

**Chairman, Epping Forest and Commons Committee**  
Philip Woodhouse



Cllr John Philip  
Epping Forest District Council  
High Street  
Epping  
CM16 4BZ

**Date** 14 September 2018

Dear John

**Response to the Proposed Interim Mitigation Strategy for the Epping Forest Special Area of Conservation (SAC) – EU Code UK0012720**

Thank you for inviting myself as the Chairman of the Epping Forest and Commons Committee and Epping Forest Verderer Melissa Murphy, along with officers, to attend the Co-operation for Sustainable Development Member Board meeting in Harlow on the evening of Monday 10<sup>th</sup> September.

At that meeting you requested the City of London Corporation's response to the Interim Strategy and its Covering Report by today, even though the papers had only been available to circulate on midday Thursday 6<sup>th</sup> September. Consequently, Verderer Murphy and I have only been able to view the documents on Friday, two working days prior to the meeting.

The City Corporation also notes that this request has been made while the two key London Local Authorities, London Borough of Waltham Forest (LBWF) and London Borough of Redbridge (LBR) have still not responded in full to the draft papers, including the Conservators' mitigation proposals, which were circulated in confidence to the Borough Councils a month earlier.

**'No adverse impact' and a full mitigation strategy**

In light of the above, the City Corporation feels the need to reiterate that in order to properly protect the Epping Forest Special Area of Conservation (SAC) from the pressures of forthcoming proposed development, there is a requirement for a whole series of preventative initiatives need to be implemented by Local Planning

**City of London** Members' Room, PO Box 270, Guildhall,  
London EC2P 2EJ  
**Switchboard** 020 7606 3030  
[www.cityoflondon.gov.uk](http://www.cityoflondon.gov.uk)



Authorities (LPAs), acting in their role as 'competent authorities' under the Habitats Regulations 2017. These initiatives need to be brought together as part of a joint, full mitigation strategy to ensure that:

- air pollution is minimised;
  - urbanisation impacts are avoided, minimised or fully mitigated;
- and,
- increasing recreational pressures are managed by effective mitigation measures,

to avoid adverse effects on the special features of the SAC.

### **Interim Strategic Access Management and Monitoring Strategy on recreation welcomed**

As part of this series of measures, the City Corporation recognises this Interim Strategic Access Management and Monitoring Strategy (SAMMS) as significant progress and welcomes the breadth of consultation across the assembled Oversight Group, that was coordinated by your Council and held on 25<sup>th</sup> July. The City Corporation is concerned to ensure that there is no misunderstanding about the purpose of this Interim Strategy. It does not address air quality, nor could it in the continued absence of traffic modelling and air quality assessment work. Neither does the Interim strategy address the urbanisation of the SAC, other than in the context of major allocated sites.

### **Prevention of SAC deterioration irrespective of new growth**

As the Interim Strategy points out in paragraph 10, a joint, full strategy is intended to address the requirement to avoid, or effectively mitigate, adverse impacts on the integrity of the SAC from Local Plan-led development. In addition, as paragraph 10 goes on to state, there is an additional requirement for 'competent authorities' to prevent further deterioration of the SAC features. It is most important to emphasise that this latter requirement for preventative action is irrespective of new growth. In effect, there should be at least "no net loss" and the aim should be for a "net positive impact" (enhancement) through the implementation of Local Plan policies.

### **Recognition of the Mitigation hierarchy**

This approach of 'no net loss' or 'net positive impact' is enshrined in the mitigation hierarchy, into which this Interim Strategy is required to fit. Avoidance should be the first step and then, if not possible, any mitigation should ensure a combination of both the minimisation of impact and remediation or restoration measures to ensure no net loss. Off-site measures, such as Sustainable Alternative Natural Greenspaces (SANGS), therefore are of key importance in the EF SAC Mitigation Strategy. Mitigation of recreation pressures on-site through the measures proposed in this Interim Strategy, while necessary, will not be sufficient on their own. Some measures may only act to minimise impacts rather than avoid or fully

mitigate them. Under this Strategy, monitoring measures are proposed to review the situation, but avoidance, minimisation and remediation measures will be required outside the Forest SAC.

### **Off-site measures including Suitable Alternative Natural Greenspaces (SANGS)**

Therefore, further work is required to provide alternative off-site recreation sites to complement the on-site measures – detailed on pages 6-10 of Appendix 1, alongside the measures necessary to resolve air pollution and urbanisation issues.

Smaller residential developments need to be able to contribute to the development of substantial SANGS sites and to do this there needs to be a SANGS tariff set alongside the proposed SAMMs tariff. The Conservators, with a 60-year record in providing a buffer for the Forest, are well-positioned to make a significant contribution to the SANGS and provide advice on the optimum measures.

Importantly, the SANGS strategy need not only look to accommodate additional recreational pressures away from the SAC but also achieve environmental enhancement and remediation measures through habitat creation and restoration. Such enhancement of the environment would provide 'competent authorities' the opportunity to achieve 'net gains'. Areas for such SANGS could include parts of the buffer lands of the Forest and the City Corporation considers that it could include areas within the Forest, but outside the SAC, such as The Lower Forest (part of Epping Forest SSSI) and Wanstead Park which already are under pressure as alternative destinations to the SAC, as the 2017 Visitor Survey demonstrated clearly in the case of Wanstead Park & Flats.

### **Zone of Influence (Zoi) – importance of the 75<sup>th</sup> percentile**

The City Corporation is also concerned about the way in which the Zones of Influence, both 75<sup>th</sup> percentile and median (50% of visits) distances, are being re-interpreted in paragraphs 23 – 25 of the Interim Strategy. The 2017 Visitor Survey Report's clear analysis (Footprint Ecology), to recognised statistical standards, has been subjected to separate breakdown of the figures, which results in confusing new statistics. For example, the 93.06% for the 0-3km "inner zone" is put forward as representing the "percentage of visitors originating from within 0-3km Median Zone". This presumably means 93% of the 50% (the median) of total visits but there is potential for confusion here. Also, the origins of visits may change over time and vary with the season. It remains possible that a summer visitor survey would show that more visitors come from further afield than in the autumn.

It seems unusually restrictive to limit the tariffs for SAMMS to developments and housing within 3km (the median) rather than the 75<sup>th</sup> percentile for visits to the SAC. The City Corporation understands that there may be an administrative costs issue, but such a restriction seems likely to arbitrarily and unfairly limit the financial contributions amongst residential developments. The lack of visits from within 3 –

6km from within Epping Forest District is largely because there are currently few residential centres in that zone which is largely Green Belt at the moment. and, without further robust review, could result in increasing pressure for small and medium developments to be created outside the 3km boundary in the Epping Forest District in particular.

The City Corporation is also concerned about a decision being taken here that may have implications for the final strategy, based on a relationship between administrative costs and tariff benefits for the interim strategy which may not apply later. While the City Corporation recognises that the LPAs, wish to take a pragmatic approach, this should be more clearly explained. It appears to the City Corporation that as a matter of principle, where development has an impact, mitigation measures are required. If a pragmatic arrangement is to be made for the EF SAC Interim Mitigation Strategy, reflecting administrative costs, then this should be made clear in the document.

This is of significance for a SANGS tariff (see above), as the inability of small developments to provide SANGS within their own curtilage makes their contribution to this form of 'minimisation' or mitigation important. In our view, smaller developments outside 3km must contribute to a SANGS tariff and the splitting of the Zol for the SAMMs tariff currently does not seem to fit with or anticipate this. In this regard, however, the City Corporation does welcome the undertaking in the Covering Report to the Co-op Member Board that the Interim Strategy would be reviewed in the latter part of 2019.

### **Costs undertakings by the 'competent authorities'**

As you are aware the Conservators of Epping Forest have contributed considerable time and resources to the gathering of evidence through the visitor survey and research into air quality. In addition, the SAMMs proposals included in the proposed Interim Strategy involved a very significant amount of work from City Corporation Officers and Members. These SAMMs now require further development and costing to provide a robust basis for the full Strategy. As explained above, this work needs to be paralleled by the drafting of a complementary SANGS plan, as the SAMMS cannot be put forward alone.

In relation to both SAMMS and SANGS initiatives to assist the competent authorities to complete the necessary full strategy, the City Corporation needs to identify additional resources to be able to commit further officer time. It needs to be recognised, in the City Corporation's view, that such work would need to be 'front-loaded' to both maintain the momentum to achieve the required full Mitigation Strategy and meet the requirements of the Habitats Regulations 2017 in respect of Local Plan development decisions.

To enable this work to be completed by December, the Conservators are seeking a costs undertaking to help to cover the expenditure and resources required.

Such costs undertakings would provide the opportunity to jointly produce any SANGS strategy which would hopefully demonstrate a clear 'duty to cooperate' and provide the much-needed momentum to protect the SAC whilst allowing sustainable development under the Local Plans.

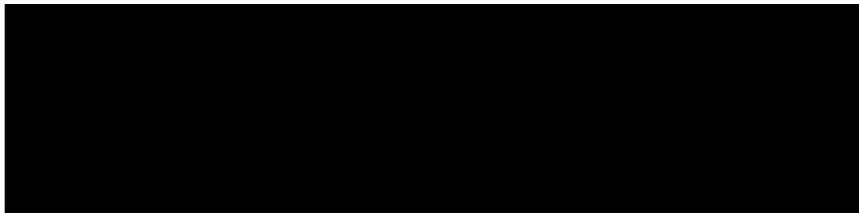
**Resources available for a Mitigation Strategy**

A clear component of any successful Mitigation Strategy is the implementation of mitigation measures ahead of the anticipated development pressure. The City Corporation therefore urges all the relevant authorities to ensure that they incorporate the contribution requirements within their development plans as soon as is practicable.

On behalf of the Epping Forest and Commons Committee, I would again wish to place on record my thanks for the opportunity to be fully involved in the development of the competent authority's EF SAC Interim Mitigation Strategy.

This year celebrates 140 years of the City Corporations stewardship of Epping Forest and 26 years since the foundation of the EC Habitats Directive. The adoption of an Interim Mitigation Strategy for Epping Forest marks an important further step in the continuing protection of this important international site.

Yours sincerely



Signed by .....  
Philip Woodhouse  
Chairman, Epping Forest and Commons Committee

Encs

Cc Derek Macnab, Acting Chief Executive Officer, EFDC  
David Coleman - Project Manager - Planning Policy EFDC