

Date: 06 March 2019  
Our ref: 259129



Epping Forest District Council  
Harlow District Council  
East Hertfordshire District Council  
Uttlesford District Council  
Broxbourne Borough Council  
Brentwood Borough Council  
London Borough of Waltham Forest I  
London Borough of Redbridge  
London Borough of Enfield  
London Borough of Newham  
London Borough of Haringey  
London Borough of Hackney  
London Borough of Tower Hamlets  
London Borough of Barking and Dagenham  
London Legacy Development Corporation  
Lee Valley Regional Park  
Essex County Council  
City of London Conservators of Epping Forest  
**MOU Oversight Group -BY EMAIL ONLY**

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Dear All

**Emerging strategic approach relating to the Epping Forest Special Area of Conservation (SAC) Mitigation Strategy. Interim advice following feedback from London Borough's and Greater London Authority**

Natural England last wrote to this group on the 20<sup>th</sup> September 2018, in relation to the establishment of the Epping Forest Special Area of Conservation (SAC) Strategic Mitigation Strategy. In that letter we brought together the best evidence we had before us. We used that note to advise the various Local Planning Authorities on a potential way forward to clarify the Zones of Influence for recreational impacts on Epping Forest SAC and the resultant implications when determining planning applications for residential development within this zone.

Following the issuing of our advice, a meeting was held on the 12<sup>th</sup> November 2018. The meeting was with the London Boroughs of Waltham Forest and Redbridge, as well as the Greater London Authority (GLA). These bodies were keen to share with us their opinions on the proposed approach, and investigate the application of suitable avoidance and mitigation measures within the urban setting of London. Questions were also raised about the mechanisms for collecting financial contributions amongst other matters.

Natural England have listened to this feedback and have amended our advice accordingly. This letter provides Natural England's updated advice relating to residential planning applications which have the potential to impact on Epping Forest SAC to ensure compliance with the Habitats Regulations. **This advice therefore applies to those LPA's identified in Table 1 which are partly or wholly within the defined recreational Zone of Influence**

## **(ZOI).**

It still does not address the potential air pollution impacts as Natural England is still considering the recently updated Habitats Regulations Assessment for the Epping Forest District local plan. We will be providing our formal written advice on the updated HRA to the Inspector by 25<sup>th</sup> April 2019 .

For further information on Epping Forest SAC, please see the [Conservation Objectives](#) which explains how each site should be restored and/or maintained.

### **Recreational 'Zone of Influence' (Zoi)**

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 (that is until further evidence collected during Summer 2019 can be examined and taken into account. Aiming for January 2020), a zone of influence of 6.2Km is used to determine whether residential applications will have a recreational impact on Epping Forest SAC. We are aware that this is an interim solution and that we expect all parties will work together over the course of 2019, with regard evidence collection, to inform a full solution at a later date.

The Table below identifies the Local Planning Authorities which fall either partly or completely within the 6.2 Km Zone of Influence for recreational pressure impacts:

<b>LPA</b>	<b>Within 0-3Km ZOI</b>	<b>Within 3-6.2 Km ZOI</b>
Epping Forest District Council	✓	✓
London Borough of Redbridge	✓	✓
London Borough of Waltham Forest	✓	✓
London Borough of Enfield	✓	✓
London Borough of Newham	✓	✓
London Borough of Tower Hamlets	X	✓ (just clipped by zone)
London Borough of Hackney	X	✓
London Borough of Haringey	X	✓ (just clipped by zone)
London Borough of Barking and Dagenham	X	✓ (just clipped by zone)
Harlow	X	✓
Broxbourne	X	✓
Uttlesford	X	X
East Hertfordshire	X	X
Brentwood	X	✓ (just clipped by zone)

In the context of your duty as competent authority under the provisions of the Habitats

Regulations<sup>1</sup>, it is anticipated that new residential development within this ZOI constitutes a likely significant effect (LSE) on the sensitive interest features of the SAC through increased recreational pressure, either when considered 'alone' or 'in combination'. Our proposition is that from April 1<sup>st</sup> 2019 (or earlier if able), those relevant Local Planning Authorities listed above will begin assessing applications against our advice, and securing avoidance and mitigation measures accordingly.

As you will be aware, the Epping Forest Mitigation Strategy is a large-scale strategic project which involves a number of authorities working together to mitigate these effects. Once finalised, the Mitigation Strategy will comprise a package of strategic mitigation measures to address such effects, which will be costed and funded through developer contributions. The final Mitigation Strategy will address:

- Recreational pressure impacts
- Air quality impacts (Mitigation measures still to be identified)

There is now an initial draft of costed Strategic Access Management Measures which has been prepared by the City of London Conservators of Epping Forest and endorsed by Epping Forest District Council in consultation with the wider HMA MoU Oversight Group<sup>2</sup> including Natural England. This package of measures can therefore be used in this interim period until the full Mitigation Strategy has been completed. It should therefore be noted that the tariffs may be subject to change once the final Mitigation Strategy has been completed and costed to address outstanding matters such as air pollution impacts.

### **Interim consultation arrangements**

The following types of development which fall within the ZOIs should be considered as appropriate:

- New dwellings of 1+ units (excludes replacement dwellings and extensions)
- Houses in Multiple Occupancy (HMOs)
- Student Accommodation
- Residential care homes and residential institutions (excludes nursing homes)
- Residential caravan sites (excludes holiday caravans and campsites)
- Gypsies, travellers and travelling show people plots

We advise that this should include new applications as well as those with outline planning permission where this issue has not previously been assessed through the HRA process.

### **Interim approach to avoidance and mitigation measures**

#### ***For larger scale residential developments (0 – 6.2km - 100 units plus)***

It is up to each developer or Local Planning Authority to propose suitable strategic or bespoke mitigation packages. Natural England will work with each Local Planning Authority

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<sup>1</sup> Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the 'Habitats Regulations'). Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

<sup>2</sup> 'Memorandum of Understanding – Managing the impacts of growth within the West Essex/East Hertfordshire Housing Market Area on Epping Forest SAC February 2017'

and developer thereafter on a case by case basis, to deliver a package of avoidance and mitigation measures. We expect that developers will deliver some or all of the potential methods below. The requirement will vary depending on a number of factors including; size of development; scale of development; proximity to the SAC; ease of access to the SAC; availability of other green space etc.

A financial contribution to strategic measures as set out in the costed Strategic Access Management Measures provided by the City of London Conservators of Epping Forest will be required for development in the 0-3Km ZoI. In addition SANGs are still the preferred mechanism for avoiding impacts and suitably designed sites will be looked upon favourably, however this is not the only mechanism we would consider. This acknowledges the spatial uniqueness of each of the affected Local Planning Authorities.

The list below is not an exhaustive or definitive list of measures but when providing SANGs we would like to see developers deliver;

- Well-designed open space/green infrastructure within the development. This can help minimise any predicted increase in recreational pressure to the European sites by containing the majority of recreation within and around the development site boundary. These sites will have to be of a certain size and quality to actively encourage visits away from the SAC. Natural England would be happy to advise developers and/or their consultants on the detail of this at the pre-application stage through our charged Discretionary Advice Service, further information on which is available [here](#).
- There are a number of green spaces already in the vicinity of the Epping Forest SAC that could be improved to deliver an even better visitor experience. Working with those landowners it could be possible to deliver a SANG style experience on these areas, by upgrading them. Increasing their capacity to absorb more visitors. Where appropriate, larger developments could contribute to these green spaces in lieu of providing additional onsite green infrastructure.
- There is an opportunity for contributions to be taken to allow the purchase of green space to be owned and managed by the Corporation of London. To be de facto used as SAC Buffer land. If this land could then be enhanced as a honey pot site with café and toilet facilities, it could work as a positive to direct visitors away from the sensitive locations of the SAC.
- SAMM contributions will be sought within 0-3KM. However, SAMM contributions may also be sought for development within the 3-6.2km Zone of Influence as part of a bespoke solution, particularly in situations where housing densities will make the delivery of on-site SANGs difficult .
- Improvements to footpath network to improve accessibility and permeability to recreational walkers. Hopefully to encourage them to use local spaces that are walkable from home, instead of jumping in their cars and driving to the SAC. Again to be assessed on a case by case basis.
- Contributions to other green projects being delivered by other parties such as the Greater London Authority. Agreed on a case by case basis with Natural England.

In addition to this, opportunities exist when delivering SANGs to provide traditional green infrastructure projects, which are deliverable in an Urban Setting such as; Living Walls; Green Roof; Brown Roof; Street Trees. These are environment gains that are good for air

quality, and are also regularly delivered within urban development in London

***For small scale residential development (0 - 3km zone only – 99 dwellings or less)***

- A financial contribution to strategic 'off site' measures as set out in the costed Strategic Access Management Measures provided by the City of London Conservators of Epping Forest

***For small scale development over 3km away (less than 99 dwellings) – no mitigation is required***

If your Local Planning Authority is over 6.2km away from Epping Forest SAC then no avoidance and mitigation is required. If you are "just clipped" as per Table 1 above, then please liaise with your local Natural England adviser.

**Interim Funding Mechanism**

Natural England are keen to see the delivery of the Strategic Access Management Measures. We are open for the individual Local Planning Authorities to use whatever funding mechanism they are comfortable with. As long as on a periodic basis, contributions are submitted in line with the quanta of development delivered. If Waltham Forest for example have delivered 100 dwellings within 3km, we would expect 100 times the SAMM contributions. We are not concerned how Waltham Forest or any Local Planning Authority secure that funding, as long as it is delivered ahead of occupation and in a secure manner.

For any queries relating to the specific advice in this letter only relating to Essex, please contact Jamie Melvin on 02080261025 or at [jamie.melvin@naturalengland.org.uk](mailto:jamie.melvin@naturalengland.org.uk)

For any queries relating to the specific advice in this letter only relating to London, please contact Marc Turner on 02080267686 or at [marc.turner@naturalengland.org.uk](mailto:marc.turner@naturalengland.org.uk)

Yours sincerely



**Andrew Smith**

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