

<b>Committee(s)</b>	<b>Dated:</b>
Epping Forest and Commons	14 May 2018
<b>Subject:</b> Proposals for the development of a Mitigation Strategy for the Epping Forest Special Area of Conservation	<b>Public</b>
<b>Report of:</b> Director of Open Spaces and Heritage (SEF23/18)	<b>For Decision</b>
<b>Report author:</b> Paul Thomson. Superintendent of Epping Forest	

### Summary

Your Committee has considered reports in January and March regarding the Epping Forest District Council's Local Plan and the likelihood of the need to mitigate the impact of recreational pressure and air pollution arising from new development close to the Epping Forest Special Area of Conservation (SAC)

The purpose of this report is to seek your Committee's approval to develop an Epping Forest Recreational Pressure and Air Pollution Mitigation Strategy which would outline costed interventions that could manage the negative impact of increased air pollution and recreational pressure on the Epping Forest SAC. The implementation of the strategy and monitoring of its effectiveness would be funded by developer contributions which would be calculated according to the number of bedrooms within each new property built within a certain radius of the SAC. Ahead of your Committee's consideration of a costed formal strategy, there is a need to implement interim measures to ensure new developments that will shortly receive consent make appropriate financial contributions based on an interim tariff.

Mitigation Strategies are normally developed by the relevant Local Planning Authority. In this instance, because of the City of London Corporation's stewardship of the entire SAC and its involvement in the Memorandum of Understanding for the protection of Epping Forest, the City Corporation is being asked to utilise its conservation land management expertise to develop the Strategy.

### Recommendation(s)

Members are asked to:

- Approve the development an Epping Forest Recreational Pressure and Air Pollution Mitigation Strategy for the Epping Forest Special Area of Conservation (SAC).
- Delegate Authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman, to agree an interim strategy and tariff.

## **Main Report**

### **Background**

1. Two thirds of Epping Forest have been designated a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). The SAC status was confirmed in April 2005, and as a result is protected under The Conservation of Habitats and Species Regulations 2017 ("the Habitat Regulations"). The primary reasons for SAC designation being the presence of beech forest habitat, Dry and Wet heaths and the priority species, stag beetle.
2. The Habitat Regulations set out that where a land use plan, either alone or in combination, is likely to have a significant effect on a European site, the plan-making authority must make an appropriate assessment of the implications for the site considering the site's conservation objectives.
3. Epping Forest District Council (EFDC), whose boundary includes 64% of Epping Forest, published its Local Plan, under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012), in mid-December 2017. It sought representations from the public and other bodies over a 6-week period that terminated on 29 January 2018.
4. The Local Plan addresses the next phase of the District's development for the 15 years to 2033, including the allocation of 11,400 new homes, of which nearly 4,378 units are currently allocated within 3km of the Forest's boundaries and the majority, over 6,000, are within 5km.
5. The proposed significant increase in development and its associated infrastructure, presents a considerable threat to the Forest, especially the SAC, and this is reflected in the response that was made under delegated authority and reported to your Committee in March. This response concluded that the Local Plan is 'unsound' because it is not consistent with national legislation, including The Habitats Regulations and is not considered 'justified' or 'sustainable'.

### **Current Position**

6. As reported to your Committee in March, EFDC also wishes to make progress with a Mitigation Strategy for the Epping Forest Special Area of Conservation (SAC), which it is required to prepare as the 'Competent Authority' (as defined by The Habitats Regulations) for the SAC in respect of its Plan. The preparation of a Mitigation Strategy is also an agreed action under the Memorandum of Understanding (MoU) for the protection of Epping Forest, to which The Conservators are co-signatories (approved by your Committee in July 2017).
7. A Mitigation Strategy would provide a definitive way forward for addressing the impact of additional recreational pressure and air pollution arising from development adjacent to the Forest. The strategy would propose a series of management measures which actively reduces recreational and pollution pressure on the SAC and encourages visitors to enjoy their visits in a responsible manner.

## Options

8. There are three options available to your Committee:
  - a. Your Committee can refuse to engage with the mitigation process and instead endeavour to meet the cost of additional air pollution and recreational pressure upon the SAC from its own reduced resources. **This option is not recommended.**
  - b. Insist that EFDC as the Local Planning Authority and Competent Authority develops the Mitigation Strategy from its own resources. This option could reduce the degree of influence that the City Corporation can have on the measures needed to protect the SAC. **This option is not recommended.**
  - c. Develop the Mitigation Strategy using City Corporation staff expertise funded from Developer Contributions. This approach would ensure that the City Corporation is able to utilise its SAC management expertise to secure an appropriate level of funding for SAC mitigation. **This option is recommended.**

## Proposals

9. Option 8c. is recommended to your Committee. The mitigation strategy would aim to address the list of issues in Appendix C, previously shared with your Committee in March.

## Corporate & Strategic Implications

10. **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”.
11. **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.
12. **Epping Forest Management Plan, Strategy and Business Plan:** the priorities of 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.

## Implications

13. The implementation of the strategy and the monitoring of its effectiveness would be funded by developer contributions on all residential dwellings under Use Classes C3 and C4. Contributions are being calculated in a variety of ways include floorspace or the number of bedrooms in a residential property. Selected tariffs developed for existing Interim Mitigation Strategies are reproduced in Table 1 for reference.

<b>Table 1 – Sample SAC/SPA Mitigation Tariffs</b>			
<b><i>Size of Dwelling</i></b>	<b>Solent Recreation Mitigation Strategy</b>	<b>South Tyneside SAC/SPA Mitigation Strategy</b>	<b>New Forest SAC/SPA Mitigation Strategy</b>
1-bedroom dwelling	£337		
2-bedroom dwelling	£487		
3-bedroom dwelling	£637		
4-bedroom dwelling	£749		
5 bedrooms or more	£880		
Average per dwelling	£564	£487	£80/m2 + £550

## Conclusion

14. The City Corporation as the Conservators of Epping Forest and Natural England are concerned that the development proposals with the EFDC Local Plan will have adverse impacts on Epping Forest SAC. As a result, there is a requirement for the Council, in agreement with other parties to the MoU, to consider mitigation measures which would form an effective and measurable mitigation strategy. It is recommended that the City Corporation develops a Mitigation Strategy and puts in place interim arrangements to ensure all new consents contribute to the protection of the SAC.

## Appendices

- Appendix 1 – SAC Citation
- Appendix 2 – SAC Map (to be circulated at meeting)
- Appendix 3 - RANGE of RECREATIONAL & URBANISATION IMPACTS on the SAC under CONSIDERATION for MITIGATION

## Background Papers

Epping Forest District Council Local Plan – Regulation 19 Consultation, Update 12 March 2018

### Paul Thomson

Superintendent of Epping Forest

T: 020 7332 1010

E: [paul.thomson@cityoflondon.gov.uk](mailto:paul.thomson@cityoflondon.gov.uk)