

<b>Committee(s)</b>	<b>Dated:</b>
Epping Forest Consultative Epping Forest and Commons	20/10/2021 15/11/2021
<b>Subject:</b> City of London Corporation Response to North Essex Parking Partnership (NEPP) Review of Temporary Traffic Regulation Order (TTRO) for High Beach Red Route (SEF 50/21)	<b>Public</b>
<b>Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?</b>	
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>No</b>
<b>If so, how much?</b>	
<b>What is the source of Funding?</b>	
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	
<b>Report of:</b> Juliemma McLoughlin – Environment Department	<b>For Consultation</b>
<b>Report authors:</b> Jacqueline Eggleston Head of Visitor Services and Martin Newnham – Head Forest Keeper	

### Summary

For the past 20 years, weekend and bank holiday visiting during the peak months of April, May, June, September and October have resulted in very high visitor levels in the High Beach area of Epping Forest. In the absence of public transport connections to High Beach, visitors arrive largely by vehicle and during peak periods vehicle numbers exceed the village's parking capacity of 180 spaces over 7 car parks, leading to widespread highway and verge parking resulting in heavy congestion. The major increase in visitor numbers during the 2020/21 lockdowns further exacerbated the problems, prompting key partners including Epping Forest District Council; Essex Police and the Epping Forest Charity to introduce red route restrictions under a Temporary Traffic Regulation Order (ETRO) in May 2020 managed by the North Essex Parking Partnership (NEPP).

The City of London Corporation's statutory obligations to protect Forest Land, and latterly additional responsibilities for the Site of Special Scientific Interest (SSSI) first notified in 1981 and the Special Area of Conservation (SAC), first notified in 1995, has restricted the potential to add additional car parking facilities at High Beach. Works provided under the 2012 Epping Forest Branching Out Project provided the last possible increase in capacity of car parking on non-designated Queens Green from 40 places to 87 places using the only remaining non-designated land in the High Beach area.

This report is necessary to consider a response to the public consultation on the TTRO. In order to control excess and often inconsiderate parking on roads and

Forest verges, the report concludes that, in common with many popular honeypot villages, a controlled stopping, parking and waiting zone on village roads is necessary to manage traffic numbers during key periods and to maintain through traffic for residents and access by emergency vehicles.

### **Recommendation(s)**

Consultative Committee Members are asked to express their support for:

#### **Recommendations**

- i. The permanent retention of the current Temporary Traffic Regulation Order as a Traffic Regulation Order No Stopping, Waiting or Parking 'Red Route' area, to enable the Epping Forest Charity and its Local Authority partners to discharge its competent authority status regarding environmental protection.
- ii. The proposed special parking measures within the existing red route area including
  - a. unloading/loading measures for the frontage of the Kings Oak Hotel;
  - b. additional blue badge holder reserved parking spaces
  - c. an increase in spaces for Holy Innocents Church supported by a reservation scheme
  - d. additional on-street parking bays which would be subject to charges collected by NEPP.

### **Main Report**

#### **Background**

1. During the development of the early motor car from 1886, road traffic acts have recognised the unreliability of early vehicles and made some provision for vehicles to park by the public highway, though in many cases practical restrictions such as agricultural fencing and residential property would have restricted this opportunity. Nonetheless, the Conservators have reflected an expanded version of the Road Traffic Act section 19 on parking in its byelaws. This provision reflected a time when motor vehicle ownership was a relative rarity across the population and the pressure placed upon Forest verges was as a consequence manageable.
2. For the past twenty years car parking in High Beech has become a major challenge associated with the peak months of visiting in April, May, June, September and October. The high visiting levels reflect a tradition associated with the royal opening of the Forest in 1882 and fuelled by High Beech's unique combination of access to some of the Forest's finest high beechwoods alongside good provision of visitor facilities such as a visitor centre, public houses, tea huts, public toilets, westerly views and car parking capacity of 180 spaces over 7 car parks.
3. High peak period demand has led to large linear assemblages of vehicles and associated inconsiderate parking leaving to the restriction and often blocking

of roads. The Conservators have affidavit and photographic evidence of emergency services vehicles becoming trapped by the inconsiderate parking, alongside fuel delivery tankers trying to reach the National Police Air Service facility at Lippitts Hill.

4. The City of London Corporation, appointed as the Conservators of Epping Forest and acting as the Trustees of the Epping Forest Charitable Trust have a statutory duty to protect the manorial waste of Epping Forest described under the Arbitration Award of 1882, both under the Epping Forest Acts 1878 & 1880 and subsequent amending legislation. The necessity to manage traffic levels and protect the Forest, including roadside verges, has become more pertinent reflecting a range of additional responsibilities;
  - i. Law of Property Act 1925 s193 prohibition on Parking Growing Traffic Numbers
  - ii. Epping Forest Byelaws
  - iii. Damage to veteran trees
  - iv. Site of Special Scientific Interest (SSSI)
  - v. Special area of Conservation (SAC)
  - vi. Natural Environment and Rural Communities Act 2006 Section 40(10) duty of Public Bodies

### **Law of Property Act 1925**

5. Section 193 of the Law of Property Act 1925 recognised early on in the growth of motoring the need to specially protect 'commons and manorial waste' and is applicable to Epping Forest as it comprises former Manorial Waste. The Act makes it a specific offence to park on land that formed part of common land or manorial waste. The Act grants an exemption on parking where byelaws are enacted on the assumption that a scheme of management would separately prohibit or control vehicle parking. An early benevolent approach to vehicle parking, reflected in the Epping Forest byelaws, has not been updated to reflect a scheme of management, modern traffic levels or the additional environmental protection designations.

### **Growth of motor traffic**

6. Over the past 25 years, the number of cars in Great Britain has risen 42.5% to 32 million vehicles and the pressures placed on Forest Land, which hitherto experienced good public transport services, has increased dramatically, despite the provision of dedicated car parking facilities on Forest Land. The last minor amendment to the 1959 Epping Forest Byelaws in 1980 came too early to overhaul the Byelaw section 11(b) in relation to subsequent Road Traffic Act-legislation. A future review of Byelaw 11(b) will be required to bring the byelaw into line with the Epping Forest's charity's and other competent authority's more recent legislative responsibilities

### **Damage to Veteran Trees**

7. A number of significant veteran trees have been impacted by root compaction caused by vehicle parking. As a consequence a number of trees have had arboricultural interventions to improve their health or in some cases have had to be felled completely to manage public risk.

8. The removal of red lines could have a negative impact on trees affected by compaction if cars were to begin parking beneath them. This could be due to soil compaction, possible direct (mechanical) damage from vehicles, oil spills and further tree surgery works because of an increased target occupancy.

### **Site of Special Scientific Interest**

9. In addition to the founding legislation for Epping Forest, much of the landholdings in the north of the Forest, including the roadside verges, are the subject of more recent protection under national legislation. The notification of Epping Forest as a Site of Special Scientific Interest (SSSI) under The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) places specific responsibility upon the Epping Forest Charity as landowners to protect designated land from damaging operations, even by third parties. These responsibilities are codified in a list of Operations Likely to Damage (OLDS). Across the extent of the SSSI all road verges fall within its boundaries. The Government's national conservation authority, Natural England is unlikely to consent to the level of damage currently associated with verge parking. The verges are important areas for tree roots and also ground flora, including scarce Forest species like hawkweeds, wood sorrel and heather. Reflecting on their importance for flora, some verges have also been nominated as Special Roadside Verge Reserves of county importance to ensure appropriate and positive cutting regimes. There are six such lengths of Forest roadside currently protected in this way. These linear reserves have special wooden marker posts providing clear demarcations for grass-cutting operations.

### **Special Area of Conservation**

10. The roadside verges also lie within the Special Area of Conservation (SAC), as well as the SSSI, and form an integral part of this internationally protected site, with ancient Beech and heathland flora present in these areas. The SAC is the highest protection of any natural site under the Habitats Regulations 2017 (the Habs Regs). In the case of the Forest road network and the road traffic along these highways that may impact on the SAC, Essex Highways is the 'competent authority', as defined by Regulation 7 of the Habs Regs. As a competent authority, in carrying out any management projects along the highway, Essex Highways is required to consider any likely significant effects of any works on the SAC and to avoid any adverse impact. In the case of managing traffic through parking restrictions Essex Highways needs to ensure that any measures are carried out in such a way as to avoid adverse impacts and protect the SAC. Ensuring that the red-lining and/or other measures to control traffic movement and parking are comprehensive and protect key SAC habitat is a clear requirement of the Habs Regs.

### **National Environment and Rural Communities ACT Section 40 Duty**

11. Under section 40(1) of the Natural Environment and Rural Communities Act 2006 (NERC Act 2006), there is a duty on all local authorities and other public bodies such as NEPP to protect biodiversity: "The public authority must, in exercising its functions, have regard, so far as is consistent with the proper

exercise of those functions, to the purpose of conserving biodiversity". This 'duty to protect' includes enhancement of populations of wild species. In the knowledge that ancient trees and wildflower species are being damaged within an internationally important and protected wildlife site, the public authorities within the Partnership have a duty to consider practicable solutions to protect the verges from damage and destruction.

## **Public Safety**

12. While beyond the Epping Forest Charity's immediate remit there are a number of tertiary benefits from the TTRO including increased public safety for safe road crossing and improved vehicle response for blue light services.

## **Current Position**

13. Survey work conducted during 2020 revealed that Epping Forest saw a huge rise in visitor numbers during the COVID-19 lockdown, with the survey revealing an average 300% increase across the site, with increases of up to 500% in some areas. The first 45 days of lockdown (12% of the year) covered by the survey saw 32% of the anticipated yearly visits. It is estimated that the Forest saw 1,377,000 visits during this six week period: around one third of the usual annual figure of 4.2 Million visits.
14. The widespread presence of police traffic officers at High Beach during the 2020 COVID-19 lockdowns drew attention to the longstanding problem of extensive and often inconsiderate car parking on verge prompting inter-agency work to address the problem.
15. Key partners including Epping Forest District Council; Essex Police and the Epping Forest Charity agreed to introduce red route restrictions under an Temporary Traffic Regulation Order (TTRO) in May 2020 managed by the North Essex Parking Partnership (NEPP).
16. The red route has been effective in maintaining through traffic within the village. However, peak visiting days still continue to attract roadside parking and as a consequence up to the 23 July 2021, 1,758 Penalty Charge Notices (PCN) have been issued to motorists by NEPP.
17. Concerns have been raised by High Beach businesses that the red route has had a negative impact on trading, particularly for passing trade, but also from the reduction in the additional peak parking capacity offered by the local highway network.
18. The Church of the Holy Innocents, High Beach has also raised concerns through both the Parochial Church Council (PCC) and the Bishop of Chelmsford regarding the impact on attendance at church services, weddings, funerals and church events, including the popular Sunday fundraising tea and cake events. Although a dedicated parking bay of four spaces and 75 metres of unrestricted parking road frontage in Church Lane and Crossroads has been provided for parishioners attending Church services, the free spaces have attracted considerable competition with wider Forest visitors.

19. Car parking charges were introduced to parts of High Beach in May 2021. These will be subject to a review, and the impact on businesses, visitors and residents in a separate report in January 2022.

## Options

20. Committee members can consider four options regarding contributions to the public consultation on the future of the TTRO
- i. To conclude that the extraordinary pressures associated with the national health emergency have now abated and consequently the TTRO and the red route scheme can be withdrawn. This option does not recognise the wider and historic challenges associated with traffic management at High Beach over the past 20 years or the responsibilities of competent authorities under the SSSI, SAC and NERC responsibilities. **This option is not recommended.**
  - ii. To retain the core TTRO Red Route area but reduce the extent of the TTRO area, removing Church Road, Claypit Hill and Wake Road controls, restricting roadside parking to the immediate village, and retaining special arrangements for the frontage of the Kings Oak Hotel and Holy Innocents Church. **This option is not recommended.**
  - iii. To retain the current TTRO Red Route area while introducing special parking arrangements for the frontage of the Kings Oak Hotel and Holy Innocents Church. **This option is not recommended.**
  - iv. To retain the current TTRO Red Route area while introducing special parking arrangements for the frontage of the Kings Oak Hotel; designated spaces for Holy Innocents Church supported by a reservation scheme and providing additional on-street parking bays which would be subject to charges collected by NEPP. **This option is recommended.**

## Proposals

21. To support the permanent retention of the current Temporary Traffic Regulation Order No stopping, Waiting or Parking 'Red Route' area to enable the Epping Forest Charity and the local authority to discharge its competent authority status regarding environmental protection.
22. Reflect feedback received by Epping Forest Charity from neighbours and businesses in the area by supporting proposals for special parking measures within the existing Red Route area including
- a. unloading/loading measures for the frontage of the Kings Oak Hotel;
  - b. additional Blue Badge holder reserved parking spaces
  - c. an increase in spaces for Holy Innocents Church supported by a reservation scheme
  - d. additional on-street parking bays which would be subject to charges collected by NEPP.

## **Corporate & Strategic Implications**

### **City of London Corporate Plan 2018-2023**

23. **Our spaces are secure, resilient and well-maintained** by building resilience into natural and man-made threats by strengthening, protecting and adapting our infrastructure, directly and by influencing others.

### **Open Spaces Department Business Plan 2020-21**

24. The Business Plan states that we will protect the ecology, biodiversity and heritage of our sites and improve the health and wellbeing of our community through access to green space and recreation.

### **Financial implications**

25. The costs of implementing the Red Route Scheme have been met by NEPP. The cost of annual assessed 'Red Zone' arboricultural assessments, consequent tree safety work and continued work required to remediate the damage to verges will need to be met from Epping Forest Local Risk budgets.

### **Resource implications**

26. The retention of the Traffic Regulation Order reduces the requirement for staff resources to manage conflict and damage caused by dangerous parking.

### **Legal implications**

27. References to primary legislation are included in the body of the report.

### **Risk implications**

28. There are public safety risk implications associated with inconsiderate parking behaviour during peak parking periods which restricts sightlines for safe crossing observance on Pauls Nursery and Manor Roads.

### **Equalities implications**

29. The City Corporation is working with the Local Highways Authority and NEPP to identify further blue badge holder parking spaces within the High Beach area.

### **Charity implications**

30. Epping Forest is a registered charity (number 232990). Charity Law obliges Members to ensure that the decisions they take in relation to the Charity and as the competent authority for the SSSI/SAC must be taken in the best interests of the Charity.

### **Conclusion**

31. In addition to underlining the importance of public open spaces to public health, the unprecedented visitor levels experienced during 2020/21 national health emergency has renewed attention on the long running and

unsustainable traffic pressure on Epping Forest in the vicinity of the 'honeypot' village of High Beach.

32. The introduction of a Temporary Traffic Regulation Order for a No stopping, Waiting or Parking 'Red Route' area, has enabled the Epping Forest Charity and its local authority partners to discharge their competent authority status regarding environmental protection alongside a marked improvement in traffic management. The opportunity to provide additional arrangements to support public, church and business parking within the red route should provide a basis to establish a permanent Red Route zone.

## **Appendices**

- Appendix 1 – Map Fairmead Road, High Beach – Proposed ETRO

### **Report authors**

Jacqueline Eggleston. Head of Visitor Services  
E: [jacqueline.eggleston@cityoflondon.gov.uk](mailto:jacqueline.eggleston@cityoflondon.gov.uk)  
T: 0208 532 5315

Martin Newnham. Head Forest Keeper  
E: [martin.newnham@cityoflondon.gov.uk](mailto:martin.newnham@cityoflondon.gov.uk)  
T: 0208 532 5310