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| Committee(s): Epping Forest & Commons | Date(s): 10-09-2018 |
| Subject: Update on the Interim Mitigation Strategy for Epping Forest Special Area of Conservation | Public |
| Report of: Director of Open Spaces and Heritage (SEF 36/18) | For Information |
| Report author: Jeremy Dagley, Open Spaces Dept | |

Summary

This report outlines the progress made since Committee granted approval in May 2018 for costed mitigation proposals to be submitted, under delegated authority, to Epping Forest District Council, for inclusion in an interim Mitigation Strategy. Such a Strategy is required to protect Epping Forest Special Area of Conservation (SAC) from the adverse impacts of residential, highways and other developments proposed in forthcoming local plans by the local authorities surrounding the Forest. Each local authority, whose local plan might have a significant adverse impact on the Forest is deemed a competent authority, and so even authorities currently outside the Memorandum of Understanding for Epping Forest SAC are required to contribute to the Mitigation Strategy in a proportionate manner.

This interim strategy covers only mitigation of the likely impacts from recreational pressures. Other issues such as urbanisation and air pollution remain to be considered for avoidance/mitigation as part of a full Strategy still to be negotiated. The current timetable for the interim Mitigation Strategy is for it to be tabled at a meeting of the Duty-to-Co-operate Member Board on 10th September prior to it being agreed by each local authority under its governance requirements this autumn. The interim Mitigation Strategy, including a proposed tariff structure, would be brought to this Committee as soon as allowed by this timetable.

Recommendation(s)

Members are asked to:

- note the report.

Main Report

Background

1. Two thirds of Epping Forest have been designated as a Special Area of Conservation (SAC). The SAC status was confirmed in April 2005 and confers international importance on the Forest beech forest and heathland habitats. The Forest SAC area is protected under The Conservation of Habitats and Species Regulations 2017 (“the Habitat Regulations”).
2. The significant increases in housing, traffic and development proposed in all the local authority areas surrounding the Forest, present a considerable threat to the Forest’s integrity and sustainable management. The protection of 1,605 hectares of Forest as an SAC, however, requires local planning authorities (LPAs), whose plans might have adverse impacts on the SAC, to avoid or fully mitigate these impacts.
3. Under the Habitat Regulations these LPAs are also deemed to be ‘competent authorities’ responsible for protecting the SAC and Epping Forest District Council (EFDC) has taken on the role of the coordinating competent authority because its district boundary covers 64% of the Forest and an even greater proportion of the SAC. In addition, four of the competent authorities, covering a Strategic Housing Management Area (SHMA,) have signed a Memorandum of Understanding (MoU) with Natural England and the Conservators (signed in November 2017), which sets out the steps that will be taken to avoid or mitigate any adverse impacts of their respective local plans.
4. At your May Committee meeting delegated authority was approved (Report SEF23/18) to allow an agreement with EFDC, as coordinating ‘competent authority’ and Natural England (NE) on an *interim* mitigation strategy to deal with recreation issues. The strategy is interim because it only covers recreation impacts. The issues of urbanisation, air quality and reducing the impacts of traffic on the Forest must also be addressed as agreed under the MoU.

Current Position

5. Following consultation by your officers with NE, a detailed set of costed proposals to mitigate recreational pressures – known under the Habitat Regulations as Strategic Access Management Measures (SAMMs) – was submitted to EFDC under delegated authority. These proposals are currently still under discussion with the LPAs (see paragraphs below). The total cost of the mitigation proposals put forward for the 14-year span, covering the remaining EFDC Local Plan period (until 2033), was over £2.5M.
6. EFDC sent our proposals on to the 13 other local planning authorities (LPAs) (see **Appendix 1** for a full list of the LPAs involved), Lee Valley Regional Park Authority, the London Legacy Development Corporation, Essex County Council and the Greater London Authority.

7. Subsequently, these proposals were explained and discussed at a meeting of the Epping Forest SAC Oversight Group, consisting of all the above authorities, at the end of July. As background to these proposals the Epping Forest Visitor Survey 2017 results were also provided and the rationale for the setting of a 6.2km Zone of Influence (Zol) around the SAC boundary was set out.
8. Apart from the Zol, the main issue debated at the meeting was the setting of a tariff appropriate for each authority for each new property within housing developments in its area. The tariffs would be raised by Section 106 planning agreements or through the Community Infrastructure Levy (CIL) procedures. The tariffs would provide the revenue to enable the funding of mitigation measures, carry out reviews and ensure that damage to the SAC from recreation would be avoided. Responses to these and other issues were requested from each authority to be made to EFDC, as coordinating competent authority, by 17th August.

Proposals

9. A number of responses have been received by EFDC from amongst the 13 other LPAs. Therefore, at a recent meeting of LPA officers under the Epping Forest District Council's Local Plan Duty-to-Co-operate (30th August) requirement (required under The Localism Act 2011), a draft *interim* Mitigation Strategy was tabled by EFDC, covering recreation pressures. It incorporated all The Conservators' proposals and costings (see paragraph 5 above) and proposed tariff levels for each relevant authority using a formula based on the Zol and evidence from the Visitor Survey 2017 data.
10. Although not all responses had been received or confirmed from LPAs in the Oversight Group, information is expected from them before the meeting of the Duty-to-Co-operate Member Board on 10th September 2018.
11. The Chairman and Deputy Chairman have been invited to attend this Duty-to-Co-operate Member Board meeting, which will discuss the draft interim Mitigation Strategy. Following this meeting, if the details of the interim Strategy are considered to be sufficient, it will then be put to each of the respective LPAs for approval, following the relevant governance procedures for each authority.
12. If this timetable is followed, the interim Mitigation Strategy would be presented at November's Committee Meeting and an outline of the issues still to be resolved (e.g. air quality) to reach a full Mitigation Strategy would be set out.

Corporate & Strategic Implications

13. **City of London Corporate Plan 2018 - 2023:** the restoration and maintenance of the internationally and nationally-important habitats of Epping Forest directly underscore the *third pillar* of the Corporate Plan, which is to “**shape outstanding environments**”. This *third pillar* of the Corporate Plan is measured by four outcomes. The conservation and heritage management of the outstanding environment of Epping Forest and its buffer lands contribute significantly to the

achievement of two of these: *Outcome 11* “We have clean air, land and water and a thriving and sustainable natural environment” and *Outcome 12* “Our spaces are secure, resilient and well-maintained”.

14. **Open Spaces Department Business Plan 2016-19:** the Strategic Vision of this plan is to ‘Preserve and protect our world class green spaces for the benefit of our local communities and the environment.’ and one of the Department Objectives is to ‘Protect and conserve the ecology, biodiversity and heritage of our sites.’ A Mitigation Strategy would provide significant funding to support this objective.
15. **Epping Forest Management Plan, Strategy and Business Plan:** the priorities of any Mitigation Strategy in preventing harm to the SAC reflect the objectives of the previous and forthcoming Epping Forest Management Plans. These priorities will reflect the biodiversity and heritage importance of the Epping Forest SAC, the importance of maintaining or reaching favourable condition status and the consolidation of the legacy of achievements under both the ESS work programmes and the HLF-funded *Branching Out* Project.

Conclusion

16. Under delegated authority, the Town Clerk, in consultation with the Chairman and Deputy Chairman, has put forward mitigation proposals to EFDC. As the coordinating competent authority responsible for the protection of Epping Forest SAC from the adverse impacts of development, EFDC has subsequently drawn up an interim Mitigation Strategy. This Strategy which will be discussed on the 10th September by Members of local authorities under the Duty-to-Co-operate prior to being submitted to each authority for approval. This interim Strategy will be reported to your Committee at its November meeting if the current timetable is adhered to by the other authorities.

Appendices

- **Appendix 1** – List of Planning Authorities in the Epping Forest SAC Oversight Group, hosted by EFDC as coordinating competent authority

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Appendix 1 - List of Planning Authorities (BC = Borough Council, LB = London Borough, DC = District Council, CC = County Council) as competent authorities in the Epping Forest SAC Oversight Group and considering the interim Mitigation Strategy

Harlow DC
Uttlesford DC
East Herts DC
Epping Forest DC
Essex CC Highways
LB Waltham Forest
LB Redbridge
Broxbourne BC
LB Haringey
LB Hackney
LB Tower Hamlets
LB Newham
LB Barking and Dagenham
LB Enfield
Brentwood BC
London Legacy Development Corporation
Greater London Authority.

Lee Valley Regional Park Authority
Natural England