



## **The Conservators of Epping Forest Representations (no.2) on the Inspector’s Matters, Issues and Questions (MIQs) for Epping Forest District (EFDC) Local Plan 2011-2033**

### **Matters 5, 8 and 16**

Further to the Conservators’ response to the Regulation 19 pre-submission Local Plan (Document 19STAT0035) we now make some further representations in response to the Matters, Issues and Questions (MIQs) raised by the Inspector in relation to Matters 5, 8 and 16 for the Hearings in March 2019.

#### **Matter 5:**

No additional comments

#### **Matter 8:**

**Issue 1: What is the “Garden Town” concept as applied to proposed allocations SP5.1, SP5.2 and SP5.3 and is this significant for plan-making purposes?**

**Issue 1.1: Are the four Garden Town Communities (including Gilston in East Herts) intended to function together in some way, or are the allocations essentially separate entities? Does this matter?**

**Issue 1.2: If the communities are intended to function together, is this possible in light of their physical separation? Will the requirement for separate Strategic Masterplans be effective in achieving coherent schemes?**

The above points matter, in our view, in relation to the approach to the environment and ensuring that the combined impact of these communities is considered, with enhancements to green infrastructure provided that are sufficient in both scale and scope and that cross the boundaries between authorities. In respect of this, we would welcome the Local Plan recognising the The Green Arc project as a way to provide a coordinated provision of green infrastructure.

**Issue 1.3: Does the Garden Town approach have specific implications for how infrastructure needs are identified and provided? Have Harlow and Epping Forest Councils worked together constructively in making decisions about where to provide health and education infrastructure, for example?**

One aspect of infrastructure that should be included in the provision is Green infrastructure. This should also be carefully identified with cross-border planning on a scale that will enhance the environment of the ancient countryside, including physical parts of Epping Forest (e.g. Epping Long Green), that surrounds Harlow.

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**Issue 2: Are the Garden Town allocations deliverable in respect of their impact on transport infrastructure?**

**Issue 2.1: Are the requirements of Policy SP5 in relation to transport sufficient to mitigate the effects of the proposed development in all three communities upon existing Junction 7 of the M11 and to ensure that adequate financial contributions are made towards the provision of Junction 7a? Is it the case that the provision of Junction 7a and associated infrastructure is a prerequisite of development on these sites and, if so, is this sufficiently clear in the Plan?**

This issue is relevant, in our view, to Matter 1 Issue 5 and Matter 4 and the wider issue of transport infrastructure that may affect Epping Forest SAC. Problems at Junction 7 of the M11 may result in diversions of traffic along the B1393 towards the M25 Junction 26, through the Forest at Wake Arms Roundabout. The traffic modelling and junction design proposals in the recent Transport Assessment (**Document EB503** – Jan 2019) are likely to be relevant in this respect. We would like to raise this issue under Matter 1, Issue 5 once we have had time to review EB503 in full.

**Issue 2.3: Essex County Council has indicated that the Latton Priory development could not deliver an essential north/south sustainable transport corridor. What difficulties does this present and can they be resolved?**

The lack of a Latton Priory sustainable transport corridor is a matter of considerable concern. This would seem to make this site even more reliant on the M11 Junction 7 and the B1393 corridor, including the Rye Hill Road/B1393 junction to the south. This, in turn, seems likely to exacerbate the traffic impacts along the roads through the Forest, particularly the B1393. This is a potential impact that we would wish to assess in relation to the recently updated Habitats Regulations Assessment (**Document EB209** Jan 2019) and Transport Assessment (Document EB503 Jan 2019) reports.

**Issue 4: Are the site allocations (SP5.1, SP5.2 & SP5.3) in Policy SP5 sound and deliverable?**

**Site SP5.1: Latton Priory**

**Issue 4.6: Does the Masterplan Area shown on Map 2.2. provide sufficient points of access to achieve a sustainable connection route to the B1393 Epping Road? (Reps ECC).**

We reiterate our concerns about the B1393 route and we repeat our request (see our Regulation 19 response paragraph 11.2.2 on page 16 of our letter) that the closure of Rye Hill Road and its junction to the B1393 should be considered as an “essential” and not a “desirable” infrastructure modification (see IDP Part B (**Document 1101B**)).

(676 words on Matter 8)

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**Matter 16:**

**Issue 1: Are the Development Management Policies in the Plan justified, effective and consistent with national policy in respect of the specific matters set out below? Are there any other issues concerning their soundness?**

**Issue 1.3: Policies DM1 & DM2: Epping Forest SAC and the Lee Valley SPA**

In the Conservators’ view it is essential that Epping Forest is considered holistically. As well as the international importance of its biodiversity, recognised by its SAC status, the Forest as a complete entity is an ancient landscape of immense cultural and heritage value, managed for well over 1,000 years, with the largest population of ancient trees anywhere in the UK. The landscape around the physical Forest and the interconnectivity between the Forest and the wider countryside are not only important for sustaining its biological interest, (e.g. deer, birds of prey, insect pollinators) but for protecting the context of this historic landscape.

Our concern with the approach of the Plan towards the Forest is expressed in detail in our response (**Document 19STAT0035** Jan 2018; in particular, paragraphs 7.1 and 7.2) to the Submission Version of the Plan. Although DM2A refers to the enhancement of the Forest, this, in strict policy terms, only applies to the SAC. Furthermore, the ways in which enhancement may be brought about through the Local Plan remain unclear given the emphasis on avoiding or mitigating the likely adverse impacts, which the Habitats Regulation Assessments (Dec 2017 and Jan 2019) have acknowledged.

Without mitigation, deflection of pressure away from the SAC areas could also have adverse impacts on the non-SAC areas of the Forest, which are nationally or regionally important for biodiversity and also irreplaceable ancient sites (e.g. The Lower Forest, Epping Long Green).

In addition, the way in which the Plan seems to have taken a project-level approach to mitigation, as exemplified in Policy DM1, is another concern. This Policy does not seem to us to provide clear direction as to how the Forest, as a whole, or biodiversity in general would be protected or enhanced. Individual developments’ net biodiversity gains, each measured separately against site criteria within each development, may not make up for the potential

fragmentation or urbanisation of the Forest and may not consider connectivity between habitats.

***Issue 1.4a: Policy DM2E***

In the Conservators' view, urbanisation involves a number of different pressures with the potential for significant ongoing costs and irreversible adverse impacts on the SAC, and on the Forest as a whole. In this respect, urbanisation effects are particularly pertinent to Issue 1.3 (above) and we consider an holistic approach to the Forest is essential and should be recognised in DM2E.

The Conservators' are responsible for protecting the Forest's 'natural aspect' under the Epping Forest Act 1878. The Forest's 'natural aspect', however, is affected by its external environment, not only by the management actions of The Conservators. The Forest is part of a larger ancient landscape, that still survives in Epping Forest District, which provides the context for its 'natural aspect'. The protection of this landscape is one of the key reasons that the City of London Corporation has purchased the Forest's Buffer Lands (see also *Issue 1.5* below).

Alongside the protection of the 'natural aspect' comes relative tranquillity, which in surveys is the attribute of the Forest most frequently referenced by visitors as important to them (including the Visitor Survey 2017 (**Document EB715**) and the Quality of Life Capital Study (March 2003), both part-funded by the District Council in partnership with The Conservators and others). We look to the Local Plan to help us to continue to protect the 'natural aspect' of this hugely important place. Therefore, we consider that the Local Plan Policies need to be explicit in protecting this landscape with (a) suitable buffer zone(s).

The effects of urbanisation are broad and include the increased likelihood of fly-tipping (as evidenced within Epping Forest itself), the increased likelihood of accidental or deliberate fire incidents, increased intrusion of lighting, noise pollution, increased trampling/compaction of soils (as the nature of repeat visits change), the introduction of invasive non-native species, predation and disturbance from pets, the dumping of garden materials and increased litter close to residential areas. Residential areas close to the Forest boundaries also increase the likelihood of conflicts related to tree safety or vegetation against property. This can result in the direct loss of large trees and increases costs of management of the SAC.

***Issue 1.4b: Policy DM2C*** – We consider that this Policy should make reference to a Zone of Influence (Zoi) that has been based on evidence and that would be open to regular review, as part of the Mitigation Strategy. In particular, the Local Plan should make reference, not only to the Visitor Survey 2017 (**Document EB715**), but to the forthcoming Visitor Survey 2019, which is contained as a commitment in the interim Mitigation Strategy (**Document EB134**).

**Issue 1.5: Policy DM2D** - In paragraph 4.18 of the Local Plan Submission Version it states in relation to the Epping Forest Buffer Lands that “*these buffers can also act to relieve recreational pressure on the Forest*” (**Document EB114**, page 81). However, the original purpose of the Forest’s Buffer Lands was set out in a Memorandum from the City of London Corporation of June 1999 to the Parliamentary Select Committee on Environment, Transport & Regional Affairs:

*“The purpose of the Buffer land is to safeguard the rural environment of the Forest and thereby its natural aspect or feel and to provide to the Forest wildlife support and complementary wildlife habitats, thus facilitating the protection of the Forest’s flora and fauna.”*

As a consequence, although much work has been carried out over the years to manage and improve public access across some areas of the Buffer Lands, these areas do not in general, have an infrastructure that can accommodate the enhanced visitor numbers that are implied in Local Plan paragraph 4.18, or that would help to avoid adverse impacts on the Forest.

However, The Conservators have sought to engage with the Local Plan in assisting with the development of a District-wide SANGs Strategy and have proposed the inclusion of areas of Buffer Land (and non-SAC Forest Land) to provide the kind of scale of SANGs provision that we consider is necessary to avoid adverse impacts on the Forest and to enhance biodiversity more generally. We have raised these issues a number of times, most recently in our letters of 23<sup>rd</sup> July and 14<sup>th</sup> September 2018 to the Council (see The Conservators’ Representations on Matters 1 & 4, **Document 19STAT0035**, Appendix A), and seek further dialogue during the period of this Examination.

This would ensure a strategic approach to SANGs, and to Net Biodiversity Gain also, which would include contributions from large and small developments alike, assisting the latter in making meaningful provision towards the Local Plan’s Policy DM1 objectives. As we have stated in our responses to the Plan, including our recent representations on Matters 1 and 4 (**19STAT0035**), we consider that a full mitigation strategy, which should include a SANGs Strategy, should be enacted through a cross-boundary European site conservation supplementary planning document (a joint SPD).

A joint SPD would provide certainty and clarity as to the mitigation, the review procedures and its governance. A commitment to an SPD in the Local Plan, with an outline of its contents and objectives, is an established way of achieving such mitigation. It would also assist, in our view, with an holistic approach and would help in uniting the objectives of Policies DM1 and 2 towards Epping Forest.

**Issue 1.44: Policy DM22** – In our view consideration should be given to the enlargement of the AQMA to cover the roads around Epping Forest and to consider an innovative approach to managing the air quality within the SAC. We would like the opportunity to re-visit this issue under Matter 1 , issue 5 (1,304 words on Matter 16)

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