

Report to the Cabinet

Report reference: C-014- 2018/19

Date of Meeting: 18 October 2018



**Epping Forest
District Council**

Portfolio: Planning and Governance

Subject: Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation

Responsible Officer: Alison Blom-Cooper (01992 564066)

Democratic Services: Adrian Hendry (01992 564246)

Recommendations/Decisions Required:

- (1) That the Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation set out at Appendix 1 is adopted as a material consideration in the determination of planning applications and permitted development rights proposals for residential development which would result in a net increase in new homes within the Epping Forest District Council administrative area.**
- (2) That the Service Director for Planning (or any another Service Director (in their absence) or officer duly authorised by the Service Director for Planning) be given delegated authority to undertake minor amendments to the Interim Approach which may arise as a result of consultation responses received as set out in paragraph 11 below in consultation with the Planning and Governance Portfolio Holder.**
- (3) That the level of contribution to be sought from net increases in new residential units within 3km of the Epping Forest Special Area of Conservation arising from the granting of planning permissions and of prior approval consents under permitted development rights shall be as set out in paragraph 10 below.**

Executive Summary:

The Conservation of Species and Habitats Regulations 2017 (Habitats Regulations) came into force on 30 November 2017 and transposes into domestic law the EU Habitats Directive 1992.

The Habitats Regulations implement the purposes of the Habitats Directive, in particular, the protection of certain natural habitats, known as European Sites, that are considered to be under serious threat. Both the Habitats Regulations and the revised National Planning Policy Framework provide that European Sites are afforded the highest levels of protection in the hierarchy of sites designated to protect important features of the natural environment.

Regulation 8 of the Habitats Regulations defines European Sites as, amongst other things, special areas of conservation. Epping Forest has been designated as a special area of conservation – and shall be referred to throughout this report as the SAC.

The legislation provides that where a land use plan or project, either alone or in combination with other plans or projects, is likely to have a significant effect on a European site, the plan-making authority must undertake an appropriate assessment of the implications of the plan or project for that site in view of the site's nature conservation objectives; this is known as a Habitats Regulations Assessment (HRA). This applies to Local Plans produced by local authorities, in addition to Neighbourhood Plans produced by local communities. Such plans set out a broad quantum of housing growth. HRA work must therefore consider the overall impacts of such growth – in-combination with neighbouring authorities – and where there are any likely significant effects, adverse effects on the integrity of the site must be ruled out.

A significant proportion and the most integrated part, of the SAC lies within the Epping Forest District Council administrative area. The remainder lies within the London Boroughs of Waltham Forest and Redbridge (the latter of which accommodates a very small proportion of the SAC). As such the three local authorities have a duty, as a Competent Authority under the Habitats Regulations, to ensure that planning application and permitted development rights decisions comply with those Regulations and do not result in adverse effects on the integrity of the SAC.

This report sets out the proposed approach to managing and mitigating the effects of new residential development on the SAC as a result of additional recreational pressure.

Reasons for Proposed Decision:

To comply with the Council's general obligations as a competent authority under the Habitats Directive [article 6(3)] and Regulation 9(1) of the Habitats Regulations

Other Options for Action:

Not to adopt the Interim Approach to Managing Recreational Pressures on the SAC as a material consideration in the determination of planning applications and permitted development rights schemes which result in a net increase in residential units. This would prevent the Council, as local planning authority, from positively determining such proposals, where appropriate, as advised by Natural England, as the responsible statutory body, in its letter of 15 June 2018 (attached as Appendix 2).

In addition it would mean that the Local Plan may not be seen as deliverable at examination and therefore not be found sound.

Background:

1. In February 2017, the Council entered into a Memorandum of Understanding (MoU) for 'Managing the impacts of growth within the West Essex/East Hertfordshire Housing Market Area on Epping Forest Special Area of Conservation' with Harlow, East Hertfordshire and Uttlesford District Councils, Essex and Hertfordshire County Councils, Natural England and the City of London Corporation as Conservators of Epping Forest. The purpose of the MoU was to ensure that the parties named, worked in partnership to fulfil the following requirements:

- i. to collect and analyse data and evidence related to the impacts of proposed development and growth under the Local Plans to provide sufficient and robust evidence on which to base a strategy for the protection of the SAC;
 - ii. to commit to prepare a joint strategy, based on relevant available data and evidence and to an agreed timetable; and
 - iii. that the joint strategy will address both the requirement to avoid, or effectively mitigate, adverse impacts on the integrity of the SAC from Local Plan-led development and the requirement to prevent deterioration of the SAC features.
2. Policy DM 2 of the Local Plan Submission Version 2017 sets out the approach to considering development proposals in respect of their likely significant effect on both the SAC and the Lee Valley Ramsar. This Interim Approach has been developed in response to the Memorandum of Understanding, to support the implementation of Policy DM 2 and in order to comply with the Council's general obligations as a competent authority under the Habitats Directive and the Habitats Regulations.
 3. It should be noted that Natural England, in their response to the publication of the Local Plan Submission Version, set out that *'Further progress needs to be made in progressing the Mitigation Strategy under the MoU before a likely significant effect on Epping Forest as a result of recreational pressure can be ruled out.'* During the Independent Examination of the Local Plan, the appointed Planning Inspector will require evidence to demonstrate that the Council is able to deliver the required levels of development set out in the Plan, and provide for a five year supply of deliverable housing land against objectively assessed housing need targets. Without the strategy, there is a risk that the Local Plan will not be found to be 'sound'. This Interim Approach will form part of that evidence.
 4. In order to develop the Strategy to mitigate any likely significant effects on the health of the SAC from recreational pressures arising from new residential development work has been undertaken to:
 - a) Identify the Zone of Influence from within which the 75th percentile of visits to the SAC arise;
 - b) Develop an approach which sets out both the projects identified to mitigate the effect of additional visitors on the SAC, the costs of implementation, and how the monies to pay for the strategy will be secured.
 5. A Visitor Survey was undertaken in October/November 2017 which identified a 'Zone of Influence' of approximately 6.2km from the boundary of the SAC, together with an 'inner' area of 3km from within which the median number of visits arose. The survey was considered by Natural England and partners to have been undertaken using a robust methodology which is consistent with surveys undertaken elsewhere seeking to identify a 'Zone of Influence'.
 6. The Interim Approach which is the subject of this report has been developed through joint working with the Conservators of Epping Forest and relevant local authorities,

with oversight from Natural England. It should be noted that the Interim Approach covers the whole of the SAC area, not just that part which lies within the Epping Forest District Council administrative area. The other local authorities which have parts of the SAC located within their boundaries are the London Boroughs of Waltham Forest and Redbridge.

7. It is proposed that the Interim Approach will be updated, if necessary, in the second half of 2019 following the outcome of a further visitor survey which will cover the summer period. This will enable a 'sense-check' to be made of the outputs from the 2017 Visitor survey, recognising that this was undertaken during the autumn period. It will also assess the progress of the Masterplanning of the strategic sites identified within the Interim Approach and the contribution that they are likely to make in terms of the provision of Suitable Alternative Natural Green Space (SANGs), which is of sufficient scale, character and form to attract visitors away from the Epping Forest itself. This will then support an assessment of whether there is a need for, in particular, development at North Weald Airfield to make a financial contribution towards the implementation of mitigation schemes, and whether a full contribution for the land south of Epping should be sought.
8. It should be noted that Epping Forest District Council (EFDC) has been advised by Natural England that it is unable to issue any planning permissions for residential development resulting in a net increase in new homes until such time as an interim approach to address both recreational pressures and any air quality effects on the SAC has been adopted. It is understood that this advice, with particular regard to recreational pressures, also applies to other local planning authorities where new residential development falls within the Zone of Influence. (See Appendix 2 attached). It is therefore critical that this Interim Approach is adopted as a matter of urgency because of the effect it is having on the delivery of new homes. The matter of air quality is being considered separately, and will be reviewed following the outputs of air quality modelling work that has been commissioned by EFDC, the results of which are due imminently.

Levels of contributions to be sought

9. The approach to apportioning the costs of implementation of the strategy and measures set out in the Interim Approach has sought to take a proportionate approach having had regard to the findings of the 2017 Visitor Survey and to Environmental and Planning Regulations, as well as national policy and guidance. The total level of contribution to be sought from residential development within the Epping Forest District Council administrative area up to 31 March 2033 is **£1,347,837**. Regulation 70(2) of the Habitats Regulations provides the legal basis for imposing the 'condition or limitation' that planning permission or prior approval is to be subject to a contribution, delivered by way of a Section 106 planning obligation (under Town and Country Planning Act 1990), in accordance with the interim mitigation strategy. The apportionment to the other two competent authorities together with the contribution attributed to this District will fully fund all the mitigation measures projects set out in Appendix 1. The funding provides for a rolling external project evaluation to take place regularly and it is proposed that the costs of individual components may be reviewed as part of an annual updates based on the

outcomes of individual project evaluation if this identifies that there has been either an underestimation or overestimation of the costs attributed.

10. The contribution to be sought from individual residential development schemes within 0 – 3 kms of the boundary of the Epping Forest SAC, where there is a net increase in the number of residential units is as follows:

Cost per dwelling: £352

Residential care home schemes will be assessed on a case by case basis to determine whether they need to make the above contribution, dependent upon the nature and level of care being provided and the likely level of independence of occupiers.

11. Because of the time constraints this report is being brought to the Council's Cabinet at the earliest possible opportunity and therefore final comments with regard to the details of the Interim Approach are awaited from:

- London Borough of Redbridge
- London Borough of Waltham Forest
- Natural England

Comments from the Conservators of Epping Forest on the Interim Approach have been incorporated in the report and are attached as Appendix 3.

Resource Implications:

The Section 106 contributions collected in accordance with the Interim Approach will also fund the costs of employing staff, namely a Mitigation Strategy Delivery Officer and an apprentice. The posts would be managed by the Conservators of Epping Forest. Consequently, the implementation of the Approach, with the exception of negotiating the provision of Strategic Alternative Natural Green Space within the Masterplanning areas of Water Lane, Latton Priory, North Weald Airfield and south of Epping, would not have resource implications for the Council. The resources needed for the Masterplanning work are being provided by the Council's Implementation Team. The costs of entering into planning obligations would be borne by applicants.

Legal and Governance Implications:

The Local Plan, the Interim Approach and the level of contributions identified have been developed in accordance with Government Policy (NPPF) and Planning and Environmental Law.

Safer, Cleaner, and Greener Implications:

The Local Plan contains a policy designed to promote the notion of making good places to live, work and visit. This will include safer by design principles, sustainable development, the provision of alternatives to the car, energy efficiency and environmental considerations as well as quality green infrastructure. The Interim Approach and contributions being sought would promote these objectives.

Consultation Undertaken:

The Local Plan has been developed in partnership with other Local Authorities under the Duty to Co-operate, Local Stakeholders and in consultation with residents. The Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation itself has been developed with Natural England, the City of London Corporation (as Conservators of Epping Forest) and relevant local authorities as set out in the Interim Approach attached at Appendix 1.

Background Papers:

Memorandum of Understanding 'Managing the impacts of growth within the West Essex/East Hertfordshire Housing Market Area on Epping Forest Special Area of Conservation'. February 2017. See - <http://www.efdclocalplan.org/wp-content/uploads/2018/02/EB1200-MoU-Impacts-of-Growth-within-the-W-Essex-E-Herts-HMA-on-EF-SAC-February-2017.pdf>

Epping Forest Special Area of Conservation Visitor Survey March 2018. See <http://www.efdclocalplan.org/wp-content/uploads/2018/08/EB715-Epping-Forest-Visitor-Survey-Footprint-Ecology.pdf>

Letter from Natural England dated 15 June 2018 (attached at Appendix 2) including Annex 1 setting out Natural England's additional advice for consideration when undertaking a Habitats Regulations Assessment for Development Affecting Epping Forest SAC.

Risk Management:

If the Council was not to take a pro-active approach to developing and implementing an approach to managing the effects of recreational pressures arising from development on the Epping Forest Special Area of Conservation there is a real risk of being found unsound at Examination. Notwithstanding this the Council, as local planning authority, would be prevented from determining planning applications and applications for prior approval under permitted development schemes which result in a net increase in residential units. This would have an adverse effect on the Council's five year housing land supply position and how it would perform against the government's newly introduced Housing Delivery Test.

Section 1: Identifying details
Your function, service area and team: Planning Policy, Neighbourhoods
If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team:
Title of policy or decision: Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation
Officer completing the EqlA: Tel: Alison Blom-Cooper Email: ablomcooper@eppingforestdc.gov.uk
Date of completing the assessment: 11 September 2018

Section 2: Policy to be analysed	
2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? Yes – new policy
2.2	Describe the main aims, objectives and purpose of the policy (or decision): To agree an approach to managing recreational pressures on the Epping Forest Special Area of Conservation What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? To secure the implementation of mitigation schemes
2.3	Does or will the policy or decision affect: <ul style="list-style-type: none"> • service users • employees • the wider community or groups of people, particularly where there are areas of known inequalities? <p>The Mitigation Strategy will have an impact on the wider community who use the Forest including those with mobility issues.</p> <p>Will the policy or decision influence how organisations operate?</p> <p>Yes – it will support the Conservators in implementing projects to mitigate the impact of visitor pressure on the Forest..</p>
2.4	Will the policy or decision involve substantial changes in resources? Yes – for the Conservators
2.5	Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?



	<p>The decision supports the implementation of policies within the Council's Local Plan, the adoption of which is a key corporate priority as set out in the Council Plan</p>
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Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>Survey information has provided an understanding of the nature and frequency of activities undertaken by visitors to the Epping Forest SAC.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>Yes – through the Council’s Local Plan process and through Duty to Co-Operate Mechanisms.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>See above</p>

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	None	N/A
Disability	None	N/A
Gender	None	N/A
Gender reassignment	None	N/A
Marriage/civil partnership	None	N/A
Pregnancy/maternity	None	N/A
Race	None	N/A
Religion/belief	None	N/A
Sexual orientation	None	N/A

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	✓ No <input type="checkbox"/>	
		Yes <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

No actual or likely adverse impacts have come to light.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service: Alison Blom-Cooper

Date: 11 September 2018

Signature of person completing the EqIA:

Date: 11 September 2018

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.

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Appendix 1 – Interim Mitigation Strategy for Epping Forest Special Area of Conservation

Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation

Epping Forest

1. Epping Forest (the Forest) was a former royal forest and whilst it is London's largest open space, it also provides significant open space opportunities for residents from within and beyond Epping Forest District. It covers some 2400 hectares framed by Walthamstow to the south, the Lee Valley to the west, the M11 to the east and the M25 to the north. The Forest is run by a charity owned and managed by the Corporation of London Corporation under the Epping Forest Act of 1878, which established the City of London Corporation as the Conservators of Epping Forest. A history of the Forest can be viewed at:

<https://www.cityoflondon.gov.uk/things-to-do/green-spaces/epping-forest/heritage/Pages/history-of-Epping-Forest.aspx>

2. The Forest is managed by a team of Forest Keepers, grounds and other staff led by a Superintendent. It is patrolled 365 days a year by Forest Keepers whose role is to assist the public to enjoy the Forest safely and to protect the Forest from inappropriate damage or abuse. The Forest Keepers are also attested constables and enforce the Epping Forest byelaws. If necessary, this includes prosecuting byelaw infringement cases in the Magistrates Court.
3. Two thirds (1728ha) of the Forest is designated as a Site of Special Scientific Interest (SSSI) with 1,605ha of that area also designated as a Special Area of Conservation (SAC). The site hosts three Annex I habitats, together with the Stag Beetle, a species listed on Annex II.
4. The Forest comprises wood-pasture with habitats of high nature conservation value including ancient semi-natural woodland, old grassland plains, wet and dry heathland and scattered wetland. The woodland represents one of the largest continuous semi-natural blocks in the country, characterised by groves of over-mature pollards. The plains contain a variety of unimproved acid grasslands uncommon elsewhere in Essex and the London area. The Forest supports a nationally outstanding assemblage of invertebrates, major amphibian interest and an exceptional breeding bird community. The Forest lies on a ridge of London clay overlain in places by Claygate Beds, and in the highest areas by Bagshot Sand and Pebble Gravel. The varied geology gives rise to a mosaic of soil types from neutral soils to acidic loams and from impervious clays to well-drained gravels. To a large extent the soil patterns have dictated the pattern of vegetation. Historically Epping Forest was managed as wood-pasture through pollarding, which declined during the 19th century and eventually ceased in 1878 under the Epping Forest Act. Recently pollarding has been reinstated in some places.

5. The Forest is also of great historical interest both for the history of its land use as a royal forest and wood pasture, and for specific historical features including two Scheduled Ancient Monuments: Ambresbury Banks and Loughton Camp.
6. SACs are within the top-tier of nature conservation sites within the UK. European legislation, which is transposed into the domestic Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), and also stipulated within the National Planning Policy Framework (NPPF), affords European sites the highest levels of protection in the hierarchy of sites designated to protect important features of the natural environment.
7. The legislation sets out that where a land use plan, either alone or in combination, is likely to have a significant effect on a European site, the plan-making authority must undertake a Habitats Regulations Assessment (HRA). This applies to Local Plans produced by local authorities, in addition to Neighbourhood Plans produced by local communities. Such plans set out a broad quantum of housing growth. HRA work must therefore consider the overall impacts of such growth – in combination with neighbouring authorities – and where there are any likely significant effects, adverse effects on the integrity of the site must be ruled out¹.
8. A significant proportion and the most integrated part, of the SAC lies within the Epping Forest District Council administrative area. The remainder lies within the London Boroughs of Waltham Forest and Redbridge (the latter of which accommodates a very small proportion of the SAC). As such the three local authorities have a duty, as a Competent Authority under the Conservation of Habitats and Species Regulations 2017, to ensure that planning application decisions comply with those Regulations and do not result in adverse effects on the integrity of the Epping Forest SAC.
9. As a result of concerns relating to recreation pressure on Epping Forest SAC, the authorities of East Hertfordshire District Council, Epping Forest District Council, Harlow District Council and Uttlesford District Council signed a joint Memorandum of Understanding (MoU) relating to Epping Forest². Other signatories on the MoU include the relevant County Councils, the Corporation of London and Natural England. The aim of the Epping Forest MoU is to ensure the parties work together:
 - to collect and analyse data and evidence related to the impacts of proposed development and growth under the Local Plans to provide sufficient and robust evidence on which to base a strategy for the protection of Epping Forest SAC; and
 - to commit to prepare a joint strategy, based on relevant available data and evidence and to an agreed timetable.

¹ Unless there are imperative reasons of overriding public interest.

² Memorandum of Understanding 'Managing the Impacts of Growth within the West Essex/East Hertfordshire Housing Market Area on Epping Forest Special Area of Conservation' - <http://www.eppingforestdc.gov.uk/phocadownload/ForwardPlanning/mou%20impacts%20of%20growth.pdf>

10. The joint strategy is intended to address both the requirement to avoid, or effectively mitigate, adverse impacts on the integrity of the SAC from Local Plan-led development and the requirement to prevent further deterioration of the SAC features. The MoU sets out the need for visitor survey work. The final strategy will also include approaches to mitigating the impacts on the health of the Forest from air pollution, primarily from growth in traffic levels on roads passing through the Forest.

Concerns relating to recreation

11. Epping Forest provides an attractive, extensive area of open semi-natural habitat close to London. As such it is a popular destination for recreation and provides an important function as a greenspace. There are 52 different car-parks and four visitor centres and estimates of visitor use indicate around 4.2 million visitors visit the forest each year³. Since Epping Forest was entrusted to the City of London, the provision of the space for public recreation and enjoyment has been a legal obligation and one of the key priorities for the Conservators. There is however a considerable challenge to balance the needs of the high (and growing) numbers of visitors with the natural aspect of the Forest and the nature conservation interest. Growing numbers of visitors can result in conflict for space among users and demand for more facilities, such as parking, refreshments and toilets. There are also a number of potential ways recreation could have an impact on the nature conservation interest of the site. These include:

- Eutrophication from dog fouling;
- Trampling/wear, leading to soil compaction, vegetation wear, erosion and damage to veteran tree roots;
- Increased fire risk (and potentially difficulties in access for emergency vehicles if gates etc. are blocked);
- Difficulties in establishing the best grazing management due to interactions between visitors and livestock;
- Direct damage to veteran trees, for example from climbing on them;
- Harvesting, for example fungi, deadwood;
- Disturbance to invertebrates and other wildlife;
- Spread of disease;
- Spread of alien plants;
- Staff time taken away from necessary management due to the need to deal with vandalism, breaches of byelaws etc.; and
- Direct damage and vandalism of infrastructure.

12. The Corporation of London currently undertakes on-going assessments of access and options, including focussing on the popular areas, to determine whether they can cope with current access levels. The Corporation manages 33km of surfaced trails to support all-year round use (thereby reducing pressure on other areas) and each year temporary signage is put in place where there are concerns. Despite these measures,

³ This figure is from the Management Plan consultation and is from 2014.

there is growing concern about the challenges of coping with the high visitor numbers and the potential for damage to the SAC interest if access levels keep increasing. Increased housing development around the SAC will result in more people living nearby and as such may increase recreation use.

Evidence base

13. Existing visitor survey information held by the Corporation of London relates to work undertaken between 2010 and 2014, when a considerable volume of visitor survey work was undertaken at Epping Forest, involving staff and volunteers together with specialist consultancy support. The results are set out in a series of annual reports. The work was undertaken as part of the Branching Out project and funded through the Heritage Lottery Fund. These surveys provide information on overall visitor numbers and the spatial distribution of access within Epping Forest, however the work did not generate home postcodes from a robust sample of visitors (much of the data were collected through on-line surveys and direct observation).
14. Recognising that further evidence was needed to support the development of the Strategy using a more robust methodology, the City of London Corporation, Epping Forest, Harlow, East Hertfordshire and Uttlesford District Councils and the London Borough of Waltham Forest, commissioned Footprint Ecology to undertake a Visitor Survey in 2017. The aims of the survey were to:
 - Identify where visitors originate from in order to understand where new development may result in an increase in use to the SAC;
 - Understand the activities taking place in different parts of the SAC and the relative draw of the Forest for people undertaking particular activities; and
 - Inform mitigation measures, i.e. to gather information on what measures might be effective in changing behaviour, influencing where people go and what they do.

The Epping Forest Visitor Survey Report 2017 sets out both the methodology used for the surveys and the findings arising from it and can be viewed at <http://www.efdclocalplan.org/wp-content/uploads/2018/08/EB715-Epping-Forest-Visitor-Survey-Footprint-Ecology.pdf>

15. The survey results have underpinned the preparation of this joint strategy in order to address avoidance and mitigation measures relating to increased recreational pressure arising from local plan-led development. Such strategies are commonly known as a 'Strategic Access Management and Monitoring Strategy' (SAMMS).
16. Survey work was undertaken during October and November 2017 and involved counts of people passing ('tallies'), and interviews with a random selection of people. The surveys took place at 15 locations, carefully selected to provide a good geographical spread across Epping Forest and to

include a range of different types of access points, from large 'honey-pot' car-parks within the Forest to paths around the edge of the Forest with little opportunity to park. Survey work was similar across all survey locations, allowing direct comparison. The survey locations and associated data relates solely to those parts of Epping Forest designated as SAC as opposed to the wider Forest area within the control of the City of London Corporation.

17. Part of the purpose of the Visitor Survey was to identify a 'Zone of Influence' for the purposes of Local Plan policy development and the determination of planning related applications. The Zone of Influence (ZOI) for the Epping Forest SAC has been drawn based on where the 75th percentile of visitors comes from. This is a nationally recognised approach which has been adopted by other authorities across the country for the purposes of identifying Zones of Influence surrounding both SACs and Special Protection Areas. The ZOI for the Epping Forest SAC extends for a distance of 6,176metres from the SAC boundary. The median distance is 3,084 metres. Maps showing the ZOI and the median distance are attached at Appendix 1. The local authority administrative areas which fall within the ZOI (either in whole or part) are as follows:

Epping Forest District
London Borough of Waltham Forest
London Borough of Redbridge
Harlow District
Broxbourne Borough
Brentwood Borough
London Borough of Newham
London Borough of Enfield
London Borough of Hackney
London Borough of Haringey
London Borough of Tower Hamlets
London Borough of Barking and Dagenham
London Legacy Development Corporation

18. As a result any additional homes built within the ZOI, when taken in combination with other plans and projects, have the potential to increase pressure on the Forest, and have a Likely Significant Effect on the health of the Forest. There is no way of preventing more people who come to live in the ZOI as a result of new residential development from visiting the Forest in order to avoid placing further pressures on it. Therefore there is a

need to undertake measures to mitigate these Likely Significant Effects and for new developments to make a contribution towards their implementation.

Mitigation Measures:

19. A number of costed schemes and people resources needed to support the implementation of measures have been identified in partnership with the City of London Conservators. These have been developed taking into account the mitigation measures needed for the whole of the SAC area rather than on an authority by authority basis, recognising that visitors from one local authority administrative area often go to a part of the SAC that lies within a different local authority administrative area. The schemes identified, and their associated costings have been developed and programmed to cover the period up to 2033. Year 1 is 2019. The periods are taken as being for the purposes of project costings is from 1 April 2019 – 31 March 2033. These are set out in Table 1 below.

Strand 1a – Mitigating Recreational Impacts							
Descriptor	Capital Initiation Costs	Capital Funding Duration	Annual Costs or other	Funding Duration (Years)	Total Cost	Cost Calculation Notes	Rationale and justification
Traffic control and car impact reduction measures and monitoring, as part of Integrated Forest Transport Strategy (including physical management of car parks)	n/a	n/a	tbc	Capital Years 2-10	£350,000	<ul style="list-style-type: none"> ➤ Road closure/Traffic Regulation Orders (e.g. Fairmead Road) (£35,000 in total by Year 5); ➤ Car Park controls (gates, CCTV) (£18,000 per car park – 5 car parks – one per year Years 2-6) for seasonal restrictions and night-time control of access; ➤ Re-locating car park capacity and resurfacing/surfacing ➤ Improved access for non-car use – incl. new, safer crossing points over main roads (A104, A121) to provide links along Forest visitor trails and circuits from peripheral Forest entrance areas (e.g. Honey Lane, Chingford-The View 'hub') 	<ul style="list-style-type: none"> ➤ Re-direct/exclude cars from more sensitive sites & during sensitive periods of the year, (e.g. heathlands in SAC and relocate capacity to deal with increased visitor pressure). ➤ Re-locating car park capacity – closures and expansions with additional surfacing improved surfacing possible (e.g. increasing car park capacity away from High Beach/improved surfacing at Chingford hub) ➤ seasonal car park closures and seasonal capacity shifts;

High Beach and Honey Lane Quarters 'hub' Improving resilience: increasing visitor capacity while reducing damage	n/a	n/a	Tbc	Capital and revenue projects (a 5 – 6-year implementation period)	£200,000	<ul style="list-style-type: none"> ➤ Master-planning costs to examine the options for increased visitor numbers while reducing impacts on SAC trees, vegetation and soils (especially steep slopes) ➤ Costs include new, extended & re-aligned paths & circular walks, provision of board-walk/crossing points at Wellington Bog and beech forest streams; pre-emptive ancient tree root protection /soil erosion prevention through fencing, re-siting/enlarged refreshments facilities away from SAC 	<ul style="list-style-type: none"> ➤ The recent capital investment in parking with ECC (Highways) has dealt with current average numbers at High Beach but investment would be required to prevent further increase in visitor numbers, particularly weekend peak visits and reduce impact. ➤ redirecting access and provision of walk-ways to move visitors away from sensitive areas and soils including steep slopes, beech trees, heathland bog and acid grassland habitat ➤ attract new visitors away from High Beach to prevent and try to reduce pressure on this 'honeypot'
Leyton Flats					£200,000	Detailed wording is awaited from the Conservators but the proposal is to undertake masterplanning work for the site. Therefore an initial cost has been provided based on the High Beech project costs.	
Physical management of paths and tracks across other SAC areas <i>Dealing with increasing wear-and-tear.</i>	n/a	1 year (easy access path)	£15,000 (easy access path)	14 years for annual work plus £15,000 for easy access path repair/upgrade in SAC (excluding High Beach Masterplan)	£225,000	<ul style="list-style-type: none"> ➤ Upgrade easy access path – @ £15/m - Lords Bushes/ Knighton (Year 3) (£15,000) ➤ Annual repair and upgrade to SAC ride/path/Multi-user trail (MUT*) network to cope with increased annual use @ £30/m – 0.5km per year each year (£15K) 	<ul style="list-style-type: none"> ➤ Upgrade easy access path/ "visitor offer" to take greater visitor pressure away from central area and towards urban edge of Forest nearer London transport ➤ Maintenance of access infrastructure (especially *MUTs) to accommodate increase use and protect vulnerable beech forest and heathland vegetation (excludes areas within High Beach Masterplan (see above).
Signage at transport nodes- Map and Interpretation including installation			£2500	4 years – one per year	£10,000	<ul style="list-style-type: none"> ➤ Map and Interpretation board signposting sustainable routes to Forest at main train stations: Chingford, Loughton, Theydon Bois, Epping 	<ul style="list-style-type: none"> ➤ Increase use of public transport access to Forest and reduce car impact
Interpretation roll out Forest-wide			£2000	10 years	£20,000	<ul style="list-style-type: none"> ➤ Installation of interpretation boards across Forest SAC 	<ul style="list-style-type: none"> ➤ Access information – panels and waymaking/SAC-specific habitat information

						areas encouraging visitors to stay local	interpretation
Visitor engagement campaigns			£2000	10 years	£20,000	<ul style="list-style-type: none"> ➤ Production of promotional material; banners, leaflets, pop-up stalls to assist volunteer Forest Ambassadors (see below) 	<ul style="list-style-type: none"> ➤ Community out-reach work (also see above work for Mitigation Officer tasks)
Bicycle hire scheme			£6000	Year 3	£6,000	<ul style="list-style-type: none"> ➤ Installation of cycle parking drop off points working in partnership with cycle hire business in Forest and surrounding open spaces e.g. Lee Valley 	<ul style="list-style-type: none"> ➤ Encourage sustainable travel and sustainable links to other open spaces to spread visitor pressure
Cycle Map			£2000	Year 3	£2,000	<ul style="list-style-type: none"> ➤ Production of cycle map to encourage visits by cycle / cycle hire instead of car 	<ul style="list-style-type: none"> ➤ Reduce car travel within SAC road network
SAC Ambassadors			£20,000	Years 2-5 (to be reviewed in Year 5)	£60,000	<ul style="list-style-type: none"> ➤ Campaign, recruitment and training of SAC Ambassadors to run educational activities, roadshows and pop ups in Forest on topics – officer post part time: ➤ Sense of place (awareness Forest is special place) ➤ Share the path (codes of conduct) ➤ Leave no trace (litter) ➤ Monitoring/recording access 	<ul style="list-style-type: none"> ➤ Leave the car (alternative routes) -promoting alternative routes and awareness of impacts of dogs on cattle grazing areas and heathland ground-nesting birds (e.g. Woodcock) ➤ Path – sharing conduct will be vital as pathways become busier to accommodate increased visitor peaks ➤ Epping Hounds project (engaging with dog owners to reduce impacts of dogs on the Forest habitats and heathland birds, grazing deer)
Strand 1b – Avoiding and Mitigating Recreational Impacts							
Mitigation Strategy Development & Visitor Masterplan Consultancy advice	n/a	n/a	70 days at £500 per day average	Year 1 & Year 8 (for review) ESTIMATED NO. DAYS – 70 days	Up to £35,000	<ul style="list-style-type: none"> ➤ up to 60 days' consultancy in Year 1; ➤ 10 days' consultancy for review and report and independent oversight of Strategy in Year 8 	<ul style="list-style-type: none"> ➤ Masterplan: engage consultant to produce spatial strategy for visitors; ➤ Project plan and refine costs for proposed SAMMs (below) and advise on relative contribution of SANGs ➤ Ensure Habs Regs Assessments of SMM Projects in SAC if required by NE ➤ Liaison with NE, MoU LPAs and CoL officers to pull together and report on detailed mitigation options and requirements ➤ Involved with recruitment of the delivery

							officer post (see below)
Mitigation Strategy Delivery Officer (Project Management and field monitoring experience)	£10,200	1 Year	£50,477	Years 2-14 13 Years	£700,099	<ul style="list-style-type: none"> ➤ Scale D SCP 1035 £32,000 + Outer London Weighting £3,350 = £35,350 + 31.8% On Costs £11,245 (overheads, workstation training) + ULEZ compliant electric lease £6,289 	<ul style="list-style-type: none"> ➤ Key liaison person for project consents from Natural England and any detailed assessment work required by NE ➤ Contribute to new Forest Transport Strategy and liaise with highways authorities ➤ Procurement, implementation and supervision of contractors ➤ Management of SAC Ambassadors and volunteers ➤ SAC part of Sustainable Visitor Strategy implementation - coordinating with Visitor Services Team ➤ Advice on SANGs development possibly including CoL 'buffer lands' ➤ SAC Impacts Monitoring Strategy ➤ Community out-reach ➤ Annual report to all Mitigation Strategy/MoU partner organisations and contributing developers
Apprentice	£10,200	7 years	£25,807	Years 2-14 13 years	£396,013	<ul style="list-style-type: none"> ➤ Level 3 London Living Wage £18,990 + 31.8% on-costs £6,040 (overheads, workstation, training,) + College Sponsorship £2,070 – 2 years = £25,807 	<ul style="list-style-type: none"> ➤ Lowest cost option to ensure assistance for Mitigation Delivery Officer, particularly in monitoring projects and gathering evidence on biodiversity impacts. ➤ assist with community out-reach and volunteers supervision.
Strand 2 – Monitoring and Evaluating Mitigation Impacts							
Visitor Surveys (incl for relevant SANGS and buffer lands)	£30,000	4	n/a	Years 1, 4, 9	£75,000	<ul style="list-style-type: none"> ➤ Delivery by external consultants 	<ul style="list-style-type: none"> ➤ Visitor survey to include survey across two periods in any one calendar year– including summer months (Jun -Aug incl) ➤ The Year 1 survey to cover the Jun-Aug period only – to be used to build on the outputs from the Autumn 2017 survey. ➤ Expanded to include SANGs sites where applicable to look at interactions ➤ To assess relative contributions of local authority areas and changing distributions of visitors and changing visitor demands
Monitoring visitor impacts on soils and ecology of SAC				Baseline (by Year 2, then Years 4, 8, 12)	£74,000	<ul style="list-style-type: none"> ➤ Delivery by External consultants and possibly FPPs with volunteer assistance 	<ul style="list-style-type: none"> ➤ Baseline and 'controls' set-up plots on heathlands and at visitor pressure areas by Year 2 ➤ Repeat monitoring of vegetation plots Years 4,

				plus bi-annual FPPs (£2,000 each year – starting Year 1 or 2 – in 8 years to Year 14)			8, 12, 16 and selected beech tree health ➤ Bi-annual Fixed-Point Photograph (FPPs) monitoring of main erosion areas ➤ Soil compaction/penetrometer testing – repeat plots
Rolling External Project Evaluation	n/a	n/a	£5,000	Every two years – excluding Years 1 and 8	£30,000	➤ Delivery by External consultants (excluding Years 1 and 8 covered by Mitigation Development consultants)	➤ External consultancy to evaluate projects annually and provide briefing reports to Mitigation Strategy Delivery Officer and Oversight Group
Strand 1 Sub-Total					£2,414,112		
Strand 2 Sub-Total					£179,000		
Total for period to 2033					£2,593,112		

Review of costs:

20. It is important to recognise that the above costs are taken from a base year of 2018. Consequently, it is proposed that the costs will be updated on 1 April each year to take account of inflation. Build costs will be based on the Construction Output Price Indices published by the Office for National Statistics whilst staff and consultancy costs will be based on any annual wage increase proposed by the City of London Conservators, changes to on-costs as a result for changes in nationally set levels of employer contributions for National Insurance purposes, and CPI for consultancy costs. The sums of monies secured by way of a Section 106 legal obligation will be subject to an inflation related clause. In addition, the costs of individual components may be reviewed as part of the annual update based on the outcomes of individual project evaluation if this identifies that there has been either an underestimation or overestimation of the costs attributed.

How the costs of mitigation will be secured:

21. The route for securing the contributions will ultimately be for the individual local planning authorities to determine, including the specific approach as to which forms, types and sizes of new residential developments will contribute, but will normally be by way of a Section 106 legal obligation, or from Community Infrastructure Levy monies. It should be noted that the monies secured are not subject to Community Infrastructure Levy Regulations pooling restrictions⁴. Furthermore, contributions made from Community Infrastructure Levy monies are not precluded from being spent in another local planning authority area but the relevant Council's Regulation 123 list must identify the provision of the improvement, upgrading and management of open space. This does not, however, need to be specific to an individual site. It should be noted that Prior Approval

applications for changes of use to residential under the Town and Country Planning (General Permitted Development Order) are subject to consideration under the Habitats Regulations 2017 and will therefore still be liable for making contributions. However, this is achieved via a separate process to that of planning applications.

22. A key consideration with regard to securing any contributions is that they comply with the three ‘tests’ set out in the Community Infrastructure Regulations (Regulation 122) in that:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

23. In order to ensure compliance with Regulation 122 an assessment has been undertaken with the regard to the proportion of visitors likely to arise from additional residential developments within the ZOI by local authority area. This has then been used to ‘divide’ the overall mitigation costs to provide an overall level of contributions that would need to be secured within each local authority area over the period to 2033. The survey information provides a robust indication of the proportion of visitors originating from each local authority area within the ZOI. This information has then been extrapolated in order to define the overall financial contributions required towards mitigation from each local authority area. It is important to recognise that the number of people surveyed is not a direct indication of the number of people likely to visit from each local authority area. Consequently the use of percentages has been used to provide the likely proportion of visitors that would arise from each local authority area based on the number and distribution of visitors surveyed. Such an approach is consistent with approaches undertaken elsewhere in England.

24. The overall analysis of the percentage of visitors arising from each local authority administrative area in order to understand where the greatest pressure is likely to arise from is set out in Table 2 below and has been assessed on the following basis:

0 – 6.2 km ZOI: This is based on the percentage of visitors arising from each individual authority area within the entire ZOI

0 – 3 km: This is based on the percentage of visitors arising from each individual authority area within this area alone. This has been provided in order to reflect the fact that 93% of all visitors within the entire ZOI actually live within 3km of the Epping Forest SAC boundary.

3 – 6.2 km: This is based on the percentage of visitors arising from each individual authority area who live within this part of the ZOI based on the total number of interviewees who live within the ZOI.

0 – 3 km: This is based on the percentage of visitors arising from each local authority area who live within this area only.

The ‘Competent authorities only’ column provides the percentage of visitors arising from each of the competent local authority areas that arise from within that authority area (i.e. excludes those visitors who live within the London Boroughs of Enfield and Newham).

Local authority	0-6.2km	0-3km	3-6.2km	0-3km	Competent authorities only
Epping Forest DC	49.13%	48.39%	0.74%	52.00%	52.28%
LB Waltham Forest	34.24%	34.24%	0.00%	36.80%	37.00%
LB Redbridge	11.67%	9.93%	1.74%	10.67%	10.72%
LB Hackney	1.74%	0.00%	1.74%	0.00%	
LB Newham	1.24%	0.25%	0.99%	0.27%	
LB Enfield	1.24%	0.25%	0.99%	0.27%	
Broxbourne BC	0.74%	0.00%	0.74%	0.00%	
Harlow DC	0.00%	0.00%	0.00%	0.00%	
Brentwood BC	0.00%	0.00%	0.00%	0.00%	

25. The above demonstrates that the vast majority of visitors arise from within the three local authority areas of Epping Forest District and the London Boroughs of Waltham Forest and Redbridge, which are also the competent authorities under the Habitats Regulations 2017. Visitors arising from the other local authority areas are significantly less and, for the main part, visit on a less frequent basis. Consequently, when applying the CIL Regulation 122 ‘tests’ set out above, it is considered that, on the basis of the current evidence, and having also considered the costs and potential complexity of administration, that a proportionate and pragmatic approach would be to collect contributions to cover the costs of implementing the Strategy only from the competent authority areas of Epping Forest District and the London Boroughs of Waltham Forest and Redbridge. This reflects the scale, distribution and frequency of future visitors likely to visit the parts of the Forest designated as an SAC and also takes into account the potential costs of preparing Section 106 Obligations and subsequent administration which may cost more than the actual monies being collected.

26. On the basis of the above the costs to be apportioned to the Competent authorities are as follows:

Local authority	Apportionment (Percentage)	Apportionment (financial) to 2033
Epping Forest District Council	52.28%	£1,355,679
LB Waltham Forest	37.00%	£959,452
LB Redbridge	10.72%	£277,982

Futureproofing through the provision of Strategic Alternative Natural Green Space:

27. It is important to recognise that there are several strategic sites that have been proposed for allocation within the Epping Forest District Local Plan Submission Version which lie within, or partly within the 6.2km Zone of Influence, namely the Garden Town Communities of Latton Priory and Water Lane, as well as at North Weald Bassett and south of Epping. All of these sites are currently on greenfield land such that visitors to the Epping Forest currently originating from these locations are either non-existent or minimal. However, the sites will individually and collectively result in a significant increase in residents. Without any on-site provision of strategic levels of Natural Green Space of an appropriate form these new communities are likely to add further to recreational pressures on the Forest. Consequently, as part of the Masterplanning of these sites there will be an expectation that Strategic Alternative Natural Greenspace will be an integral part of their design. Dependent on the scale and form of such Green Space there may be a need to secure some financial contribution towards the implementation of the above projects and associated activities. This is because the Green Space may not provide all of the attributes necessary to attract all users away from the Forest. It should be noted that the provision of Greenspace at Water Lane and Latton Priory in particular could also contribute to ‘futureproofing’ development in terms of recreational pressures on those areas of Epping Forest outside of the SAC that are designated as Sites of Special Scientific Interest (SSSIs), the Lee Valley Special Protection Area/ Ramsar Sites and the Harlow Woods SSSI.

28. The following allocations within the Epping Forest District Local Plan Submission Version should therefore be required to provide Strategic Natural Green Space:

- Latton Priory
- Water Lane
- North Weald Bassett
- South of Epping Masterplan Area

At present no other opportunities outside of the Epping Forest District administrative area have been identified as providing the potential to act as Strategic Alternative Green Space.

Monitoring and Review:

29. It is important to recognise that whilst the schemes/resources identified, and the costs attributed cover the period up to 2033 this is an Interim Strategy. Monitoring of both the projects themselves, and further visitor surveys have been identified within the costings set out in Table 1 above. This includes undertaking a further Visitor Survey during the period June – August 2019 following which this Interim Strategy and, if necessary, the ZOI will be reviewed. In addition additional and/or alternative projects may arise in the future, or income generation created such as to off-set some of the costs identified above. Such projects and income-generating activities could, for example, involve the potential use of City of London Corporation owned 'buffer lands' as Strategic Alternative Natural Green Space, the need for increases in Keepers/Rangers or as a result of income gained from car parking charging or bike hire. It is also recognised that during the lifespan of the indicated projects there may be changes in terms of Local Plan Housing Requirements across the Zone of Influence. Any of these may result in a need to review and amend:
- i) The projects identified;
 - ii) The costs identified; and
 - iii) The apportionment from which contributions are sought in terms of the sum of monies that each authority is required to secure including the addition of authorities not currently identified above.
30. In reviewing further iterations of the Strategy beyond that indicated for 2019, it is important that an appropriate balance is achieved in terms of ensuring that the schemes proposed are achieving their purpose, and providing certainty to both the development industry and local planning authorities in terms of the requirements being sought such that neither the Strategy or the ZOI is reviewed year on year (this is distinct from the annual review of costs referred to in paragraph 20 above). Consequently, it is proposed that further reviews will be undertaken following the receipt of the outputs from the Visitor Surveys proposed in Years 4 and 9.

Date: 15 June 2018
Our ref: 247581
Your ref:



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Dear Mr Richardson,

Emerging Strategic Approach Relating to the Epping Forest Special Area of Conservation (SAC) Mitigation Strategy – Interim Advice for Development

Thank you for your letter dated 21st May 2018, requesting advice from Natural England on how your authority should respond to planning applications for minor development. Having considered your request, we have taken the view that until the updated Habitats Regulations Assessment (HRA) has been produced, all development needs to be considered in the same way, due to the complexities and uncertainties relating to air quality impacts on Epping Forest SAC.

Natural England is keen to work with Epping Forest District Council (EFDC) and other stakeholders to address the challenges of dealing with planning advice at this interim stage. Based on the information we have currently received, Natural England advises that minor developments will require a Habitats Regulations Assessment with EFDC acting as the competent authority. We recognise this is not an ideal situation but nevertheless sets out the situation if EFDC needs to determine planning applications at this moment in time in a manner that is compliant with the requirements of the Habitats Regulations. Natural England understands that further relevant information will be available soon (e.g. the Mitigation Strategy for Recreation and a revised HRA for the EFDC Local Plan) to enable us to review this initial interim advice.

Background to Local Plan Habitats Regulations Assessment (HRA) and Mitigation Strategy

We welcome the productive working relationship we have established with you regarding the development of the Mitigation Strategy to address air pollution and recreational pressure impacts on Epping Forest SAC and SSSI. We also welcome and support the additional work you are undertaking to update the Local plan HRA which we understand will include consideration of the following:

- Visitor Survey assessment (undertaken by Footprint Ecology)
- Updated transport and air pollution modelling
- Identification of proposed mitigation measures to address recreational and air pollution impacts
- Updated conclusions on whether there will be any adverse impacts, either alone or in-

combination.

We therefore recognise that there is going to be a period of difficulty for you in determining planning applications until these additional pieces of information are available. In our view it is going to be very difficult to identify suitable mitigation measures to minimise or remove any air quality impacts to enable a conclusion of no adverse effect on site integrity of the SAC to be reached at the individual planning application until the updated HRA has been prepared. It may therefore not be possible for you to determine such planning applications until the updated Local Plan Habitats Regulations Assessment has been finalised

Recreational Impacts

As part of the work required to produce the Mitigation Strategy, Footprint Ecology undertook a visitor survey to identify a recreational zone of influence and to identify the distance the majority of visitors will travel to visit Epping Forest SAC. This report identified that 75% of visitors travelled up to 6.2Km to the SAC. *Natural England therefore advises that in this interim period a zone of influence of 6.2Km is used to determine whether residential applications will have a recreational impact on Epping Forest SAC.*

Air Pollution Impacts

Given the above Natural England considers that significant uncertainty remains and that this uncertainty undermines the conclusions drawn in section 9. At this stage Natural England advises that neither an adverse effect nor a likely significant effect on Epping Forest SAC can be ruled out.

Work is now ongoing by your authority to update the HRA with respect to the likely air pollution impacts on Epping Forest SAC from the Epping Forest District Local Plan. Natural England has outlined our concerns in relation to the impacts the proposed level of growth and development could have on Epping Forest SAC as part of the local plan consultation process. Whilst we are of the view that there will be impacts *until the HRA has been updated Natural England doesn't have the following critical information to provide any interim advice* regarding how to deal with air pollution impacts:

- The severity of the in-combination air pollution impacts, especially with respect to whether there are any adverse effects and
- The mitigation measures which will be applied to reduce or remove any impacts to enable a conclusion of no adverse effects to be reached (where adverse effects have been identified)

In the absence of this information we are unable to identify additional mitigation measures which could be applied. Also there is uncertainty with respect to how long this interim approach would need to be in place, particularly given the current delay with the local plan.

Interim Approach

Normally minor development would not be considered to be complex or difficult. However, in this instance, due to the in-combination impacts of air pollution and recreational pressure, such cases should be considered as being complex. This is due to the difficulty in identifying mitigation solutions which are compliant with the Habitats Regulations ahead of the strategic approach which will be developed by the Mitigation Strategy, which in turn will be informed by the updated HRA. You might therefore want to regard these applications as complex and outside of routine planning decision targets.

We note that your authority has issued an interim statement detailing how planning applications will be considered in this interim period. In light of this statement we would advise that:

- All residential planning applications which are within 6.2Km of Epping Forest SAC need to be subject to a project level HRA to address recreational impacts,
- All residential and employment proposals within Epping Forest District likely to have an air pollution impact on Epping Forest SAC will need to be subject to a project level HRA. The Habitats Regulations Assessment requires the likely effect of plans to be considered alone and in combination with other plans/projects.

The factors which need to be considered to determine if the proposals are likely to have an air pollution impact are as follows:

- a) The proximity of the development to Epping Forest SAC and whether the proposal gives rise to emissions which are likely to contribute to adverse air quality effects (e.g. exceedances of AQ thresholds) alone, and in combination within Epping Forest SAC.
- b) Whether the proposal will result in an increase in traffic on roads in close proximity to Epping Forest SAC alone and in combination with other plans/projects and,
- c) Whether the SAC habitats and species features that are sensitive to air pollution effects are within 200m of the relevant key roads (i.e. all roads relevant to alone and in combination assessments including the EFDC HRA and MoU listed roads).

We have also provided some additional information which should be considered (Annex 1) when undertaking a HRA for impacts on the SAC.

Should you have any queries please do not hesitate to contact Jamie Melvin (e: Jamie Melvin: e: jamie.melvin@naturalengland.org.uk T: 02080261025)

Yours sincerely,



Aidan Lonergan
Area Manager – West Anglia Team

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Chairman, Epping Forest and Commons Committee

Philip Woodhouse



Cllr John Philip
Epping Forest District Council
High Street
Epping
CM16 4BZ

Date 14 September 2018

Dear John

Response to the Proposed Interim Mitigation Strategy for the Epping Forest Special Area of Conservation (SAC) – EU Code UK0012720

Thank you for inviting myself as the Chairman of the Epping Forest and Commons Committee and Epping Forest Verderer Melissa Murphy, along with officers, to attend the Co-operation for Sustainable Development Member Board meeting in Harlow on the evening of Monday 10th September.

At that meeting you requested the City of London Corporation's response to the Interim Strategy and its Covering Report by today, even though the papers had only been available to circulate on midday Thursday 6th September. Consequently, Verderer Murphy and I have only been able to view the documents on Friday, two working days prior to the meeting.

The City Corporation also notes that this request has been made while the two key London Local Authorities, London Borough of Waltham Forest (LBWF) and London Borough of Redbridge (LBR) have still not responded in full to the draft papers, including the Conservators' mitigation proposals, which were circulated in confidence to the Borough Councils a month earlier.

'No adverse impact' and a full mitigation strategy

In light of the above, the City Corporation feels the need to reiterate that in order to properly protect the Epping Forest Special Area of Conservation (SAC) from the pressures of forthcoming proposed development, there is a requirement for a whole series of preventative initiatives need to be implemented by Local Planning

Authorities (LPAs), acting in their role as 'competent authorities' under the Habitats Regulations 2017. These initiatives need to be brought together as part of a joint, full mitigation strategy to ensure that:

- air pollution is minimised;
 - urbanisation impacts are avoided, minimised or fully mitigated;
- and,
- increasing recreational pressures are managed by effective mitigation measures,

to avoid adverse effects on the special features of the SAC.

Interim Strategic Access Management and Monitoring Strategy on recreation welcomed

As part of this series of measures, the City Corporation recognises this Interim Strategic Access Management and Monitoring Strategy (SAMMS) as significant progress and welcomes the breadth of consultation across the assembled Oversight Group, that was coordinated by your Council and held on 25th July. The City Corporation is concerned to ensure that there is no misunderstanding about the purpose of this Interim Strategy. It does not address air quality, nor could it in the continued absence of traffic modelling and air quality assessment work. Neither does the Interim strategy address the urbanisation of the SAC, other than in the context of major allocated sites.

Prevention of SAC deterioration irrespective of new growth

As the Interim Strategy points out in paragraph 10, a joint, full strategy is intended to address the requirement to avoid, or effectively mitigate, adverse impacts on the integrity of the SAC from Local Plan-led development. In addition, as paragraph 10 goes on to state, there is an additional requirement for 'competent authorities' to prevent further deterioration of the SAC features. It is most important to emphasise that this latter requirement for preventative action is irrespective of new growth. In effect, there should be at least "no net loss" and the aim should be for a "net positive impact" (enhancement) through the implementation of Local Plan policies.

Recognition of the Mitigation hierarchy

This approach of 'no net loss' or 'net positive impact' is enshrined in the mitigation hierarchy, into which this Interim Strategy is required to fit. Avoidance should be the first step and then, if not possible, any mitigation should ensure a combination of both the minimisation of impact and remediation or restoration measures to ensure no net loss. Off-site measures, such as Sustainable Alternative Natural Greenspaces (SANGS), therefore are of key importance in the EF SAC Mitigation Strategy. Mitigation of recreation pressures on-site through the measures proposed in this Interim Strategy, while necessary, will not be sufficient on their own. Some measures may only act to minimise impacts rather than avoid or fully

mitigate them. Under this Strategy, monitoring measures are proposed to review the situation, but avoidance, minimisation and remediation measures will be required outside the Forest SAC.

Off-site measures including Suitable Alternative Natural Greenspaces (SANGS)

Therefore, further work is required to provide alternative off-site recreation sites to complement the on-site measures – detailed on pages 6-10 of Appendix 1, alongside the measures necessary to resolve air pollution and urbanisation issues.

Smaller residential developments need to be able to contribute to the development of substantial SANGS sites and to do this there needs to be a SANGS tariff set alongside the proposed SAMMs tariff. The Conservators, with a 60-year record in providing a buffer for the Forest, are well-positioned to make a significant contribution to the SANGS and provide advice on the optimum measures.

Importantly, the SANGS strategy need not only look to accommodate additional recreational pressures away from the SAC but also achieve environmental enhancement and remediation measures through habitat creation and restoration. Such enhancement of the environment would provide 'competent authorities' the opportunity to achieve 'net gains'. Areas for such SANGS could include parts of the buffer lands of the Forest and the City Corporation considers that it could include areas within the Forest, but outside the SAC, such as The Lower Forest (part of Epping Forest SSSI) and Wanstead Park which already are under pressure as alternative destinations to the SAC, as the 2017 Visitor Survey demonstrated clearly in the case of Wanstead Park & Flats.

Zone of Influence (Zoi) – importance of the 75th percentile

The City Corporation is also concerned about the way in which the Zones of Influence, both 75th percentile and median (50% of visits) distances, are being re-interpreted in paragraphs 23 – 25 of the Interim Strategy. The 2017 Visitor Survey Report's clear analysis (Footprint Ecology), to recognised statistical standards, has been subjected to separate breakdown of the figures, which results in confusing new statistics. For example, the 93.06% for the 0-3km "inner zone" is put forward as representing the "percentage of visitors originating from within 0-3km Median Zone". This presumably means 93% of the 50% (the median) of total visits but there is potential for confusion here. Also, the origins of visits may change over time and vary with the season. It remains possible that a summer visitor survey would show that more visitors come from further afield than in the autumn.

It seems unusually restrictive to limit the tariffs for SAMMS to developments and housing within 3km (the median) rather than the 75th percentile for visits to the SAC. The City Corporation understands that there may be an administrative costs issue, but such a restriction seems likely to arbitrarily and unfairly limit the financial contributions amongst residential developments. The lack of visits from within 3 –

6km from within Epping Forest District is largely because there are currently few residential centres in that zone which is largely Green Belt at the moment. and, without further robust review, could result in increasing pressure for small and medium developments to be created outside the 3km boundary in the Epping Forest District in particular.

The City Corporation is also concerned about a decision being taken here that may have implications for the final strategy, based on a relationship between administrative costs and tariff benefits for the interim strategy which may not apply later. While the City Corporation recognises that the LPAs, wish to take a pragmatic approach, this should be more clearly explained. It appears to the City Corporation that as a matter of principle, where development has an impact, mitigation measures are required. If a pragmatic arrangement is to be made for the EF SAC Interim Mitigation Strategy, reflecting administrative costs, then this should be made clear in the document.

This is of significance for a SANGS tariff (see above), as the inability of small developments to provide SANGS within their own curtilage makes their contribution to this form of 'minimisation' or mitigation important. In our view, smaller developments outside 3km must contribute to a SANGS tariff and the splitting of the Zol for the SAMMs tariff currently does not seem to fit with or anticipate this. In this regard, however, the City Corporation does welcome the undertaking in the Covering Report to the Co-op Member Board that the Interim Strategy would be reviewed in the latter part of 2019.

Costs undertakings by the 'competent authorities'

As you are aware the Conservators of Epping Forest have contributed considerable time and resources to the gathering of evidence through the visitor survey and research into air quality. In addition, the SAMMs proposals included in the proposed Interim Strategy involved a very significant amount of work from City Corporation Officers and Members. These SAMMs now require further development and costing to provide a robust basis for the full Strategy. As explained above, this work needs to be paralleled by the drafting of a complementary SANGS plan, as the SAMMS cannot be put forward alone.

In relation to both SAMMS and SANGS initiatives to assist the competent authorities to complete the necessary full strategy, the City Corporation needs to identify additional resources to be able to commit further officer time. It needs to be recognised, in the City Corporation's view, that such work would need to be 'front-loaded' to both maintain the momentum to achieve the required full Mitigation Strategy and meet the requirements of the Habitats Regulations 2017 in respect of Local Plan development decisions.

To enable this work to be completed by December, the Conservators are seeking a costs undertaking to help to cover the expenditure and resources required.

Such costs undertakings would provide the opportunity to jointly produce any SANGS strategy which would hopefully demonstrate a clear 'duty to cooperate' and provide the much-needed momentum to protect the SAC whilst allowing sustainable development under the Local Plans.

Resources available for a Mitigation Strategy

A clear component of any successful Mitigation Strategy is the implementation of mitigation measures ahead of the anticipated development pressure. The City Corporation therefore urges all the relevant authorities to ensure that they incorporate the contribution requirements within their development plans as soon as is practicable.

On behalf of the Epping Forest and Commons Committee, I would again wish to place on record my thanks for the opportunity to be fully involved in the development of the competent authority's EF SAC Interim Mitigation Strategy.

This year celebrates 140 years of the City Corporations stewardship of Epping Forest and 26 years since the foundation of the EC Habitats Directive. The adoption of an Interim Mitigation Strategy for Epping Forest marks an important further step in the continuing protection of this important international site.

Yours sincerely



Signed by
Philip Woodhouse
Chairman, Epping Forest and Commons Committee

Encs

Cc Derek Macnab, Acting Chief Executive Officer, EFDC
David Coleman - Project Manager - Planning Policy EFDC

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