

Chairman, Epping Forest and Commons Committee
Philip Woodhouse



Cllr John Philip
Epping Forest District Council
High Street

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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 [REDACTED], 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 [REDACTED] 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

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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 reinterpreted 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

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[Redacted]

Chairman, Epping Forest and Commons Committee
Philip Woodhouse

Cllr John Philip
Epping Forest District Council
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Date 23 July 2018

Dear John

**EPPING FOREST DISTRICT LOCAL PLAN
TOWARDS a JOINT STRATEGY for
EPPING FOREST SPECIAL AREA of CONSERVATION (SAC)
MITIGATION PROPOSALS for RECREATIONAL PRESSURES**

I am pleased to provide proposals, on behalf of the City of London Corporation as the Conservators of Epping Forest, to mitigate the impact of recreational pressures on the Special Area of Conservation (SAC).

Purpose of mitigation

Proposed housing developments in the surrounding local plans will lead to an increased number of visitors to the Forest, generating greater recreational pressure with ensuing adverse effects on the SAC. Recreational activities can cause damage in a number of different ways. These include the compaction and erosion of the Forest's undisturbed soils and damage to the roots of its ancient trees from increased foot-fall. Compaction leads to increased run-off of rain and reduces water availability in the Forest's drought-prone soils, particularly in the Beech forest and heathland areas. Roots, soil and vegetation, already polluted by general road traffic, are also susceptible to damaging enrichment in areas of high visitor numbers.

With increasing visitor pressure and urbanisation of the surrounding areas, the risks from fire events, the spreading of invasive species and diseases, water pollution, vandalism to habitat features and general disturbance of wildlife, especially ground-nesting birds and deer, will all continue to increase. This additional

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pressure will cause other impacts on management, including the need to monitor enlarged tree safety zones, if visitor routes expand, and the need for increased levels of supervision of conservation grazing and its infrastructure.

Some of the impacts on soils and roots and the effects of fires, invasive diseases and vandalism to habitats may be irreversible.

Some of the sites within the SAC are already regularly at or above capacity, such as Connaught Water and High Beach. The Conservators already expend considerable resources to protect the Forest whilst also fulfilling their other responsibility to provide a site for recreation and enjoyment. The recent HLF supported £6.25M *Branching Out* Project (2009 -2014), linked also to the Forest Transport Strategy (2009 – 2016), limited traffic speeds, redirected visitor pressure while strengthening the sustainable grazing management of the Forest in the face of the traffic and visitor access demands at the time.

Context for the mitigation proposals

A proposed zone of influence (Zol) defines the area within which residents tend to visit Epping Forest and, therefore, where new development has the potential to result in increased recreation. In the case of Epping Forest, a Visitor Survey conducted in October 2017 (Footprint Ecology 2017), and funded by five of the relevant local authorities, has determined a Zol of 6.2km. New housing developments within this Zol, taken in combination, are likely to generate visits to the SAC that could have a cumulative adverse impact on the integrity of the site.

Within Epping Forest District, the proposed levels of housing development in the pre-submission Local Plan would mean a greater than 12% increase of residential units within 6.2km of the Forest SAC boundary. Over 40% of this increase is projected for the next 5 years from 2019 (Appendix 5, pre-submission Local Plan). A very approximate, indicative scale of uplift in visitor numbers, as a result of this increase, can be based on figures from the various visitor surveys over the last 10 years. The 2017 Visitor Survey showed that 45% of visitors across the SAC arrived from within the District. Based on the estimated number of visits to the SAC areas of the Forest (3.5M approx.), drawn from City of London surveys, with 75% of visits arising from within 6.2km, the increase in housing could lead to approximately 150,000 extra visits within the SAC from Epping Forest District alone.

Request from Epping Forest District Council

In its role as the coordinating competent authority, as defined under the Memorandum of Understanding (MoU) for Epping Forest SAC, your Council asked the Conservators, as a matter of urgency, to propose measures that would mitigate recreational pressures on Epping Forest SAC. These measures would be included in an agreed Joint Strategy to assist you with your duties under the Habitats Regulations. Such a strategic approach would allow future housing development to comply with the Regulations.

To assist with the Strategy, The Conservators have already put significant time and resources into the evidence-gathering. This has included leading and coordinating the visitor survey referenced above and, this year, providing detailed advice on the site locations and methodology for the air quality monitoring project.

The Joint Strategy

The Conservators are keen to work positively with you to enable you to properly discharge your role as the coordinating competent authority, working with other relevant competent authorities, to secure long-term solutions which ensure that development plans do not adversely affect the integrity of Epping Forest SAC. The Joint Strategy will need to cover all aspects of mitigation for new growth and, therefore, should be developed to take account of air pollution, urbanisation effects and recreation. In our view, the latter issue must be tackled through offsite measures such as Sustainable Alternative Natural Greenspaces (SANGs) as well as through the on-site mitigation measures requested and provided here. Given the evidence from the visitor survey, the Strategy will also need to bring on board other planning authorities currently outside the MoU.

Measures to improve air quality

A key priority for the Joint Strategy is to prevent further damage from poor air quality and we await the considerably delayed outcome of the traffic and air quality modelling that is to form part of the Appropriate Assessment for the Local Plan.

SAMMS and SANGs

Alongside the SAMMS mitigation proposals that have been requested by your Council, additional mitigation measures are, in our view, also **essential** to prevent unsustainable recreational and traffic growth in the Forest. The Conservators consider that a coordinated Sustainable Alternative Natural Greenspaces (SANGs) strategy is of the highest priority. Even with the lower levels of development in the past, such provision was still important, and The Conservators have led the way in this approach for more than 60 years. We have protected a series of large 'buffer lands' incorporating public access. However, we consider that the local authorities, acting as Habitat Regulations 'competent authorities' now need to both enlarge and improve the quality of alternative public access provision.

The Epping Forest Visitor Survey (Footprint Ecology 2017) results provide an insight into the qualities required by visitors and these are in line with the evidence from elsewhere. Other competent authorities protecting other international sites have provided comprehensive guidelines for SANGs (e.g. Surrey Heath Borough Council for Thames Basin Heaths SPA SPD 2012). The correct size and design will be vital to ensure an improvement in the overall effectiveness of SANGs.

SANGs could be developed on existing public open spaces or new areas not currently available to the public to use. In both cases the carrying capacity would need to be enhanced but not at the expense of their existing environmental value. In the case of existing public sites, visitor surveys and ecological assessments would be required to determine the capacity of these sites for more visitors or different types of visits and events.

The Conservators, with their considerable experience and knowledge, are willing to assist the competent authorities in developing a joint SANGs strategy.

The current SAMMs mitigation proposals – an interim Joint Strategy

In spite of the importance of SANGs, the particular draw for visitors of the Forest SAC and its scale, as well as the relative expense of SANGs, mean that there needs to be a focus on SAMMs as a key part of the Joint Strategy. In responding to your Council's request for mitigation proposals, The Conservators, therefore, have carefully considered appropriate and proportionate SAMMs mitigation measures to help protect the Special Area of Conservation (SAC). We would expect all development to contribute to these SAMMs.

These measures deal only with the likely impacts from increased recreational pressures and concentrate on the impacts from Epping Forest District. They also do not examine in any detail measures for areas of high visitor pressure in the south of the Forest SAC (e.g. at Leyton Flats), for which a dialogue is required with the London Boroughs.

Without this further information, we can only regard these proposed mitigation measures as part of an **interim** mitigation strategy. The costed SAMMs proposals, to form part of this interim strategy, are presented in a spreadsheet format attached to this letter.

Pre-submission Local Plan and a Statement of Common Ground

In the meantime, whilst we seek to work positively with you in relation to the progression of the Joint Strategy, I should make clear at this point that The Conservators reserve their position regarding our objections to the Regulation 19 pre-submission Local Plan made in January 2018. Much remains to be resolved by the competent authorities with regards to the protection of the Forest from adverse 'in combination' impacts, not least the problems of traffic generation and air quality. In addition, we await the outcomes of master planning for the larger proposed housing development and, as said above, a strategy for Sustainable Alternative Natural Greenspaces. We also remain concerned about the impacts of specific housing locations, as we detailed in our response to the Plan.

We anticipate seeing modifications to your Local Plan to address wider Forest concerns, including the impacts of urbanisation and the need for a clear buffer against development around the Forest boundaries. We remain ready to discuss a Statement of Common Ground between us and to seek resolutions to the outstanding issues.

Next steps

In the spirit of partnership-working, embodied in the Memorandum of Understanding for Epping Forest SAC, we would be pleased to discuss and review the SAMMs proposals put forward here. We look forward to meeting to develop these proposals with a steering or oversight group, including the London Boroughs. We also look forward to assisting in the broadening and deepening of the Joint Strategy by meeting over the next few months to take account of all the issues raised and to discuss funding tariffs and mechanisms as required.

Yours sincerely

Signed by

Philip Woodhouse

Chairman, Epping Forest and Commons Committee

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