local Plan

Mike

See below as far as I can reply at this time

Regards

David

David Sprunt
Transportation Strategy & Infrastructure
Highways and Transportation
Essex County Council

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From: Mike Lewin [mailto:mike.lewin@tppweb.co.uk]
Sent: 27 September 2018 16:10
To: David Sprunt, Principal Transportation & Infrastructure Planner
Cc: Oakley, Viktoria (Viktoria.Oakley@lih.co.uk); McDiarmid, Paul (Paul.McDiarmid@lih.co.uk); Russell Vaughan
Subject: Epping Local Plan

David

Thank you for calling me back regarding Epping. I know we were both short of time and you were driving so I thought that I would send an email to clarify my understanding of our discussion. If I have misunderstood anything please let me know.

We understand that the Council's requirement is for new development in the Epping Local Plan to have a maximum of 40% of trips made as a car driver and 60% by other modes including car passengers. The 40% is not predicated on major public transport or other improvements proposed by the Councils but will rely on measures proposed by the individual developments. If developments fail to meet the 40% target by 2033 then we understand that they would be expected to provide highway improvements to mitigate any impact. There are a number of questions that arise from this approach.

1. The date of 2033 by which the 40% has to be met is a long way off what would happen in the interim period if the developments cannot achieve this? *It is accepted that on day 1 sites would not necessarily meet this but during the development they should be working positively towards this target and evidence produced to support this and that things will continue on an upward trajectory*
2. Have the highway improvements been identified in advance if developments do not meet the 40% car driver required? *Improvements are still being assessed but you will be aware that improvements of any scale in the forest area will be challenging not least from a need to take some forest land to achieve but also the air quality impacts on the Forest*
3. Has this approach been used anywhere else in Essex and has it been successful in achieving the 40%? *We are looking at this level throughout Essex following garden town principles. There are no specific examples in Essex but has been achieved elsewhere. Please could you provide details of where this approach has worked elsewhere.*
4. What transport measures do you envisage developments proposing to achieve the 40%? *This is upto developers to work with us to achieve these through normal sustainable modes and innovation too. We don't necessarily have a toolkit per se*
5. A significant proportion of trips generated by the new developments (40%) would still be by car. Therefore we assume that significant highway improvements would still be required to accommodate the Local Plan development. Have the County Council identified these improvements? *There would still be improvements required even with 60% sustainability and these are being worked through with EFDC. These would not necessarily include very localised site by site improvements.*

If you have any queries please do not hesitate to call.

Kind regards

Mike

Michael Lewin

Director

for Transport Planning Practice Ltd

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A8. EPPING SPORTS FORUM RESPONSE

Epping Sports Forum – Matters Statement – January 2019

Introduction

- *In Autumn 2018 11 different sports clubs in Epping (Epping Tennis, Epping Cricket, Epping Bowls, Epping Netball, Epping Gymnastics, Epping Squash, Epping Town Football Club, Epping Youth Football Club, Interpath FC, Epping Foresters Cricket Club and Epping Badminton Club) have joined together to form the Epping Sports Forum.*
- *The members of the Sports Forum have a range of concerns in relation to the Local Plan and the lack of provision that it makes for sports and leisure for both the current day and into the future. Photos of the current facilities are included in the Appendix.*

Matter, Issue and Question	Question asked and Sports Forum response.
M2,I1,Q3	<p>Do the vision and objectives adequately reflect the Plan’s aims for air quality, green and blue infrastructure, protection of the landscape and biodiversity, and healthy living? Should specific reference be made to the aim of conserving or enhancing the historic environment, including archaeology?</p> <p><i>Sports Forum Response :</i></p> <ul style="list-style-type: none"> • <i>All of the Sports Forum member clubs are facing restrictions on their growth and the opportunities that they can provide due to a lack of access to high quality sports facilities and do not believe that this deficit will be addressed by this Local Plan.</i> • <i>The members of the Sports Forum believe that opportunities for sport – both on a competitive and non competitive level for all ages is a crucial part of healthy living.</i> • <i>Facilities should also be available within Epping in sustainable locations, so that residents in the town can easily make these healthy choices.</i> • <i>Sports Forum member clubs play a vital role in the local community and the vision of the Local Plan does not include a vision for the sports clubs which can help them grow and increase their membership and then in turn to provide increased opportunities for sports and exercise in the local community which is a fundamental component of healthy living.</i> • <i>The leaders of the Sports Forum member clubs have a wealth of experience in their chosen sports and provide an invaluable service to the local community.</i> • <i>Sports Forum member clubs also provide an important social role, with their importance in the local community extending beyond just the players but into a social scene including families, friends and supporters, which is also a fundamental component of healthy communities.</i>

	<ul style="list-style-type: none"> • <i>The range of different member clubs in the forum is significant and therefore they offer different opportunities including to those sectors of the community that find it difficult to participate in sport or prefer not to continue with the sports traditionally played at secondary school.</i> • <i>The absence of healthy living and green infrastructure vision or objectives in the Local Plan side-lines sports club growth and development in Epping.</i>
M4,I6,Q5	<p>Does the Infrastructure Delivery Plan and Schedule (EB1101A & B) demonstrate that the development in the Plan can be served by adequate infrastructure at the appropriate time? Are there any significant omissions or funding gaps?</p> <p><i>Sports Forum Response :</i></p> <ul style="list-style-type: none"> • <i>The Sports Clubs in Epping have joined together to form the Epping Sports Forum where there are a number of common areas of concern regarding future sports provision in Epping.</i> • <i>There is significant under provision of infrastructure for sports clubs in Epping.</i> • <i>As the population of Epping continues to grow there will need to be increased provision of sporting facilities that are easily accessible by local residents.</i> • <i>It is worth noting that none of the Sports Forum Member Clubs were consulted by 4G Global whilst they were drawing up the playing pitch strategy. No effort has been made to understand the situation on the ground that the Sports Forum Member Clubs in Epping find themselves in.</i> • <i>There is a significant omission of a policy that assesses current sporting provision in Epping, looks at current membership levels, and potential growth and then details the provision of relevant infrastructure in the future to meet this requirement.</i> • <i>Therefore the Forum is not necessarily surprised that the plan does not provide adequate infrastructure for the clubs or to promote healthy living as the Sports Forum Member Clubs in Epping have not been directly contacted by the Council in reference to the Local Plan or consulted by 4G Global.</i> • <i>The Sports Forum understands that Sport England has submitted a Statement of Common ground however this and the Local Plan provide no real tangible detail of how the identified future need will be met. And in any case the Sports Forum believe that what is considered as being needed by the Playing Pitch and Open Space Reports is far removed from the actual requirements of the local population on the ground.</i> • <i>Therefore the plan will not deliver what is required to meet the needs on the ground or infrastructure at a level that will help meet future growth.</i> • <i>Directly contrary to this policy Sports Forum Member clubs in Epping especially those at the sports centre have had their access to sporting infrastructure severely reduced in recent years, which has in turn reduced the ability of the Sports Forum</i>

Members clubs to expand. There is no guarantee from the statements made on the St John's road site that the current need will be met as part of this new development.

- *Even if the current level of sporting infrastructure is maintained this will still not be sufficient to meet the current for future need of the sports clubs in Epping.*
- *A number of the Sports Forum Member clubs that train at the Epping Sports Centre have suffered since the reduction in the facilities available since its refurbishment. The reduction in facilities for sports clubs, restricts even further the time available for each of the different clubs to use the space. Additionally, we understand that the centre will be closing within the next 5 years.*
- *It is unsustainable for sports facilities to be provided outside of Epping that members will have to travel to by car.*
- *We have detailed below the situation of individual Sports Forum Member clubs in Epping and the challenges they face, none of which are addressed in the Local Plan.*
- *At present the sports clubs face the following problems in terms of their current infrastructure :*
- ***Epping Netball Club*** (Venue: St Johns School)– *Membership is at capacity due to a lack of available courts – there is only one indoor court available to them at St Johns and for only one session a week. There are 35 members, but only 14 players can be on court at once. During exam times (8-10 weeks of the year) they must move outside to outdoor netball courts, however these lack floodlighting so they cannot be used in the evenings or winter months. The surface is also substandard. The indoor court is about 5 years old but the roof leaks, space around the court is limited, and the posts need repair. The club is unable to host any tournaments and must travel to other courts to play in their weekly leagues. The lease is with Burnt Mill Academy, bookings are made for a year in advance and dates get cancelled for exams ad hoc. Funding is from membership fees, with occasional small grants. The majority of the players live in Epping.*
- ***Epping Cricket Club*** (Venue: Epping Sports Club) – *the clubhouse is in a poor state of repair, the cricket pitch is surrounded by residential development on two sides which is not ideal, stray balls often make their way onto the tennis courts. The pitch and has a serious problem with flooding which leads to matches being postponed or cancelled. The site is constrained and there is no available space for the provision of indoor cricket nets. Funding comes from membership fees and a limited amount of sponsorship.*
- ***Epping Gymnastics Club*** (Venue: Epping Sports Centre) – *now only operate out of the sports centre with limited access to facilities as a lack of investment allowed their previous venue (Epping Forest Gymnastics Club at North Weald) to decline and decay. The lack of space limits their ability to recruit new members. They currently have an 18 month waiting. There is the expertise and the interest to expand this very successful club which has already achieved medal success at local and national level with representation of Great Britain on a world stage. The club is keen to build or lease a full time facility that would be open to all sectors of the community. All funding comes from the membership. No grant has been given since 2003.*

- **Epping Squash Club** (Venue: Epping Sports Centre) The squash courts have poor heating with no access to a water fountain, and limited access to courts. The reduction in the number of squash courts available and a reduction in access to courts has limited their ability to offer coaching sessions to junior members. They were unable to host the Annual Essex Junior GP competition as it requires 4 courts to be available all day. The removal of the bar area (and kitchen) means they cannot offer refreshments to team players until after the conclusion of the match as they now have to go off site to provide food and drink. Funding comes via membership fees and income from coaching.
- **Epping Tennis Club** (Venue: Epping Sports Club) – The Tennis Club is constrained by a lack of courts and a club house that is old and in need of improvement. There is also no access to an indoor court for use during the winter months. Funding comes from membership fees and limited sponsorship.
- **Epping Bowls Club** (Venue: Epping Sports Club) – The Bowls Club is constrained by a lack of space on the bowling green and the opportunity to play inside during winter months which would make this a year round activity. The clubhouse is in need of renovation and the car park is in an exceptionally poor state of repair. Funding comes from membership fees and limited sponsorship.
- **Epping Foresters** (Venue: Epping Foresters Cricket Ground) has a good provision of facilities including provision of a three bay artificial surface training nets area plus a natural grass bay net. They possess a plastic lay down training pitch facility. However the roof of the club house is in need of replacement (although this is known to not be financially viable at this time) along with upgrades to the toilet facilities in the club house as the cess pit leaks. It is not financially viable to connect to the mains. The recent refurbishment to the pavilion was all completed by club volunteers. Funding comes via membership, sponsorship and grants (last received in 2017).
- **Epping Youth Football Club** (Venue: Upper Clapton Rugby Club, Epping St Johns School, Stonnards Hill, Frampton Road Memorial Playing Field, North Weald.) The club is self funded from player fees. They have already exceeded the capacity of the all weather pitch at Upper Clapton Rugby Club. There is limited access to the astro pitch at Epping St Johns. The grass pitches at North Weald and Frampton Road have to be marked out by the club before matches. In the winter it is not possible to play more than 1 match per weekend on a pitch as they become to boggy. When there are league matches at home then there is increased pressure on pitches.
- **Epping Town Football Club** (Venue : Stonnards Hill & St Johns School) The club trains at St Johns and plays matches at Stonnards Hill. This year the club suffered from a lack of available space for pre-season training. The Jack Silley pavilion has been refurbished so has been unusable for much of the season. There is no stand/ shelter at Stonnards Hill for spectators and supporters. The club is working up towards re-joining the Essex Senior League where it will require a grass pitch with a stands, dug outs, and managers space.
- **Epping Badminton Club** Venue : Epping Sports Centre, there are four badminton courts but there is only one sports hall which must be shared with all other clubs and sports, as well as allowing public access and this, therefore, severely limits its availability and playing opportunities. Courts availability is very limited on a Saturday, due to other sports, and the

club is unable to play then. The quality of the hall is also poor with a number of broken lights and damage to the floor, and despite reporting such issues these have not been fixed. Lighting is important, and lights should be able to be lowered to allow for immediate repair – rather than waiting for scaffolding. There is also nowhere onsite to socialise before or after training and matches. The club is self funded through membership fees, but charges at the sports centre are index linked – so they go up every single year.

- ***Epping Interpath Football Club*** Venue: *St Johns School sports facilities, funding comes from private sources and from membership fees.*
- *It is noted that the Sports Reports do not make reference to the substandard nature of a number of the sports facilities in the District and therefore do not truly represent the dire situation for sports provision in Epping.*
- *If the problems above aren't rectified, then a number of the Sports Forum Member Clubs will have no choice but to leave Epping meaning that members will have to travel outside of the District by car to obtain appropriate sports facilities.*
- *We contend that in order for the Sports Forum Member Clubs in Epping to grow and thrive – an aspiration which we believe should be included within the Local Plan that as a minimum the following infrastructure is needed:*
 - *Provision of 2 indoor netball courts, with associated changing rooms*
 - *Re-provision of the Epping Sports Club site to deliver new full size cricket pitch and nets, indoor and outdoor tennis courts and bowls provision along with a new clubhouse, changing room and car parking.*
 - *For gymnastics – a building at least 35m long and 20m wide, 5m height (for gymnastics only) / 8m height (to cater for trampolining also) small office, changing rooms and toilets with a balcony area above these for parents and car parking with 10-20 spaces. This could also offer facilities to other clubs such as Cheerleading, parkour, tricking and circus skills. The quoted price for delivering such a facility is circa £0.25 million.*
 - *Provision of up to 4 squash courts with associated changing facilities and social facilities.*
 - *For badminton a good quality separate sports hall to other clubs or additional provision to allow increased access along with changing rooms, a pleasant area for spectators and also a bar/café area for use before and after matches.*
 - *Greater provision of football pitches including an astro turf pitch, with a watching area and additional grass pitches. At least one pitch to have a stand for supporters, dugouts and clubhouse to allow the hosting of Essex Senior League fixtures. Floodlights where possible but definitely for the astro pitches.*
- *The provision of such facilities will allow the clubs to grow and expand, will allow them to potentially generate income from their venues and to hold national competitions, tournaments, training sessions and coaching services.*
- *There would also be the potential to hire out facilities to local schools and other local groups, enhancing opportunities for all community members in Epping.*

	<ul style="list-style-type: none"> <i>Sports facility provision is a significant omission of the Local Plan and Infrastructure Delivery Plan and it will impact on the health and well being on the communities that we Epping Sports Forum Member clubs operate in.</i>
M7,I1,Q5	<p>Part H(v) requires development to promote healthy and active lifestyles. Does the Plan as a whole respond sufficiently to the requirements of Section 8 of the NPPF on “promoting healthy communities” by facilitating social interaction and creating healthy, inclusive communities? Is a specific overarching policy on health and well-being required? (Reps ECC).</p> <p><i>Sports Forum Response :</i></p> <ul style="list-style-type: none"> <i>No the Epping Sports Forum does not believe that the plan responds sufficiently to the requirements to promote healthy communities.</i> <i>Sports and recreation is a key part of creating healthy communities. It is important not only for the health and fitness aspects but for all the social and community elements.</i> <i>The Sports Forum would welcome the addition of a more detailed policy on the role of sports and reaction in promoting healthy communities and encouraging inclusiveness. The Sports Forum members believe that additional facilities and more time available will increase their offering and grow their memberships.</i> <i>The Sports Forum Member Clubs play a key role in promotion health communities and fostering social interaction offering the following opportunities :</i> <ul style="list-style-type: none"> <i>Epping Netball Club – Currently 40 members from ages of 14 years upwards. Five teams including one in the first division of the Harlow league. Potential to create a junior section if more court space was available. Two girls recently selected for regional trials. There is an active social side to the club including trips to see international matches or super league matches. There are also netball weekends away and social gatherings throughout the year. There is a willingness to create a mini team if more court time was available – currently children of this age have to travel to Harlow or Redbridge where these clubs do exist. 80% of members live in Epping.</i> <i>Epping Squash Club – Currently 23 adults & 3 juniors. Junior coaching on Saturday morning of 35. 6 teams in Essex league. In 2016 (prior to the reduction in available courts) – 70 adults and 10 juniors. Whilst the social side of the club has demised since the removal of the bar area and kitchen, this is an element of the club that members would be keen to revitalise. The club hears from ex-juniors now at university that the universities are increasing their squash facilities suggesting there is a resurgence in the sport. The club teams have been successful in their Essex leagues and been promoted to higher divisions. Junior coaching was thriving but that had to be reduced due to a lack of facilities.</i>

- **Epping Foresters Cricket Club** – 50 adults and 80 juniors and their families enjoying the competitive and social side. There is liaison with the local school and organisations to promote the club and its facilities. 90% of the membership of the club is from within Epping. The club achieved its Clubmark reaccreditation (completed every 3 years). Past members have played at County and England level. One female member is in the Essex County Under 15s and 3 boys are currently trialling at the Essex County Under 13 level. Social activities are organised by the club including community events and supported St Claires Hospice.
- **Epping Gymnastics Club** – 280 children aged 3-16 and 50 adults aged 17-32, providing competitive and recreational opportunities. The club is keen to continue to expand with a long waiting list and will be sending representatives of Great Britain for the third time to the 16th World Cup in Gymnaestrada in Austria this year (previously in 2011 in Switzerland and 2015 in Helsinki). The club has also performed at the London Federation "Evening with the Stars" and won gold at the British series in 2016 and 2017. The club has a dedicated squad aimed at encouraging young people to stay in the sport along with a Team Gym section. There is an 18 month waiting list of over 200 hopefuls. The club also provides employment and personal development opportunities in the local area and supports an apprentice scheme and work experience for local schools. Members compete in the County and Regional Women's artistic competitions and take members through the British Gymnastics Proficiency Award Scheme.
- **Epping Bowls Club** – 40 playing members plus life members and spouses that join on occasion. The Club is looking to promote sport (a key part of healthy living) within the community and in addition to regular league matches, Epping Bowls Club hosted 'Come & Try' sessions in July for over 60 Year 8 (age 12-13) students from Epping St John's School. Many of the students had never heard of or seen Bowls played before, therefore this offered the students the opportunity to try something new, while also meeting the school's plans to offer alternative sports to students at the end of the school year. Due to the success of this initiative, there are plans to establish the 'Come & Try' sessions as a regular annual event, for both juniors and adults alike.
- **Epping Cricket Club** – 35 adult members plus 15 colts (juniors) and 10 life members. A new impetus has been created within the Club, and so for the 2019 season, is looking to increase the number of senior teams from three to five, while also planning to increase Colts cricket opportunities for boys and girls alike.
- **Epping Tennis Club** – 92 playing members plus life members. Epping Tennis Club also provides group and private lessons through their LTA Senior Coach, with over 50 juniors receiving regular coaching.
- **Epping Youth Football Club** – 240 players aged 5-18 including girls and boys teams. The club has 3 to 4 teams in each age group and is still expanding. The children play 5 aside until the age of 9 where they move to 7 aside. The club is successful with tournament wins and league successes. There is also an important social side, there is an annual presentation day each year for the club and all families, there are individual team trips such as a recent Under 8's football weekend at Butlins.

- **Epping Town Football Club** – playing squad of 25, with around 60 supporters attending home matches to support the club. New facilities such a stand and club house would help to encourage supporters and grow the social side of the club. There are strong links between the Youth Football and Town Football Club, which benefits all involved.
- **Epping Badminton Club** - Currently 30 members all adult. There used to be a junior club, but this was cancelled due to lack of space and withdrawn of support by the current sports centre. The club is very successful with a number of players on the Essex County leagues and the England veterans team. The club is active socially, however this must all take place outside of the sports centre as there is no bar or café. The club is keen to expand and believes there are future members who would be looking to join but it is constrained by court availability.
- **Epping Interpath Football Club** – 23 adults and 108 juniors
- It is clear to see the significant value that the Sports Forum Member Clubs provide which help to provide healthy communities.
- There is both the competitive side and the social side of the sporting culture. Additionally, all of the clubs are essentially family clubs where parents and children are able to support other members of the clubs and to become involved even if they are not playing themselves.
- The range of breadth of Sports Forum Member Clubs also cater for all ages of the population, and provide a forum for different age groups to mix – a situation that is not found in many other local groups or societies.
- We have also completed an analysis to look at provision that Epping residents could consider if there is no change to existing facilities and the Sports Forum Member Clubs were unable to sustain themselves long term. In every sport club members would be forced into their cars to drive further afield in order to find equivalent sports clubs. This would be highly unsustainable both in terms of encouraging residents into their cars and additionally on the assumption that residents would likely reduce their involvement with clubs further afield over time when the travel become to onerous / expensive / inconvenient.
- There are 3 private squash clubs each 7/8 miles from Epping with a total of 10 courts. However, there is not capacity at these venues as they would require car travel from Epping.
- There are no other netball facilities in Epping, the nearest other clubs are Harlow based.
- There are three cricket clubs in Epping – Epping Cricket Club, Epping Foresters Cricket Club and Coopersale Cricket Club.

Sports Forum Photos

Epping Cricket Club





Epping Tennis Club



Epping Sports Club Car Park



Epping Gymnastics Club

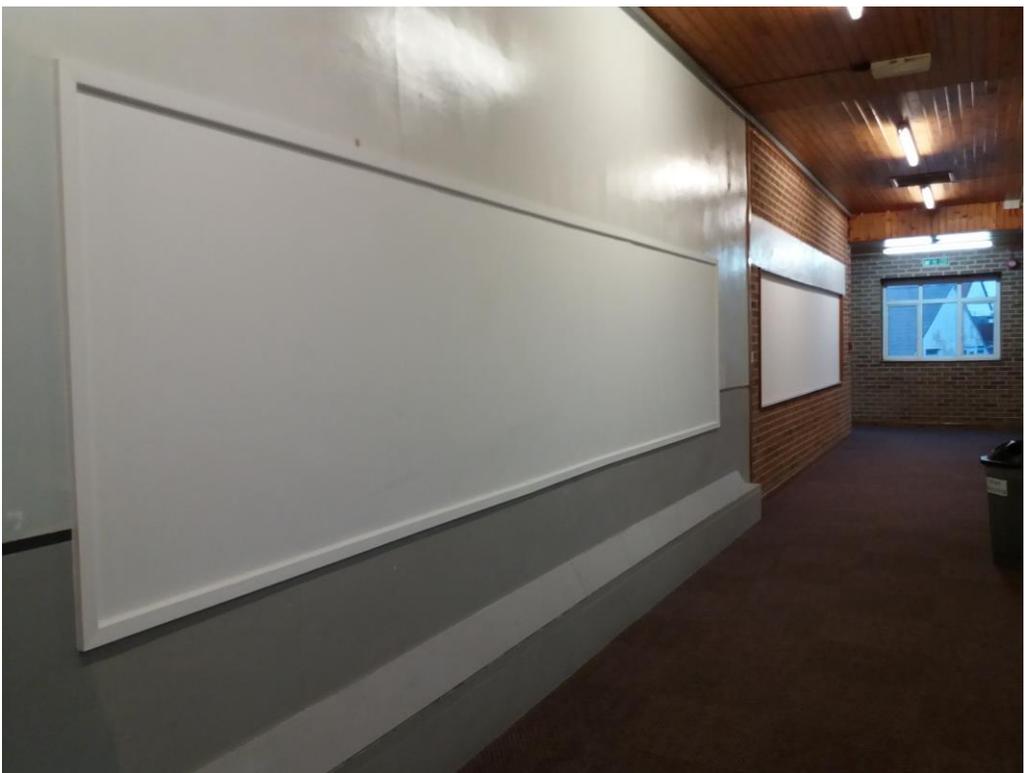




Epping Netball Club



Epping Squash Club



Viewing platform now filled in



Old bar area now removed