

Committees: Operational Property & Projects Sub Committee - for decision	Dates: 14 December 2022
Subject: Epping Forest: COVID-19 damage to Shared Use Trail network Unique Project Identifier: <i>PV ID confirmed post CPB via PMO.</i>	Gateway 2: Project Proposal Regular
Report of: Executive Director Environment Report Author: Geoff Sinclair	For Decision
<h1>PUBLIC</h1>	

Recommendations

1. Next steps and requested decisions	<p>Project Description: <i>This project seeks to address 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.</i></p> <p>Funding Source: Capital bid approved for 2022/23</p> <p>Next Gateway: Gateway 3/4 - Options Appraisal (Regular)</p> <p>Next Steps:</p> <ul style="list-style-type: none"> • <i>Formal consents from Natural England and Local Authorities where an Archaeological Protection Area applies</i> • <i>Works tender prepared for identified works</i> • <i>Works procured through City Procurement team working with the COL Highways Term contractor in the first instance</i> • <i>Successful procurement confirmed</i> • <i>Final work program confirmed</i> • <i>Gateway 3/4 report submitted</i> <p>Requested Decisions:</p>
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	<p>Operational Property & Projects Sub Committee</p> <ol style="list-style-type: none"> 1. This Gateway report is seeking approval for the Epping Forest: <i>COVID-19 damage to Shared Use Trail network project proposal</i> to undertake the evaluation and design of the options presented in Section 9. 2. Note that funding is subject to the capital programme review and the final decision on whether to proceed will be dependent on the outcome of that review and approval by the Operational Property and Projects Sub-Committee. <p>Epping Forest and Commons Committee</p> <ol style="list-style-type: none"> 1. That members approve the proposal to progress the evaluation and design of options as presented in Section 9 																								
<p>2. Resource requirements to reach next Gateway</p>	<table border="1" data-bbox="528 824 1390 1771"> <thead> <tr> <th>Item</th> <th>Reason</th> <th>Funds/ Source of Funding</th> <th>Cost (£)</th> </tr> </thead> <tbody> <tr> <td>Staff Time to seek statutory consents</td> <td>Required to progress works in SSS! and APAs</td> <td>Local Risk 2 days @ £250/day</td> <td>500</td> </tr> <tr> <td>Staff time to compile works tender</td> <td>Required to progress works costing</td> <td>Local Risk 4 days @£250/day</td> <td>1000</td> </tr> <tr> <td>Staff time to undertake works procurement</td> <td>Required to progress works costing</td> <td>Local Risk 4days @£250/day</td> <td>1000</td> </tr> <tr> <td>Staff time to compile final work program</td> <td>To confirm a work program within budget</td> <td>Local Risk 1 day @ £250/day</td> <td>250</td> </tr> <tr> <td>Total</td> <td></td> <td></td> <td>2750</td> </tr> </tbody> </table> <p>Costed Risk Provision requested for this Gateway: N/A (as detailed in the Risk Register – Appendix 2)</p>	Item	Reason	Funds/ Source of Funding	Cost (£)	Staff Time to seek statutory consents	Required to progress works in SSS! and APAs	Local Risk 2 days @ £250/day	500	Staff time to compile works tender	Required to progress works costing	Local Risk 4 days @£250/day	1000	Staff time to undertake works procurement	Required to progress works costing	Local Risk 4days @£250/day	1000	Staff time to compile final work program	To confirm a work program within budget	Local Risk 1 day @ £250/day	250	Total			2750
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<p>3. Governance arrangements</p>	<p><i>Service Committee responsible:</i> Epping Forest and Commons Committee</p>																								

	<p><i>Senior Responsible Officer:</i> Paul Thomson (Assistant Director Epping Forest and Wanstead Park)</p> <p><i>Project Board:</i> COVID Path Works project board in place. Memberships comprises:</p> <ul style="list-style-type: none"> • Paul Thomson, Assistant Director (Epping Forest and Wanstead Park) • Jacqueline Eggleston, Head of Visitor Services (Epping Forest) • Geoff Sinclair Head of Operations (Epping Forest) • Andy Froud Biodiversity Officer (Epping Forest)
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Project Summary

<p>4. Context</p>	<ol style="list-style-type: none"> 1. Paths and their verges across the Epping Forest Special Area for Conservation (SAC) and Site of Special Scientific Interest (SSSI) suffered significant environmental damage due to abnormally high visitor use during the COVID lockdown period. (See 5.2 below) 2. Following an audit of the 198 km of managed paths at Epping Forest, 14% of the path network was found to require urgent works to repair the most severe impacts of the high visitor use to address Health & Safety concerns, mitigate environmental damage and improve public safety. The estimated cost of these works was £377,364. 3. These works are over and above the BAU path and verge management program. 4. A maximum request of £250,000 is being made to the COL with a range of external funding options being actively explored to fund the difference in the costs, including local authority funding through Suitable Alternative Natural Green Space (SANGS) and Strategic Access Management and Monitoring (SAMM) programs and through the Countryside Stewardship Scheme.
<p>5. Brief description of project</p>	<ol style="list-style-type: none"> 1. In responding to the damaging environmental impact of the high visitor use on the Forest's path network two broad management objectives have been identified: <ol style="list-style-type: none"> a. To improve the Health and Safety of core paths and reduce the environmental impact of visitors on the verge areas b. To reduce the spread of visitors in high use areas to fewer paths better able to cope with the use. 2. Damaged paths were triaged based on the severity of damage and their importance from a visitor access point of view. Overall, 59 paths were identified as requiring works

	<p>representing a total length of 27,680 m or 14% of the total path network. The work required falls into four activities:</p> <ul style="list-style-type: none"> a. Surfacing of a path to provide a robust surface to ensure users do not impact path verges and to deter them from forming nearby desire lines b. Path works to repair damage and to improve the accessibility of paths to deter users from damaging path verges <ul style="list-style-type: none"> i. Pothole repairs ii. Improvements to wet path sections to provide a dry pathway iii. Drainage works to promote a dry path surface
<p>3. Consequences if project not approved</p>	<ul style="list-style-type: none"> 1. Public safety: The physical damage to path surfaces has made for difficult uneven access with particular problems for cyclists if they come across damaged sections at speed presenting health and safety and public liability risks. 2. SAC/SSSI condition: An estimated 93.2 ha of path verge were severely impacted by the high visitor use which if not repaired will lead to permanent environmental damage and possible reversal of generally improving SSSI condition assessments by Natural England 3. The much poorer quality access, especially in winter, due to the high visitor use damage will be an increasing public concern and long-term source of public complaint if at least the worst sections in the higher use areas are not addressed.
<p>4. SMART project objectives</p>	<ul style="list-style-type: none"> 1. 4,510 m of new path constructed for Dec 2024 to provide a robust surface to ensure users do not impact path verges and to deter them from forming nearby desire lines 2. 13,000 m of paths repaired for Dec 2024 to improve the accessibility of paths to deter users from damaging path verges 3. Drainage improvements undertaken on 21,000m of path for Dec 2024 to promote a robust all-weather surface
<p>5. Key benefits</p>	<ul style="list-style-type: none"> 1. The Feb/Mar 2021 path audit to be used as a baseline assessment (Appendix 1) 2. Reduced visitor impact on path verges and restoration of the natural vegetation <ul style="list-style-type: none"> a) 90% less red level damage due to visitor impact on path verges a year following works. b) 50% less amber level damage due to visitor impact on path verges a year following works 3. Reduced spread of visitors in high use areas to fewer paths better able to cope with use. <ul style="list-style-type: none"> a) 90% reduction in red level pathway condition a year following works

	b) 50 % reduction in amber pathway condition a year following works
6. Project category	1. Health and safety
7. Project priority	A. Essential
8. Notable exclusions	None

Options Appraisal

9. Overview of options	<ol style="list-style-type: none"> 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. 2. External funding is being sought through the SANGS and SAMM programs established to support mitigation works arising from new development close to the Epping Forest Special for Conservation and also through the Department for the Environment, Food and Rural Affairs Countryside Stewardship program, any funding achieved from these will follow separate committee reporting procedures. 3. Failing additional external funding the project budget would be capped at £250,000 and we would value engineer works to remain within this e.g., the following options will be explored: <ol style="list-style-type: none"> 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.
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Project Planning

10. Delivery period and key dates	<p>Overall project: Two years from start of project with completion March 2025</p> <p>Key dates:</p> <p>31st October 2022: Additional consents for work in Archaeological Protection Areas (APA) confirmed with the responsible Local Authorities</p>
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	<p>30th November 2022: Formal consent for these works will 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)</p> <p>1st December 2022: Gateway 3/4 reporting</p> <p>20th January 2023: Path works tender let</p> <p>TBC March 2023: Gateway 5 reporting</p> <p>Other works dates to coordinate: <i>None.</i></p>
<p>11. Risk implications</p>	<p>Overall project risk: Low</p> <p>CRP: The nature of the works is that the scale can be reduced through not undertaking some actions to ensure the costs fit the budget available, however, this would leave significant health and safety liabilities.</p> <p>Statutory consents: Consent may not be forthcoming or require significant investment to achieve. Affected locations will be reprioritised for later working subject to funding</p> <p>Further information available within the Risk Register (Appendix 2)</p>
<p>12. Stakeholders and consultees</p>	<ol style="list-style-type: none"> 1. Neil Fuller, Natural England: Statutory consultee within the SSSI and SAC area 2. Chris Laine, Historic England: Statutory consultee within Wanstead Park 3. Local Authorities: London Boroughs of Waltham Forest and Redbridge, Essex Country Council and Epping Forest District Council for APA issues and possible need for planning permission 4. Epping Forest Consultative Committee 5. Epping Forest and Commons Committee 6. Beatrix Jako, Finance 7. James Carter, Commercial Service.

Resource Implications

<p>13. Total estimated cost</p>	<p>Likely cost range (excluding risk): £250,000 (COL budget capped at £250,000 additional funding options are still being explored to reach the full Gateway 1 project costs of £377,364).</p>
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14. Funding strategy	Choose 1: All funding fully guaranteed	Choose 1: Internal - Funded wholly by City's own resource																
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15. Investment appraisal	N/A																	
16. Procurement strategy/route to market	<p>The works will be procured through the COL's highway term contractor in the first instance and depending on the outcome may be competitively tendered through the Commercial Service team. It is proposed that the works be awarded to a single contractor to deliver the entirety of the works.</p>																	
17. Legal implications	<p>1. Formal consent for these works is 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.</p> <p>2. 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</p>																	

	<p><i>have undoubtedly killed ancient Beech or significantly impacted on their condition</i></p> <p><i>3. 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.</i></p> <p><i>4. 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.</i></p>
18. Corporate property implications	None
19. Traffic implications	None
20. Sustainability and energy implications	<ol style="list-style-type: none"> 1. The works in the report will contribute to the improved resilience of the Epping Forest SSSI and SAC to meeting extreme storm events. 2. Many shared use trails are in danger of being compromised to their sub-base foundations, investment now will alleviate the need for more expensive future repairs.
21. IS implications	None
22. Equality Impact Assessment	<p><i>An equality impact assessment will not be undertaken</i></p> <ol style="list-style-type: none"> 1. 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.
23. Data Protection Impact Assessment	<i>The risk to personal data is less than high or non-applicable and a data protection impact assessment will not be undertaken</i>

Appendices

Appendix 1	Project Briefing
Appendix 2	Risk Register
Appendix 3	

Contact

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