

Committee(s)	Dated:
Epping Forest Consultative – <i>for information</i> Epping Forest and Commons – <i>for decision</i>	21.10.2020 16.11.2020
Subject: EF SAC Mitigation for Local Plans: on-site SAMM proposals (SEF 27/20)	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	2, 4, 10, 11 & 12
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	£N/A
What is the source of Funding?	External: local authorities
Has this Funding Source been agreed with the Chamberlain’s Department?	Yes
Report of: Director of Open Spaces	For Decision
Report author: Jeremy Dagley, Head of Conservation	

Summary

This report presents the proposals, with cost estimates, of the City of London Corporation in its capacity as The Conservators of Epping Forest (CoLC) for within-site Strategic Access Management & Monitoring (SAMM) mitigation measures for the Epping Forest Special Area of Conservation (EFSAC). Such measures are required to prevent harm and maintain the integrity of the EFSAC in line with its Site Conservation Objectives and to ensure no adverse impacts of planned development. If approved, the proposals will be presented to the local authorities, within the agreed recreational Zone of Influence around EFSAC, so as to inform their Local Plans and related documents, including a full SAC Mitigation Strategy. Such a Strategy would set out the arrangements to secure developer contributions for funding for these and other proposed mitigation measures.

With a proposed increase of up to 39% in the residential population within the EFSAC’s recreational Zone of Influence (ZOI), as a result of local plans of just three of the ten neighbouring planning authorities covered by the ZOI, there is a requirement for a proportionate, comprehensive and robust EFSAC Mitigation Strategy. Off-site mitigation in the form of Suitable Alternative Natural Greenspaces (SANGS) and a development exclusion zone remain to be formulated by the competent authorities. This report presents detailed analysis and costings commissioned from Land Use Consultants (LUC) for on-site mitigation around three EFSAC visitor hubs and additional Forest-wide SAMM measures. The total costs for this on-site SAMM mitigation would range from **£17,121,594** covering a 25-year period to **£63M** to ensure protection across a 125-year ‘in perpetuity’ period.

Recommendation(s)

- **Recommendation 1:** Members are asked to approve the costed proposals in Appendix 1, Table 3 and Appendix 2 to be presented to all competent

authorities as a basis for SAMM funding in their respective Local Plans through an updated, full EFSAC Mitigation Strategy

- **Recommendation 2:** officers to report back on any proposed modifications to the proposals requested by the competent authorities (including ‘in perpetuity’ calculations) for consideration and approval.

Main Report

Background

1. A large proportion of Epping Forest (2450ha) is under statutory protection for its features of international importance for nature conservation, as a Special Area of Conservation (SAC) (1605ha), and features of national importance, as a Site of Special Scientific Interest (SSSI) (1728ha).
2. In formulating their Local Plans, the local authorities (“competent authorities”) around and within which the Epping Forest Special Area of Conservation (EFSAC) is located are required to determine if the local plan (both individually and cumulatively with other plans) may affect the protected features of a European site before deciding whether to undertake, permit or authorise the plan. They achieve this through a Habitats Regulations Assessment (HRA), the sequential stages of which are governed by the Habitats Regulations 2017 (as amended) (the Habitats Regulations) and, in particular, regulations 63 and 105.
3. All plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the ‘Habitats Regulations Assessment screening’ – should take into account the potential effects both of the plan/project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a [competent authority](#) must make an appropriate assessment of the implications of the plan or project for that site, in view the site’s conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.
4. In the case of local plans around the Forest, likely significant effects on EFSAC have been clearly identified by the HRA process and derive from increases in the local population from additional dwellings. New development can potentially trigger likely significant effects on EFSAC through:
 - air pollution (mostly from road traffic),
 - increased recreational visits
and
 - additional urbanisation impacts.

5. In order to rule out any adverse effects on site integrity there are a number of approaches that the local authorities could take. These could include reassessing housing development locations and roads infrastructure. CoLC has pressed local authorities to do just this through detailed comments on local plans, including wide-ranging representations at the Epping Forest District Council's (EFDC) Local Plan Submission Version (LPSV) examination-in-public in 2019.
6. In addition, the local plans can integrate detailed mitigation measures into their proposals, supported by clear policies, to ensure measures are in place to resolve adverse effects. To do this it is best if the various competent authorities work together at a strategic level. For this level of coordination an **SAC Mitigation Strategy** is required and, in the case of the EFSAC, needs to address, comprehensively, the three routes of adverse effects listed above in paragraph 4.
7. To address these likely significant effects on the EFSAC a number of measures are required as a minimum, and these include:
 - On-site (within the EFSAC) recreation mitigation measures or a Strategic Access Management & Monitoring (SAMM) Strategy;
 - Air pollution mitigation strategy (both on and off-site measures);
 - Exclusion zone to limit urbanisation impacts (off-site measure);
 - Suitable Alternative Natural Greenspaces (SANGs) to deflect additional recreational pressure away from the Forest (off-site measure).
8. In July 2018, an "oversight" group of local authorities and other competent authorities, including CoLC, met to discuss mitigation. EFDC, as the authority encompassing the majority of the EFSAC area, and with a local plan closest to submission, sought agreement with the other local authorities on outline costs and proposals for certain mitigation measures that might address increased recreational pressures on the Forest. Based on the Visitor Survey 2017 results, a Zone of Influence (ZOI) for recreational visits of 6.2km was used, within which 75% of visits to the EFSAC arise.
9. Outline proposals and preliminary costings for SAMM were submitted by CoLC officers at EFDC's request. These were used as a basis for discussion and were subsequently incorporated into an *interim* EFSAC Mitigation Strategy drafted by EFDC and circulated to other authorities. The costings provided were preliminary ones, aimed at basic Forest-wide requirements and the visitor hub at High Beach within the EFDC Local Plan area. They did not examine other visitor hub requirements (see paragraph 10 below). The *interim* EFSAC Mitigation Strategy was included as an accompanying document to the EFDC Local Plan, ahead of its 2019 examination-in-public.
10. Interim tariffs were calculated to be charged against individual housing units, within the ZOI, to pay for these preliminary SAMM proposals using the outline costings. Some of the other local authorities also began to levy tariffs using these costings. However, this *interim* SAC Mitigation Strategy only included a nominal costing for the Leyton Flats visitor hub without any assessment of its

requirements and did not include SAMM costings for other specific sites within the London area of the EFSAC, including the Chingford hub.

11. Furthermore, the *interim* EFSAC Mitigation Strategy does not address air pollution, urbanisation or provision of other spaces for people to use for recreation (Suitable Alternative Natural Greenspace – ‘SANGs’). This was recognised at the examination-in-public of the EFDC Local Plan after which the Inspector concluded that she could not rule out adverse effects on the integrity of the EFSAC from the Local Plan.
12. Therefore, the Inspector required the EFDC Local Plan HRA to be reviewed and updated to take account of her findings (August 2019). As part of this, and in addition to further detailed assessments of air pollution impacts along Epping Forest District roads, the Inspector required a SANGs Strategy to be developed by EFDC and for the SAMM provision to be kept under review. The SAMM provision in relation to other Local Plans (e.g. LBWF) has not yet been assessed by their HRA processes. Furthermore, there are currently no adopted SANGs strategies in any of the local authority areas within the EFSAC Zone of Influence.
13. The Committee considered the issues related to SANGs at its July 2020 meeting when EFDC’s proposed Green Infrastructure Strategy was discussed in some detail. Following Committee approval, a letter was subsequently sent to EFDC addressing this issue in detail.

Current Position

14. Since then an updated EFDC Local Plan Habitats Regulations Assessment (HRA) has been produced with an accompanying new air pollution mitigation strategy. The HRA also proposed a 400m exclusion zone to mitigate for urbanisation effects. Although some housing site allocations have been withdrawn following the Inspector’s advice, the target of 11,400 new homes in the District by 2033 remains, with 6,622 of these still planned to be within the 6.2km ZOI (2,105 within 3km) around the EFSAC boundary. The HRA concluded that with all these newly proposed mitigation measures in place, alongside the SAMM of the *interim* Mitigation Strategy, that there would be no significant adverse effects on the EFSAC.
15. These documents were examined, under tight time constraints, in September by both Natural England and CoLC officers and detailed comments have been fed back to EFDC. In relation to the HRA, concern was expressed by both NE and CoLC about the lack of governance to ensure coordination amongst local authorities. Most importantly, they also highlighted the continuing lack of recreational mitigation measures, especially SANGs. **CoLC and NE officers were agreed that the EFDC Local Plan HRA (August 2020) was not at a stage to be able to rule out adverse effects on the integrity of EFSAC.**
16. The London Borough of Waltham Forest (LBWF) published the first stage of its consultation on its Local Plan Submission Version (LPSV) with a housing site allocations report on 23rd September. The LBWF LPSV policies are due

to follow this month (October) and both parts of the consultation run until 14th December. In addition, LBWF is due to publish its strategic HRA and a Green Infrastructure and SANGs Strategy.

17. However, it is already clear that there is very limited room for SANGs within the Borough. While this situation and solutions to it still await review in the LBWF Local Plan and HRA, on the face of it the lack of alternative greenspace will put greater emphasis on SAMM in relation to recreation. Around 27,000 houses are proposed at the current time in the LBWF Local Plan – all within 3.5km of the EFSAC.
18. To assess the recreational impact of all possible Local Plan developments, the proposed additional housing needs to be considered '**in combination**'. Based on the results of the Epping Forest Visitor Survey 2019 (*Footprint Ecology*), 78% of visitors to the Forest came from the three nearest local authority areas, EFDC (31%) LBWF (35%), London Borough of Redbridge (LBR) (12%). The other 20% of visits emanate largely from the other seven local authorities covered by the ZOI. It should be noted, therefore, that considering only the housing increases from these three closest authorities (LBWF, LBR and EFDC) provides a conservative estimate of the likely 'in combination' recreational pressure.
19. The LBWF figure of 27,000 homes, taken together with EFDC housing (6,622) and the current London Borough of Redbridge total (>2,000) would amount to at least **35,600 new homes within 6.2 km of the EFSAC** boundaries by 2035.
20. On the basis of the average home occupancy (Office of National Statistics – 2011 Census) in these three local authorities, this would result in an increase in the population within the EFSAC ZOI of over 92,500 people. The current population of these three authorities within 6km of the EFSAC is estimated at just under 237,000 (data supplied by *Footprint Ecology*). **Therefore, the proposed Local Plan housing, in these three authority areas alone, would result in a 39% increase in population levels within the EFSAC ZOI in the next 15 years, and a concomitant rise in visits.**
21. Furthermore, the majority of the proposed 39,600 new homes, 29,755 of them, would be located within 3km of the EFSAC, no more than a 36-minute average-paced (5km/h) walk away. This would be likely to significantly increase the number of daily or even twice-daily visits to the Forest. On the gravel and clay soils of the Forest a rise in such frequent visits, especially during autumn and winter in wetter conditions, would be likely to lead to significant and additional widening of paths, ground vegetation loss and soil compaction and erosion.
22. At Hatfield Forest SSSI and National Nature Reserve in Essex just such an increase in visits, since 2011, from new local housing within 2km of the site led to significant damage and an assessment of Hatfield Forest SSSI as in 'unfavourable recovering' condition. A mitigation strategy there is being sought to prevent the damage leading to further loss of biodiversity and the

SSSI condition worsening to 'unfavourable'. The National Trust, which manages Hatfield Forest, has refrained from promoting the site, has limited parking, ceased holding events and closed off paths during the autumn and winter and early spring.

23. At Epping Forest the potential pressure on the EFSAC and the SSSI areas is even greater as the histograms (*Footprint Ecology*) in Figures 2a and 2b of **Appendix 1** illustrate. The density of residential dwellings with 5km of the EFSAC is significantly greater than any comparable internationally-protected site in southern England, such as the Thames Basin Heaths. These are now protected with a comprehensive mitigation strategy which includes a network of SANGS as well as on-site SAMM.
24. The pressure on Epping Forest is also exceptional in another way because unlike the Thames Basin Heaths and other international sites in England the EFSAC is surrounded by local authorities in London where there are limited opportunities to locate alternative greenspace. A SANGS network is critical to the future protection of the Forest (see also paragraphs 7, 12 & 13 above) but the limited alternatives escalate the pressure and the reliance upon the provision of on-site SAMM.
25. The recent period of lockdown during the COVID-19 pandemic also illustrated the EFSAC's vulnerability to increased recreational pressure or changes in the character of visits from the existing residential population. A Visitor Survey this summer revealed a greater than 250% increase in visits, with some key visitor hubs receiving seven times the usual number of visits. At Connaught Water, the busiest site in the EFSAC, there was an average of 240 visits per hour. Wildfires occurred across the Forest and the EFSAC as shown by Figure 3 in **Appendix 1**.
26. With these pressures in mind and with the need to both review and amplify the robustness of the proposals and costings in the existing *interim* SAC Mitigation Strategy, Land Use Consultants (LUC) were commissioned by Epping Forest officers in 2019 to develop comprehensive SAMM proposals for the three main EFSAC visitor hubs at High Beach, Chingford and Leyton Flats. The latter two sites were particularly important as they had not been covered in the interim SAC Mitigation Strategy. The recent pressures on High Beach have also demonstrated the need for a more detailed examination of options.
27. The LUC report is attached at **Appendix 2**. Highlights from the LUC report's proposals are set out in the *Proposals* section below. A combined SAC Mitigation Framework of proposals and costs, taking account of the LUC work and the proposals in the *Interim* SAC Mitigation Strategy, is provided in Table 3 of **Appendix 1**.

Proposals

28. The **LUC report (Appendix 2)** contains detailed proposals for on-site SAMM for each of the three visitor hubs of High Beach, Chingford and Leyton

Flats/Hollow Ponds. As the report summarises in its *Implementation* section (paragraph 4.83 onwards, page 72) although the proposals have been subject to considerable consultation and analyses of costs, they remain conceptual and exact design details remain to be agreed.

29. In addition, some of the SAMM proposals (e.g. infrastructure) would need to be assessed for likely significant effects under a Habitats Regulations Assessment. The costs of such assessment and liaison with Natural England, therefore, are incorporated into the design costs (paragraphs 4.84 & 4.86 and Table 4.7 of the report).
30. In the LUC Report (Appendix 2), the measures proposed, that the three hubs have in common, include the provision of a ranger service, or *EFSAC Ambassadors*. Such a service will be essential for monitoring the SAC, vital for managing the uplift in visitor numbers, assisting with site orientation and engaging with visitors on the proposed management changes. Each hub includes costs for one officer, which would provide for a team of three EFSAC Ambassadors. This would allow for shift patterns, team work on projects and managing other sites away from the main hubs, including possible alternative non-SAC destinations within the Forest itself. This service was something highlighted in the *interim* SAC Mitigation Strategy.
31. For **High Beach** the LUC report (Table 4.1, page 35 onwards) proposes the better protection of soils, fencing of some ancient trees to reduce root compaction, better orientation and pedestrian access to facilities and the creation of four circular unsurfaced, waymarked walking routes to relieve pressure on the current “desire” lines.
32. For **Chingford hub** (LUC report Table 4.3, page 47 onwards) the emphasis is on shifting the “centre of gravity” of access and activities away from the SAC areas, making Bury Road car park the centre point for access and encouraging routes westwards to Pole Hill. In this re-orientation surfaced paths are proposed leading to the Butler’s Retreat and Visitor Centre hub and better orientation and waymarking all round.
33. For **Leyton Flats/Hollow Ponds** (LUC Report Table 4.5, page 65 onwards) there would be better orientation at the existing multiple entry points, the use of non-SAC land to relieve pressure on the SAC, protection and extension of the acid grassland and dry heath area.
34. In **Appendix 1**, wider-Forest SAMM measures from the original 2018 *interim* Mitigation Strategy (see paragraph 9 above) are updated and included in **Table 3** together with the LUC Report costs for the three hubs. This provides an overall work and on-site mitigation package with essential monitoring and review stages.
35. It is the responsibility of the local authorities, as competent authorities, to decide how to calculate the tariffs or other funding mechanisms. This includes the issue of ‘in perpetuity’ funding for these measures which the competent authorities would need to assess to ensure that potential adverse impacts on

the EFSAC can be mitigated permanently. The local authorities need to be certain, beyond reasonable scientific doubt, that the measures taken will ensure no significant adverse effects. Some authorities, therefore, interpret 'in perpetuity' costs to be many decades and up to 125 years to cover for this.

Options

36. **Option 1:** to approve the proposals and costings in the LUC report and **Table 3 of Appendix 1** for presenting to the competent authorities as a basis for further negotiation on a full SAC Mitigation Strategy (being discussed with the local authorities in the EFSAC Oversight Group.) This would also inform developer contributions to be sought through the competent authorities' planning policies and determination processes to secure the mitigation **This option is recommended.**
37. **Option 2:** To require changes to the new proposals in Appendix 2 before submitting to the SAC Oversight Group and to develop additional proposals to those included in **Appendix 1 (Table 3)**. **This option is not recommended.**
38. **Option 3:** to withhold these more detailed proposals until such time as the local authorities, as SAC competent authorities, review and further develop their own SAMM and SANG proposals as part of their ongoing local plan preparation or revisions. **This option is not recommended.**

Key Data

39. The proposals in Appendices 1 and 2 cover the whole EFSAC with mitigation projects to be started within the next **15 years** in response to a potential **39%** increase in visits to the Forest across this time. Many projects are required then to be in place '**in perpetuity**' (up to 125 years), provided they remain effective in preventing adverse impacts.
40. Detailed costings are provided in Appendix 2 for projects at the **three** key visitor "hotspots" or hubs. During the COVID-19 lockdown period these hubs saw an average increase of at least 250% in visits, illustrating the existing vulnerability of the Forest to recreational pressures. The total project **implementation** costs for these hubs would be **£4,635,835.10**. The **annual maintenance** costs would be **£380,221.70**. The 'in perpetuity' calculations for these maintenance costs are shown in the *Financial implications* section below.
41. **Monitoring** and evaluation across at least 25 years is essential to ensure the effectiveness of the measures in preventing adverse impacts. The costs of such monitoring amounts to at least **£300,000**, around 1.5% of the total funding required.

Corporate & Strategic Implications

Strategic implications

42. The recommendations of this report support the **Corporate Plan** with particular reference to the following aims:
- a. Contribute to a flourishing society**
 - 2. People enjoy good health and wellbeing
 - 4. Communities are cohesive and have the facilities they need.
 - b. Shape Outstanding Environments**
 - 10. We inspire enterprise, excellence, creativity and collaboration
 - 11. We have clean air, land and water and a thriving and sustainable natural environment
 - 12. Our spaces are secure, resilient and well maintained.
43. The report supports the **Open Spaces Business Plan** as follows:
- a. Open Spaces and historic sites are thriving and accessible.**
 - i. Our open spaces, heritage and cultural assets are protected, conserved and enhanced
 - ii. London has clean air and mitigates flood risk and climate change

Financial Implications

44. In addition to considerable officer time required to respond to the Local Plans since 2017, the costs of legal representations and specialist consultancy advice with regard to the Local Plans thus far amount to approximately £65,000, in addition to officer time. The cost of representations should be seen in the context of the Local Plans' durations and the scale of proposed development (**see paragraph 20 above**).
45. The cost of the proposed LUC recommendations for project implementation at the three EFSAC hubs would be £4,635,835.10 (LUC Report Table 4.7, page 73 – see Appendix 2). The total cost over 25 years is summed in Table 3 of Appendix 1 for Forest-wide EFSAC mitigation, including annual maintenance and revenue costs (e.g. for staff posts), contingency, design and HRA costs. The sum total for SAMM mitigation, therefore, would be in the range between **£17,121,594** covering 25 years and up **£63M** for an 'in perpetuity' period of 125 years.
46. All these mitigation costs would need to be funded through developer contributions or other funding mechanisms chosen and approved by the participating local authorities with 'in perpetuity' funding required to cover a period to be set by those competent authorities with advice from Natural England (**see also paragraph 35 above**).

Resources implications

47. The Local Plans of the surrounding authorities set out how and where land and property will be used into the 2030s. It is important to the City Corporation's stewardship of the Forest to protect the Forest from any likely

adverse impacts of development while having regard to opportunities for the best use of property and land for operational purposes.

Legal Implications

48. These are contained in the body of the report.

Charity implications

49. Epping Forest is a registered charity (number 232990). Charity Law obliges Members to ensure that the decisions they take in relation to the Charity must be taken in the best interests of the Charity.

Risk implications

50. The recommended SAMM proposals need to be agreed with the competent planning authorities and Natural England. The associated costs then need to be approved by the EFSAC Oversight Group to ensure funding is secured through planning tariffs or other mechanisms.

51. Local Plans of the competent authorities still need to incorporate appropriate polices with trigger clauses to prevent development taking place should monitoring show that the proposed mitigation is not preventing adverse impacts on the EFSAC.

52. Some of the SAMM measures may require Habitats Regulations Assessment screening to ensure that there are no likely significant effects on the qualifying features of the EFSAC. In addition

Equalities implications

53. Equality impact assessments of Local Plans and associated or incorporated documentation (e.g. SAC Mitigation Strategy) would be undertaken by the local authorities as the plan-making bodies.

Climate implications

54. Protection of the SAC habitats, including ancient trees and heathlands, along with the prevention of the erosion of its soils would assist with the protection of the Forest's important carbon stores.

Security implications

55. There are no security implications.

Epping Forest Consultative Committee

56. No specific comments were made on the first draft of this report, or the costed SAMMs proposals contained its two appendices, presented to the Consultative Committee members in October. However, support for the SAMMs measures in the form of letters to the local authorities was offered by

both London Wildlife Trust and The Friends of Epping Forest. These offers of support will be discussed with these two organisations should the recommendations be approved by your Committee.

Conclusion

57. The local planning authorities, as competent authorities under the Habitats Regulations 2017 (as amended), must provide an EFSAC Mitigation Strategy that is sufficiently comprehensive and robust so as to ensure no adverse effects on the SAC's qualifying features or surrounding SSSI habitat on which the SAC features depend for their resilience. Such a strategy must include a range of measures both off-site and within the EFSAC itself.

58. It is clear given the likely very significant increase in local residential populations (at least 39% within the EFSAC Zone of Influence) proposed by the 'in combination' effects of local plan development that on-site measures are essential. The on-site (SAMM) measures set out above and in the two appendices to this report provide a robust basis for costing and planning operations, staffing, infrastructure and monitoring into the long-term.

Appendices

- Appendix 1 – Mitigation Framework & Whole Forest Costs for Mitigation in Epping Forest SAC.
- Appendix 2 – Land Use Consultants: Epping Forest SAC Mitigation Report (concerning on-site Strategic Access Management & Monitoring (SAMM) proposals)

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