



APPENDIX 2

for

The Conservators of Epping Forest's Representations

on

Matter 16, Issue 1 (Policy DM2)

Policy DM2 – Table of amendments and outstanding concerns

These recommendations are for a clearer split within policy DM2 between general, Lee Valley specific and Epping Forest specific requirements (noting that the Council may wish to seek further advice on any additional requirements in relation to the Lee Valley). Alternatively, DM2 could be split entirely to form two policies, one for the Lee Valley and one for Epping Forest. The Conservator’s would favour two policies for better clarity.

Final policy wording can only be prepared once outstanding mitigation matters are progressed, and then assessed within the HRA.

Policy Section (Submission version LPSV (EB114))	Conservator’s concerns and recommended changes (Reg 20 letter Document 19STAT0035)	EFDC proposed amendments (presented during hearing sessions)	Outstanding concerns	Conservator’s further recommended changes
<p>A The Council will expect all relevant development proposals to assist in the conservation and enhancement of the biodiversity, character, appearance and landscape setting of the Epping Forest Special Area of Conservation (SAC) and the Lee Valley Special Protection Area (SPA).</p>	<p>This sentence is confined to the SPA and SAC. These sites are particularly reliant upon wider functionally linked land and ecological corridor linkages.</p> <p>Reword to refer to - development proposals contributing to the conservation and enhancement of the biodiversity, character, appearance and landscape setting of Epping Forest and the Lee Valley, with particular regard for the legislative requirements in relation to the European site designations afforded to these areas.</p>	<p>None</p>	<p>A holistic approach to the conservation and enhancement of Epping Forest (and the Lee Valley) is not explicit in the policy</p>	<p>As previously recommended</p>

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<p>B New residential development likely to have a significant effect, either alone or in combination with other development in these areas, will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.</p>	<p>This part of the policy simply deflects issues to project level HRA. Given the issues relate to the in-combination, cumulative effects of the overall quantum of development, such project level assessment is difficult and mitigation measures, particularly for small sites, very difficult to secure. It is not clear whether such project level assessment will be required for development in the settlements identified in DM 2C, where contributions are required.</p> <p>Reword to refer to – the Council is working in partnership with other relevant organisations to put in place strategic approaches to protecting the European sites, in recognition of the cumulative impacts of recreation and air pollution from development. New development will be required to adhere to strategic approaches where applicable,</p>	<p>New residential development likely to have a significant effect, either alone or in combination with other development in these areas within Epping Forest District, <u>in respect of air quality as well as, in the case of residential development within the Zone of Influence, on recreational pressures</u> will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. <u>Such measures will include those identified in the most up-to-date Mitigation Frameworks adopted by the Council as they relate to air quality and recreational pressures.</u></p>	<p>The policy does not provide a clear, Plan-level explanation of the requirements to be placed on developers and the key role of SAMM and SANG, and how and where they will be required.</p> <p>This policy cannot be developed further until the SANGs strategy has been prepared, and then assessed within the HRA. The HRA would then inform the final policy wording, which we would expect to include the key parts recommended in the following column.</p>	<p>It is recommended that section B is split to make two new sections as follows:</p> <p>B1 – retain the generic text in relation to the HRA requirements for both Lee Valley and Epping Forest.</p> <p>B2 – Create a new section specifically relating to Epping Forest in terms of both air quality and recreation, clearly setting out the protective measures. For recreation, this should include reference to the identified 6.2km Zol, the roles of SAMM and SANG, the strategies developed for both aspects, and what is expected of developers to deliver these two</p>

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	as detailed below. Outside this requirement, where any project specific likely significant effects are identified, either alone or in-combination with other plans or projects, will be required to demonstrate that adequate measures are in place to avoid or mitigate for any potential adverse effects.			parts of the recreation strategy.
<p>C All outline or detailed planning applications for new homes within the settlements of Loughton, Epping, Waltham Abbey, North Weald Bassett, Theydon Bois, Coopersale, Thornwood, Buckhurst Hill, Chigwell and Chigwell Row will be required to make a financial contribution to access management and monitoring of visitors to the Epping Forest SAC, in accordance with Visitor Survey Information which demonstrates this is</p>	Here the policy identifies settlements where contributions will be required. This list needs to be updated with the more recent visitor survey results. The visitor survey results will not however identify how the money will be collected, how the tariff is set, governance or any other details. There needs to be a clear, strong policy steer and direct cross-reference to a strategy, which we suggest should be established as an SPD. DM2 C does not provide sufficient clarity, weight or guidance to ensure mitigation will be delivered and will be fit for purpose.	None	This section of the policy is now out of date as it was prepared prior to the Interim Mitigation Strategy for SAMM, and also needs updating to reflect a SANGs strategy, i.e. the section should give clarity on requirements for the overall mitigation approach with both SANG and SAMM	As previously recommended, but bring up to date once the SANG strategy has been prepared, so that the policy is referring to the overall approach for recreation mitigation, both SANG and SAMM.

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needed.	<p>Reword to refer to – In recognition of additional recreation pressure from residential development on Epping Forest SAC, the Council will require proposals for any net increase in residential units within 6.2km to make a financial contribution to a strategic approach to mitigate the cumulative effects through access management and monitoring. An interim framework with tariff based developer contributions will be developed into a European site conservation supplementary planning document, with an evidence based suite of costed mitigation and monitoring measures, delivery, governance and review processes.</p>			
<p>D To mitigate against potential or identified adverse</p>	<p>Sets up greenspace provision as mitigation, but fails to specify a quantum of greenspace, how greenspace will be secured, funded or delivered, for example</p>	<p>None</p>	<p>Urbanisation effects from development in very close proximity to Epping Forest have still not been addressed, and are not considered in detail in the revised HRA.</p>	

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<p>effects of additional development in the District, in particular from strategic developments, on the Epping Forest SAC, and Lee Valley SPA the Council will ensure the provision of a meaningful proportion of Natural Green Space or access to Natural Green Space. This could involve:</p> <ul style="list-style-type: none"> (i) providing new green spaces; or (ii) improving access to green space; or (iii) improving the naturalness of existing green spaces; or (iv) improving connectivity between green spaces where this would not contribute to a material increase in recreational pressure on designated sites. 	<p>managed in perpetuity. While greenspace provision is a positive step, which recent survey work indicates is likely to work as mitigation and will bring wider benefits, DM2 D is not sufficient or clear to provide necessary mitigation for Epping Forest SAC. It is not a given that there is sufficient greenspace that could be improved or provided as new sites. As with DM 2 C this could be greatly strengthened by directly cross-referencing to a strategy document, secured as an SPD, that sets out what greenspace is necessary as mitigation for Epping Forest SAC and how such greenspace works alongside the contributions to the management of Epping Forest as a mitigation package.</p> <p>Reword to refer to – The Council's strategic approach protecting Epping Forest SAC and Lee Valley SPA recognises the need for natural</p>			

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	<p>greenspaces to support the function of the sites or provide Suitable Alternative Natural Greenspace for people to undertake recreation away from the sites. In accordance with the interim framework, to be followed by a European site conservation supplementary planning document, the Council will require development to contribute towards or provide the following: then insert points I to iv.</p> <p>The interim framework/SPD should stipulate where large scale development has additional SANG requirements over and above a contribution to the strategy.</p>			
<p>E Planning applications on sites within 400m of the Epping Forest SAC will be required to submit a site level Habitats Regulations Assessment setting out</p>	<p>Appears to overlap with DM 2 B in deferring assessment to the project level. It is confusing to bring in a 400m buffer here. The impacts from urbanisation, as with impacts from recreation, extend over a wide area. The 400m zone is</p>	<p>None</p>	<p>The HRA and current policy does not adequately consider urbanisation effects. A zone with a presumption against development should be applied, allowing for exceptional cases where project level HRA can</p>	<p>Policy to make reference to a presumption against residential development within a distance attributed to suitable evidence. We recommend use of the</p>

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<p>how any urbanisation effects (including from fly tipping, the introduction of non-native plant species and incidental arson) will be mitigated against.</p>	<p>identified and suggested in the HRA, drawn from the Thames Basin Heaths (see para 3.21 in the HRA). The buffer has been lifted from the Thames Basin Heaths (where it relates to urban effects that include cat predation and recreation) without justification or clarity. In the Thames Basin Heaths the buffer sets out an area where there is a presumption against development within 400m of the European site boundary, as Natural England advice is that mitigation is unlikely to be effective so close to the European site boundary. EFDC's Plan includes a number of allocations within 400m. It is not clear what mitigation is possible to resolve urban effects for these sites. The Plan therefore seems to be reliant on a number of sites for which project level HRA is likely to be difficult and potentially may not be able to rule out adverse effects on integrity.</p>		<p>demonstrate no adverse effects.</p>	<p>Fields in Trust (FIT) guidelines (used to generate accessibility catchments to assess open space provision for residents) to apply an 800m zone.</p>

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	<p>An evidence based buffer that is appropriate for Epping Forest should be established. This may be 400m, but currently the 400m inclusion is simply lifted from elsewhere. Appropriate policy wording should be included after consideration of the suitability of 400m.</p> <p>Reword to refer to - The Council recognises that residential development within 400m (or other distance) of Epping Forest SAC is unlikely to be able to demonstrate effective mitigation measures to prevent adverse effects on the SAC. Planning applications within 400m (or other distance) of Epping Forest SAC will not be permitted unless robust mitigation measures are demonstrated.</p>			
<p>Recommended new section: Protecting and enhancing the natural aspect of Epping Forest</p>	None previously	None	The Forest is part of a larger ancient landscape, that still survives in Epping Forest District, which provides the context for its 'natural	It is recommended that an additional section to the policy refers to – The need to protect the wider Forest as a

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			<p>aspect'. It is important to ensure, in the development of the overall mitigation strategy for recreation, that this complements, and does not compromise the protection and enhancement of the wider Forest, its unique tranquil experience and its wider biodiversity, which are all linked to its historic landscape context.</p> <p>The Conservator's would welcome the opportunity to develop this aspect of policy with the Council.</p>	<p>whole, both within and outside its statutory wildlife designations, so that this unique historic landscape asset is preserved for future generations.</p> <p>A commitment from the Council within this section to ensuring that protection of the SAC and the wider Forest is undertaken in an integrated way, and that development proposals will need to demonstrate how the wider Forest is protected and enhanced in addition to providing all necessary project level HRA information.</p>