



MATTER 16: Development Management Policies (DM1 – DM22)

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? Policy DM2: Epping Forest SAC and the Lee Valley SPA

Natural England has already provided written advice to some of these questions already. We have therefore only answered the questions where we stated in our previous advice that the updated HRA was required to inform a view.

3. Will Policy DM1 and DM2 taken together provide adequate protection for the whole of Epping Forest, including the Parts outside the SAC? In seeking to protect the Forest via two separate policies, is there a risk that the approach could become disjointed?

Natural England has previously advised that in our view as currently worded policies DM1 and DM2 are unsound. Natural England's view is that Epping Forest should be treated holistically as some parts of the forest are not in the SAC but are part of the Site of Special Scientific interest (SSSI) and so is of national importance. We would advise that the following changes would be needed to make policy DM1 sound:

- Paragraph B should state that development should seek to “avoid”, as well as to protect and enhance to properly reflect the avoid, mitigate, compensate hierarchy
- Paragraph B should also ensure it differentiates between the different designations; reflecting their international, national and local importance;
- Also there is a need for a general N2K policy to future proof the local plan and to ensure there is appropriate policy wording to cover all eventualities. This could be included in Policy DM2 but the issues currently in DM2 specifically relate to Epping Forest SAC and the Lee Valley SPA.

It may therefore be best to consider Policy DM1 as a general “Biodiversity” policy which ensures all eventualities are covered. Whilst policy DM2 provides the more detailed policy protection that is required for the Lee Valley SPA and Epping Forest SAC. We would be happy to work with EFDC to agree a form of wording that could be used to address these concerns.

In relation to policy DM2 we advise that there still needs to be a commitment to the production of an Air Quality Mitigation Strategy as well as a separate Recreation Mitigation Strategy which needs to be in place by the time the local plan is adopted. This is to ensure compliance with the habitats Regulations to give certainty in terms of identifying and delivering the required mitigation measures to avoid any adverse effects on site integrity.

4. Is it sufficiently clear, either in the Policy or supporting text, which/where developments are likely to have a significant effect?

- a. In Part E, is the 400m radius for requiring developments to mitigate the effects of urbanisation justified in terms of the specific likely effect upon this particular designated site?**

Natural England has previously advised that it is unclear why the inclusion of a 400m radius as described above has been included in the policy. The primary justification appears to have been that this is the distance used for the Thames Basin Heaths SPA within which cat predation of ground nesting birds was most likely to occur and that it was within “easy walking distance”. Given that Epping Forest doesn’t support ground nesting birds as a SAC feature we would question its inclusion. Other urbanising effects includes issues such as increased likelihood of fly tipping, accidental or deliberate fires, introduction of non native / invasive species, increases in litter and dumping of garden materials, increased intrusion of lighting, noise pollution and increased trampling/soil compaction. One of the most significant issues from this list of urbanising effects is the impact of soil compaction caused by trampling, this is a particular issue for sites such as Epping Forest which have soils composed of clay. It may therefore be more appropriate to consider how this issue can be avoided from residential development in close proximity to the SAC.

In the EFDC Open Space Strategy (EB703) the Fields Trust Guidelines are used to generate accessibility catchments to assess open space provision for residents, paragraph 10.11 and Fig 10.1 (pg. 39) of the strategy uses a distance of 720 m as the distance used for a standard 10 minute walk to an open space from residential housing. It may therefore make more sense to use this evidence to define a buffer zone which is particularly sensitive to urbanisation effects rather than the 400m which has been developed for a different site with different impacts and site features.

c. Are any specific provisions required in respect of the effects caused by air pollution?

There is a need for Policy DM2 to commit to ensuring there is an Air Quality Mitigation Strategy in place by the time the local plan is adopted.

d. Is it necessary to set any exclusion zone within which no development can occur?

The merits of this approach hasn’t been discussed with Natural England. It may be beneficial to exclude development within such a specified zone to avoid any urbanisation effects on the Forest. Avoidance measures should always be considered as the first step when considering impacts on a protected site. Whilst this would require further discussion, such an approach would certainly address any impacts from localised trampling and associated soil compaction issues from nearby residential development. It would also help to ameliorate some of the other urbanising effects as listed above. The impacts of erosion and compaction are very difficult to ameliorate, reverse or mitigate and avoidance is therefore the most effective mechanism for addressing this particular issue.

5. In practice, how will the mitigation sought by Part D be secured? If financial contributions are required, is this clear in the policy?

Natural England has advised that policy DM2 should include a commitment to the production of a Recreation Mitigation Strategy. This Mitigation Strategy would set out the mitigation measures in terms of Site Access Management Measures and Suitable Alternative Natural Greenspace provision. The Strategy would identify the exact nature of the measures

needed, the cost of implementing such measures and would also calculate a per dwelling tariff which would then be applied to residential development as required. We also advised that such a strategy should be adopted as a Supplementary Planning Document to give it a formal standing and to give more weight to the document. The policy should therefore clearly state that developments that are within the recreational zone of influence will need to make contributions to SAMMs and SANGS in line with the Recreation Mitigation Strategy.

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