



**COMMENTS by THE CONSERVATORS of EPPING FOREST to the INSPECTOR'S ISSUE 1 for the examination LONDON BOROUGH of REDBRIDGE LOCAL PLAN 2015-2030 (pre-submission draft (July 2016))**

**Referenced documents:**

**Policy LP39 Nature Conservation & Biodiversity and paragraph 6.6.2 of Local Plan (also paragraphs 5.3.2. - 5.3.8 of the HRA version 4.0, Feb 2017).**

**Document: lbr-1011-redbridge-local-plan-reg-19-representations (page numbers 381-383 inclusive)**

In the Conservators of Epping Forest's previous submission of September 2016 in response to the London Borough of Redbridge (LBR) Regulation 19 Local Plan Consultation we put forward the following suggested change to the Local Plan Policy LP39 1a):

**Suggested changes**

The wording of Policy LP39 1a) could be modified to read:

“(a) Not permitting development which would adversely affect the integrity of Epping Forest SAC, except for reasons of overriding public interest, and only where adequate compensatory measures are provided. As a precautionary approach, developments within 2km of the boundary of the Epping Forest Special Area of Conservation have been limited to reduce the potential risks of recreational and air pollution impacts. However, for both these and other developments further from the SAC, the potential for 'in combination' impacts of the developments will be scrutinised, ensuring a screening assessment under the Habitat Regulations Assessment is carried out where there is evidence of likely significant effects to assess the impact of the developments on the SAC; trans-boundary impacts on the SAC will be examined and the Council will endeavour to work with its neighbouring authorities, Natural England and The Conservators of Epping Forest to pro-actively avoid or mitigate any such adverse impacts”.

In its response (R00360/03) contained in document lbr-1011-redbridge-local-plan-reg-19-representations (page 383), LBR concluded that no change was required to the Policy LP39 wording. LBR referred instead to its responses R00360/01 and R00360/02 in which changes

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### LBR Local Plan Policy LP39

Representor name: **Dr Jeremy Dagley,**

**Head of Conservation, Epping Forest**

Representor number: **R00360**

Date: **12<sup>th</sup> May 2017**

were proposed to the Habitats Regulation Assessment (HRA). However, we wish to re-submit this proposed wording amendment as we do not consider that the modifications to the HRA (in HRA Version 4.0 dated 23/02/2017) are adequate to ensure soundness of the Plan in relation to the protection of Epping Forest SAC under the Habitat Regulations 2010 (as amended). This re-submission is made in answer to the Issue 1 Questions iii) and iv) raised by the Inspector. The reason for re-submitting is based on two new pieces of evidence which we consider support the proposed amendment to Policy LP39 to which we will refer in our explanation below.

#### **Rationale for proposed amendment to Policy LP39 wording**

We consider that the current wording of LP39 does not comply with the mitigation hierarchy required of the Habitat Regulations 2010 in which a competent authority (Habitat Regulations 2010 (as amended) Regulation 7(1)) should seek to avoid damage to the integrity of the SAC where a development or project is *“likely to have a significant effect on any European site either alone or in combination with other plans or projects”*. If avoidance is not possible then mitigation should be put in place and, if this is not practicable, then compensatory measures would be considered. The current wording of LP39 seems to suggest to us that compensatory measures would be the next step after avoidance of damage.

#### *New evidence item 1 (see Appendix 1 to this submission) – review of Epping Forest Visitor Survey data*

Furthermore, LP39 1a) implies that HRA screening assessments may only be applied to developments within a 2km risk zone. On this point we raised the issue that the 2km risk zone itself may not be fully justified. It seems to be based (HRA version 4.0) on the conclusion to the City of London Visitor Survey report 2014. However, we consider these data need more careful analysis and also may need supplementary data before such a 2km risk zone conclusion can be reached. Therefore, we submit new evidence, in **Appendix 1** to this response, with a preliminary review of our City of London 2014 Visitor Survey data for Epping Forest. This review suggests that 76% of visitors come from within 4km of the Forest boundaries (see Appendix 1, paragraphs 1.8 & 1.9), rather than the 95% within 2km which the HRA (para 3.1.5 version 4.0 Feb 2017) uses based on the earlier City of London 2014 report.

#### *New evidence item 2 (in relation to Policies LP39 and LP2) – the ‘Wealden judgement’*

The current wording of LP39 1a) also seems to be making the assumption that this risk zone approach can be applied to all potential damaging impacts on the SAC. However, such an approach, in our view, is only justified for recreational impacts. The impacts of air pollution on the SAC, particularly from traffic could be generated from Borough-wide developments, as the updated HRA (version 4.0) now concedes. More significantly, the Policy LP39 does not refer to ‘in combination’ and trans-boundary impacts. The 18,936 additional houses proposed for the Borough should be considered ‘in combination’ and also should be

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considered in relation to the impact of housing in neighbouring boroughs and districts (trans-boundary impacts). It is noted that the Inspector raises this under Issue 1 Question ii).

The recent *Wealden* judgement (Citation number EWHC351: Wealden District Council versus the SoS, Lewes District Council and South Downs National Park Authority (Case No: CO/3943/2016)) made in the Royal Courts of Justice, forms new evidence which, in our view, supports the proposed changes to the wording of LP39 that we originally proposed and are re-submitting here.

In relation to Policy LP2, which has an impact on LP39 in our view, the HRA (version 4.0, Feb 2017) screens out the 18,936 total new dwellings for consideration in any further impact assessment for the SAC. In paragraph 5.3.4 of the HRA justifies this by suggesting that as housing is driven by the London Plan direct mitigation is not amenable by the LBR Local Plan. However, LBR is one of the decision makers and remains a 'competent authority' under the Habitat Regulations 2010 (as amended) (Regulation 7(1)). The Wealden case provides clear evidence that developments on this scale need to be considered in combination. The DEFRA guidance (July 2012) entitled "Guidance on competent authority coordination under the Habitat Regulations" we consider makes it clear that competent authorities need to work in a coordinated way. This is supported by the Wealden judgement and would seem to require LBR and the Greater London Authority to work in a coordinated effort with other local authorities to assess the impacts of large-scale housing and transport developments on Epping Forest SAC. Part of this effort requires a policy wording, in our view, which indicates clearly that this effort will be made and applied without arbitrary restrictions of risk zoning to the pervasive issue of air pollution.

## Initial review of current visitor data for Epping Forest

Durwyn Liley, 26<sup>th</sup> September 2016

- 1.1 This brief document considers the current visitor data for Epping Forest and its potential to inform decisions relating to planning policy and impacts of development in the surrounding area.

### Overview of visitor surveys to date

- 1.2 Over the period 2010 to 2014 an impressive volume of visitor survey work was undertaken at Epping Forest, involving staff and volunteers with specialist consultancy support. The results are set out in a series of annual reports. The work was undertaken as part of the Branching Out project and funded through Heritage Lottery Funding. The survey work was undertaken to:

- Calculate the annual number of visits to Epping Forest
- Understand visitor behaviour (duration of visits, activities undertaken etc.)
- Provide a benchmark by which the success of interventions/improvements can be checked

- 1.3 Surveys were conducted in each year and involved observation surveys and questionnaires. The **observation surveys** involved surveyors walking set routes and mapping/recording all people seen. Routes were repeated eight times to cover different times of day, school holidays and non-holiday periods and both weekends and weekdays. Over the five years all the main areas of the Forest were surveyed and some areas repeated in different years.

- 1.4 From the survey results, combined with an understanding of the events etc. a total of 4,271,398 annual visits was estimated to the Forest each year, with visitor use concentrated in the southern part (427ha of the total area of 2476ha), which receives more than half of all visits per ha. The honey pot sites across the Forest (Wanstead Flats, Bush Wood, Wanstead Park, Hollow Ponds, Connaught Water and High Beach) receive 52% of all visits to the Forest.

- 1.5 In addition a **questionnaire survey** was undertaken in each year. Questionnaires were hosted online, with the link circulated to those already on the City of London consultee email list, and were provided to visitors at the three Visitor Centres to complete the survey online or in hard copy with help from staff and volunteers. In addition staff and volunteers targeted visitors from the harder to reach groups such as under 16s, ethnic minorities, the elderly and disabled, at the busier locations with the hard copy version to be completed by themselves or with help from staff and volunteers.

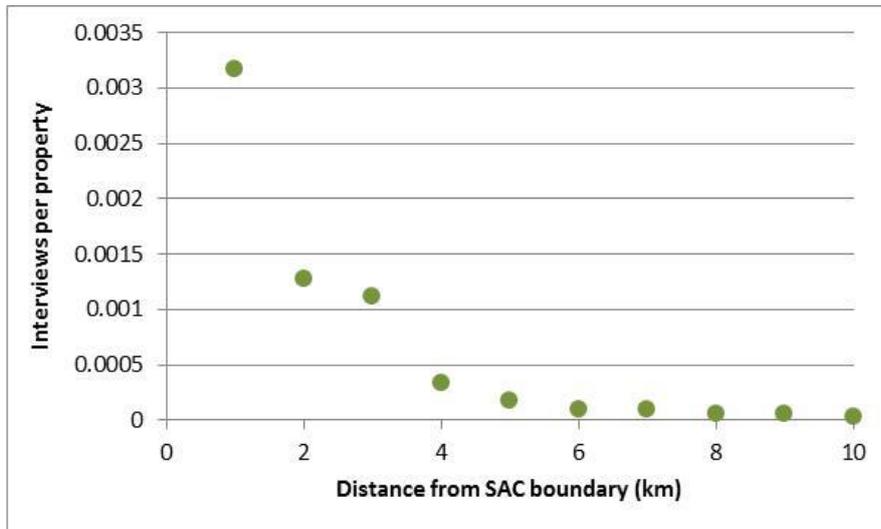
- 1.6 In 2014 alone an impressive 885 Questionnaire Surveys were completed. Questionnaire data included home postcodes of visitors.

## Applicability and relevance for considering impacts of development

- 1.7 The volume of visitor data provides a great estimate of overall visitor numbers and the spatial distribution of visitors within Epping Forest. A large volume of postcode data has been collected over the period 2010-2014 and it should be possible to achieve a robust analysis with that data. Further consideration is required as to what extent the postcodes are likely to be random – for example those people on the consultation mailing list are likely to be very local residents with a strong connection to the forest and may not necessarily accurately reflect the spatial distribution of visitors.
- 1.8 Postcode data from 2014 – involving 507 fully geocoded home postcodes - are shown in Map 1. This is all data pooled and I do not know what proportion came from which survey location. I have summarised the number of postcodes within concentric rings (each 1km wide) around the SAC boundary – i.e. buffers drawn at 1km, 2km 3km etc. These data are summarised in Table 1. The table also gives the number of residential properties within the buffer in 2016. By expressing the number of interviewee postcodes per band in relation to the number of residential properties (i.e. interviews/properties) it is possible to gain an indication of how visit rate declines with distance from the SAC. These very crude and initial results would suggest 76% of visitors come from within 4km, that 11% of visitors come from beyond 5km and that visit rates to Epping Forest appear to level off and reach a low level somewhere around 5km.
- 1.9 Caution is required in relying on these (for example in any Habitats Regulations Assessment) because:
- It is not clear to what extent the postcodes reflect an accurate random sample of visitors
  - The data are summarised by distance band from the SAC boundary, at other European sites/areas data has been typically presented as the distance between the interview location and home postcode. Such an approach is likely to give different results.
  - There is no consideration of the types of activity that may impact on the SAC. For example if dog walkers are the group of particular concern, the data should be filtered to look at dog walkers only.
- 1.10 As such more detailed analysis is required of postcode data and there may be a need for additional visitor survey work specifically targeted at achieving a random sample of visitors and determining where they live and why they visit.

**Table 1: Summary of residential properties per 1km band around the SAC and the number of interviewee postcodes (from 2014) within each band. A total of 507 complete postcodes were gathered in the 2014 survey.**

	residential properties 2016	interview postcodes	% interviewees (cumulative %)	interviews per property
1	64819	205	40	0.003163
2	60641	77	56	0.00127
3	69202	77	71	0.001113
4	72761	24	76	0.00033
5	111198	19	79	0.000171
6	119700	12	82	0.0001
7	133194	13	84	9.76E-05
8	139411	8	86	5.74E-05
9	148547	9	88	6.06E-05
10	144305	5	89	3.46E-05
beyond 10km		58	100	



**Figure 1: Number of interviews (that generated a complete postcode) in 2014 per residential property, in relation to distance. Graph plots data from Table 1. Plot based on 1km distance bands around the SAC (see Map 1).**

**Map 1: Visitor postcodes**

