

## **COMMENTS ON SUITABLE ALTERNATIVE NATURAL GREENSPACE STRATEGY**

1. We will refer to the Topic Paper as LPE30 and to the SPD document as LPE33 and will give references to both by paragraph numbers. We will refer to the two visitor surveys by Footprint Ecology as simply “2017”<sup>1</sup> and “2019”<sup>2</sup>. We will use “SANGS” as an abbreviation for “Suitable Alternative Natural Greenspace Strategy”.

### **Q 1.7 – METHODOLOGY**

2. The Council says “*Applying the requirements and expectations of SANGs to an urban context, such as Waltham Forest, adds a layer of complexity . . . as the required alternative Green Space is not there*”.<sup>3</sup> This has two possible meanings, of which one is not acceptable.
3. We agree that the 8ha per 1000 new residents required in rural areas<sup>4</sup> is not appropriate in an urban context, where residents may accept, for instance, meeting more people on a walk.<sup>5</sup>
4. However, if what is meant is that if there is not enough space available for effective diversion of new residents from the Special Area of Conservation (“SAC”) then something less than effective diversion will be enough, that is not acceptable. If effective diversion away from the SAC of residents in proposed new developments is not possible then the developments may not be permitted.
5. What a SANGS for the Epping Forest SAC must deliver is greenspace which is **alternative**: it must divert people away from the SAC (which includes<sup>6</sup> most of the Epping Forest land within Waltham Forest, including Leyton Flats<sup>7</sup>). (However,<sup>8</sup> it would not be desirable to divert them onto the part of Wanstead Flats<sup>9</sup> which is a SSSI,<sup>10</sup> or to divert large numbers onto the parts of Wanstead Flats which are a SINC. It would also not be desirable (for reasons other than nature conservation) to divert numbers of people onto the part of Wanstead Flats which is in use as sports pitches.)

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1 The report dated 5 March 2018.

2 LPE44.

3 LPE33, 3.0.

4 LPE30, 3.4.2.5-7

5 However, we doubt whether the Royal Parks’ figure of 0.8ha per 1000 (LPE30, 3.4.2.10) would be enough in Waltham Forest. The context of the Royal Parks in the centre of London is different from that in outer London, and of course in Waltham Forest residents have the open spaces of Epping Forest available to them. As the Council says (LPE30, 3.4.2.8) “*the visit rate varies with presence of alternatives*”.

6 From the maps at LPE33 pages 11-12

7 The area bounded by the Whipps Cross Road, the Snaresbrook Road, and Hollybush Hill.

8 We emphasise this, because the Council has been contriving “green routes” to encourage residents around the Leytonstone High Road to walk out towards Bush Road / Wanstead Flats.

9 The area of Epping Forest land South of the line of Bush Road, Blake Hall Road, and Aldersbrook Road and North of Forest Gate and Manor Park.

10 LPE30, 3.4.5.4, and LPE33 1.0 refers to the SSSI and speaks of SANGs as protecting a SSSI.

6. And a SANGS must deliver alternative greenspace which is **suitable**, addressing the specific reasons why people visit the Epping Forest land included in the SAC. To give a striking example, some people’s reasons for visiting the Forest include walking their dog(s) in an area where they can let the dog off the lead.<sup>11</sup> For these people, providing paths through wildfowl sanctuaries or through parks where there are elaborate flower beds or small children playing – places where dogs must be kept on leads – will not be workable substitutes.
7. Overall, it is a mistake to think in terms of “capacity”.<sup>12</sup> What is needed is greenspace which is **more attractive** than the SAC, where attractiveness is the joint result of accessibility and “quality”. Accessibility will not be a matter simply of being within a 15-minute walk<sup>13</sup>; if a SANG and part of the SAC are equal in the relevant “quality” then the SANG must be at least as easy to reach as (or perhaps, easier than) the part of the SAC.<sup>14</sup> “Quality” cannot be treated as a single property but must be related to the specific purposes for which people visit the SAC.

### ***Relying on the 2019 survey***

8. As the Council says, “*it is critical to use empirical evidence about visitation of the protected site*”.<sup>15</sup> We understand that the 2019 survey is the most recent survey evidence. However, there are reasons why it would be dangerous to rely without qualification on the 2017 and 2019 surveys.
9. First, in 2019 the car parks provided in the Forest were free to use. The Conservators now charge for parking. We do not mean to set up our own intuitions as a substitute for survey evidence, but in the absence of fresh survey evidence we would comment that it is plausible that one effect of car parking charges may be that people who visit the Forest regularly and frequently and who live close to part of the Southern part of the Forest (that is, South of Woodford Green) who might previously have put their family (or their dog) in the car and driven to locations in the main part of the Forest (North of Woodford Green), may instead go within walking distance of where they live. Thus, following the introduction of parking charges, the “zone of influence” over Forest land of new developments in Waltham Forest may be less wide, but the influence itself may be much more concentrated.<sup>16</sup>
10. Secondly, the Council assumes that the likely number of visits per resident resulting from the new developments proposed in LP1 will be the same as for existing residents of the area – “*we assume that the new population will behave in a similar way as the existing population and make a similar number of visits to the protected site as the*

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<sup>11</sup> In 2017, 49% of all visitors interviewed had come to walk their dog, 3.10, cf. 3.23, for “ability to let dog off lead” see 2017 page 41, figure 9 (also page 45 “finding squirrels for the dog to chase”). In 2019, 45% of dogs were noted by the interviewer as being seen off-lead, 4.3.

<sup>12</sup> See LPE30, eg 3.4.2.12, first sentence, and 3.4.2.14.

<sup>13</sup> Compare LPE30, 3.4.2.16.

<sup>14</sup> LPE30, 3.4.2.8, says that the visit rate decreases with distance to the site; but it will not be a matter simply of distance but of ease of access – in London, what is 2km away but the journey can be made easily by bus is easier to reach than what is 1km away but the distance would have to be walked (assuming that the walk itself is not attractive).

<sup>15</sup> LPE30, 3.4.2.9.

<sup>16</sup> In 2017 “for some of the locations with limited parking, such as St Peter’s, visit rates reach a low level by around 2km from the survey point”, 3.47.

*existing population do.*<sup>17</sup> This assumption is not reasonable. The reasonable assumption is that (making a commonsense distinction<sup>18</sup> between what we may call “sitting out” activities as distinct from “walking” activities) the residents in the proposed new developments would make as many visits to the SAC for “walking” as the existing population does but in addition would make a large number of visits to the SAC for “sitting out” activities.

11. Very many residents of Waltham Forest live in houses with gardens. Although terraced houses have relatively small gardens, we submit that at present the majority of Waltham Forest residents living within 1 or 2km of Epping Forest land will have sufficient private space (whether as an individual garden or as communal space for a block of flats, etc) so that if they wish to sit out with a book or have a picnic (or a barbecue) or kick a football with a small child, they will do it at home; and therefore the existing population within this range of the SAC will predominantly only be visiting Epping Forest land for “walking”.
12. By contrast, the developments now proposed will not provide residents with sufficient private green space for “sitting out” activities. We will substantiate this point (in our Supplementary Submission to be filed by Dr Munday) by discussing the Whipps Cross development, which has outline planning permission, and which the Council says has sufficient SANG within the site.<sup>19</sup> On the basis of what we say there, it is clear that the residents of the development proposed for Whipps Cross would use the SAC for “walking” and in addition for “sitting out” activities, and so would make more visits to the SAC than the majority of existing residents; and most of the proposed new developments would have even less greenspace on site than what is proposed for Whipps Cross.
13. Thirdly, we understand that 2017 and 2019 deliberately avoided counting visits for “anti-social behaviour” (“ASB”).<sup>20</sup> Of course, a great many activities may be called “anti-social”, and some (such as random vandalism or unlicensed raves) may happen anywhere. However, activities of whatever kind which happen predictably in particular locations, need to be taken into account in assessing likely increases in the total number of visits and their effects.
14. It is known that the area close to the carpark on the South side of the Snaresbrook Road is used by a part of the gay community as a “cruising area”, predominantly after dark.<sup>21</sup> Those visiting after dark and having a reason to step off the paths are

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<sup>17</sup> LPE33, 2.2

<sup>18</sup> For the use of common sense, compare the Council at LPE30, 3.4.2.8 “*Drawing on an intuitive understanding of how people decide to spend their leisure time*”.

<sup>19</sup> LPE33, page 13.

<sup>20</sup> 2017, 2.3(3), compare 2019 2.2-3 and 2.12. In both 2017 and 2019, surveying only took place during daylight hours.

<sup>21</sup> The writer came to know this some years ago, when he was a member of GALOP, a group addressing gay and lesbian policing issues in London, but he has checked at <https://www.squirt.org/gb/london/waltham-forest/cruising/cruising-area/snaresbrook-road-woods> and the activity is still current: on 30.12.22 there were 8 postings on the bulletin board below the listing for the location.

particularly likely to cause damage, and one issue is illustrated by a posting on the bulletin board<sup>22</sup> requesting volunteers for a litter clearance effort on 3 January 2023.

15. We have exchanged emails with the Council, and we understand that the Council has made no attempt to discover the extent of this activity, or predict how much it would increase following the developments proposed in LP1. However, it is obvious that if over 3000 new dwellings are added within close walking distance of this location, or near a convenient 24-hour bus route,<sup>23</sup> a proportion of the new residents will belong to the sub-community which uses “cruising areas” and so there will be an increase in such visits.
16. It has proved very difficult to end such activity on areas which cannot be closed at night, once it has become established.<sup>24</sup> In some cases, it may be possible to move the activity<sup>25</sup> but we understand that the Council has had no thoughts about suitable alternative locations. Given that, this activity will have to be viewed as an increased load on the SAC which would have to be compensated for by SANG’s producing a reduction in the number of visits for other purposes.

### ***Specific purposes***

17. In LPE33 the symbols introduced on page 14 are not explained, but we note that there is a symbol of a dog on a lead but no symbol for a person with a dog off the lead. Those who want to let the dog off the lead will not be diverted from the SAC.
18. With regard to other actual “walking” uses, we accept that the proposed SANG in the area of reservoirs North of Forest Road will allow quite long walks (but it may not be suitable for walking dogs<sup>26</sup>). However, many of the SANGs envisaged are small parks, churchyards, etc. Intuitively, those who want to take a walk (for “air and exercise”, in the words of an Act of Parliament) may seek a space which is wider and more “natural” than a park.<sup>27</sup>
19. Also, we would suggest that many of those who take walks on Forest land may want not just space and uncultivated/natural land, but clear enough horizons to feel unenclosed and so feel that they have escaped from the urban environment.<sup>28</sup> For this reason, we submit that most if not all of the proposed SANGs in the Lee Valley will not be suitable alternatives to the SAC if the tower blocks down the Eastern side of the valley proposed in LP1 are built (or, if there will be similar tower blocks down the Western side). What is needed to provide an effective SANGS for the Epping Forest SAC may include limits on the heights of buildings affecting the skyline of the Lea Valley.

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<sup>22</sup> See footnote 21.

<sup>23</sup> Such as the 257 and N8 up and down Leytonstone High Road.

<sup>24</sup> As evidenced by the Corporation of London’s efforts with the West Heath at Hampstead.

<sup>25</sup> The writer attended a meeting where members of the Rotterdam Police described a successful relocation.

<sup>26</sup> 2017 points out that “no dogs are allowed at Walthamstow Wetlands” (the area of reservoirs South of Forest Road).

<sup>27</sup> See the references to “scenery/variety of views” (and “expansive countryside”) in 2017 page 4 and 2019 4.26.

<sup>28</sup> See 2017 3.24 “lack of urbanisation” and “freedom”.

**Q1.8 FIRST QUESTION – CAPACITY QUALITY AND DELIVERABILITY**

20. We cannot deal with every proposed SANG, but we will comment on some to show that the capacity and quality<sup>29</sup> of the proposed sites have not been robustly assessed. In the comments which follow, the numbers in [square brackets] are the numbers of the sites in LPE33.
21. In our Supplementary Submission to be filed by Dr Munday we discuss [26] in detail. Our conclusion is that it would not divert any substantial number of walkers, runners, or cyclists away from Leyton Flats.
22. With regard to [33] we are sceptical about whether anyone will want to go for a walk along a green strip next to the A12 (which is elevated for most of the length of the strip) and we would also question how many will want to take a walk down the middle of the site between the tall buildings proposed by LP1.
23. With regard to [36] we understand that what is proposed by (A) is a route for walking (and running, and walking dogs on leads) along the East side of the Old River Lee. There does not seem to be any consideration of the effects that giving easy access would have on the ecology of the land on the East side of the river which at present is practically inaccessible. Separately, the extent to which this route would be used as a "non-urban" walk will be limited by the railway line which is very close and is in use by trains. Also, besides the general point about the Lee Valley made in paragraph 19 above, the entry/exit route from the southern (C) on the plan towards the words "Eton Manor" is right next to the Spitalfields site where the Council proposes a development with tall buildings.
24. With regard to [9] and [30], cemeteries which are still in use for funerals and where people come to visit graves and leave flowers may not be suitable for much other use.
25. With regard to [7], [20], and [27], it is questionable what other use should be encouraged (and would be permitted by the Church authorities) within churchyards which are closed for burials but remain consecrated, and are within the curtilage of churches which are listed buildings; this is a particular issue with [20], where the churchyard contains two monuments which are themselves listed Grade II.
26. Overall, we consider that an effective SANGS would have to be much more ambitious. Even at the Royal Parks figure of 0.8 ha per 1000 (which we have submitted is too low for Waltham Forest<sup>30</sup>) the Council should be purchasing an additional 50 ha of land, rather than thinking only about steps such as providing new signboards and decorating the walls of underpasses. Specifically
  - The Council should consider supporting East London Waterworks Park to buy the Thames Water site on the Lea Bridge Road as a SANG
  - We have suggested for other reasons (in relation to reducing flood risk) that all or part of the Spitalfields site should be re-marshed, and we would suggest this restored marshland as a SANG.

Also, we are surprised that the Council is not proposing to sort out the Queens Road Cemetery [24], which is owned by the Council and we understand is now closed for

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<sup>29</sup> On which, see paragraph 7 above.

<sup>30</sup> Footnote 5 above.

burials. The cemetery has suffered from subsidence, and there has been a local petition for the levelling of graves and relocation of headstones (which might let the land be used as a park), which the Council has refused.

### **Q1.8 SECOND QUESTION -- FUNDING**

27. We are not experts on local authority finance, and will not try to comment in detail. However,

- We are surprised that the limited measures put forward are costed at about £27M.
- We think that the cost of an effective SANGS, even for the number of new dwellings in the London Plan (the lower housing target), is likely to be an order of magnitude larger (so, more like £270M).
- We do not think it would be appropriate to use up even £27M of the CIL (which we understand is supposed to provide things such as new GP surgeries) for SANGs.
- With a figure of about £270M, and assuming the London Plan target, the SANG contribution required would be in the region of £15,000 per new dwelling. However, we assume that the Council has legal means to impose what would be in effect a Development Land Tax, and if a new flat can be sold for about £300,000, the “tax” would only be about 5% of the sale price.

### **Q1.9 – SUGGESTED MAIN MODIFICATIONS**

28. As we have said, we think that further survey evidence is required, and we do not wish to set up our intuitions in place of proper evidence. However, on the basis of “common sense”, we would suggest

- To deal with “sitting out” visits from developments close to the SAC, there should be an exclusion zone stretching about a mile from the edge of the SAC in which no new development that would increase the likely number of residents would be allowed<sup>31</sup> except (i) for existing residents seeking extensions to their houses in strong compassionate cases,<sup>32</sup> or (ii) where there is, and after the development would still be, sufficient private green “amenity” space in accordance with the standards obtaining in about 1990.<sup>33</sup>
- To deal with the need for substitute locations for walking in a “non-urban” and relatively untamed environment, which would in practice have to be met in the Lower Lea Valley, no building should be allowed close to the valley which would intrude on the skyline (in practice, this is likely to mean a limit of 8 or at

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<sup>31</sup> With an article 4 direction to extinguish permitted development rights.

<sup>32</sup> We are thinking of cases where existing residents wish to construct a “granny annexe” to accommodate an elderly or disabled relative, or where an existing elderly or disabled resident needs to reconfigure a property to allow for a live-in carer.

<sup>33</sup> The existing outline planning permission for housing on the Whipps Cross site might have to be allowed as an exception to this proposed main modification. However, we anticipate that in fact this planning permission will have lapsed before construction of any housing on the site can begin.

most 10 storeys – and such a limit would have also to be included in the Local Plans of authorities on the West side of the valley).

29. As regards the modification proposed by the Council in LPE30 3.4.5.11, it should be made clear that the visitor uplift figures to be ascertained by survey must be figures for visitors from Waltham Forest (to be ascertained from those who are willing to give a address or postcode), and indeed what are required are not simply visitors from anywhere in the Borough but visitors from the developments under the Local Plan, who are supposed to be diverted from the SAC.