

**EPPING FOREST DISTRICT COUNCIL  
EXAMINATION OF THE DISTRICT LOCAL PLAN, 2011-2033**

**MATTER 1: LEGAL COMPLIANCE; ISSUE 5: HAVE  
THE REQUIREMENTS OF THE CONSERVATION OF  
HABITATS AND SPECIES REGULATIONS 2017  
BEEN MET?**

**UPDATE TO PRE-HEARING STATEMENT ON BEHALF OF  
EPPING FOREST DISTRICT COUNCIL**

**APRIL 2019**

## **INTRODUCTION**

Epping Forest District Council (“the Council”) provides this note as an update to its Pre-Hearing Statement relating to **Matter 1: Legal Compliance; Issue 5: *Have the requirements of the Conservation of Habitats and Species Regulations 2017 been met?***

All documents referred to in this statement are listed in **Appendix A** of this statement together with links to the relevant document included within the Examination Library.

Examination Library document references are used throughout for consistency and convenience.

### **Statement of Common Ground between the Council and Natural England**

1. The Council and Natural England have been working towards the finalisation of a Statement of Common Ground. The most up-to-date position will be made available prior to the Hearing Session on Matter 1 Issue 5 on 21 May 2019.

### **Development of an Air Quality Mitigation Strategy**

2. At its meeting of 11 April 2019, the Council’s Cabinet considered a report on ‘Approach to Managing the Effects of Air Quality on the Epping Forest Special Area of Conservation’ (EB142A). The Council’s Cabinet resolved (subject to the Council’s ‘Call-In’ procedure which expires on 30 April 2019) as follows:
  - (1) That the Cabinet agree that the adoption of an Approach to Managing the Effects of Air Quality on the Epping Forest Special Area of Conservation, to include the indicative costs for the monitoring of Air Quality within the Epping Forest Special Area of Conservation is delegated to the Portfolio Holder for Planning.
  - (2) That upon adoption the Approach to Managing the Effects of Air Quality on the Epping Forest Special Area of Conservation be adopted as a material consideration in the determination of planning applications and permitted development right proposals within the Epping Forest District Council administrative area.
3. The Cabinet report (EB142A) identifies (see page 48 paragraph 7) a number of specific measures including a commitment to develop a Sustainable Transport Strategy for the District, in order to maximise opportunities for travelling by means other than the car. Initial work with respect to the development of the Sustainable Transport Strategy for the District has now started. This will provide further certainty regarding securing modal shift away from the private car. The Strategy will in particular support the implementation of Policy T 1 Sustainable Transport Choices of the LPSV and the proposed amendments to Policy P 1 Epping and Policy P 6 North Weald Bassett as agreed through the Statement

of Common Ground between the Council and Essex County Council (ED10A). It will also build on the approach to modal shift proposed in the Harlow and Gilston Garden Town Draft Transport Strategy (EB1408).

#### Requirement for physical Highway Mitigation Measures within the Epping Forest Special Area of Conservation

4. The Council considers that, based on the conclusions of the updated Habitats Regulations Assessment January 2019 (EB209) (page156, paragraphs 6.23-6.25), the physical highway works previously identified in the Council's Infrastructure Delivery Plan (EB1100) and in the Transport Assessment Report (EB503) for the Wake Arms Roundabout and Robin Hood Roundabout should not be pursued. The EFDC IDP Topic Paper Addendum – Education and Highways April 2019 (EB1101E) (page 9, paragraph 3.13) confirms that these proposed schemes are no longer being pursued.

#### Visitor Survey Summer 2019

5. The Council has been working with the Conservators of Epping Forest and other relevant local authorities to develop the approach to undertaking a further visitor survey. It is anticipated that the survey will be undertaken over a two week period at the end of June/early July 2019.

#### Green Infrastructure Strategy and Strategic Alternative Natural Green Space

6. At the Hearing Session of 26 March 2019, in relation to Matter 16, DM 5 Green and Blue Infrastructure, the Council confirmed its commitment to developing a Green Infrastructure Strategy. This would cover a range of opportunities, which could provide potential opportunities to 'divert' residents away from the Epping Forest Special Area of Conservation. The Council is currently undertaking an assessment of opportunities for Strategic Alternative Natural Green Space to support the development of the full Strategy to manage the effects of recreational pressure on the Epping Forest Special Area of Conservation.
7. At the Hearing Session on 21 March 2019 with respect to Matter 8 Garden Town Communities, the representatives of CEG and Hallam Land indicated that additional land could be available beyond that indicated within the draft Masterplan for the Latton Priory Garden Town Community to support a wider Strategic Natural Green Space opportunity.

#### Guildford Local Plan Examination Inspector's Report

8. The Inspector examining the Guildford Local Plan: Strategy and Sites (2015 – 2034) published his report on 27 March 2019 (EB1010). The Inspector reported on air quality issues relating to the Thames Basin Heaths SPA and SAC at paragraph 113, (page 28) and concluded that '*[t]he approach taken towards improvements in baseline NOx concentrations and nitrogen deposition rates is in line with Design Manual for Roads and Bridges guidance for air quality assessment and does not conflict with the 'Dutch Nitrogen'*

*CJEU ruling*<sup>1</sup>. The Council considers that this confirms its approach to the assessment of the effects of the LPSV on air quality in the updated Habitats Regulations Assessment 2019 (EB209) is justified.

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<sup>1</sup> Coöperatie Mobilisation for the Environment UA v Vereniging Leefmilieu (C-293/17)

**APPENDIX A: Examination documents referred to in this update hearing statement**

<b>Reference</b>	<b>Document Title</b>	<b>Author</b>	<b><i>Date</i></b>
ED10A	<a href="#">Draft Statement of Common Ground between EFDC and ECC – Appendix 1 draft resolved objections</a>	EFDC & ECC	February 2019
EB142A	<a href="#">Approach to Managing the Effects of Air Quality on the Epping Forest Area of Conservation</a>	EFDC	April 2019
EB209	<a href="#">Habitats Regulation Assessment</a>	AECOM	January 2019
EB503	<a href="#">Transport Assessment Report</a>	Essex Highways	January 2019
EB1010	<a href="#">Guildford Local Plan</a>	The Planning Inspectorate	March 2019
EB1100	<a href="#">Draft Infrastructure Delivery Plan and Schedule</a>	Arup	2016
EB1101E	<a href="#">EFDC IDP Topic Paper Addendum – Education and Highways</a>	EFDC	April 2019
EB1408	<a href="#">Harlow and Gilston Garden Town Draft Transport Strategy</a>	HGGT	2019