

Committee(s)	Dated:
Epping Forest Consultative Epping Forest and Commons	20/10/2021 19/11/2021
Subject: City of London Corporation Response to North Essex Parking Partnership (NEPP) Review of Temporary Traffic Regulation Order (TTRO) for High Beach Red Route (SEF 50/21b)	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	
Report of: Juliemma McLoughlin – Executive Director Environment Department	For decision
Report author: Jacqueline Eggleston Head of Visitor Services	

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 seven 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 (TTRO) 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) re-notified in 1990 under the Wildlife & Countryside Act 1981 (as amended) and the Special Area of Conservation (SAC), first listed in 1995, and formally designated in 2005, have 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 busy periods and to avoid adverse impacts on the Epping Forest SSSI and SAC that would result from continuing encroachments and compaction of soils from parking on verges.

Recommendation(s)

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 to meet its responsibility for protection of the Forest and its Local Highways Authority partner to discharge its 'competent authority' duty to mitigate adverse impacts to protect the favourable conservation status of the Special Area of Conservation.
- ii. To adopt a reserve position to protect the SAC, and associated verge restoration work, from damage by verge parking through the installation of bollards or similar infrastructure and /or signage along the most vulnerable areas of High Beach. This will help to reduce displacement parking but may mean parking may obstruct the use of the public highway.

Main Report

Background

1. During the development of the early motor car from 1886, early road traffic acts 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 Beach's unique combination of access to some of the Forest's finest beech wood-pasture and ancient trees, alongside good provision of visitor facilities such as a visitor centre, public houses, tea huts, public toilets, extensive westerly views, and car parking capacity of 180 spaces over seven 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.
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
 - ii. Growing Traffic Numbers
 - iii. Epping Forest Byelaws
 - iv. Damage to veteran trees
 - v. Site of Special Scientific Interest (SSSI) status
 - vi. Special area of Conservation (SAC) status
 - vii. 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 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.

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 in this area. As a consequence, a number of trees have had arboricultural interventions to manage their physical condition, remove hazardous limbs or in some cases have had to be felled completely to manage public risk.
8. The removal of red lines would have a negative impact on trees affected by compaction if cars were to resume parking beneath them. This would be due

to soil compaction, possible direct (mechanical) damage from vehicles, oil spills and interventive tree surgery works because of an increased target site 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 re-notification of Epping Forest as a Site of Special Scientific Interest (SSSI) in March 1990, under The Wildlife and Countryside Act 1981 (as amended)) 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 as the protected habitats and trees reach to the point of these historically narrow roads.
10. The verges are important areas for tree roots, including those of irreplaceable ancient pollards, and also ground flora, including scarce Forest species like hawkweeds, wood sorrel and heather. The many ancient beeches along the red routes are carefully mapped and monitored so damage is accurately identifiable.

Special Area of Conservation

11. The roadside verges also lie within the Special Area of Conservation (SAC) the boundaries of which are coincident with those of 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 level of protection of any natural site under the Habitats Regulations 2017 (the Habs Regs). In the case of the Forest roads network and the road traffic along these highways that may impact on the SAC, where Essex Highways is the 'competent authority', as defined by Regulation 7 of the Habs Regs.
12. As a competent authority, in carrying out any management projects along the highway, Essex Highways is required to assess any likely significant effects of any works on the SAC and to avoid any adverse impact. Similarly, the Conservators have been required to assess the impact of car parking charges. The formal assessment under the Habs Regs is termed a Habitats Regulations Assessment (HRA). 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 avoid adverse impacts on SAC qualifying habitats is a requirement of the Habs Regs.

National Environment and Rural Communities ACT Section 40 Duty

13. 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

14. 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.
15. Currently trees bordering the road are monitored only on the basis that cars are being driven past, rather than parked underneath. Managing roadside parking will need more intensive interventions on these roadside trees.

Current Position

16. 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.
17. 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.
18. Key partners including Epping Forest District Council; Essex Police and the Epping Forest Charity agreed to introduce red route restrictions under a Temporary Traffic Regulation Order (TTRO) in May 2020 managed by the North Essex Parking Partnership (NEPP).
19. 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.
20. 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.
21. 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.

22. Car parking charges were introduced to parts of High Beach in May 2021.
23. A mitigation action arising from the introduction of the car parking charges under the HRA was to uniformly introduce charging across all car parks within or adjacent to the SAC so that damaging displacement parking would not occur. This avoids drivers heading to otherwise free parking in other areas of the SAC away from charging and inadvertently creating additional pressure on other parts of the protected habitats.
24. Consequently, all car parks in the SAC will be charged from 22 November 2021.
25. One potential consequence of the removal of the red route would now be that displacement may occur away from not only the charged-for car parks in High Beach on to the otherwise unrestricted roads within the area, but that additional displacement would occur from other Forest car parks further afield on to the High Beach roads.
26. One of the main aims of introducing car park charging was to reduce driving within the heart of the Forest and address capacity issues at 'honeypot' areas, such as High Beach. Most other car parks in the Forest are surrounded by roads with parking restrictions and so the attraction of unrestricted roads would actually increase the number of cars heading to High Beach.

Options

27. Committee can consider two 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 duties of competent authorities under the Habs Regs and additional responsibilities under the W&C Act 1981 (as amended) SSSI, and the NERC Act. **This option is not recommended.**
 - ii. To retain the current TTRO Red Route area along with the special parking arrangements proposed by NEPP for certain residents and establishments. **This option is recommended.**
28. And, in the event that the TTRO Red Route area is removed following the consultation, Committee can consider two options

- iii. To make no further interventions along the verges and highway in the High Beach area. This may mean that displacement parking will increase and create damage to the SAC as well as increasing visitor numbers in the most vulnerable parts of the Forest around High Beach. **This option is not recommended.**
- iv. To fulfil duties to protect the SAC and associated verge restoration work from damage by verge parking through the installation of bollards or similar infrastructure and /or signage along the most vulnerable areas of the 'red route'. This will help to reduce displacement parking but may mean cars park further out into the public highway. **This option is recommended**

Proposals

- 29. 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 to protect the fabric of the Forest and to ensure the local highways authority is able to discharge its competent authority duties regarding SAC protection.
- 30. 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 for neighbouring establishments.
- 31. In considering the implications of the cessation of the red route decide on alternative measures that will be required to protect the SAC.
- 32. The alternative measures are likely to include the installation of a physical barrier to parking such as bollards or logs or the use of no parking signs as a temporary measure. This may mean that cars park further out on to the highway potentially causing blockages of the road. Such issues could be dealt with by the highway authority through usual ticketing measures.
- 33. Physical barriers may be a sufficient disincentive to manage the potential for displacement parking from other Forest car parks.

Corporate & Strategic Implications

City of London Corporate Plan 2018-2023

- 34. **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

35. 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.

Epping Forest Consultative Committee

Members of the Epping Forest Consultative raised the following issues:

36. That they understood that if the existing TTRO was removed it would negate the car parking charges.
37. That a red route was felt to be unnecessarily draconian and there was no issue with cars stopping briefly to allow passengers to alight. Therefore, a double yellow line scheme was sufficient.
38. A single yellow line scheme could be considered with restricted stopping times.
39. Questioning whether the proposed parking bays would block the road in the same way as existing verge parking.
40. Whether the proposals undermine the preservation of the natural aspect.
41. Whether EF&CC should comment on Highways as they are outside of their charitable remit.

Financial implications

42. 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.
43. If the red route is removed the installation of suitable physical barriers will be a significant cost to the Epping Forest Local Risk budgets. This is estimated as £15-20,000 per kilometre and will need replacing every ten years.

Resource implications

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

Legal implications

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

Risk implications

46. 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

47. 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

48. 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

49. 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.
50. The introduction of a Temporary Traffic Regulation Order for a No stopping, Waiting or Parking 'Red Route' area, has enabled the Epping Forest Charity to protect Forest Land and has ensured that the local highways authority partner has been able to discharge its competent authority duties regarding SAC protection. In addition, the introduction of the TTRO has seen 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 parking restriction zone.

Appendices

- Appendix 1 Proposed TTRO map by ECC

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