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| Committee: Epping Forest & Commons – For Decision | Dated: 21/11/2022 |
| Subject: Epping Forest: COVID-19 damage to Shared Use Trail network Gateway 2 Project Proposal (SEF 33/22) | Public |
| Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly? | 1, 11, 12 |
| Does this proposal require extra revenue and/or capital spending? | y |
| If so, how much? | £377,364 |
| What is the source of Funding? | Central Capital funds (RASC) |
| Has this Funding Source been agreed with the Chamberlain’s Department? | Project submitted as part of annual capital bids process |
| Report of Juliemma McLoughlin, Executive Director Environment Department | For Decision |
| Report authors: Paul Thomson, Epping Forest | |

Summary

A report was brought to your Committee on 15 November 2021, where your Committee gave approval for Officers to progress internal and external funding approaches to financing work to undertake the path repair proposals.

Following a successful bid for Capital Funding of £250,000, this project seeks to address significant Health & Safety liabilities and to repair significant environmental damage. During the COVID-19 national health emergency, the abnormally high visitor use of shared-use trails at Epping Forest during the three lockdown periods oblige the Charity to undertake a programme of path works to repair damage and to reduce further pressure on sensitive areas.

Recommendation(s)

Members are asked to:

- Approve the proposal to progress the evaluation and design to undertake the path repair proposals.

Main Report

Background

Funding Source

1. Capital bid approved for 2022/23 Next Gateway: Gateway 3/4 - Options Appraisal (Regular) Next Steps:
 - Formal consents from Natural England and Local Authorities where an Archaeological Protection Area applies
 - Works tender prepared for identified works
 - Works procured through City Procurement team working with the COL Highways Term contractor in the first instance
 - Successful procurement confirmed
 - Final work program confirmed
 - Gateway 3/4 report submitted

Options

2. Your Committee have a range of proposals to progress the evaluation and design of options below:
3. **Option 1:** The proposals represent a triaged program based on the severity of damage and their importance from a visitor access point of view and covers 14% of the Epping Forest managed path network. The works are estimated to cost £377,364 ,however, it is proposed that a COL funding cap be adopted of £250,000 and the remainder of the funding found through external sources.
4. **Option 2.** External funding is being sought through the Strategic Access Management and Monitoring Strategy (SAMMS) and Suitable Alternative Natural Green Space Strategy (SANGS) programmes established to support mitigation works arising from new development close to the Epping Forest Special Site of Conservation and also through the Department for the Environment, Food and Rural Affairs Countryside Stewardship programme, any funding achieved from these will follow separate committee reporting procedures.
5. **Option 3.** Failing additional external funding the project budget would be capped at £250,000, engineer works remain and the following options be explored:
 - a) Full proposed 4510m path surfacing program undertaken with path damage repair works undertaken as budget allows.
 - b) Partial path surfacing program undertaken with increased path damage repair works program.
 - c) Full path damage repair works program implemented and path surfacing undertaken as budget allows.

Corporate & Strategic Implications

Strategic implications

6. The work outlined in this work programme will contribute to the City of London Corporate Plan 2018-2023 Outcome 2 People enjoy good health and well-being; 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.
7. The proposed work programme actions support the Open Spaces Department's Vision of enriching people's lives by enhancing and providing access to ecologically diverse open spaces and outstanding heritage assets across London and beyond.

Financial implications

8. The cost of the works to repair the damage caused by the abnormally high visitor use during the COVID 19 lockdown period are £377,363. This is made up as follows:
 - a. New surfacing of paths £270,600
 - b. Patching damaged paths £38,760
 - c. Pothole repairs, £35,502
 - d. Path drainage £32,502
9. No funding is available under the Epping Forest Local Risk budget and Epping Forest paths is one of four Open Spaces Capital Bid requests that have been made by the Environment Department to the Chamberlain on the 6 September 2021 to fund the required works.
10. The Charity is also seeking support from Local Authorities who have secured additional Rate Support Grant funding for damage to Public Open Spaces in their jurisdiction.
11. Work will be progressed only when additional funding has been achieved.

Resource Implications

12. Reprioritisation of existing staff will be required to project manage the implementation of the path works program with additional casual/temporary staff support required. This would be met through existing local risk budgets.

Legal Implications

13. Formal consent for these works may be required from Natural England under Section 28E of the Wildlife and Countryside Act 1981 (as amended) for the Site of Special Scientific Interest (SSSI) and as required under the

Conservation of Habitats and Species Regulations 2017 in relation to the Special Area of Conservation (SAC). Additional consents for work in locally listed landscapes and APAs will be sought as required.

14. Many of the damaged paths often lie within the SAC and the important issue here is that works on these could be subject to Habitats Regulation Assessment (HRA) to assess Likely Significant Effects (LSEs), not just subject to SSSI assents. The reason for this is that the surfacing of rides may not necessarily be considered as required for managing the features of the SAC. However, there is also an argument that the rides prevent damage to SAC features and are an established asset in the Forest. However, some surfaced rides have undoubtedly killed ancient Beech or significantly impacted on their condition
15. Subject to the provisions of the Epping Forest Acts 1878 & 1880 the Conservators are under a duty at all times to keep Epping Forest uninclosed and unbuilt on as an open space for the recreation and enjoyment of the public. They are also under a duty at all times as far as possible to preserve the natural aspect of the Forest.
16. The Epping Forest Act 1880 includes an additional power at section 5 to maintain "*ornamental inclosed lands*" which most probably reflects the City Corporation's purchase of Wanstead Park in 1880 and requires the Conservators to make proper provision for securing the enjoyment thereof by the public for exercise and recreation at all reasonable times during the day.

Equalities Implications

17. The works will ensure the accessibility of the Forest in a sustainable way. It is considered that there are no negative impacts on the protected equality groups.

Charity Implications

18. 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.

Climate Implications

19. The works in the report will contribute to the improved resilience of the Epping Forest SSSI and SAC to meeting extreme storm events.

Conclusion

This project is needed to address the significant Health & Safety liabilities and repair widespread environmental damage, caused by the abnormally high visitor use of shared-use trails at Epping Forest during the COVID-19 lockdown period, through undertaking a program of path works to repair damage and to reduce further pressure on sensitive areas.

Appendices

Appendix 1 - Gateway 2 Project Proposal

Appendix 2 - Gateway 2 Project Briefing

Appendix 3 - Project Risk Register

Background Papers

- SEF 23/20 Path Management: Policy Development Note. Epping Forest and Commons Committee Report. 16th November 2020
- (SEF 45/21b) Forest Operations: Path Condition Assessment Feb-Mar 2021

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