



***RESPONSE of THE CITY of LONDON CORPORATION as THE CONSERVATORS of EPPING FOREST to the LONDON BOROUGH of ENFIELD DRAFT LOCAL PLAN 2019- 2039 (REGULATION 18) PUBLIC -CONSULTATION – 13 September 2021***

Thank you for consulting the City of London Corporation, as the Conservators of Epping Forest, on the London Borough Enfield (the Borough) Draft Local Plan Regulation 18 public consultation document.

Epping Forest Officers would welcome the opportunity to discuss in greater detail the Strategic Policy SP BG2: Protecting Nature Conservation Sites.

This is to ensure recognition for:

- appropriate policy protection for the Epping Forest Special Area of Conservation (EFSAC) and a holistic approach to the Forest;
- a Mitigation Strategy to prevent damage to the SAC from increased recreational pressure and deteriorating air quality, arising from additional housing provision.

**Introduction and context**

Epping Forest is held as a Charitable Trust by the City of London Corporation and comprises some 6,100 acres (2,500 hectares) of public open space and high tier conservation habitat. The Forest is supported by a further 1,800 acres (730 hectares) of Buffer Lands, acquired by the City Corporation to protect the North of the Forest from encroaching development and to maintain the links between the Forest and the wider countryside.

The Epping Forest Acts 1878 & 1880 charges the City Corporation, as the Conservators of Epping Forest, with a series of key duties:

- To regulate and maintain the Forest in accordance with the Acts
- To maintain Epping Forest as an open space for the recreation and enjoyment of the public
- To conserve and maintain a range of Forest habitats, particularly wood-pasture
- To preserve the Forest's unique landscape as defined by a *natural aspect* duty
- To preserve the Queens Elizabeth's Hunting Lodge and other historic Forest buildings for their heritage interest

Subsequent to its founding legislation, Epping Forest's conservation significance as one of only a few large-scale examples of surviving ancient wood-pasture including its Atlantic

***RESPONSE of THE CITY of LONDON CORPORATION as THE CONSERVATORS of EPPING FOREST to the LONDON BOROUGH of ENFIELD DRAFT LOCAL PLAN 2019- 2039 (REGULATION 18) PUBLIC -CONSULTATION – 21st September 2021.***

beech forest; North Atlantic wet heaths and European dry Heaths has received further recognition and legal protection as an internationally important IUCN Category IV Protected Area. Epping Forest is part of a European-wide network of habitats entitled *Natura 2000* sites, which provide Europe's habitat protection under its Bern Convention 1979 obligations, to which the United Kingdom is a signatory. The land is statutorily protected as a Special Area of Conservation (SAC) under European Union Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora, known as the 'Habitats Directive' The Habitats Directive was transposed into national law, recently updated as The Conservation of Habitats and Species Regulations 2017.

The Forest area is also statutorily protected as a Site of Special Scientific Interest (SSSI) under the Wildlife and Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) and all Forest Land within London is recognised under the "umbrella" of Sites of Importance for Nature Conservation (SINCs) under the London Plan.

Epping Forest also contains a range of Scheduled Ancients Monuments notified under the **Ancient Monuments and Archaeological Areas Act 1979** and Listed Buildings, features and Parks and Gardens jointly designated by Historic England and Local Planning Authorities under the auspices of the **Planning (Listed Buildings and Conservation Areas) Act 1990**, with parts of the Forest coinciding with some 17 Conservations Areas.

Epping Forest also contains 7 Large Raised Reservoirs, notified under the **Reservoirs Act 1975** (as amended by the Flood & Water Management Act 2010); three Flood Management Schemes and two main rivers notified under the **Water Resources Act 1991**.

## **SPATIAL STRATEGY**

### **1. Vision & strategic objectives**

The City of London Corporation supports the aspiration of the Borough to be a 'deeply green place'. However, there is no explanation within the *Strategic Aims* on how such activity would assist in protection of the EFSAC. If the vision of enhanced green open spaces and waterways permeating through the Borough can be achieved and, more critically, maintained and protected, such initiatives have the potential to protect the EFSAC habitats through provision of alternative open spaces for residents. One element in the *Vision & Strategic* which does appear lacking to the Conservators is the consideration of 'hybrid' home-working models, which have the potential to more greatly impact green spaces within the borough and beyond, due to the increased recreational time by those individuals enjoying such working practices.

## 2. Good Growth in Enfield

### Enfield's Spatial Vision Strategy and Objectives

There is proposed provision of at least 25,000 new homes within the four main placemaking areas of the Borough. Meridian Water and Southbury are both located within the eastern proportion of the Borough. These allocations represent the effective creation of village size communities within a confined geographic area. These placemaking sites are spatially located almost at the most northern and southern extremities of the Borough, lying within the current 6.2km Zone of Influence of Epping Forest SAC. Therefore, they have a potential to impact the Epping Forest SAC across a wider area particularly given their distance from the Borough's own Green Belt areas, the limits of any extensive local green space nearby and the closeness to the Forest.

## 3. Place

The Conservators welcome proposals under *Strategic Policy SP PL8: Rural Enfield – a leading destination in London's National Park City* and look forward to being able to comment on their design and potential to mitigate against increased recreational pressure on the Epping Forest SAC.

## 4. Sustainable Enfield

The Conservators welcome Enfield Council's commitment to the climate emergency pledge, with the aspiration to become a carbon neutral organisation by 2030 and the adoption of a Climate Action Plan, which aims for the Borough to be carbon neutral by 2040.

## 5. Addressing equality and improving health and wellbeing

No Comment

## 6. Blue and green Enfield

The Conservators acknowledge that Enfield, as an outer London Borough benefits from extensive open space, with a variety of habitats and land use types that are not enjoyed by many London Boroughs. The Conservators welcome the aspiration of the Borough to become the greenest in London and believe that the Borough has the potential through its Green & Blue Infrastructure Strategy to create new and improved Open Spaces within the Borough boundary.

Green infrastructure has been defined as a strategically planned network of natural and semi-natural areas with other environmental features designed and managed to deliver a *RESPONSE of THE CITY of LONDON CORPORATION as THE CONSERVATORS of EPPING FOREST to the LONDON BOROUGH of ENFIELD DRAFT LOCAL PLAN 2019- 2039 (REGULATION 18) PUBLIC -CONSULTATION – 21st September 2021.*

wide range of ecosystem services such as water purification, air quality, space for recreation and climate mitigation and adaptation. This network of green (land) and blue (water) spaces can improve environmental conditions and therefore citizens' health and quality of life. Such a network could support a green economy, create job opportunities and enhance biodiversity.

Under *Strategic Policy SP BG2 (page 115): Protecting nature conservation sites* part 3 states that: *Development involving over 100 new homes within 6km of the boundary of the Epping Forest SAC (known as the "zone of influence" as shown on the Policies Map) will need to secure appropriate mitigation and avoidance measures in the form of strategic alternative nature green space (SANG) to offset any potential effects arising from increased recreational pressure and air pollution on the Epping Forest SAC (either 'alone' or 'in combination' with other relevant plans and proposals) in consultation with Natural England, Epping Forest Conservators and other relevant bodies.*

It should be noted that the Zone of Influence is 6.2km, and that this ZOI is to be subject to regular review through further Epping Forest Visitor Surveys. Such reviews, undertaken as part of the Competent Authorities' SAC Mitigation Strategy monitoring work, may see this ZOI change. This potential for change and for regular review should be covered in the wording of the Policy, so that Policy remains *sound* throughout the Local Plan period to 2039.

Furthermore, the use of the word *offset* in this Policy contradicts the earlier wording of mitigation and avoidance. The Habitat Regulations protect Epping Forest SAC from adverse impacts by requiring mitigation, which involves first and foremost avoidance of any impacts, as the Policy correctly highlights. However, offsetting suggests compensatory measures which would make the Policy *unsound* because compensation would not be acceptable without a justification under IROPI - i.e. for imperative reasons of overriding public interest. In this case, The Conservators, therefore, request that for avoidance of doubt about the Policy meaning, the word '*offset*' should be deleted and replaced with the word '*prevent*'.

An additional request in this important Policy, is that the sentence about securing mitigation should also make clear that such mitigation must be secured prior to occupation so that can be effective in prevention of damage and can also be appropriately monitored to assess the level of effectiveness.

Thirdly, there is no mention of contributions to Strategic Access Management and Monitoring (SAMM) payments, which is an important form of mitigation in combination with SANGS, which themselves cannot be guaranteed to work alone. This is particularly important for the likely cumulative effects of multiple developments each below the 100-dwelling threshold, including 'windfall' development-type allocations. These smaller developments are very unlikely to be able to provide sufficient SANGS capacity on their own and, therefore, need to provide for mitigation largely through the mechanism of SAMMS. The HRA for the Regulation 19 Local Plan would need to provide evidence and justification for any omission of development types likely to affect recreational pressure (as well as traffic generation) on Epping Forest SAC.

**RESPONSE of THE CITY of LONDON CORPORATION as THE CONSERVATORS of EPPING FOREST to the LONDON BOROUGH of ENFIELD DRAFT LOCAL PLAN 2019- 2039 (REGULATION 18) PUBLIC -CONSULTATION – 21st September 2021.**

In respect of **Table 6.1** which indicates: *Proposed mitigation strategy to offset the impacts of development upon the Epping Forest Special Area of Conservation*, The Conservators would wish to comment at this stage (Reg 18) that although we welcome the wide range of proposed mitigation there is no detail here. For the SANGS element, for example, the scale, suitability and future management of these SANGs is not yet certain or fleshed out and, therefore, The City of London Corporation are not able to comment on the potential viability of the proposed provision. However, we are concerned about the quality and type of SANGS that may be provided for such a large proposed increase in residential population.

For example, as a Borough, that has over 300ha of woodland, The Conservators would wish to see more creative use of this woodland to create SANGS mitigation opportunities by providing similar recreational landscapes to that of Epping Forest. The Conservators do not believe this can be achieved with enhancements to the Lee Valley, especially for recreational activities such as mountain biking. This is because the Lee Valley, although an excellent facility for leisure cycling, lacks the 'challenge' or 'offer' presented by the Forest in terms of terrain and geographic relief. Therefore, we await greater detail on the siting and scale of these SANGs provisions at the Reg.19 stage of the Enfield Local Plan.

## **7. Design and Character**

The Conservators support policy SP DE1 section e and f, in relation to nature and public spaces as part of delivering a well-designed, high quality and resilient environment. Again, we would wish to reiterate the importance of this for the well-being of Enfield's residence and as in Borough source of recreation.

## **8. Homes for all**

The Conservators welcomes the Borough's commissioning of a Gypsy and Traveller accommodation as part of Policy DM H10. It is the experience of The Conservators, that many incursions and attempted occupations of Forest Land (especially upon the western edge of the Forest) seem to result from lack of such provision within the Enfield Borough.

## **9. Economy**

The Conservators understand the Borough's desire to maintain and improve the economic potential of the Borough. In relation to the Forest and the EFSAC, the Borough's location with access to the M25 and A406 would be attractive to businesses looking to service London. A concern for The Conservators would be the impact such new business will have on increased traffic on these roads which also dissect the Forest and have a major effect in terms of nitrogenous air-pollution. The HRA, does not reach firm conclusions on this issue and detailed traffic modelling is required to understand the potential for increased traffic

from workers coming out of the Borough to attend work at potential new industrial or office sites or the operations of such sites along these traffic corridors.

Of additional concern to The Conservators is that any increased business within the Borough, in the form of industry, new office provision or increased retail (as detailed in section 10), especially on the Borough's constrained eastern side, might lead to future proposals to consider the Northern Gateway Access Road (NGAR) provision between the A10 and M25. The Conservators remain clear that such a proposal would have adverse impacts on the Forest and, therefore, any future development in the Local Plan must work within the current east-west road constraints and, as discussed at the Examination-in-Public for the North-East Enfield Area Action Plan (NEEAAP) in 2014, solutions for access to new development need to rely on sustainable transport options.

## **10. Town Centre and high streets**

No comment

## **11. Rural Enfield**

The Conservators support measures to protect and enhance the Green Belt within the Borough through improved access for recreation and measures to maintain the rural economy.

As an Outer London Borough, Enfield has a crucial role to play in forming part of the *Green Arc*. *The Green Arc* as a concept is designed to be a larger, accessible protected landscape with a network of connections for people and wildlife, in which the Forest would be embedded along with Broxbourne Woods and Hainault Forest and, ideally, Enfield Chase too. *The Green Arc* is referenced in *The London Plan* and we would expect its vision to be set out in this Local Plan so that there is a broader context to the proposed SANGS and proposed enhanced access to the countryside. In particular, given the almost unprecedented scale of the proposed residential population increases in all the boroughs and districts surrounding the Forest, on top of the current biodiversity crisis and climate change resilience requirements, there is a need for joined up plans and joined up action to protect the environment across a landscape scale.

## **12. Culture, leisure and recreation**

The City Corporation would emphasise the importance of the role of open spaces play in supporting and improving public health and wellbeing, drawing attention to City Corporation research in this area entitled 'Green Spaces – The Benefits for London'.  
<http://democracy.cityoflondon.gov.uk/documents/s27356/Green-Spaces-The-Benefits-for-London%20App1.pdf>

The City Corporation would emphasise the importance of sporting activities and facilities, that do not encourage or are not reliant upon private motorised transport to access.

The City Corporation would also draw attention to the importance of supporting and funding the pan-London provision of sporting facilities including the significant provision of 45 sports pitches on Wanstead Flats and Hackney Council's provision of 82 sports pitches at Hackney Marshes.

### **13. Movement and Connectivity**

Whilst the City Corporation supports the ambition of the Borough to increase local active travel and public transport, in line with the Mayor of London's Transport Strategy, such ambitions can only be achieved when these active travel networks are safe and designed to prioritise the pedestrian and not motorised transport. We look forward to further details in the Regulation 19 version of the Enfield Local Plan.

### **14. Environment Protection**

The Conservators would wish to comment specifically on the need of the Borough to actively consider the provision of waste facilities, which we understand is being reviewed as part of the North London Waste Plan, though this is not referenced in this Plan version.

To the knowledge of The Conservators, the Borough is only serviced by one Civic Amenity site, which is situated at Barrowell Green in the south of the Borough. Epping Forest suffers from on average 600 illegal deposits of waste per year, more commonly known as fly-tipping, this includes waste that has been generated from the Borough of Enfield. The fly-tips consist of general household, garden waste, builders waste (rubble and wood), car parts and regularly waste from cannabis cultivation (soil).

This urbanisation effect is potentially hazardous to the environment and visitors, sometimes toxic to wildlife & significantly damages the amenity of the Forest. The growing cost of removing fly-tips and litter has forced the Conservators to divert £440,000 each year away from Charity's limited resources for managing the Forest for public recreation and wildlife conservation and protection of the EFSAC to simply disposing of waste.

With the increase in 25,000 new dwellings by 2039 within the Borough, it is imperative that additional civic amenity sites are provided within the Borough to address the increase in waste. These facilities should be provided alongside continued education around reducing waste generation from homes, the promotion of recycling and the effective collection of waste across the entire Borough.

## 15. Delivery and monitoring

Strategic Policy SP D1: does not reference the securing of SAMM contributions by developments under 100 units to contribute to mitigation measures to protect the Epping Forest SAC under the Habitats Regulations 2017. Please see our earlier comments on the importance of cumulative mitigation being addressed through a combination of both SANGS and SAMMS. This combination is essential to ensure the effectiveness and certainty of avoiding adverse impacts from the Local Plan on EFSAC.

### Enfield Local Plan HRA Report

The Conservators wish to make the following comments and observations on the *Draft* HRA report as produced by LUC June 2021, recognising that there is significant more work to be undertaken and that this is ongoing. As discussed at the meeting of officers on 6<sup>th</sup> September on air quality, we accept that the HRA at this stage is only “qualitative” and requires the input of quantitative traffic data. We are also concerned that Epping Forest remains “at high risk” from the proposed development in the Local Plan, as was made clear at the 6<sup>th</sup> Sept meeting by the air quality consultant for the Borough. We await the input of these data in future iterations of the HRA and look forward to discussing the implications of the traffic models.

**Air Pollution** – 5.26 indicates that all potential site allocations within the Plan may contribute ‘in combination’ to adverse effects on the integrity of the Epping Forest SAC, especially in relation to the M25, A104 & A1069. The HRA currently concludes that until traffic modelling and air quality assessment has been completed and mitigation details have been provided, it is not possible to conclude *no adverse effects* on the integrity of the EFSAC. Therefore, we await the details of the traffic modelling, until we can make further comment on the effect of the LB Enfield Local Plan.

### Recreational Impact

Comments have been made, above, regarding Table 6.1 in the Local Plan Reg.18 document. However, we concur with the conclusion of the HRA at 5.59 that: *“Without more specific mitigation (for example required quantity of SANG/developer contributions) incorporated into Policy BG2 and the wording of any site allocation policies or development briefs that may be drafted at Regulation 19 stage, it is not possible to conclude no adverse effects on the integrity of Epping Forest SAC, as a result of recreation pressure”*.

The Conservators, therefore, await further details of SANG allocations associated with the Local Plan, and working in conjunction with the Borough and Natural England on those proposed. The Conservators would reiterate the need of the Enfield to utilise Forest-type landscapes within the Borough to create SANGS that replicate the desirable recreational offer of the Forest.



## **Conclusions**

In conclusion, the Conservators welcomes the ambition and objectives of the Borough's Local Plan but encourages the Borough to give further serious consideration through its HRA's Appropriate Assessment to the impact of the Plan's proposals on the statutorily protected area of Epping Forest.

The Conservators seek the opportunity to work with both the Borough and Natural England to ensure that, in the face of the development proposed under the Regulation 19 version of the Local Plan, that Epping Forest not only remains a protected landscape but that it is enhanced as part of a wider area of protected open spaces, providing quality access to nature for local people while protecting the Forest's irreplaceable habitats and features from any deteriorations in air quality and unsustainable increases in recreational pressure..

-----oo00oo-----

**Signed**