

Scrutiny Standing Panel Agenda



Planning Services Scrutiny Standing Panel Wednesday, 7th November, 2012

You are invited to attend the next meeting of **Planning Services Scrutiny Standing Panel**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 7th November, 2012
at 8.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Mark Jenkins - Office of the Chief Executive
Email democraticservices@eppingforestdc.gov.uk Tel: 01992
564607

Members:

Councillors J Wyatt (Chairman), P Keska (Vice-Chairman), K Angold-Stephens, A Boyce, G Chambers, K Chana, Mrs R Gadsby, Ms H Kane, Mrs C Pond, B Sandler and J M Whitehouse

SUBSTITUTE NOMINATION DEADLINE:

19:30

1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS

(Assistant to the Chief Executive). To report the appointment of any substitute members for the meeting.

3. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive). To declare interests in any items of the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview and Scrutiny members are asked to pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an Overview and Scrutiny Committee which relates to a decision of or action by

another Committee or Sub-Committee of the Council, a Joint Committee or Joint Sub-Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an Overview and Scrutiny meeting purely for the purpose of answering questions or providing information on such a matter.

4. NOTES FROM THE LAST MEETING (Pages 3 - 8)

To agree the notes of the last meeting held on 12 June 2012 (attached).

5. TERMS OF REFERENCE (Pages 9 - 10)

The Terms of Reference are attached.

6. NORTHERN GATEWAY ACCESS PACKAGE (NGAP) PROPOSED BY LONDON BOROUGH OF ENFIELD (Pages 11 - 138)

(Director of Planning and Economic Development) To consider the attached report.

7. ANY OTHER BUSINESS

8. DATES OF FUTURE MEETINGS

The next programmed meeting of the panel is on Tuesday 11 December 2012 at 7.30p.m. in Committee Room 1 and thereafter on:

Tuesday 16 April 2013

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF PLANNING SERVICES SCRUTINY STANDING PANEL
HELD ON TUESDAY, 12 JUNE 2012
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.35 - 9.00 PM**

Members Present: J Wyatt (Chairman), P Keska (Vice-Chairman), K Angold-Stephens, G Chambers, Ms H Kane, Mrs C Pond, B Sandler and J M Whitehouse

Other members present: Mrs J H Whitehouse and R Bassett

Apologies for Absence: A Boyce, K Chana and Mrs R Gadsby

Officers Present J Preston (Director of Planning and Economic Development), N Richardson (Assistant Director (Development Control)) and M Jenkins (Democratic Services Assistant)

1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

The Panel was asked to note the new Chairman and Vice Chairman of the Panel, Councillors J Wyatt and P Keska respectively, as at the Overview and Scrutiny Committee on 7 June 2012.

RESOLVED:

That Councillors J Wyatt and P Keska be noted as the new Chairman and Vice Chairman of the Constitution and Member Services Scrutiny Standing Panel respectively.

2. SUBSTITUTE MEMBERS

It was noted that Councillor Mrs J Whitehouse was substituting for Councillor J Whitehouse. However, during the course of the meeting Councillor J Whitehouse arrived at the meeting.

3. DECLARATIONS OF INTEREST

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

4. NOTES FROM THE LAST MEETING

RESOLVED:

That the notes of the Panel meeting held on 24 April 2012 be agreed, subject to the following amendments:

Item 52 Terms of Reference. "Officers were on schedule for completing the plan by August 2012" be amended to "Officers were on schedule for completing the plan by August 2013."

5. TERMS OF REFERENCE

The Panel were updated on the Terms of Reference. The Director of Planning and Economic Development advised that the Terms of Reference had undergone various amendments to make it akin to other standing panel terms of reference.

RESOLVED:

That the Panel's Terms of Reference be noted.

6. WORK PROGRAMME

The Director of Planning and Economic Development advised the Panel on developments within the Work Programme.

Item 3 of the Work Programme, To Monitor and Receive reports/Updates on the Delivery of the Local Plan.

Officers were making progress on the Local Plan, there was a roadshow scheduled for September 2012. The Planning Portfolio Holder advised that the process was open to the public and needed their input, adding that the local press should be informed of this as well. It was suggested that a free newspaper in Ongar, delivered to every house in the area, could be approached for publicity for the consultation. The Planning Portfolio Holder suggested that the Public Relations and Marketing Officer should be informed.

Item 6 Updates on Meetings of the Chairman and Vice Chairman of Area Plans and District Development Control Committee.

It was advised that this committee had not met for a year.

The Planning Portfolio Holder advised that with new members on the District Council, there were new training opportunities for members on planning related issues. He suggested that training was required on the National Planning Policy Framework and Gypsy and Traveller Sites, in particular equality issues. The Assistant Director of Planning and Economic Development (Development Control), advised that a separate training session would be needed for these presentations. It was felt that September 2012 would be a good time to schedule this.

RESOLVED:

That the Director of Planning and Economic Development and the Assistant Director of Planning and Economic Development (Development Control), source dates for training in September 2012.

7. PROBITY IN PLANNING OCTOBER 2011 - MARCH 2012

The Panel received a report regarding Probity in Planning – Appeal Decisions October 2011 – March 2012.

In compliance with the recommendation of the District Auditor, the report was designed to advise the decision making committees of the results of all successful appeals, in particular those refused by committee contrary to officer recommendation. The purpose being to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal was found to be

unsupportable on planning grounds, an award of costs could be made against the Council.

Since 2011/12, there had been two local indicators, one which measured all planning application type appeals as a result of committee reversals of officer recommendations (KPI 55) and the other which measured the performance of officer recommendations and delegated decisions (KPI 54).

Over the six month period between October and March 2012, the Council received 51 decisions on appeals (44 of which were planning related appeals, the other 7 were enforcement related). Out of this 44, 11 were allowed (25%). For the year end, both targets for KPI 54 and KPI 55 had been achieved. However, between October 2011 and March 2012 in respect of KPI 54 6 out of 35 were allowed (17%) and for KPI 55, 5 out of 9 were allowed (55%).

Out of the 9 planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6 month period, the Council was not successful in sustaining the committees' objection in 5 cases. Two each for Plans South and East, and one for Plans West. Therefore the committees were urged to continue to heed the advice that if considering setting aside the officer's recommendation. Out of 7 enforcement notice appeals decided, one was allowed and one part allowed/part dismissed, although in the latter case the greater part of the appeal was dismissed. During this period, there was one successful finalised award of costs made against the Council.

The Planning Inspectorate's quashing of an enforcement appeal resulted in an award of costs of £2,200 against the Council in respect of Plots 40-41 Roydon Lodge Chalet Estate, Roydon, after failing to follow the appeal procedure. The enforcement notice was withdrawn after receipt and grant of an application for a certificate of law development because the alleged use was proven to be time immune. The Planning Inspector considered the appeal could have been avoided by more diligent investigation by the Council and awarded costs because the appellant had already incurred costs in preparatory for the appeal.

Whilst performance in defending appeals had improved, particularly in respect of committee reversals, members were reminded that in refusing planning permission there needed to be justified reasons that in each case, must be relevant, necessary, but also sound and defensible.

The Panel were advised that the Probity in Planning reports had been submitted to the Area Planning Sub-Committees every 6 months for their perusal. At the December 2011 meeting of this Panel, the members and the then Planning Portfolio Holder, supported a change to this arrangement. In future the reports would be submitted to the Panel every six months, the Panel would then refer these to the Area Plans Sub-Committees annually. However it was felt that the previous arrangement should be re-adopted. Members suggested that when the Probity in Planning report was submitted to the Planning Sub-Committees, there should be an informal private training session immediately after the meeting, in private, with a particular emphasis on appeals allowed where the committee had supported refusing the application.

RESOLVED:

- (1) That the Probity in Planning report for the period October 2011 to March 2012 be noted; and

(2) That Probity in Planning reports be submitted to the Area Plans Sub-Committees on a six monthly basis and that they be discussed as an informal private training item on the Area Plans Sub-Committee agenda following the meeting's closure.

8. SECTION 106 AGREEMENTS

The Panel received a report regarding Planning Obligations and Section 106 Agreements April 2011 to March 2012.

At the Panel meeting on 20 December 2011, members requested an annual report on planning obligations showing where money had been raised and spent. Section 106 of the Town and Country Planning Act 1990 allowed a local planning authority to enter into a legally binding agreement or planning obligation with a land owner/developer over a related issue.

Section 106 Agreements acted as an instrument for placing restrictions on developers, requiring them to minimise the impact of their development on the local community and carry out tasks providing community benefits. Such conditions were often sought when planning conditions were inappropriate and ensured the quality of development and enabled proposals to take place in a sustainable manner. The applications were not finally dealt with until the associated agreement was completed, this approach meant that major applications were exceeding the Government's targets for determination. Therefore, the District Council was encouraging the submission of Unilateral Undertakings with the application.

Performance for the Year 2010/11

The S106 benefits negotiated through the year 201/11 and concluded between April 2011 and March 2012 totalled £1,296,650 received into the public purse. Benefits actually realised through the same year had provided a total of £411,574 received into the public purse which included 35 affordable housing units.

The Future

The use of Section 106 Agreements was overshadowed by the emergence of the Community Infrastructure Levy (CIL), which was a tax on developers' profit and would replace much of the traditional S106 benefits. From April 2014, it would not be possible to use S106 agreements for delivery of such infrastructure items.

The adoption of the CIL required an up to date development plan and adoption after consultation and examination, before such a levy could be adopted and payment received. Monies raised under CIL could only be spent on infrastructure.

The Panel was advised about the impact of the CIL on the Local Plan. When setting growth for the next 20 years, the Council would need to consider the infrastructure necessary to accompany the developments. In the Local Plan this assessment would form the Infrastructure Delivery Plan (IDP). Once infrastructure needs were identified, all of the existing revenue streams must be reviewed. Once the assessment was carried out, the gap between the cost of future development infrastructure needs and what was already being provided could be identified.

There was concern that S106 monies had been spent on facilities which were not needed locally, it was felt that public consultation would be required. Officers advised

that these agreements may have been outdated by local changes since the time of the decision made.

RESOLVED:

That the report regarding Section 106 Agreements be noted.

9. ANY OTHER BUSINESS

There was concern expressed about the growing number of heavily gated properties in the district. It was thought that large gates inhibited community cohesion. The Assistant Director of Planning and Economic Development (Development Control) advised that he was not aware of this as an issue. However conditions on planning applications involving gates and fences were usually submitted in writing, to the directorate. He advised that this would be discussed with planning officers. It was suggested that in future, ward members and emergency services should be consulted on gated frontages.

RESOLVED:

That the Assistant Director of Planning and Economic Development (Development Control) consult with officers on scrutinising gated properties.

10. DATES OF FUTURE MEETINGS

The next programmed meeting of the Panel would be held on Tuesday 11 September 2012 at 7.30p.m. in Committee Room 1, and then on the following dates:

- (a) Tuesday 11 December 2011 at 7.30p.m.; and
- (b) Tuesday 16 April 2013 at 7.30p.m.

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TERMS OF REFERENCE - STANDING PANEL

Title: Planning Services
Status: Standing Panel
Terms of Reference: <ol style="list-style-type: none">1. To consider and review Measures taken to Improve Performance within the Directorate concerning;<ol style="list-style-type: none">a) Performance standards and monitoring,b) Benchmarking of Servicesc) Other Reviews2. To consider and review Business Processes, Value for Money and Staffing arrangements for the Directorate focusing on;<ol style="list-style-type: none">a) Development Control, Appeals and Enforcement.b) Forward Planning, Economic Development, Conservation and Trees and Landscapec) Building Control and the Planning Support Team3. To monitor and receive reports/updates on the delivery of the Local Plan4. To monitor and receive reports/updates on the Planning Electronic Document Management System. To provide information regarding the progress and availability of planning information held on i-Plan.5. To establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process each year;6. To report to the Overview and Scrutiny Committee at appropriate intervals on the above. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.
Chairman: Councillor J Wyatt

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Report to the Cabinet

Report reference: C-nnn-2009/10
Date of meeting: 99 Month Year



**Epping Forest
District Council**

Portfolio: Planning & Economic Development

Subject: Report re Northern Gateway Access Package (NGAP) proposed by London Borough of Enfield within its consultation on the North East Enfield Area Action Plan.

Responsible Officer: John Preston (01992 564111).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations:

- (1) That this Council restates its objections to the Northern Gateway Access Road or NGAP which were put to the previous Public Inquiry in 2002; the reasons for which are amplified within this report; accordingly that it formally objects to the inclusion of NGAR or NGAP within the North East Enfield Area Action Plan.
- (2) That this Council objects to the fact that NGAR or NGAP has been resurrected within the plan of one authority when as a scheme it requires development within two administrative areas, there is no clear analysis of what NGAR or NGAP is trying to achieve or how it overcomes the many objections made and sustained by the previous Inquiry and that, as such, it amounts to an unreasonable option.
- (3) That this Council is not satisfied that the explanation for the scheme, or the consultation held is sufficiently adequate, and judges that the pursuit of the scheme is going to be costly for the public purse at a time of particularly scarce public funds.
- (4) That the Council is asked to provide the resources necessary to pursue its objections, in particular to examination or other Public Inquiry, should that be necessary. Including the use of the same Counsel who successfully represented this Council at the previous Inquiry.
- (5) That the Council's position is drawn to the attention of other stakeholders irrespective of whether they support or object to NGAR or NGAP.

Executive Summary:

The Northern Gateway Access Package is included within a consultation by London Borough of Enfield; that package in turn includes a scheme which was previously called the Northern Gateway Access Road (NGAR) and which was called in to be considered at a major Public inquiry some ten years ago, where it was rejected. Whilst the aspiration of the London Borough of Enfield for such a scheme has plainly continued, the Inquiry decision was a forceful rejection of it on many planning grounds and those grounds are not considered to have changed, or to have been overcome in the intervening years.

Reasons for Proposed Decision:

Having carefully and thoroughly considered the case for NGAR at a major Public Inquiry ten years ago; the case of the proposers, and those who had concerns or objections was properly considered, but led to conclusions on many of the issues, and an ultimate rejection of it. It is not considered that evidence of sufficient nature has been produced meantime to deal with those issues. It should not therefore be surprising that this Council, and others, would continue to hold the position which was taken and tested in that Inquiry. What would be more surprising is for a party to take a different position now; there is a general expectation that decisions taken for the right reasons would be met with the same reaction and the same decision now.

Other Options for Action:

1. To support the NGAP proposals.
2. To take a neutral view of the proposals and make no comment.

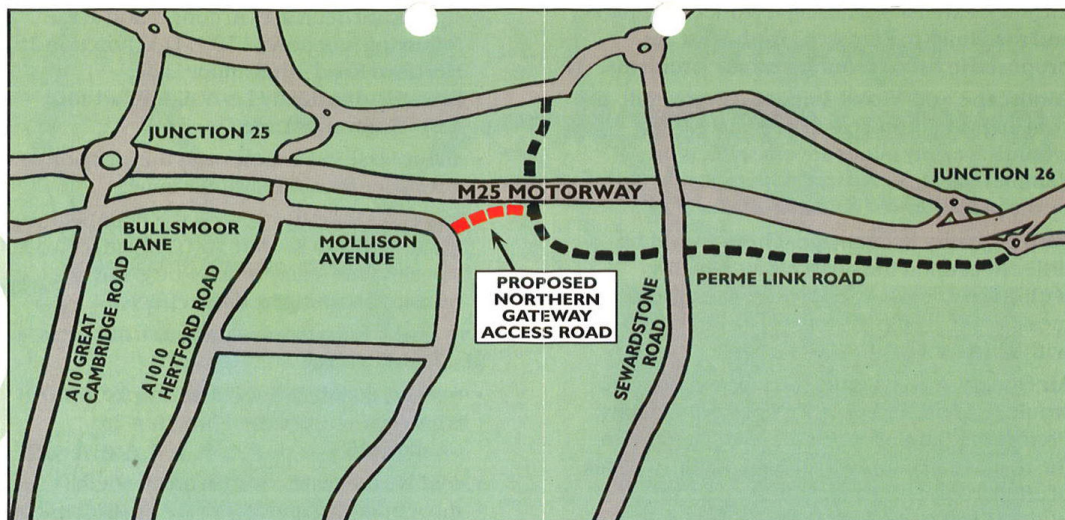
Report:

1. The London Borough of Enfield (LBE) have aspired to a direct or indirect route for traffic using the North South Road (A1055) Mollison Avenue to the M25 for many years.
2. The North South Road serves many employment sites and activities within the northern part of Enfield, as well as allowing access to a variety of residential communities. It passes through a substantial residential community around Bullsmoor Lane before that Lane meets with the A10 a little way south of Junction 25 of the M25. At this northern end of the Borough of Enfield that is a congested, but longstanding, arrangement for traffic to access the M25 and the strategic highway network. For the most part the A1055 is a single carriageway/width road with only occasional sections with two or more lanes in the same direction at or near road junctions or on the approaches to roundabouts.
3. There is also a rather limited and complex access from a continuation of the North South Road where it meets the North Circular Road A406 which is also a part of the strategic highway network. The A1055 continues south serving further mainly employment areas to the east just to the north of the North Circular Road, but also serves employment areas running down to Tottenham Hale.
4. The Highways Agency have policies for motorways such as the M25 which seek to avoid new junctions being created between existing junctions. In addition the lengths of road within two kilometres either side of an existing junction on such a grade separated road are recognised for what are called weaving movements; essentially where drivers who are wanting to join or leave at the junction start to make manoeuvres to join the traffic from the slip road or lane, and move across the lanes if they are wanting to overtake other traffic, or if they are overtaking other traffic on their approach to an exit start to follow signs for the exit and move towards and into the near side lane.
5. Because the point at which the North South Road turns west at its closest point to the M25 is within two kilometres of the slip roads to Junction 25 of the M25, and because of the relatively short distance between Junctions 25 and 26 of the M25, The

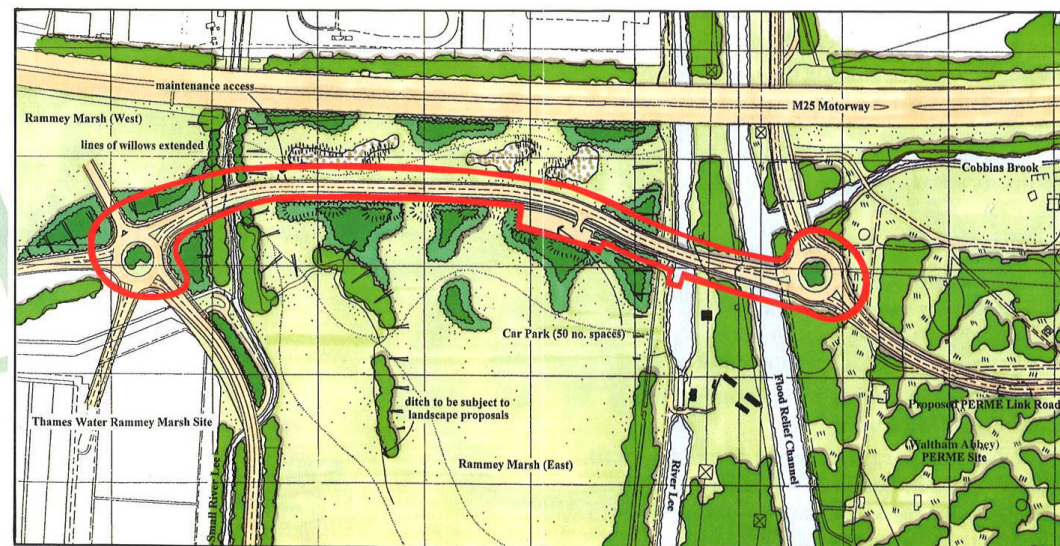
Highways Agency's approach on these points, which follow long standing highway safety principles, has precluded a direct route being achieved by the provision of a further junction giving a direct connection in all directions. It seems unlikely that those policies or the principles which underlie them are going to change to favour such a connection, quite apart from the land requirements that would go with it; there is employment development within the Borough of Broxbourne right up to the northern edge of the M25 at that point.

6. In pursuing their aspiration LBE developed a scheme called Northern Gateway Access Road (NGAR) which was submitted for planning and other approvals some sixteen years ago. In fairness, NGAR was always more than just a road, and would have had public transport and pedestrian improvements in mind as well as access for heavy goods vehicles, but the acronym NGAR was always associated with the road element of that package. Put another way, NGAP still includes NGAR. A brief plan of NGAR (taken from a leaflet produced by LBE some twelve years ago) is set out below.

Location Map



Site Plan



7. NGAR was considered at a major Public Inquiry when its pros and cons were

extensively examined. A copy of the 2002 decision is attached to this report as an appendix A.

8. In brief, the case for NGAR was that the existing congestion was holding back existing economic development, or redevelopment. across a large area of London, not only in Enfield and that for economic reasons a new route for traffic to get into and out of this part of London should be achieved by utilising the A121 to the south of Waltham Abbey (which had only recently been created as a single carriageway road) to achieve access and egress at junction 26 of the M25 rather than only at Junction 25.
9. The decision in respect of NGAR was to reject it firmly for a considerable number of reasons; there can be no doubt that many of the planning considerations that were material to that decision remain material in considering its resurrection/resuscitation now. Indeed, the Green Belt has been maintained for a further ten years despite the publication of the London Plan and its alterations, and so, in that sense, the importance of the Green Belt which would have been affected has been reaffirmed. The London Plan includes specific reference to the protection of the Green Belt, and more general references to economic growth, transport infrastructure (albeit with an emphasis on sustainable modes) but does not include specific reference to NGAP or NGAR including in the specific lists of schemes, including road schemes.

The North East Enfield Area Action Plan

10. This document is presently at consultation until 8 November 2012. As a document intended to support the planning of a complex area of an adjoining Borough it contains many proposals of merit, and where one might expect an adjacent Planning Authority would be supportive of the strategic approach and the tactics to be employed to achieve the intended actions.
11. For example, in seeking to improve the public realm around many shopping parades or centres or increasing the green links between the area covered by the plan and adjacent areas including those within Epping Forest district there is much to commend. In addition at page 27 is a cross reference to the London Borough of Enfield's 3 fundamental principles, one of which is Fairness. The London Borough of Enfield's commitment to fairness for its residents should not produce a situation where unfairness is caused to residents of this District.
12. However, the Plan seeks to include NGAP and this calls for a careful appraisal and response from the District Council in respect of this, as a strategic planning issue whose impacts cross the boundary of the two Authorities areas.

Reasonableness/Deliverability of NGAP option.

13. The Inspector's report and the then Secretary of State's decision on NGAR is considered a useful starting point in considering whether it is a reasonable option.
14. The decision letter focused on a number of issues, which are worth repeating, together with a brief summary of the findings, with cross referenced paragraphs from the Secretary of State's decision in brackets, and a commentary about whether the issue or finding is perceived to have changed since.

Issue

The relationship of the proposed development to the relevant policies and provision of the development plan.

Summary of finding

Both for LBE and EFDC, NGAR complied with a number of policies, was not inconsistent with others, or with mitigation, would not cause unacceptable impacts with others, but what was overriding was the harm NGAR would cause by Green Belt inappropriateness not being outweighed by the regeneration case for it. (Para 19 of decision)

Has this changed since?

The policy background will have changed with the arrival of the London Plan and the National Planning Policy Framework. The Green Belt analysis is not considered to have changed, and nor has a more cogent case for very special circumstances been put.

Issue

The effect of the proposal on the Metropolitan Green Belt.

Summary of finding

NGAR was inappropriate development, would have some damaging impact upon the openness of the belt and conflict with key purposes; in particular preventing towns merging and safeguarding the countryside from encroachment, even if it partly assisted with regeneration generally. It conflicted with the fundamental aim of keeping land permanently open. (Paras 14, 15 and 16)

Has this changed since?

No.

Issue

The effect of the proposed road on traffic generation and car use, in the area where the road is proposed and over the wider area.

Summary of finding

Reliance had been placed upon the EEHBTS 1999 Traffic model. At the Inquiry a number of anomalies were identified and explanations were either not provided or failed to convince the Inspector (who had Engineering qualifications) The Highways Agency's concerns about the operation of J26 of M25 were noted as were more specific points about whether the model should be relied upon. It was accepted that the scheme would provide relief to some parts of the local road network, but it was doubtful that the level of induced traffic would be as low as suggested, bearing in mind that the proposed road was a new river crossing. On public transport and traffic control measures there were doubts about precisely what was involved and uncertainty about implementation including doubts about the funding contribution from transport for London, and the lack of specificity Thus he was not satisfied that NGAR was appropriate in PPG13 terms. (Para 9, 10, 11 and 12.)

Has this changed since?

No; there is no new local traffic model to replace and overcome the issues found with the 1999 model. Whilst LBE have referred to work on a Transport for London (TFL) model, it is not understood how a general TFL model could deal with those points and findings. It is considered that a new and up to date model would be required that overcomes the previous problems, which, of course, has its own associated costs.

Issue

Whether the proposed public transport and traffic control measures would be effective in reducing use of the car in the locality and more generally.

Summary of finding

As mentioned above there were doubts about precisely what was involved and uncertainty about implementation. (Para 11.)

Has this changed since?

Nothing more specific is apparent.

Issue

The appropriateness of the proposal having regard to transport planning guidance in

PPG13.
Summary of finding
As explained above NGAR was found to be inappropriate having regard to PPG13. (Para 12.)
Has this changed since?
PPG13 has been cancelled by the National Planning Policy Framework (NPPF); however section 4 of the NPPF provides much advice; NGAR overall would probably not be judged as sustainable.
Issue
Having regard to the planning condition limiting the development of Phase 2 of the Innova Park scheme, whether access to Innova Park can be achieved by means other than the construction of the proposed road.
Summary of finding
The Secretary of State was not satisfied that NGAR was a necessary precondition for the release of phase 111 (three.) (Para 13.)
Has this changed since?
No further comment on the particular condition; however, the predictions of the absolute need for NGAR and the dire predictions as to the world without it have not come true; economic development and redevelopment has continued in the area since.
Issue
Whether harm to the Metropolitan Green Belt, nature conservation in the Lee Valley, and the wider environment, by reason of the construction of the proposed road and its likely effects, is outweighed by the contribution the proposal would make to the broader development strategy for the Lee Valley and towards achievement of other Government policies.
Summary of finding
No, it would not. In particular it was considered that the proposal would have potentially adverse impact on Rammey Marsh's features of nature conservation interest and that it was uncertain that the potential permanent damage to those interests could be mitigated to an acceptable degree. Other significant harm to the character and appearance of the River Lee Navigation was found, and there was a lack of certainty about the reliability of an air quality assessment concerning Epping Forest and features it contained of European interest. (Paras 17 and 18.)
Has this changed since?
No, there is no evidence to suggest this. The European status of Epping Forest has been confirmed/formalised in the meantime, and no air quality information has been provided.

15. Whilst the relative weight of some of those issues may have changed; for example the general economic case might have strengthened given the present state of the economy, and there will be a somewhat different policy context with the National Planning Policy Framework, many of the issues would not be expected to have a different finding now if considered afresh. Fundamentally NGAR was a flawed proposal, and it is not understood how one can consider that something has been done to resolve those flaws; it is still in the Green Belt, its is still in the Regional Park there is no new traffic model to overcome the drawbacks of the previous bespoke model, and it would still disgorge "Enfield" traffic into parts of Waltham Abbey before that traffic could reach the M25 at Junction 26.
16. For those reasons alone NGAP or NGAR can be re-badged, but its basic purpose is unchanged, and its disadvantages, particularly for this District, and for the Park, are

not overcome with the passage of time. Indeed it is not considered a reasonable option to pursue, and it cannot be delivered unless the disadvantages could be overcome.

17. A new factor or emphasis in the last ten years has been about the delivery of new infrastructure; this suggests that proposals which a public body are pursuing should be costed, and that there is more than a good chance of them actually being built.
18. The consultation document is very aspirational for a significant number of public realm improvements, but has no cost information about NGAP (and in particular that part of NGAP which amounts to NGAR)
19. Accordingly, whilst not losing sight of all those who have supported NGAR or NGAP in the past for the benefits that it might bring to certain residents of Enfield, or certain businesses, or even many businesses, its environmental impacts are considered to remain quite unacceptable, and leave it as an unreasonable option which would not likely be able to be delivered.

Are there any other reasonable options?

20. This is not a scheme being promoted by this Council, and it is not for EFDC to have to give other reasonable options as such. However, there is not any recognition within this consultation that the junction of the continuation of the north south road where it meets the A406 North Circular, lying in a very built up area, might be capable of alteration to improve accessibility to the strategic road network for all traffic, but including heavy goods vehicles. Neither is there any indication whether any consideration has been given to a different arrangement to secure direct access to the M25, and which the Highways Agency would sanction (even if these have been considered or rejected in the past.) For example, could there be an extension of the roads connected to junction 25 of the M25 to allow for traffic on the roundabout at the top end of Mollison Avenue to access the M25 by using a short spur thence making a left turn only into the now widened Holmesdale Tunnel? That does not, of course, deal with traffic movements in all directions, and the weaving impacts would have to be carefully considered. Alternatively, could there be an early left hand exit from the M25 by a short spur to that same roundabout? Could one do both? Although those would still be in the Green Belt, and the Park, the impacts and the costs would be of a much lesser order than NGAR. The Highways Agency has, after all, sanctioned other additions to existing motorway junctions to help ease difficulties, even for traffic only making a simple left turn, but without entering the main part of the junction; for example from M25 clockwise to the A12 at Junction 28 of the M25, albeit that they may have been the instigators of the projects.

Has there been adequate explanation and consultation in respect of NGAP?

21. Those who were involved in the previous NGAR Inquiry have probably recognised that LBE's aspiration did not depart once the decision was reached, however, for those not previously involved, this consultation may come as something of a shock.
22. The consultation document is not considered to be clear for those who have not been initiated; NGAP appears on a plan as a symbol at page 40. That plan, in contrast to nearly all the many others in the document does not show the development now present at Waltham Point, Meridian Park or the route of the A121; the symbol does not explain the NGAR component; rather one has to read the text at page 43 to begin to understand what is involved, and to perhaps set aside the reference on page 42 to biodiversity being protected and enhanced.

23. There are references to barriers to movement on page 23; some more general points about accessibility on page 30; the draft vision at page 38 has a reference to improving freight distribution networks; page 43 includes a reference to improve accessibility and connectivity, and to supporting the provision of transport infrastructure in various ways but specifically by “exploring the feasibility of direct access to the M25 through the NGAP project.”
24. At page 53 in a section concerning the policy approaches to different areas and in relation to the Ponders End waterfront is a reference that the Brimsdown and Meridian Business Park industrial areas continue to thrive. On page 59 in a sub section about the Areas of Improvement: 4.6 The Industrial Estates is, perhaps, the second most specific reference. This section reads; “However, there are concerns that the increase in strategic warehousing in the area and to the north is causing stress to the road network and so undermining what makes Enfield an attractive place for these businesses in the first place. Serious consideration will need to be given to improving access to this part of the Borough to facilitate further development potentially through the Northern Gateway Access Package (NGAP) that involves providing a new link road between the A1055 and the A121 to connect to Junction 26 of the M25.”
25. On page 62, in a section which reviews recent economic developments of some significance within the area, there is no sense that important economic development is being stifled in practice. Indeed attention is drawn to the recent Tesco development. (It is understood that the purpose of that development is to provide a distribution facility for the smaller Tesco Express Stores, and that instead of “click and collect” customers being served by individual larger Tesco stores, that they are to be served from this one site. It would appear a strange decision for Tesco to introduce that operation here if the congestion or delays to vehicle movements during peak traffic hours, or the normal working day, were going to cause them to have to regularly have to run out of stock at Express Stores or to deliver later than the suggested agreed slot for individual customers expecting their home delivery. This is surely a strategic warehousing operation which cannot operate by limiting its turnaround window to the early hours of the morning in order to avoid traffic peak. (see Barriers to Movement section of document at page 23.)
26. In section 4.7 on page 65 is a section titled The Highway Network, Transport and Movement Infrastructure, which indicates that “Access to the M25 is indirect, convoluted and congested. A later paragraph which firstly deals with rail states that “...together with ongoing discussions with partners as to the feasibility and benefits of the Northern Gateway Access Package...”
27. At page 67 in a section about the Policy Approach in paragraph 1 there is a reference to traffic management measures across the local road network and routes leading to the strategic road network such as the A10, the M25 and the A406 North Circular Road. At paragraph 3 is the most specific reference to the scheme. This reads as follows; “Continued consideration will also be given to the potential benefits and merits of a Northern Gateway Access Package (NGAP) that involves providing a new link between the A1055 and the A121 to connect to junction 26 of the M25, mitigating the impact of the scheme in Rammey Marsh as much as possible. This has the potential of significantly improving access on to the M25 and beyond from key industrial areas. This again, will be considered in the context of further technical studies being undertaken in partnership with stakeholders such as Transport for London and the Highways Agency. Question 19 asks; Do you agree with exploring the need for the Northern Gateway Access Package?”

28. At page 70 there is a plan which does not recognise that Rammey Marsh is Metropolitan Green Belt, but shows it instead as Metropolitan Open Land. It is also noted that parts of Epping Forest District are shown as shaded portions on the majority of the maps, described as figures. All areas to the West of the Sewardstone Road are so marked and the same applies to both sides of this road within the E4 postal district. It could be that this is simply to provide surround colouring, but with the combination of this colouring to both sides of the road within the E4 area this does raise some doubts as to its purpose on the maps.
29. It is considered that the explanation of NGAP is less than adequate because even for someone with intimate previous knowledge, one has to read a number of separate sections of the document to really understand what is possibly intended, and neither is there any attempt to revisit the 2002 decision and explain what has changed that would mean that a different decision could be expected now.
30. To resurrect NGAR/P is considered to require the proper updating of the previous traffic model, and in a manner which leaves the parties to that exercise comfortable that the model is accurate; this has a public cost attached to it, as does the pursuit of the scheme, and at a time when public resources are scarce, and, in particular, if the various and several stakeholders who were involved in the last Inquiry need to be involved in a similar exercise again. The Inquiry was also attended by a variety of environmental groups, which is a drain on their limited resources.

Duty to Co-operate

- 31. The Localism Act 2012 introduced the statutory duty to Co-operate on strategic planning matters between neighbouring Local Planning and other Authorities. That duty is relevant to this plan making stage. EFDC have long participated in the Enfield Essex Hertfordshire Border Liaison Group, and its terms of reference were amended to include reference to the duty to Co-operate; EFDC is happy to continue to use that Group to achieve what is required under that duty.**
32. Whilst the aspiration for NGAR or NGAP has been mentioned at the regular meetings of the Enfield Essex Hertfordshire Border Liaison Group, there has been no meaningful and specific discussion about it, or other options that has involved EFDC.
33. Had there been, then one might have expected that EFDC would have included a specific reference to this in our Issues and Options consultation on the new EFDC Local Plan, and that the residents of Meridian Park Waltham Abbey in particular would have been made aware of its resurrection. Similarly businesses in Waltham Abbey should also be aware of this. It is not clear how they would be aware unless LBE have undertaken a specific exercise to draw their attention to where this has now reached. It is thus also considered that the consultation with EFDC, local residents and businesses in this area has also been less than adequate. It is not understood that Waltham Abbey Town Council were specifically consulted.
34. This must raise issues about how LBE will be able to persuade a future Inspector that their plan is sound.

Resource Implications:

At present the resource implications rely primarily on the time of officers and members spent in compiling and considering this report, and thus are achievable from existing resources. However, if EFDC was to be expected to contribute to the costs of a new traffic model, or to have to take these objections all the way to a further Public Inquiry of some sort, then there will be a need for a supplementary estimate to cover those costs. The development Committee at its meeting of 2 March 1999 item 4 agreed additional budgets of £50,000 for economic consultants (£20k), a contribution of £5k as a one fifth contribution to the costs of a traffic model and £25K for Counsel costs when NGAR was going to Public Inquiry on the first occasion. Similar costs, updated to reflect the passage of time, but running into tens of thousands of pounds would be involved now for each public body if the case goes to a similar Inquiry again.

Legal and Governance Implications:

The resource issues explained above have implications for the legal resources of EFDC in addition to those for Planning. There are concerns about how this proposal has been consulted about; whether it is a reasonable option, and the lack of reference to other options; the absence of information about the cost (understood to be £25 million) and hence the deliverability of NGAR. In turn, those issues suggest that an Inspector would have great difficulty in judging this action plan to be sound, and there must be doubts that the resurrection of NGAR is a reasonable approach, in particular in the absence of any analysis of the previous appeal decision, or suggestion as to how all the issues which led to the 2002 decision have been overcome.

Safer, Cleaner and Greener Implications:

The removal of some congested traffic from Bullsmoor Lane in Enfield might produce a situation for some Enfield residents that was safer, cleaner and greener, but the cost is the destruction of an important part of Rammey Marsh (whose importance was emphasised in the 2002 Inquiry) and the transfer of that congestion onto the roads of this District. In addition any inducement of traffic to use the new route so created is not a sustainable approach. The Lee Valley Park Authority called very particular evidence on these matters at the 2002 Inquiry.

Consultation Undertaken:

EFDC are a consultee in this case.

Background Papers:

The consultation document of LBE re the North East Enfield Area Action Plan.

The planning file for EPF/1277/96 including the Secretary of State's decision following the call in of that application, and its Enfield counterpart, and documents referred to therein..

Relevant minutes of meetings of the Enfield Essex Hertfordshire Border Liaison Group.

The Issues and Options Consultation document for EFDC's new Local Plan.

Impact Assessments:

Risk Management

There are clear risks in this case that the further pursuit of NGAR would be a particularly costly exercise for a number of public bodies, and environmental groups. That amounts to a use of scarce public funds which have many other pressures upon them.

However there is a risk to the environment and the local authority's reputation should the objections which succeeded previously not be sustained without good reason

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? Yes

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process? The requirements for a formal assessment of these points are considered to be for the London Borough of Enfield as the instigator of the proposal rather than for EFDC as a consultee; however, it is not considered that the Enfield principle of fairness has been applied to the impacts upon residents or businesses within the EFDC area.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

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Our Ref: APP/V4630/V/01/1075981
Your Ref: 6227/Mjs/detr2

30 July 2002

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 77)
APPLICATIONS BY LONDON BOROUGH OF ENFIELD
APPLICATION NOS: 96/0024 AND EPF/1277/96**

1. I am directed by the First Secretary of State to say that consideration has been given to the report of the Inspector, Mr P R Burden BSc, CEng, MICE, who held a public local inquiry into the applications by the Council of the London Borough of Enfield for planning permission for the construction of a new road, including a new junction on Mollison Avenue, eastwards to Epping Forest District Council, including the provision of cycle and footway facilities, car park and accesses. On 16th December 1998, the Secretary of State directed in pursuance of section 77 of the Town and Country Planning Act 1990 that the applications be referred to him instead of being dealt with by the local planning authorities London Borough of Enfield and Epping Forest District Council.

2. The Inspector, whose conclusions are reproduced in the annex to this letter, recommended that planning permission be refused. A copy of his report is enclosed.

Procedural matters

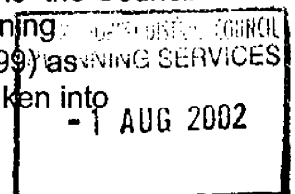
3. The Secretary of State notes that other matters considered at the inquiry were a Side Roads Order, a Bridge Order, a Compulsory Purchase Order and a Notice of Intention to issue a certificate under Section 19(1)(a). However, this letter relates only to the called-in applications, the other matters being the subject of a separate letter.

4. The Secretary of State also notes that in support of their applications the Council submitted an Environmental Statement under the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (SI 1998 No 1199) as amended. This has been taken into consideration by the Inspector and taken into



INVESTOR IN PEOPLE

NGAR DL1



account by the Secretary of State in reaching his decision on the applications.

Matters arising following the public inquiry

5. After the inquiry had closed, the Department received a number of further representations, which were not forwarded to the Inspector. The names of the correspondents are recorded at Annex B. Their correspondence has been taken into account by the Secretary of State determining these applications, but is not considered to raise any matters requiring wider reference back to the inquiry parties, either under Rule 17 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000, or in the interests of natural justice, prior to making his decision. Copies of this correspondence are not attached to this letter but can be made available upon written request to the above address.

Policy Considerations

6. Section 54A of the Town and Country Planning Act 1990 requires that proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the Secretary of State notes that the majority of the scheme lies within the London Borough of Enfield, but that part of its length falls within the area administered by Epping Forest District Council and Essex County Council. Therefore, the development plan consists of the Enfield Unitary Development Plan 1994 and the Essex and Southend on Sea Replacement Structure Plan 2001, and the Epping Forest District Local Plan 1998. The Secretary of State considers that the policies of greatest relevance to the applications are those identified by the Inspector in paragraphs 2.31-2.49 of his report.

7. Material considerations are Planning Policy Guidance note 2: "*Green Belts*", Planning Policy Guidance note 13: "*Transport*", The Lee Valley Park Plan, Regional Planning Guidance 3: "*London*", Regional Planning Guidance 9: "*The South East*", the Mayor's Transport Strategy and the London Development Agency's Economic Development Strategy. At the time of the inquiry "Towards the London Plan", the Mayor's Initial Proposals Document had been published. Since the inquiry closed the draft London Plan has been issued by the Greater London Authority for formal consultation. There is to be a statutory three month consultation period, following which the responses and the Mayor's views concerning those responses will be considered by a Government appointed Panel, reporting to the Mayor, who will organise an Examination in Public. Accordingly, as formal consultation has only recently commenced, the Secretary of State takes the view that the policies in the Plan, including those for the Upper Lee Valley, can be given little weight and do not affect his decision on the applications.

Main Issues

8. In the introduction to his report the Inspector has set out the matters on which the Secretary of State wished to be informed when the applications were called in, namely,

- The relationship of the proposed development to the relevant policies and provisions of the development plan;
- The effect of the proposal on the Metropolitan Green Belt;
- The effect of the proposed road on traffic generation and car use, in the area where the road is proposed and over the wider area;

- Whether the proposed public transport and traffic control measures would be effective in reducing use of the car in the locality and more generally;
- The appropriateness of the proposal having regard to transport planning guidance in PPG13
- Having regard to the planning condition limiting the development of Phase 2 of the Innova Park scheme, whether access to Innova Park can be achieved by means other than the construction of the proposed road; and
- Whether harm to the Metropolitan Green Belt, nature conservation in the Lee Valley, and the wider environment, by reason of the construction of the proposed road and its likely effects, is outweighed by the contribution the proposal would make to the broader development strategy for the Lee Valley and towards achievement of other Government policies.

The Secretary of State considers that these are the main issues in this case but, for ease of reference, has considered them in the order adopted by the Inspector who has examined firstly the transport issues.

Transport issues

9. The Secretary of State notes that, in reaching a view on the acceptability of the new road proposal, the Council have relied on the EEHBTS 1999 traffic model. However, he notes that at the inquiry, a number of anomalies were identified in the model, and that explanations of these were either not provided or failed to convince the Inspector. Furthermore, he notes the Highways Agency's concerns over the adequacy of the traffic model in assessing the operation of Junction 26 on the M25 with the Northern Gateway Access Road (NGAR) [IR 13.75–13.78]. He agrees with the Inspector, therefore, for the reasons he has given in paragraphs 13.2–13.7 of his report, that it is doubtful as to whether the model results should be relied upon as giving an adequate representation of the likely changes in traffic flows if the road scheme was built [IR 13.7].

Effects on traffic generation and car use

10. The Secretary of State accepts that the scheme would provide relief to some parts of the local road network. However, like the Inspector, he is doubtful whether the level of induced traffic from the scheme would be as low as suggested by the London Borough of Enfield in their appraisal, bearing in mind that the proposed road would serve as a new river crossing [IR 13.10]. With regard to the effect of the proposal on other parts of the road network, the Secretary of State accepts the Inspector's conclusions in paragraphs 13.75–13.80 of his report.

The effectiveness of the proposed public transport and traffic control measures

11. The Secretary of State notes that the Council are promoting the new scheme as part of a package of measures aimed at developing an integrated approach to transport, to include traffic restraint measures and public transport enhancements [IR 13.11]. He observes the Inspector's concerns (IR 13.14) as to precisely what is proposed and the level of certainty about implementation. As noted by the Inspector in IR 13.14–15, there are doubts about the funding contribution from Transport for London. With regard to the

public transport measures, the Secretary of State agrees with the Inspector, for the reasons he gives in IR 13.16-13.19 that a number of the measures put forward are not firm proposals, are dependent upon other bodies and are not specified in sufficient detail to be the subject of conditions. He has concluded, therefore that, for these reasons, the package of proposal put forward in support of the scheme can be given only limited weight.

PPG13: Transport

12. As noted by the Inspector in IR 13.21-13.23, there are elements of the scheme that would comply with the PPG in terms of its locational preferences and the benefits for pedestrians and cyclists of a new river crossing. However, the Secretary of State shares the Inspector's view that the new scheme would be used mainly by private car and commercial vehicles. Therefore, he agrees with the Inspector, for the reasons that he has given in paragraph 13.24 of his report, that the degree by which the scheme can be regarded as compatible with PPG13 depends on the certainty and extent of the traffic restraint and public transport enhancements measures proposed. However, as discussed above, in view of the uncertainties about these measures and their implementation, the Secretary of State cannot be satisfied that the NGAR is appropriate in PPG13 terms [IR 13.110].

Access to Innova Park

13. The Secretary of State notes the applicant's view that the new road scheme will be necessary before Phase III of Innova Park can be released. However, for the reasons given in paragraphs 13.27-13.29 of the Inspector's report, the Secretary of State is not satisfied that the proposed road is a necessary precondition for the release of Phase III of Innova Park.

PPG2: Green Belts

14. The Secretary of State agrees with the Inspector that the proposal would be inappropriate development in the Green Belt [IR 13.37]. Inappropriate development is, by definition, harmful to the Green Belt. Accordingly, the Secretary of State has considered whether there are very special circumstances that outweigh the inappropriateness, and any other harm.

15. On the question of harm, the Secretary of State considers that this development would have some damaging impact on the openness of the Green Belt and that it would conflict with the key purposes of the Green Belt, in particular preventing towns from merging, and safeguarding the countryside from encroachment. The Secretary of State accepts that the proposal may accord partly with the fifth Green Belt purpose, in that the proposal is to assist regeneration generally. However, he considers that this would not override the proposal's conflict with the fundamental aim of Green Belt policy, of keeping land permanently open [IR 13.38]. At the same time, however, the Secretary of State agrees with the Inspector, for the reasons he gives in paragraph 13.39 of his report, that the degree of harm caused by the proposal is not so severe that it could not be outweighed by a clearly made out and cogent case for it which could be regarded as very special circumstances capable of outweighing the harm to the Green Belt.

16. However, whilst the Secretary of State recognises that the scheme could potentially assist in the regeneration of the area [IR 13.30-13.34], he agrees with the Inspector for the reasons he has given in paragraph 13.35 of his report, that the scheme would not

appear to be an essential prerequisite for the area to continue to attract new development. Therefore, like the Inspector, the Secretary of State is not convinced that the case made out for the scheme amounts to the very special circumstances necessary to justify accepting the harm that it would cause to the Green Belt [IR 13.106].

Other environmental impacts

17. With regard to the likely impact of the proposal on the nature conservation of the Rammey Marsh, the Secretary of State considers, for the reasons the Inspector has given in paragraphs 13.40–13.50 of his report, that the proposal would have a potentially adverse impact on its features of nature conservation interest. He acknowledges that there may be scope for mitigating some of these adverse impacts, but he accepts the Inspector's view that, on the information provided, it is uncertain whether the potential permanent damage to the nature conservation interest of the Rammey Marsh could be mitigated to an acceptable degree [IR 13.51]. Having regard to paragraphs 13.52–13.54 of the Inspector's report, the Secretary of State agrees with the Inspector that the visual impact of the scheme on the Rammey Marsh would be relatively limited. However, he also agrees with the Inspector, for the reasons he given in IR 13.55–13.57, that the effect of the proposal on the character and appearance of the River Lee Navigation would be significantly more harmful.

18. Turning to the potential impact of the proposal on Epping Forest, the Secretary of State notes that the Council carried out an air quality assessment. However, he shares the Inspector's view that there are several significant areas of uncertainty about the reliability of the air quality assessment. Given this uncertainty, the Secretary of State cannot be satisfied that the scheme would not have a significantly detrimental effect on the features put forward as being of European interest in Epping Forest [IR 13.71].

Compliance with the Development Plan

19. Having considered the proposals against the Enfield UDP the Inspector has concluded (IR 13.97) that the NGAR would either comply with a number of policies, be not inconsistent with others or, with mitigation measures, not cause an unacceptable conflict with others. The Secretary of State agrees with the Inspector that what is overriding is whether the harm NGAR would cause by reason of Green Belt inappropriateness is outweighed by the regeneration case for it. On this issue the Secretary of State has already accepted (paragraph 16 above) that the case made out is not sufficiently strong to outweigh the objection on green belt grounds. In relation to policies which apply to that part of the site within Epping Forest District, again there are some conflicts, especially regarding green belt policies, but also aspects which comply with policies.

Overall Conclusion

20. The Secretary of State agrees with the Inspector's overall balance and final conclusions in IR 13.105–13.111. He recognises that there is a need to secure regeneration in the Lee Valley, but he is not satisfied that development of this new road is essential to the regeneration process. Therefore he concludes that such factors do not amount to the very special circumstances necessary to justify inappropriate development in the Green Belt, or to the likely harm caused to the features of nature conservation interest of the Rammey Marsh, the River Lee Navigation and Epping Forest. Furthermore, the Secretary of State considers that, because of the uncertainty arising over the nature

and scope of the public transport enhancements and traffic restraints measures proposed, it is not clear whether the scheme would be compatible with PPG13. He has concluded therefore, that the proposal is contrary to development plan policies for the Green Belt and there are not material considerations of such weight as to indicate that he should determine the applications other than in accordance with the development plan.

Formal Decision

21. Accordingly, for the reasons given above, the Secretary of State accepts the Inspector's recommendation. He hereby refuses planning permission for the construction of a new road, including new junctions on Mollison Avenue, eastwards to Epping Forest DC, including provision of cycle and foot-way facilities, car park and accesses in accordance with application nos. 96/0024 and EPF/1277/96.

Right to Challenge the decision

22. The attached note sets out the circumstances in which the validity of the Secretary of the State's decisions may be challenged by making an application to the High Court.

23. A copy of this letter has been sent to Epping Forest District Council and all those who appeared at the inquiry.

Yours faithfully



MISS A GERRY

Authorised by the First Secretary of State to sign in that behalf



Report to the Secretary of State for Transport, Local Government and the Regions

by P R Burden BSc CEng MICE

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

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Date 10 MAY 2002

APPLICATIONS BY THE LONDON BOROUGH OF ENFIELD FOR PLANNING
PERMISSION FOR THE NORTHERN GATEWAY ACCESS ROAD, ENFIELD

THE LONDON BOROUGH OF ENFIELD (NORTHERN GATEWAY ACCESS ROAD)
(SIDE ROADS) ORDER 2001

THE LONDON BOROUGH OF ENFIELD (NORTHERN GATEWAY ACCESS ROAD)
COMPULSORY PURCHASE ORDER 2001

THE LONDON BOROUGH OF ENFIELD (RIVER LEE NAVIGATION BRIDGE) SCHEME
1999

NOTICE OF INTENTION TO ISSUE A CERTIFICATE UNDER SECTION 19(1)(a) OF,
AND PARAGRAPH 6(1)(b) OF SCHEDULE 3 TO, THE ACQUISITION OF LAND ACT
1981

Inquiry held on: 18-21, 25-28 September, 3, 9 October, 20-23 November 2001

File Refs: LRP 223/Q5300/0/6
E1/J1535/2/5/01
DN 5011/55/7/04
DN/5011/60/1/04
DN/5011/55/9/02
LRP 31/Q5300/0/1



CONTENTS

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Contents	II
Abbreviations	III
1. PROCEDURAL MATTERS	3
2. BACKGROUND FACTS	4
3. THE CASE FOR THE LONDON BOROUGH OF ENFIELD	14
4. THE CASE FOR EPPING FOREST DISTRICT COUNCIL	32
5. THE CASE FOR THE LEE VALLEY REGIONAL PARK AUTHORITY	40
6. THE CASE FOR THE CORPORATION OF LONDON	49
7. THE CASE FOR THE HIGHWAYS AGENCY	54
8. OTHER ORAL REPRESENTATIONS	57
9. WRITTEN REPRESENTATIONS	64
10. OBJECTIONS TO THE ORDERS	66
11. MODIFICATIONS TO THE ORDERS AND BRIDGE SCHEME	69
12. CONDITIONS	71
13. CONCLUSIONS	73
14. RECOMMENDATIONS	93
Appearances and Documents	94

ABBREVIATIONS

CPO	Compulsory Purchase Order
cSAC	candidate Special Area of Conservation
DMRB	Design Manual for Roads and Bridges
ECC	Essex County Council
EEHBTS 99	Traffic Model
EFDC	Epping Forest District Council
ES	Environmental Statement
HA	Highways Agency
LBE	London Borough of Enfield
LVRPA	Lee Valley Regional Park Authority
M25 J25 (26)	M25 Motorway Junction 25 (26)
NATA	New Approach to Transport Appraisal
NGAR	Northern Gateway Access Road
Pcu	passenger car unit
PERME	Propellant, Explosives and Rocket Motor Establishment
PTAL	Public Transport Accessibility Level
RFC	Ratio of Flow to Capacity
SRB	Single Regeneration Budget
SRO	Side Roads Order
SSSI	Site of Special Scientific Interest
TfL	Transport for London
UDP	Enfield Unitary Development Plan
Vpd	vehicles per day

File Ref: LRP223/Q5300/0/6

North East Rammey Marsh, off Mollison Avenue, plus adjoining land at Lee Navigation Flood Channel and adjacent land in Epping Forest District

- The application was called in for decision by the Secretary of State by a direction made on 16 December 1998 under section 77 of the Town and Country Planning Act 1990.
- The application is made by the Head of Urban Regeneration, London Borough of Enfield to London Borough of Enfield.
- The application (Ref. 96/0024) is dated 24 September 1996.
- The development proposed is: Construction of new road, including new junction on Mollison Avenue, eastwards to Epping Forest DC, including provision of cycle and footway facilities, car park and accesses.
- The reason given for making the direction was because of possible conflict with Green Belt and transport policies.
- On the information available at the time of making the direction the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:-
 - (i) the effect of the proposal on the Metropolitan Green Belt
 - (ii) the effect of the proposed road on traffic generation and car use, in the area where the road is proposed, and over the wider area;
 - (iii) whether the proposed public transport and traffic control measures would be effective in reducing use of the car in the locality and more generally;
 - (iv) the appropriateness of the proposal having regard to transport planning guidance (PPG13);
 - (v) having regard to the planning condition limiting the development of Phase 2 of the Innova Park scheme, whether access to Innova Park can be achieved by means other than the construction of the proposed road; and
 - (vi) whether harm to the Metropolitan Green Belt, nature conservation in the Lee Valley, and the wider environment, by reason of the construction of the proposed road and its likely effects, is outweighed by the contribution the proposal would make to the broader development strategy for the Lee Valley and towards achievement of other Government policies.

Summary of Recommendation: The planning application be refused permission.

File Ref: E1/J1535/2/5/01

North East Rammey Marsh, off Mollison Avenue, plus adjoining land at Lee Navigation Flood Channel and adjacent land in Epping Forest District

- The application was called in for decision by the Secretary of State by a direction made on 16 December 1998 under section 77 of the Town and Country Planning Act 1990.
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- The application (Ref. EPF/1277/96) is dated 24 September 1996.
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 - (ii) the effect of the proposed road on traffic generation and car use, in the area where the road is proposed, and over the wider area;
 - (iii) whether the proposed public transport and traffic control measures would be effective in reducing use of the car in the locality and more generally;
 - (iv) the appropriateness of the proposal, having regard to the Government's planning policy

Enfield Northern Gateway Access Road Inquiry Report

- guidance on transport (PPG13);
- (v) having regard to the planning condition limiting the development of Phase 2 of the Innova Park scheme, whether access to Innova Park can be achieved by means other than the construction of the proposed road; and
 - (vi) whether harm to the Metropolitan Green Belt, nature conservation in the Lee Valley, and the wider environment, by reason of the construction of the proposed road and its likely effects, is outweighed by the contribution the proposal would make to the broader development strategy for the Lee Valley and towards achievement of other Government policies.

Summary of Recommendation: The planning application be refused permission.

File Ref: DN 5011/55/7/04

The London Borough of Enfield (Northern Gateway Access Road) (Side Roads) Order 2001

- The Side Roads Order was made by the Council of the London Borough of Enfield on 5 January 2001 under section 14 of the Highways Act 1980.
- The Order authorises the Council to construct a new highway, the Northern Gateway Access Road, improve an existing highway, stop up a private means of access, and provide a new private means of access.
- The purpose of the Order is to enable a road link to be provided between Mollison Avenue (A1055) and the M25 motorway at Junction 26 via the A121 Dowding Road.
- There are seven statutory objections to the Side Roads Order. By the end of the inquiry 2 had been withdrawn.

Summary of Recommendation: The Order be not confirmed.

File Ref: DN 5011/60/1/04

The London Borough of Enfield (Northern Gateway Access Road) Compulsory Purchase Order 2001

- The Compulsory Purchase Order was made by the Council of the London Borough of Enfield on 8 January 2001 under The Highways Act 1980 and the Acquisition of Land Act 1981.
- The purposes of the Order are to take ownership of various interests in land in order to implement the Northern Gateway Access Road scheme, which is intended to provide a link between the North/South Route/Mollison Avenue (A1055) and the M25 motorway at Junction 26 via a junction with the A121, the Waltham Abbey Southern Bypass, Dowding Road.
- The Order lands extend to some 15 hectares in total. The lands needed for the new road itself are on and adjacent to Ramme Marsh and include rights over the Small River Lee, the River Lee Navigation, and the Ramme Marsh Flood Relief Channel. The Order also includes Exchange Lands extending to some 10 hectares situated between the Royal Small Arms redevelopment site at Enfield Lock and the King George VI Reservoir.
- There were seven statutory objections and six non-statutory objections to the Compulsory Purchase Order. By the end of the inquiry 1 objection had been withdrawn.

Summary of Recommendation: The Order be not confirmed.

File Ref: DN 5011/55/9/02

The London Borough of Enfield (River Lee Navigation Bridge) Scheme 1999

- The Bridge Scheme was made by the Council of the London Borough of Enfield on 30 June 1999 under section 106(3) of the Highways Act 1980.
- The Scheme authorises the Council to construct a bridge over the navigable waters of the River Lee Navigation as part of the Northern Gateway Access Road.
- No objections to the Bridge Scheme were received.

Summary of Recommendation: The Scheme be not confirmed.

Enfield Northern Gateway Access Road Inquiry Report

File Ref: LRP 31/Q5300/0/1

Notice of Intention to Issue a Certificate under Section 19(1)(a) of, and Paragraph 6(1)(b) of Schedule 3 to, The Acquisition of Land Act 1981

- The issue of the Section 19 certificate would confirm that the Secretary of State is satisfied that there would be given in exchange for the order land and rights taken at Ramney Marsh East other land which is not less in area and is equally advantageous to persons entitled to rights of common or other rights, and to the public. The certificate would also confirm that, where rights are taken, additional land would be given in exchange adequate to compensate those affected for the disadvantages which result from the acquisition of the rights.
- The order land extends to some 20,209 sq m; the rights land extends to 133 sq m; the exchange land and additional land extends to some 98,208 sq m.
- There is one objection to the issue of a certificate.

Summary of Recommendation: The Certificate be not issued.

1. PROCEDURAL MATTERS

- 1.1 The inquiries sat for a total of 14 days. I carried out accompanied inspections of the site and the surrounding area on 4 and 10 October 2001 and made unaccompanied inspections on a number of other occasions.
- 1.2 The inquiry was expected to last some 16 days, from 18 September to 12 October. However, supplementary work on the EEHBTS traffic model pursuant to receipt from the consultants of the forecasting report (CD9/13 & 14) was delayed. This in turn meant that several parties could not finalise their cases and it became necessary to adjourn the inquiry from 9 October until 20 November to allow time for the receipt of the reports describing the outstanding modelling work, their appraisal and their assimilation into the parties' proofs for the inquiry.
- 1.3 The Council submitted an Environmental Statement produced under the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (SI 1988 No 1199) as amended. Comments from statutory consultees and other representations duly made by any other person about the Environmental Statement and the likely environmental effects of the proposed development have also been supplied. LBE were requested by letter dated 25 September 2001 (G2) to supply further environmental information. Their response (G46) refers to the other material that has been supplied in response during the inquiry. Environmental information has also been provided elsewhere, notably in G24, CD 15/53a & b, LBE/S26, S27, & S30 and CD 15/56. This environmental information has been taken into account in the preparation of this report.
- 1.4 On the statutory formalities, the Council stated that the site notice was posted the requisite time before the inquiry. However, on checking prior to the inquiry it was found to have given notice of the planning inquiry only. Consequently an additional notice was then posted to give notice of the inquiries into the other matters. It was stated that, as a result, a notice of the inquiry had been posted on the site for more than the requisite time beforehand, while by the end of the inquiry notices covering all matters being heard will have been in place for longer than the requisite time. In addition advertisements have been placed in the local newspapers in the proper form and notification letters have been sent to all objectors. It was stated that, notwithstanding the technical omission, the statutory formalities had been complied with. There were no submissions from other parties on procedural matters.
- 1.5 The abbreviations used in the report are listed behind the contents page.

Enfield Northern Gateway Access Road Inquiry Report

- 1.6 This report sets out a range of background facts including a brief description of the proposal, the site and its surroundings, the planning policy background and the planning history, the gist of the representations made at the inquiry and in writing, my conclusions and my recommendations. Lists of appearances, documents and plans are attached.

2. BACKGROUND FACTS

The Subject Land and Surroundings

- 2.1 The site of the Northern Gateway Access Road (NGAR) is located in north-east Enfield within the Lee Valley corridor. The site runs across the north-east side of Rammey Marsh. The site is within an area bordered by the M25 to the north, the A121 to the east, Mollison Avenue (A1055) (also referred to as the "North/South Road") to the west, and by Smeaton Road some distance to the south. The net area of land required for the road amounts to about 0.9 hectares.
- 2.2 The northern part of Rammey Marsh is a former gravel pit and landfill site that has been raised by some 5m above the original level of the marsh. The proposed route would cross this raised area, running parallel to, and 50 metres to the south of the M25 motorway. It crosses a number of physical features. At its western end it would join Mollison Avenue, at the point where the north-south length of Mollison Avenue turns west to link with Bullsmoor Lane. Here there is a new roundabout, which opened in January 2001. From this junction the route would bridge over the valley of the Small River Lee and then cross the raised area of rough open grassland. This area is poorly drained and subject to seasonal ponding in places. At the eastern edge of the Marsh, the route would cross over the River Lee Navigation and the Flood Relief Channel, then sloping down to meet the A121 Dowding Road, which opened to traffic in January 2000. Between the River Lee and the Flood Relief Channel, there is an island.
- 2.3 There are a number of new developments taking place in the vicinity of the proposed road. These include Innova Park, Waltham Park (the site of the former MOD PERME ordnance facility which, when complete, will comprise Waltham Point, Meridian Park and the new LVRPA Country Park), the Enfield Island site and the Royal Gunpowder Mills site. These and other development sites are shown on plan LBE/SJJ/005 in CD13/1. Some redevelopment of industrial land north of the M25 within the Borough of Broxbourne is also taking place.
- 2.4 Twin National Grid Electricity towers mark where two 275kv power lines run north-south along a similar alignment as the river and flood channel. There is a tow-path on the western bank of the Navigation which forms part of longer distance walking and cycling routes. At Rammey Marsh Lock, which is just to the south of the proposed road, access to the island between the Navigation and Flood Channel can be gained on foot or vehicle, (vehicles gain access to the towpath from Lea Road to the north beyond the M25).
- 2.5 The island is well wooded but also contains a number of buildings, including the lock-keeper's cottage, the Rammey Marsh Cruising Club clubhouse, a Scout building, a fishing club and a pill-box. It is used for boat moorings. The Environment Agency has its own private access to the island off the A121 to the north. From the towpath the area of the route of NGAR and Rammey Marsh as a whole can be reached on foot by climbing up the slope close to the M25.
- 2.6 The northern section of Rammey Marsh across which the proposed road would run is open space as defined in s19 of the Acquisition of Land Act 1981. The land it is proposed to

Enfield Northern Gateway Access Road Inquiry Report

offer in exchange for the acquisition of this land is situated to the south of the Enfield Island development and north of the King George V Reservoir. It consists of a number of parcels of land separated by various limbs of the River Lee and other water courses, an access road leading to the Thames Water Utilities pumping station and the bed of a disused railway. Mostly level open pasture, it includes a small parcel of woodland. It is reached from the southern end of Swan and Pike Road close to the Swan and Pike Pool. In area it totals nearly 10 hectares. CD13/4 (LBE/PA/503-505) shows the existing vegetation on these lands and the changes proposed.

- 2.7 Photographic viewpoints of the area are in the Environmental Statement (CD 8/2) and the Photographic Study (CD8/12). There is a series of aerial photographs taken at various times since 1971 in CD13/1 (LBE/SJJ/010-013) and a more recent one at LBE/S34. These chronicle the gradual change of the site from gravel workings and waste disposal, through its reclamation to its current condition.

The Surrounding Highway Network

- 2.8 The dominant element of the road network in the locality is the M25 between junctions 25 and 26, which passes to the north of the proposed route for NGAR. Heading east, it runs into the Holmesdale Tunnel soon after leaving J25. It exits from the tunnel on the east side of the A1010 Hertford Road before rising to bridge the Lee Valley railway line. It passes Ramney Marsh on low embankment and crosses the River Lee Navigation and Flood Relief Channel on a multi-span bridge before returning to ground level west of the Sewardstone Road bridge, and thence to J26 to the east. It has lighting columns within the central reservation.
- 2.9 On this stretch it is generally of dual three lane standard but through J25 there are only two lanes in each direction. The east facing slip roads of this junction occupy the nearside lanes through the Holmesdale Tunnel. J25 is a full movement junction between the M25 and the A10. It consists of a signal controlled roundabout taken over the M25 on two bridges. J26 is of a dumbbell configuration with a roundabout either side of the M25 linked by a single carriageway passing under the motorway.
- 2.10 In the area there are a number of radial roads running broadly north-south. The most significant ones are the A10 Great Cambridge Road, the A1010 Hertford Road, the A1055 Mollison Avenue, and the A112 Sewardstone Road. The A10 is part of the Transport for London Road Network. It is a dual carriageway major inter-urban route carrying substantial volumes of traffic to and from Central London. The A1010 is a single carriageway road located to the east of the A10. It runs southwards from Waltham Cross, with no direct connection to the M25. It forms part of the London Bus Priority Network. The A1055 is a secondary road running eastwards from the A1010/Bullsmoor Lane junction as Mollison Avenue and then southwards through the Lee Valley to Tottenham Hale. The A112 Sewardstone Road runs from Waltham Abbey southwards to the A406 North Circular Road.
- 2.11 The area is less well served by orbital routes running east-west, the River Lee, its associated waterways and the reservoirs in the Lee Valley acting as constraints. Besides the M25 there is the A121, which runs to the north of the M25 from the A10 at Cheshunt to the M25 at J26, and then south of it to pass through Epping Forest and on to Loughton. To the south there is the A110, which runs east-west from Barnet to Waltham Forest, intersecting with the A10 and the A1010 and passing between the King George V Reservoir and the William Girling Reservoir.

Enfield Northern Gateway Access Road Inquiry Report

- 2.12 Most adjacent roads have street lighting and are subject to a 30mph speed limit; the exceptions being the A121 east of Sewardstone Road, where the national limit applies and Sewardstone Road, south of Avey Lane, and Mollison Avenue where a 40mph limit applies.
- 2.13 The M25 and relevant roads in the local highway network are identified on plans LBE/SJJ/002 & 006 in CD 13/1.

The Proposal

- 2.14 The Northern Gateway Access Road (NGAR) involves the construction of a 675m long single carriageway from the recently constructed 3-arm roundabout on the A1055 Mollison Avenue across Rammey Marsh East, the Small River Lee, the River Lee Navigation and the Flood Relief Channel to connect with the A121 Dowding Road at a new roundabout. It would run parallel to and about 50 m to the south of the M25.
- 2.15 The new road would be a 7.3 m wide single carriageway with a 1.5 m verge on the northern side and a 0.5 m of verge to the south. Also on the south side, alongside the southern verge, would be a cycleway and a footway each of 1.5 m width. The whole construction would be supported on a piled reinforced concrete slab across the Marsh. Expected to carry up to 2000 vehicles per hour, it would be subject to a 30 mph speed limit. The road would be lit with 8 m high columns curving over the road from bases located on the southern side of the road beside the footway. The lanterns would be 2 m lower than the columns on the M25 and aligned to minimise light spillage onto the land to the south.
- 2.16 Although the road would run generally at the level of the existing surface of this part of the Marsh, a 1.5m high bund would be formed on the south side of the road to reduce visual intrusion and noise impacts. A further shallow bund would be formed on the northern side of the road. Both would be formed from soils excavated from the site. They would be finished with material designed to encourage suitable habitat for the flora and invertebrate species currently found on the Marsh.
- 2.17 Two bridges are required. The first over the Small River Lee, would have a single 28 m span. The second would be a 4-span bridge, 146 m long in total, to cross the River Lee Navigation and the Flood Relief Channel. A two-year construction period is envisaged. During the construction period land would be required to accommodate three works compounds and to give working space generally.
- 2.18 The Environment Agency have an access track on the west bank of the Rammey Marsh Flood Relief Channel. It runs from Station Road/Highbridge Street in Waltham Abbey through to Cattlegate Bridge, and then on to Stewardstone Road. The Agency require a minimum vehicular vertical clearance of 4.1 m between the two watercourses to allow them to access their compound to the south of the NGAR bridge. In addition they need a vertical clearance of 2.4 m along the existing track to allow the bank to be conveniently inspected. A local diversion of this track to give the required height clearance for the larger vehicles is included within the scheme. The original track would be retained on substantially its existing route to allow smaller vehicles to pass close to the bank for inspection purposes. Documents G37-38 and G43A give details of the nature of the matters agreed between the Environment Agency and LBE with regard to the diversions necessary to ensure the Agency's needs for access are maintained with NGAR in place.
- 2.19 Management works on the exchange lands would be started a year before the construction of NGAR starts in order to make provision for bird species displaced by NGAR, to create

new and improved invertebrate habitats and to establish a small colony of displaced bee orchids.

Changes to the Planning Application Scheme

- 2.20 A number of changes have been made to the proposals shown on the 1996 planning application drawings. All of these are contained within the "red line" boundary of the application site as shown on the drawings and CD 3/2. The main revisions are depicted on drawing LBE/SS/207 of CD13/3.
- 2.21 The western roundabout has been removed from the scheme since it has now been built as part of the Innova Park works. The alignment of the western end of NGAR's carriageway has been moved southwards to accord with the as-built position of the Mollison Avenue roundabout. The alignment of the eastern end of NGAR's carriageway has also been amended to reflect a change in the alignment of Dowding Road from that envisaged originally.
- 2.22 The width of the NGAR carriageway has been reduced from 9 m to 7.3 m to accord with Dowding Road, and its alignment has been amended to conform with a design speed reduced from 40 mph to 30 mph.
- 2.23 The car park proposed adjacent to the southern side of the carriageway on the eastern part of the Marsh has been removed at the request of the LVRPA. The footway has been reduced in width to 1.5 m; the southern verge has been reduced to 0.5 m and lighting columns are now to be located on the south side of the road only.
- 2.24 Bridge 1 over the Small River Lee has been redesigned as a single span structure with an increased span. The river will be provided with a natural channel bed. The number of spans proposed for Bridge 2, the River Lee Navigation/Flood Relief Channel Crossing, has been increased to allow headroom requirements to be met, and its vertical alignment has also been amended to reflect the as-built alignment of Dowding Road. Works on Bridge 3, the Collins Brook Crossing, may not be necessary following changes to the design of the adjacent Dowding Road roundabout.

Roles and Responsibilities of Relevant Bodies and the Authorities

- 2.25 Section 6 of the Statement of Common Ground (G36) sets out the main functions and responsibilities of the statutory bodies having an interest in NGAR.
- 2.26 Slightly unusual is the position of the Lee Valley Regional Park Authority (LVRPA) and there is merit in recording their position relative to the relevant local authorities. The LVRPA came into being on 1 January 1967 following enactment of the Lee Valley Regional Park Act 1966 (CD 12/1). The Act defines the responsibilities of the LVRPA. These are to develop the Regional Park and manage it for leisure purposes. The 28 members of the LVRPA are councillors appointed by the constituent local councils.
- 2.27 Section 14 of the Act requires the LVRPA to prepare a Park Plan. Even though they may not necessarily agree with aspects of the Park Plan, under s14(2) of the Act constituent local authorities must reflect relevant elements of the plan in their own local plans. The Park Plan itself is not a statutory development plan, and the LVRPA is not a local planning authority. However, the LVRPA has a statutory role in the planning process and can oppose applications contrary to the Park Plan. The procedure for resolving any dispute over a particular application is by the Secretary of State calling in the application.

Enfield Northern Gateway Access Road Inquiry Report

- 2.28 The Park is defined by the Act as stretching from just south of Ware in Hertfordshire along the route of the River Lee southwards to the Thames at Limehouse Basin in Poplar. In area it extends to some 4000 ha.

Local Planning Policy

- 2.29 While the majority of the NGAR scheme lies within the London Borough of Enfield administrative area, the easternmost 70 m length falls within the area administered by the Epping Forest District Council and Essex County Council. The Flood Relief Channel marks the common boundary (CD13/1- LBE/SJJ/001).
- 2.30 The statutory development plan for the London Borough of Enfield is the Enfield Unitary Development Plan, which was adopted in March 1994. The development plan for the remainder of the route consists of the Essex and Southend on Sea Replacement Structure Plan, which was adopted in April 2001, and the Epping Forest District Local Plan of January 1998.

The Enfield Unitary Development Plan (CD1/2)

- 2.31 The UDP contains a range of policies with a bearing on the proposal. Of these, those which seem most relevant are described below. The whole of the Borough east of the A10, including Rammey Marsh, is designated as an Area of Community Need within which, under Policy (I)N4, LBE intends to bring forward appropriate measures to improve the quality of life and the environment. Policy (I)N2 aims for the provision of an adequate and equitable distribution of job opportunities, services and community facilities throughout the Borough.
- 2.32 The section of the Lee Valley within which NGAR would be located is within the Green Belt. Under policies (I)G1 & G2 & policies (II)G1 & G2, LBE support the principle of the Green Belt and will resist inappropriate development within it except in very special circumstances. Development considered acceptable in principle will be expected not to harm the Green Belt landscape and to comply with planning standards generally (policies (II)G5 & G6, (II)G11-14). Policy (II)G8 promotes the planting and maintenance of trees and other vegetation within and adjacent to the Green Belt. Policy (II)C38 aims to resist developments which entail the loss of trees of acknowledged public amenity value.
- 2.33 Being within the Lee Valley Regional Park, Rammey Marsh is affected by the proposals in the Lee Valley Regional Park Plan. UDP policies (II)G29 & G30 relate specifically to the Park area of the Green Belt. They register LBE's acceptance of intensive recreational use and other built development in the Green Belt where this is provided for in the Park Plan and require that developments within or adjacent to the Park make provision where appropriate for improved public access and landscape planting. Policies (II)O10 & O11 give recognition to the contribution that open land makes to the physical structure, character and quality of life in urban areas, and aims to resist the loss of public open space unless equivalent alternative provision is made.
- 2.34 Policies (I)EN3, (I)EN6, (II)EN8, (II)EN10, (II)EN12-13, and (II)EN30 deal with nature conservation and environmental impact. In essence they seek to ensure that developments have due regard to nature conservation interests and minimise environmental impact. Policy (I)EN1 is to protect and enhance the quality of the environment throughout the Borough. Policy (II)EN15 is to encourage the use of vacant or derelict land for nature conservation.

- 2.35 Policies (I)GD1, GD2 & GD26 aim to ensure that all new developments have appropriate regard to their surroundings and improve the quality of life and visual amenity. Policies (II)GD12 & GD13 aim to ensure that new development in, or capable of adversely affecting, areas of flood risk does not increase that risk.
- 2.36 Most employment activity within Enfield lies towards the east of the Borough, and notably in the vicinity of the North/South Road. Policies (I)E1-2, (I)E4 and (II)E12 aim to reinforce the position of this area in the provision and regeneration of commercial, industrial and distributive employment.
- 2.37 Relevant UDP transportation policies include (I)T1-T9, (II)T8 (II)T12, and (II)T22 & T23. In essence, these seek the provision of an efficient and effective transport system giving all areas and sections of the community access to adequate and appropriate public transport services, along with a balanced road network catering adequately for all essential traffic movements. At the same time, the aim is to improve accessibility by means of appropriate land use policies, thereby reducing the need to travel, rather than by improving mobility. The policies seek further to achieve a level of access for freight to sites within the Borough along suitable routes which are adequate for the needs of business and industry and not detrimental to the environment of adjacent residential areas.
- 2.38 The explanatory text of the transportation section of the UDP contains the following reference to the concept of a new road link concept.

12.4.12 "the Council continues to support the concept of the link between the North South Road and the M25, either directly or otherwise. This matter needs further investigation, so as to ensure that such a link is both practicable and desirable before a specific proposal is formulated."

It is from this that NGAR has evolved.

The Essex and Southend on Sea Replacement Structure Plan 2001 (CD1/5)

- 2.39 Following the Secretary of State's decision to call the applications in for determination EFDC reconsidered NGAR on 2 March 1999 in order to decide on their position at the inquiry. They resolved to object to the scheme and they set out the reasons for which they would have refused planning permission. Policies S6 & S9 of the then Structure Plan were referred to in one of those deemed reasons, as were local plan policies GB2, NR8 and RST24. However, policy NR8 was wrongly identified as a local plan policy.
- 2.40 The policies of the Replacement Structure Plan corresponding to S6 & S9 are C1 & C2. These define the general extent of the Green Belt in the south and west of the plan area, define appropriate development and set out the usual general presumption against inappropriate development except in very special circumstances. Policy NR8 of the then structure plan was to refuse development prejudicial to important wildlife sites.
- 2.41 Of the policies from the Replacement Structure Plan EFDC list in EFC/S3 as being relevant, the following seem to be particularly of note. Policy CS5 establishes the focus for transportation proposals and investment as being on schemes which provide for a sustainable and integrated transportation system. Policy NR1 indicates that development proposals must respect their landscape setting. Those which would cause permanent destruction or damage to the character of the landscape will not be permitted. Policy NR6 deals with the conservation and enhancement of important wildlife sites and their protection from inappropriate development. Policy BE6 seeks to prevent potentially polluting, hazardous or noisy developments which would be incompatible with existing or

proposed land uses, while policy BE7 aims to minimise the adverse pollution impacts of development. Policy LRT4 is to safeguard major areas used for informal outdoor countryside recreation.

- 2.42 Policy T1 indicates that a sustainable transport strategy, which aims to reduce the need to travel, reduce the growth in motorised journeys, encourage alternative means of travel and reduce reliance on the private car and road haulage, will be developed and implemented. Policy T13 indicates how the movement of freight will be provided for. Lorries and other commercial vehicles will be directed onto suitable routes based on the functional hierarchy of roads established in policy T7. Policy T10 is to ensure that the environmental impact of all new road and transportation infrastructure is minimised.

Epping Forest District Local Plan (CD1/7)

- 2.43 Of the local plan policies referred to in the deemed reasons for refusing planning permission provided by EFDC in March 1999, policy GB2 lists the limited uses regarded as acceptable in the Green Belt. Policy RST24 concerns the design and location of developments within the Lee Valley Regional Park. It requires all developments within or adjacent to the Park to have regard to the importance of the Park for leisure, recreation and nature conservation and indicates that developments likely to have a significant adverse effect on the Park will not be permitted.
- 2.44 As they do for the other key local policy documents, EFDC list on EFC/S3 policies from their local plan they consider relevant. Of these the following appear particularly so. Policy GB10 deals with proposals to enhance the function and enjoyment of those parts of the Lee Valley Regional Park which lie within the Green Belt. Policy GB20 deals with the redevelopment of the former Royal Ordnance (PERME) site at Waltham Abbey, and refers to the prior construction of a new road to M25 J26 (now Dowding Road).
- 2.45 Policy NC1 is to refuse planning permission for any development which would directly or indirectly adversely affect a SSSI. Policy U2 deals with proposals for development in or affecting flood risk areas. Policy LL2 aims to ensure that development in the countryside respects and enhances the landscape. Policy LL13 is to oppose highway improvements which lack acceptable landscaping.
- 2.46 Policy T5 sets out the criteria EFDC will use to respond to any new road proposals affecting its area. These include environmental impact, visual intrusion, pollution, noise, and traffic impacts on the local highway network.
- 2.47 Relevant in addition to these policies is paragraph 5.119 of the plan, which acknowledges that the feasibility of developing NGAR is being examined and confirms that proposals for this road link would be assessed in accordance with policy T5. Also relevant is paragraph 20.51 which indicates that NGAR will be assessed in terms of its impact on traffic locally and the appearance of the landscape.
- 2.48 Policy HC5 and its supporting text convey EFDC's intention to protect Epping Forest.

The Lee Valley Park Plan (CD1/10)

- 2.49 Section 4.2 of Part Two of the Park Plan deals with Rammey Marsh. This area is seen as being for outdoor recreation and wildlife conservation based on the substantial open space resource and grassland habitats. It identifies opportunities for more intensive leisure on the western part, within an open and green site.

Enfield Northern Gateway Access Road Inquiry Report

- 2.50 It is intended to improve accessibility to the Marsh and also to the towpath for pedestrians and cyclists. The open and green character of the area as the whole is to be protected and its landscape quality improved. Its size, openness, extensive views and sense of "wildness" in an open context are highlighted as being valuable for informal recreation and wildlife conservation. The Park's Biodiversity Action Plan (CD8/7) identifies Rammey Marsh as an urban habitat resource to be protected and enhanced. The Rammey Marsh area is also identified as a Landscape Investment Area, which the Plan defines as areas with negative, visually or physically fragmented and degraded character.

Regional Planning Policy

RPG3 1996 (CD2/10)

- 2.51 RPG3 acknowledges the need to promote economic development but notes that London needs environmental improvement. It spells out the need to place more emphasis on sustainable modes of transport but at the same time recognises the need to plug major gaps in the road and rail network.

RPG9 2001 (CD2/10a)

- 2.52 RPG 9 covers the whole of the South East of England including the Greater London area. It restates a commitment to sustainable development principles, but recognises that urban areas should become the main focus for development through making them more attractive, accessible and better able to attract investment. It identifies East London and the Lower Lee Valley as one of the Priority Areas for Economic Regeneration (PAER), which it defines as areas of deprivation of regional significance needing tailored regeneration strategies.
- 2.53 It says it is no longer acceptable to assume that the car will represent the only means of access and by Policy T1 it expects policies to be developed which minimise the distance people need to travel and support the delivery of regeneration and urban renaissance. As far as the East London/Lower Lee Valley PAER is concerned, at paragraph 12.33 it describes the area as containing some of the worst concentrations of urban deprivation and unemployment in the country and with a need for urban renaissance as pressing as anywhere.

The Greater London Authority

- 2.54 The Greater London Authority is in the process of developing its policies and strategies. In 2001 it published "Towards the London Plan, the Initial Proposals for the Mayor's Spatial Development Strategy" (CD 1/12) and also published The Mayor's Transport Strategy (CD9/3 (extracts)). The draft London Plan identifies six major challenges: economic and demographic growth; creating a prosperous city; increasing housing supplies; ensuring accessibility; promoting a green city; and creating a city for people.
- 2.55 The Transport Strategy acknowledges that there are some parts of London, primarily in major regeneration locations, where the current level of access by road is insufficient to support the type and scale of development envisaged (paragraph 4Q.36). Significant new strategic road capacity is seen as being appropriate only to aid regeneration (paragraph 4G.19). Policy 4G.8 lays down the criteria that road proposals must broadly meet to be acceptable. They must: contribute to economic regeneration; increase net traffic capacity only if essential for regeneration; provide a net benefit to environment; improve safety; improve conditions for those not in cars; and integrate with land use policies.

Enfield Northern Gateway Access Road Inquiry Report

- 2.56 The London Development Agency's Economic Development Strategy (CD 1/13), also published in 2001 by the Mayor of London, identifies a number of strategic areas where the provision of new and improved services and infrastructure is seen as important. The Lee Valley is identified as one of two areas needing improved access. The Strategy also identifies a need for certain selective new road links to connect major industrial growth areas to the wider road network. NGAR is one of two examples given.

Planning History

- 2.57 Section 5 of the Statement of Common Ground (G36) sets out the planning history for both Rammey Marsh East and Rammey Marsh West, east and west of the Small River Lee respectively. Particularly noteworthy are the permissions granted in 1971 and 1979 for tipping on Rammey Marsh East.
- 2.58 The 1967 OS map of the area (CD 13/1, plan LBE/SJJ/009) shows evidence of the sand and gravel workings on Rammey Marsh. The aerial photographs (CD 13/1, plans LBE/SJJ/010-013 and LBE/S34) show changes in the area between 1971 and 2000. Evident in successive photographs are first the sand and gravel extraction operations followed by the construction of the M25 and the tipping activities, then the redevelopment of the Thames Water sewage sludge de-watering works, the construction of Mollison Avenue, the redevelopment of the RSA Factory site at Enfield Lock, and to the east of the River Lee, the construction of Dowding Road.

Other Background Facts

Associated Major Redevelopment Sites

- 2.59 Section 10 of the Statement of Common Ground (G36) describes the history of a number of the sites in the wider area which are subject to redevelopment and proposals for redevelopment. Of these the Innova Park development on the 40 ha site of the former Thames Water Rammey Marsh Sludge Dewatering Works on the west side of Mollison Avenue is especially relevant.
- 2.60 LBE see this partially complete development as making a significant contribution to the regeneration of the Lee Valley. The aim is the creation of a mix of Science Park development, business and B8 uses. Since permission for this development was granted in 1997, subsequent permissions for the site have varied the relative proportions of the various types of development. The Business Innovation Centre (BIC), which is seen as the cornerstone of the Science Park project, was completed in November 1998, and other offices for small businesses have subsequently been completed. In addition to these developments a hotel and a number of distribution warehouse buildings have also been erected. The original planning permission and the subsequent variations to it are subject to conditions which place a cap on the amount of floorspace that may be completed before NGAR is built. The relevant planning application documents are at CD 7/2-7/10 and a plan showing the disposition of the component developments permitted so far is at CD 7/1.
- 2.61 The other sites described in G36 are: the former Royal Small Arms site at Enfield Lock (now Enfield Island Village); the former Royal Ordnance PERME site east of the River Lee; the A10 Cedar Park site (Broxbourne); the Waltham Abbey Royal Gunpowder Mills; and the proposal for a National Stadium at Picketts Lock. The current position with these sites is also described, although G36 does not reflect the abandonment of the Picketts Lock Stadium proposal in October 2001. The locations of these sites is shown on plan LBT/SJJ/005 of CD13/1.

Enfield, Essex, Hertfordshire Border Traffic Study (EEHBTS 1999)

- 2.62 In 1994 a traffic model was created as part of the Enfield/Essex/Hertfordshire Border Traffic Study. It had a number of objectives but a major aim was to assist in the appraisal of NGAR. Following the delays in bringing the scheme to public inquiry, it was decided the model needed to be updated. Accordingly a consortium of 6 of the authorities involved, Broxbourne BC, Essex CC, Hertfordshire CC, LB Enfield, Epping Forest DC and the Lee Valley RPA commissioned WS Atkins to update the model to a new base year of 1999.
- 2.63 The model was required to provide robust traffic figures and to assist in addressing the issues raised by the Secretary of State on the NGAR applications; to assist in assessing the impact of NGAR on M25 J25 and J26; and to assist in the design of NGAR and its junctions. The 1999 model needed to make allowance for the traffic impact of the range of other major development proposals in the wider area envisaged, both those with planning permission and those at an earlier stage of development, together with associated infrastructure changes. It needed to address certain shortcomings which had been identified in the 1994 model and to extend that model to include relevant areas of Epping Forest.
- 2.64 Further background information on EEHBTS 1999 is given in G36a, a statement of common ground agreed between the authorities listed above apart from LVRPA. This summarises the work covered in the Report of Surveys (CD9/11) the Local Model Calibration and Validation Report (CD9/12) and the Forecasting Report (CD9/13 and CD9/14).

The Compulsory Purchase Order

- 2.65 The CPO (CD 4/1) seeks land and rights from some 10 landowners. Drawing LBE/SJJ/014 (CD 13/1) shows NGAR in the context of the wider interests of the landowners affected. Besides the land for which permanent acquisition is sought, land is also included to allow for working space during construction rights. The Council indicate these areas of land can be offered back to the previous owner following construction if required. Easements for access and maintenance are also sought.
- 2.66 Plots 7-13 in the order are owned by Transport for London (as successors to the Secretary of State for Transport). This land and the remainder of the land in TfL ownership is intended to be given to LVRPA as exchange land for LVRPA public open space acquired in connection with the M11 Link Road at Temple Mills in Hackney. (LBE/S17 provides background on the public open space taken in the context of that road scheme). The order land (plots 10-13) extends to 20,209 sq m; the rights land (plots 7-9) extends to 133 sq m. In view of the status of this land as public open space as defined in s19 of the Acquisition of Land Act 1981, LBE propose to provide LVRPA with further land as exchange land for the public open space land required for NGAR. The exchange lands proposed for acquisition are shown in green on the CPO plans (CD 4/3). Defined in the schedule as plots 55-64, they total 98,208 sq m in area.
- 2.67 Since the Orders and Bridge Scheme were published, negotiations with the various interests affected have led to a number of possible modifications. These are described at paragraphs 11.1-11.12.

3. THE CASE FOR THE LONDON BOROUGH OF ENFIELD

NGAR's Objectives

- 3.1 NGAR has two principal goals. Firstly, to assist in the regeneration of the Lee Valley by relieving congestion and enabling employers to operate more efficiently. Currently the regeneration and employment potential of the Northern Gateway is being frustrated by the area's poor accessibility by public and private transport. Secondly, it is needed to provide an alternative route to the M25, thereby affording relief to the residents of Bullsmoor Lane from the adverse effects of excessive volumes of traffic, HGVs in particular, on amenity. Residential development flanks much of this road. It also serves a High School.
- 3.2 NGAR would encourage more local employment and enable the release of Phase III of Innova Park. It would reduce traffic flows on Bullsmoor Lane and would also reduce congestion on the A10, the A1010 and the A110. In addition it would open up new bus route opportunities; improve accessibility along and across the Lee Valley for other trips; provide improved pedestrian and cycle links; offer the opportunity to implement landscaping which could assist in screening the M25 and provide more land for public open space use. If authorised soon enough NGAR could be completed in 2005.

Scheme Cost and Economic Evaluation

- 3.3 The total cost of NGAR including the associated works, preparation, advanced works and fees along with the package of linked measures to improve the competitiveness of public transport in the wider area is estimated to be around £15.7 million. Outstanding expenditure totals about £11.3 million. This includes £10 million for construction, and some £1 million for the transport package. Around £5.3 million of additional funding is required to top up money already committed by LBE and Kennet Properties. It is intended to seek grant support from TfL towards this of some £5 million.
- 3.4 The scheme is a very viable and economically worthwhile project. On the basis of the COBA9 method of economic evaluation, the cost of the scheme is more than recovered in economic benefits in the first year of opening, even on low growth assumptions.

Regeneration and the Need for NGAR

- 3.5 While at one level the need for regeneration and the role which NGAR would play in meeting that objective may simply be seen as relevant to whether there are very special circumstances to justify development in the Green Belt, the reality is that NGAR is driven by what is a clear and overwhelming need for regeneration within the Borough.
- 3.6 Overall the London Borough of Enfield covers about 30 square miles, has a population of 65,000 residents and its home to around 6,500 businesses. Much of the business activity in the Borough is located along its eastern boundary, which forms the northern gateway to the Lee Valley's industrial corridor. There has been a serious decline of traditional industries within the area in past decades. In the 1980s and early to mid-1990s a number of large manufacturing industries, such as Thorn-EMI, Belling, and Ruberoid closed down, as did a number of defence establishments in the area. Between 1991-95 manufacturing employment in the Borough fell by 24%, with a further 11% reduction between 1995 and 1997.
- 3.7 This has led to high levels of unemployment and deprivation. In January 2001, the average unemployment level of the 8 eastern wards forming Enfield's DTI Intermediate Assisted Area was over 8%, compared with 5.5% for Greater London as a whole. Four wards in south-eastern Enfield fall within the UK's worst 10% in terms of multiple deprivation

ranking. In addition this decline has resulted in a number of brownfield sites within the Lee Valley corridor.

- 3.8 The aim of NGAR is to assist in the creation and retention of jobs and the generation of economic activity. This is one of the highest priorities of the planning system. Without economic activity all other desirable outcomes of the planning system are either unobtainable or more difficult to secure. In this context it is significant that the area within which NGAR is located is identified by RPG 9 as a Priority Area for Economic Regeneration (PAER). This is a signal that the needs of the area should be given high priority in relation to other areas. As RPG 9 states, the need for urban renaissance is as pressing here as anywhere in the country.
- 3.9 It is a major objective of LBE to encourage the redevelopment of those sites within its area to bring about the regeneration of the Lee Valley. But this is not simply a local initiative; it is a national priority. At European Community level the whole of the Lee Valley has been recognised as eligible for assistance under Objective 2, through which Innova Park alone has received £2.7 m for site preparation and remediation, with a further £2.2 m earmarked for the Innova Science Park. At the national level the importance attached to the regeneration of the Lee Valley is evidenced by the provision of over £40 million from the SRB for the Upper Lee Valley, and by the allocation of Intermediate Assisted Area status to 9 wards. This includes all 8 wards that make up Eastern Enfield's industrial corridor. It is noteworthy that for the last two years Enfield has achieved the second highest number of Regional Selective Assistance Grants of any London Borough.
- 3.10 The strategic importance of the Lee Valley has also been outlined in the Mayor of London's draft Spatial Development Strategy (CD 1/12 paragraph 3.24), which notes the role the area has to play in maximising the economic benefits for North London deriving from the growth of Stansted Airport, some 45 minutes drive from M25 J25.
- 3.11 The relevance of NGAR in this context relates to the inadequacies of the existing road network, which represents a significant obstacle to regeneration within Enfield. A road network intended to serve the infrastructure of an area and play its part in creating and retaining jobs needs to be a full network, not a partial network. Here the River Lee, the King George V & William Girling reservoirs combine to form a significant barrier to east-west connections. In consequence the only route to the M25 from Innova Park and the estates to the south is to the west, towards J25.
- 3.12 As a result, westbound traffic on the M25 seeking access to, or eastbound traffic heading for, the M25 from Innova Park has to double back on itself, increasing vehicle use. Because there is no east-west link for local traffic, employees from the Epping/Waltham Cross area travelling to work in Enfield have no option but to use the M25, involving the same doubling back. All traffic making for Innova Park from the M25 has to do so via J25. This junction is heavily congested at peak times and long delays result. The letters of support from local businesses (CD 15/48) reveal that the difficulties in travelling from the M25 to their premises in the Lee Valley routinely add up to half an hour to journey times. These delays cost many thousands of pounds each year. Without NGAR all traffic would continue to have to travel past the dwellings and schools along Bullsmoor Lane.
- 3.13 Conversely, NGAR would improve access to and from the east generally. In particular it would improve accessibility to the M11 and help release the potential economic benefits arising from its location along the Cambridge/Stansted/London strategic corridor. It would enable businesses in neighbouring areas with recruitment problems, such as Hertfordshire,

Enfield Northern Gateway Access Road Inquiry Report

which is virtually at full employment, to benefit from an improved labour supply with improved access to areas where unemployment is relatively high.

- 3.15 NGAR is seen as important in the Mayor of London's Economic Development Strategy (CD 1/13, p. 38), which specifically identifies NGAR as one of the selective road links which would provide strategic connections between London's major industrial areas and the UK's wider road network and make a particularly important contribution to the economic development and regeneration priorities of the London Development Agency.
- 3.15 While NGAR is subject to the criteria set out in Chapter 4G of the Mayor's Transport Strategy (CD 9/3), and specifically policy 4G.8, it is evident from the Development Agency's specific endorsement of NGAR as a strategic connection that it considers the economic criteria of the policy are met. Furthermore TfL has confirmed (LBE/S16) it is broadly satisfied NGAR meets the criteria of policy 4G.8, subject to the implementation of certain traffic control and safety measures. It is thus clear that NGAR is consistent with the Mayor's Economic and Transport Strategies.
- 3.16 It follows from this that NGAR is a strategic matter. It is therefore directly relevant to, and consistent with, the objective set down in RPG 3 (CD 2/10, para 6.2) of plugging the major gaps in the road and rail network in order to promote economic prosperity and accessibility for all.
- 3.17 There will be a direct and negative effect on the prospects for regeneration of the area if NGAR is not constructed. The completion of Innova Park is directly tied by planning permission to its construction. This is significant because Government policy is that the best possible use should be made of previously developed land within urban areas. However in many cases that objective will only be achieved if new infrastructure is provided. Moreover, PPG 1 reaffirms the role of the planning system in meeting the needs of a growing and competitive economy.
- 3.18 It is relevant that the law identifies planning as an exercise in the public interest (*Pioneer Aggregates v. SoS* [1985] 1AC). In this context the fact that permission was granted for Innova Park even though it would result in the sterilisation of mineral resources gives a clear indication of the extent of the public interest in securing the implementation of the planning permission granted.
- 3.19 Furthermore Innova Park is unique. It is a long-standing cornerstone of LBE's regeneration programme and is expected over its life to provide some 3000 new jobs on the site. It has been created with the encouragement and support of the Government, the London Development Agency, and all the significant local and sub-regional partners. That support has led to it obtaining significant regeneration funding not only from the Government and the Development Agency, but also the European Commission. The most important part of the development in regeneration terms is the flagship 8 ha Innova Science Park London which, if allowed to develop fully, should create half of the new on-site jobs and many more off site.
- 3.20 The Science Park vision is to create a centre of activity and excellence for new types of business at the leading edge in the 21st century technologies - a knowledge-based community of research and development employment opportunities. In attracting these types of businesses into the Greater London area it will have a regional significance and add a new business dimension to the Lee Valley. It will improve local business competitiveness and longevity while providing a future-proofed employment base for Enfield and the Lee Valley. However, its realisation relies heavily on the provision of a first-class fast and direct connection to the M25. The future competitiveness and efficiency

of the businesses occupying the site will depend to a significant extent on good communications.

- 3.21 The heart of the Science Park is the London Business Innovation Centre (BIC), a project initiated by LBE with its partners. The purpose of the BIC is to provide early support for innovative new businesses in the hope that they will thrive. It was established in 1995 and moved to a purpose-built unit on Innova Park in 1998. Already a number of its clients have had their innovative businesses and products fully developed to market worthy positions. It is vital to ensure that when these businesses expand and seek accommodation outside the BIC, they continue to assist in the regeneration of the area. This they will only do if, having been nurtured at Innova Park, they decide to remain in the area. At present the difficulties of access which many of these businesses experience is such that once they are ready to move from the BIC, they choose to go elsewhere.
- 3.22 The November 2000 Study of Industrial Demand in the Upper Lee Valley (CD 12/6 p. 56) specifically identifies both a demand for premises suitable for high-technology and science park uses, and a lack of supply of such premises locally. Moreover, in recent publications such as PPG 12, the Government has highlighted the value of clusters or networks of knowledge driven companies in furthering economic growth and development and assisting regeneration. Innova Park performs this role, yet it is the only site so far identified as suitable for a science park and therefore capable of attracting prestige technology-based employers to the area.
- 3.23 At the same time CD 12/6 indicates that, at around the end of 2000, there was estimated to be nearly one million sq m of industrial floorspace under development or with planning permission in the region extending from the M1 to Thurrock. It is thus clear that there are many sites in the sub-regional area with potential to attract new corporate investment. These offer significant competition to the Upper Lee Valley area. NGAR would help ensure it can compete.
- 3.24 The existing traffic conditions will act as a deterrent to the sorts of business it is hoped to attract to the area. They will be strongly influential in determining the future plans of businesses already here and which LBE needs to retain within the area. The letters received from local businesses make it clear that if the current problems in gaining access from the M25 are not resolved, this is likely to influence decisions they will make about future investment in Enfield.
- 3.25 As for the contention that regeneration would continue if NGAR is refused permission, that overlooks the fact that much of the regeneration taking place is dependent on the use of public funds to secure regeneration activity. It is more sensible to build the infrastructure needed to assist regeneration instead of using public money to support regeneration activities. That public funding may not continue and, even if it does, it will be at the expense of another cause.
- 3.26 Irrespective of any improvements in the national economy, the local community will continue to suffer in relative terms.

Options for Meeting the Need

- 3.27 The feasibility report on the ways in which the identified need could be met was produced in 1995. This examined four route options for making a road crossing of the River Lee. Option 1 ran east-west across Rammey Marsh from the southern entrance to Innova Park to join Dowding Road a short distance south-east of where the route being promoted would meet it. Option 2 is the forerunner of the current scheme. Two options for the eastern part

Enfield Northern Gateway Access Road Inquiry Report

of that route were considered. Option 3 would have left Mollison Avenue at a modified Ordnance Road junction, running along the western side of the River Lee Navigation, before crossing the river at the southern end of Rammey Lock Island and joining Dowding Road at the junction Option 1 would have used. Option 4 left Mollison Avenue at Ordnance Road to run through Enfield Island and along the eastern bank of the Flood Relief Channel before joining Dowding Road at the Option 1 roundabout.

- 3.28 Option 1 would have had a serious detrimental effect upon Rammey Marsh and Rammey Lock, severing the Marsh in two. Its cheaper cost was deemed to be outweighed by its more serious impact on the Marsh. In any event, the disposition and nature of the redevelopment of the PERME site as it has emerged has made the adoption of a more south-easterly junction on Dowding Road less desirable. Option 3 is 2.5 times as long as Option 2 and consequently much more expensive. In running alongside the banks of the River Lee Navigation its environmental impact would be serious and, being closer to areas of population, its effect on residents would be more severe.
- 3.29 Since Option 4 was considered the development of the PERME and Enfield Island sites has resulted in this option no longer being viable. In any event it was the longest route, required more structures, and would have been the most expensive option, although it would have left Rammey Marsh almost completely untouched. Option 2 is the second shortest route and its proximity to the M25 results in the least environmental impacts and the least land taken from the PERME site.
- 3.30 As for other possible options, in view of the need for improved accessibility to facilitate the regeneration of the Lee Valley Corridor, the possibility of doing nothing is inappropriate. The possibility of connecting Mollison Avenue directly with the M25 was rejected by the Highways Agency for safety reasons.

Conformity with the Development Plan

- 3.31 In as far as NGAR does not fall within the list of uses acceptable on land which is both Green Belt and within the Lee Valley Regional Park, it does not conform with the development plan. However it is necessary to consider the extent to which the development plans contemplate and provide support for NGAR.
- 3.32 On this, it may be noted that a link between the Lee Valley and what is now the M25 has been sought since the 1949 plan prepared by LBE's predecessor council. The link has been pursued consistently since then, but given the changing planning circumstances over the intervening period it is natural that there have been different ideas about the precise line the link should take.
- 3.33 The conflict with the Enfield UDP arises because the line of NGAR had not been determined when the UDP was adopted and it was not therefore possible to include it as a specific policy proposal. However paragraph 12.4.12 is explicit that LBE supports the principle of connection to the M25. This is an important counterbalance to the UDP's general policies of restraint in the Green Belt. While the UDP does not specify the route of NGAR, it would inevitably involve incursion into the Green Belt whether NGAR were constructed as a direct link to the M25, or as a link to J26, or as a link to the A121 Dowding Road and hence to J26. Paragraph 12.4.12 therefore provides explicit support for the construction of NGAR in the Green Belt notwithstanding the restrictions imposed by the UDP's general Green Belt policies. In the light of this, it is contended that while NGAR can be said to contravene the UDP, it only just does so.

- 3.34 The position on the Epping Forest District Local Plan is clearer. In its chapter on the Green Belt, paragraph 5.119 states that any proposal for NGAR should be judged against the criteria in policy T5. It follows from this that although EFDC must have been aware that NGAR would inevitably entail development in the Green Belt, their local plan does not indicate that NGAR would, by definition, be unacceptable. Furthermore, although the local plan contains general policies on development in the Green Belt, that paragraph states it is policy T5 which indicates how the impact of new road improvements on the Green Belt will be assessed. T5's criterion is that road proposals in the Green Belt will be assessed having regard to their likely impact on the maintenance of a defensible green belt boundary.
- 3.35 But NGAR would have no effect on the maintenance of a defensible green belt boundary. The Green Belt routinely runs across roads and NGAR would be surrounded on either side by open land. The existing boundaries are clear and they would not be compromised by NGAR. Furthermore, while not strictly a development plan matter, the London Lee Valley Transport Strategy (CD 9/4), to which LVRPA is a signatory, expressly contemplates NGAR as one of the selective and focused road improvements necessary to facilitate business access.

Impact on the Green Belt

- 3.36 It is accepted that NGAR would be inappropriate development in the Green Belt and that, by definition, it would be harmful. However, in order to conduct the balancing exercise implicit in an assessment of whether there are very special circumstances to justify its construction it is necessary to consider the extent to which NGAR would impact on any of the purposes of the Green Belt.
- 3.37 NGAR may have an adverse impact in terms of safeguarding the countryside from encroachment. However that impact would be limited - the landscape of Rammey Marsh and its surroundings is at best undistinguished - and would have to be assessed against the backdrop of the M25. NGAR would not amount to sprawl - if it did then no two towns could ever be connected by road without sprawl. NGAR would not increase the chance of any two towns merging into one another and it has no bearing on the setting or special character of a historic town. However, in relation to the fifth purpose of Green Belts, NGAR would assist regeneration by encouraging the recycling of derelict urban land in general and enabling the completion of the Innova Park development in particular.

Highways

Existing Transport Situation

- 3.38 The existing road network in the area is heavily congested at peak times, and junction delays can be severe. Bullsmoor Lane and its junction with A1010 Hertford Road are particularly pertinent examples. With the completion of the North/South Road traffic flows on Bullsmoor Lane increased at a greater rate than other roads in the area, although the completion of the A121 Cheshunt Link Road between the A10 and Cheshunt to the north of the M25 did bring some relief.
- 3.39 The Enfield Northern Gateway is not particularly well served by public transport. The Public Transport Accessibility Level (PTAL) for the area is low (CD 9/5, Figure 2). Buses within the Northern Gateway itself are limited by the current number of destinations and the limited road network. North-south movements are limited by the M25 and effectively restricted to just the A1010, and east-west movements are limited by the constraints of the River Lee corridor.

Enfield Northern Gateway Access Road Inquiry Report

- 3.40 Rail services in the area are operated by the West Anglia Great Northern Railway on the Lee Valley Line and the Southbury Loop. There are in total four stations serving the local area on the two lines. Trains run on a basic half hour frequency. Cycling facilities in the area are limited and are mostly aligned north-south.

The Package Approach

- 3.41 In line with the Government's policy objective of developing an integrated approach to transport, NGAR has been developed as part of a package of measures in which schemes and projects complement each other to deliver a strategy. This is demonstrated in CD 9/4, the London Lee Valley Transport Strategy, and CD 9/5, the Council's Interim Local Implementation Plan. However, the fact that land uses tend to be separated means that there will always be a demand for movements between different areas. In particular the high level of demand for movements to and from areas where economic activity takes place requires a comprehensive and efficient transport infrastructure to service it.
- 3.42 Besides NGAR, the package of measures includes junction improvements; a package of restraint measures to limit general traffic growth and discourage car trips towards central London; improvements to the access to Enfield Lock station; an increase in the frequency of service on the Lee Valley Line; new or improved bus routes providing penetration of the development sites; bus priority measures; measures to assist pedestrians and cyclists; and promotion of Green Transport Plans. A number of schemes have already been implemented as part of the overall package at a cost of over £900,000.

Enfield, Essex, Hertfordshire Border Traffic Study (EEHBTS 1999)

- 3.43 The results of the work undertaken in the EEHBTS 1999 traffic model study are summarised in a number of technical reports. The *Local Model Calibration and Validation Report* (CD 9/12) demonstrates that the model achieves the criteria regarded by the DTLR's DMRB as appropriate to show satisfactory convergence in respect of traffic assignment for traffic appraisal in urban areas. In addition, the performance of the model is shown to have been calibrated and validated reasonably satisfactorily.
- 3.44 The *Forecasting Report* consists of two parts (CD 9/13 and CD 9/14). Part I describes the proposed land use changes, changes to the highway network and traffic management changes carried out since 1994 and those envisaged for the future. It also describes the different forecast scenarios investigated. Time horizons of 2005 (the year of opening), 2010 and 2020 were selected. The Do Minimum scenarios include highway and traffic management changes completed since 1994 and programmed changes. The Do Something scenarios added NGAR to the network.
- 3.45 The alternative development scenarios assessed were:
- All developments with planning permission and which are expected to be in place by the forecast year (25 in total);
 - All these developments plus Innova Park Phase III;
 - All these developments but in addition those prospective developments known to the respective local authorities (37 in total)
- 3.46 Part II presents the results of the test assignments undertaken. The forecasting procedure adopted controlled overall traffic demand to conform to TEMPRO predictions. Accepted elastic assignment techniques were used to ensure that the characteristics of the modelled trips reflected likely driver behaviour and to ensure that levels of demand leading to

unrealistic gridlock conditions were not imposed on the network. This process removed about 1% of the forecast trips for 2010 and about 2% for 2020. Traffic flows on the link with and without NGAR are summarised in Tables 4.1 & 4.2 for the opening year of 2005 and the design year of 2020 respectively.

- 3.47 Appraisal of the results of the Forecasting Report led to further work being undertaken. This included detailed assessments of the demand upon and capacity of the key junctions in the local network. These are contained in CD 9/10 and CD 9/15. Since Dowding Road opened to traffic in January 2000 the updated base year model network did not include it. Accordingly the ability of the 1999 model to accurately reflect the traffic implications of Dowding Road was assessed. This is reported in CD 9/23, *the Validation Report for Dowding Road*. It concludes that with Dowding Road in place, the am and the pm peak period models achieve the criteria for convergence and satisfactory validation.
- 3.48 Sensitivity tests using the forecast models were undertaken to ascertain how the elasticity of demand affects the travel patterns in the study area and to assess the impact of the improvements to the M25 at J25 proposed by the Highways Agency on the local network. The test results are reported in CD 9/26, *Forecast Model Sensitivity Tests*. The results show that traffic on the network would be suppressed in later years and that the proposed M25 improvements would have minimal impact on all roads in the network other than the M25 itself.
- 3.49 Additional forecast model tests were also carried out to assess the impact on flows of the changes to the composition and extent of the commercial and residential developments adjoining Dowding Road compared with the assumptions built into the main modelling work. The results of the comparative analyses between the various tests are broadly similar to the results set out in the Forecasting Report. This work is reported in CD 9/24, *Forecast Model Tests - Revised*. The changes to the extent of the developments on Dowding Road also have implications for the relevant junctions and the assessments of these were reviewed to check this. This is reported in CD 9/27 and CD 9/28.
- 3.50 The effect of NGAR on its own is revealed by comparison of the predictions of two 2005 tests, Test 7 and Test 8, which are summarised in Figures 3.1a and 3.1b of the *Forecasting Report Part II* (CD 9/14). The only difference between these two tests is that NGAR has been introduced in Test 8. It is evident that NGAR would bring about a widespread reassignment of traffic. Flows on the A112 Sewardstone Road and the A121 would reduce, trips transferring to Dowding Road and NGAR. The M25, the A10 at the M25, Bullsmoor Lane and the A1010 north of Bullsmoor Lane would be relieved by vehicles using M25 J26 instead of J25 via NGAR and Dowding Road. Increased flows on Dowding Road would result in higher flows on Mollison Avenue. Flows on NGAR for 2005 are forecast to be 1606 pcus two-way in the am peak and 1337 pcus in the pm peak. These results are broadly reflected by the revised model tests in CD 9/24.
- 3.51 NGAR would bring about a reduction in flows of both general and HGV traffic on Bullsmoor Lane. The amount of reduction in peak hour flows varies between the different sets of model test results comparing conditions with and without NGAR, but typically reductions in the 10-15% range would result. Between 1997 and 2001 flows of HGVs of over 7.5t on Bullsmoor Lane reduced by 4.6% while volumes of HGVs over 16.5t increased by 31.7%. These changes are consistent with the trend nationally. At present the largest HGVs can use Bullsmoor Lane at night and weekends. However, with NGAR providing an alternative route to the M25, it would be possible to extend the London-wide night and weekend lorry ban to Bullsmoor Lane.

Enfield Northern Gateway Access Road Inquiry Report

- 3.52 The original junction capacity assessments are reported in CD 9/10 and CD 9/15, but these were subsequently revised, CD 9/27 and CD 9/28 containing the later work. The later capacity assessments were carried out for 2005 on the basis of model tests 7a and 9a, the scenarios for which were without NGAR and with NGAR and Innova Park Phase III respectively. For 2020, tests 20a and 24a were used. These tests tested scenarios of without NGAR and with NGAR and all developments expected to be in place respectively.
- 3.53 These assessments reveal that the Dowding Road/Waltham Point Access junction, the NGAR/Dowding Road junction, and the Sewardstone Road/Dowding Road roundabout would operate within capacity with and without NGAR. The Hertford Road/Mollison Avenue/Bullsmoor Lane junction, M25 J25, Mollison Avenue/Ordnance Road junction, and the Cambridge Road/Bullsmoor Lane junction all operate at over their practical reserve capacity now. At worst NGAR would not have any material adverse effect on the junctions and some junctions would, at certain times, experience modest operational improvements.
- 3.54 The northern roundabout at M25 J26 would continue to operate satisfactorily with NGAR. The southern roundabout operates within capacity during the peak periods without NGAR apart from the Woodridden Hill approach in the am peak. The effect of NGAR is to increase slightly the length of queue on this approach in the am peak.
- 3.55 The Dowding Road/Highbridge Street signal controlled junction is predicted to operate over its capacity in both peak periods without NGAR. With NGAR conditions on some arms would improve but on others it would deteriorate. The approach from the west on the NGAR/Mollison Avenue roundabout would be over capacity in the am peak but the introduction of traffic signals on one of the approaches could significantly reduce the queueing predicted on this arm.
- 3.56 Although they predict some over capacity, the results of these junction assessments are generally consistent with the characteristics of the surrounding network, which at peak times is near or over capacity.
- 3.57 The effect of releasing Phase III of Innova Park with and without NGAR is demonstrated by comparison of Tests 15, 17 and 18. There is an anomaly in that the am peak flow on Bullsmoor Lane in 2010 under Test 17 (with Phase III but without NGAR) is less than the flow for no Phase III and no NGAR forecast by Test 15. Notwithstanding this, it is clear that building NGAR in association with Phase III would bring considerable benefits whereas releasing Phase III without NGAR would worsen conditions on Bullsmoor Lane.
- 3.58 In the light of the appraisal work, the following conclusions are reached on the matters raised by the Secretary of State and others.

Effect of NGAR on Traffic Generation and Car Use

- 3.59 NGAR would make available a shorter route between J26 of the M25 and Enfield Lock compared with the existing route via Bullsmoor Lane. Those journeys between Mollison Avenue and J26 would derive substantial journey time benefits while the remaining journeys using J25 would be slightly less congested because of the transfer of the eastbound M25 traffic to the new route. Time savings likely between Enfield Lock and J26 range from 3 minutes to 8 minutes in 2005 (CD 9/20).
- 3.60 However, in considering NGAR's implications for car use, it is important to distinguish the traffic effects of NGAR itself from the traffic that will be generated anyway as the planning permissions in hand are taken up. As for the induced traffic effects of NGAR, the calculations done to assess this show that, at 0.25% of the overall forecast, this element is

very small, notwithstanding the time savings identified. This is no doubt because NGAR represents just a modest section of road introduced into a crowded network and because of the degree of responsiveness of travel demand to changes in travel cost. NGAR can therefore be contrasted with the M25 which, as a strategic route, is capable of having a far greater impact on trip making decisions than NGAR.

Mechanisms for securing Traffic Restraint and Integrated Transport Measures

- 3.61 NGAR is a part of an overall package of transport measures. Since the scheme is a local authority proposal there can be confidence that the rest of the overall package would come about. With this scheme LBE's transport plan will move from aspiration to execution. It includes restraint measures to limit traffic travelling towards central London, and these will complement the Mayor's Transport Strategy. The review of the traffic restraint package (CD 9/25) carried out concludes that it would have identifiable benefits in terms of reducing the traffic that would otherwise be on the roads.
- 3.62 This review updates the earlier report on the restraint package by Colin Buchanan and Partners (CD 9/8). That report proposed two potential restraint cordons. Cordon 1 would be sited south of the A110 and extend up the western side of the A10 to the M25. Cordon 2 would run to the south of the A406. That study concluded that Cordon 1 could reduce north-south movements in the dominant peak direction by 3% across it and that Cordon 2 could reduce north-south capacity to the south of the A406 by some 30%. Because the second of the two restraint cordons proposed lies on the southern boundary of the traffic model study area the model could be used to review the northern of the two cordons only. However, the conclusion of CD 9/25 is that the northern cordon would reduce peak direction flows by some 2-3% and achieve the objectives for traffic restraint required.
- 3.63 Moreover, NGAR would operate in an integrated manner. It would enable people to travel in the direction which they can see, where they desire to travel, and for which they have reason to travel, but a direction in which they are at the moment frustrated. It would enable routes for public transport to be developed which cannot at present be offered. Besides its benefits to vehicular traffic, NGAR would benefit other travellers by incorporating a cycleway and footway. NGAR is a catalyst for funding from TfL.

The effect of NGAR on Public Transport and Reducing Car Use

- 3.64 It does not follow that the construction of a small length of road is anti-public transport or contrary to the desire to control the use of the private car. Buses and other forms of road-based public transport need roads over which to travel just as much as the car does. Furthermore, to operate effectively, public transport needs a proper base of developed land to support the services it could offer.
- 3.65 In fact NGAR would both provide a shorter, more direct east-west route for public transport, and facilitate the development of Innova Park as a destination likely to produce significant demand for bus services. It would allow a direct bus link between Enfield and Waltham Abbey to be provided, and it could significantly enhance the chances of bus services to cater for the needs of residents for purposes such as access to Chase Farm Hospital coming about.
- 3.66 While, by virtue of its low PTAL rating (CD 9/5 Figure 2) the Northern Gateway is the type of area that Government policy seeks to steer development away from, that is not really applicable here. This is because there are limited alternatives in the area for providing new employment, and because the key decisions on the location of industry within the Northern Gateway have already been taken. It is already an area with significant

Enfield Northern Gateway Access Road Inquiry Report

- existing employment, and significant committed development potential, and that will not change whether or not NGAR is permitted. But, if the area is not the ideal location in public transport terms for new employment, what NGAR can do is to significantly improve the situation.
- 3.67 It is of note that part of the package approach involves the provision of Green Travel Plans for all new development in the area. These Plans work better where there is a larger critical mass of employers when it is both more attractive for bus companies to provide services and workers have more opportunities to share cars. This is relevant in the light of the condition preventing completion of Innova Park. NGAR would not only provide a better, more efficient east-west link for public transport to use; it would also facilitate an increase in the number of businesses and employees wishing to use that transport and make its provision more attractive and viable.
- 3.68 Besides seeking to reduce the number of motorised journeys, Government guidance in PPG 13 and elsewhere also seeks to reduce their length. It is not just the distance travelled that matters, but also the time spent, and the proportion of that time spent in congested traffic. Besides adding significantly to operating costs, the emissions from vehicles held in traffic queues are much higher than those operating in free flow conditions. NGAR would assist here by offering an alternative route onto the M25 which avoided the need to queue on Bullsmoor Lane or at J25.
- 3.69 It is not accepted that more employees would be likely to drive to work with NGAR than is the case at present. The letters received from local businesses show that there are already a significant number of employees from the north of the M25 who use public transport to get to work despite the fact that the current public transport connections to Innova Park and Brimsdown are poor. If these employees are not deterred by the existing difficulties of using public transport, one may expect them to use the new, improved bus links which would be possible once NGAR is constructed.
- 3.70 The letters also show that there are a number of employees from the north of the M25 who drive to work, but who have to sit in queues at J25 and on Bullsmoor Lane in order to do so. However, even if NGAR does not persuade these drivers to give up their cars, it would provide them with a shorter, more efficient route to work, which of itself meets Government policy.

Appropriateness having regard to PPG 13

- 3.71 NGAR is fully consistent with PPG 13. It would be supported by the rest of the package of measures proposed thereby furthering the integration of planning and transport at the regional strategic and local level. It would increase the ability of existing developments in the area to offer a realistic choice of access by public transport, walking and cycling. It would provide a route which is critical in developing infrastructure to widen transport choices, and it would improve the sustainability of existing developments by allowing vehicles to be used as efficiently as possible.
- 3.72 As for the suggestion that the location of major new developments at sites such as Innova Park was contrary to the guidance at paragraph 21 of PPG 13, PPG 13 does not suggest that existing permissions should be revisited. If Innova Park and the Northern Gateway are currently not well connected in public transport terms, the policies in PPG 13 provide an argument for improving their public transport credentials, not for looking to revoke existing permissions. More importantly, and of particular relevance here, paragraph 21 also recognises that the opportunities to maximise use of the most accessible sites may be scarce.

Enfield Northern Gateway Access Road Inquiry Report

- 3.73 As for the contention that NGAR is contrary to PPG 13 because the scheme has not been assessed on the basis of the New Approach to Traffic Appraisal (NATA), this is because the NGAR proposals pre-date PPG 13 by several years. Nevertheless, the assessment work undertaken for NGAR covers everything which would have been included in a NATA assessment. As the table in CD 15/56, LBE/A/Sup 1 shows, information relevant to each objective within the NATA appraisal system has been provided.
- 3.74 NGAR is intended to provide a strategic link in an overall network which is heavily restricted by the geography of the Lee Valley. At present no link exists between Mollison Avenue and the east other than by the M25. What NGAR would do is to enable existing built development to function better by easing traffic congestion on other roads in the area and reducing the time taken on journeys in that area. Furthermore, in that the later phases of development at Innova Park would be unable to proceed without NGAR, NGAR is an essential piece of infrastructure intended to serve an existing and committed development.

The effect of Picketts Lock Stadium

- 3.75 NGAR significantly pre-dated proposals for the National Athletics Centre and while it would have provided better access to the stadium, it was not necessary for the stadium to proceed, nor was the stadium a part of the justification for NGAR. Its abandonment is therefore of no material consequence.

The Highways Agency Position

- 3.76 The Highways Agency make clear they have no in-principle objection to NGAR, and as their case evolved, it became clear they recognise NGAR would improve conditions at J25 of the M25. Their sole remaining concern is J26 of the M25. This is a consequence of, principally, the A121 Woodricken Hill, and is an existing capacity problem. However, the EEHBTS 1999 modelling work does not suggest that NGAR would appreciably worsen the operation of the junction. The Highways Agency question the results of the predictive mode of the model and, notwithstanding that the model has been accepted by the consortium of affected local authorities, they maintain their objection.
- 3.77 However, given the extent of the modelling work undertaken and its acceptance in other respects, there is not sufficient reason to discount its results even though some of these do not accord with the outcome a preliminary professional appraisal might suggest. The Highways Agency do not give a quantitative basis for their objection. There are no present plans to deal with the capacity problem on Woodricken Hill; but if there were, it would be difficult for the Highways Agency view to be sustained.
- 3.78 The principal effect of NGAR is to redistribute traffic around the surrounding crowded road network. Its effect on J26 should therefore be seen in the context of this: it would slightly redistribute current problems with an improvement in some areas.

Whether there are Other Means of accessing Innova Park

- 3.79 It is clear that NGAR is the only means of accessing Innova Park. No viable alternatives were put forward. The option of widening Bullsmoor Lane suggested would generate more traffic and bring vehicles even closer to dwellings than they come at present. Those living in these dwellings already suffer seriously from traffic. The relief of this is a major benefit of NGAR. Even if some HGVs remain after NGAR is built it would still significantly improve matters on Bullsmoor Lane. In this sense the situation of the dwellings on Bullsmoor Lane is very different from the situation of those on Dowding Road. While NGAR would increase traffic on Dowding Road, the new dwellings there do not access

Dowding Road directly and have been provided with appropriate landscaping and bunding to separate and screen them from the traffic. The feasibility of the freight exchange concept put forward by the Corporation of London has not even begun to be assessed.

Air Quality

- 3.80 The assessment of the local air quality impact of the scheme in the Environmental Statement demonstrated that, for the receptor locations considered, at Innova Park, Rammey Marsh Lock, Waltham Point and on the M25, the deterioration in air quality arising from NGAR itself is small and the predicted pollution levels would be below the accepted air quality criteria for the protection of human health. The effect of NGAR on air quality in Enfield Lock would be insignificant against the background of the impact of the M25. With reference to the NAQS target levels of pollutants concentrations the levels on Dowding Road with NGAR in place would remain safely within these limits.

Mitigation Measures

- 3.81 Landscape mitigation measures proposed for NGAR at present are shown on CD 8/6 drawing LBE/PA/500. A shallow bund would be formed on the southern side of the new road across Rammey Marsh in order to reduce visual intrusion, pollution and noise impact. It would also serve to alleviate some of the visual impact problems arising from the M25. The soils used to form the shallow sloping southern slopes of this bund would be mixed with sand and gravels to encourage suitable habitat for invertebrate species. Indigenous species would be used to plant over the southern bund. Along with whips some extra heavy standards of up to 6 m in height would be used to provide a quick screen. There would be new planting in other locations, notably on Rammey Lock Island to replace and supplement existing trees felled to allow construction of NGAR to take place.
- 3.82 As far as possible the large colonies of nationally scarce vegetation such as the bee orchid and yellow vetchling would be left undisturbed. Some of the affected bee orchids would be lifted and transferred to the exchange land with a view to establishing a colony there. The mitigation plan would include works to mitigate the effects on terrestrial invertebrate species. These would include the reinstatement of and improvements to the seasonal water hollows to the north of the road. Negotiations with the landowners concerned with a view to implementing further mitigation measures beyond the limits of the CPO would be concluded. All areas affected by reinstatement or enhancement works would be maintained and managed for a period of five years.

Nature Conservation Issues

- 3.83 Almost any form of development on a green site will have some impact on nature conservation interests. But the fact of an impact is not of itself a reason for refusal. What must be assessed is its scale and significance and the effect and extent of any mitigation measures. On scale NGAR would take up only 1.6% of Rammey Marsh East. On significance, none of the Lee Valley Special Protection Areas (SPAs) lie in or adjacent to the route of NGAR. While Rammey Marsh is home to a number of interesting species, NGAR would not lead to their complete loss from the site, from the region nor the country.
- 3.84 NGAR would impact on parts of the existing colony of bee orchids, but a significant proportion would remain. The area the colony occupies has changed over time and is likely to continue to change. The current population along the line of NGAR came to the site by chance. There is no guarantee that they will remain there in the future. Equally, there is no reason to suppose that such a chance occurrence may not be repeated elsewhere. As for skylarks, they are not limited to the northern part of the Marsh: there are a number

of areas where they are able to establish territories. Kingfisher breeding areas would not be impacted by NGAR. Concerns over flightpaths would be accommodated by ensuring that NGAR's bridges are sufficiently high above the water not to interfere with the passage of kingfishers below the bridge.

- 3.85 As for invertebrates, there is a lack of comprehensive data to show the value of the Regional Park, including Rammey Marsh, for invertebrates. The survey of invertebrates undertaken for the LVRPA did not indicate whether the species identified on the line of NGAR were present on other parts of the Marsh. LVRPA accepted that it was likely some of these species would be found outside the surveyed corridor. The suggestion that the area left between NGAR and the M25 would be too small to support the invertebrates which are currently on the line of NGAR is unsupported by data. Some of the winter pool hollows would be affected by NGAR, but not all. Their loss would be reduced by the removal of part of Plot 10 from the CPO, and anyway, the mitigation package would include the formation of new hollows.
- 3.86 While NGAR would cut across Rammey Marsh, it has been sited as far to the north as is possible given the Highways Agency's requirement for a 50 m wide safeguarding strip to allow for possible future works on the M25. It would leave by far the largest part of the Marsh as a coherent whole. In overall terms the route selected for NGAR is the least damaging of all the possible routes considered. This is significant. If the need for a link between Innova Park and the M25 is accepted it is highly material that NGAR is the best overall alignment. Moreover, fragmentation is only significant if it has a material impact on the features of nature conservation interest. If it does not then the mere fact that there may be a degree of fragmentation is not of itself a matter of concern.
- 3.87 On the proposed landscaping scheme, it is relevant that NGAR itself does not introduce the need for landscaping to screen the effect of a road. The M25 does that. At present the NGAR landscaping scheme involves tree planting on the southern side of the road. In so doing, it is no different from the tree planting currently proposed in the LVRPA Landscaping Design Guidelines to mitigate the impact of the M25. The aim of the landscaping scheme proposed is to enhance the landscape. However, its detail is open to negotiation. If, for nature conservation reasons for example, LVRPA wishes to move away from its published landscaping scheme in favour of less planting, the NGAR landscaping scheme could readily be amended to suit.
- 3.88 In addition, the package of off-site mitigation measures proposed should not be overlooked. Some elements, such as the translocation of the bee orchids, would aim to provide alternative habitats for species which would be affected by NGAR. However, much of the importance of the Marsh relates to the overall biodiversity of the site. Accordingly, some elements of the off-site mitigation would be focused more on creating areas of equivalent overall interest than with replicating exactly what would be lost. There is considerable potential for this on the Exchange Lands. Currently much of this is of relatively low nature conservation interest, but there is significant potential here for the creation of new habitats which, while different from those on the Marsh, would be of comparable value.
- 3.89 As for doubts about the likely success of the mitigation measures proposed, it is evident from LVRPA's own literature that it has already had success with the translocation of orchids and the creation of artificial nesting sites for kingfisher. Moreover, it proposes as part of its own plans to create new shallow, damp scrapes on Rammey Marsh (CD 14/9). If its own proposals can succeed there is no reason why others should not be able to produce successful schemes also.

Enfield Northern Gateway Access Road Inquiry Report

- 3.90 It is noteworthy that, whatever nature conservation interest the northern part of Rammey Marsh has, it is of relatively recent origin. It has arisen through chance rather than design and without any conscious assistance from man. There is no reason why a similar process should not take place after NGAR, nor any reason why the process can be given a head start through the deliberate creation of the conditions which are most likely to be successful. The environmental management package proposed has been the subject of very careful thought with a view to minimising ecological impact at Rammey Marsh and maximising the potential of the Exchange Lands. Taking the on-site and off-site mitigation measures together, the longer-term nature conservation impact of NGAR is likely to be small and not such as to justify refusing planning permission.

Landscape

- 3.91 Little, if any, weight should be attached to the landscape objections made to the proposal. In the LVRPA's own policy statements the northern part of Rammey Marsh is described as a negative and degraded landscape, and is at the bottom of the LVRPA's hierarchy of landscape quality. As such it is a landscape which the LVRPA themselves recognise requires significant intervention to improve it in visual terms (CD 1/10, pp 28-29 & para 5.5.1). Furthermore, it is clear that Rammey Marsh has been, and remains, a low priority for the LVRPA. Despite being their published policy since 1986 to improve it, they have only improved the towpath. They have made no improvements to the Marsh itself. While the northern part of the Marsh is not yet in LVRPA ownership, nothing has been done on the southern part of the Marsh, which is. No budget has been allocated for improvements, nor are any programmed.
- 3.92 In any event, it is evident that the LVRPA is considering moving away from its previously preferred landscaping scheme in favour of a do-minimum approach, which could involve no earth movements and minimal planting. If this approach is taken, then in landscape terms the northern part of the Marsh would remain negative and degraded.
- 3.93 In assessing the impact of NGAR against this backdrop, the fact that NGAR would be a linear feature running parallel and as close to the M25 as is possible is important. From much of the Marsh it would be difficult to distinguish the impact of NGAR from the impact of the M25. If anything NGAR offers an opportunity to reduce the visual impact of the M25 on the Marsh and the screening proposals for NGAR would also screen the M25. As such NGAR contrasts starkly with the Sainsbury's development to the east between the M25 and Dowding Road, which landscaping could never hide.
- 3.94 The only area where NGAR would have a noticeable impact is along the towpath to the north of the Rammey Marsh Lock. However, this is a highly contained landscape which is already significantly affected by the bridge taking the M25 over the Navigation. The body most directly affected, the Rammey Marsh Cruising Club, raised no objection. As such this impact cannot be regarded as determinative.

Impact on Epping Forest

- 3.95 Notwithstanding the significance of Epping Forest as a cSAC, the concerns raised about the impact of NGAR on views from Epping Forest and the possible effects of increased traffic on nature conservation issues are misconceived. Most viewpoints from the Forest do not begin to take in NGAR. Quite apart from the distance of separation, those that do would be affected by development such as the Sainsbury's distribution centre.
- 3.96 As for pollution, the road on which NGAR would have the greatest impact is Woodridden Hill, but even here the increase in usage would be negligible having regard to the already

high levels of traffic using that road. While concentrations of NO₂ and PM₁₀ at 20 m distance from the road would rise slightly in some peak periods with NGAR, they would reduce at others. Within 25 m of the road concentrations of NO₂ would exceed the 30 $\mu\text{g}/\text{m}^3$ mean annual concentration below which most vegetation species should be protected. But this is the situation whether NGAR is built or not. This all points to NGAR having no adverse consequence. No quantitative data has been presented to suggest NGAR would have adverse implications.

- 3.97 The important point is that the requirements imposed on the Conservators by the Epping Forest Act are not, except in a possible incremental sense, affected at all by NGAR. The Conservators will be able to maintain the openness of the Forest after NGAR as easily as they do now, and they will likewise be able to provide recreation and preserve the character of the Forest as easily as they do now. The purposes underlying the Act and stated in the Act remain capable of being met.
- 3.98 It is interesting that, notwithstanding their obligations, the Conservators took a positive decision to include within and as part of the Forest an area of land through which the M25 passes. It is therefore clear that a busy highway can be perfectly consistent with the fulfilment of the Conservators' functions.

Pollution Concerns

- 3.99 While NGAR would be constructed on land which was the subject of uncontrolled landfilling, that filling was monitored by the GLC and records are available. The material underlying the line of the proposed road has been investigated further by means of a series of boreholes. The nature of the material in the landfill is thus reasonably well known and the geotechnical survey does not reveal any difficulties which could not be resolved through standard engineering techniques. Further more detailed surveys would be carried out if permission is granted. The risk of contamination is not therefore significant.
- 3.100 As for potential pollution of the water courses, surface water from NGAR would be discharged to the Small River Lee and Cobbins Brook, from which it would ultimately find its way into the River Lee. However, prior to discharge it would pass through a silt tank, a petrol interceptor, a spill tank and would be further attenuated by filtering through a reed bed. These measures have been agreed with the Environment Agency.

The Overall Balance: Very Special Circumstances

- 3.101 In balancing the impacts of NGAR against its benefits, the starting point is the way EFDC has dealt with the new Sainsbury's development and Dowding Road. From this, it is evident that the need for regeneration and the need for new infrastructure to serve new employment uses is, in principle at least, capable of amounting to very special circumstances. If anything the case the NGAR is even stronger: LBE is a priority area lacking the relative prosperity of Epping, and Innova Park is a unique opportunity, fulfilment of which depends upon NGAR.
- 3.102 The harm that taking up this unique opportunity would have is very much on the lower end of the scale, almost just the fact of development in the Green Belt itself: the vast majority of the Marsh remains and there would be a range of mitigation measures in the vicinity of the road. Those opposing NGAR have contemplated far more intensive forms of development in the Green Belt. The LVRPA have proposals in their plan for intensive recreational development, and this can embrace built, indoor facilities such as cinemas. EFDC have permitted the Sainsbury's distribution centre. While the site of this was

previously developed land, the impact of that development on the Green Belt far outweighs anything that is likely to be caused by NGAR.

- 3.103 The contentions as to wider environmental damage are unsustainable. There is no identifiable damage to Epping Forest or to any other area. Accordingly, that which is to be weighed against the benefits of the scheme is very light indeed. Against this, the need for regeneration within the Borough and the significance of meeting that need should be given very great weight. The explicit calls for regeneration in both national and regional guidance and the extent to which that regeneration would be hampered if NGAR does not go ahead are the clearest possible indication that "very special circumstances" are made out.

The CPO

- 3.104 Most of the objections to the CPO are based on broader planning issues which are dealt with above. As far as the specific issues raised by landowners whose land is to be acquired is concerned, the general need for each of the plots is set out in CD 15/10, Appendix A29.
- 3.105 If the need for NGAR is accepted then the need for each of the plots to be acquired is clear. In any event, no serious suggestions have been made by any of the landowners that a lesser land take is possible or that any other land should be taken instead of theirs. All issues raised by the Environment Agency have now been resolved, and their objection has been withdrawn subject to certain modifications to the Order with which LBE is satisfied.
- 3.106 Agreement has been reached with Thames Water which resolves nearly all their objections. The only outstanding matter relates to Plots 56 and 60, which cover the access to Thames Water's pumping station and reservoir. Thames Water wishes to see these removed from the order, but LBE believes that the interests would be safeguarded through the agreement which would guarantee a right of unobstructed access to their facilities. However, if the land is removed from the CPO, then Thames Water has undertaken to grant to LBE and its successors in title rights of vehicular and pedestrian access over the plots as may be required to maintain the adjacent Exchange Land, and for general public access to the Exchange Land. Either solution would secure the objectives of both Thames Water and LBE, and the Council is content to leave the choice between the two options to the Secretary of State.

The Bridge Order

- 3.107 The Bridge Order is only necessary if the road scheme itself is approved. It is therefore contingent upon the planning application and the CPO. There have anyway been no separate valid objections to the Bridge Order.

The Side Roads Order

- 3.108 It is plainly appropriate to make the Site Roads Order if planning permission is granted and the CPO confirmed. There are minor modifications to the Side Roads Order set out in the modification documents.

The S19 Certificate: Open Space Considerations

- 3.109 The objective of the s19 process is to assess whether equivalent open space land is being provided for that which is being taken. The focus of the considerations necessary is the use of that open space by the public. Thus although the Exchange Lands have significant potential in relation to nature conservation and biodiversity, S19 is not about preserving

particular nature conservation interests nor their protection where that may be incompatible with use and enjoyment by the wider public.

- 3.110 Here the application of s19 is complicated by the fact that Rammey Marsh was itself provided in exchange for the loss of other public open space when the M11 link road was constructed. Most of the evidence put to the inquiry focused on the extent to which the proposed Exchange Lands are an adequate replacement for Rammey Marsh. However, it is also necessary to consider the extent to which they are an adequate replacement for the land lost when the M11 link road was built.
- 3.111 As far as Rammey Marsh is concerned, NGAR would result in the direct, permanent loss of 0.77 ha of public open space on Rammey Marsh. However, this loss is more than compensated for by the Exchange Lands. In assessing suitability the extent to which the existing land is used is relevant. Current levels of use on Rammey Marsh are not high. The figure of 20,000 people each year assessed from surveys translates to an average of 4-5 people over a 12 hour day. Even that is likely to be an overestimate since the annual figure includes events such as the summer fair. For an area the size of Rammey Marsh that is a very low intensity user.
- 3.112 The area of the Exchange Lands is over 5 times the amount of land required for the construction of NGAR and over 10 times the amount of land which would be taken up after the road has been completed. The total area is made up of 9 separate CPO plots. These are located between the Swan and Pike Pool, the southern end of the Enfield Island redevelopment site and the northern end of the King George V Reservoir. The four largest plots are flat grazed grassland. The other plots consist of rough grassland, woodland, an area recently cleared and the access road from Swan and Pike Road to the Thames Water Pumping Station. The individual plots are variously separated by the low embankment of a disused railway line, limbs of the River Lee and the intake channel for the Pumping Station.
- 3.113 The part of Rammey Marsh which would be lost to NGAR is not particularly well suited to casual use by the public in terms of its location, terrain and vegetation. In terms of proximity to residential populations, ease of access and ease of movement over them, the Exchange Lands are significantly better placed than the northern part of Rammey Marsh, no part of which is within five minutes walk of the main residential areas (CD 13/5).
- 3.114 Management of the exchange lands would start a year before the construction of NGAR begins. This would enable provision to be made for the species displaced by NGAR, for the creation of new and improved invertebrate habitats and to attempt to establish a small colony of displaced bee orchids. Other than the bee orchids and yellow vetchling, the intention is not to target individual species but simply to manage the exchange lands to favour species diversity with additional recreational value. LBE would agree to maintain the exchange lands for 5 years before handing them over to LVRPA.
- 3.115 As for the contention that the Exchange Lands are fragmented, steps could and would be taken to eliminate internal barriers such as fences. In any event it should not be overlooked that a very substantial part of Rammey Marsh would remain unaffected. NGAR would not change the ability of those who use the full length of Rammey Marsh to do so. There would be pedestrian access under both the bridge over the Small River Lee and the bridge over the Navigation and Flood Relief Channel. Moreover, anyone who currently walks the full length of the Marsh and back passes very close to the M25 and is obviously not deterred in their choice of route by the noise and disturbance emanating from the

motorway. If they are not put off by the M25 there is no reason to believe they would be any more affected by the presence of NGAR.

3. Furthermore, the model aircraft club would not be affected by NGAR. Their take off and landing strip is well to the south of NGAR. They would still have a large area to the north over which to fly their aircraft and anyway do not currently have permission to fly over the northern part of Rammey Marsh.

3.117 As to the adequacy of the present Exchange Lands for the land originally lost in Hackney, it may be noted that when the M11 link road was constructed the Exchange Lands provided at Rammey Marsh was considerably greater than the amount of land taken (14.2 ha provided compared with 3.4 ha taken). The Exchange Lands provided by NGAR would add further still to this. Moreover, the NGAR Exchange Lands are closer to the land originally taken for the M11 link road than Rammey Marsh. This is significant, since one of the criticisms made about the proposed Exchange Lands is that they are further away from the residential areas than Rammey Marsh. It is apparent that, in relation to the populations which benefited from the land taken for the M11 link road, the Exchange Lands proposed for NGAR are a more appropriate replacement than Rammey Marsh.

3.118 As for the assertion that little weight should be placed on the proposed Exchange Lands because the LVRPA may well acquire them in the future in any event, this is not strictly relevant to the exercise the Secretary of State has to carry out under S19. But in any event, the LVRPA has made no effort to acquire the Exchange Lands to date, nor is there any suggestion that it has budgeted for or programmed any such acquisition in the future. Even if it had, NGAR would ensure that the Exchange Lands are provided to the LVRPA at no cost, with the result that any moneys the LVRPA would otherwise have spent in acquiring this land would instead be available for the purchase of other land, or for such other projects of improvement the LVRPA had in mind. That must be a benefit to the LVRPA.

Conclusions

3.119 Ultimately this case concerns whether an obvious gap in the road network should be filled to enable the full range of movement to be made, thereby saving enormous quantities of time and money, with some benefit to the overall road network and with a powerful regenerative effect, or whether the desire to retain a short strip of land next to, and already blighted by, the M25 should be preferred. No alternative scheme has been identified to better achieve the benefits of NGAR, to relieve Bullsmoor Lane, or serve Innova Park. No alternative alignment has been proposed which could achieve the same or similar highway benefits. It is contended that support for beneficial economic activity in the interests of all should be given by the Secretary of State.

4. THE CASE FOR EPPING FOREST DISTRICT COUNCIL

Guidance on striking the balance

- 4.1 The decision on NGAR, as a new road to be built across Green Belt land, is a difficult one given that it involves making a choice between conflicting planning objectives and implications. The planning judgement therefore needs to assess the benefits claimed for NGAR and whether they can outweigh the acknowledged harm to Green Belt and other interests of planning importance.
- 4.2 The Secretary of State's decision on the North/South Road in 1985 (LBE/S21) is one source of guidance on how the choice should be made. It was concluded that the opening of

the M25 had led to a significant reduction in the amount of traffic on Bullsmoor Lane, and that although with the North/South Road the traffic on it would rise again, flows would remain just below what they had been before the M25. It was accepted there would nevertheless be a significant loss of residential amenity. The Honey Lane link alternative put forward was rejected because it would cross Green Belt land and would form a direct link to the M25, which would result in the North/South Road becoming an important radial route into London as opposed to one merely serving the industrial areas. It was considered that a direct link to the M25 from the North/South Road would have the same result and was also rejected.

- 4.3 Now LBE seek to reverse the rejection of a direct link to the M25 without demonstrating any valid reason for doing so. Traffic levels in Bullsmoor Lane are not now predicted to reach the flows considered by the 1984 Inspector until 2020 on the high growth scenario. In addition, since 1985 planning policy is now more firmly against the creation of new roads simply to accommodate increasing traffic demand.
- 4.4 Other sources of guidance on the principles to apply in striking the right balance between the claimed benefits and contradictory planning objectives include the importance attached to the plan led system laid down by PPG 1; the need to ensure rational and consistent decisions also emphasised by PPG1; the clear framework in PPG 2 for arriving at decisions relating to development proposals within the Green Belt; the thrust of PPG 13 towards restraining rather than catering for traffic demand; and the emerging planning guidance for London. The proper application of this advice indicates that planning permission for NGAR should be refused and the Orders should not be made.

Green Belt Matters

- 4.5 From sources such as paragraph 1.6 of PPG 2; Policy C2 of the Essex Structure Plan; Policy GB2 of the Epping Forest District Local Plan and Policies G1-2 and G6 of the LBE UDP, it is clear that a new road such as NGAR does not constitute appropriate development. It is therefore for LBE to show why permission should be granted for it notwithstanding the harm it would cause to the Green Belt by reason of inappropriateness.
- 4.6 Contrary to LBE's contention that NGAR would have limited physical impact, in scale NGAR's carriageway is comparable to a development of some 27 houses or to an industrial development of 0.9 ha in area. In addition the scheme includes 2 bridges. One has a span of 28 m, the other span of 146 m. There would be lighting columns 8 m high along the whole length of the road and it would involve the construction of another new roundabout. Other impacts would arise from NGAR's lighting, from the noise of traffic on the road and the consequences of queuing traffic (CD 9/27).
- 4.7 As to the quality of Rammey Marsh as Green Belt land, EFDC largely adopts the evidence of LVRPA. But, even assuming that the land is of low landscape quality, Rammey Marsh properly remains Green Belt land despite the opportunities that LBE had in 1994, 1997 and 1999 to seek to remove it from the Green Belt or to downgrade its status. In any event, PPG 2 makes clear that the quality of the landscape is not relevant to the inclusion of land within the Green Belt and its detailed boundaries should not be altered, or development allowed, merely because land has become derelict. Besides, Rammey Marsh joins further Green Belt land to the south and is part of a broad swathe leading to wider areas of Green Belt in Essex and beyond.
- 4.8 The primary function of the Green Belt is the preservation of openness. Here, the Green Belt prevents the merging of built up areas, for example the new developments at Meridian Park and those in Brimsdown like Innova Park. The proximity of NGAR to the M25 is not

a point in its favour. The M25 consistently runs through Green Belt land but this does not mean there is a relaxation of Green Belt protection for a corridor of indeterminate width either side of the motorway.

- 4.9 NGAR would lead to pressure for other inappropriate development on the land remaining between NGAR and the M25. Moreover, by encroaching south of the M25, NGAR would compromise defensible boundaries, the next defensible boundary being some way to the south. It may provide a precedent for a further crossing of the Green Belt. On the nature conservation value of Rammey Marsh, EFDC adopts the position of LVRPA, as it does their position on the serious detrimental effects that NGAR would have. EFDC does not accept that the impact of NGAR would be reduced by the proposed landscaping. This would not disguise it and may also have a detrimental effect. The position of LVRPA in relation to the Exchange Lands is also adopted.

The Development Plan

- 4.10 By virtue of S54A the development plan is the primary factor bearing on the acceptability of a development proposal. NGAR is in clear breach of Enfield UDP policies such as G1, G6, EN9, EN12(b) relating to Green Belt and the protection of areas of nature conservation interest. It also conflicts with policies O4 and O11 relating to the public open space function of Rammey Marsh East. LBE seek to set the aspiration for the construction of NGAR mentioned in paragraph 12.4.12 against these policy conflicts. However, this cannot overcome the fundamental breaches in policy the proposal would involve: paragraph 12.4.12 is not policy. Moreover despite Innova Park emerging through the UDP and the UDP modification process, there has been no attempt to promote NGAR by way of a UDP modification. This is almost inconceivable, as the guidance at paragraph 23 and 24 of PPG 12 Annex A suggests.
- 4.11 NGAR is also in clear breach of policy GB2 of the Epping Forest District Local Plan. It is also clear that policy T5 does not provide a justification for NGAR. When proposals are supported by the local plan, this is made clear, as paragraph 20.47-20.61 demonstrate. The highest LBE can state their case is in relation to paragraph 20.51 which notes the NGAR proposal but does not provide any support for the breach of other policies it involves. What is also clear it is that at paragraph 17.55 the local plan conveys the concern of EFDC over its traffic impact on the Waltham Abbey area.
- 4.12 It is thus clear that there are indisputable and fundamental breaches of the adopted development plans. The approach taken by LBE in relation to the UDP would be inconceivable in relation to development being promoted privately. Moreover, there is no evidence that the breaches of the relevant policies were even drawn to the attention of members. The position of the guidance in the development plan on the weighting to be given to factors such as economic development is the same as that indicated by Green Belt policy. This is that the developer would have to demonstrate that the benefits from NGAR were clear cut and of very significant weight in order to justify the grant of planning permission in contravention of the provisions of the relevant adopted development plans.

The Effect of NGAR on Traffic Generation and Car Use in the area

- 4.13 It is evident that the traffic benefits which LBE rely on NGAR producing are fundamental to their case. This is because it is these effects which are said to constitute both the very special circumstances in Green Belt terms and the significant material considerations to overcome any breach of development plan policies. Except for the jobs associated with its construction, the building of NGAR does not in itself provide any economic benefits, despite it currently being a pre-condition for the construction of the final tranche of Innova

- Park. It is only if it lessens congestion to the extent claimed that businesses in the area as a whole would benefit.
- 4.14 Because of the weight that these traffic benefits have to bear, they should only justify the grant of permission on the most cogent and genuinely robust predictions of future traffic behaviour. Despite being part of the commissioning consortium of local authorities, EFDC does not now consider that the model's predictions can be relied upon to provide such reliable evidence. This is because there are clear internal inconsistencies which cannot be explained and which defy expert judgement.
- 4.15 These include the apparent anomaly identified in relation to the flows on Dowding Road East. Figures 5.1a and 5.2a of CD 9/24 indicate that flows on Dowding Road East fall in the am peak with NGAR, contrary to what one would expect. There are also inconsistencies such as that in the tables in CD 9/24 where traffic flow figures should appear in the empty box relating to Mollison Avenue between the two entrances to Innova Park. The consequences of these missing figures is unknown. There are other examples. The model suggests that under some scenarios flows on Sewardstone Road north of Dowding Road would be higher with NGAR than without. The reason for this is not readily apparent. It is also evident the model does not reflect the aspirations of businesses from as far away as Tottenham south of the A406, while the assumptions built into it with regard to induced traffic do not seem realistic.
- 4.16 There are two main components to the benefits NGAR is contended to have in traffic generation and car use terms: benefits for Bullsmoor Lane and the benefits for businesses. There would be a short term reduction in the current traffic flows on Bullsmoor Lane, but this would last only until about 2005. Even then, the reduction in congestion may result in higher flows at off peak times. Traffic levels without NGAR would not exceed the flows pre-M25 indicated at the North/South Route inquiry (LBE/S21 p. 23 paragraph 125). In any event, the differences between the flows predicted with and without NGAR may not be noticeable to residents. It is also noteworthy that, despite letters being sent to Bullsmoor Lane residents and to the Residents Association, the inquiry heard direct evidence from only one.
- 4.17 As for the contended benefits to businesses, the LBE case is that economic and regeneration benefits would follow inexorably from the construction of NGAR. However, this is not necessarily the case. LBE's own evidence (CD 15/15) and the supporting letters (CD 15/16) show that the picture is more complex. While the perception of congestion in the area is seen as being detrimental, even with NGAR congestion would still be experienced and that perception would remain. Contrary to LBE's contention, NGAR would not lead to a reduction in flow on most of the roads in the study area. Unless congestion is reduced greatly business perceptions would not change. The claimed peak hour journey time savings of 6 and 8 minutes (CD 15/55 paragraph 5.2.8) may not do much for the perceptions of businesses when their complaints relate to delays of half an hour or so and to congestion on the M25.
- 4.18 Against these contended benefits, NGAR would cause new problems. It would create a new radial route into London and it would function as a collector-distributor road running parallel to the M25 between junctions 25 and 26. As the traffic forecasts show, flows on Dowding Road would increase and there is a clear risk that the function of this road as a southern bypass to Waltham Abbey would be compromised with the result that Waltham Abbey would again suffer congestion.

Enfield Northern Gateway Access Road Inquiry Report

- 4.19 It would lead to adverse effects on Honey Lane and Woodridden Hill which in scale outweigh any benefits to amenity on Bullsmoor Lane. Residents elsewhere, such as those adjacent to Mollison Avenue, believe that traffic redistributing around the network with NGAR would adversely affect those living near to other existing roads. NGAR would have negative consequences for junctions such as that between Highbridge Street and Dowding Road.
- 4.20 With regard to its impact on Epping Forest, EFDC adopt the thrust of the Corporation of London case, and it is relevant in this regard to draw attention to Epping Forest District Local Plan policy HC5, which seeks to protect Epping Forest. Given that junction 5 of the M11 was not provided with north facing slip roads, traffic from the Loughton area wishing to proceed north on the M11 can either use the A104/B1393 route, joining the M11 at junction 7 near Harlow, or it can join the M25 J26, travelling eastbound from there to the M11. Increased congestion at J26 with NGAR would make the latter option a less attractive choice and lead to more traffic using the other route.

Effectiveness of the public transport and traffic control measures proposed in reducing the use of the car

- 4.21 The package of public transport and traffic restraint measures put forward in connection with NGAR would not be effective in reducing the use of the car in this area. In general income levels are relatively high and vehicle ownership levels are generally high. A high proportion of local residents in Epping Forest work outside the district. The settlement pattern is scattered. There is a substantial existing road infrastructure and substantial car parking facilities. Apart from the Central Line into London, local public transport is poor, and the underlying topography limits the opportunities to rectify this. In addition EFDC adopt the position of ECC (CD 15/57) in relation to the effect of NGAR in creating a connector distributor road parallel to the M25 and on the induced traffic implications of the scheme.
- 4.22 It is evident that the supporting letters from local businesses are all car and commercial vehicle orientated. Most believe that NGAR would make it easier for them to recruit car-borne workers from further afield. While some refer to buses, the bus benefits were referred to in the draft letter that was circulated by LBE. It is unlikely that the writers of these letters would have referred to potential public transport benefits on their own initiative. In the light of the thrust of local businesses' arguments for NGAR, it seems clear that the provision of cycle ways and the ability of NGAR to carry buses would have minimal impact in reducing car traffic in the locality.

The appropriateness of NGAR having regard to PPG 13

- 4.23 The recently published version of PPG 13 discloses a further shift in Government policy away from seeking to accommodate vehicular demand by increasing highway capacity. Against this changing national policy backcloth the approach of LBE is virtually unchanged since at least 1985. In this light it is unsurprising that NGAR is not in accordance with the guidance in PPG 13.
- 4.24 Although Annex A of PPG 13 makes clear that its provisions have to be read in conjunction with the Mayor's Spatial Development Strategy within London, the provisions of PPG 13 apply fully within EFDC. It is also clear that some at least of the disbenefits of the scheme would occur within the Epping Forest district.
- 4.25 While NGAR could accommodate taxis, buses, coaches and other public service vehicles, thereby having some beneficial effect in sustainability terms, unless it only allowed such

vehicles this type of use would be dwarfed by its use by private cars. Accordingly NGAR would not reduce reliance on the car. Testing NGAR against the objectives of PPG 13 set out in its paragraph 4, it would do little to promote more sustainable transport choices, to promote accessibility to jobs and facilities by non-car modes. Nor would it reduce the need to travel by car. NGAR also has failings in relation to the advice in paragraph 6 of PPG 13. Accordingly, whether one analyses it against the general approach set out in paragraph 1 or by analysing it against the objectives in paragraphs 4 and 6, NGAR would not be an appropriate proposal having regard to the aims of PPG 13.

- 4.26 Furthermore, NGAR has specifically not been developed after NATA assessment which, as paragraph 5 of PPG 13's Annex C makes clear, is an unequivocal requirement. There is no evidence of LBE having considered NATA in any detail before the preparation of the supplementary information provided during the inquiry (CD 15/56). It is evident that there has been no open-minded reconsideration of the merits of the scheme from first principles as PPG 13 requires. Given that NGAR first emerged such a long time ago, the opportunity provided by a NATA would have been important. In fact the approach of LBE has been the opposite: to seek to demonstrate that NGAR is a fait accompli (CD 15/4, 4.2.38). For all these reasons NGAR is inappropriate against the provisions of PPG 13.

Striking the balance between the various harms NGAR would cause and the contribution NGAR would make in regeneration and any other beneficial terms

- 4.27 The only element of the broader development strategy for the Lee Valley that is dependent on NGAR is the final phase of Innova Park. LBE accept that most of the other development proposals coming through in the wider area are permitted and likely to proceed in any event. The traffic model shows that all the other 36 modelled developments can go ahead without NGAR and LBE accept that, irrespective of NGAR, they will continue to support economic development in the Lee Valley.
- 4.28 Moreover, there is little evidence to confirm the contention that businesses are failing to invest or are leaving the area. Only a very small proportion of the 386 businesses that the BIC deals with have moved away from the area because of poor infrastructure. Equally, there is no evidence of a current lack of investment in the area. In fact, the recent construction of premises at Innova Park for BIC, Iceland, BT, JJ's Fast Food, Video Warehouse and the Travel Inn demonstrate that major investment decisions are taking place without NGAR being approved. These are all businesses which those developing other commercial sites would no doubt have been keen to attract and it may be assumed that they have chosen Innova Park in preference to other locations.
- 4.29 Equally, the large-scale housing development at Enfield Island demonstrates that urban renewal and regeneration is already taking place. On a smaller scale, it is LBE's own evidence that the concerted action undertaken in recent years to address matters such as obstructive parking, poor internal infrastructure and the appearance of the Brimsdown industrial estates is having a positive impact on the attractiveness of the area as a business location.
- 4.30 Accordingly the highest the LBE case can properly be put is that NGAR would be welcomed and seen as desirable by businesses but that it is not necessary. It is noteworthy that the construction of NGAR does not form one of the recommendations of the Study of Industrial Demand in the Upper Lee Valley (CD 12/6). Thus, weighing the degree of benefit attributable to NGAR against the clearly detrimental aspects of the scheme in terms of Green Belt, nature conservation in the Lee Valley, and effects such as that on Epping Forest, the balance of the decision clearly tilts against granting permission.

Given the planning condition limiting completion of Innova Park, whether access to it can be achieved by means other than NGAR

4.31 It is apparent from traffic model tests 15 and 17 set out in CD 9/14 (Table 2.2 - p. 14 & Table 3.2 - p. 22), and from tests 20 and 22 (Table 3.3 p. 24) that by the time it would be appropriate to lift the condition on Innova Park, NGAR would make little or no difference to the traffic conditions that would result. This is significant. Where judgements have to be made as to whether, for example, very special circumstances exist to justify NGAR notwithstanding its Green Belt location, if there is no justification to keep the restriction on Innova Park pending NGAR, then the release of the final phase of the development cannot be a factor in favour of permission.

4.32 EFDC do not put forward an alternative for achieving access to Innova Park. LBE must accept that, although it is not the maximum possible, a development limited to just phases I & II is nevertheless a viable scheme making a valuable contribution (albeit not the maximum) to regeneration or else they would not have granted planning permission. It is also clear that Kennet Properties regarded Phase I as a viable development with sufficient critical mass since it is being built out and tenants are being attracted. Accordingly, EFDC believe that if it is decided that the completion of Innova Park must await NGAR, then this development should, if necessary, be limited to phases I & II only.

NGAR, Regional Planning Guidance and the Mayor of London's emerging strategies

4.33 Although the emerging Spatial Development Strategy (CD 1/12) refers to the Lee Valley, it does not identify NGAR either on the diagram at Figure 27 (p. 75) or in the text at p. 79, even though other proposed transport improvements are specifically mentioned. While there is a reference to NGAR in the London Economic Development Strategy (CD 1/13, p. 38) this document focuses on one element of development only and is not a planning document. Equally, footnote 24 on p. 38 makes clear that its support for NGAR is conditional on NGAR's compliance with the Mayor of London's Transport Strategy (CD 9/3).

4.34 The Mayor's Transport Strategy largely mirrors the thinking of PPG 13 but with greater emphasis on public transport. In particular paragraph 20 makes clear that further road capacity is not seen as an appropriate solution to traffic congestion. The specific reference to the Lee Valley in paragraph 3.31 does not mention NGAR despite setting out other proposed transport improvements. It is thus evident that these policy documents do not establish a link between NGAR and other London policy initiatives.

4.35 As for assessing NGAR against the criteria of Transport Strategy policy 4G.8, EFDC contend that NGAR would not comply with the criteria of: not increasing net traffic capacity; providing a net benefit to London's environment; and integrating with local and the land use planning policies. EFDC recognise that economic regeneration is a valid planning objective. However the overall policy approach discourages the provision of more road capacity. Policy 4G.8 in particular establishes a presumption against the scheme. The conclusion in relation to these matters therefore is that the presumption against the scheme proceeding is brought into play.

4.36 While paragraph 12.33 of RPG 9 describes the need for urban renaissance as being as pressing in East London and the Lower Lee Valley as anywhere, it contains no reference to NGAR. It does however refer to the importance of the Lee Valley Regional Park and the importance of the Metropolitan Green Belt. The only specific mention of NGAR is in a document which approaches the issue solely from the economic development viewpoint.

Accordingly, there is no explicit policy support for NGAR sufficient to demonstrate the clear very special circumstances necessary to overcome the S54A presumption.

The Effect of the Pickett's Lock Stadium Development

4.37 As CD 12/11 indicates, this project has been abandoned and its traffic implications are no longer of interest. However, the traffic generated by the current use of the site as a leisure Centre is more likely to generate traffic flows during working hours whereas the Stadium would have tended to generate intensive but sporadic traffic generation from spectator events. It is not clear how the traffic generated by the current use has been taken into account by the traffic model.

Other Points

Flooding

4.38 EFDC remain concerned that the risk of flooding has not been properly taken into account in the development proposals. There appears to have been little reconsideration or explanation of NGAR's implications for flood risk in the light of the recently published PPG 25. The latest correspondence from the Environment Agency (G29) appears to be recommending standard conditions while the agreement with the Environment Agency seems more concerned with a new access track than with flood risk. EFDC remain concerned that the Environment Agency are not insisting on more flood control measures. Their approach contrasts with the flooding events recently experienced in the area. (Mr Callaghan)

Gas Pipeline (EFC/S8)

4.39 The existence of the gas pipeline would appear to be likely to constrain the ability of LBE to implement its landscaping proposals where NGAR crosses the River Lee. This is important because it is this location that is the most crucial for visual impact. The existence of the pipeline is a further indication of the need to consider critically whether the landscaping scheme put forward would be achieved in practice.

Section 8 Agreement

4.40 Not even a draft of the necessary S8 agreement between LBE and ECC has been produced. It is not possible therefore to judge whether or not it has any implications for the matters on which the decision is likely to turn.

Overall Conclusions

4.41 If planning permission is granted it would represent a fundamental breach of Green Belt policy. The openness of a vulnerable part of the Green Belt would be affected. Such a decision would represent a failure to follow the plan led system. Such a decision would be taken on the basis of predictions about future behaviour of traffic which do not appear to be robust.

4.42 NGAR would merely redistribute traffic congestion. Even on Bullsmoor Lane the reduction in traffic flows would be a maximum of 14.7%. (This is on the 2005 p.m. peak high growth scenario - CD 9/24 Fig 5.1(b)). In 2020 the reduction would be 13.9%. The percentage change is likely to be lower under the low growth scenarios. Against this traffic flows elsewhere, notably Mollison Avenue south, Dowding Road, Honey Lane, and Woodridden Hill, would increase. Nor should it be assumed that this would be without consequences. There would be a 61% increase on Mollison Avenue (CD 9/24 - Table

Enfield Northern Gateway Access Road Inquiry Report

- 5.1(b)). NGAR's economic benefits are indirect and unquantified. All it would directly result in is the release of the final phase of Innova Park.
4. Rather than solving the problems NGAR would lead simply to an overall increase in the traffic capacity of a new radial route. The contended benefits for congestion would not in fact occur. It is undesirable in planning terms if a new road built across Green Belt land simply led to the difficulties PPG 13 seeks to prevent being repeated.
- 4.44 If permission is refused, the protection of the Green Belt would be maintained. The development plan process would be upheld. The adverse consequences of a new radial route would be avoided. Certainly the detriment to the amenities of those living on Bullsmoor Lane would be maintained, but traffic flows would rise only to the levels contemplated by the North/South Road Inspector in 1985. The nature conservation value of Rammey Marsh would be preserved and the objectives of LVRPA would be maintained. The risk to Epping Forest would be removed.
- 4.45 Although the land available for development at Innova Park would be less than if NGAR were permitted, it would not impinge on the achievement of the critical mass necessary for a viable development. Investment decisions are likely to follow the current pattern. Economic regeneration will continue to be a priority. The measures that have produced results, such as improving infrastructure within the existing industrial estates will continue.
- 4.46 The Secretary of State is therefore invited to conclude that the applications for planning permission should be refused and that therefore the Orders should not be made.

5. THE CASE FOR THE LEE VALLEY REGIONAL PARK AUTHORITY

Status of LVRPA

- 5.1 Section 12(1) of the Lee Valley Regional Park Act 1966 (CD 12/1) places a general duty upon the LVRPA to develop, improve, preserve, and manage the Park for leisure and recreation activities and the provision of nature reserves. Section 12(2) empowers the LVRPA to do whatever they may think necessary to further the purposes set out in s12(1). That general power properly extends to making a case on all matters before a planning inquiry relating to a proposal which affects the Park. In addition the Act bestows on the LVRPA specific planning powers. Under s14(4) it has the right to be consulted by local planning authorities on any planning application affecting the Park. While the LVRPA's response is necessarily informed by its overall statutory role, s14 places no limit on the matters on which the LVRPA can express a view.
- 5.2 It is evident that the Regional Park is important at all levels of the statutory planning system. This is reflected in, for example, RPG 3 (CD 2/10), which stresses the need for the regeneration of the Lee Valley corridor to go hand in hand with the enhancement of the environment of the area.

Basic Principles

- 5.3 The NGAR proposal must be considered on its merits in terms of its overall land use impact and tested against the Development Plan and Central Government guidance. The assertions of inevitability and long-term aspiration which run through the LBE case are irrelevant in striking a balance on the evidence between the alleged regeneration benefits and the guaranteed environmental and other harms.

Planning Policy Issues

The Development Plan

- 5.4 The only reference to NGAR in the Enfield UDP is in paragraph 12.4.12 which expresses LBE's support for the concept of a link between the North/South Road and the M25. This text however gives no basis for a claim that NGAR is supported by the development plan. It is entirely neutral on NGAR. It makes plain that even the basic notion of a link has not been shown to be either practicable or desirable. Investigation of that is required before a specific proposal is formulated.
- 5.5 In any event, as Annex A of PPG 12 makes clear, the reasoned justification of a plan should not contain policies and proposals which will be used in themselves for taking decisions on planning applications. Furthermore, while noting that some Green Belt land may have to be used for regeneration purposes, RPG 3 (CD 2/10) makes clear that this should be done through the UDP process, not the departure procedure.
- 5.6 The slim basis in the UDP for NGAR is reinforced by LBE's failure to make any further reference to it in either the 1997 or the 1999 Interim Amendments to the UDP (CD1/3 & CD1/4). Both of these amendments post-date the NGAR planning application. They change the statutory development plan and the absence of any further reference to NGAR in them is further evidence that the UDP gives NGAR no support. This is confirmed by the fact that the NGAR application was advertised as a departure from the development plan.
- 5.7 As for the Regional Park, the UDP describes LBE's intention as being to foster the special recreational and nature conservation importance of the Regional Park.
- 5.8 The only reference in the Epping Forest Local Plan (CD 1/7) to a link between the M25 and the North/South Road comes in the commentary to policy GB20 which states that the feasibility of a link is being examined. That does not amount to support for NGAR.

Green Belt Policy

- 5.9 NGAR would be built wholly within the Metropolitan Green Belt. The construction of a road is inappropriate development within the Green Belt and is, by definition, harmful. By virtue of PPG 2, and indeed, Policy (II)G1 of the UDP, LBE must therefore identify very special circumstances to justify a grant of permission.
- 5.10 Of the factors LBE adduce as constituting very special circumstances, the first is that this part of the Green Belt is materially different from the remainder by virtue of its location and quality. However, there is nothing in PPG 2 to support the notion that there is a lower class of Green Belt worthy only of lesser protection. If anything, PPG 2 indicates the opposite (paragraphs 1.7 & 2.8). Moreover, the fact that neither the 1996 UDP itself nor the 1997 and 1999 Interim Amendments removed this area of land from the Green Belt suggests that LBE themselves regarded it as not materially different from other parts of the Green Belt and land it is necessary to keep permanently open. LBE have identified other land which is important to keep open by the Metropolitan Open Land designation under UDP Policy (II)O1. The fact that this land does not merit inclusion within the Green Belt confirms the extra importance policy attaches to protecting the Green Belt.
- 5.11 The second element of very special circumstances put forward by LBE is that communications have traditionally been located within the Lee Valley and that NGAR is very similar to the North/South Road. However, unlike NGAR, the North/South Road was promoted through the plan process. The balance of argument on the factors relevant in the decision on that road was anyway quite different from that in this scheme. Both transport

policy and conservation policy have shifted since that decision in 1985 and are now more firmly against road building across sites of nature conservation value. Moreover, then all the relevant local authorities and the LVRPA were in favour of that road.

- 5.12 The third factor argued by LBE is that, being a short road, it would impact little on openness. However, the concept of openness relates not to any visual perception but to the simple absence of built development, and this, the keeping of Green Belt land permanently open, goes to the heart of Green Belt policy. Even if an individual proposal has little impact on overall openness this rarely constitutes very special circumstances. In any event in scale NGAR is comparable to sites of major development elsewhere within Enfield.
- 5.13 On the purported role of NGAR in facilitating regeneration as a very special circumstance, there are two points. Firstly, no permissions for economic development have been granted on the basis that NGAR would be built; all the existing development in the area has been built on the basis that NGAR did not exist. Secondly it is only Phase III of Innova Park which is linked in planning terms to NGAR. LBE accept that they would still seek to continue to develop Innova Park without NGAR.

The Lee Valley Park Plan

- 5.14 LVRPA are required by s14(1) of the Park Act to produce a plan for the future use and development of the Park. This, the Park Plan, occupies a unique position in that s14(2)(a) requires the affected local planning authorities to include those parts of it relevant to their areas in their development plans. The current Park Plan (CD 1/10) was adopted only in 2000 and is therefore well up to date. LVRPA is required by s14(1) to consult with local planning authorities about the Park Plan and in fact a version was placed on deposit for public comment. While the Park Plan is not a development plan, at the very least it is a material consideration which should be afforded great weight.
- 5.15 The Park Plan 2000 provides no support whatever for NGAR. Part Two: Proposals does however emphasise the particular qualities of Rammey Marsh East. It refers to the elevated and exposed character of the northern part of the Marsh (Part Two - p. 67); the importance in visual and amenity terms of the River Lee Navigation corridor; and to the need to protect and enhance the large open space formed by Rammey Marsh both for outdoor recreational use and for its wildlife value (p. 71). Its site-specific proposals for Rammey Marsh (area 4.2 on the map after p. 78) are justified on the basis of its size as green space within an urbanised environment which has openness, extensive views, and a sense of wildness. This the Plan regards as highly valuable for informal recreation and wildlife conservation (p. 75). Its site-specific proposals for the area (4.2d, p. 75) include the protection of the open and green character of the area.

Landscape

- 5.16 Rammey Marsh lies within an area designated in the Park Plan as a Landscape Investment Area. Thus, although the quality of its landscape is in need of improvement, it is part of the Park Plan to achieve this.
- 5.17 However, all the landscape effects of NGAR would be negative. While its impact on the main part of Rammey Marsh may be relatively limited, it would involve the bringing forward of a new road feature, with the associated bridges, lighting columns and signs, further south into the land of the Marsh. There would inevitably be a high adverse effect for anyone on the strip between NGAR and the M25. Whereas without NGAR there is an open view from the edge of the M25, with it there would be a view of a road in both directions. As such NGAR conflicts with LBE's UDP policies (II)G5 and (II)G6.

- 5.18 For users of the River Lee Navigation there would undoubtedly be a high adverse impact. Although the bridge carrying the M25 over the Navigation is a negative feature in views from Rammey Marsh Lock, the NGAR bridge would result in a severe foreshortening of the river corridor and would detract from the interest and attractiveness of this area. In this NGAR is at odds with the aims of the waterway corridor proposal of the Park Plan. The purported landscape benefits arising from the screening of the M25 stated to be an effect of the NGAR landscaping proposals are overstated. The M25 is already well screened, especially from areas of population.

Ecology

- 5.19 Rammey Marsh, and its northern end in particular, is a site of very considerable nature conservation value. This is demonstrated by the inclusion of the site by the London Ecology Unit within the M071 Lee Valley Site of Metropolitan Importance for Nature Conservation. This designation includes the best examples of London's habitats, those which are of the highest priority for protection. The Marsh's nature conservation importance is also recognised in the Biodiversity Plan for the Regional Park, which identifies it as an urban habitat resource to be protected and enhanced. Even LBE acknowledge that Rammey Marsh is an area of nationally important biodiversity.
- 5.20 The territories of no less than 17 bird species have been recorded on the strip of land upon which NGAR would run. These include three red list species (skylark, song thrush and reed bunting) and two amber list species (blackbird and dunnock). Red list species have experienced a 50% decline in UK breeding populations in the last 25 years and amber list species have experienced a decline in the 25-49% range in the same period.
- 5.21 No less than 574 terrestrial invertebrate species have been recorded on the northern end of Rammey Marsh. Within this total there are 5 Red Data Book species, 29 Nationally Scarce species and 114 Locally Scarce species. The biodiversity of this site surpasses a number of sites which have been designated as SSSIs. Its importance is not diminished by the fact that the Red Book species are of the seemingly less important RBD K status. This designation simply means that insufficient information is available to allow this species to be confidently assigned to another RBD category (CD 15/27 p. 12 paragraph 6.1.1). Indeed Rammey Marsh is the only site in the UK known to support the Red Data Book plant hopper *Ribautodelphax imitans* (CD 15/27 paragraph 6.1.14).
- 5.22 The nutrient-poor nature of the soil on the northern part of Rammey Marsh is unusual but is also fundamental to the range of flora and fauna present there. It has evolved an unusual and important collection of flora and fauna. This is because Rammey Marsh has, exceptionally, being able to resist the processes of eutrophication by which soil disturbance and management add nutrient to the soil and allow areas to become overcome by fast-growing species dependent on good soil nutrition. Of particular importance in this context are the winter pool hollows. These support a regionally important range of unusual and intricately varied flora including common spike rush and hybrid graceful sedge. They also support important invertebrates such as several nationally scarce water beetles.
- 5.23 Equally important are the bee orchid colonies. The numbers of these orchids on the Marsh has increased in recent years, over 7000 flowering in 2001. They are plainly thriving in this location and have become a regional attraction. LBE acknowledge that Rammey Marsh is probably the best site in London for this species.
- 5.24 The effect NGAR would have on Rammey Marsh and its ecology would be considerably greater than the slight adverse impact contended by LBE. Along the line of the road itself there would inevitably be a complete elimination of all flora and fauna. Some 27

Enfield Northern Gateway Access Road Inquiry Report

- ecologically significant and conservation-worthy plants would be threatened by NGAR and its collateral impact zone, including one nationally rare species. The majority of the water hollows are now known to be along the line of construction itself and the effect of NGAR on the particularly important flora and fauna supported by these water hollows would be dire. For those hollows which would remain, NGAR would affect the drainage characteristics of this part of Rammey Marsh and that in itself would destroy the ecological value of those hollows.
- 5.25 Within the areas taken by the CPO, including the compounds, there would almost certainly be the total destruction of their flora and fauna, either directly or, on the land required temporarily, by virtue of intolerable disturbance. If proposed Works Compound No 2 were to continue to occupy all the land shown for it in the CPO, it would complete the destruction of the water hollows.
- 5.26 The strip of land lying between NGAR and the M25 would be isolated. The suggestion that the building of the M25 has already caused fragmentation of Rammey Marsh overlooks the fact that the development of the Marsh as a habitat has taken place entirely after the M25 was built. The real fragmentation of these habitats would be done by NGAR. The opinion of the knowledgeable specialist ecologists advising LVRPA is that the land between the M25 and NGAR would deteriorate rapidly into ecological worthlessness. They are sceptical that a strip of land of that nature could provide a worthwhile habitat for invertebrates or permit the survival of the rare species now present. There is always the possibility of dumping and fly tipping: the current intention is to provide only a small bund on the north side of NGAR to prevent vehicles leaving the road for such purposes.
- 5.27 NGAR would cause the destruction and dislocation of bird territories. For example, it would cause the elimination of 3-4 skylark territories. There is no evidence to support the suggestion that birds can simply relocate to the south. Indeed, the observed departure of skylarks from the southern part of Rammey Marsh as the development of Enfield Island Village started suggests that far from being a convenient haven for disturbed birds, that area of the Marsh has become unsuitable. It is likely that all 17 bird species whose breeding territories would be displaced by NGAR would be displaced permanently. The movement of kingfishers may be impeded by the new bridges.
- 5.28 The long-term sustainability of water voles in the habitat along of the Small River Lee would be adversely affected by isolation and the fragmentation caused by the new bridge construction. Bats would suffer a reduction in feeding areas and foraging areas for other mammals would be lost.
- 5.29 Through the direct destruction and dislocation and fragmentation of their territories, many invertebrates would be destroyed. Their relatively short life-cycle means that what appears to be only temporary disruption will in all likelihood be fatal for many colonies.
- 5.30 There are two fundamental flaws in LBE's position that only a small portion of the Marsh and only a small number of habitats and territories would be lost. It ignores the overall impact of NGAR on the important northern part of Rammey Marsh. The dividing line between the nutrient-poor, species-rich grassland of the northern Marsh and the rank grassland of the south lies, in LVRPA's view, at the line of the Rammey Marsh Ditch. On that basis NGAR and the strip take up almost 30% of the northern end of Rammey Marsh (CD 15/23). LBE's survey (CD 13/4 - LBE/PA/515) shows that the dividing line between the species-rich and the rank grassland is virtually along the line of NGAR. On the basis of

that, therefore, all the species-rich grasses are within either the direct land take or the strip to the north.

- 5.31 The argument that NGAR would leave much unaffected, whether applied to the Marsh itself or to individual species, runs counter to any policy of nature conservation. Rare indeed will be the development that totally or even largely of itself destroys a species or type of habitat. What must be protected against is precisely the type of piecemeal destruction NGAR would cause because if this type of argument is accepted once, it will be repeated many times until there is a real and irreversible decline. The importance of avoiding piecemeal erosion is recognised in the Mayor of London's draft Biodiversity Strategy (CEF/S10 paragraph 4.7).

The Effect of On-Site Mitigation

- 5.32 The first point about LBE's on-site mitigation proposals is that they have to be taken on trust. They have not been formalised by means of planning conditions or by a S106 agreement. They would, furthermore, lead to the conditions achieved on the area to the south of the line of NGAR by the present form of management, which the LVRPA considers to be the optimum, changing for the worse. Comparing them against the nature of what is being lost, it can be seen they are of little value. Nothing in them would be any sort of replacement for the unusual nutrient-poor/species-rich marshland and water hollows.
- 5.33 The single line of planting on the south side of the road would be too close to it, and to the footway, for nesting birds. It would create an area of disturbed soil which would allow seed penetration and cause an unwelcome spread of scrub, and it would create a wholly different habitat to that there currently. It is wholly contrary to the mitigation recommendations made in the Invertebrates Survey (CD 15/27 p. 30 paragraph 7.5.5).
- 5.34 The shallow bank proposed for invertebrate nesting is not sufficiently steep to create any worthwhile nesting and in any event would not benefit the grassland invertebrates that would be lost to NGAR. The attempt to create new water hollows by making scrapes is likely to fail. This is because the topography of the Marsh and the fact that NGAR would run in the small dip in the northern part of the Marsh means that its drainage characteristics are likely to alter. As a result, present conditions for the winter pool hollows would not be replicated. Because of their short lifespans, the invertebrates the replacement hollows are intended for, are anyway unlikely to survive NGAR's construction. They are therefore unlikely to be able to re-populate the newly created pools. In addition, the new hollows would be too close to NGAR to offer viable habitats.

Off-Site Mitigation

- 5.35 The principal element of mitigation proposed off the site is on the Exchange Lands, but these proposals show a lack of expertise. The Exchange Lands are generally low lying and extensively grazed areas. Whatever their value, they are wholly different in nature to Rammey Marsh north and cannot replace that which is being lost. There is no evidence to show how any of the habitats could become established, what would become established and what detailed measures LBE would put in place to encourage any particular species. The management regime proposed for this land, twice-yearly cutting or strimming coupled with grazing, is wholly inappropriate for the encouragement of invertebrates which require access to full height plants throughout their life-cycles.
- 5.36 The bee orchid translocation scheme proposed has never been successfully tried before. There is little to support the assertion that bee orchids are more capable of translocation

- than other orchid varieties. Although LBE talk of appointing a firm of specialists to undertake this work, they have not identified a suitable company. It is evident that LBE propose the translocation more in hope than in any particular expectation of success. The off-site mitigation measures proposed should therefore be given little weight.

Recreation

Effect of NGAR

- 5.37 LBE's case on recreation repeats the argument that NGAR would leave plenty of the Marsh untouched. However, it is evident that the Marsh would shrink from its present de facto boundary along the M25 to the southern boundary of NGAR, a reduction of about 11.8%. More significantly some 30% of the more remote northern part of the Marsh, that to the north of Rammey Marsh Ditch, would be effectively lost, either taken by NGAR or sterilised in the strip between NGAR and the M25 (CD 15/23). In any event, and despite being constrained at the northern end by the M25, the northern part of Rammey Marsh offers a special recreational opportunity which stems from its size, extensive use and sense of wildness. The northern part of the Marsh is the most important part of this experience, being the most isolated, and it is this which would be most affected by NGAR.
- 5.38 At present it is possible to walk with a clear aspect facing away from the M25 in some isolation on this land. NGAR would remove that aspect with a wholly unappealing strip between the two roads being created, and it would in addition cause a foreshortening of the Marsh to the south. In 1996 a survey at the Ordnance Road access onto the Marsh showed that it attracted the equivalent of 20,000 pedestrian users a year. These numbers will rise with the residential development of Enfield Island. The evidence of other surveys on the use of Rammey Marsh (CD 8/14) suggests that a good proportion of walkers go around the Marsh or across the whole length of the Marsh. With NGAR their experience would be diminished.
- 5.39 Other forms of informal recreation taking place on Rammey Marsh include cycling, picnicking, and studying nature. These would all be adversely affected by NGAR, whether by the destruction of habitats that attract people to it or by the curtailment of the usable area. Part of the area to the south is used by a model aircraft club. The foreshortening of the Marsh would restrict flying space and reduce the appeal of the Marsh for this activity. The Navigation is a popular fishery for local anglers. The bridge taking NGAR over the Navigation would reduce the length of bank available for angling. NGAR would also diminish the quality of the current pleasant lock-side environment of the Rammey Marsh Cruising Club clubhouse and reduce the number of desirable moorings available to them.

Exchange Lands

- 5.40 Although the area of the Exchange Lands exceeds that taken for NGAR, the quality of those Exchange Lands is not in any way equivalent to that being lost. They are fragmented into a number of parcels of land without routes for free interchange between them. The land is generally low-lying short grassland. As highlighted by the nickname "Pylon Island" given to one of the plots, its ambience is coloured by the built development on all sides. This is a great contrast to the particular attraction of Rammey Marsh north, the sense of isolation on rising land, an impression which is little compromised by the M25.
- 5.41 There is no merit in that the argument that the Exchange Lands would open up a large riverside recreation opportunity. There are already a number of footpaths along the watercourses (CD 13/4 - LBE/PA/503) - the edges of plots 55, 61 & 62 already having footpaths. The Exchange Lands proposals would add little by way of waterside recreation

since where there are not footpaths there are new hedges and no doubt there will have to be fencing.

- 5.42 There is similarly no merit in the argument that the Exchange Lands are closer to human habitation and thereby offer better recreational possibilities. The whole point of taking recreation on Rammey Marsh north is that it can form part of a more extended period of walking or cycling with a sense of isolation and wildness. It is notable that from the main areas of residential accommodation at Enfield Island Village or Enfield Lock, the southern end of Rammey Marsh is as easy to get to as the Exchange Lands.
- 5.43 There are furthermore a number of management issues which have yet to be resolved with the current owner of most of the Exchange Lands.
- 5.44 The provision of the Exchange Lands would not make up for the overall loss of land from the resource available for Park purposes. Far from representing the creation of a more strategic landholding for the Park, NGAR would forever cover a section of it in tarmac and create an unattractive strip between it and the M25. In return LVRPA would merely gain the accelerated ownership of certain lands which it does not wish to acquire as a priority and on which there are no plans for development. The LVRPA will no doubt seek to acquire these lands at some point in the future. However they always prefer Exchange Lands which lie on the boundary of the Park so as to prevent the gradual increase in its otherwise finite area (LBE/S21 paragraph 169).

Other matters

- 5.45 LVRPA does not put forward its own case on matters such as the effect of NGAR on Epping Forest or on the capacity of the M25 junctions which are argued by others. However it notes that each of those factors points against a grant of planning permission.

Economic Regeneration

- 5.46 Because the twin goals of LBE in promoting NGAR, the regeneration of the Lee Valley and relief to Bullsmoor Lane, form their justification for the construction of a new road across a site of nature conservation importance in the Green Belt, these aims need to be examined carefully.

Effect of National and International Factors

- 5.47 The key determinant of the economic growth of an area is not the existence or otherwise of a road but instead the general economic factors which affect all areas, and in this the general state of the global economy has a particularly significant influence on local economies. This is demonstrated by the fact that the greatest loss of manufacturing jobs in the Lee Valley occurred in the early 1990s recession which had a disproportionate effect on manufacturing in London. This was a national and regional factor which had nothing to do with NGAR.

Effect of NGAR

- 5.48 The central argument put forward to support the regeneration case is that NGAR would facilitate access, primarily to the M25. Since the M25 can already be reached via Bullsmoor Lane, this argument comes down to whether NGAR would facilitate faster access, and whether the effect of these time savings would be so great as to alter decisions on business location.

Enfield Northern Gateway Access Road Inquiry Report

- 5.49 The only evidence on time savings is in CD 9/20. This reveals that in 2005 there is no significant difference in the am peak for journeys from Enfield Lock to J25 and an actual disbenefit in the reverse direction. Going to J26 the benefit is 6 minutes and in the opposite direction 2.57 minutes. In the p.m. peak there is no difference for J25 and savings of 7.95 and 3.8 minutes to and from J26 respectively. However, by 2020, these savings are lost through general traffic increases.
- 5.50 These are relatively small savings. It is difficult to see that they are of a magnitude which could really have the profound effect on regeneration contended by LBE. It is also difficult to see that this sort of saving could have a great effect in increasing the catchment area for potential employees. There is no evidence before the inquiry as to how particular time savings have an effect on business or employee behaviour.

Quality of the Evidence

- 5.51 The evidence put forward to support the regeneration potential of NGAR is deeply flawed. It principally consists of a series of surveys recording general aspirations for better transport and less congestion, coupled with the letters of support from businesses. These however must be treated with great caution given that they represent the product of an exercise designed to generate supportive responses and carefully coordinated for LBE by professional PR consultants. It is anyway difficult to identify a single one which explicitly says that an investment decision has actually been altered by the absence of NGAR.
- 5.52 To set against that there is the evidence of actual investment decisions. The reality on this is that, without NGAR, very considerable regeneration has happened and is continuing to take place. There was a 21% increase between 1995 and 1997 in wholesale/retail, distribution, and repair businesses, and these are those most likely to be affected by transport problems. Waltham Point/Meridian Park, Enfield Island Village and Innova Park are all developing in accordance with their planning permissions. Moreover, several of the new businesses at Innova Park are patently ones where reliable distribution is fundamental.
- 5.53 Between 1995 and 2001 the Brimsdown Estate saw a 27% increase in floorspace and a growth in jobs. Infrastructure improvements within individual industrial estates are also having beneficial effects. Other estates have yet to be targeted for regeneration. It is plain that the regeneration benefits of NGAR are not as high as contended.

Traffic and Transport

Innova Park

- 5.54 The traffic model illustrates the fundamental flaw in the argument surrounding Innova Park. The limitation on the scale of development at Innova Park is not the absence of NGAR. It is the planning condition on the permission. That condition could be removed by LBE if it chose. It is fair therefore to consider whether the effect of removing that condition on the traffic network without NGAR is so bad that it would justify building NGAR. If that were the case it might represent a powerful argument in favour the scheme.
- 5.55 However, the traffic model shows the reverse. Its forecasts show that, whether for 2010 low growth (CD 9/14, Table 2.2 p. 14), for 2010 high growth (CD 9/14 Table 3.2 p. 22), or for 2020 low growth (CD 9/14 Table 2.3 p. 16), there is little or no change in flows on the various links of the network without NGAR whether or not Phase III of Innova Park is built. In 2020 on the high growth forecast the general growth of traffic on the network and the resulting congestion is such that traffic from Innova Park Phase III would make little

difference. Furthermore, in each case the development of Phase III causes no discernible change to the flows on Bullsmoor Lane.

Bullsmoor Lane

- 5.56 The extent of the environmental relief residents of Bullsmoor Lane are likely to experience is a matter of what benefits they would perceive rather than any reduction in traffic flows the model predicts as such. LBE accepted that residents would find it difficult to perceive any effect from the low reductions on Bullsmoor Lane NGAR is predicted to result in. As for the three other matters put forward as being of benefit to those residents, there is no evidence before the inquiry as to improvements in air quality on Bullsmoor Lane. As for the possibility of a ban on night time and weekend lorry movements, the highest it was put was that NGAR would give LBE the opportunity to consider a ban. Even so, it emerged that any decision on a ban is not for LBE to take.
- 5.57 The only figures before the inquiry about commercial vehicle flows on Bullsmoor Lane (CD 12/11 Appendix F) reveal that the effect of NGAR would be to reduce commercial vehicle flows in the am peak from 5.4 pcus per minute to 3.7 pcus per minute and in the p.m. peak from 4.2 to 3.6 per minute. In relation to the ability of residents to perceive changes in HGV flows, these are small reductions.

Public Transport Measures

- 5.58 The public transport measures LBE propose are not clearly defined. It is anyway beyond their powers to control some of the elements within the package. However, more significantly, the terminology used in putting them forward is imprecise and, when closely examined, reveals that none of the individual measures is a firm proposal.
- 5.59 While Innova Park is not far from Enfield Lock station and a choice of transport modes to it exists, the effect of NGAR would be to facilitate easier access by car, thereby disadvantaging in relative terms rail, cycle and pedestrian modes of travel. As such it is inconsistent with Government policy. LBE do not assess whether additional trips or a proportion of trips to it could be met by other modes of transport. From a policy point of view investment in rail transport to the series of stations serving the Lee Valley would be a more appropriate means of improving access to the area than a new access road.

Conclusions

- 5.60 The harm to be caused by NGAR is certain and profound. The alleged benefits are speculative and very probably slight. Given that what LBE are seeking to do is to build a new road in the Metropolitan Green Belt across a site of nature conservation importance, the benefits fall far short of demonstrating that the balance favours the development. Permission should be refused and the Orders should not be confirmed.

6. THE CASE FOR THE CORPORATION OF LONDON

The Corporation, the Conservators, and the Forest

- 6.1 London comprises 32 Boroughs and the Corporation of London, the Corporation providing the local authority services for the City of London. The Corporation has unique powers and provides a wider range of services than any other local authority in the country. It is one of the few local authorities that operate both inside and outside London.

- 6.2 Apart from the local authority function the Corporation has a private source of income which amongst other things funds much of the 4050 ha of the Corporation's Open Spaces and their support lands. Epping Forest is the largest of these Open Spaces at some 2500 ha. The Forest lies within the Greater London area and the County of Essex and therefore falls partly within the administrative areas of the Greater London Authority and several London boroughs as well as ECC and EFDC. Because of this, as RPG 3 and RPG 9 recognise, it is unrealistic to assume that the Mayor of London's Strategies and the policies of the other local authorities are only relevant to those areas of the Forest that fall within their constitutional boundaries. It therefore follows that what happens within the London Borough of Enfield can impact upon Epping Forest.
- 6.3 The Corporation of London owns the Forest in its private capacity and, under the Epping Forest Act 1878, acts as the Conservators of Epping Forest. The Act places a duty on the Conservators to protect the Forest from encroachment and building, to conserve the Forest in all its forms and to maintain its natural appearance. The Forest is administered as a registered charity. In 2000/2001, the net cost to the Corporation's private income of managing the Forest was £3,608,000.
- 6.4 Epping Forest extends from Manor Park in the south to beyond Epping in the north. It lies within the Metropolitan Green Belt and is thus subject to the Green Belt policies of the local authorities in whose areas it lies. The greater part of the Forest is designated as a SSSI and of this some 1605 ha are designated under European legislation as a cSAC. The Forest is one of a few remaining large-scale examples of ancient wood-pasture in England and supports outstanding assemblages of invertebrates and amphibians and an exceptional breeding bird community. It retains a variety of habitats of high nature conservation value including ancient semi-natural woodland, scrub, grassland, heathland, marsh and open water.
- 6.5 The Forest is not however large in Forest terms and, being located so close to the centre of London, the urban development of London itself has threatened, and continues to threaten, its future well-being. To help protect it the Corporation of London introduced a policy of acquiring Buffer Land around the Forest perimeter. The aim of this policy is to prevent future development on those areas thereby giving the Forest some much-needed long-term protection. Today, as is evident from the Forest Map (CD15/34), substantial areas have been acquired for this purpose. Although this policy has been successful, it is necessary also to place heavy reliance on the application of development control policies to protect the Forest.

Traffic in the Forest and NGAR

- 6.6 Today one of the greatest concerns of the Conservators is the amount of through traffic that is daily generated in the Forest. Traffic congestion in the Forest and the consequential rat-running on local roads was clearly a problem before 1989 when the Local Plan for Roydon, Nazeing and Waltham Abbey (CEF/S1) was published. Matters have subsequently got worse. Queueing on Woodridden Hill, on the B1393 between the Wake Arms roundabout and Epping, and on the A104 between the Robin Hood roundabout and the Wake Arms roundabout not uncommonly reaches 200 vehicles or more even when the M25 and M11 are flowing freely.
- 6.7 When incidents elsewhere bring other parts of the highway network to a standstill the roads in the Forest become even more congested. Many of these roads were not constructed for this type and volume of traffic. Originally most would have been narrow tracks with no discernible base construction. Although subsequently a number such as the Epping New

Road (A104/B1393) became the subject of highway dedication schemes and were widened to single carriageway roads to accommodate vehicular traffic, only a few were widened further during the second half of the 20th-century.

- 6.8 There is not now therefore the highway infrastructure in the Forest that is needed to accommodate the demands traffic places on it. Now that the M25 and M11 and the North Circular Road effectively enclose the Forest, the Conservators are seeking ways of introducing traffic calming on Forest roads and taking traffic out of the Forest. This would benefit the Forest visitor, but would also give the flora and fauna of the Forest a chance to thrive.
- 6.9 While it is evident that the Environmental Statement gave no consideration to NGAR's impact on Epping Forest, it is clear that NGAR would have an impact. This is mainly because it would result in increased traffic through the Forest and because of the effects of this. The principal problem would be at the southern roundabout of J26 of the M25 and on the A121 Woodriden Hill, which is the principal gateway into the Forest.
- 6.10 For its type Woodriden Hill is already one of the busiest roads in Essex. Its peak hour flows are higher than those on either Bullsmoor Lane or Mollison Avenue. The additional traffic introduced by NGAR can only lead to greater congestion on this road and therefore in the Forest. There is also likely to be an impact on the M25 itself where westbound traffic trying to exit at J26 meets congested traffic on the southern roundabout. LBE considers that this could be overcome by ECC modifying the roundabout. However there would still be a transfer of traffic problems from Enfield to Essex and thereby to Epping Forest.
- 6.11 These are general concerns but, in addition, whereas lorries from the new Sainsbury's Regional Distribution Facility off Dowding Road are precluded from travelling through the Forest by means of an agreement restricting routing, if NGAR is built it would give HGVs like those emanating from the Iceland warehouse at Innova Park better access to routes through the Forest. NGAR is thus hardly compatible with the reduction of traffic in the Forest which the Conservators, in conjunction with other statutory bodies, are trying to bring about.
- 6.12 The EEHBTS 99 Traffic Study suggests that if NGAR is constructed there would be a reduction in traffic on Bullsmoor Lane and an increase in traffic through Epping Forest. Comparing the flows on Woodriden Hill under the various scenarios, it is evident that, even by 2005, with or without NGAR, flows in both peak hours and in the off peak periods would substantially exceed the flows the model assigns to Woodriden Hill for 2000. It is noteworthy that the model expects off peak flows to rise from levels much lower than the peak hour flows in 2000 to levels broadly comparable with the corresponding peak hour flows by 2005. The length of queue represented by these flows has implications for the performance of the southern roundabout of J26.
- 6.13 The Highways Agency considers that, with NGAR in place, in all scenarios the southern roundabout at J26 would be over capacity on the Woodriden Hill arm.
- 6.14 The timing of the production of the component documents of the study precluded making a full analysis during the inquiry but the results appear to contain a number of anomalies. Among them is that identified by CPRE Essex in relation to the flows forecast for Dowding Road, which the limited number of model tests revised during the inquiry only partially resolved. It is also unclear why, on certain tests, flows on Dowding Road East rise with NGAR, but flows on Woodriden Hill fall, or why, in some scenarios flows on Dowding Road East are lower with NGAR than the flows without it. The fact that traffic counts undertaken on Woodriden Hill in October and November 2001 for the Corporation exceed

the 2000 peak hour flows attributed to Woodriden Hill by the model by 24-28% suggests the flows forecast by the model could also be low.

- 6.1 Furthermore, it is unclear whether the traffic model has accurately reflected the traffic implications of the high degree of local business support for NGAR evident in the letters supplied to the inquiry. If not the flows forecast may be too low. The model may not, in addition, reflect the rat running on local roads that happens when the motorways are congested or at a standstill. In that NGAR would complete an additional east-west route parallel with the M25, with it in place rat running at times of congestion on the motorways would become yet more attractive to drivers. What is clear though is that with NGAR in place there would be more traffic on J26 of the M25 and Woodriden Hill and other roads through the Forest. The level of pollutants in the air from vehicular emissions would rise accordingly. Effectively Enfield's gain would be Epping's loss.

Nature Conservation Implications of NGAR

- 6.16 The four features of European Interest for which much of Epping Forest has been selected as a cSAC under the Conservation (Natural Habitats &c.) Regulations 1994 are: Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer (holly and yew); European dry heaths; North Atlantic wet heaths with *Erica tetralix* (Cross-leaved Heath); and Stag Beetle. Policy E1 of RPG 9, which is reiterated in the Essex and Southend on Sea Replacement Structure Plan as policy CS2, indicates that priority must be given to protecting internationally important sites.
- 6.17 The additional traffic NGAR would introduce into the Forest will worsen air pollution. The nitrogen oxides in vehicle emissions are particularly significant because they cause enrichment of naturally infertile habitats such as heathland and lead to the loss of characteristic plant species (CEF/S11 p. 45). Over 50% of NO_x pollution is produced by vehicle exhausts.
- 6.18 The Atlantic wet heath with *Erica tetralix* feature is found mostly around the Wake Arms roundabout. The area covered by this type of heathland is more extensive in Epping Forest than in any other site in Essex (CEF/S25). The key species in these protected heathlands have been found to be declining as the previously nitrogen-limited heathland soils become richer in nitrogen. As a result, over much of their areas, the heathlands of the Forest are no longer in favourable condition as defined by English Nature.
- 6.19 In the New Forest (CEF/S32) oxides of nitrogen from car exhaust emissions were found to be raising the fertility of the soil on heathland for up to 200 m into the heath from a major trunk road. The suppression of the diverse heathland flora of mosses, lichens and heather by nitrophilous species is the result. This reflects the fact that relatively low levels of NO_x (above 30 µg/m³; 15ppb) have an impact on vegetation. Given the fragmented nature of the Epping Forest heaths (CEF/S26) very little of them would remain unaffected by such pollution levels. The levels of NO_xs alongside smaller rural roads have also been shown to have harmful effects on lower plants such as mosses (CEF/S33). Mosses are an important component of the cSAC heathland flora, particularly the *Sphagnum* species. *Sphagnum* mosses are particularly adversely affected by nitrogen pollution (CEF/S29).
- 6.20 Other cSAC interests may also be affected by the increase of NO_x levels across the Forest. The nutrient-poor acid soils of the Epping Forest ridge that support the internationally important beech woodland are an example. The health of these beech trees has been giving cause for concern for some time (CEF/S36 & CEF/S37). A possible relationship has been identified between tree health and the acidification of the soils beneath the trees.

- 6.21 Roads are significant physical barriers to wildlife. Increases in the amount and speed of traffic increase fragmentation effects and makes the sustainable management of the heathlands by grazing cattle and deer more difficult. The grazing of the heathland will be at much higher intensities than in the last century to counteract the changes in soil fertility and vegetation that have occurred. A restoration and grazing strategy for the areas of heathland is therefore essential for the conservation of Epping Forest. The increase in traffic volumes on the roads around the Wake Arms has already made this more difficult to achieve.
- 6.22 Fallow Deer are recognised as an important historical and cultural feature of the Forest by the 1878 Act. However numbers have declined over the 20th century while increasing significantly elsewhere in Essex. On average 8 deer were killed a year by vehicles between 1993 and 1996. This death toll represents around 50% of the potential annual increase of the Forest sub-population (CEF/S40). Increased traffic will make it harder to reduce casualty rates.
- 6.23 Noise has been shown to impact on the breeding densities of a wide range of birds (CEF/S41). Increases in noise could adversely affect the outstanding assemblage of breeding birds protected by the SSSI.
- 6.24 With NGAR flows would increase on other roads through the Forest besides Woodriven Hill. Flows on the other roads leading to the Wake Arms roundabout would certainly rise. These roads fragment the heathland and much of the beech woodland. As the scientific studies demonstrate, the increase in pollution arising from the increase in traffic would be likely to damage plants important to the cSAC designation and the balance of the communities to which they belong. The increased fragmentation and noise arising from the additional traffic would be detrimental to the fauna of the Forest.
- 6.25 All these potential adverse effects arising from the construction of NGAR would have an impact on the natural aspect of the Forest, which the Epping Forest Act 1878 requires the Conservators to preserve.
- 6.26 These impacts are significant in relation to the conservation designations to which Epping Forest is subject, and in consequence the NGAR Environmental Statement is inadequate. On the basis that the increase of traffic attributable to the construction of NGAR is likely to cause air quality in the Forest to deteriorate and harm the protected interests of the cSAC, English Nature has advised that an appropriate assessment under the Conservation (Natural Habitats &c.) Regulations 1994 ought to be undertaken before any permission for NGAR is granted. Further evidence is needed to enable that assessment to be made.

Other Implications of NGAR for the Forest

- 6.27 NGAR, and the development of Phase III of Innova Park its construction would release, would cause intrusion in views from parts of the Forest. Already the Iceland depot intrudes in the landscape when seen from the Fernhills area of the Forest.

Call-In Issues

- 6.28 Of the matters raised by the Secretary of State in the 1998 call-in letter, the effect of NGAR on the Metropolitan Green Belt as a whole has not been fully taken into account by LBE. This relates in particular to the generation of traffic over the wider area and the unacceptable additional traffic that would be generated through Epping Forest.
- 6.29 As for the effect of NGAR on traffic generation and car use, not enough is proposed to bring about a greater use of public transport and a reduction in car traffic. The proposals

are reliant upon others determining need and therefore profit level. Without a robust package which includes pump priming, it is unlikely that the Northern Gateway area is situated attractively enough for private companies to lay on services. Measures such as requirements for Green Travel Plans imposed on planning permissions may assist but no guarantees are given that these will be imposed. Proposals such as freight interchange sites allowing freight to switch easily between rail and road or between large and small vehicles, coupled with a more robust push to improve public transport and traffic restraint measures, could go a long way towards achieving LBE's objectives without transferring the traffic problems across to Essex.

- 6.30 The primary reason given by LBE for NGAR is to facilitate the regeneration of the industrial base of the Northern Gateway through the development of additional areas of Innova Park and the improvement of access to existing businesses in the area, along with a reduction of traffic along Bullsmoor Lane. However, even though it is a major project, it is apparent that NGAR has not gone through the local plan democratic process. In LBE's UDP there is only the statement of support in paragraph 12.4.12 for the concept of a link between the North/South Road and the M25. No route for it is shown on the Proposals Map. Moreover, even though the planning application for NGAR was submitted in 1996, the concept of the link was not taken further in the Interim Amendments to the UDP published in 1997 and 1999.
- 6.31 It is apparent now from Part I of their Interim Local Implementation Plan and Borough Spending Plan 2002-3 (CD 9/5) that LBE regard NGAR as facilitating other development, including residential, either within the boundary or just outside. This potential future development has not been included in the Traffic Study and therefore can only result in the generation of even higher flows than the study forecasts. Although not quantified in location or extent, it is likely to result in a further degradation of the Metropolitan Green Belt and possibly the Lee Valley.
- 6.32 While it is highly desirable in economic terms to regenerate the Northern Gateway, this should only be done on the basis of a suitable infrastructure. In terms of PPG 13, there should be a greater critical analysis of what already exists before building new roads. This would show what is capable of possible improvement and therefore supporting at least a degree of development that could assist in the regeneration of the area without transferring the traffic problems elsewhere. NGAR should not necessarily receive approval at the expense of the wider environment.

Conclusion

- 6.33 Irrespective of the outcome of the appropriate assessment, in view of the seriousness of the impacts expected, the long-term implications for the Forest, and the alternatives to NGAR, the Secretary of State is requested to refuse permission for the Northern Gateway Access Road and to decline to make the associated Schemes and Orders.

7. THE CASE FOR THE HIGHWAYS AGENCY

Background

- 7.1 The Highways Agency is responsible for the M25 and, for now, the A10 north of J25. At J25 the Agency is responsible for the whole junction including the slip roads and the signal controlled roundabout. At J26 only the slip roads are the Agency's responsibility, ECC being responsible for the A121 and the two dumbbell roundabouts. The M25 between

junctions 25 and 26 carries over 120,000 vpd. There are frequently problems on this length, principally because of the presence of the Holmesdale tunnel and the reduction in carriageway standard through J25 to dual 2 lanes, which causes regular congestion at times. However, there are plans to increase the standard of the carriageways through J25 to dual 3 lanes. The improvement scheme involves revised layouts for merging and diverging within the Holmesdale tunnel. The improvement to the eastbound carriageway is unlikely to take place for some time but work on the westbound improvement is due to start in December 2001.

The Agency's View on NGAR

- 7.2 The Highways Agency has no objection in principle to the construction of NGAR, but needs to be satisfied that it would have little or no impact on the free flow and safety of traffic on the M25 and at junctions 25 and 26. Following appraisal of the recent junction capacity assessment work carried out as part of the EEHBTS 99 Traffic Study, the Agency is now content that overall NGAR would not have a detrimental effect on the operation of J25.
- 7.3 However, the Agency's concerns about the ability of J26 to cater for the traffic that NGAR would introduce onto it remain. Notwithstanding its limited responsibilities at J26, the Agency needs to ensure that the performance of the slip roads and the ability of motorists to gain access to the M25 here is not compromised by deficiencies in the operation of the roundabouts. The key concern is NGAR's effect on the southern roundabout. There are two aspects to this. The first is that the results of the traffic model to date are inadequate to show satisfactorily the likely impact of NGAR on the junction. The second is that the evidence to hand shows that the pre-existing problems at this roundabout would be exacerbated by NGAR and lead to the junction operating in an unbalanced fashion.

The Model's Output

- 7.4 It is evident that LBE are promoting NGAR to provide an alternative route to the M25 from which regeneration benefits are expected to occur. As such LBE themselves expected that the effect of NGAR would be to transfer eastbound M25 traffic to J26 in place of J25 (CD 15/6 paragraph 5.5). However the model's results for the movements through the southern roundabout of J26 and on Dowding Road are clearly at odds with this expectation.
- 7.5 For example, comparison of the results for the years 2005 and 2020 from model test 9A with test 7A, and comparison of test 24A with test 20A (CD 9/24), shows that not only is there an apparent reduction in flows on Dowding Road East in the am peak with NGAR, but that that reduction increases over time. In the 2020 am peak the flows on Dowding Road East with NGAR would be lower than the flows in 2005 with or without NGAR.
- 7.6 The model's output is anomalous in other respects. It employs an elastic assignment technique to derive the 2010 and 2020 forecasts in the Forecasting Report (CD 9/14). The like-for-like comparison of elastic and non-elastic test results set out in the sensitivity tests reported in CD 9/26 suggests, unexpectedly, that the non-elastic flow on NGAR and Dowding Road West (Test 25) would be lower than the elastic flow (Test 24). This result adds to concern about the results from the model. Yet further concerns about the forecasting model derive from the negligible amount of traffic seemingly induced by NGAR, a new road providing extra capacity across a river.
- 7.7 The Agency's manual assessment of the likely demand from planned developments at J25 and J26, while not intended to be a substitute for the results of the model, does support a conclusion that the model's outputs are out of line with expectations. The degree of

divergence between the outputs from the development trips-only model test done at the Agency's expense and the flows derived from this transparent, albeit simplistic, check adds further to concern about the validity of the model's results.

- 7.8 It is apparent that the volume of development traffic the model indicates would use NGAR is not as high as expected. This suggests that NGAR is not achieving its stated aim. A select link analysis, which examines the origins and destinations of trips along a given link, showed among other things, that most inbound trips for Innova Park appear to emanate from London with very few originating from the Enfield local area. This contrasts with Park Plaza, the majority of trips to which originate on the main roads.
- 7.9 As background it is interesting to note that the model's "joy ride" outputs, which identify journey times along specific user defined routes, suggest that it is unlikely that drivers leaving Innova Park to travel westbound on the M25 would choose to travel along NGAR to J26 in preference to using J25.

Junction 26

- 7.10 As for J26 itself, the ARCADY analysis results appear to suggest that the northern roundabout operates satisfactorily in all scenarios, and that the motorway slip roads operate within capacity. Similarly, most of the arms of the southern roundabout operate within capacity. However, the A121 Woodriven Hill arm appears to be over-capacity in all scenarios. This means that the southern roundabout operates in an unbalanced way, contrary to DMRB TD16/93's aim of reasonably balanced roundabout design. It is likely that gap acceptances on the Woodriven Hill arm would be reduced as drivers attempt to join the roundabout, and this in turn would have safety implications for the roundabout as a whole. There are anomalies in the outputs for this junction also. There is for example a substantial apparent increase in movements from the M25 off-slip road onto Woodriven Hill in the am peak with NGAR.

Conclusion

- 7.11 The Agency is content with the traffic model's representation of base conditions. However, what is critical is whether it forecasts future conditions in an acceptable way. Taken together the anomalies identified give rise to justifiable scepticism about the acceptability and reliability of the model's results overall. While it is not unknown for complex traffic models to give results which do not accord with preconceived notions, one should only accept unexpected results if the reasons for them can be ascertained and fully understood. At present there are no convincing explanations for these surprising results. As things stand at present, therefore, the traffic model has not fulfilled its objective of providing robust traffic figures. The inadequacy of the information available at present as to NGAR's future impacts represents a substantial reason why planning permission should be withheld.
- 7.12 But, even taking the model's results at face value, they suggest that J26's southern roundabout would have a capacity problem in the am and pm peaks. With that factual position and given the strategic importance of the M25 and its junctions, there is no justification for taking the risks that relying on the results from an inadequate model would involve.

8. OTHER ORAL REPRESENTATIONS

Opening

The Friends of Epping Forest

- 8.1 The membership of the Friends of Epping Forest is around 1500. The objects of the group are to foster appreciation of Epping Forest and to support the Conservators in upholding the provisions of the Epping Forest Act 1878. Since the Act was passed the Forest has changed from being located in a semi-natural setting to being almost entirely bounded by roads and built development. This has implications for the Forest's biodiversity, its SSSI status, and for the preservation of its natural aspect and its open and unenclosed character.
- 8.2 Being totally open and unenclosed it is unusual and attractive. Visitors already come from far and wide. Increasing development pressures outside will increase its recreational and amenity value. To protect it from encroachment, the Conservators are implementing a policy of acquiring buffer land.
- 8.3 The western flank of the Forest is under the most direct threat from development pressure. Already, since the opening of Dowding Road and the partial occupation of the Waltham Point estate, there is a noticeable increase in traffic on the small lanes which lead off Sewardstone Road towards the Forest. Traffic counts and predictions for these lanes have not been provided, but the likely effect of NGAR is to place them under greater pressure.
- 8.4 The lack of north facing slip roads on the Debden junction of the M11 means the roads in the Forest carry more traffic than they would otherwise. Woodridden Hill is narrow and is already very busy. Traffic on it is forecast to increase from 1734 to 2335 in the am peak with NGAR and to 2356 in the pm peak, and there would be queues along almost its entire length. Rat running along minor Forest roads takes place now. Greater congestion on Woodridden Hill would only increase this, but the model has not provided figures to quantify the effect. The forecast level of congestion on Woodridden Hill is likely to give rise to calls for it to be widened. The Conservators have indicated their unwillingness to agree to such a widening, in which case it would be necessary for Parliamentary sanction to be obtained.
- 8.5 In recent years the Conservators have become increasingly aware of the effect of rising traffic levels on Forest biodiversity. As a result discussions are taking place with the relevant local authorities to construct a policy to bring traffic levels on Forest roads down and to close some smaller roads. NGAR would jeopardise these efforts.
- 8.6 While Bullsmoor Lane is very busy and residents there would welcome reduced traffic flows, the present situation on this road has been caused by LBE's own actions in permitting development along Mollison Avenue. It is unreasonable to expect the problems on Bullsmoor Lane to be mitigated at the expense of Epping Forest and of residents on roads like Dowding Road and Honey Lane.

Mr Callaghan, Chairman of The Council for the Protection of Rural Essex-Epping District

- 8.7 The desire to complete Innova Park does not justify imposing on roads in Essex congestion similar to that prevailing on Bullsmoor Lane. If abandoning NGAR means limiting Innova Park to just Phases 1 & 2, that would be less damaging than the effect of the traffic generated on Epping District in terms of increased noise and pollution.
- 8.8 NGAR would not produce the benefits expected in Enfield. Mollison Avenue would see more congestion. Environmental conditions on Bullsmoor Lane would not improve. By

Enfield Northern Gateway Access Road Inquiry Report

2020 traffic on it would increase by 13%. However, roads in Waltham Abbey would suffer more. NGAR would lead to traffic growth rates on Dowding Road and Honey Lane of 80% and 100% respectively, by 2020.

- 8.9 Dowding Road was not designed with NGAR in mind. Its main objectives were to provide access for the new developments on the PERME site; to bypass Waltham Abbey; and to take traffic off the residential Honey Road. These objectives would be undermined by the congestion NGAR would introduce. The increase in traffic on Honey Lane caused by NGAR would reverse the benefits resulting from the construction of Dowding Road.
- 8.10 Excessive queues would occur at the Mollison Avenue roundabout, on the Woodridden Hill arm of J26's southern roundabout, and at the Highbridge Street/Dowding Road signal controlled junction by 2005. By 2020 queuing at these junctions would be worse and queues would also be commonplace at others. NGAR would also bring about increased traffic on roads through Epping Forest and on the surrounding lanes.
- 8.11 NGAR would affect the openness of the Green Belt and is inappropriate development. It would add to sprawl; it would encourage neighbouring towns to merge; and it would encroach onto the countryside. The completion of Innova Park does not amount to the very special circumstances needed to justify a permission. There was significant flooding in the Waltham Abbey area in late 2000. As PPG 25 advises, the susceptibility of this land to flooding and the impact NGAR would have in this respect need to be taken into account in the decision on the application.

Enfield Lock Conservation Group

- 8.12 Enfield Lock Conservation Group was founded in 1989 and is affiliated to the British Trust for Conservation Volunteers. It has 65 members and its aim is to protect the natural environment of Enfield Lock. NGAR is opposed because it would inevitably result in the loss of wildlife diversity in Enfield Lock and the Lee Valley and may contribute to declines in national wildlife populations.
- 8.13 Rammey Marsh is part of the green corridor of the Lee Valley. It has high intrinsic biological value, being designated as a Site of Metropolitan Importance by the former London Ecology Unit, but it also contributes to the biodiversity of the Lee Valley as a whole. Within the proposed route of NGAR there are six different habitat types which create the rich biodiversity present on this part of Rammey Marsh. The winter pool hollows, which hold significant assemblages of plants and invertebrates, are particularly worthy of conservation. Many of the flora and fauna species in this part of the Marsh are of national, regional and local importance.
- 8.14 Of the 255 botanical species recorded on the route of NGAR in a 1999 survey, 12 are believed to be uncommon in the Lee Valley. The Bee Orchid is not a rare orchid but is in need of conservation because suitable habitats are disappearing. The colony on Rammey Marsh is significant because of its size, which may be the largest in the UK. The orchids were first observed in 1995 when 188 flowering spikes were seen. Since then the plants have spread along the route of NGAR and over 7000 were recorded in June 2001. The Bee Orchid has a complex and lengthy life-cycle and requires exact conditions for germination and growth which would be very difficult to recreate elsewhere. It is not thought any attempts have been made elsewhere to relocate this species. LBE's proposal to relocate them has no guarantee of success.
- 8.15 Enfield Lock and its environs have suffered tremendous tree loss over the past five years with the development of Enfield Island Village, Waltham Point and Innova Park. It is

possible NGAR could involve removal of a further 119 mature trees. The tree planting proposed to screen NGAR would not mitigate the loss of mature trees as wildlife habitat.

- 8.16 This part of Rammey Marsh contains an important terrestrial invertebrate fauna. When surveyed in 2000 a total of 574 species were recorded. Several of these are nationally important. The site has a high Species Quality Index of 7.0. Although it is intended to replace those winter pool hollows taken by NGAR, it would be difficult to replicate the conditions which produce the high biomass of the existing hollows.
- 8.17 Some 17 different species of birds have been identified as using the NGAR area of Rammey Marsh for probable or possible breeding. Some of these species are of national or local importance. To enhance the Exchange Land to provide habitat suitable for these birds, work would have to be started well in advance of the main road construction. The areas of grassland within the Exchange Land are in any event too small and fragmented by structures to be viable territories. A contribution to national population decline may result.
- 8.18 There are signs that Water Vole use the Rammey Marsh stretch of the Small River Lee. Bank enhancement works to improve foraging and breeding habitat undertaken already by LBE will not mitigate changes to their habitat brought about by bridge construction. Certain bat species use the site for foraging. Construction of NGAR would reduce the chances of bats remaining in Enfield Lock.
- 8.19 The three recent major developments in the locality have totally devastated wildlife habitat in the area and Rammey Marsh has become an island in ecological terms. With all this development the surrounding area cannot offer refuge for wildlife disturbed by NGAR. The Marsh has lost land in the past and will lose its high biological value if any further loss of land results. LBE's mitigation plan is insufficiently detailed to offer certainty that habitats of high biological value would be effectively mitigated or replaced. In any event it does not offer to replace the existing species-rich ecology of the Marsh with like for like.

Enfield Lock Action Group Association

- 8.20 The Enfield Lock Action Group Association is an association of the residents of the Ordnance Road/Enfield Island/Government Row area. It has some 500 subscribing members.
- 8.21 In recent years public open space in the area has been lost, yet at the same time the community of residents has doubled in size. Rammey Marsh is a local asset, open, relatively unspoiled, and accessible without a car. It is popular for walking, kite and model aeroplane flying, picnics and informal ball games as well as bird watching and other nature conservation activities.
- 8.22 NGAR conflicts with policies aimed at protecting the Green Belt and with the provisions of the Lee Valley Regional Park Act. Permitting NGAR despite the strong policy objections would set a precedent which other applicants for development on land with similar levels of protection could use to challenge a refusal. NGAR also conflicts with the Government's policy to reduce the effect of traffic on local communities.
- 8.23 The possibility that the old landfill site underlying the route of NGAR contains contaminated materials raises concerns over the proper monitoring of construction to ensure adequate safety standards. The public using the adjacent land for recreation could be vulnerable. Airborne dust and the possibility of polluted water from the site discharging into the watercourses are of concern also. The Environment Agency should control this aspect of construction instead of LBE.

- 8.24 The traffic on NGAR would increase pollution in an area where air quality is barely acceptable and would increase noise on the Marsh. NGAR would result in a significant increase in traffic on Mollison Avenue. The adjacent populated area would suffer additional traffic noise. Unacceptable harm to amenity and health would result from the extra traffic loading. Mollison Avenue is at capacity now and over capacity at peak times. The extra traffic associated with NGAR would overload it entirely, and could lead to pressure for its widening. Additional traffic congestion, exacerbated by the frequent closures of the Ordnance Road level crossing, would hamper the ability of the emergency services to access parts of Enfield Lock.
- 8.25 LBE's current contention that NGAR would bring relief to Bullsmoor Lane is contradicted by the first traffic impact assessment which concluded that Enfield Lock would suffer almost total gridlock and that Bullsmoor Lane would only benefit, if at all, for a very short period.
- 8.26 The proposed Exchange Land is not of equal value nor is it of a safe and amenable quality. Abutting the River Lee Navigation and the Feeder Channel and with access to the reservoir and nearby weir, the potential for harm to young children is enormous. Being crossed by electricity pylons, it seems unlikely that kite flying or model aeroplane flying would be permitted. Electromagnetic radiation from overhead power lines has been linked to increased risks of cancer. The proposal to create recreational space on land crossed by power lines seems both foolhardy and negligent. This land is not therefore suitable for public use.
- 8.27 Suffering under unprecedented financial constraints which have affected the provision of even essential services, LBE has inadequate funds for NGAR. Local taxpayers would be placed under an unacceptable financial burden by the cost of NGAR. Local residents have basic human rights set down in European law. The right to open space, quality of life, good air quality, local recreational amenity and the protection of the health would be infringed unacceptably if NGAR proceeds. The Association supports the submissions of the Enfield Lock Conservation Group on conservation matters.

Mrs D Vallance for Friends of the Earth, Enfield

- 8.28 Following the completion of gravel extraction from Rammey Marsh, it has become a focal point for local residents who use it for many forms of outdoor recreational pursuits. Although the M25 does detract to some extent from the ambience of the Marsh, NGAR would bring noise and the pollution even closer to residents and directly affect wildlife habitats. NGAR would be lit and additional street lighting is not good for those species of wildlife that prefer darkness. The discharge of road surface water from NGAR into the River Lee would not be desirable from a water quality standpoint.
- 8.29 By virtue of the additional land and structures needed temporarily for construction purposes, the construction of NGAR would be especially detrimental. Moreover its location on an old landfill site means that those in the area could be exposed to contaminated land and air during the construction process. The proposed Exchange Land is not as open or free from overhead pylon cables as Rammey Marsh and is not as visible from external vantage points. It is not equivalent replacement land in wildlife or safety terms.
- 8.30 NGAR will no doubt be welcomed by car drivers but it would be used as a rat run to reduce journey times, increasing traffic on local roads and bringing them to a total standstill. Bullsmoor Lane was known to be over capacity in 1997. However, since then its usable capacity has been reduced by the provision of bus lanes, adding to peak hour congestion.

Thus it is not valid for LBE to use conditions on Bullsmoor Lane to make the case for NGAR.

8. Now nearly the whole site of Innova Park has been developed rather than just the 50% which could originally be built before NGAR opened to traffic. However it is clear that there are no problems now gaining access to or from the site. The desire to complete Innova Park does not therefore provide justification for NGAR.

Mr Q Given for Tottenham and Wood Green Friends of the Earth and Ferry Lane Action Group

- 8.32 The Tottenham and Wood Green Group of Friends of the Earth has around 80 members. The Ferry Lane Action Group is the association for those residing in the 750 dwelling Ferry Lane Estate, located adjacent to Tottenham Hale.
- 8.33 When NGAR was first proposed, transport modelling predicted that there would be an increase in traffic southwards on the A1055 towards Tottenham Hale. However, Tottenham Hale already suffers from acute congestion. It is sited on one of the road crossings of the Lee Valley and quickly gridlocks in the event of accidents or roadworks on its feeder roads. The area needs a reduction in traffic levels, not an increase.
- 8.34 Since Mollison Avenue was built it has come to serve many new traffic generating developments. Traffic levels and congestion have increased as a result. If traffic congestion is a key reason for NGAR, then the first response should be to address the causes of the traffic, not just to build more roads. To achieve the public policy aims of reducing the need to travel and encouraging modes of transport other than private motor vehicles, this vicious circle of road building and traffic generation needs to be broken.
- 8.35 Congestion in this area arises mostly during commuting hours as vehicles travel to or from the business sites along the A1055. It is estimated that there are some 1500 workplace parking spaces at Innova Park and the business estates to the south. Over the whole length of the A1055 down to the A104 there are likely to be some 3500. All the workplaces involved are within walking or cycling distance of railway stations. There are bus services in the area and more could be provided if demand increased.
- 8.36 Yet LBE is still allowing developments with significant amounts of car parking to proceed. This makes it harder to implement Green Travel Plans but, if rigorously implemented, these plans can reduce commuting car traffic by 20-40%. On the basis of these figures, the implementation of Green Travel Plans in this area could reduce commuting traffic by about 1000 vehicles at each end of the day. In itself this would significantly reduce peak hour congestion. Road building should not be countenanced until after alternatives aimed at reducing congestion at source have been fully implemented.
- 8.37 The residents of Bullsmoor Lane suffer currently from traffic. However, although one of the objectives of NGAR is to take traffic off this road, it would instead divert it across the Green Belt and across wildlife habitats and lead to the generation of additional traffic. This is not the answer. The problem needs to be dealt with, not transferred on to another area.
- 8.38 The other grounds for opposing NGAR relate to amenity and wildlife. The Lee Valley is important to growing numbers of Londoners as a place for recreation, and is especially important to those living in areas deficient in parks and green space. NGAR represents yet another erosion of the Green Belt. It would also involve the destruction of valuable wildlife habitats. As such it conflicts with Policy 1 and Proposals 1-4 of the Mayor of London's draft Biodiversity Strategy, and should not be permitted.

Mr A J Irons of Chestnuts, Avey Lane, Waltham Abbey

8.39 Traffic on Sewardstone Road is already heavy and is getting worse. Vehicles travel at speed without thought for residents. Chestnuts is on the corner of Avey Lane and Sewardstone Road and has suffered damage on occasions as a result of vehicle accidents. Once a lorry came off the road, and crashed into the garden wall. NGAR is opposed because of the extra traffic Sewardstone Road would have to carry as a result.

Ms K Hockley of 1 Warwick Road, Enfield Lock

8.40 Enfield Lock was chosen as a place to live because it has green open spaces and the River Lee and is not overcrowded. Rammey Marsh is enjoyed by many people for a variety of outdoor activities. It is also rich in wildlife. Notable among other interesting species are the large colony of bee orchids which has developed at the northern end of the Marsh and the rare yellow vetchling, river water dropwort and crowfoot. It would be a real detriment to the area and local residents if NGAR went ahead, both for the loss of wildlife habitats it would involve and for those who enjoy their leisure time on the Marsh.

Ms F McGowan, of 67 Aldridge Avenue, Enfield Lock

8.41 In 1985 there was a field behind the house and Aldridge Avenue was an ideal place for children to grow up. Visiting friends in Medcalfe Road was easy and safe across the field. Visiting them now involves crossing Mollison Avenue and is much more dangerous. In those days Enfield Lock had a village atmosphere with nearby employment at the Royal Small Arms Factory.

8.42 That began to change when Mollison Avenue was built. Originally it was to relieve the A10. It was never designed to be a major road with links to the M25. It has become one of the busiest roads in Enfield and is used as a major route into London. It is dangerous. There have been fatal accidents on it. If NGAR is built both traffic flows and accidents on it will increase. When there is an accident on Mollison Avenue vehicles, including lorries, are diverted along Ordnance Road, which is unsuitable because of parked cars and width restrictions.

8.43 Traffic in the area is getting worse and worse. Whichever direction one travels in from Enfield Lock, one has to contend with serious traffic congestion. It is futile seeking to drive anywhere between 3.30 pm and 6.30 pm because traffic is at a standstill. It is quicker to walk. This congestion has been made worse by the developments, such as the 2000 dwellings at Enfield Island Village, now being built. NGAR would only make life more difficult for people living nearby. It would result in the loss of open land from Rammey Marsh and would make the noise, dust, and air pollution caused by the traffic on Mollison Avenue worse.

Supporting

Mr G Osborne, Managing Director, Business Innovation Centre (BIC), Innova Park

8.44 The London Business Innovation Centre Ltd is the European Union's Innovation Centre for London and the South East. It is a private not-for-profit company formed through a public-private partnership and is a major participant in the regeneration strategy for the Northern Gateway and the Lee Valley. It is a large creator of new businesses. It has participated in the formation of some 300 new, innovative, high growth, technology-based businesses in North London over the last five years. These businesses either reside in the Innovation

Enfield Northern Gateway Access Road Inquiry Report

Centre or visit regularly for business support. The record of some 94% surviving for five years is unusually high for fledgling enterprises.

- 8.0 The success of the BIC and its client companies is heavily dependent on access to the M25 to service customers from their base at Innova Park. Once small businesses have been incubated here it is important to retain them in the area as they become more successful and expand. The congested conditions on Bullsmoor Lane make operating from here much less efficient than it would otherwise be. Many visitors to the area are surprised by the length of time it takes to reach Innova Park from the M25, often 30 minutes or more.
- 8.46 While the needs of the environment are recognised, roads are needed for good communication. NGAR would offer a rapid connection to Waltham Abbey and J26 and opens up the possibility of a rapid bus route which would make it easier to recruit staff from east of the River Lee.

Mr M Parker for North London Manufacturers Action Group

- 8.47 The purpose of the North London Manufacturers Action Group is to give local manufacturing businesses a coordinated voice. It has become evident from contacts with a variety of local businesses in recent years that there is a high level of dissatisfaction with traffic conditions. Many of these businesses lose substantial amounts of money with staff, goods and clients tied up in lengthy tailbacks in the area. Everyone highlights the Bullsmoor Lane/Hertford Road and the Bullsmoor Lane/A10 junctions as the most significant problems. Many have said that the increasing delays experienced on Bullsmoor Lane are beginning to threaten their continued existence in the area, thereby putting local jobs at risk. Some decisions on investment have been awarded to other areas, and this is due in part at least to the heavy peak hour congestion.
- 8.48 Although local residents, understandably, oppose NGAR, they would derive benefit from fewer traffic jams and reduced vehicle emissions along the A1055, A10, A1010 and Bullsmoor Lane. NGAR's negative impact on wildlife and the loss of green space it would involve are clearly negative points. However, appropriate mitigation measures, including moving species to other nearby areas where feasible and the provision of land to replace that taken, would compensate.
- 8.49 More and more local firms are working to improve the local environment, taking part in waste and energy conservation initiatives, car sharing and green transport initiatives, and initiatives to improve the ambience of individual business areas. However, for business to continue to act in this way, they need to be able to operate more effectively and efficiently.

Mr H Smith of Gabriel (Contractors) Ltd

- 8.50 Gabriel Contractors is a regional civil engineering construction company based in the Brimsdown Business Area and employing in total about 85 people. The lorries operated to service its construction sites in and around London have to access the M25 through the congestion on Bullsmoor Lane. With NGAR these vehicles would have direct access to the M25 without needing to pass through a residential area frequented by young children and pedestrians. NGAR would also assist employees in travelling between their homes and the depot. If the Upper Lee Valley is to fulfil its full potential as a business area NGAR has to be built.

Dr L B Umoh of 26 Bullsmoor Lane

- 8.51 Having viewed 26 Bullsmoor Lane prior to purchase only once, on a Sunday afternoon, it was realised after the first night in the house that a big mistake had been made. The noise

and vibrations from the traffic on Bullsmoor Lane made sleep difficult, if not impossible. While during the day Bullsmoor Lane carries a mix of traffic, through the night it is used predominantly by heavy trucks associated with the businesses on the eastern Enfield industrial estates. The result is noise, vibrations and pollution around the clock.

- 8.52 High noise levels, sleep disturbance, vibration and polluting vehicular emissions are all capable of causing or exacerbating central nervous, auditory, cardiovascular and respiratory system disorders. Sleep disturbance can worsen stress symptoms, reduce immune reaction and learning capability. The residents of Bullsmoor Lane should not have to suffer these sustained adverse amenity conditions any longer. NGAR should be built.

9. WRITTEN REPRESENTATIONS

Opposing

Essex County Council

- 9.1 Although only a short length of NGAR would lie within the County of Essex, its construction would create an important link between Enfield and Epping and it would have an effect on the wider road network in Essex. The lack of information available at the time of ECC's original objection to NGAR has been made good to some extent by the completion of the EEHBTS 99 traffic model and the further assessments carried out subsequently. However, certain issues remain.
- 9.2 Of the results of the junction capacity assessments undertaken, the following points are highlighted. The approaches to the A121 Highbridge Street/Dowding Road traffic signalled junction exhibit degrees of saturation of up to 120% in 2020, but there seems to be little scope for engineering works to increase capacity. The RFC on the Dowding Road East approach to the A121 Dowding Road/Sainsbury's roundabout exceeds 0.85 in 2020. If NGAR is permitted, it needs additional capacity to meet ECC's criteria (CD 9/30).
- 9.3 The RFCs for the Woodridden Hill approach to the southern roundabout at M25 J26 are unacceptably high in all scenarios tested, although this deters traffic growth on this arm. As an amelioration measure, it may be possible to form a left filter lane from Woodridden Hill to Dowding Road, thereby removing the westbound flow of traffic from the roundabout circulation area. However there may be insufficient land in public ownership for this. If amelioration is possible, it would tend to encourage more traffic to use Woodridden Hill. Epping Forest is a national asset and ECC would not wish to see this happen.
- 9.4 Traffic on roads in this part of Essex is already high and serious congestion occurs. A demand flow analysis of traffic pressure in the design year (CD 15/57, figures 1 & 2) shows that traffic demand is much higher than available network capacity. NGAR would generate additional demand on an already overloaded network, which ECC does not wish to see. The traffic model makes no allowance for the induced traffic that can arise with new roads. The potential for that needs to be borne in mind.
- 9.5 There are other issues with potential network effects outside the results of the traffic model. The construction of NGAR would create a collector/distributor road running parallel and to the south of the M25. Well-informed drivers are likely to use it in the event of serious congestion or an incident on the M25, and this would cause congestion on the new route. The programme for the completion of the Highways Agency's scheme to widen the M25 through J25 to dual 3 lane carriageways, is not yet certain. It will have a significant effect

on traffic flows in the area. If NGAR is to proceed, it should be contingent on the completion of the widening.

- 9.0 The analysis of the traffic restraint package put forward by LBE in CD 9/25 concludes that the measures proposed would meet LBE's objective of reducing north-south corridor capacity. However, the proposals do not demonstrate any influence on the modal split of journeys from Essex towards more sustainable modes of travel. Should NGAR be built, it may enable additional cross-border bus links to improve the modal split for movement across the River Lee. Any future plan to introduce a lorry ban on Bullsmoor Lane would result in a significant increase in the traffic flow on NGAR and into Essex. Should NGAR proceed, such a ban should not be introduced by a process over which ECC has no control.

- 9.7 An agreement needs to be made between LBE and ECC under S8 of the Highways Act 1980 to effect the works that LBE wish to carry out within Essex. Discussions on the content of such an agreement, covering compensation as well as funding arrangements, are in hand but not concluded.

English Nature

- 9.8 Much of Epping Forest is designated as a SSSI and much of this has been put forward as a cSAC. There are four features considered to be of European interest and significant in the cSAC context: the Atlantic acidophilous beech forests; the European dry heaths; the northern Atlantic wet heaths; and the stag beetle.
- 9.9 The beech forest interest feature is currently probably failing to achieve favourable condition. That this is so is almost certainly due at least in part to air pollution, much of which derives from road traffic. There is ample evidence that the critical limits for NOx pollution are currently being exceeded across much of Epping Forest. The epiphytic moss and lichen communities are being detrimentally affected as, probably, is the health of the veteran trees of which most of the beech forest habitat is composed.
- 9.10 In addition the high traffic flows on the roads through the Forest are a threat to animal safety and thereby prejudice attempts to restore the traditional extensive grazing regime. This is essential to restore the two heathland European interest features, which are currently in an unfavourable condition due to a lack of grazing and the resulting scrub invasion coupled with the effects of nitrogen deposited from air pollution, which disrupts nutrient-poor ecosystems such as these.
- 9.11 English Nature conclude that poor air quality is compromising the integrity of the Epping Forest cSAC and that this is likely to be exacerbated by any new development giving rise to a significant increase in traffic through the Forest. In view of current high levels of air pollution even small changes in traffic flow may be significant.
- 9.12 Examination of the results from the most recent set of tests produced by the traffic model (Test 7a & Test 9a – CD 9/24) shows that with NGAR there would be an increase of 5.9% in am peak hour traffic flows along Woodriven Hill in the opening year of 2005, and an increase of 4.1% in the p.m. peak hour. Flow increases such as these are likely to give rise to significant increases in vehicular emissions of pollutants known to be harmful to the special interest features of the Forest. In addition these flow increases are likely to cause longer queues tailing back from the roundabouts at either end of Woodriven Hill. It is difficult to reconcile the fact of higher flows and increased queuing with LBE's conclusion that NOx emissions on Woodriven Hill would decrease slightly with NGAR.

Enfield Northern Gateway Access Road Inquiry Report

- 9.13 These tests did not model flows for off-peak periods but off-peak flows were modelled in the scenarios reported earlier in the Forecasting Report Part II (CD 9/14). In these tests off-peak traffic flows on Woodriven Hill increased by significantly greater percentage up to 19%, than did flows in the peak periods.
- 9.14 In the opinion of English Nature the scale of the predicted increases in traffic arising from NGAR on this scale is such as is likely to have a significant effect on the cSAC and should trigger an appropriate assessment under Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994. This regulation requires the appropriate assessment to consider the likely effect of the subject scheme in combination with other plans and projects. (G4, G11, G22 & G24)

Other Written Representations

- 9.15 In total there are around 25 other written representations opposing NGAR in addition to those representations submitted by those who also appeared at the inquiry and those which are being treated as objections to the orders. Of the letters opposing NGAR on the grounds of the loss of open space and wildlife habitats involved, most are from residents of the Enfield Lock area. There is one from Waltham Cross, and others from the London Wildlife Trust and the Herts and Middlesex Wildlife Trust which cover the wildlife issues raised by the scheme in some detail.
- 9.16 There are some 12 letters emanating from Waltham Abbey. Most are from residents, and most of these come from those living in the new housing alongside Dowding Road. In addition there are letters from Waltham Abbey Town Council and the Waltham Abbey Town Partnership. The main concern is the traffic NGAR would attract into Waltham Abbey in general and onto Dowding Road in particular and the impact of this on residential amenity. The effect of this traffic on roads in and around Epping Forest is also raised.
- 9.17 Besides these, there is a letter from English Heritage which urges the inclusion of a condition on any permission for NGAR to ensure that appropriate archaeological investigations are undertaken. The London Borough of Haringey express concern that NGAR would increase congestion at Tottenham Hale and Tottenham High Road, and about its effect on the Lee Valley Park. There are also letters from the London Borough of Waltham Forest and from Nazeing Parish Council, both of which raise concerns about the impact of the traffic attracted by NGAR on roads in their areas.

In support

- 9.18 Rather more than 70 local businesses and business organisations have written in support of NGAR. The reasons given include congestion on Bullsmoor Lane, the time delays incurred, and the costs this imposes on businesses. The need businesses have for fast transport links, the fact that excessive journey times to work make it more difficult to retain staff and the adverse environment that the commercial traffic using Bullsmoor Lane creates for those living on it are among other points made.
- 9.19 Around 20 local residents, and not all from the Bullsmoor Lane area, have also written in support.

10. OBJECTIONS TO THE ORDERS

- 10.1 Most of the objections to the Orders do not readily separate into objections to the Side Roads Order and the CPO. I therefore group them together.

Statutory Objections

Enfield County Council

- 10.2 The objections of this Council are reported at paragraphs 9.1 - 9.7. The *LBE* reply is subsumed within the case set out in Section 3 of this report but see also CD 15/2 app 11.4.

Epping Forest District Council

- 10.3 The objections of this Council are reported in Section 4 of this report. The *LBE* reply is subsumed within the case reported in Section 3, but see also CD 15/2 app 11.9.

Lee Valley Regional Park Authority (Plots 7-13)

- 10.4 The objections of this Authority are reported at Section 5 of the report. The *LBE* reply is subsumed within the case reported in Section 3, but see also CD 15/2 app 11.12.

Thames Water Utilities Ltd (Plots 55-7, 59-63)

- 10.5 In their original objection Thames Water Utilities raised concerns as to the impact certain provisions of the Orders would have upon its apparatus and operations. The main concerns expressed were: that the CPO would potentially extinguish their rights and access rights as statutory undertakers in the land to be acquired; that the scheme would interfere with sewers and pumping mains in various locations; that groundwater and raw water supplies could be placed at risk of contamination; and that potentially there was prejudice to its property rights and interests as well as to its operations and ability to perform its statutory functions. The reply of *LBE* is at CD 15/2 app 11.7.
- 10.6 Subsequent negotiations enabled a number of these concerns to be successfully addressed. However in the letters of 22 October 2001 (G39c) and 9 November 2001 (G10) it is made clear there remain concerns over the inclusion in the CPO of plots 56 and 60. These plots form the access track leading from Swan and Pike Road to the Thames Water pumping station at the northern end of the King George V reservoir. Access along this track is needed for inspection and maintenance purposes and potentially in the event of an emergency. Thames Water maintain they need to have full control over the access road for reasons of health and safety to enable them to fulfil their statutory obligations. Thames Water would be willing to offer instead rights of access for maintenance and public use.
- 10.7 *LBE* indicated that plots 56 and 60 were included in the CPO to enable the fragmentation of the Exchange Land to be minimised. They would however accept the alternative proposed if the Secretary of State considers that the Exchange Land would remain acceptable against the requirements of s19 of the Acquisition of Land Act 1981.
- 10.8 G10 and G39c also seek the expansion of plot 62 to include two small adjoining areas of land which are not needed and are of no worth without that plot. *LBE* accept the logic of this and propose a modification to the CPO to incorporate the additional area of land.

Environment Agency (Plots 34-43, and occupier of 63)

- 10.9 The original objection was on the grounds that the Agency's use of their land is necessary and overrides the case for its acquisition; that the Agency is prepared to enter into appropriate agreements to allow construction to take place; and that the scheme's level of detail is insufficient to demonstrate that NGAR's environmental impacts and the Agency's operational concerns have been properly provided for. *LBE's* reply to the objection is set out in CD 15/2 app 11.8.

- 10.10 Since then negotiations have led to the completion of an Agreement (G45) between the Environment Agency and LBE covering the matters of concern to the Agency. In this agreement LBE agree measures to protect the integrity of the flood defences, the fisheries and water resources, the prevention of flooding, pollution prevention and the Agency's performance of its environmental and recreational duties. Further, LBE agree to request a modification to the Side Roads Order to accommodate a new alignment for the Agency's access track and not to pursue compulsory purchase powers in relation to the CPO plots where the Agency has interest, apart from plot 63. The agreement deals also with site supervision of the works and environmental mitigation measures.
- 10.11 In their letter to the Secretary of State of 2 November 2001 (G44a) the Agency requested that the lands in which it has an interest be removed from the CPO (apart from plot 63, the ownership of which is disputed) on the grounds that with the Agreement in place, the rights the CPO would grant are unnecessary. Subject to the removal of these plots from the CPO the Agency withdrew its objection. The Agency also withdrew its objection to the Side Roads Order.

British Waterways Board (Plots 14-33)

- 10.12 Objection was raised to the CPO on the grounds that NGAR would have seriously adverse effects on the amenity and operation of the River Lee Navigation at Rammey Marsh Lock; that it would adversely affect the businesses and operations of the tenants of the Board there; that the land interests needed could be assembled without recourse to compulsory powers; and that NGAR is not properly in the public interest. The *LBE* reply is at CD 15/2 app 11.11.

Transport for London (Plots 7-13)

- 10.13 This objection was withdrawn by letter dated 14 August 2001. This letter drew attention to the status of the TfL lands included in the CPO as exchange land for land taken for the M11 Link Road, and the intention that subject to agreement over compensation it be transferred to the LVRPA.

Non-Statutory Objections

Enfield Friends of the Earth

- 10.14 The objections of this Group are reported at paragraphs 8.28 - 8.31. The *LBE* reply is subsumed within the case reported in Section 3 of the report but see also CD 15/2 app 11.6.

Enfield Lock Conservation Group

- 10.15 The objections of this Group are reported at paragraphs 8.12 - 8.19. The *LBE* reply is subsumed within the case reported in Section 3 of the report but see also CD 15/2 app 11.10.

Enfield Lock Action Group Association

- 10.16 The objections of this Group are reported at paragraphs 8.20 - 8.27. The *LBE* reply is subsumed within the case reported in Section 3 but see also CD 15/2 app 11.1.
- 10.17 *Herts and Middlesex Wildlife Trust* object to NGAR's effect on the high ecological value of Rammey Marsh, notably its impact on skylark and meadow pipit, on the bee orchid colonies, the vetchling colonies and some aquatic species. The cumulative effect of NGAR with all the other developments in the area would be more significant. The *LBE* reply is subsumed within the case reported in Section 3 but see also CD 15/2 app 11.5.

Enfield Northern Gateway Access Road Inquiry Report

- 10.18 *Mr P Mattock* objects to the scheme for a number of reasons, the most relevant of which are that NGAR would create a rat run coming into use at times of problems on the M25, and that the construction of the Innova Park/Mollison Avenue roundabout, the creation of the Bullsmoor Lane bus lane, the failure to reintroduce yellow box junctions at the Bullsmoor Lane junctions and incorrect traffic light phasing at these junctions all tend to increase traffic congestion in an attempt to strengthen the case for NGAR. The *LBE* reply is at CD 15/2 app 11.2. On these points, *LBE* say many local roads are affected when there are problems on the M25, and that the measures on Bullsmoor Lane are the responsibility of other bodies. The Innova Park roundabout is required whether or not NGAR proceeds.
- 10.19 *Mr DM Godfrey's* objection is identical to that of Mr Mattock. *LBE's* reply is identical to theirs for Mr Mattock and is at CD 15/2 app 11.3.
- 10.20 *Mr and Mrs F Streatfeild* object to the loss of natural habitat and public amenities on Rammey Marsh and the River Lee. The *LBE* reply is subsumed within the case reported in Section 3.
- 10.21 *Mr and Mrs D & B Jones* object to NGAR on the basis of the damage it would cause to the wildlife of Rammey Marsh and their habitats. The *LBE* reply is subsumed within the case reported in Section 3.

11. MODIFICATIONS TO THE ORDERS AND BRIDGE SCHEME

- 11.1 As work on the scheme has progressed and negotiations with the land interests affected have taken place, it has become apparent that, for a variety of reasons, modifications to the Orders would be desirable in the event that they are to be confirmed. Document G37 includes copies of the CPO, Side Roads Order and Bridge Scheme marked up to show a number of the modifications sought.
- 11.2 Among other documents in G37 there is a Side Roads Order Plan revised to accommodate the changed location of the Environment Agency access track underneath NGAR which has evolved in negotiations with the Agency, and an extract from the Agency's pre-inquiry statement explaining why the change is needed. G37 also includes items of correspondence giving the background to some of the other changes which are proposed, a Court Order in respect of one occupier and a revised plan for the Bridge Scheme. It should be noted that the marked up copy of the CPO included as item 1 of G37 has been superseded by the version of 21 November 2001 at G37A.
- 11.3 Also relevant is the correspondence there has been with the Local Authority Orders section of DTLR in Newcastle upon Tyne over the various modifications. This is at documents G39-G41 and G43. The proposed modifications to the Orders and the Scheme are summarised in schedule form in G38.
- 11.4 In relation to the negotiations with the Environment Agency which have culminated in the Agreement between the Agency and LBE (G45) it will be noted from the letter dated 2 November 2001 (G44a) that, as a result of the Agreement and the fact that the Agency has granted suitable temporary and permanent rights over its land, the Agency requests that the Secretary of State removes those lands in which the Agency has an interest from the CPO (apart from plot 63, the ownership of which is disputed).

Enfield Northern Gateway Access Road Inquiry Report

- 11.5 In its letters of 14 November 2001 (G43) DTLR indicates that plots 39, 40 and 63, being in dual ownership, cannot be deleted from the CPO without the agreement of the co-owner. There is no such agreement in relation to plots 40 and 63. However in its letter of 9 October 2001 (G42), the Highways Agency agrees to transfer to LBE a number of plots in which they have an interest including plot 39. By its letter of 24 October 2001 (G41) DTLR accepts that these plots will be secured for NGAR.
- 11.6 In its letter of 14 November 2001 (G43) to Berwin Leighton Paisner, DTLR indicates that LBE must request that the Environment Agency's plots are deleted from the CPO if the Secretary of State is to do this. On the final date of the inquiry, 23 November 2001, Counsel for LBE made that request (in relation to plots 34-39, & 41-43). Those deletions are shown in G37A. Plots 40 and 63 have to stay in the CPO, although the Environment Agency interest can be excluded from Plot 40 as shown in G37A.
- 11.7 Following discussions with its owner, Thames Water Utilities, LBE have agreed to extend Plot 62 to include two small areas on its edge which are of no worth without the remainder. This is shown on the revised CPO plans at G37B (i)-(iii), as are the changes to the Environment Agency plots.
- 11.8 The modifications schedule at G38 incorporates almost all of the changes now sought. A number, however, are not.
- 11.9 Towards the end of the inquiry LBE offered to reduce the area of Plot 10 in order to reduce the impact of the scheme on the winter pool hollows. The revision proposed is described in LBE/S28 and shown on the drawing at LBE/S31. It entails a reduction of 1460 sq m in the area of land reserved for a compound for construction purposes. If adopted this change would reduce the area taken in plot 10 from 5925 sq m to 4465 sq m.
- 11.10 There is an unresolved dispute with Thames Water Utilities over the inclusion in the CPO of its access track from Swan and Pike Road to the pumping station at the head of the King George V reservoir. The background to this is described in G39c. The plots involved are 56 and 60. In the event that they are deleted from the CPO, Thames Water Utilities undertake to confer rights of access over and along it for purposes connected with the Exchange Lands.
- 11.11 On other matters, in the light of the Highways Agency position as revealed in their letter of 9 October (G42), the square brackets on page 3 of the modifications schedule (G38) around plot 39 are redundant. Plot 40 is to remain in the CPO subject to amendment to exclude the interest of the Environment Agency, as shown on G37A. It should also be noted that the deletion of Plot 25 in Schedule 1 of the CPO implied by the striking through of those words on page 3 of G38 is incorrect.
- 11.12 It may be noted that, with the exception of the Environment Agency plots in dual ownership, DTLR in its letter of 13 November 2001 to Berwin Leighton Paisner (G40) confirmed that, on the basis of the position as understood at that time, the modifications sought in Berwin Leighton Paisner's letter of 5 November 2001 and its enclosed modifications schedule (G39a) can be dealt with at confirmation stage. This includes the modifications proposed to the Bridge Scheme which arise from revisions to the design of the River Lee Navigation Bridge (G37, items 3 and 14).

12. CONDITIONS

- 12.1 A first draft schedule of conditions suggested by LBE is at LBE/S33. A second draft is within EFC/S11. These schedules were the subject of discussion during the inquiry. EFC/S11 also includes a schedule suggesting which of the conditions are applicable to the part of the scheme within EFDC's area and which should therefore be appropriately imposed on a permission on application ref EPF/1277/96. Also relevant is EFC/S12, a note provided by EFDC which summarises their main comments on the conditions schedules.
- 12.2 A Grampian condition was put forward by the Highways Agency (G35). This was designed to deal with their concerns over the overloading of J26 in the event that their substantive objection is not sustained.
- 12.3 EFDC suggested that it was undesirable for the matters still subject to approval to be considered by separate planning authorities. Further, where much of the LBE case relies on mitigation measures, in their view there is merit in the approval of the detail of these matters being considered by an independent party. In their view options could be either for LBE to delegate this task to EFDC or for the Secretary of State to undertake this function. LVRPA concurred with this concern and indicated a preference for these details to be determined by the Secretary of State.
- 12.4 LBE accepted it would be undesirable for details that should be similar throughout the scheme to be rendered different by inconsistent approvals by the two councils. They suggested either that details on both applications should be approved by themselves, or that each lead authority would be expected to consult with the other before approval.
- 12.5 On the detailed content of the conditions, EFDC pointed out that those requiring submission of details for approval also need to ensure that implementation is in accordance with the approved details. In their view conditions 4, 5, 12, 13, 17, 18, 22 and 23 of the second draft schedule need to have additional phrasing inserted to achieve this.
- 12.6 EFDC considered condition 13 (site access points) needs to be extended to require the details for approval to include provision for the parking of contractors' operational and staff vehicles. They considered that condition 17 (programme of work) should be applied to any permission for application ref EPF/1277/96, although they accepted that condition 18 may not be necessary. They suggested that Circular 11/95's standard conditions 31-32 and 56-58 would provide a better format for these conditions than LBE's wording.
- 12.7 They suggested that condition 23 (non-car mode access and traffic restraint) should incorporate specific reference to the traffic restraint package put forward by LBE in support of the scheme. They suggested that condition 24 should make specific reference to off-site nature conservation and landscaping works underneath the M25 bridge over the River Lee Navigation. They suggested also that condition 26 (off-site drainage improvements) is potentially invalid since the implementation of the drainage proposals it covers is contingent upon the approval of third parties.
- 12.8 As for possible conditions specific to application EPF/1277/96, EFDC supported the Highways Agency's Grampian condition dealing with J26. They also proposed the imposition of a condition requiring that the cycleway on NGAR be connected to the cycle route on Dowding Road before NGAR is open to traffic.
- 12.9 ECC's written statement contains two points which are relevant to suitable conditions. The first is that NGAR should not be opened to traffic until the Highways Agency's scheme to provide dual three lane carriageways through J25 is complete. The second is their desire to

Enfield Northern Gateway Access Road Inquiry Report

- 12.9 ECC's written statement contains two points which are relevant to suitable conditions. The first is that NGAR should not be opened to traffic until the Highways Agency's scheme to provide dual three lane carriageways through J25 is complete. The second is their desire to ensure that steps are taken to give the Sainsbury's roundabout on Dowding Road adequate capacity in the design year which, on the basis of the capacity assessment derived from the traffic model forecasts, is not at present the case.
- 12.10 A schedule of largely agreed conditions was not available by the end of the inquiry, but LBE stated that they would seek to reach substantial agreement with the other main parties on conditions and submit a schedule setting out the fruits of those discussions subsequently.

13. CONCLUSIONS

13.1 The decisions on the matters under consideration in this case turn on the acceptability of the NGAR project itself in planning and transportation policy terms. Indeed, the majority of the objections to the Side Road Orders and Compulsory Purchase Order went to the issue of the acceptability of NGAR in principle. Accordingly, it is this on which I focus in these conclusions. However, many of the judgements necessary to reach a view on the acceptability of NGAR are influenced by the outputs from the EEHBTS 1999 traffic study and their reliability. It therefore seems sensible to preface my conclusions with some comments on these outputs before turning to the key issues.

EEHBTS 1999

- 13.2 The main effects of NGAR itself can be seen from model tests 7 & 8, 15 & 16, and 20 & 21 (CD 9/14), which assess the effect of NGAR on the distribution of traffic in the area of interest. These tests take the same set of approved developments as their backcloth and compare flows with and without NGAR. The changes in vehicle flows vary between low and high growth and across the years tested, but they suggest that with NGAR peak period flows on Bullsmoor Lane would generally be some 10%-15% lower than they would be in the absence of the new road. Other effects apparent are reductions in traffic on Highbridge Street and Sewardstone Road and, generally, on Abbey View, little net change to flows on the A10 south of J25, but large increases on Mollison Avenue south of NGAR and on Dowding Road. (3.50-51)
- 13.3 Tests 7 & 9, 15 & 18, and 20 & 23 of CD 9/14 model the effect of bringing Phase III of Innova Park into use with and without NGAR. These tests suggest that by and large the same links would experience flow reductions, and the same experience traffic increases, as for the situation with NGAR but without Phase III, albeit by different amounts.
- 13.4 Those opposing NGAR identified a number of anomalies in the outputs from the modelling work, and it is appropriate to describe some of them. Tests 15 and 17 assess the effect of introducing the traffic associated with Phase III of Innova Park onto the Do Minimum network. One would expect that the release of the final phase of Innova Park without NGAR would increase flows on Bullsmoor Lane, and the model suggests that this is so for the pm peak. However the am peak flow on Bullsmoor Lane in 2010 without Phase III is shown by Figures 2.5a and 3.5a of CD 9/14 to be higher than it would be with Phase III in place. The increase is not great and may simply be an indication that without NGAR Phase III of Innova Park would have little effect on Bullsmoor Lane but it is nevertheless a somewhat unexpected result. (3.57)
- 13.5 The second example relates to the expectation that NGAR would transfer traffic associated with the M25 to the east from J25 to J26, and this is borne out by tests such as 7 & 9 and 20 & 24. However, against that common sense expectation the results of the revised tests, Test 9A and Test 7A for 2005, and Test 24A and test 20A for 2020 (CD 9/24), suggest that flows on Dowding Road East in the am peak would reduce with NGAR, and furthermore, that the reduction in flow would get greater over time. Indeed, in the 2020 am peak the flows on Dowding Road East with NGAR and all developments in place including Phase III of Innova Park would be lower than the am peak flows in 2005 with or without NGAR. It is difficult to see why the updating of the assumptions made originally about the nature of the development served by Dowding Road to accord with subsequent permissions should have led to flow reductions in the am peak hour. (4.15, 7.5).
- 13.6 Thirdly, the comparative tests giving a like-for-like comparison of the results of adopting elastic and non-elastic test assumptions set out in CD 9/26 suggests that in most cases the

Enfield Northern Gateway Access Road Inquiry Report

non-elastic flow on NGAR and Dowding Road (Test 25) would be lower than the elastic flow (Test 24). The difference is not much but again this is contrary to expectations. (6)

- 13.7 It is rare for a complex traffic model such as this not to contain some quirky results, but besides these examples a number of other anomalies were identified during the course of the inquiry. Explanations for the anomalies were either not provided or were not, in my opinion, convincing. I am therefore sceptical as to whether the model results should be relied upon as giving an adequate representation of the likely changes in traffic flows around the local highway network if NGAR were to be built. Accordingly I consider the conclusions drawn, even on those model results which do not display obvious anomalies must necessarily remain somewhat tentative.
- 13.8 In the light of this I now turn to assess the merits of the scheme. I shall attempt to structure this around the questions posed in the call-in letter, although there is a degree of overlap on some of the transport questions raised. Because my conclusions on some of these matters feed into my consideration of aspects of the more fundamental issues, I deal with them first.

Effect on traffic generation and car use

- 13.9 The only technical appraisal of NGAR's traffic generation implications provided is in CD 9/22, which is LBE's assessment of induced traffic. This concludes that for the opening year induced traffic would amount to some 0.25% of the overall traffic forecast. Against that, the Highways Agency suggested that, as a new river crossing, a greater level of induced traffic than 0.25% would be expected, and EFDC argued that, in linking to Mollison Avenue, NGAR would create a new radial route into London, the contention being that there would be damaging traffic consequences on the areas to the south. (4.18, 7.6)
- 13.10 My view is that while NGAR would provide some relief to certain parts of the local road network, ultimately, in a network which is mostly congested and urban, much of the traffic that might be attracted to use it would be constrained by delays at junctions elsewhere on their trips. This I see as a factor likely to dampen any propensity for new trips to be made. The implementation of the cordon restraint measures suggested would strengthen this effect. Nevertheless, on the assumption that NGAR would release economic benefits linked to the M11 corridor in particular and in regeneration terms generally, as contended by LBE, I am doubtful that a level of induced traffic as low as 0.25% fully reflects the overall implications of NGAR as a new river crossing. (3.10-13)

The Effectiveness of the proposed Public Transport and Traffic Control Measures

- 13.11 LBE are promoting NGAR as part of a package of measures aimed at developing an integrated approach to transport. To this end they have already implemented a range of traffic restraint and public transport enhancement measures in the local area costing in total some £900,000, and a wide range of possible further measures have been identified. (3.41-42)
- 13.12 Among these are the two traffic restraint cordons on which modifications to road and junction geometry designed to throttle down traffic flows would be made. These cordons were originally proposed in late 1997 by Colin Buchanan and Partners (CD 9/8), with the aim of restraining north-south traffic movements. Cordon 1 would run from the M25 west of the A10 and then to the south of the A110. Cordon 2 would run on the southern side of the A406 between the A10 and the A104. At that time it was suggested that cordon 1 could reduce the dominant peak hour flows by 3% while cordon 2 had the potential to

Enfield Northern Gateway Access Road Inquiry Report

- reduce the north-south capacity of the roads to the south of the A406 by up to around 30%. (3.62)
- 13.13 The review of these measures undertaken for the public inquiry (CD 9/25) could not appraise and quantify the effect of cordon 2 because it lies outside the boundary of the area selected by the EEHBTS 1999 traffic model for detailed study. However the review of cordon 1 confirmed that likely dominant peak hour flow reductions of 2-3% were possible. If cordon 2 were to be implemented, I see no reason why reductions of a similar order to this could not be achieved. If these cordons were to be put in place they should in my view offset some of the adverse impacts of NGAR in traffic generation terms. (3.62)
- 13.14 However, the key concern I have on the traffic reduction measures is over precisely what is proposed and the level of certainty that what is proposed would be implemented. As to the latter I recognise that LBE are reliant on grant from TfL for part of the necessary funding for NGAR and that TfL will need some assurance that certain supplementary ameliorative and safety measures would be implemented by LBE before releasing funds. (3.63, CD 12/11 Appx E)
- 13.15 However, the measures which TfL appear concerned to see implemented are directed as much towards environmental and safety enhancements for local communities as towards significant public transport improvements or traffic restraint measures. Although they include traffic monitoring and possible modifications to traffic signals along with ongoing implementation of bus priority measures, they do not appear to be requiring all the measures LBE suggested might form the package supporting NGAR. I therefore view TfL's conditional funding contribution as providing only partial assurance that the sorts of measures put forward as complementing NGAR would be implemented hand in hand with the road scheme. (3.42, CD 12/11 Appx E)
- 13.16 As for public transport improvements, many of those suggested would be desirable whether or not NGAR proceeded. The only public transport improvements identified that are dependent on NGAR would be any new bus routes on NGAR itself to and from Waltham Abbey and other parts of Essex. There does not, however, appear to be any firm commitment yet from any public transport operator as to what services would be provided, whether on NGAR itself or on other parts of the local road network. (3.65, 3.69)
- 13.17 While some improvements to the train services on the Lee Valley line have already been made, other more significant ones appear dependent on major engineering works. The implementation of such works is likely to be independent of whether NGAR proceeds or not. In any event it seems that significant capacity enhancements are subject to funding being committed, and to me seem several years away. The extent of the contribution to traffic restraint likely from Green Transport Plans is similarly uncertain. (3.42, 3.67, CD12/11 Appx B)
- 13.18 From considerations such as these, I conclude that a number of the measures put forward as complementing NGAR are not firm proposals, and are not firmly tied or linked to the opening of NGAR to traffic. It is also evident that a number of the measures cited are dependent upon other bodies such as those responsible for public transport provision. These do not appear capable of being made preconditions of NGAR proceeding. (3.42, 5.58)
- 13.19 Arguably these concerns could be met by appropriate conditions and the schedule of suggested conditions includes two that are relevant in this regard. These cover a programme of off-site highway improvements, and a study for improved access for non-car modes and park and ride opportunities to be followed by a programme for such

measures to be implemented. However, it is in my view unsatisfactory at this stage that these measures have not been specified in sufficient detail for them to be referred to in such a condition, especially so if the scheme details are to be subject only to the approval of LBE themselves. (LBE/S33, EFC/S11)

- 13.20 This makes it impossible to know which of the range of measures suggested in evidence are firm proposals let alone their likely benefits. In turn this precludes being able to reach a firm view on the adequacy of the overall package in offsetting the adverse traffic consequences NGAR would otherwise have. Although it would be possible to modify the conditions to gain more assurance on this, there needs to be clarity as to what is intended. Without conditions which give that certainty I do not consider it is possible to be satisfied that the NGAR package would sit comfortably with the current thrust of transport policy.

Compatibility with guidance in PPG 13

- 13.21 While PPG 13 applies directly in relation to that part of NGAR which falls within and affects Essex, within Enfield it evidently has to be read in conjunction with the provisions of the Mayor of London's draft Spatial Development Strategy and the Mayor's draft Transport Strategy. The strategic importance of the Lee Valley is outlined in the draft Spatial Development Strategy, but NGAR is not specifically identified either in that document or in the draft Transport Strategy as a project to be undertaken. Against that, it is specifically identified as a strategic road link in London's Economic Development Strategy. Furthermore TfL's confirmation that, subject to the implementation of certain traffic control and safety measures, it is broadly satisfied NGAR meets the criteria of policy 4G.8 of the draft Transport Strategy, suggests a degree of compliance with London's policy framework. (2.55-56, 3.10, 3.14-15, 4.24, 4.33-35, LBE/S16)
- 13.22 The Northern Gateway area of Enfield has a relatively low PTAL score (CD 9/5 Figure 2). As such it is not the sort of area PPG 13 sees as a first choice for significant new development. But, as an urban area in need of regeneration, it is a prime candidate for redevelopment initiatives, and decisions on the main elements of new development in the area have already been taken. The new employment development envisaged should increase the likelihood of new public transport services being offered, the increased activity at Innova Park and nearby making new services more viable. If this occurs it should lead to an upgrade in the area's PTAL rating, bringing it more into line with PPG 13's locational preferences. (3.39, 3.66)
- 13.23 Against that context I accept that NGAR would bring some benefits in terms of the potential it offers to improve public transport choice in this locality, most notably for the scope it offers for new routes between Essex and northern Enfield. In addition, NGAR would present pedestrians and cyclists with another means of crossing the Lee Navigation corridor and represent a modest benefit in sustainability terms on that score. (3.2, 3.63, 3.71)
- 13.24 However I am in no doubt that that NGAR would be used mostly by private cars and commercial vehicles. Moreover, unless sufficient complementary traffic restraint measures are implemented to offset NGAR's attraction for car use, it is also certain that its presence would run counter to PPG 13's aim of reducing reliance on the private car. The degree by which NGAR can be regarded as compatible with PPG 13 therefore in my view depends on the extent and certainty of the complementary traffic restraint and public transport enhancements measures put forward. As indicated earlier, however, I consider that as currently presented the proposals for traffic restraint and public transport improvements

Enfield Northern Gateway Access Road Inquiry Report

are too inchoate to give me a basis for reaching a firm conclusion that NGAR could be regarded as appropriate in PPG 13 terms. (4.25)

13.25 NGAR has not been subject to a NATA assessment and on the face of it does not therefore accord with PPG 13. In as far as many of the component elements of a full NATA assessment have been appraised in the course of the preparation of the scheme (CD 15/56; LBE/A/sup1), that may be regarded as a technical defect. However, there does not appear to have been a reappraisal of the scheme's merits from first principles in the light of the policy shifts which have taken place since it was first proposed in the mid-1990s. (3.73, 4.26)

13.26 The case for the project therefore does not accord with PPG 13's exhortation to explore a full range of possible solutions to transport problems and not just new roads. Such a comparative appraisal might ultimately confirm LBE's contention that a new road is an essential part of a package of measures to deal with the accessibility problems in Enfield's Northern Gateway. However, in view of the lack of clarity over the effect of possible public transport and traffic restraint measures, the evidence provided has not in my view demonstrated this conclusively.

Other means of accessing Innova Park

13.27 On the assumptions that improvements to the road network are necessary before Phase III of Innova Park can be released and that measures to reduce car use alone will not do enough, there do not appear to be any practicable alternatives to NGAR. On those assumptions the only ways in which journey times between the Mollison Avenue area and M25 J25 could be significantly improved would appear to be by major improvements to the route along Bullsmoor Lane or by providing a new connection to the motorway that is more direct than the route to J26. Neither of these theoretical possibilities seems feasible and improvements to Bullsmoor Lane are in addition unlikely to be acceptable in terms of the amenity of those living alongside it. The other suggestion made, the provision of a freight exchange facility, is no more than that. Its applicability and feasibility in this location has not even begun to be examined. (3.79, 4.32, LBE/S21)

13.28 However, it is possible to interpret the traffic study results as suggesting NGAR may not be an essential prerequisite for the release of Innova Park Phase III. I refer here to the results of model tests 15 & 17 and tests 20 & 22 (CD 9/14 figs 2.5 & 3.5 and figs 2.10 & 3.10) which, for the years 2010 and 2020 respectively, show the effect of bringing Innova Park Phase III into use without NGAR. Contrary to expectations these tests suggest that bringing Phase III into use without NGAR would have little appreciable effect on traffic volumes. Taking the results of the model at face value, therefore, the implication is that Innova Park Phase III could be released in the absence of NGAR without any material effect on conditions on the route along Bullsmoor Lane to J25 in particular, or on the other key roads in the network. (4.31, 5.55)

13.29 These results do not accord with preconceived notions as to the effect of Innova Park Phase III without NGAR and I consider they need to be treated with some caution given that junction capacity assessments for the no-NGAR scenarios were not provided. However, faced with them and in the absence of any better alternative, I am left in some doubt as to whether NGAR is a necessary precondition of the release of Phase III of Innova Park.

Whether NGAR's contribution to regeneration outweighs the various harms it would have

- 13.30 For long periods of the day most of the route from M25 J25 to the new Innova Park roundabout on Mollison Avenue is heavily congested. Those working locally suggested it can take 30 minutes or more to cover this relatively short distance and from my own experience I do not doubt that. One can understand the frustration congestion on this scale causes. It is clearly very costly in money and time terms. The desire to put in place some means of relieving that congestion, its environmental disbenefits and its economic consequences is therefore understandable. It also has some justification. The Lee Valley to the south of the M25 has unemployment high for London. It is within the East London/Lower Lee Valley PAER defined in RPG 9, and the area is recognised at European level as being in need of regeneration. (3.8-9, 3.12, 3.38, 8.45)
- 13.31 However, the traffic model suggests that NGAR would reduce flows on Bullsmoor Lane only by some 10% - 15%. Furthermore, the junction capacity assessments do not suggest that the operation of the junctions on the route between Innova Park and J25 would be improved materially. In peak hours the junctions on Bullsmoor Lane operate significantly over capacity and they would still mostly be over capacity with NGAR and Innova Park Phase III, albeit not in some cases by quite as much (CD 9/28B). Peak hour junction delays would therefore remain significant and I doubt whether NGAR would make driving along the approach from J25 of the M25 much easier or quicker. Accordingly I doubt if NGAR would have much effect as a regeneration catalyst in terms of its effect on traffic to and from the west. (3.51, 3.53)
- 13.32 As to movements between Mollison Avenue and the east, at present the existence of the River Lee and the reservoirs act together to severely restrict east-west corridors in the locality. The construction of a link across the River Lee corridor would clearly enhance the quality of communications in this direction. In linking up with J26 NGAR would provide a much more direct route from Enfield to locations to the east along the M25. More particularly, in providing a more direct route to the M11, it ought to help maximise the economic benefits to North London expected to arise from economic growth in the London-Cambridge corridor as identified in the Mayor's draft Spatial Development Strategy. (3.10-11, 3.13, 3.65, 3.74)
- 13.33 It is moreover evident from the SATURN journey time analysis (CD 9/20) that those making trips to and from the M25 to the east would be likely to experience significant time savings compared with the route from Enfield Lock via J25. Indeed, given my experience of the congestion on Bullsmoor Lane, I think that in practice time savings could be greater than those suggested by this analysis. Given these significant time advantages the attractiveness of journeys to and from the east would be enhanced and might well enhance the prospects for regeneration linked with the M11 corridor. The corollary to this is that if, derived from this linkage, NGAR catalyses regeneration, one might expect greater increases in flows on Dowding Road than depicted by the model. (4.17, 7.7)
- 13.34 In that the need to regenerate East London and the Lower Lee Valley is recognised in RPG9 as pressing, there is a clear policy push towards measures which would enable or facilitate the regeneration of the area. Notwithstanding its limited effect as far as Bullsmoor Lane is concerned, it would probably be of some benefit in this regard albeit in my view principally with respect to movements between the Lee Valley and the east. (2.52-53, 3.8-3.9)

13.35 However, constructing new roads is not the only way of fostering regeneration, and it is evident that the Lee Valley has enjoyed considerable regeneration since the decline in the area's traditional industries some 10 or 15 years ago, notwithstanding the absence of a good route to the M25. Indeed, given that quite a number of early stage development proposals are known about in the area in addition to those either under construction or with permission, as is evident from the assumptions built into the model, the process of regeneration and renewal would seem set to continue for some time yet whether NGAR is built or not. It is also evident that, despite the wholesale support of the Lee Valley business community for NGAR, very few businesses appear to have actually relocated away from the area because of the traffic conditions. So, I am led to the conclusion that while NGAR could well assist in accelerating or sustaining regeneration, it does not appear to be an essential prerequisite for the area to continue to attract new development. (3.24-25, 4.28-29, M5)

13.36 In reaching this conclusion I recognise the importance those promoting the scheme attach to the realisation of the Science Park concept and the continued success of the London Business Innovation Centre. Both have a particular importance for the Lee Valley in view of the role seen for them of reshaping the profile of the commercial activities carried out there, improving the skills base of those working there, and enhancing the area's prosperity generally. However, while good accessibility is clearly at least as important as it is for other types of businesses, the model's depiction of the sources of traffic associated with Innova Park, if a fair reflection, is not consistent with the contention that the Science Park concept would fail to become viable if NGAR is not built. I turn now to consider the nature and degree of its various adverse impacts. (3.21-22, 8.44-45, CD 15/59 Figs 7 & 8)

Effect on the Metropolitan Green Belt

13.37 It is clear that NGAR is inappropriate development in the Green Belt and that it is harmful by reason of that inappropriateness. It would in addition in my view prejudice in an incremental way the Green Belt purpose of preventing towns from merging since there is an area of built development lying between Waltham Cross and Waltham Abbey immediately to the north of the M25 opposite this part of Rammey Marsh. NGAR would furthermore conflict with the Green Belt purpose of safeguarding the countryside from encroachment since it would bring road construction, and the urbanising effect that a new road has, further into the open land to the south. Against that, since it would run parallel to and as close as permitted to the M25, its siting minimises inconsistency with those Green Belt purposes, certainly by comparison with the other routing options considered by LBE in the feasibility study. (3.36-37, 4.5)

13.38 In that its purpose is to assist urban regeneration generally, and on the basis that the development of Innova Park Phase III in particular is directly tied to its construction, NGAR may appear to have some resonance with the fifth Green Belt purpose, as contended by LBE. However, in my view it is strange that support should be sought from one of the purposes of including land in the Green Belt when the effect of the construction of NGAR would be to erode the openness of the Green Belt inconsistent with the fundamental aim of Green Belt policy, keeping land permanently open. (3.37)

13.39 Nevertheless, in principle the need for new infrastructure to facilitate a recognised need for regeneration could be regarded as representing very special circumstances capable of outweighing Green Belt harm. In this case the fact that NGAR is located as close to the M25 as possible, and is as short as possible, minimises its impact on Green Belt openness. It would leave by far the major part of Rammey Marsh intact and would not impinge in any serious way on the perception of openness that those using the Marsh derive from its

scale as an open area. I do not therefore see the degree of harm to the Green Belt caused by NGAR as necessarily so severe that it could not be outweighed by a clearly made and cogent case for it. (3.93)

Nature Conservation on Ramney Marsh

- 13.40 The northern part of Ramney Marsh lies within the Lee Valley Site of Metropolitan Importance for Major Conservation designated by the (then) London Ecology Unit. Several species of flora and fauna of national importance have been found on it and it is clearly of considerable nature conservation interest. The main aspects of interest are its invertebrates, its flora, and the birds found on it, although the NGAR corridor also hosts a number of small mammals. (5.19, 8.18)
- 13.41 It is evident from the invertebrate survey carried out for LVRPA that the area through which NGAR would run hosts an important and diverse range of invertebrates amongst which are several nationally rare and scarce species. It was said that the range of invertebrates here exceeds that of some of those SSSIs which are themselves noted for their important invertebrate fauna. The complex of winter pool hollows is a particularly rich habitat which supports a varied dwarf flora besides a wide range of rare invertebrates. On the basis of the published CPO, little of it would survive. In the main the residual pool areas not directly affected appear to be too small to be capable of surviving the disturbance of construction operations alongside. (3.85, 5.21-22, 5.24, LBE/S19A)
- 13.42 If, however, Plot 10 were to be reduced in size as outlined in LBE/S28 and shown on LBE/S33, very little of the large winter pool hollow on the south side of NGAR towards the eastern side of the Marsh which falls partly within that part of Plot 10 originally included in the CPO for a car park would be affected. The retention of this hollow would clearly reduce the impact of NGAR on the flora and fauna these hollows have been found to host. (3.85, 5.21-22, 5.24)
- 13.43 The provision of new shallow scrapes ahead of construction in other nearby parts of the area previously subject to mineral extraction and landfill might also be capable of providing some alternative habitats for the species directly affected by NGAR's construction, but there are uncertainties about the success of this. The present water retention characteristics of the landfill area may well be modified by the drainage installed for NGAR, and these scrapes might not replicate the specific characteristics of the winter pool hollows that are attractive to invertebrates and flora. (3.82, 3.85, 3.89, 5.24, 5.34, CD 15/12)
- 13.44 The area covered in the invertebrate survey was limited and there is a chance that some of the important species will be present outside the land actually needed for NGAR. Nevertheless, it seems clear that the number and variety of invertebrate species on this part of Ramney Marsh would be significantly diminished. If nothing else, subdividing Ramney Marsh into two smaller areas of habitat would be likely, it seems, to cause the range and diversity of both areas to diminish. Moreover, the low-lying pasture characteristics of much of the Exchange Lands do not seem to offer much scope for replicating there the sorts of nutrient-poor habitats affected by NGAR. (3.85, 5.26, 5.35)
- 13.45 As for the impact of NGAR on the botanical interest of Ramney Marsh, the northern end of the Marsh is evidently a richly varied area containing a wide diversity of flora. The line of NGAR itself contains a particularly rich mix of ecologically significant flora. Inevitably the construction of the road would entail the destruction of many of these plant communities. Notwithstanding the modification to Plot 10 LBE now propose, which

Enfield Northern Gateway Access Road Inquiry Report

would enable some of the dwarf flora in the pool on that plot to be retained, I suspect the harm caused would still be serious. (5.22, 5.24-25)

1. Besides the dwarf flora it is evident that the bee orchid colony on Rammey Marsh gives pleasure to many. Although there have been wide fluctuations in the population of the colony year on year, the general trend since they were first observed on Rammey Marsh has been upwards. In 2001 the colony was estimated to number about 7000 spikes, and the survey maps for 1998 and 2001 (CD 15/40 app 2 & app 5) reveal that they occur over an area far more extensive than the NGAR land take. (5.23, 8.14)
- 13.47 It is evident that bee orchid colonies can disappear as mysteriously as they develop, and little is known about their population dynamics. However, the current trend in the numbers in the Rammey Marsh colony gives no basis for believing that NGAR would be the catalyst for an irreversible decline, despite the loss of those spikes directly affected by the scheme. As for trans-locating these plants, this is an untried measure and the proposal to move some of the plants that would otherwise be victims of NGAR to the Exchange Lands has only a low likelihood of success. (5.36, 8.14, CD 15/24)
- 13.48 The common bird censuses carried out over the last five years reveal that a total of 17 species have established territories on the NGAR corridor during one year or another. Three of these are red list species, skylark, song thrush and reed bunting, and there are two on the amber list, dunnock and blackbird. It is estimated that some 3-4 territories of skylark would be affected but that only one territory of each of the others would be. In addition other birds pass through the Marsh on a more transient basis. (5.20, 5.27, CD 15/28)
- 13.49 The loss of breeding territories is unfortunate but birds are mobile creatures and there must be some scope for alternative nesting habitats elsewhere on the Marsh. Similarly, there is a greater chance that some of those species displaced by NGAR who do not find the present condition of the proposed Exchange Lands congenial would use them more if attempts were made to create habitats suitable for them on the Exchange Lands. While the overhead power lines crossing the lands could provide perches for predatory birds the lines directly affect only some of the area on offer. The total area available is quite extensive and I am not convinced that areas away from them could not provide suitable and reasonably safe habitats for ground nesting birds. After all, there are overhead power lines close to Rammey Marsh also. With suitable mitigation measures it does not appear to me that NGAR would cause unacceptably harmful detriment to passage and wintering birds and small mammals. (2.4, 5.40, CD 13/4-LBE/PA/500, 506)
- 13.50 It is noteworthy that many of the flora and invertebrate fauna species of interest on the northern part of Rammey Marsh have been present for only a relatively short period of years, and then only as a happy accident. Notwithstanding this, it remains clear that these populations are of considerable quality and diversity. The mitigation measures put forward by LBE to date do not address fully what have now emerged as the key areas of concern and there are significant limitations in what the different soils on much of the Exchange Lands can offer to help replicate the flora and fauna interests of Rammey Marsh. (3.87-88, 3.90, 5.19-23, 5.35)
- 13.51 There is however some scope for modifying the visual impact orientated mitigation measures currently proposed on the Marsh to focus more on conserving species of ecological value. It may therefore be possible, by working more in conjunction with the LVRPA and by making a start well the road construction begins, to reduce the severity of the likely impacts. However, on present information I consider what is put forward is too

uncertain in its outcome to be able to conclude that the potential permanent detriment to the flora and fauna of conservation interest identified on that part of Rammey Marsh affected by NGAR could be mitigated to an acceptable degree. (3.87, 5.32-33)

Landscape, Visual and Recreational Amenity

- 13.52 The M25 has a major adverse influence over Rammey Marsh and the Marsh is not of high quality in landscape terms. While designated in the Lee Valley Park Plan for landscape improvement, this does not seem to be a high priority for LVRPA. Against the backdrop of the M25, and running largely at ground level, the visual impact of NGAR on the main part of the Marsh would in my view be relatively limited, notwithstanding its signs and lighting. (3.91, 3.93)
- 13.53 LBE's landscaping proposals accord broadly with the Park Authority's own intentions for landscape improvements to the Marsh, and if implemented they would mitigate not just the adverse visual impacts of NGAR but also the adverse effects of the M25. Now, however, it seems that conserving the features of natural interest identified from the ecologists' surveys has greater priority for LVRPA. If this dictates abandonment of LBE's current proposals, then it may still be possible to supply some visual mitigation for views from the south by planting elsewhere on the Marsh in areas that are not of particular ecological interest, subject to agreement with the landowners involved and the LVRPA. (3.87, 3.93)
- 13.54 The other adverse effect of NGAR is to curtail the practical extent of the Marsh on the south side of the M25 for recreation purposes by at least 60 m. The area between NGAR and the M25, while still accessible, would effectively be of little value as a place for recreation. The presence of NGAR would therefore diminish the sense of isolation that is available to those standing on the northern part of the Marsh near the proposed route. Incremental erosions of this type clearly have a cumulative effect, but my judgement is that the area of Rammey Marsh remaining between NGAR and Ordnance Road would still be large enough to give those seeking it a sense of isolation and space not greatly different from that they can experience now. (3.86, 5.17)
- 13.55 However, against this I regard the effect of NGAR on the character and appearance of the River Lee Navigation as significantly more harmful. The ambience of the Navigation in the vicinity of Rammey Marsh Lock has already been degraded to some extent by the bridge carrying the M25 over it, but Rammey Marsh Lock and the island retain what is still quite a peaceful waterside ambience that is a pleasant surprise to encounter in this urban location. (3.94)
- 13.56 I see Rammey Marsh Lock as the focal point of this contained landscape. The route of NGAR would run much closer to the Lock than the M25 bridge. Elevated and on a new bridge over the Navigation, it would damage the appearance of this local pocket much more than the M25 bridge, in my view quite badly. The introduction of a new source of traffic noise so much closer to the Lock than the M25 would add to the harm caused. In both ways NGAR would diminish the quality of this environment as a place for recreation, whether on the water or on the towpath. (3.94, 5.18, 5.39, CD 8/2 Chapter 4.5)
- 13.57 NGAR would also entail the loss of many of the trees currently populating Rammey Lock Island. While trees planted as replacements would, when they mature, make good much of this loss, this would take many years. In the meantime the containment and relative seclusion these trees provide would be lost. I consider the impact of NGAR in this area to be serious. While not of itself sufficient to justify rejection of a scheme from which

important benefits accrue, it adds weight to the case against a scheme of uncertain benefits and other detriments. (CD 13/4-LBE/PA/500)

Epping Forest

- 13.58 The Corporation of London's objection to NGAR centres on the effect of vehicular exhaust pollution on the habitats and creatures of European interest within Epping Forest, which both they and English Nature say are vulnerable and already detrimentally affected. The harmful effect that excessive NOx pollution can have on vegetation is well-known and for this reason recommended levels have been identified internationally below which NOx concentrations should stay if adverse effects on vegetation are to be avoided. In this regard it is relevant that there are epiphytic mosses and lichens within the Atlantic acidophilous beech forest feature of European interest in Epping Forest, and it is known that many moss and lichen species are especially sensitive to NOx levels. Similarly, the excessive deposition of nitrogen from airborne emissions tends to enrich nutrient-poor habitats like the heathlands of the Forest, upsetting the balance of the ecosystems and leading to the loss of characteristic plant species. (6.17-21, 9.9-11, G24)
- 13.59 It is also well established that vehicular traffic is the largest single cause of NOx pollution in the UK. This is relevant because the more important of the roads running through the Forest are busy for much of the day while, at peak hours, it is common to encounter lengthy queues on the approaches to the junctions in the area. (6.6, 6.10, G24)
- 13.60 The work modelling NOx levels cited by English Nature suggests that annual mean NOx concentrations across Epping Forest fall in the 58-85µg/m³ range. This range is substantially above the critical annual mean level of 30µg/m³ (16ppb) identified as the safe limit for vegetation health and English Nature take this as demonstrating the vulnerability of the habitats within the Forest. (G24, CEF/S11 p. 193)
- 13.61 The air quality assessment undertaken for LBE (CD15/56 LBE/A/sup3) suggests that in 2005 without NGAR the peak period concentration of NOx 20 m from the centre line of Woodridden Hill would lie in the range of 38.9-48.6 ppb. This range is approaching the internationally established critical mean level for NOx emissions over a 4-hour period, 95µg/m³ (50ppb). These sorts of levels are consistent with the observed deterioration in the quality of some of the Forest's ecosystems and seem to me to support the contention of those with responsibility for the ecology of the Forest that NOx levels near Woodridden Hill and other roads in the Forest are elevated to harmful levels. (G24)
- 13.62 The opposing case is derived in part from the AEA Technology measurements of air quality at locations across Epping Forest District in LBE/S26. Measured results are generally to be preferred to modelled ones. However, those reported in that work do not seem to be correlated with the traffic flows or congestion levels at the locations measured and most sites seem to be in residential or suburban locations rather than along the roads within Epping Forest of interest in the present context. I am not sure those results are particularly relevant.
- 13.63 As for the effect NGAR would have on NOx concentrations, the most up-to-date results from the traffic model, Tests 7a and 9a, provide a comparison of the peak period implications. For Woodridden Hill these tests suggest that with NGAR there would be increases in flow in 2005 of some 5.9% and 4.1% in the am and pm peak hours respectively. (CD 9/24, G24)
- 13.64 The pollution assessment calculations based on these test results submitted by LBE (CD 15/56, LBE/A/sup 3) suggest there would be a decrease in NOx emissions in the with-

Enfield Northern Gateway Access Road Inquiry Report

NGAR case under some of the combinations of direction of travel and peak period considered notwithstanding the increase in flow. The conclusion LBE draw is that taking the am and pm peaks together, the higher flows forecast would have a negligible impact on NOx pollution levels overall. This is put down to decreases in the number of lorries in the overall flow and the disproportionate influence lorries have on NOx generation.

- 13.65 Tests 7a and 9a were not run for the off-peak situation but the earlier tests summarised in CD 9/14 included off-peak runs. The clear trend evident from these runs is for off-peak flows on Woodridden Hill to increase substantially with NGAR, in many cases by as much as 15-20%, to levels comparable with peak period flows. (6.12, 9.24)
- 13.66 To make an assessment of the effect of NGAR on air quality for the off-peak period LBE selected the outputs from Tests 7 and 9 of CD 9/14 as providing the closest comparison available with the results of Tests 7a and 9a. According to these tests flows on Woodridden Hill in the off-peak period would increase by some 19% with NGAR. The air quality calculations based on those tests (LBE/S27) suggest that while there would be increases in emissions in the eastbound direction of flow, there would be a decrease in the levels of NOx pollution emanating from vehicles travelling westbound notwithstanding the increased traffic flows, and LBE concluded that the overall change would be insignificant. (9.13)
- 13.67 However, several factors lead me to have doubts about how much reliance can be placed on those calculations. The anomaly in the results for Dowding Road East is one. If flows on Dowding Road East were to increase in all with-NGAR scenarios, as one would expect, then it seems to me likely that the flows forecast for Woodridden Hill with NGAR are underestimated. If that is so the emission levels in the Forest would be higher than LBE's work suggests. (4.15, 7.5)
- 13.68 Then there is LBE's finding that some of the instances of higher flow on Woodridden Hill with NGAR result in lower NOx emissions. Certainly this may be explained in part by the greater NOx emissions that emanate from a lorry for those cases where a lower flow without NGAR includes more lorries than the corresponding higher flow with NGAR. However, LBE's analysis does not appear to make full allowance for the effects of congestion. Queuing at each end of Woodridden Hill is commonplace in peak periods now. The model predicts that use in off-peak periods would rise to levels comparable with peak period flows, and it is clear that increases in flow along links between congested junctions tends to result in lower average speeds along the link because of the disproportionately longer delays the additional traffic would suffer at the junctions. (CD 9/14, CD15/56 LBE/A/sup3, LBE/S27)
- 13.69 Having examined the information supporting LBE's air quality assessments (CD 15/56 LBE/A/sup 3 & LBE/S27) in the light of this, I have some difficulty in accepting that the increase in congestion at the junctions likely with higher off-peak flows has been fully reflected in their conclusion that NGAR would result in a slight decrease in NOx emissions during off-peak periods. If a review of the off peak period flows and emissions led to higher predicted off-peak emissions then that could in my view be potentially significant because of the proportion of the day the modelled off-peak period represents.
- 13.70 These concerns are supplemented by the traffic counts on Woodridden Hill undertaken by the Corporation of London in October and November 2001, which are rather higher than the peak hour flows output by the model for 2000. The counted flows are not directly comparable with the representation of peak hour flows output by the model but if the

Enfield Northern Gateway Access Road Inquiry Report

model underestimates actual flows on Woodridgen Hill the calculated vehicular emissions would also be low. (6.14, CD 15/53a)

1. In combination these factors leave what are in my view some significant areas of uncertainty about the reliability of the air quality assessments put forward by LBE, and I cannot therefore say with confidence that NGAR would not have a significantly detrimental effect on the features put forward as being of European interest in Epping Forest.

13.72 At first sight it seems unlikely that a short length of new road some 3 km away could even begin to cause unacceptable adverse impacts on the European interest features in Epping Forest but, notwithstanding the uncertainties involved, in view of NGAR's off-peak implications I consider it likely NGAR would on the balance of probability lead to an increase in NOx pollution levels on Woodridgen Hill and elsewhere within the Forest. Accordingly I cannot rule out the possibility that the integrity of the cSAC would be adversely affected as a consequence. (6.4, 9.11)

13.73 As for the ALG Guidance (TEC01) put forward in LBE/S30 in the context of the significance of the expected changes in air quality, I am doubtful as to its applicability in a situation where features of European interest in a cSAC are potentially at risk. For all these reasons therefore, I consider it would be inappropriate in the light of the provisions of the Habitat Regulations to grant permission for NGAR on the basis of the material currently to hand.

13.74 If the relevant authorities were to evolve an effective set of policies and physical measures to reduce traffic in the Forest as foreshadowed in the evidence of the Corporation of London, then it is possible that these measures would also deter traffic that would otherwise be attracted to the Forest as a result of NGAR. In those circumstances the potential adverse effect of NGAR might be neutralised and overcome the concerns expressed by the Corporation of London. That, however, is not the situation now. (6.5, 6.8, 6.11)

Highways Agency objection

13.75 The nub of the Highways Agency's objection is their concern about the operation of J26 with NGAR and the consequential effects of this on the free flow of traffic on the adjoining stretch of the M25. Since it is evident on the ground that the southern roundabout of J26 is under stress in peak hours at present, I consider their concern to ensure J26 is improved as necessary before NGAR is brought into use to be well founded. (6.10, 7.3, 7.10)

13.76 They proffered a possible Grampian-style condition (G35) designed to ensure NGAR is not brought into use until a satisfactory scheme to improve the capacity of J26 has been produced and implemented. However, it was put forward on the basis that it would only be appropriate if their concerns over the adequacy of the traffic model were not upheld or if its inadequacies were deemed unlikely to have a major effect on the accuracy of the forecasts for the area of concern. (12.2)

13.77 On this, it is clear from my earlier comments that I consider the results from the traffic model contain enough unresolved anomalies to call into question its robustness and its reliability as a tool for forecasting NGAR's various effects. The apparent reduction in flows on Dowding Road East in the am peak with NGAR that is among these anomalies strengthens these concerns over the model's usefulness in relation to the J26 issue. Consequently, I do not consider the model can be regarded as giving certainty as to the

scale of the improvements to J26 that may be necessary. Moreover, having regard also to the perceived importance of NGAR in enabling the Lee Valley to benefit from the Stansted effect, I do not believe the possibility that NGAR might generate a need for major improvements at this junction can be ruled out. (3.13, 7.5, 7.11)

- 13.78 Furthermore, it is evident from the ECC submission that consideration of the need for modifications at this junction and what form they might take is at an early stage. Even on the limited improvement they have examined in a preliminary way, the provision of a left filter lane from Woodricken Hill, there is the prospect that land acquisition may be involved. This raises the possibility of lengthy and uncertain acquisition procedures. In the light of all these considerations I am not satisfied on the evidence to hand that the imposition of a Grampian condition is an appropriate way of dealing with the J26 issue. (9.3)

Other parts of the road network in Epping Forest District

- 13.79 As indicated above, there remain unresolved important concerns about the implications of NGAR on the operation of J26 and the M25 as well as for Epping Forest. In addition however NGAR would also impact in other ways on the road system in and around Waltham Abbey, the implications of which I do not believe have been fully examined with a view to mitigation. The scheme's impact on the A121 Highbridge Street/Dowding Road traffic signalled junction is adverse and there seems little scope to increase its capacity. This could have an adverse impact on the stated intended function of Dowding Road as a southern bypass of Waltham Abbey. In addition I do not believe that the impacts of the additional traffic NGAR would attract onto Dowding Road on the amenity of those living in the new houses there have been given proper consideration. (4.19, 9.2, 9.16)
- 13.80 Having said that, the other main worry expressed by EFDC and ECC, that NGAR would complete a relief road for the adjacent stretch of the M25 between J25 and J26 is not, in my opinion, a serious concern. It is clearly the case that incidents occur on this stretch of the M25 more often than is desirable. However the frequency of incidents should fall below the current rate once the Highway Agency's scheme to provide dual 3 lane carriageways through J25 is completed. More particularly, though, while NGAR should lead to some easing of the conditions on Bullsmoor Lane, congestion at the signalled junctions on Bullsmoor Lane would remain quite severe in peak hours. For this reason I doubt if the Dowding Road/NGAR/Bullsmoor Lane route would in practice be very attractive as a relief route at times when the M25 is congested. (3.53, 4.18, 7.1, 9.5)

Adequacy of the Exchange Lands

- 13.81 The acceptability of the Exchange Lands turns on its merits as public open space to replace that taken by NGAR, and specifically whether it is equally advantageous for users. So, whether or not it is capable of assisting in the mitigation of NGAR's nature conservation impacts, that is not material in this context. (3.109)
- 13.82 It was argued that the plots on offer are fragmented, being separated as they are by fencing, an access road, a low disused railway embankment, and watercourses. However, if NGAR proceeds, no doubt steps would be taken to make access between the plots as free as possible by measures such as the removal of fencing, and to otherwise put the land into a condition suitable for the purposes for which it would be used. (3.114-115)
- 13.83 In any event, a considerably larger area is being offered in exchange for the public open space land needed for NGAR. This extends to nearly 10 ha against just over 2 ha of public open space proposed for acquisition on Rammey Marsh of which only 0.77 ha would be

Enfield Northern Gateway Access Road Inquiry Report

- permanently lost to the road. Indeed, it is noteworthy that two of the individual parcels of land offered are each larger than the total public open space land in the NGAR CPO, and several exceed the area of permanent land take. (3.111-112)
- 13.84 With the chimney of a power station close by, pylons on two of the plots, and overhead power lines crossing these and some of the others, the ambience of these lands is not the best. There is also housing close to some plots. The overall impression is of an area more hemmed in by nearby built development than is the northern end of Rammey Marsh, but even the sense of remoteness available at the northern end of Rammey Marsh is affected by the proximity of the M25. (5.40)
- 13.85 In any event, notwithstanding the presence of the built development nearby my view is that the Exchange Lands are sufficiently large to convey a sense of space. Although likely to offer a character of recreation experience different from that stemming from the open spaciousness of Rammey Marsh, the ability to access this land freely would still in my opinion be welcomed by those in the neighbourhood. As to their accessibility, again I think the Exchange Lands are satisfactory. They are significantly closer to the main residential areas of Enfield Island and Enfield Lock than the northern end of Rammey Marsh (CD 13/5). I conclude that the Exchange Lands are equally advantageous to the public open space land NGAR would absorb and are acceptable in substitution for it. (2.6, 3.113)

Compliance with the Development Plan

- 13.86 NGAR is not one of the forms of development acceptable on land which is both in the Green Belt and the Lee Valley Regional Park, and it is therefore in conflict with the basic terms of the Green Belt policies of the 1994 Enfield UDP on these grounds. It is therefore necessary for compliance with policy (II)G1 to find very special circumstances for NGAR sufficient to outweigh the harm to the Green Belt by reason of inappropriateness and erosion of openness that permitting it would entail. (2.32, 3.31)
- 13.87 On this, I acknowledge that the UDP expresses support for the concept of a link between Mollison Avenue and the M25. Since it can be seen that any such link would have to run across the Green Belt for some at least of its length, the fact that there is this expressed support offers some counterbalance to the basic Green Belt objection. The force of this argument is however weakened considerably by the lack of a specific policy or proposal in the UDP promoting such a road connection. The argument is weakened further by the absence of any such provision in either of the two UDP interim amendment documents published not only since the original UDP was adopted in 1994 but also since the planning application for NGAR was made. (2.38, 3.33, 4.10)
- 13.88 The more substantial argument put forward derives from NGAR's perceived role in promoting economic regeneration and at first sight the case put forward on this is persuasive. Certainly, the need for the regeneration of the Lee Valley is emphasised by RPG9. However, taking together the development that has taken place recently with that currently under construction and the expected permissions taken into account in the traffic model, it would appear that the regeneration of the area is already proceeding well irrespective of NGAR. (CD 9/13)
- 13.89 The completion of Phase III of Innova Park is specifically tied to NGAR and its completion is important to the regeneration of the area and the upgrading of its skills base, as is the realisation of the remainder of the Science Park project. However the outputs from the traffic model do not in my view give as much support to the proposition that the completion of NGAR is vital to the well-being of this project as contended. Moreover,

Enfield Northern Gateway Access Road Inquiry Report

while the congestion on Bullsmoor Lane is chronic, according to the model and the junction capacity assessments derived from its results Bullsmoor Lane would experience little relief in congestion once NGAR and Phase III of Innova Park are in place. (3.53, 4.31, 5.55, CD 9/28B)

- 13.90 NGAR would plug an obvious gap in that it would provide another route between Enfield and the east, adding to the limited options available for movements in this direction at present. Intuitively, such a connection is needed. However, the effect of this in regeneration terms is difficult to assess, especially since regeneration is taking place at present quite well, it appears, without NGAR. Taking this together with the range of shortcomings in the model, I am left in some doubt about NGAR's level of significance for regeneration. In the light of this I do not feel confident in recommending that very special circumstances sufficient to outweigh the harm to the Green Belt have been demonstrated and I do not therefore consider the scheme can be regarded as acceptable under policy (II)G1. (2.32)
- 13.91 In view of my conclusions on the adequacy and acceptability of the proposed Exchange Lands to replace the public open space lost as a direct result of the construction of NGAR, I consider that the scheme would be acceptable in terms of policies (I)O4 and (II)O11. (2.33, 4.10)
- 13.92 Since NGAR would have an adverse effect on the species of flora and invertebrate fauna identified as being of considerable nature conservation interest that have colonised the old landfill area across which NGAR would run, NGAR is at odds with policy (II)EN12(b). Moreover, in view of my doubts about the effectiveness and adequacy of the mitigation measures which would be possible, I do not consider that NGAR could be said to satisfy policy (II)EN10. (2.34)
- 13.93 To the extent that NGAR would assist the economic regeneration of the Lee Valley, and on the assumption that such regeneration should enhance the quality of life of those within the Area of Community Need to the east of the A10 defined in the UDP, it may be regarded as generally consistent with policy (I)N4. However, the additional traffic it would attract onto Mollison Avenue would have adverse amenity impacts on those living close to this road and this would offset the general gain expected. (2.31, CD 9/14)
- 13.94 In promoting NGAR LBE are giving effect to the aims of policies (I)E1 and E2 on reinforcing the position of employment areas. Furthermore, in that NGAR would improve the road infrastructure serving an important employment generating area, it is in line with policy (I)E4 and policy (II)E12. (2.36)
- 13.95 It is also evident that NGAR accords with some of the UDP's transportation policies, although some of these, for example (I)T5, have been overtaken to some extent by subsequent shifts in national transport policy. NGAR fits with policy (I)T9 in that it would improve accessibility for freight, although this would not be without some detriment to residential areas such as the new housing adjacent to Dowding Road and the streets backing onto Mollison Avenue. (2.37)
- 13.96 In forming a new link across the River Lee, NGAR would make a significant contribution to the provision of a balanced road network in the area and it thereby draws support from one element of policy (II)T8. On the other hand, in view of what I have concluded would be the limited congestion relief and environmental benefits NGAR would bring to Bullsmoor Lane, and the way the local economy appears to be regenerating well without it, as evidenced by the range of ongoing development proposals, it scores less well under other limbs of this policy. (2.37)

Enfield Northern Gateway Access Road Inquiry Report

- 13.97 It is evident therefore that NGAR would either comply with a number of UDP policies, be not inconsistent with others or, with mitigation measures, not cause an unacceptable conflict with certain others. The balance of these policies towards the scheme is therefore favourable. However to my mind what is overriding is whether the harm NGAR would cause by reason of Green Belt inappropriateness is outweighed by the regeneration case for it. On this, as indicated earlier I do not consider the case made out for it is strong enough to tip the balance in that direction and I consider the scheme fails to fulfil the important test in policy (II)G1. (2.32)
- 13.98 As for that part of NGAR lying within the Epping Forest District and Essex County boundaries, it also lies in the Green Belt. NGAR is not one of the forms of development specified as appropriate in the Green Belt by policy C2 of the Essex and Southend on Sea Replacement Structure Plan 2001, and accordingly very special circumstances have to be shown if NGAR is to be regarded as acceptable under this policy. Although the Essex authorities clearly thought it acceptable to construct Dowding Road in the Green Belt, for the reasons set out above the evidence to hand does not convince me that very special circumstances exist in NGAR's case. (2.40, 3.101)
- 13.99 Given my belief that the changed pattern of traffic flows arising from NGAR's construction has not been satisfactorily shown to have no adverse effect on the features of European interest in the Epping Forest cSAC, and because I am not convinced that the case for the scheme in the public interest is overriding, I am unable to conclude that NGAR is acceptable under policy NR6. (2.41)
- 13.100 Furthermore, NGAR is not a project that in itself would on balance be consistent with the aims of reducing the need to travel and reducing reliance on the car that are set out in policy T1 as objectives of a sustainable transport strategy. Despite the opportunity it gives for new public transport routes, it is unlikely to do much to reduce reliance on the car or on road haulage and its net effect would probably be an increase in motorised journeys. A fully defined strategy for the enhancement of public transport and traffic restraint intended to be put in place in parallel with NGAR could in principle be capable of rendering the overall package consistent with sustainable transport objectives but at present the package of proposals does not seem to me to be defined enough or firm enough to give confidence on this point. (2.42)
- 13.101 Since NGAR is not one of the forms of development policy GB2 of the Epping Forest District Local Plan 1998 deems acceptable in the Green Belt it is not acceptable under that policy. However the fact of this prima facie breach is clouded by the references to NGAR in paragraphs 5.119 and 20.51 of this plan, and their cross-references to policy T5 on highway improvements which, as far as the Green Belt is concerned, establishes as a criterion merely the need to have regard to the effect of any new road improvement on maintaining a defensible Green Belt boundary. Given its proximity to the M25, and the fact that the Green Belt by the eastern end of the scheme includes areas to the north of the M25 as well as to the south, I am satisfied that NGAR would not have any appreciable effect in this regard. (2.43, 2.47, CD 15/21)
- 13.102 For the reasons set out above I am not convinced that the redistribution of traffic occasioned by NGAR would have no adverse effect on the Epping Forest SSSI, and in the absence of such assurance I consider it cannot be said to accord with policy NC1. (2.45)
- 13.103 As for policy U2 and development in flood risk areas, despite several promptings, the Environment Agency appear to be content that the construction of NGAR would not add

to the risk of flooding in the Waltham Abbey area, and there is no basis for concluding NGAR conflicts with policy U2. (2.45)

- 13.104 Besides the effect the loss of most of the existing trees on Ramme Lock Island to allow NGAR to be built would have on the Ramme Marsh Lock area, it would also have some detrimental visual effects on views from the east until such time as replacement planting matures. However, given that replacement planting is proposed and in the light of the significantly more serious visual impact of developments such as the Sainsbury's Distribution Centre, I do not consider NGAR to be unacceptable against the landscape policies of the Local Plan such as LL13. (2.45, 3.101)

Overall balance and final conclusion

- 13.105 The need to secure the regeneration of the Lee Valley is recognised in RPG9, the various strategy documents put out by the Mayor of London and by the funding for regeneration attracted from Europe. It is clearly an important objective. As to NGAR's contribution to that, it would reduce flows on Bullsmoor Lane, but the congestion at the junctions along Bullsmoor Lane at peak periods would be little different and I doubt if in practice NGAR would deliver much noticeable benefit in traffic conditions on the route or, thereby, in regeneration terms.
- 13.106 The creation of the new river crossing and new route to the east via J26 of the M25 would clearly make access for those travelling to and from the east on the M25 much better than it is at present and this would be likely to be more positive in its effect on regeneration than the route to the west. However, the new development taking place and in prospect does call into question how essential the new road is to the regeneration process, and I am not convinced the case made out for it amounts to the very special circumstances necessary to justify accepting the Green Belt harm it would cause.
- 13.107 NGAR would in addition have several adverse impacts. Although there is scope for mitigating some of NGAR's adverse impacts on the features of nature conservation interest on the northern end of Ramme Marsh, further changes to the mitigation measures put forward besides that to Plot 10 would be needed in my view for there to be a reasonable likelihood of reducing the ecological losses to an acceptable level. At present I do not consider enough is known about the extent and effectiveness of what might be possible to reach a clear conclusion that NGAR's effect on these features would be acceptable. NGAR would in addition impact quite seriously on the ambience of the Ramme Marsh Lock area.
- 13.108 NGAR would introduce more traffic onto Dowding Road on its route to J26, and this would have a degree of adverse impact on the lives of those living alongside. It would also alter the pattern of traffic in the Waltham Abbey area. In particular it seems likely to increase the stress on the Highbridge Street/Dowding Road junction for which little amelioration seems to be possible.
- 13.109 In view of the anomalies identified in the traffic model which causes uncertainty as to the degree of some potential impacts caution has to be exercised in certain conclusions. For example, the anomalies make it difficult to know whether the southern roundabout of J26 can be readily modified to operate satisfactorily with NGAR so as to avoid congestion backing up onto the M25. They are further relevant in relation to conclusions on the consequential effects of the traffic emanating from NGAR on air quality within Epping Forest and the integrity of the cSAC, although as indicated I think the anomalies relevant to that area would tend to lead to an under estimation of NGAR's adverse consequences on the cSAC.

Enfield Northern Gateway Access Road Inquiry Report

13.110 I have further concerns over the nature and scope of the public transport enhancement and traffic restraint measures suggested. I do not consider they are sufficiently well-defined to be able to form a view as to whether they would offset the traffic generative effects of NGAR to the extent necessary to render the scheme compatible with the objectives of PPG 13. Furthermore, given the lack of control LBE would have over ensuring public transport enhancements took place and the uncertainty inherent in an approval mechanism under which the detailed scheme of enhancement measures would be approved by LBE themselves, the implementation of these measures is not sufficiently certain.

13.111 I am less convinced by NGAR's contribution to regeneration than LBE are. It would be certain to have a number of adverse environmental impacts and possibly, depending upon how the uncertainties in the traffic model resolve themselves, others. There are also questions arising from the uncertainties in the traffic restraint and public transport measures and consequently the scheme's acceptability against PPG 13. For all these reasons I am led to conclude that I cannot recommend NGAR should proceed. It follows from this that I am unable to recommend that the Side Roads Order, Compulsory Purchase Order and the Bridge Scheme be confirmed nor that the Exchange Land Certificate be issued.

Conditions

13.112 In general I consider that the conditions proposed are necessary and, subject to the modifications described below, I consider that they should be imposed if permissions are to be granted. (12.1-12.10, EFC/S11)

13.113 It is clearly desirable that the details approved under the two permissions should be consistent. If it is practicable and permitted under the legislation then approval by the Secretary of State might be one way of dealing with this. I am not convinced that the proposal to modify the conditions concerned to include reference to consultation with the adjoining planning authority accords with the principles in Circular 11/95. It may be that what is needed is an agreement between the two authorities to operate in this way prior to permissions being issued.

13.114 In my view conditions 4, 5, 12, 13, 17, 22 and 23 of the second draft schedule need to be amended to ensure that the implementation of the matters required for approval accords with the approved details or programme.

13.115 Since there are a few trees within that part of the site in Epping Forest District draft conditions 6-10 should be included on a permission for application EPF/1277/96.

13.116 In the event it is decided that the provision of the modifications to J26 necessary to eliminate unacceptable consequential effects on the M25 can be satisfactorily ensured by a Grampian condition, then I consider the suggested condition put forward by the Highways Agency (G35) to deal with this should be imposed, on application EPF/1277/96 at least. Also needed in my view is a further Grampian condition, in order to ensure that NGAR is not brought into use until the widening of the M25 through J25 is complete. In addition, I consider another highway condition is needed to ensure the design year capacity deficiency of the Sainsbury's/Dowding Road roundabout is rectified at the appropriate time.

13.117 I consider that the reference in condition 26 to the Environment Agency and the landowner should be deleted. The planning authority should approve only such drainage proposals as they have ascertained are acceptable to those bodies. The condition then needs to be modified to ensure implementation in accordance with the approved details.

Enfield Northern Gateway Access Road Inquiry Report

- 13.118 As explained earlier I have found it difficult to reach a view on the compatibility of the scheme with the objectives of PPG 13 given the fluid nature of what LBE have in mind as constituting the elements of the overall package. In addition I remain unconvinced that the schemes intended to constitute the traffic restraint package are clearly and firmly enough identified for them to be specified in a condition. Moreover, in view of LBE's position as approving authority, I retain concerns as to whether leaving the details of the traffic restraint package for a scheme to be approved later ensures sufficient certainty.
- 13.119 However, in the event it is decided to permit the scheme, an alternative approval mechanism along the lines urged by EFDC and LVRPA would go some way towards overcoming this concern. If it is decided to grant permission, then a modification to condition 23 along the lines of EFDC's suggestion in EFC/S12 would define the traffic restraint package as far as is possible.
- 13.120 On the other points put forward by EFDC, (EFC/S12) I concur with their suggestions on conditions 13 and 24, and with their suggestion for a condition to ensure the NGAR cycleway links to the Dowding Road cyclepath. I do not see any particular merit in replacing conditions 17 and 18 with the standard conditions cited, but since the landfill area is to the west of the River Lee I do not consider there is a need to impose condition 18 on a permission for EPF/1277/96.
- 13.121 The schedule of conditions (EFC/S11) suggests that condition 15 on construction noise levels is not needed as it would be incorporated in condition 19 dealing with a pile driving method statement. In my opinion noise from construction works on the site is unlikely to be detrimental to residential amenity except, potentially, that arising from pile driving operations. I consider however that condition 19 should be modified to include specific reference to noise emissions from this source and their control.

Mitigating Measures

- 13.122 The NGAR project incorporates a range of mitigation measures. These are described in Section 5 of the Environmental Statement. This is supplemented and updated by the tabular summary of nature conservation mitigation measures in CD 15/13 - LBE/A32, while the visual intrusion mitigation proposed is apparent from CD 13/4 - drawing LBE/PA/500 and the notes on visual intrusion at CD 15/13 - LBE/A31. Section 3 of CD 15/12 includes descriptions of the measures proposed to mitigate the adverse effects of each section of the route, both on the site and on the Exchange Lands.

Conclusions on the Orders and the Bridge Scheme

- 13.123 In the event that it is decided to approve the project and grant planning permission, I consider that the Compulsory Purchase Order and the Side Roads Order should be confirmed with modifications, that the Bridge Scheme be modified as proposed and that the Exchange Land Certificate be issued.
- 13.124 I have the following comments to make on the details of the Orders. In the light of LBE's request to delete the Environment Agency plots from the CPO, I recommend that, apart from plots 40 and 63, this should be done. Plot 40 would need to remain in the CPO but "other than the interests of the Environment Agency" should be added at the end of the description of the land in Column 2 of Schedule 1. (11.1-12, G37, G45)
- 13.125 In the light of the considerable nature conservation interest of the winter pool hollows it would be desirable for NGAR to avoid damaging these as much as possible. Accordingly,

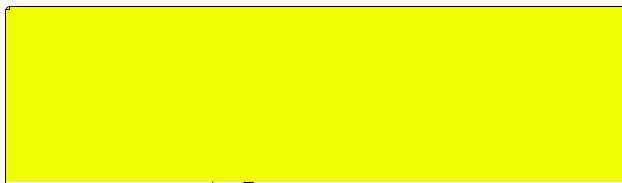
Enfield Northern Gateway Access Road Inquiry Report

I consider that Plot 10 should be reduced in size as described in LBE/S28 and shown on the drawing at LBE/S31. (11.9)

- 13.126 The area of Plot 62 should be extended as agreed by Thames Water Utilities and LBE. (11.7, G37B (i)-(iii))
- 13.127 On plots 56 and 60, which form the access track for Thames Water from the Swan and Pike Road to their pumping station, it seems to me that Thames Water need unfettered access along this track to enable them to undertake the maintenance of a vital operational asset. I consider that their interests must take priority over concerns over the fragmentation of the Exchange Lands. The Exchange Lands are large enough for fragmentation not in my view to be such an important issue as LVRPA contended. In any event, the rights of access Thames Water indicate they would offer instead would in my view be likely to lead to little practical impediment in the use or maintenance of the Exchange Lands. (11.10, G39a-c)
- 13.128 Subject to the granting of such rights of access as are necessary for Exchange Land purposes along the access track to the Thames Water pumping station, I consider that plots 56 and 60 should be deleted from the CPO. Even with these deletions I believe the Exchange Lands would be acceptable in substitution for the public open space land taken in the CPO for NGAR, provided a suitable undertaking is obtained from Thames Water Utilities. (11.10, G39a-c)
- 13.129 The Side Roads Order should be modified to incorporate the agreed change to the alignment of the Environment Agency access track on the west side of the Flood Relief Channel. (G37, G45)

RECOMMENDATIONS

- 14.1 I recommend that the planning applications be refused planning permission.
- 14.2 I recommend that the London Borough of Enfield (Northern Gateway Access Road) (Side Roads) Order 2001, the London Borough of Enfield (Northern Gateway Access Road) Compulsory Purchase Order 2001, and the London Borough of Enfield (River Lee Navigation Bridge) Scheme 1999 be not confirmed.
- 14.3 I further recommend that a certificate under Section 19(1)(a) of, and paragraph 6(1)(b) of Schedule 32, the Acquisition of Land Act 1981 be not issued.



Inspector

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Enfield Northern Gateway Access Road Inquiry Report

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Enfield Northern Gateway Access Road Inquiry Report

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North London Manufacturers Action Group, North London Industries Centre, 312 High Road, Tottenham N15 4BN

Managing Director, Gabriel (Contractors) Ltd, Civil Engineering Contractors, Unit 5 Gabriel Industrial Estate, 115 Jeffreys Road, Enfield EN3 7UA

26 Bulismoor Lane, Enfield

CORE DOCUMENTS

No	Document
CD 1	Development Plan Documents and Related Documents
CD1/1	1983 London Borough of Enfield Borough Development Plan
CD1/2	London Borough of Enfield UDP (March 1994)
CD1/3	London Borough of Enfield UDP Interim Amendments (June 1997)
CD1/4	London Borough of Enfield UDP Interim Amendments (January 1999)
CD1/5	Essex and Southend on Sea Replacement Structure Plan (April 2001)
CD1/6	Extracts from the Second Alteration to the 1986-2001 Structure Plan (1995) Essex and Southend on Sea
CD1/7	Epping Forest District Council Local Plan (January 1998)
CD1/8	London Borough of Enfield Economic Development Plan (2000-2001)
CD1/9	Lee Valley Regional Park Plan (1986)
CD1/10	Lee Valley Regional Park Plan 2000
CD1/11	Extract from LPAC, 1994 Advice on Strategic Planning Guidance for London
CD1/12	"Towards the London Plan, Initial Proposals for the Mayor's Spatial Development Strategy", GLA (May 2001)
CD1/13	London's Economic Development Strategy, London Development Agency (July 2001)
CD1/14	Not used
CD1/15	Not used
CD1/16	LBE UDP - Supplementary Planning Guidance to LBE's UDP - Pickett's Lock, Enfield: Planning Brief: National Athletics Centre
CD1/17	Extract from Broxbourne Borough Council's Local Plan Proposals Map
CD 2	Government Guidance
CD2/1	PPG 1: General Policy and Principles (February 1997)
CD2/2	PPG 2: Green Belt (January 1995)
CD2/3	PPG 4: Industrial and Commercial Development and Small Firms (November 1992)
CD2/4	PPG 9: Nature Conservation (October 1994)

Enfield Northern Gateway Access Road Inquiry Report

CD2/5	PPG 12: Development Plans (December 1999)
CD2/6	PPG 13: Transportation (March 2001)
CD2/7	PPG 16: Archaeology and Planning (November 1990)
CD2/8	PPG 23: Planning and Pollution Control (1994)
CD2/9	PPG 24: Planning and Noise (1994)
CD2/10	Regional Planning Guidance for London (RPG3) (1996)
CD2/10a	Regional Planning Guidance for the South East (RPG9) (2001)
CD2/11	Extract from 'Planning for Clusters' - DETR, June 2000
CD2/12	Circular 11/95
CD2/13	Circular 15/96
CD2/14	Circular 1/97
CD2/15	PPG 7: The Countryside and the Rural Economy
CD2/16	PPG 17: Sport & Recreation
CD2/17	PPG 25: Development and Flood Risk
CD2/18	Circular 5/2000
CD 3	Planning Applications
CD3/1a	Planning Application No. LBE 96/0024
CD3/1b	Planning Application No. EPF/1277/96
CD3/2	Drawings LBE/3552/13 and LBE/148/HV108 (see CD13/3)
CD3/3	London Borough of Enfield Revised Statement of Case
CD 4	Compulsory Purchase Order
CD4/1	The London Borough of Enfield (Northern Gateway Access Road) Compulsory Purchase Order 2001
CD4/2	London Borough of Enfield's Statement of Reasons
CD4/3	London Borough of Enfield's Statement of Case
CD 5	Side Roads Order
CD5/1	The London Borough of Enfield (Northern Gateway Access Road) (Side Roads) Order 2001
CD5/2	London Borough of Enfield Statement of Reasons
CD5/3	London Borough of Enfield Statement of Case
CD6	Bridge Order
CD6/1	The London Borough of Enfield (River Lee Navigation Bridge) Scheme 1999
CD 7	Innova Park
CD 7/1	A plan showing Innova Park
CD 7/2	Conditions attached to the outline planning permission for the redevelopment of the Innova Park site
CD 7/3	Section 106 Agreement between Thames Water Developments Ltd and LBE relating to Innova Park

Enfield Northern Gateway Access Road Inquiry Report

CD 7/4	The Master Plan for Innova Park of March 1997 submitted pursuant to Condition 50 of permission TP/94/0281/1
CD 7/5	Planning application and relevant plans for the construction of a roundabout to serve the northern sector of the Innova Park site (application no. TP/99/0710)
CD 7/6	Revised Master Plan for Innova Park (1999)
CD 7/7	Not used
CD 7/8	Deed of Modification and Variation between Thames Water Developments Ltd, Kennet Properties Ltd and LBE relating to the revised Master Plan Application
CD 7/9	Committee report for the Teesland application (TP99/1130)
CD 7/10	Decision notice for the Teesland application (TP99/1130)
CD 8	Environmental Documents
CD 8/1	NGAR Environmental Statement Volume I - Non Technical Summary (July 1996) - BDP
CD 8/2	NGAR Environmental Statement Volume II - Technical Report (July 1996) - BDP
CD 8/3	Appendices to Volume II of the Environmental Statement - Technical Report - September 1996
CD 8/4	Ecological Survey and Impact Assessment - London Ecology Unit - November 1995
CD 8/5	Mitigation Plan - BDP - October 1997
CD 8/6	Mitigation Proposals (dwg no 1999\007\8100) - LBE - March 2000 (Now CD 13/4)
CD 8/7	A Biodiversity Action Plan for the Lee Valley Regional Park - January 1999
CD 8/8	NGAR Environmental Assessment Supplementary Report: Construction Lands and Access Routes Environmental Review - BDP - February 1999
CD 8/9	Tree Survey Report - LBE - July 1999
CD 8/10	Further Ecological Studies and Mitigation Review - LEU - August 1999
CD 8/11	Ramsey Marsh Invertebrate Assessment - Mr P R Harvey - November 2000
CD 8/12	Photographic Study - LBE - (November 1999)
CD8/13	NGAR Geotechnical Report - Exploration Associates
CD8/14	LBE Survey on use of Ramsey Marsh
CD 9	Transportation
CD 9/1	Transport Impact Assessment Report and Appendices (July 1996)
CD9/2	White Paper "A New Deal for Transport: Better for Everyone" - July 1998 - extract
CD9/3	The Mayor's Transport Strategy - Mayor of London - July 2001 - extracts
CD9/4	Transport Strategy for the London Lee Valley - London Lee Valley Partnership
CD9/5	Enfield's Interim Local Implementation Plan and Borough Spending Plan 2002/2003
CD9/6	Hertfordshire CC Local Transport Plan 2001/02 to 2005/06 (July 2000) - extracts
CD9/7	Essex CC Local Transport Plan 2000 - extracts
CD9/8	NGAR - Traffic Restraint - Final Report - Colin Buchanan and Partners - October 1997
CD9/9	Lee Valley Access Study - Final Report - Colin Buchanan and Partners - May 1997
CD9/10	EEHBTS Traffic Study 1999 - Junction Capacity Assessment - WS Atkins Consultants Ltd - August 2001 - Draft
CD9/11	EEHBTS Traffic Model 1999 - Report of Surveys - WS Atkins Consultants Ltd - August 2000

Enfield Northern Gateway Access Road Inquiry Report

- CD9/12 EEBTS Traffic Model 1999 –Local Model Calibration and Validation Report – Final Draft and Appendix – WS Atkins Consultants Ltd – July 2000. Superseded by Final Report & Appendix – August 2001 (also CD9/12).
- CD9/13 EEBTS Traffic Model 1999 – Forecasting Report – Part I - WS Atkins Consultants Ltd – July 2001
- CD9/14 EEBTS Traffic Model 1999 – Forecasting Report – Part II- WS Atkins Consultants Ltd – July 2001
- CD9/15 NGAR – Operational Assessment – Technical Note - Junction Assessments – Oscar Faber – August 2001 (comprises five documents, a-e, including appendices).
- CD9/16 "A New Deal for Trunk Roads in England" – DETR 1998
- CD9/17 Transport 2010 – The Ten Year Plan – DETR 2000
- CD9/18 Highways Agency Draft Circular – Control of Development Affecting Trunk Roads and Agreements with Developers under section 278 of the Highways Act 1980
- CD9/19 Extract from Transport in the Urban Environment – Institute of Highways & Transportation, Chapter 26: Transport Aspects of New Developments
- CD9/20 NGAR Journey Time Analysis– Impact of NGAR on Journey Times – Technical Note, Oscar Faber, August 2001
- CD9/21 NGAR Feasibility Study - May 1995
- CD9/22 Note on the Induced Traffic Effects of NGAR – Oscar Faber, October 2001
- CD9/23 EEBTS Study 1999 Dowding Road Model Tests – WS Atkins Consultants Ltd, September 2001
- CD9/24 EEBTS Traffic Study 1999 - Forecast Model Tests revised – WS Atkins Consultants Ltd, September 2001
- CD9/25 EEBTS Traffic Study 1999 – A Review of the NGAR Traffic Restraint Package – WS Atkins Consultants Ltd, October 2001
- CD9/26 EEBTS Traffic Study 1999 – Forecast Model Sensitivity Tests – WS Atkins Consultants Ltd, October 2001
- CD9/27 EEBTS Traffic Study 1999 – Junction Capacity Assessment – WS Atkins Consultants Ltd, September 2001
- CD9/28 A-C NGAR – Operational Assessment – Technical Note - Junction Assessments – Oscar Faber, October 2001 (comprises three documents including appendix)
- CD9/29 Report by Oscar Faber on the impact of NGAR on Tottenham Hale
- CD9/30 The Geometric Design of Roundabouts – Essex County Council
- CD9/31 EEBTS Traffic Study 1999 – NGAR/Dowding Road Roundabout Capacity Re-assessment - WS Atkins Consultants Ltd, November 2001
- CD 10 Consultation Objections**
- CD 10/1 LBE Consultation Leaflet to 1996 NGAR Application, distributed to area shown in CD10/3
- CD 10/2 List of Consultation Responses
- CD 10/3 Plan showing area covered by consultation exercise
- CD 10/4 Responses received to first Consultation on Planning Applications
- CD 10/5 Responses received to second Consultation on Planning Application
- CD 10/6 Objections to GONE to the CPO and SRO 2001, & Bridge Scheme 1999
- CD 11 Committee Reports and Minutes**
- CD11/1 Bundle of reports on NGAR to LBE's Environment and other committees -1998-99
- CD11/2 Report to LBE's Cabinet and Council – 18 and 19 July 2000
- CD11/3 Bundle of EFDC Committee Reports & Minutes on NGAR – 1997-2001

Enfield Northern Gateway Access Road Inquiry Report

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Miscellaneous Documents

CD 12/1	Lee Valley Regional Park Act 1966
CD 12/2	Wildlife and Countryside Act 1981
CD 12/3	GOE Call-In Letter of 16 December 1998
CD12/4	Government Office for London Call-In Letter of 16 December 1998
CD12/5	Extracts from "Securing the Retention and Reinvestment of Strategically Important Businesses across London" - London First Centre (1998)
CD12/6	Study of Industrial Demand in the Upper Lee Valley, Upper Lee Valley Partnership - Bower Bryce and King Sturge (October 2000)
CD12/7	Section 8 Agreement - not received
CD12/8	Correspondence between EFDC and LBE on NGAR and S.54A
CD12/9	Notes of the Pre-Inquiry Meeting held on 17 July 2001
CD12/10	Not used
CD12/11	Sundry Transportation Information supplied by Mr KG Jones A: The impact of the National Athletics Centre at Pickett's Lock on NGAR and EEHBTS 1999 B: Update on West Anglia Route modernisation (WARM) C: Letter sent by LB Enfield to Transport for London seeking confirmation of the assessment undertaken against the Mayor's Transport Strategy D: Waiting restrictions on Bullsmoor Lane E: Correspondence setting out TfL's position on contributing funds towards NGAR F: Commercial vehicle flows on Bullsmoor Lane & Dowding Road

CD13

Drawings

CD13/1	Mr Jaggard's Drawings: 001- 017
CD13/2	Mr Sherry's Drawings (LBE UDP Proposals Map)
CD13/3	Mr Smith's Drawings (Construction)
CD13/4	Mr Ayres' Drawings (Environmental)
CD13/5	Mr Jaggard's Drawing LBE/SJJ/018 - Accessibility of Exchange Lands and NGAR to residential areas

CD14

LVRPA Documents

CD14/1	Relevant Committee Reports and Minutes
CD14/2 & 2a	Mr Wurzell's Botanical Survey of Rammey Marsh and a note of a preliminary survey of the Small River Lea carried out by LVRPA
CD14/3	Not used
CD14/4	Bird and Mammal Surveys of Rammey Marsh
CD14/5	Not Used
CD14/6	LVRPA Strategic Business Plan 2000 - 2010
CD14/7	LVRPA's Publicity Leaflets
CD14/8	Landscape Assessment and Strategic Landscape Vision for the Regional Park- Landscape Design Associates, 1996

Enfield Northern Gateway Access Road Inquiry Report

CD14/9 Landscape Design Guidelines - Landscape Design Associates, 1997
CD14/10 Invertebrate Survey 2000 – filed as CD8/11

CD15 Pre – Inquiry Statements and Proofs of Evidence

CD15/1 LBE - Mr Jaggard's proof
CD15/2 LBE - Mr Jaggard's proof Appendices A1-13
CD15/3 LBE - Mr Jaggard's summary proof
CD15/4 LBE - Mr Sherry's proof
CD15/5 LBE - Mr Sherry's summary proof
CD15/6 LBE - Mr Jones' proof
CD15/7 LBE - Mr Jones' proof Appendix A13a
CD15/8 LBE - Mr Jones' summary proof
CD15/9 LBE - Mr Smith's proof
CD15/10 LBE - Mr Smith's proof Appendices A20 – 29
CD15/11 LBE - Mr Smith's summary proof
CD15/12 LBE - Mr Ayres' proof
CD15/13 LBE - Mr Ayres' proof Appendices 30 – 38
CD15/14 LBE - Mr Ayres' summary proof
CD15/15 LBE - Mr Lyons' proof
CD15/16 LBE - Mr Lyons' proof Appendices A14 – 19
CD15/17 LBE - Mr Lyons' summary proof
CD15/18 Index of Details of LBE Appendices A1 – 38
CD15/19 EFDC – Mr Preston's proof EFC/P1
CD15/20 EFDC - Mr Preston's summary proof EFC/P2
CD15/21 EFDC – Plan JDWP 1 with Mr Preston's proof EFC/D1
CD15/22 LVRPA - Mr R Hill's proof
CD15/23 LVRPA – Appendices to Mr R Hill's proof
CD15/24 LVRPA - Mr Wurzell's proof
CD15/25 LVRPA - Appendices to Mr Wurzell's proof – see CD14/10
CD15/26 LVRPA - Mr Harvey's proof
CD15/27 LVRPA - Appendices to Mr Harvey's proof
CD15/28 LVRPA - Mr T Hill's proof
CD15/29 LVRPA - Appendices to Mr T Hill's proof – see CD14/4
CD15/30 LVRPA - Mr Palmer's proof
CD15/31 LVRPA - Mr Kendall's proof
CD15/32a ECC – Statement of Case
CD15/32b ECC – Written Statement of 24 August 2001
CD15/33 Corporation of London's Statement CEF1
CD15/34 Corporation of London's Plan of Epping Forest CEF2

Enfield Northern Gateway Access Road Inquiry Report

CD15/35	Report of the Superintendent of Epping Forest to the Corporation of London's Epping Forest and Open Spaces Committee of 18 January 1999
CD15/36	Enfield Lock Action Group Association proof and summary
CD15/37	London Wildlife Trust proof
CD15/38	Friends of the Earth (Enfield) proof
CD15/39	Enfield Lock Conservation Group proof
CD15/40	Appendix to Enfield Lock Conservation Group's proof
CD15/41	Mr Patel's proof for the Highways Agency
CD15/42	Mr Mahany's proof for the Highways Agency
CD15/43	LBE Mr Jaggard's Rebuttal
CD15/44	LBE Mr Sherry's Rebuttal
CD15/45	Not used
CD15/46	LBE Mr Ayres' Rebuttal
CD15/47	Supplementary Regeneration proof of Evidence
CD15/48	Appendices for Supplementary proof (supporting letters)
CD15/49	LVRPA Statement of Case
CD15/50	EFDC Pre-Inquiry Statement
CD15/51	The Council for the Protection of Rural Essex – Supplementary proof of Evidence
CD15/52	Friends of Epping Forest – Supplementary proof of Evidence
CD15/53a	Corporation of London – Mr Holtom's proof of evidence & summary
CD15/53b	Corporation of London – Dr Dagley's Proof of Evidence & summary
CD15/54	Highways Agency – Mr Mahany's Supplementary Proof of Evidence
CD15/55	Mr G Jones' Supplementary Proof of Evidence
CD15/56	Appendices to Mr G Jones' supplementary proof
CD15/57	Essex County Council – Written Statement - 9 November 2001
CD15/58	See G10
CD15/59	Highways Agency – Mr Mahany's Supplementary Proof No 2
CD15/60	Essex County Council – Revisions to written statement (CD 15/57) submitted 23 November 2001

INQUIRY DOCUMENTS

No	Document
M1	Lists of those present at the Inquiry
M2	LBE's letter of notification of the inquiry
M3	LBE's letter of notification of adjournment
M4	Bundle of letters opposing the scheme
M5	Bundle of letters supporting the scheme

SUPPLEMENTARY DOCUMENTS

No	Document
	General
G1	Letter from Peter Chappell (ECC) – 25 September 2001 – Traffic Analysis update
G2	Letter from the Inspector to Timothy Straker QC – 25 September 2001
G3	Letter from Haringey Council to Quentin Given (Tottenham Friends of the Earth) - Haringey's position
G4	Letter from Gordon Wyatt (English Nature) dated 8 October 2001 to the Inspector – NGAR, possible traffic impacts upon Epping Forest SSSI & candidate SAC
G5a & b	Letters from Ms F McGowan dated 8 October 2001
G6	Letter dated 20 September 2001 from Environment Agency to John Preston (EFDC) - Objection
G7	Letter from Florence McGowan – Decision Notification
G8	Letter from Tie Project – 27 September 2001
G9	Letter from Bircham Dyson Bell on behalf of Thames Water dated 12 November 2001 covering their objections to the Orders
G10	Letter of 12 November 2001 from Bircham Dyson Bell for Thames Water enclosing their submissions of 9 November 2001 and draft Agreement
G11	Letter of 9 November 2001 from English Nature to the Inspector concerning possible traffic impacts upon the Epping Forest SSSI & cSAC
G12	Letter dated 9 November 2001 from Mr D Humby of Hertfordshire County Council
G13	Letter from Corporation of London to Inspector of 8 November 2001 on the cSAC designation of Epping Forest
G14	Letter of 10 October 2001 to parties on submission of any further traffic evidence
G15	Objection Letter from Miss Adlam & Mr Hennessy - 15 November 2001
G16	Objection Letter from Miss Tillbrook
G17	Letter from EFDC to residents advising about Inquiry
G18	Letter from LBE to local residents advising about Inquiry
G19	Objection letter from Mr Hempshall – 15 November 2001
G20	Letter of 11 October 2001 from Benwin Leighton Paisner enclosing G21
G21	Letter from WS Atkins – 10 October 2001 - Traffic Reports
G22	Letter from English Nature – 17 October 2001 – NGAR in relation to Epping Forest SSSI & cSAC
G23	Letter from Mr S Jaggard to Ms F McGowan dated 31 October 2001
G24	Letter from English Nature – 19 November 2001 – Traffic-Induced Air Quality Impacts upon Epping Forest SSSI & candidate SAC
G25	Objection Letter from N.K & D Turrell – 20 November 2001
G26	Objection Letter from Mrs D Turrell
G27	Objection Letter from Mr & Mrs Field – 19 November 2001
G28	Letter from Tottenham & Wood Green Friends of the Earth to Inspector dated 7 October 2001 – Green Travel Plans
G29	Letter from Environment Agency dated 9 October 2001 – Agreement on Orders & Planning Applications

Enfield Northern Gateway Access Road Inquiry Report

- G30 Objection Letter from Mr & Mrs Morrish – 15 November 2001
- G31 Objection Letter from Mr Hodgess – 19 November 2001
- G32 Mr Callaghan's NGAR calculations
- G33 Objection Letter from Eileen Prizeman - 19 November 2001
- G34 Statement regarding letter from Hertfordshire County Council – 9 November 2001
- G35 Condition suggested by Highways Agency in relation to Application EPF/1277/96
- G36 Statement of Common Ground between LBE, EFDC, ECC, Hertfordshire CC & LVRPA on NGAR
- G36A Statement of Common Ground on the Enfield, Essex, Hertfordshire Border Traffic Study 1999
- G37 Berwin Leighton Paisner – Proposed modifications to the orders & scheme
- G37A Compulsory Purchase Order 2001 - Final Version – Proposed Modifications Tracked (G37 Appendix 1 updated)
- G37B (i)-(iii) Compulsory Purchase Order plans sheet 1 of 3 – Sheet 3 of 3 updated to accord with the proposed modifications
- G38 Schedule – Proposed modifications to the Orders and Scheme - 21 November 2001 version
- G39a-c Letter dated 5 November 2001 from Berwin Leighton to Mr J Clark (DTLR, Local Authority Orders, Newcastle) enclosing a letter dated 22 October 2001 from Bircham Dyson Bell for Thames Water Utilities setting out their position on the Orders, and enclosing the Schedule of Proposed Modifications (15 October 2001 version)
- G40 Letter from DTLR to Ms V Lowes of Berwin Leighton Paisner – 13 November 2001
- G41 Letter of 24 October 2001 from Mr J Clark (DTLR, GONE) – Compulsory Purchase Order 2001
- G42 Letter from Highways Agency to Berwin Leighton Paisner dated 9 October 2001 – Transfer of land
- G43 Bundle of correspondence dated between 30 October 2001 and 14 November 2001 between LBE, Environment Agency, and DTLR Local Authority Orders Section, Newcastle upon Tyne
- G44a & b Berwin Leighton Paisner's letter of 30 October 2001 and Environment Agency letter of 2 November 2001 enclosing completed deed of agreement (G45)
- G45 Agreement made on 22 October 2001 between the Environment Agency and LBE
- G46 Berwin Leighton Paisner's letter of 20 November 2001 responding to Inspector's letter to Mr Straker (G2)

Supplementary documents submitted by LBE

- LBE/S1 Briefing Note on general arrangements on scheme drawings
- LBE/S2 Extract from British Wildlife Guide on Hedgerows & Roadside Verges
- LBE/S3 Memorandum – John Haslem – 24 September 2001 - Business support letters
- LBE/S4 Mr Jaggard's plan of the access points to Rammey Marsh East surveyed in the usage survey reported in CD8/14
- LBE/S5 Fax message from English Nature to Mr P Ayres –on the SSSIs & Lea Valley SPA
- LBE/S6 Letter from GOL (P Ellis) of 25 July 1996 to LBE on the Proposed Creation of Business/Science Park at Rammey Marsh
- LBES/7 Plan and note from Mr Jaggard on the Visibility of the route of NGAR from Epping Forest
- LBES/8 Appendices reproduced from Main Regeneration Proof
- LBES/9 Planning Application & Decision Notice & plan relating to LVRPA's proposal for car park at southern end of Rammey Marsh – Ref - TP01/0293
- LBE/S10 Plan showing route of Twin Sludge pumping main alongside Small River Lea.
- LBE/S11 Note from Mr KG Jones on LBE's support for the Lee Valley Railway Line
- LBE/S12 Note on LBE's position with regard to the delays in completing work on the EEHBTS 1999

Enfield Northern Gateway Access Road Inquiry Report

LBE/S13	Extracts from the Local Government Act 2000 and the Local Government & Housing Act 1989
LBE/S14	Regeneration Proof of Evidence – Additional information
LBE/S15	Explanation of Drawing Numbers
LBE/S16	Letter from Andrew Weeden (TfL) dated 2nd October 2001 to Mr Glyn Jones
LBE/S17	NGAR – LVRPA Exchange Land – Original Open Space Land at Temple Mills
LBE/S18	Plan showing Water Hollows
LBE/S19	Plan – 1999/007/94L – showing Marker Points
LBE/S19A	Plan combining both Marker Points & Water Hollows
LBE/S20	Letter – Paul Wastell to Steve Jaggard dated 26th September 2001 – Sample copies of correspondence with local people & businesses.
LBE/S21	North South Route – A1055 - Side Roads Order 1985 & Compulsory Purchase Order 1983 - Inquiry Inspector's Report and Secretary of State's decision letter
LBE/S22	Plan from Highways Agency – M25, Junction 25 westbound – provision of third lane through junction & letter from Parsons Brinckerhoff dated 16 November 2001
LBE/S23	Letter dated 27 October 2001 from Environment Agency to Mr S Smith
LBE/S24	Letter dated 22 October 2001 from London Borough of Enfield advising about new date for inquiry
LBE/S25	Letter dated 14 November 2001 from Mr S Jaggard advising about inquiry recommencement
LBE/S26	Extracts from AEA Technology's Report for EFDC on air quality within the district
LBE/S27	Note providing additional information on the effect of NGAR on air quality in Epping Forest
LBE/S28	Note explaining the reduction in the size of CPO Plot 10 now proposed to reflect the smaller works compound area now required
LBE/S29	LBE's drawing 1999/007/9409A showing the area originally proposed to be removed from CPO Plot 10 (now superseded)
LBE/S30	LBE's response to the advice given by English Nature on traffic induced air quality within Epping Forest
LBE/S31	LBE's drawing 1999/007/9409B showing the area now proposed to be removed from CPO Plot 10 (corresponds to LBE/S28)
LBE/S32	Letter dated 23 November 2001 from Berwin Leighton Paisner to Mr Timms of Essex County Council regarding progress on a possible S8 agreement
LBE/S33	First draft schedule of suggested conditions to be imposed on any permission granted for NGAR
LBE/S34	Aerial photograph of the site of NGAR and its surroundings taken in 1999/2000
LBE/S35	Table of Scheme Costs from Mr Jaggard's proof CD15/1
LBE/S36	Appendices A-G from Mr Lyons' proof CD 15/15

Supplementary documents submitted by EFDC

EFC/S1	Extract from Written Statement of the Roydon, Nazeing & Waltham Abbey Local Plan 1989 relating to Royal Ordnance sites Waltham Abbey.
EFC/S2	Note on the Waltham Point development and its key merits
EFC/S3	Mr Preston's summary of various development policies relevant to the NGAR proposed
EFC/S4	Extracts from the Transportation Assessment of the Environmental Statement for the Lee Valley National Athletics Centre – (Final Report May 2001)
EFC/S5	Correspondence with the Environment Agency on Flooding Risk
EFC/S5a	Further letter from EFDC to the Environment Agency on flood risk
EFC/S6	Letter from British Gas to LBE – North East Rammey Marsh - 29th October 1996
EFC/S7	Extract from the Environmental Statement on the Proposed Development at Stansted Airport – Volume 1 – August 2001

Enfield Northern Gateway Access Road Inquiry Report

EFC/S8	Mr J de W Preston's note on planting in the vicinity of gas pipelines
EFC/S9	Mr J de W Preston's note on consultation with EFDC on the interim amendments to LBE's UDP
EFC/S10	Mr J de W Preston's note on Waltham Point Regional Distribution Centre
EFC/S11	LBE's revised draft schedule of conditions; EFDC's schedule suggesting which conditions apply to which application & brief note of EFDC's position on the conditions
EFC/S12	Note setting out EFDC's final views on the draft schedule of conditions

Supplementary documents submitted by LVRPA

LVP/S1	Correspondence between Mr VR Bence of the Valuation Office and Mr K Keasley of LVRPA between 25 August 2000 and 15 August 2001 concerning the A112 Hackney - M11 Link Road Exchange Land at Rammey Marsh
LVP/S2	Photographs supporting Mr Palmer's Proof Visual Impact & Landscape matters
LVP/S3	Letter from English Nature to Philip Ayres - NGAR - Mitigation Measures
LVP/S4	Extract from 1969 Plan of proposals for Lea Valley Regional Park
LVP/S5	LVRPA's map of attractions & facilities on the Lea Valley Regional Park
LVP/S6	UK Nature Conservation - A Review of the scarce & threatened Hemiptera of Great Britain by Peter Kirby.
LVP/S7	Letter dated 6 August 2001 from Enfield Model Flying Club - Proposed Access Road to North of Rammey Marsh

Supplementary documents submitted by the Corporation of London

CEF/S1	Extract from the Written Statement of the Roydon, Nazeing & Waltham Abbey Local Plan 1989 relating to Epping Forest
CEF/S2	Proof of Evidence - J. Holtom - see CD15/53A
CEF/S3	Summary Proof of Evidence - J. Holtom - see CD15/53A
CEF/S4	Proof of Evidence - Dr. J.R. Dagley - see CD15/53B
CEF/S5	Summary Proof of Evidence - Dr. J.R. Dagley - see CD15/53B
CEF/S6	Extract from the Epping Forest Act 1878
CEF/S7	Letter from Mr. J.I. Besant (former Superintendent of Epping Forest), to Epping Forest District Council dated 16 June 2000
CEF/S8	Letter from Mr. B.W. Ladd (Casualty Reduction Manager, Essex Police), to the Superintendent of Epping Forest dated 15 August 2001
CEF/S9	Road Traffic Reduction Act 1997 and S.I. 2000 No.735 (c.15) The Road Traffic Reduction Act 1997 (Commencement) (England and Wales) Order 2000
CEF/S10	The Mayor's Draft Biodiversity Strategy
CEF/S11	The Mayor's Draft Air Quality Strategy
CEF/S12	Epping Forest District Council's Air Quality Review and Assessment Stage 3
CEF/S13	cSAC list of features from English Nature
CEF/S14	Site of Special Scientific Interest Citation and map
CEF/S15	Extract from English Nature's Veteran Trees: A guide to good management - Helen Read (2000)
CEF/S16	February 1996 Epping Forest & Open Spaces Committee Report on the candidate SAC
CEF/S17	Letter of 16 August 2000 from English Nature inviting comments from Conservators on additional features of the candidate SAC regarded as of European importance
CEF/S18	English Nature letter of 26 January 2001 confirming the addition of two features to the Epping Forest candidate SAC designation
CEF/S19	Report on Forest Coleoptera (interim) December 1999

Enfield Northern Gateway Access Road Inquiry Report

- CEF/S20 Report on the Diptera (flies) of Epping Forest by John Ismay (March 2000)
- CEF/S21 See CEF/S12 Air Quality Report
- CEF/S22 Letter of 26 May 1993 from Robin Carter, Chief Engineer of EFDC, to JR Dagley, Conservation Officer of English Nature
- CEF/S23 Letter of 9 August 1993 from JR Dagley, Conservation Officer of English Nature, to Head of Planning and Technical Services at EFDC
- CEF/S24 File note dated 18 August 1993 by JR Dagley, Conservation Officer of English Nature
- CEF/S25 Heathland restoration in Essex - A Note by Dr Dagley in British Wildlife (1996)
- CEF/S26 Colour aerial view of heathland sites around the Wake Arms roundabout in Epping Forest cSAC
- CEF/S27 Epping Forest (ed Hanson 1992); frontispiece & pages 72 and 73 - published by Essex Field Club.
- CEF/S28 Gimingham (1992): extract of p. 41 from The Lowland Heathland management handbook. English Nature Science.
- CEF/S29 Woodin (1989): Environmental effects of air pollution in Britain, from the Journal of Applied Ecology 26
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- CEF/S44 Letter - J Wisenfeld (Corporation of London) to Inspector - English Nature - 8 November 2001
- CEF/S45 Corporation of London Closing Submission
- CEF/S46 Letter from Corporation of London to Inspector - 22 November 2001
- CEF/S47 Corporation of London - Information note - Conditions in respect of mitigation

Supplementary documents submitted by Highways Agency

- HA/S1 Questions & Answers on the widening of M25 through J25