

OFFICER REPORT – FOR INFORMATION ONLY
Subject: Planning Application EPF/0508/25 – Luxborough Lakes

Enhancements to the existing Luxborough Lakes to support additional outdoor sport and recreation uses (Revised application to EPF/1121/24).

To: Chigwell Parish Council Planning Committee

From: Acting Clerk

1. Purpose of Report

This report is provided for the Parish Council Planning Committee for information only, concerning planning application EPF/0508/25, which proposes extensive landscape and lake enhancement works at Luxborough Lakes. No officer recommendations are included in this report.

2. Application Overview

Application Reference: EPF/0508/25

Proposal: Importation of clean inert soil to remodel and enhance existing fishing lakes, creation of new banks and islands, ecological planting and recreational enhancements.

Location: Luxborough Lakes, accessed via Luxborough Lane

The proposal involves the importation of up to 1.5 million tonnes of material over an estimated period of three years, including operations six days per week, involving up to 200 HGV movements per day.

3. Summary of Objections Received

To date, the Council has received 15+ formal objections from residents and stakeholders. Key issues raised include:

a. Highways and Infrastructure Concerns

- Significant concerns over highway safety and traffic congestion.
- The proposal involves use of Luxborough Lane, a private road, for all access.
- Objections highlight the poor condition of the road and reported damage to adjacent properties, as well as risks posed by HGVs using the TfL-maintained bridge at the site entrance.

b. Lack of Effective Oversight

- Residents have expressed strong concerns about the scale and duration of the proposed works.

- Residents question how the Council or Environment Agency could effectively monitor the volume and compliance of HGV deliveries.
- Concerns include inability to track 100 20-tonne trucks daily, six days a week for three years, increasing the risk of non-compliant material or activities.
- Risk of ongoing or renewed illegal dumping has been raised repeatedly. Impact on the Green Belt

c. Impact on Green Belt

The site is located wholly within the Metropolitan Green Belt. While outdoor recreation can be acceptable in principle, the scale, intensity and permanence of the proposed activities raise significant concerns among residents regarding harm to the Green Belt and local environment as follows.

- The application proposes a substantial intensification of recreational use, involving increased infrastructure, access, imported materials and likely future activity levels.
- The introduction of new banks, islands, engineered contours and associated paraphernalia such as signage, fencing, parking areas, machinery, and ongoing maintenance activity would collectively erode the openness and character of the Green Belt.
- The applicant cites ecological and recreational benefits, but objectors argue these are not sufficiently defined or justified to outweigh the harm.
- While the NPPF allows for outdoor recreation in the Green Belt, it must preserve openness and not conflict with Green Belt purposes.
- Based on the current proposal, the cumulative impact of physical works, earth movements and associated facilities could represent a material and ongoing encroachment inconsistent with Green Belt policy.
- The proposal involves placing 1.5 million tonnes of imported soil onto the site, including within and around the lakes.
- Concerns have been raised that this will displace existing habitat, alter wetland and marginal ecosystems and reduce biodiversity.
- The magnitude of land forming proposed is considered by objectors to represent a major re-engineering exercise, inconsistent with maintaining the rural and ecological qualities of the area.

4. Enforcement and Regulatory Background

a. Enforcement History

An Enforcement Notice (attached) was issued on 10 May 2023 requiring the reversal of unauthorised engineering works and the implementation of landscape restoration measures by 31 March 2024. To date, the landowner has not complied with the terms of this notice.

A further enforcement notice requiring the ceasing of recreational activity at the site is suspended due to Appeal references: [APP/J1535/C/23/3325554](#) and [APP/J1535/C/23/3325552](#)

b. Planning and Enforcement Context

Epping Forest District Council has confirmed that if application EPF/0508/25 is approved, the works required under the enforcement notice may be coordinated with the proposed development to reduce disruption and vehicle movements.

EFDC indicated the waste associated with the enforcement notice will not be deposited in the lakes.

c. Environment Agency Investigation

A separate criminal investigation is underway by the Environment Agency concerning the alleged unlawful deposit of waste on the site. This investigation is ongoing and outside the remit of the planning authority.

5. Current Position

Mr James Stubbs, Heritage, Enforcement and Landscaping Manager, has confirmed that Epping Forest District Council is in active discussion with both the landowner and the planning applicant. Enforcement action of the attached notices is currently on hold pending the outcome of the application.

Should planning permission be granted, the Council intends to agree a comprehensive and enforceable programme of works. If refused, the Council will pursue compliance with the enforcement notice and may consider prosecution, although this would be punitive in nature and may not guarantee full remediation.

6. Conclusion

Planning application EPF/0508/25 raises complex issues regarding the use of Green Belt land, the scale and enforceability of the proposal and impacts on the local environment and infrastructure. Residents have submitted detailed objections and raised concerns about oversight, enforcement and long-term harm.

The proposal must be considered in the context of planning and policy constraints; equal opportunities; crime and disorder; human rights; health and safety and biodiversity

This report is provided for information only to assist the Parish Council Planning Committee in understanding the key issues raised. No recommendations are made at this stage. The planning application remains under consideration by Epping Forest District Council officers and further updates will be provided as appropriate.



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: Epping Forest District Council

- 1. THIS NOTICE** Is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at Luxborough Lakes, Luxborough Lane, Chigwell, Essex, IG7 5DF shown edged red on the attached plan.

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the carrying out of engineering operations to form a bund, access road and to raise the level of the land.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the breach of planning control has occurred within the last four years.

The formation of a substantial engineered bund, access road, and works carried out to raise the level of the land, is inappropriate development which is harmful to the openness of the Metropolitan Green Belt. The development further has a detrimental impact on the character, and appearance of the surrounding woodland and countryside. No very special circumstances exist to clearly outweigh the harm identified and justify the unauthorised development that has occurred. For this reason, the development is contrary to Policy DM4 of the Epping Forest District Local Plan (Local Plan) and the aims of the National Planning Policy Framework (NPPF).

The land is subject to a Tree Preservation Order (TPO/EPF/04/90) and the development is harmful to existing trees and the character and appearance of the established landscape setting, contrary to Policy DM5 of the Local Plan and the aims of the NPPF.

The development has seen the formation of a bund within 8m of the River Roding, without the grant of planning permission or consent having been given by Epping Forest District Council or the Environment Agency. The land lies within Flood Zone 3 and no evidence has been provided prior to the carrying out of the development to demonstrate how flood risk will be avoided and reduced. For these reasons the development is contrary to policies DM15 and DM17 of the Local Plan and aims of the NPPF.

No prior assessment or mitigation of the risk posed by the use of waste materials in the formation of the bund, access road, and the raising of land levels has occurred. The use of waste materials in this development has resulted in unacceptable impacts on the surrounding land and the River Roding, contrary to policy DM21 of the Local Plan and the aims of the NPPF.

The Council do not consider that planning permission should be given because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

- i. Remove from the land the bund shown within the line marked in orange at the approximate location on the attached plan.
- ii. Break-up and/or scrape clear and remove from the land the access road adjacent to the bund, shown within the line marked in orange at the approximate location on the attached plan.
- iii. Within the area shown shaded dark blue at the approximate location on the attached plan, remove from the land all earth, soil, aggregate, building materials, waste materials and any other material to a ground level in line and otherwise contiguous with the ground level of the surrounding land.
- iv. Restore the land affected by the works carried out at steps (i) and (ii) by reinstating the tree cover removed and planting replacement trees of the following approximate mix and size:

Willow	(<i>Salix caprea</i>)	10%	Standard 8-10cm girth
Crack Willow	(<i>Salix fragilis</i>)	15%	Standard 8-10cm girth
Alder	(<i>Alnus glutinosa</i>)	10%	Selected standard 12-14cm girth
Oak	(<i>Quercus robur</i>)	15%	Selected standard 12-14cm girth
Hawthorn	(<i>Crataegus monogyna</i>)	30%	Standard 8-10cm girth
Hazel	(<i>Corylus avellana</i>)	20%	Standard 8-10cm girth

Planting density shall be 1 tree per 3 square metres. Topsoil shall be cultivated 300mm deep on planting areas to a medium tilth.

6. TIME FOR COMPLIANCE

Compliance in full with steps (i), (ii) and (iii) within six months from the date the notice takes effect.

Compliance in full with step (iv) by 31 March 2024.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 16 June 2023 unless an appeal is made against it beforehand.

Dated: 10 May 2023

Signed: Nigel Richardson, Planning Services Director

On behalf of: Epping Forest District Council, Civic Offices, High Street, Epping,
Essex CM16 4BZ

Nominated Officer: Clare Munday

Telephone Number: [REDACTED]

Signed:

A handwritten signature in black ink, appearing to read 'N. Richardson', written over a light blue horizontal line.

Ref: **ENF/0313/22**

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the notice.

If you want to appeal against this enforcement notice you can do it:-

- online at the Appeals Casework Portal; or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Direct Line: 0303 444 5000

Email: enquiries@planninginspectorate.gov.uk

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

