

**Report to District Development  
Management Committee**



**Epping Forest  
District Council**

**Report References: EPF/1213/18;  
EPF/0238/19; and  
EPF/0621/18.**

**Date of meeting: 18 March 2020**

**Addresses: Tower Nursery Netherhall Road Roydon Essex CM19 5JP;  
Stapleford Farm Oak Hill Road Stapleford Abbots Essex RM4 1EH;  
Warehouse at Tutein Farm Grove Lane Chigwell Essex IG7 6JQ.**

**Subject: Release of planning permissions previously agreed by Committee,  
following recommendations to GRANT permission subject to conditions  
and contributions or mitigation measures relating to air quality within the  
Epping Forest Special Area of Conservation (EFSAC)**

**Responsible Officer: Andrew Marx (01992 564000)**

**Democratic Services: Gary Woodhall (01992 564470)**

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**Recommendation:**

**It is recommended that the Committee Members note the content of the report, and:**

- **Agree to the granting of planning permission for the development on the sites as mentioned in the report, without the requirement to enter into a Legal Agreement to secure a financial contributions or other mitigation measures relating to the air quality within the Epping Forest Special Area of Conservation; and**
- **Agree to the granting of planning permission for the development on the sites mentioned in the report, subject to the conditions previously agreed by Committee.**

**Report:**

**Background to Epping Forest Special Area of Conservation and impact on the issuing of planning permissions**

The Council has legal obligations under the Conservation of Habitats and Species Regulations 2017 (As Amended) ("the Habitats Regulations"), specifically, its duties as the 'competent authority' under Regulation 63 concerning the assessment of the implications of plans and projects for the Epping Forest Special Area of Conservation ("EFSAC").

As local planning authority, before deciding to grant planning permission for a project involving development likely to have a significant effect on the EFSAC (either alone or in combination with other plans or projects), the Council must make an Appropriate Assessment of the implications of the development for the EFSAC in view of its conservation objectives as a European site. For the purposes of that Appropriate Assessment, the Council

must consult Natural England, as the appropriate nature conservation body, and have regard to any representations made by Natural England about the project within such reasonable time as the Council specifies.

Applying the precautionary principle and taking account of the conclusions of the Appropriate Assessment, the Council may grant planning permission for the proposed development only after having ascertained that it will not adversely affect the integrity of the EFSAC. When considering whether a proposal will adversely affect the integrity of the EFSAC, the Council must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which permission may be granted.

In respect of development management decision-making in the District, Natural England's current advice is that applications proposing new development anywhere within the District which involving an increase in vehicle movements on roads within 200m of the EFSAC are likely, in combination with other plans or projects, to have a significant effect on the EFSAC. As such, before granting planning permission, the Council must undertake an Appropriate Assessment of the project in accordance with its legal obligations under Regulation 63 of the Habitats Regulations.

Natural England has strongly advised that any identified in combination impact on the EFSAC is best dealt with by a plan-led strategic solution, as the level of assessment required is considered overly onerous to be dealt with on a case-by-case basis and the most effective forms of mitigation are unlikely to be deliverable by individual applicants.

Consequently, in the absence of mitigation and/avoidance measures agreed with Natural England, currently, the Council cannot lawfully grant planning permission for new development that would result in a net increase in vehicle movements. which has resulted in planning applications being held in abeyance pending the identification of an acceptable air quality mitigation strategy to manage the adverse effects of atmospheric pollution arising from additional vehicles using roads in the vicinity of the EFSAC.

Taking account of the Inspector's recent advice, the Council has been working hard to identify whether an interim approach can be identified to address the backlog of planning applications pending completion of the additional HRA.

The Council has undertaken a comprehensive review of all the applications held in abeyance and, following a detailed consideration of the development proposed in each application, the Council has concluded that some of the proposals can be screened out as having no likely significant effect on the EFSAC. Decisions relating to a number of developments, subject to decisions under Delegated Authority, were issued during December 2019 and January 2020.

The applications mentioned below were subject to past decisions to grant permission by the District Development Management Committee or one of the Area Planning Sub-Committees, but subject to legal agreements requiring financial contributions and/or mitigation measures relating to the air quality of the EFSAC. These applications are therefore being presented to this Committee to NOTE the result of the further assessment undertaken, resulting in a conclusion that the proposals can be screened out as having no likely significant effect on the EFSAC and AGREE to the removal of the requirement to enter into a legal agreement relating to contributions or mitigation measures relating to air quality within the EFSAC.

It is pointed out to Members that the planning merits of the applications are not being re-considered, but Members are in effect being asked to agree to the removal of the previously agreed requirement for air quality mitigation contributions for these projects.

## Application sites and relevant Committee dates

As part of the comprehensive review of planning applications being held in abeyance, the following applications with recommendation to GRANT planning permission and agreed by a Committee were identified:

- EPF/1213/18 (Tower Nursery Netherhall Road Roydon Essex CM19 5JP): Replacement glass houses (District Development Management Committee 28/11/2018) Minutes for item from page 5 [Link to Minutes](#);
- EPF/0238/19 (Stapleford Farm Oak Hill Road Stapleford Abbots RM4 1EH): Eight Dwellings (Area Planning Sub-Committee East 07/08/2019) Minutes for item from page 10 [Link to Minutes](#)
- EPF/0621/18 (Tutein Farm Grove Lane Chigwell) Four Dwellings (District Development Management Committee 1/08/2018) Minutes for item from page 2 [Link to Minutes](#)

## Results of further Assessment

- (i) EPF/1213/18 (Tower Nursery, Netherhall Road, Roydon, Essex CM19 5JP):

Erection of replacement glasshouses in two blocks of 60m x 108m and 60m x 80m and associated water storage tanks. Replacement glass houses:

- Development will result in no material increase in floorspace, and no change in number of employees (six). Essex County Council Highways comment that “The proposal will be replacing existing glasshouse and as such will not have any highway implications”. No information was provided as to whether there would be any increase in lorry movements through enhanced productivity. Notwithstanding this, the location of the development is such that access to the strategic road network would be anticipated to be via A10/A1170 with access to M25 at Junction 25. If Junction 26 of M25 is utilised this would not result in using roads through the EFSAC. Access also more direct to M11 via A1100/A414 to Junction 7. Conclusion is no likely adverse effect on integrity of the EFSAC.

- (ii) EPF/0238/19 (Stapleford Farm, Oak Hill Road, Stapleford Abbots RM4 1EH):

Cease existing use of land as a breakers yard, car repairs and storage with removal of all associated buildings and replacement with x 8 no. single storey dwellings:

- Traffic Assessment (TA) provided and indicates net reduction in AADT (Annual Average Daily Trips) of five. Additional benefit would be the removal of HGV traffic from the road network which would be an additional EFSAC benefit. Conclusion is no likely adverse effect on integrity of the EFSAC.

- (iii) EPF/0621/18 (Warehouse at Tutein Farm, Grove Lane, Chigwell, Essex IG7 6JQ):

Demolition of existing commercial buildings and erection of four dwellings:

- The development will result in the loss of 496sqm of B8 (storage and distribution) use. The traffic modelling indicates four dwellings will generate 18 AADT, of which 4.3 trips are anticipated to pass through the Wake Arms Roundabout. The loss of the B8 use would result in reduction in the net AADT increase related to the new use, and there will be an additional benefit of removal of HGV traffic from the road network. Conclusion is no likely adverse effect on integrity of the EFSAC.

## Conclusion

Members are asked to note the content of the report, and to agree to the release of the planning permissions mentioned, subject to planning conditions as agreed, but NOT subject to legal agreements relating to air quality mitigation only.