

## **EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Local Plan Cabinet Committee      **Date:** Monday, 14 May 2018

**Place:** Council Chamber, Civic Offices, High Street, Epping      **Time:** 7.00 - 8.00 pm

**Members Present:** J Philip (Chairman), A Grigg, A Lion, S Stavrou and C Whitbread

**Other Councillors:** R Brookes, H Kauffman, S Murray, J M Whitehouse and D Wixley

**Apologies:** -

**Officers Present:** D Macnab (Acting Chief Executive), A Blom-Cooper (Interim Assistant Director (Planning Policy)), N Richardson (Assistant Director (Development Management)), D Coleman (Planning Policy Manager), G J Woodhall (Senior Democratic Services Officer) and S Kits (Webcasting Officer)

**Also in attendance:** J Dagley and P Thomson (Conservators of Epping Forest)

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### **1. WEBCASTING INTRODUCTION**

The Chairman made a short address to remind attendees that this meeting would be broadcast live to the Internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest pursuant to the Council's Member Code of Conduct.

### **3. MINUTES**

#### **Resolved:**

(1) That the minutes of the meeting held on 25 March 2013 be taken as read and signed by the Chairman as a correct record.

### **4. TERMS OF REFERENCE**

The Cabinet Committee noted its Terms of Reference.

The Chairman advised that the Terms of Reference would be reviewed in due course and modelled on the Terms of Reference for the Council Housebuilding Cabinet Committee.

### **5. ANY OTHER BUSINESS**

#### **Resolved:**

(1) That, as agreed by the Chairman and in accordance with Section 100B(4) of the Local Government Act 1972, the following item of urgent business be considered

following the publication of the agenda:

- (a) Epping Forest Special Area of Conservation (SAC) – Mitigation Strategy.

## **6. EPPING FOREST SPECIAL AREA OF CONSERVATION (SAC) - MITIGATION STRATEGY**

The Cabinet Committee received a presentation from Mr P Thomson, Superintendent of Epping Forest, and Mr J Dagley, Head of Conservation, on their proposals for an Action Plan to mitigate the impacts on the Epping Forest Special Area of Conservation (SAC) from increased recreational pressure. The slides from the presentation have been attached at Appendix 1 to these minutes.

The Planning Policy Manager welcomed the presentation from the Conservators of Epping Forest, and highlighted that the Council was working hard to put a Mitigation Strategy in place as soon as possible. The progress outlined this evening was welcomed and it was essential to identify some initial projects to begin progressing.

The Conservators outlined the difference between themselves and Natural England. The Conservators were the landowners of the Forest and had a duty to manage the Forest, whereas Natural England were the body which advised on the management of sites such as the SAC and oversaw the implementation of the Habitat Regulations.

In respect of effective mitigation, the Conservators informed the Cabinet Committee that they did not have enough information yet on Air Quality and Traffic movements, but had more information on the potential recreation pressures faced by the Forest, especially at 'hot spots' and sensitive areas. Possible mitigation measures included the provision of alternative sites to relieve the pressure at the 'hot spots' or the development of 'buffer land' on the edge of the Forest to accommodate more visitors than at present. Robust monitoring would also need to be put in place to ensure that the agreed measures, when implemented, was having the desired effect.

The Conservators highlighted that, although further modelling needed to be performed, an extended Forest Transport Strategy could potentially be a useful mitigation measure. Some helpful work had been performed with the Six Counties Group, but further work needed to be performed with the neighbouring London Boroughs to manage the Forest's approach to visitors. Visitor surveys had also indicated that cycling within the Forest was on the increase. The Conservators were looking to improve the pathways for cyclists and pedestrians to share, and dedicated routes for cyclists could be provided in the future. The Conservators would seek to cater for all users of the Forest, whether they were walkers, cyclists or horse riders.

The Conservators stated that they were aware of the work of Fields in Trust and their evaluation of different spaces. The Conservators were planning on publishing something similar themselves, highlighting the value of biodiversity within the Forest as well as the value of visitors to the Forest. The Conservators were very aware of the degradation of some verges within the Forest caused by parking.

In respect of the demand for technology and mobile coverage / capacity within the Forest, the Conservators acknowledged that technology could help in the use of the Forest, such as the use of Google or Apple Maps by visitors, as well as measure and manage the impact of visitors on the Forest. It was acknowledged that there were some mobile blackspots within the Forest, but there were three masts within the Forest and mast sharing agreements had been signed to avoid a plethora of masts throughout the Forest.

When asked about the impact on the Lower Forest from the possible development of new housing, the Conservators informed the Cabinet Committee that the Lower Forest was a Special Site of Scientific Interest (SSSI) and therefore a site of national importance. It did not quite meet the criteria to be designated a Special Area of Conservation, but as increased traffic volumes in the Lower Forest would impact upon the SSSI then it would probably be included in the Forest Transport Strategy in the future.

The Acting Chief Executive was concerned that the Council was receiving planning applications for the Special Area of Conservation but there was not the opportunity to extract contributions from developers as the Mitigation Strategy was not in place. Was there anything in the Conservators' current Management Plan that could be brought forward and implemented quickly? The Superintendent of Epping Forest informed the Cabinet Committee that the Masterplan for High Beach was now complete, and a number of other projects and plans were due to be completed in July 2018.

The Planning Policy Manager agreed that time was critical and the work involved in the Mitigation Strategy was complex. The Council had issued a position statement the previous week setting out the impact for Development Management, whereby there were limitations on granting planning permission until the Mitigation Strategy was in place. Under the Habitat Regulations, the Council had a statutory duty to protect the Special Area of Conservation from development, and until a jointly agreed Mitigation Strategy was in place for the Special Area of Conservation then the Council could not secure financial contributions from developers to mitigate impacts and planning permission could not be granted unless the requirements of the Habitat Regulations had been fulfilled. There were two possible short-term measures for mitigating the potential impacts from planning applications:

- (i) Applications had to include an individual Habitat Regulations assessment; and / or
- (ii) Applicants had to sign a Legal Agreement to agree to make financial contributions in the future to mitigate the impact of their planning application when the Strategy had been agreed and implemented.

There was an urgency to have the mitigation measures in place and it was important to highlight this to the Cabinet Committee.

The Chairman thanked the Conservators for attending the meeting and providing the Cabinet Committee with their presentation.

**Resolved:**

- (1) That the presentation on the Mitigation Strategy for the Epping Forest Special Area of Conservation by the Conservators of Epping Forest be noted.

**Reasons for Decision:**

To provide the Cabinet Committee with an update on the progress with the implementation of the Mitigation Strategy.

**Other Options Considered and Rejected:**

None, as the purpose of the presentation was simply to provide the Cabinet

Committee with an update on the progress with the implementation of the Mitigation Strategy.

**7. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - REPORT ON THE REGULATION 19 PUBLICATION**

The Interim Assistant Director of Neighbourhoods (Planning Policy) presented a report on the Regulation 19 publication of the Epping Forest District Local Plan submission version.

The Interim Assistant Director advised the Cabinet Committee that the Local Plan Submission Version 2017 had been published under Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations 2012 for a period of six weeks between 18 December 2017 and 29 January 2018. The Council had received over 1,000 responses to the Local Plan Submission Version from a wide range of stakeholders, and the Cabinet Committee was provided with an overview of the responses received. Aside from the responses relating to specific settlements or allocations, the other key issues raised by respondents were:

- (a) the Council had not consulted fairly in the course of preparing the Local Plan Submission Version and not taken into account previous consultation responses;
- (b) the Council's approach to infrastructure remained unclear in relation to where and when infrastructure would come forward and how it would be funded;
- (c) objections to the level of Green Belt release and claims that the new Green Belt boundaries were not robust;
- (d) objections to the Council not publishing the site selection appendices before the Regulation 19 publication period commenced; and
- (e) concern over how the Council would tackle the issue of air quality and representations from statutory bodies on how to strengthen its approach.

The Interim Assistant Director highlighted that the report on the agenda covered in detail the number, format and subject of all representations received, along with an update on how the Council took into account representations made to the draft Local Plan. The Cabinet Committee was also advised that the Council had received representations from the expected statutory consultees.

**Decision:**

- (1) That the report analysing the responses received to the Local Plan Submission Version Regulation 19 Publication be noted.

**Reasons for Decision:**

To update the Cabinet Committee on the responses received and key issues raised from the recent publication of Local Plan Submission Version.

**Other Options Considered and Rejected:**

To not advise the Cabinet Committee of the responses received and key issues raised in relation to the Local Plan Submission Version.

**8. EPPING FOREST DISTRICT LOCAL PLAN UPDATE**

The Planning Policy Manager presented an update on the work being undertaken to support the progression and implementation of the Epping Forest District Local Plan.

The Planning Policy Manager reminded the Cabinet Committee that the Local Plan Submission Version (LPSV) established the policies and allocations that would be subject to independent examination. However, plan-making was an ongoing and iterative process, and work had continued on developing the Evidence Base to support the Plan, and to develop the Implementation Strategy.

The Planning Policy Manager provided a short summary of the ongoing work, which included the anticipated dates for the publication of further reports and information that would need to be taken into account during the Independent Examination process following the submission of the Plan. Updates were also provided on several areas of work being undertaken across local authority boundaries and work to implement the Local Plan and ensure the timely delivery of the planned housing and infrastructure. The Cabinet Committee was advised to consider the report in conjunction with the existing Evidence Base, particularly the Duty to Cooperate Compliance Statement (EB119) and the Housing Implementation Strategy (EB410).

The Planning Policy Manager informed the Cabinet Committee on the progression of the Neighbourhood Plans within the District. There were currently ten designated Neighbourhood Plan areas within the District. The Neighbourhood Plan for Moreton, Bobbingworth and the Levers was the most advanced, having been examined in public in 2016, and was in the process of being revised. The Neighbourhood Plan for Chigwell had been submitted to the Council for publication under Regulation 16, which would take place for a period of six weeks following the Local Elections in May 2018. All of the other Neighbourhood Plans were in their early stages of preparation, with the Plans for Epping, North Weald Bassett and Ongar being the most advanced and intending to undertake public engagement exercises in the coming months. The Planning Policy Team, together with the Rural Community Council for Essex, continued to provide support for Town and Parish Councils wherever possible.

Cllr Kauffman enquired about the terms of reference that had been given to Essex County Council for the traffic assessments, and whether more detail could be given to Members about these. Cllr Kauffman stated that he had an interest in the assessments for the Loughton area, as there was development planned but the roads were insufficient to cope with current traffic levels. The Planning Policy Manager responded that the current work being undertaken by Essex County Council was building upon previous traffic assessments undertaken and completed, which were now published on the Council's website. Particular emphasis would be on those junctions where it was felt further development would increase the pressure of traffic, but the terms of reference for Essex County Council could be provided to Members if they so wished.

In respect of the Quality Review Panel, Cllr J M Whitehouse queried how its discussions would be disseminated to Members, and how Members and Town/Parish Councillors could make their views known to the Panel. The Interim Assistant Director (Planning Policy) stated that the Panel would produce a report of its deliberations for each scheme or application, which would be published by the Council as a material planning consideration for that application. A Development Management Forum had been set up by the Council to consider the same schemes before the Quality Review Panel did, which would allow Local and District Member input. The first meeting of the Development Management Forum would take place

the following evening to consider the Waltham Abbey employment site, to which all local Members had been invited as well as the public and other interested parties.

The Planning Policy Manager acknowledged that the draft Infrastructure Technical Paper was very important, however it would not provide all of the answers but a mechanism to use during Master Planning exercises. The draft Paper was currently awaiting a response from Essex County Council, but it was expected that it would be published within the next month or two.

Cllr Wixley highlighted a recent report in the local newspaper which stated that the size of the proposed Garden Town was to be doubled and requested some reassurance. The Interim Assistant Director reassured the Cabinet Committee that the initial plan was for 16,000 new homes to be provided in the Garden Town up to 2033, of which 3,000 would be in Gilston (East Herts District Council). The current version of the Local Plan for East Herts stated that a further 7,000 homes would be provided after 2033 in Gilston, giving a final total of 23,000 new homes (and an increase of 44%).

**Decision:**

(1) That the current progress made with the Epping Forest District Local Plan be noted.

**Reasons for Decision:**

To provide members with an update on work being undertaken to support the progression and implementation of the Local Plan.

To update members on Neighbourhood Planning in the District.

**Other Options Considered and Rejected:**

To not advise members of the work being undertaken to support the progression and implementation of the Local Plan; however, the Cabinet had previously committed to providing all Members with regular updates on the progress with the development of the Epping Forest District Local Plan.

**9. EXCLUSION OF PUBLIC AND PRESS**

The Cabinet Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

**CHAIRMAN**





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# Epping Forest (SAC) Special Area of Conservation: protection and the Local Plan

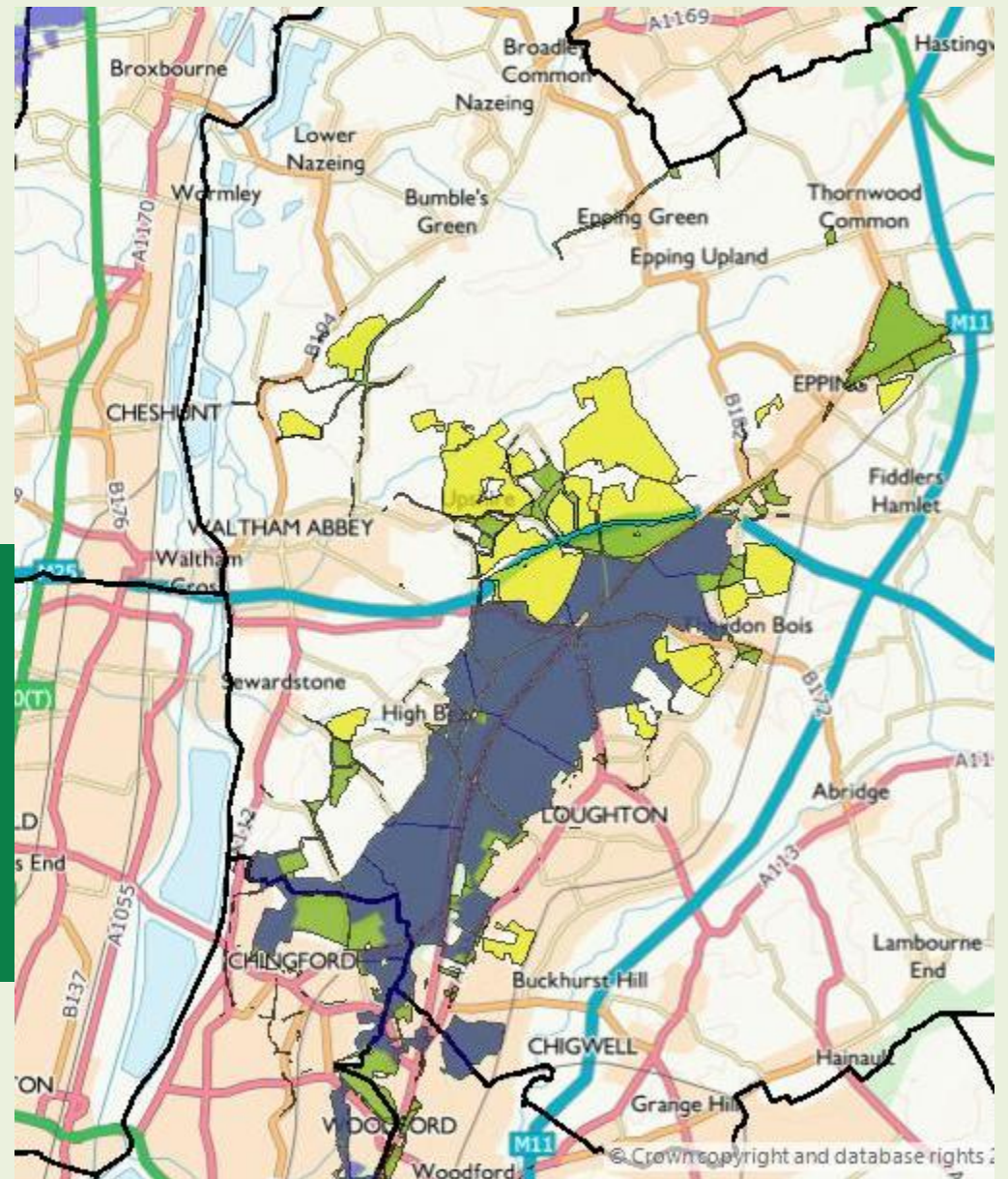
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Presentation by  
Paul Thomson, Superintendent of Epping Forest  
Jeremy Dagley, Head of Conservation  
14<sup>th</sup> May 2018



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## Special Area of Conservation (SAC) designated features (habitats and species)

- Atlantic Beech Forest
- Wet heathlands
- Dry heathlands
- Stag Beetle

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# Epping Forest SAC & Epping Forest District Council

- Favourable Conservation Status of SAC needs to be *restored and maintained*
  - all public bodies responsible
- Favourable Conservation Status means long-term viability of habitats and species
- Mitigation hierarchy – *avoidance* of harm - priority

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# Habitats Directive & Habitats Regulations 2017 & EFDC Local Plan

- The *precautionary principle* applies
- No adverse effect on protected sites
  - e.g. Epping Forest SAC (EF SAC)
- 'Competent Authorities' need to decide whether adverse effects either alone or 'in combination'
- Epping Forest District Council is the competent authority for EF SAC under Local Plan

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# Habitats Directive & Habitats Regulations 2017 & EFDC Local Plan

- Habitats Regulations Assessment (HRA) required for Local Plan
- Screen for Likely Significant Effects (LSE) 'alone or in combination' with other plans
- Mitigation proposals are not relevant to screening process
- Appropriate Assessment (AA) required to consider adverse impacts on integrity of site

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# Memorandum of Understanding (MoU) for impacts on Epping Forest SAC

## Impacts on SAC integrity agreed in MoU:

*"There are known current challenges to the integrity of the part of the SAC which falls within the boundary of Epping Forest District Council."*

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## MoU signatories agreed on the need to avoid adverse impacts

*"...that the joint strategy will address both the requirement to avoid, or effectively mitigate, adverse impacts on the integrity of the SAC from Local Plan-led development and the requirement to prevent deterioration of the SAC features."*

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# City Corporation response to Local Plan

## Detailed response to Local Plan:

- three areas for adverse impacts
  - recreation; urbanisation; air pollution
- Habitats Regulations Assessment (HRA) not adequate
- Appropriate Assessment not undertaken
- No Mitigation Strategy Policy
- Uncertainty about traffic & road impacts

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# City Corporation's response on Mitigation

Two separate issues for Epping Forest SAC, as stated in the MoU:

1. Additional recreation pressure
  - HRA needs updating to reflect 6.2km Zone of Influence (a conservative estimate)
  - mitigation possible – strategic and site-specific
  - delegated approval for CoL officers to work on an interim mitigation strategy & tariff
2. Additional traffic & adverse air quality impacts
  - HRA and AA not completed
  - effects and impacts unclear or unknown
  - avoidance should be considered first
  - mitigation measures uncertain

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## Conservators' response on Mitigation - interim

- Mitigation Strategy – recreation only
- Project development phase required
  - Ø Sustainable Alternative Natural Greenspace (SANG) provision
  - Ø Location-specific amelioration – through Forest site master-planning
  - Ø Forest-wide infrastructure resilience

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## Conservators' response on Mitigation – long-term

- Improved HRA and AA on air quality impacts and traffic modelling
- Avoidance of air quality impacts
- Increasing environmental resilience
- Enhancing biodiversity
- Continuous monitoring of impacts

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# Thank you

Presentation by  
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