

# THE OLD LAUNDRY BOWER HILL EPPING

## HABITAT REGULATIONS ASSESSMENT/ APPROPRIATE ASSESSMENT INFORMATIVE REPORT



Ecology  
Archaeology  
Arboriculture  
Landscape Architecture

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## 1.0 INTRODUCTION AND CONTEXT

- 1.1 ACD Environmental Ltd were commissioned on 26<sup>th</sup> March 2020 to carry out a Habitat Regulations Assessment/Appropriate Assessment Informative Report in relation to proposed works at The Old Laundry, Bower Hill, Epping CM16 7AD, hereafter referred to as 'the Application Site'.
- 1.2 The proposed works are to demolish the existing buildings and erect 58 residential units arranged over blocks (Blocks A-E) with associated landscaping, car and cycle parking. The 58 residential units will comprise one and two bedroomed apartments.
- 1.3 The Application Site comprises c.0.46 hectares of land, which is located within Bower Hill Industrial Estate. The Application Site is primarily composed of buildings and hardstanding and there is some dense/scattered scrub, scattered trees and a garden to the east. The Application Site is in a built-up area in the town of Epping and surrounded on all elevations by existing commercial/residential areas with Epping Underground Station located c.200m to the north-west; however, there is arable land a short distance to the east and Epping Golf Course and Bell Common are a short distance to the south and west respectively.
- 1.4 Epping Forest Special Area for Conservation (SAC) is located c.1.2km to the south-west of the Application Site.
- 1.5 When preparing an application for certain plans or projects, developers should consider the potential effects on protected habitats, in particular European Sites or Natura 2000 Sites, which includes Special Protection Areas (SPAs) and SACs.
- 1.6 A planning application was registered with Epping Forest District Council on 13<sup>th</sup> December 2018 (Application Number: EPF/3174/18). However, planning refusal was issued on 30<sup>th</sup> April 2019, which included the following reasons for refusal:

*“Reason 5 The application does not provide sufficient information to satisfy the Council, as competent authority, that the development has not adversely affected the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the development should be permitted. As such the development is contrary to Policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006),*

*Policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version (2017) and the requirements of the Habitats Regulations 2017.*

*Reason 7 In the absence of a completed Section 106 planning obligation, the development has failed to mitigate against the adverse impact it has and will have on the Epping Forest Special Area for Conservation in terms of air pollution. Failure to have secured such mitigation is contrary to policies CP1 and CP6 of the Adopted Local Plan and Alterations, policies DM2 and DM22 of the Submission Version Local Plan 2017 and the requirements of the Habitats Regulations 2017.”*

1.7 For context, the policies above refer to the following areas:

- *Combined Policies of the Epping Forest Local Plan (1998) and Alterations (2006)*<sup>1</sup>: Policy CP1 - Achieving Sustainable Development Objectives;
- *Combined Policies of the Epping Forest Local Plan (1998) and Alterations (2006)*: Policy CP6 - Achieving Sustainable Urban Development Patterns;
- *Epping Forest Local Plan (2011-2033) Submission Version 2017*<sup>2</sup>: Policy DM2 - Epping Forest SAC and Lee Valley SPA; and
- *Epping Forest Local Plan (2011-2033) Submission Version 2017*: Policy DM 22 - Air Quality.

1.8 This decision is subject to an Appeal with Epping Forest District Council and this report will inform this Appeal.

1.9 According to the *Pre Hearing Written Statement of Case Of Epping Forest District Council* (10<sup>th</sup> February 2020)<sup>3</sup>, the AA is required for two areas as follows:

*“The screening stage of the LPHRA concluded that there are two pathways whereby housing growth is likely to result in significant effects on the SAC, namely disturbance from recreational activities as a result of additional nearby residents and*

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<sup>1</sup> Epping Forest District Council (2008). *Combined Policies of the Epping Forest Local Plan (1998) and Alterations (2006)*. Available here: <https://www.efdclocalplan.org/wp-content/uploads/2017/12/Combined-Policies-of-Epping-Forest-District-Local-Plan-1998-and-Alternations-2006-published-2008.pdf>.

<sup>2</sup> Epping Forest District Council (2017). *Epping Forest Local Plan (2011-2033) Submission Version 2017*. Available here: <https://www.efdclocalplan.org/wp-content/uploads/2018/03/EB114-Epping-Forest-District-Local-Plan-Submission-Version-2017.pdf>.

<sup>3</sup> Epping Forest District Council (10<sup>th</sup> February 2020). *Pre Hearing Written Statement of Case Of Epping Forest District Council*.

*atmospheric pollution as a result of increased traffic.*

*As a result, the appeal scheme must be the subject of an appropriate assessment (AA) carried out by the Inspector, as the competent authority under Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (as amended)."*

1.10 Habitat Regulations Assessment (HRA)/Appropriate Assessment (AA) tests whether a plan or a project is likely to have a significant negative impact on a European Site/s.

1.11 HRA is the collective term to describe the overall assessment, which may comprise several different stages. This may include formal screening for any Likely Significant Effects (LSEs), either alone or in combination with other plans or projects. Where these effects cannot be excluded, assessing them in more detail through an AA is required to ascertain that an adverse effect on the integrity of the site can be ruled out. Where LSEs on the site cannot be ruled out, and no alternative solutions can be identified, then the project can only then proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

1.12 HRA and AA are required by Article 6(3) of the European Habitats Directive, which is transposed into English law by The Conservation of Habitats and Species Regulations 2017. This states the following in Regulation 63:

*"A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*

*(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*

*(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives".*

1.13 It is the responsibility of the Competent Authority (in this case the Inspector) to assess potential impacts of a plan or project upon a European Site, through HRA. It is the responsibility of the developer to provide the necessary information where

appropriate.

1.14 AA is not a technical term; it simply means an assessment that is 'appropriate' for the plan or project in question. As such, the law does not state exactly what it should comprise, or how it should be presented; this is decided on a case-by-case basis by the Competent Authority.

1.15 It is important to note the following from Epping Forest District Council in their *Epping Forest Special Area of Conservation (SAC) – Position Statement (February 2020)*:<sup>4</sup>

- The *Epping Forest Local Plan (2011-2033) Submission Version 2017* is subject to objections from Natural England and the Conservators of Epping Forest. An HRA has been carried out of this Local Plan (AECOM, January 2019); however, Natural England and the Conservators of Epping Forest have maintained their objection. This relates to concerns that the Local Plan may adversely affect the integrity of Epping Forest SAC. This has been the subject of public Hearings between February and June 2019. The Local Plan Inspector has identified a number of actions for Epping Forest District Council to remedy from the HRA arising from these objections.
- This has led to Epping Forest District Council preparing a document titled the *Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation (October 2018)*<sup>5</sup>, which was agreed with Natural England, and is a material consideration for planning applications in the District. Although Policy DM 22 of the *Epping Forest Local Plan Submission Version 2017* specifies at point E that an HRA is required for planning applications on sites within 400m of the Epping Forest SAC (the Application Site is c.1.2km), the Interim Approach identifies that any net increase in residential development within 6.2km requires consideration and the payment of a financial contribution, secured via a Section 106 Agreement, for Strategic Access Management and Monitoring (SAMMs) for each net

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<sup>4</sup> Epping Forest District Council (February 2020). *Epping Forest Special Area of Conservation (SAC) – Position Statement*. Available at: <https://www.eppingforestdc.gov.uk/planning-and-building/planning-policy/epping-forest-special-area-of-conservation-sac/>.

<sup>5</sup> Epping Forest District Council (October 2018). *Appendix 1 – Interim Mitigation Strategy for Epping Forest Special Area of Conservation Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation Version 5*. Available here: <https://www.efdclocalplan.org/wp-content/uploads/2019/01/EB134-Interim-Approach-to-Managing-Recreational-Pressure-on-the-Epping-Forest-Special-Area-of-Conservation-Oct-2018.pdf>.

additional dwelling within 3km. There is no such agreed approach in terms of atmospheric pollution; however, it has been determined that all applications within the District where there is a net increase in dwellings require an AA.

- In relation to a separate planning application with Epping Forest District Council for a proposed development for specialist housing at 13-15A Alderton Hill, Loughton, an Appeal against the refusal to grant planning permission was dismissed (Appeal Ref: APP/J1535/W/18/3203410, Decision date: 4<sup>th</sup> October 2019). As part of the reasoning for this decision, it was determined that it is not possible to grant planning permission for development that may increase the number of vehicle movements in the vicinity of Epping Forest SAC for the time being.

1.16 There are ecology inputs that have already been carried out at the Application Site, which is summarised as follows:

- *Preliminary Ecological Appraisal (Extended Phase 1 Habitat Survey)* (Robson Ecology Ltd, 17<sup>th</sup> October 2018) habitats<sup>6</sup>; and
- *Aerial Bat Roost Survey* (Robson Ecology Ltd, 3<sup>rd</sup> November 2018) habitats<sup>7</sup>.

1.17 An updated ecological site walkover survey was carried out on 17<sup>th</sup> March 2020. This survey confirmed that the baseline ecological conditions remained broadly similar to the 2018 surveys except for further buddleja *Buddleja davidii* and bramble *Rubus fruticosus* agg. scrub encroachment, and changes with regard to three trees subject to aerial bat roost surveys - two trees were removed in November 2018 (T2 and T4) following surveys and one remains and requires a repeat survey prior to removal (T3).

1.18 These previous reports have provided an ecological baseline and advice on working methodologies with regard to habitats (including the presence of two species listed as invasive under Schedule 9 of the Wildlife and Countryside Act 1981, namely wall cotoneaster *Cotoneaster horizontalis* and Virginia creeper *Parthenocissus*

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<sup>6</sup> Robson, O. (17<sup>th</sup> October 2018). *Preliminary Ecological Appraisal (Extended Phase 1 Habitat Survey) of Old Epping Laundry, Bower Hill, Epping, Essex, CM16 7AD*. Robson Ecology, Lavenham.

<sup>7</sup> Robson, O. (3<sup>rd</sup> November 2018). *Aerial Bat Roost Survey of Old Epping Laundry, Bower Hill, Epping, Essex, CM16 7AD*. Robson Ecology, Lavenham.

*quinquefolia*) and potential presence of protected species (badger *Meles meles*, bats and nesting birds). Buddleja and some of the species of garden escapees/encroaching vegetation listed in the *Preliminary Ecological Appraisal (Extended Phase 1 Habitat Survey)* are considered invasive in the absence of management. It is important to note that these considerations are beyond the remit of this report.

- 1.19 Traffic considerations are addressed separately in a *Transport Addendum Report* (Ardent Consulting Engineers, March 2020)<sup>8</sup>, which considers potential impacts on Epping Forest SAC.
- 1.20 This report together with the *Transport Assessment Report* is considered sufficient to allow the Competent Authority to carry out an assessment of the proposed development in relation to potential impacts on Epping Forest SAC.

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<sup>8</sup> Ardent Consulting Engineers (March 2020). *Proposed Residential Development: Former Laundry Site, Bower Hill, Epping Transport Addendum Report*. London.



## 2.0 QUALIFYING FEATURES OF EUROPEAN SITE

### Details of the baseline conditions of Epping Forest SAC

2.1 Epping Forest SAC is 1630.74 hectares in size and comprises the following habitats<sup>9</sup>:

- Broad-leaved deciduous woodland (70%);
- Dry grassland, steppes (20%);
- Inland water bodies (standing water, running water) (6%);
- Heath, scrub, maquis and garrigue, phygrana (3.8%); and
- Bogs, marshes, water fringed vegetation, fens (0.2%).

2.2 The primary reasons for the qualification of the site as an SAC are as follows<sup>5</sup>:

***“Annex I habitats that are a primary reason for selection of this site***

***9120 Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (Quercion robori-petraeae or Ilici-Fagenion)***

*Epping Forest represents Atlantic acidophilous beech forests in the north-eastern part of the habitat’s UK range. Although the epiphytes at this site have declined, largely as a result of air pollution, it remains important for a range of rare species, including the moss Zygodon forsteri. The long history of pollarding, and resultant large number of veteran trees, ensures that the site is also rich in fungi and dead-wood invertebrates.*

***Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site***

***4010 Northern Atlantic wet heaths with Erica tetralix***

***4030 European dry heaths***

***Annex II species that are a primary reason for selection of this site***

***1083 Stag beetle Lucanus cervus***

<sup>9</sup> Joint Nature Conservation Committee (JNCC). *Epping Forest Designated Special Area of Conservation (SAC)*. Available here: <https://sac.jncc.gov.uk/site/UK0012720>.

*Epping Forest is a large woodland area in which records of **stag beetle Lucanus cervus** are widespread and frequent; the site straddles the Essex and east London population centres. Epping Forest is a very important site for fauna associated with decaying timber, and supports many Red Data Book and Nationally Scarce invertebrate species.”*

2.3 Approximately two-thirds of Epping Forest - 1,728 hectares - is designated as a Site of Special Scientific Interest (SSSI) with c.1,605 hectares of this area subject to designation as both an SAC and SSSI.<sup>4</sup> The SSSI is a national designation that underpins the European SAC designation. Furthermore, Gernon Bushes is an Essex Naturalists' Trust Reserve and Gernon Bushes and the Wintry Wood/Lower Forest area were previously notified as part of a separate SSSI.

2.4 The SSSI designation includes habitats with a number of habitat types and plant species uncommon/rare within Essex. This includes 'an outstanding bryophyte flora' with 177 species and fungi are also listed. The designation also includes 'a nationally outstanding assemblage of invertebrates, a major amphibian interest and an exceptional breeding bird community'. The fauna interest is further summarised as follows:

- Includes Red Data Book and nationally notable species of beetle, fly and spider and it is 'one of the most important localities for this fauna in Britain'. Also listed are 'inquiline fauna of ants' nests'. Notable species of dragonfly, waterbug, beetle, fly and a waterbeetle (although the waterbeetle may have recently become extinct in the forest) are found associated with various wetland habitats. A total of over 360 Red Data Book and nationally notable invertebrate species have been found;
- Significant numbers of five of the native amphibians are present, namely great-crested newt *Triturus cristatus*, palmate newt *T. helveticus* and smooth newt *T. vulgaris* as well as common frog *Rana temporaria* and common toad *Bufo bufo*;
- The forest also supports four reptile species: common lizard *Zootoca vivipara*, slow-worm *Anguis fragilis*, adder *Vipera berus* and grass snake *Natrix helvetica helvetica*; and

- At least 48 breeding bird species are present including nightingale *Luscinia megarhynchos*, all three species of woodpecker (green *Picus viridis*, greater spotted *Dendrocopos major* and lesser spotted *Dryobates minor*) sparrowhawk *Accipiter nisus*, tawny owl *Strix aluco*, tree pipit *Anthus trivialis*, woodcock *Scolopax rusticola* and wood warbler *Phylloscopus sibilatrix*.

### **Potential impacts upon the condition of Epping Forest SAC and vulnerability of the qualifying features**

2.5 The Epping Forest District Council Interim Approach (October 2018) identifies a number of potential ways that recreation could have an impact on the nature conservation interest of the site including:

- Eutrophication from dog fouling;
- Trampling/wear, leading to soil compaction, vegetation wear, erosion and damage to veteran tree roots;
- Increased fire risk (and potentially difficulties in access for emergency vehicles if gates etc. are blocked);
- Difficulties in establishing the best grazing management due to interactions between visitors and livestock;
- Direct damage to veteran trees, for example from climbing on them;
- Harvesting, for example fungi, deadwood;
- Disturbance to invertebrates and other wildlife;
- Spread of disease;
- Spread of alien plants;
- Staff time taken away from necessary management due to the need to deal with vandalism, breaches of byelaws etc.; and
- Direct damage and vandalism of infrastructure.

2.6 SPAs are designated for important bird assemblages where impacts can be assessed based on the specific species included in the designation; however, it is more difficult to demonstrate adverse relationships between volumes of housing surrounding SACs and impacts upon them, particularly indirect effects such as disease spread.

### **Visitor survey work and current levels of recreation at Epping Forest SAC**

2.7 Visitor surveys were carried out at Epping Forest in 2014<sup>10</sup>; however, more recent survey work was carried out during October and November 2017 by Footprint Ecology<sup>11</sup> (note not all of Epping Forest is an SAC). This involved counts of visitors passing and interviews with a random selection of visitors at 15 locations within Epping Forest, which were carefully selected to provide a good geographical spread across and to include a range of different types of access points, from large car parks to paths with little opportunity to park. The survey work was similar across the locations to allow direct comparison.

2.8 The visitor survey in 2014 estimated a total number of visits to Epping Forest each year of 4,271,398. The visitor survey in 2017 showed that virtually all (99% of interviewees) had come for a short visit directly from home and the majority (77% of interviewees) had arrived by car and dog walking was the commonest activity (49% of interviewees) with walking the next commonest activity (22% of interviewees). The coronavirus (COVID-19) pandemic with associated movement and social distancing restrictions in 2020 is likely to have reduced visitor numbers in this year; however, the long-term impact that this will have is uncertain.

### **Visitor management of Epping Forest SAC**

2.9 Various management measures have been put into place in order to limit the impacts from visitors upon the integrity of the site. The following measures are included within the Interim Approach (October 2018) - Strand 1a: Mitigating Recreational Impacts:

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<sup>10</sup> City of London Epping Forest Registered Charity (2014). *Epping Forest Visitor Survey 2014 Results Report*. Available here: <https://www.redbridge.gov.uk/media/3659/ced116-epping-forest-visitor-survey-2014.pdf>.

<sup>11</sup> Liley, D., Panter, C., Weitowitz, D. and Saunders, G. (2018). *Epping Forest Visitor Survey 2017*. Unpublished report by Footprint Ecology for the City of London Corporation as Conservators of Epping Forest. Available at: <https://www.efdclocalplan.org/wp-content/uploads/2018/08/EB715-Epping-Forest-Visitor-Survey-Footprint-Ecology.pdf>.

- Traffic control and car impact reduction measures and monitoring - part of Integrated Forest Transport Strategy. This comprises measures to re-direct/exclude cars from more sensitive sites and during sensitive periods of the year (e.g. the heathlands within the Epping Forest SAC and relocate capacity to deal with increased visitor pressure); re-locate car park capacity; and seasonal car park closures and seasonal capacity;
- High Beach and Honey Lane Quarters 'hub' - improving resilience: increasing visitor capacity while reducing damage. This includes redirecting access and provision of walkways to move visitors away from sensitive areas and soils including steep slopes, beech trees, heathland bog and acid grassland habitat; and to attract new visitors away from High Beach;
- Physical management of paths and tracks across other areas of Epping Forest SAC - dealing with increasing wear-and tear. This comprises upgrading easy access paths to take greater visitor pressure away from the central area and towards the urban edge nearer London transport; and maintenance of access infrastructure to accommodate increase use and protect some of the areas of vulnerable beech forest and heathland vegetation;
- Signage at transport nodes - map and interpretation including installation boards signposting sustainable routes to Epping Forest at main train station with the aim of increasing use of public transport access and reducing impact from cars;
- Interpretation boards throughout Epping Forest SAC - with waymaking and specific habitat information;
- Visitor engagement campaigns - production of promotional material and community outreach work;
- Bicycle hire scheme and cycle map - encourage sustainable travel, spread visitor pressure and reduce car travel; and
- Campaign, recruitment and training of SAC Ambassadors - to run educational activities with topics to include leave no trace (litter); monitoring/recording access; leave the car - promoting alternative routes; and Epping Hounds project - engaging with dog owners to reduce impacts of dogs on the forest

habitats and heathland birds (e.g. woodcock) and grazing deer.

## Conservation objectives of Epping Forest SAC

2.10 Natural England in their European Site Conservation Objectives for Epping Forest Special Area of Conservation (27<sup>th</sup> November 2018)<sup>12</sup> identify the following objectives:

*“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;*

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site.”*

2.11 Epping Forest SAC is managed by Conservators of Epping Forest. A document titled *The Epping Forest Management Plan (2017 - 2027)* is not yet available; however, consultation for this document includes a number of areas that relate to recreation and ecology.<sup>13</sup> Given that this document has not been formally issued, specific measures are not provided; however, some of the key sections for consultation are highlighted below:

- 1: Public recreation & enjoyment. This includes the following sections: Access for All, Interpreting the Forest, A safe place for visitors, New decisions

<sup>12</sup> A document titled *The Epping Forest Management Plan (2017 - 2027)* is not yet available; however, consultation for this document is available here: [https://consult.cityoflondon.gov.uk/consult.ti/EF\\_Management\\_Plan\\_1/view?objectId=6711348](https://consult.cityoflondon.gov.uk/consult.ti/EF_Management_Plan_1/view?objectId=6711348).

<sup>13</sup> Natural England (27<sup>th</sup> November 2018). European Site Conservation Objectives for Epping Forest Special Area of Conservation Site Code: UK0012720. Available at: <http://publications.naturalengland.org.uk/publication/5908284745711616>.

on wildlife watching, Keeping trails in working order, Keeping cycling on track, Welcoming well-behaved dogs, Providing quality information and directions for our visitors, A sustainable programme of events for the Forest, Promoting public transport access to Epping Forest and An exciting natural playground. There are also sections aimed at other uses e.g. angling, horses and riders, orienteering, football, golf courses, football, running and walking;

- 2: Preservation of the natural aspect. This comprises the following sections: Habitat management, Wood-pasture, Encouraging commoners' grazing rights, Grasslands and Heathlands, Reviewing amenity mowing, High forest, Management of scrub and "low forest", The Warren Plantation, Wetland habitats, Managing protected species, Controlling non-native invasive species, Monitoring plant pests and diseases, Monitoring the Forest's carrying capacity, Preserving tranquillity and Responding to climate change;
- 3: Protection of the unspoilt Forest. This comprises the following sections: Planning and protection, Buffer Land use and maintenance, Maintaining forest boundaries, Covenanted Land associated with Epping Forest, Limiting public utility infrastructure development, All-London Green Grid and Green Arc - For information, Developing a new Epping Forest Transport Strategy, Managing cars and car parks and How we tackle pollution;
- 4: Regulation & management. This includes the following sections: Strategic Water Management, Drainage assessment and repair, Litter, Fly-tipping, Administering and managing licences and Ensuring effective emergency planning and response; and
- 6: Deer Management. This includes the following sections: Managing and controlling the Forest's deer, The future of the Deer Sanctuary and Minimising the incidence of deer-vehicle collisions.

### 3.0 CONSIDERATION OF LIKELY SIGNIFICANT EFFECTS

- 3.1 According to the *Pre Hearing Written Statement of Case Of Epping Forest District Council* (10<sup>th</sup> February 2020), the AA is required in relation to Epping Forest SAC for two areas, namely disturbance from recreational activities as a result of additional nearby residents and atmospheric pollution as a result of increased traffic. These are addressed in turn below.

#### **Disturbance from recreational activities as a result of additional nearby residents**

- 3.2 The proposed works include erecting 58 residential units, which will comprise one and two bedroom apartments and three bedroom houses. The visitor survey in 2014 estimated a total number of visits to Epping Forest each year of 4,271,398 and the visitor survey in 2017 showed that virtually all (99% of interviewees) had come for a short visit directly from home. The coronavirus (COVID-19) pandemic with associated movement and social distancing restrictions in 2020 is likely to have reduced visitor numbers in this year; however, the long-term impact that this will have is uncertain. In any case, the proposed development could increase visitor numbers although the number of visits is unlikely to be significant compared to the figure of 4,271,398 visits to Epping Forest each year, albeit that this data is from 2014.
- 3.3 The Interim Approach (October 018) identifies that any net increase in residential development within 6.2km requires consideration and the payment of a financial contribution, secured via a s106 planning obligation, for SAMMs for each net additional dwelling within 3km.
- 3.4 The following is detailed in the Statement Of Case:

*“The Interim Approach identifies that this is most appropriately and equitably achieved by the payment of financial contributions from all developments resulting in a net increase in dwellings within 3km of the EFSAC towards the implementation of Site Management and Monitoring Measures (“SAMMs”). The cost of the implementation of the Interim Approach has been apportioned across three local authority areas – Epping Forest District and the London Boroughs of Redbridge and Waltham Forest. For relevant residential developments within the Epping Forest*



*District area, the contribution is currently set at £352 per net additional dwelling...*

*The Council considers that subject to a completed section 106 planning obligation being submitted which secures the payment of £20416 (58 x £352) prior to the implementation of the Development, this would mitigate the effects of the Development in so far as recreational pressure on the Epping Forest SAC is concerned."*

- 3.5 The Statement Of Case specifies that the above financial contribution to SAMMs, secured by Section 106 Agreement, would 'mitigate the effects of the Development in so far as recreational pressure on the Epping Forest SAC is concerned'. It is understood that the commitment to this financial contribution has now been made within a Section 106 Agreement, which therefore addresses the request of Epping Forest District Council.
- 3.6 This is notwithstanding the various other measures to mitigate recreational impacts on the Epping Forest SAC detailed within the Interim Approach and summarised above. This includes various measures such as traffic control and car impact reduction measures and monitoring; redirecting access and provision of walkways to move visitors away from sensitive areas and soils; upgrading easy access paths to take greater visitor pressure away from the central area and towards the urban edge nearer London transport; maintenance of access infrastructure to accommodate increase use and protect some of the areas of vulnerable beech forest and heathland vegetation; signage/interpretation boards; visitor engagement campaigns/educational activities; and bicycle hire scheme and cycle map to encourage sustainable travel, spread visitor pressure and reduce car travel.

### **Atmospheric pollution as a result of increased traffic**

- 3.7 There no agreed approach in terms of atmospheric pollution as there is with recreational impacts on Epping Forest SAC; however, it has been determined that all applications within the District where there is a net increase in dwellings require an AA.
- 3.8 Traffic matters are addressed separately in The *Transport Addendum Report* (Arden Consulting Engineers, March 2020) although a summary is provided below.

3.9 The *Transport Addendum Report* considers traffic impacts in terms of the previous use of part of the Application Site as an MOT garage/laundry warehouse and current use of part of the Application Site as garages to house cars/for general storage, of which there are a total of nine. The view expressed in the Statement Of Case is that traffic impacts should not consider the previous use as an MOT garage. However, this is refuted in the *Transport Addendum Report* as follows:

*“As was evidenced within the original Transport Statement accompanying the original application, it was calculated that a reduction in 5 vehicle movements through the Epping Forest SAC (EFSAC) area would occur with the residential scheme in place in comparison to the MOT garage.*

*Epping Forest District Council contend that the usage of the MOT garage is not valid as it had ceased operation at the point that Natural England sought to undertake their monitoring of Air Quality within the EFSAC area.*

*There is no reason why the MOT garage could not be reinstated without the need for any form of consent, and therefore, despite Epping Forest’s assertions those vehicle movements could be reinstated at any point in time.*

*It is no different than a house being unoccupied for a period of a year, a retail unit changing hands or offices being unoccupied at the time the surveys on the EFSAC were being undertaken, all of which could result in changes in traffic on the wider highway network without the need for substantive changes in planning.”*

3.10 The *Transport Addendum Report* further states:

*“Irrespective of the original analysis clearly evidencing that there would be a reduction in vehicle movements through the EFSAC, this TAR has gone on to further refine the analysis based upon clearer assumptions and greater detail of the extant uses.*

*Given the original application predicted a reduction in vehicle movements through the EFSAC of some 5 vehicles, the analysis in this TAR would further remove trips from the EFSAC (due to the alternative assumptions on travel and the inclusion of further extant on-site trips not previously assessed)...*

*Not only did the original analysis exclude the existing 9 no. on site garage usage and the laundry site usage itself (as now shown in Paragraph 4.8 above), it also only considered the operation of the MOT garage on a 5-day basis.*

*Clearly, MOT garages often operate half days on Saturdays (and occasionally on Sundays). This was not taken into account within the original application work, and therefore will have severely underrepresented the existing site operation.*

*Based upon a 5.5 working week (i.e. half-day Saturday), then the AADT of the existing site would be 91 movements, plus the 4 trips robustly added (rather than 13) for the lock-up / garage / laundry site.*

*...even without going into the level of detail in terms of routing patterns (which evidenced reductions in the EFSAC), then the residential scheme is predicted to have a reduction in vehicle movements at the site entrance itself, and much more significant reductions within the EFSAC than the 5 vehicle reduction previously calculated.*

*It is therefore clearly evidenced and with strong empirical data that the site would result in reductions in traffic through the EFSAC, and therefore without any negative impact upon its status.*

*This analysis has been built upon from the coarse assumptions used in the original Transport Statement, and refined through more focussed work and additional data available on the extant uses.”*

- 3.11 The *Transport Addendum Report* also includes details on a reduction in car parking within the proposed development to 54 spaces (including three disabled spaces) from 57 spaces in the original application. There is also the inclusion of 100% electric vehicle charging, a car club space and Travel Plan initiatives.
- 3.12 Although this is an enhancement and not required to mitigate for impacts on Epping Forest SAC, the proposed development can achieve net biodiversity gains as detailed below, where net gains in habitats and hedgerows (considered separately) provide enhanced opportunities for carbon sequestration.

## Overall assessment

- 3.13 When the proposed development is considered alone and when considered in combination with other development projects, the development is unlikely to cause any significant effects in terms of recreation pressures on Epping Forest SAC now that the financial commitment to SAMMs has been made within a Section 106 Agreement. Traffic matters are addressed separately in The *Transport Addendum Report* (Arden Consulting Engineers, March 2020); however, their conclusion is that there will be a reduced level of traffic impacts on Epping Forest SAC based on previous uses of the Application Site. In ecological terms, it is therefore considered that there are no Likely Significant Effects (LSEs) for this proposed development in relation to the integrity of Epping Forest SAC.
- 3.14 As a precautionary and best practice measure, all construction activities should be carried out in line with a carefully designed Construction Environment Management Plan (CEMP), which will set out in detail the contractor's approach to construction activities in the site and throughout the site's construction phase. The CEMP will specify how the environmental impacts will be managed, which include air quality management (including dust management), noise and vibration management, lighting, waste management, contaminated land management and water management. This can be secured by an appropriately worded planning condition.
- 3.15 Provided the above measures are implemented, it is considered that the proposed development would meet the ecological requirements of Policies CP1 and CP6 and Policies DM2 and DM22.

## 4.0 ENHANCEMENTS

4.1 Given the negligible/low intrinsic ecological value of the Application Site, there is scope to enhance the area with net gains in biodiversity (these are enhancements and not required to mitigate for impacts on Epping Forest SAC).

4.2 A Biodiversity Impact Calculator has been used, which has demonstrated a net gain in biodiversity with net gains in habitats and hedgerows (considered separately). This has been delivered through a range of measures including:

- Proposed new green biodiverse roofs;
- Proposed new community wildlife garden containing two areas of grassland sown with a wildflower/grass meadow seed mix, which are intersected by a path. This area also contains a rain garden and bog garden;
- Proposed new areas of grassland within private gardens and a community landscaped garden and play space using a species rich flowering lawn seed mix;
- Proposed new tree/shrub planting scattered throughout the proposed development including a western red cedar *Thora plicata* tree screen along the northern site boundary and buffer shrub planting;
- Proposed areas of pleached pear tree *Pyrus calleryana* 'Chanticleer';
- Proposed new herbaceous and fern planting;
- Proposed new climbers to boundary walls and fences (not included within calculations as on a vertical plane); and
- Proposed native species-rich boundary hedgerows containing blackthorn *Prunus spinosa*, crab apple *Malus Sylvestris*, dogwood *Cornus sanguinea*, field maple *Acer campestre*, hawthorn *Crataegus monogyna* and hazel *Corylus avellana*.

4.3 Habitat enhancements will also be delivered through the sensitive removal of the two species listed as invasive under Schedule 9 of the Wildlife and Countryside Act,

namely wall cotoneaster and Virginia creeper, and other species considered invasive in the absence of management including buddleja.

4.4 These metrics are based on habitats only and do not take into account bird and bat boxes incorporated within the completed buildings where it could be suggested that a building with bird/bat boxes is of higher ecological value than one that does not. Gains are also delivered.

4.5 The *Preliminary Ecological Appraisal (Extended Phase 1 Habitat Survey)* (Robson Ecology Ltd, 17<sup>th</sup> October 2018) recommends the following species enhancements:

- Bat boxes;
- Bird boxes;
- Hedgehog links at the bases of fences; and
- A stag beetle loggery.



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