



Hearing Statement

Epping Forest Local Plan: Examination in Public

Matter 10

Iceni Projects Limited on behalf of
Tele Lands Improvement Limited

April 2019

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1. MATTER 10: NATURAL ENVIRONMENT, LANDSCAPE CHARACTER AND GREEN & BLUE INFRASTRUCTURE

Issue 1: Is Policy SP7 justified, effective and consistent with national policy?

- 1.1 Policy SP7 in the Epping Submission Version Local Plan (SVLP) requires the Council to protect and enhance the natural environment by protecting existing green and blue infrastructure assets and by delivering green and blue corridors when considering proposals for development. The quantum of green and blue infrastructure required by development proposals is not defined by Policy SP7, it states that this will be “proportionate to the scale of the proposed development and the rural and urban context”.
- 1.2 Whilst Lands Improvement support the intent of Policy SP7 (to protect and enhance the natural environment and deliver green/blue infrastructure), without an understanding of the existing green infrastructure surplus or deficits within any evidence base document, a complete understanding of recreational impacts on Epping Forest Special Area of Conservation (SAC) and associated Suitable Alternative Natural Greenspace (SANGs) requirements, or an understanding of quantum of green infrastructure required by proposed developments, the policy is not justified, effective or consistent with national policy, as outlined below.
- 1.3 The definition of Green Infrastructure within the NPPF is as follows:
- “A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities”*
- 1.4 It is further defined in National Planning Policy Guidance as follows:
- “Green infrastructure is not simply an alternative description for conventional open space. As a network it includes parks, open spaces, playing fields, woodlands, but also street trees, allotments and private gardens. It can also include streams, canals and other water bodies and features such as green roofs and walls”.¹*
- 1.5 Paragraph 171 of the National Planning Policy Framework (NPPF) requires Plans to take a strategic approach to maintaining and enhancing networks of habitat and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority

¹ Paragraph 027, Natural Environment Guidance, DCLG National Planning Policy Guidance

boundaries. The Natural Environment National Planning Policy Guidance states that Local Plans should identify the strategic location of existing and proposed green infrastructure networks and that supplementary planning documents can set out how the planning, design and management of green infrastructure strategy for the area will be delivered.

- 1.6 Paragraph 181 of the NPPF requires LPA's to improve air quality or mitigate impacts and states that this can be through "green infrastructure provision and enhancement at plan making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications".
- 1.7 It is therefore clear, that a strategic network of existing and proposed green infrastructure is to be established through the Plan making stages, that this can cross local authority boundaries and that it should not only be left for consideration when determining individual applications, especially with regards to air quality mitigation, as defined in the NPPF.
- 1.8 This requires a Local Authority to understand the existing habitat and green infrastructure in the District, whether on private or public land, then propose a strategy for how to enhance that and demonstrate how future development fits into the wider green infrastructure context. This is also particularly pertinent for this District, in trying to mitigate recreation impacts on Epping Forest Special Area of Conservation (SAC). Unfortunately, the evidence base to support the SVLP does not do this. Whilst the SVLP Policies Map identify Habitat Protection/Biodiversity Areas and an Open Space Assessment has been prepared for the SVLP, this only looks at publicly accessible open space, not the green/blue infrastructure network beyond this, nor how to enhance this network.
- 1.9 With respect to managing the impact of recreation pressure of Epping Forest SAC, the Interim Mitigation Strategy only comprises SAMMs measures, with limited discussion of requirements for Suitable Alternative Natural Greenspace (SANGs), beyond being required on the 4 x strategic allocations. It should be noted that the Interim Mitigation Strategy for Epping Forest SAC does not, at this stage, require SANG for developments outside of the Garden Town Communities and Epping South Masterplan Area. However, Table 2.1 (below) identifies the likely SANG requirements from the Strategic Masterplan sites and other allocations within the c6.2km Zone of Influence (ZoI) likely to be required². The figure for the remaining allocations is given to provide an indication of what may be required for a strategic SANG for the purpose of the SVLP, should the Full Mitigation Strategy identify the need for one. At present, in the absence of an appropriate Visitor Survey (undertaken during the summer months) and a Green Infrastructure Strategy for Epping, the Council do not have the evidence to understand the likely contributions towards SANGs required from the proposed

² Assuming the current approach to SANG within Epping is to be in line with that established as suitable for the Thames Basin Heaths SPA Avoidance Strategy (requiring 8 Ha per 1000 residents).

allocations, nor an understanding of where a significant amount of off-site SANG could be delivered to meet the below requirements.

Table 1.1 Likely SANG Requirements within current Zol

Development Area	No. of New Houses	No. of New Residents	Minimum Required SANG Area
Latton Priory	1,050	2,522.1	20.18 Ha (individual on-site SANG, as identified by the Epping Forest SAC Interim Strategy)
Water Lane Area	2,100	5,044.2	40.35 Ha (individual on-site SANG, as identified by the Epping Forest SAC Interim Strategy)
East of Harlow	750	1,801.5	14.41 Ha (individual on-site SANG, as identified by the Epping Forest SAC Interim Strategy)
South Epping	950	2,281.9	18.26 Ha (individual on-site SANG, as identified by the Epping Forest SAC Interim Strategy)
Remaining Allocations	3,080	7,398.16	59.19 Ha (likely off-site strategic SANG to serve these allocations as a whole if required)

For the purpose of the remaining allocations outside of the four Strategic Masterplan Areas, a figure of **3,080** other homes has been utilised. This has been calculated using the EB410B Housing Implementation Strategy Update 2019 and discounting the approximate quantum of residential development that falls beyond the 6.2km Zol for Epping Forest, and any Garden Town Communities areas that fall within the 6.2km Zol but are to provide SANG. Calculated as follows:

- Allocation sub-total (based on LP Capacity Figures): 5,916
- Total housing number within Garden Town Communities to be discounted (North Weald Bassett and South Epping): 2,100
- Smaller allocations noted as falling beyond 6.2km from Epping Forest SAC (approximate; includes Roydon, Ongar and Sheering): 736
- Therefore, $5,916 - (2,100 + 736) = \mathbf{3,080}$

If there are updates to the Zol as a result of the Summer Visitor Survey, then the above figures may require updating.
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- 1.10 Given that Epping Forest SAC falls within Epping's boundaries, they also have a duty to protect and enhance the natural environment outside of planning applications (ie. Policy SP7 should not just consider planning applications). As the SAC also falls within London Borough of Redbridge and London Borough of Waltham Forest boundaries, it is recommended that a regional Green Infrastructure Strategy is developed. As identified in Dentons letter to the Inspector dated 8 April 2019 (**Appendix A1**), we do not consider there has been effective joint working with these London Boroughs with regards to recreation pressure and delivery of strategic green infrastructure. Furthermore, we note that these London Boroughs have not signed up to the Interim Mitigation Strategy and as such there is no regional strategy to deal with recreation pressure on Epping Forest SAC.
- 1.11 In addition to the above, it is also unclear what level of green and blue infrastructure will be expected to be delivered on development sites as there is nothing in the SVLP at present that identifies the quantum and type of open space or green/blue infrastructure expected to be delivered per 1,000 additional residents. Therefore, there is no policy mechanism to support a "sufficient quantum" of open space, green or blue infrastructure delivery on development sites, and this is likely to lead to ad hoc delivery of green infrastructure and open space in the District.
- 1.12 Without a Green Infrastructure Strategy or Supplementary Planning Document to support the SVLP, there can be no certainty regarding green infrastructure protection, enhancement or delivery and therefore Policy SP7 is not justified, effective or consistent with National Policy.
- 1.13 Lands Improvement support a green infrastructure policy within the SVLP but recommend that further work is required to support such a policy. If a standalone SPD for SANG or Green Infrastructure Strategy is produced, this should be clearly signposted in Policy SP7 to ensure that it is effective in delivering the green infrastructure that Epping requires over the plan period. Only then would it be justified, effective and consistent with National Policy.
- 1.14 As one of the largest land owners in the District, Lands Improvement offer a unique and stand out opportunity for Epping to:
- Create a regionally exceptional facility of over 240ha of green space including:
 - 15 Local Wildlife Sites, 28 veteran trees, 80ha of woodland; and
 - A significant SANG network to address recreation pressures on Epping Forest SAC and unlock development potential in the District.

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- 1.15 **Appendix A2** shows further detail on this unique opportunity for the District. This document is at a very early stage as discussions with key parties including Epping Forest District Council, Natural England, the Conservators of Epping Forest, Waltham Forest Council and Redbridge District Council are ongoing.

A1. DENTONS LETTER ON DUTY TO COOPERATE

BY EMAIL AND POST

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Our ref: RYP/050427.00001

8 April 2019

Dear Madam

Epping Forest District Local Plan EiP – Duty to Co-operate (DtC)

We write further to the Inspector's request for further audit trail information on the DtC in respect of cross-boundary strategic matters made at the Matter 1 hearing session on 12 February 2019.

We have reviewed the additional evidence base materials added to the EiP library by the Council in March 2019. For the reasons given below, they:

- do not provide the audit trail of active involvement and meaningful co-operation on strategic cross boundary issues suggested by the Council during the hearing session
- underline the issues raised by Tele Lands Improvement Limited in its Hearing Statement and its submissions at the hearing.

As below, we suggest that the Council is invited to correct or withdraw its submissions on this point so that the Inspector can form her view on whether the DtC requirements have been satisfied.

DtC Statement and Hearing session

- 1 Our Matter 1 submissions highlighted DtC failings in respect of an important cross-boundary strategic matter (SAC impacts) on the basis that:
 - (a) Recreational pressure on Epping Forest SAC is clearly a significant strategic cross-boundary issue that requires regional coordination;
 - (b) The February 2017 MoU for managing impacts of growth on Epping Forest SAC (EB1200)
 - (i) acknowledged that impacts will occur on the SAC from areas outside the SHMA; but

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- (ii) does not include the London Boroughs of Redbridge (**LBR**) and Waltham Forest (**LBWF**)
 - (c) The Council's DtC Statement of Compliance (December 2017, EB119) states that the Forest MoU was agreed with authorities *excluding* LBWF and LBR in February 2017
 - (d) EB119 only states that LBWF and LBR have been invited to participate on SAC issues. No further MoU or Mitigation Strategy (or evidence on which to base it) is available.
- 2 Our client's submissions at the M1 session were that:
- (a) the DtC:
 - (i) encompassed cross-boundary issues such as the impacts on the Forest;
 - (ii) continued until LP submission in September 2018;
 and
 - (b) the Council has not fulfilled its duty to co-operate under section 33A of the Planning And Compulsory Purchase Act 2004 (**2004 Act**) for the purposes of NPPF 178 and 181 given the lack of meaningful engagement with authorities to which the DtC clearly applied.
- 3 During the M1 hearing session the Council:
- (a) conceded that it had followed "early advice" that it was not necessary to engage with LBR and LBWF on the Forest MoU (or, potentially, any DtC issues) – so explaining why neither LBWF or LBR were signatories to EB1200
 - (b) submitted that:
 - (i) LBWF and LBR "*have been fully involved in the detail*" of the Forest MoU since February 2017; and
 - (ii) the Council has "*an audit trail of discussions since February 2017*"
- 4 The Inspector asked the Council to "*provide the DtC audit trail with LBR and LB WF*"¹.

Further DtC evidence

- 5 The uploaded materials confirm:
- (a) LBR were invited to (and did attend) Co-op for Sustainable Development Board (**SDB**) meetings between 2015-2017, albeit without appearing to be a core member;
 - (b) LBWF was not invited to (nor in attendance at) any of these meetings, with one exception - it was invited to (but did not attend) the September 2018 SDB

¹ We note that this has been reflected in ED15 (20 February 2019) as a more limited request for EFDC to provide a copy of the CSD Member Board meeting minutes.

- (c) Despite EB15 (October 2017 SDB Meeting Minute) stating that LBWF wanted to be part of the commissioning group, LBWF were not invited to any meetings from November 2017 to June 2018;
- (d) Neither LBR nor LBWF were in fact part of the SDB for any of 2017 (nor most of 2018):
 - (i) Until early Spring 2017 the policy of non-engagement with non-SHMA authorities (conceded at the M1 hearing session) was still in play;
 - (ii) By April 2017, wider (i.e. legally compliant) involvement was just beginning to be considered as a "*possible extension*" (EB1305, paragraph 4 a.), but only because it had been raised by the LBR Local Plan Inspector;
 - (iii) LBR did not attend the 22 May 2017 SDB (and LBWF were not invited). When they did attend (in March 2017, EB1307) it was to hear that the Forest MoU to which they were not party had been signed (EB1307, section 3 c.);
 - (iv) By 21 June 2017, the only step taken was to decide to "extend invitations to relevant neighbouring authorities" – confirming that between February and June 2017 there was no DtC engagement with those authorities on Forest MoU matters;
 - (v) By 31 July 2017, it remained an "*aim [...] to extend the MoU to the relevant London Boroughs as growth planned will also impact on the forest*" (EB1302, section 6) – in other words, at July 2017 these authorities were still not playing any substantive role;
 - (vi) There was no substantive input from LBR on Forest MoU issues by the 18 September 2017 SDB meeting (to which LBWF were not invited);
 - (vii) As late as 9 October 2017, neither Borough attended (and the minutes record that it had still not been decided whether LBR would "*join the group*" in the future (EB1300, section 7))
- (e) The September 2018 updated SDB terms of reference (EB1323A) look forward to membership that "*will comprise*" authorities including LBWF and LBR (paragraph 2.2);
- (f) The Sustainable Development Officer Group minute of 5 October 2017 appended to ED15 simply underlines that by October 2017 "*no response*" had been received from LBR and LBWF whether they would be part of the Forest MoU commissioning group;
- (g) This was then followed by no activity in the run up to plan submission for almost a year from October 2017, culminating in the Terms of Reference update in September 2018 on the eve of plan submission (despite the ongoing nature of the DtC to submission).

6 In short, the audit trail does not bear out the Council's assurance at the M1 hearing session – it undermines it.

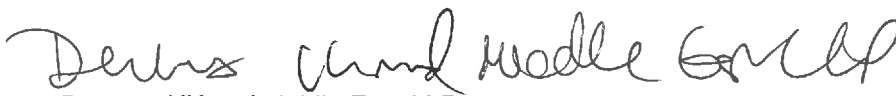
- 7 In that light, to the extent that the Council has an audit trail of discussions since February 2017, it shows that it would be misleading to characterise them as meaningfully engaging with of the two Boroughs who had been deliberately and unlawfully excluded before February 2017.
- 8 There is no evidence in the materials now provided to show that the Council has been in active dialogue with LBWF over the impacts to Epping Forest. Furthermore, there is no evidence that LBWF or LBR were involved in the development of the Interim Mitigation Strategy.

For these reasons, the points made in our client's Hearing Statement and in submissions at the M1 hearing session remain valid:

- the 2004 Act requirements have not been met in relation to the DtC at the point of plan submission
- engagement with relevant Boroughs on cross boundary issues affecting the SAC have, clearly, been an afterthought to plan preparation.

We therefore invite the Inspector to reach a finding in light of submissions and audit trail information now produced, on whether the DtC has been complied with, for the purposes of paragraphs 1.19 and 7 of the PINS Procedural Practice guidance.

Yours faithfully



Dentons UK and Middle East LLP

A2. OUR EMERGING VISION FOR EPPING TOWN

Our Emerging Vision for Epping



Lands Improvement



1. Creating Opportunity

Creating Connections

- Connecting physically at a landscape scale, aiding in achieving the objectives of the Green Arc
- Connecting with the London Boroughs and the London Plan to deliver improvements to Epping Forest

We want to offer Epping the opportunity to create a high quality aspirational High Street that provides the capacity to allow sustainable transport modes to be introduced, with the aim of reducing air pollution in the district and connecting green infrastructure to deliver the aspirations of the London Plan, the emerging Epping Forest District Council Local Plan and the Green Arc Initiative.

Green Arc Initiative Plan



Creating Capacity

The opportunity to create a high quality aspirational High Street that is public transport focussed will provide the capacity for a future modal shift, in line with the Department for Transport's Future of Mobility: Urban Strategy.



2. Biodiversity and Green Space Opportunities

Working with Lands Improvement, Epping Forest District and partner councils have a once in a lifetime opportunity to deliver up to 210 hectares of strategic greenspace that could help significantly mitigate recreational impacts on Epping Forest whilst providing a new resource for local residents.

Key elements of the offer within or adjacent to Lands Improvement land ownership are:

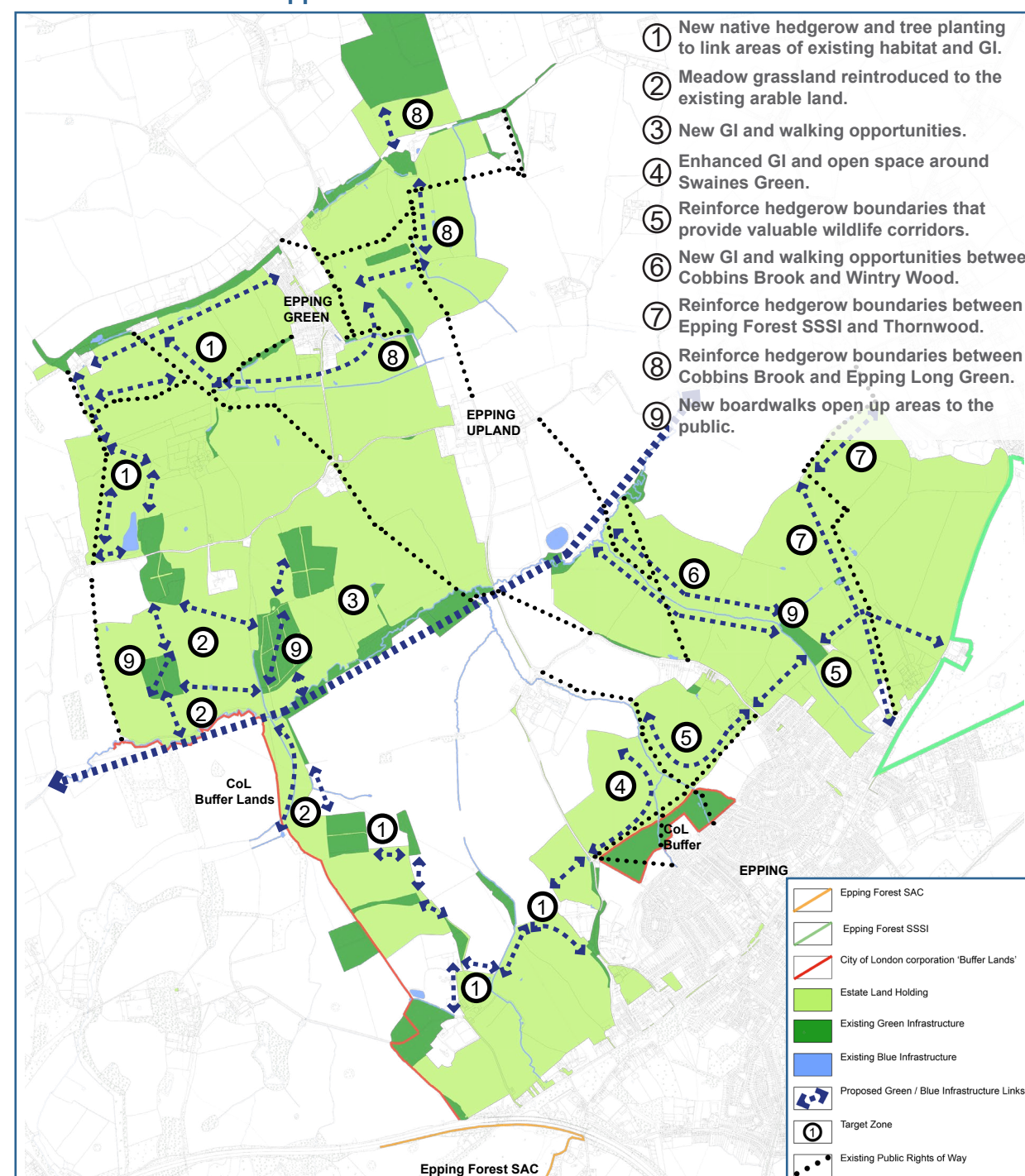
- Cobbin's Brook and Epping Long Green, both Local Wildlife Sites (LWS)
- 22 areas of woodland within or adjacent to the landholding, including 13 other LWS
- 28 veteran trees and 70 candidate veteran trees

Epping Forest Special Area of Conservation (SAC) is under pressure from both recreational and air quality impacts, and our greenspace solution outlined above has the potential to provide Suitable Alternative Natural Greenspace (SANG) that could mitigate for all allocation within the emerging Epping Forest Local Plan.

As part of SANG creation, there is the opportunity to establish extensive areas of new habitat and enhance existing habitats, likely resulting in a significant and measurable net gain for biodiversity.

The provision of a network of Suitable Alternative Natural Greenspace (SANG) will lead the way in creating a long-term solution for Epping Forest and the recreational pressures it faces, whilst enhancing the landscape for people and contributing to achieving the objectives of local connectivity and accessibility initiatives such as the Green Arc Vision.

Green Infrastructure Opportunities Plan



3. A Healthy Epping

Provision of Play and Sports Facilities

The vision is to implement a Green Infrastructure led masterplan which provides a hierarchy of formal and informal recreational and naturalised spaces across the land holding. This will provide benefit to new and existing residents of Epping and will highlight the towns credentials as an active and exciting place to live. This will be achieved through:

- New equipped and natural play within easy reach of all dwellings
- Extensive areas of newly public land that can be used for recreation by all residents
- Green links created to the wider area, footpaths and trails
- Additional facilities provided within the land holding for organised team sport and formal recreational uses
- Horse riding and cycling routes

Landscape

The vision is to provide a characteristic and landscape led extension to the settlement of Epping. The Land Improvements Holding provides a unique opportunity to provide social and landscape benefit at a strategic and local level.




High Street

The vision is to provide a vibrant High Street by offering a Green Lane to the north-west of Epping, as analysed by Essex County Council (Essex CC Epping Relief Road Report; Appendix 2 of Telelands Improvement Regulation 19 Representations). This will create the capacity for public realm improvements and a mobility shift that is likely to have a positive impact on air quality.



4. The Vision Plan



-  Lands Improvement Holdings land ownership
-  Route of proposed Green Lane
-  Vegetated green corridor along the course of the lane

Green Infrastructure led scheme that safeguards the extensive areas of existing woodland and numerous veteran trees, that are uniquely characteristic of Epping Forest.

Large quantum of additional public open space to be provided and connected through extensive new green footpaths and trails, aiding in achieving the Green Arc Vision and providing SANG.

Opportunity to access SANGs from the Green Lane.

The Green Lane will be contained within a robust new green corridor along its entirety. This will form a valuable Green Infrastructure link.

The proposed Green Lane will ease congestion within Epping and on its High Street. This will provide environmental, air quality and social benefits.

A large quantum of equipped and natural play within easy reach of dwellings to promote activity and play.

Provide a high quality High Street that creates the capacity to provide sustainable transport.

Additional sports facilities provided within the land holding for organised team sport and formal recreational uses.



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