

**Committee:** Scrutiny

**Date:** 10 July 2025

**Title:** Hatfield Forest Mitigation Strategy and Development Tariff

**Portfolio Holder:** Councillor John Evans

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**Key decision:**  
No

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## Summary

1. This report sets out the detail of Uttlesford's (UDC's) partnership work with three neighbouring authorities and the National Trust on mitigation measures to address the impact of increasing visitor pressure on Hatfield Forest. The mitigation comprises a costed programme of works to address predicted additional environmental damage arising from residential growth together with proposed arrangements for a tariff on developers to fund these works in perpetuity. Mitigation also covers the required provision of alternative green space within larger development sites.
2. Uttlesford has the highest number of visitors to the Forest. The tariff is proposed to be imposed on new development within a 'Zone of Influence' (calculated by Natural England) that captures the origins of the majority of visitors to the Forest.
3. Cabinet approval is being sought for UDC to take the key role as the tariff-collecting authority, formalised in governance and partnership documentation that sets out the costed works, the calculation of the tariff, visitor surveys, terms of reference for the partnership, and the Governance and Partnership Agreement. These documents are presented in Schedules 1-8 and Appendices 1-2. Members should note that they reflect over four years of partnership working between UDC, the National Trust, Natural England, and East Herts District Council. Harlow District Council, Epping Forest District Council with support from Essex County Council, and have broadly been agreed at officer level through the officer steering group.
4. Following each Council's consideration by its respective Cabinet, and ratified formally with the seal of each Council and the National Trust, the tariffs collected can legally be paid over to the National Trust as the Hatfield Forest landowner and delivery body for the mitigation works.
5. Cabinet will be asked the following;

- (i) authorises the continued engagement of the Council in the Hatfield Forest Partnership and in accordance with the terms of reference and Governance arrangements for the partnership as per the attached Schedule 1.
- (ii) agrees that within the 'Zone of Influence' the tariff be imposed on new residential (and some visitor accommodation) development subject to arrangements for its annual review and purpose to provide funding for mitigation works in perpetuity.
- (iii) authorises the Strategic Director of Planning, in consultation with the Portfolio-holder for Planning to make any minor modifications to the Partnership and Governance Agreement arising from final legal review by the partner authorities.
- (iv) authorises the Strategic Director of Planning to prepare a Supplementary Planning Document (SPD) to the emerging draft local Plan, once adopted and in due course, to set out these partnership arrangements, mitigation strategy and tariff structure for the Forest.

## **Recommendations**

- 6. Scrutiny views on the proposals are sought and will be reported to Cabinet.

## **Financial Implications**

- 7. It is proposed that UDC would be the Collecting Authority of the tariffs raised by the three other local planning authorities. There would be a small staff cost for the administration in collecting and forwarding the funds to the National Trust. This can be paid for in part by a small administration levy on the tariff (and in time could be combined with CIL processes) and thus not require a specific budget to be found.
- 8. There is existing staff cost in the preparation of Section 106 Agreements where this has applied to Hatfield Forest and/or other legal agreement to levy the tariff as appropriate.
- 9. There is an internal legal staff cost to review and agree the legal elements of the documentation and the Partnership and Governance Agreement.
- 10. The principle of the tariff is referred to in the draft local plan and was part of the viability assessments so it is not anticipated that the principle or the tariff sum will be so onerous that it initiates challenge from the developer on the grounds of adverse impact in the deliverability of development.

## Background Papers

- i. Letter of Endorsement from Natural England (2025)
- ii. Green and Blue Infrastructure Strategy 2023 -referenced regarding Local Plan evidence.
- iii. Open Spaces Update Report evidence for draft Local Plan (Knight, Kavanagh & Page Ltd, 2023)

The related documentation that supports the Partnership and Governance Agreement for consideration by Cabinet is available for inspection on request, being:

- Appendix 1 to this report- Schedule 1: Hatfield Forest Nature Reserve Strategic Access Management and Monitoring Strategy (SAMMS) Partnership and Governance Agreement between the four local authorities of Uttlesford, North Hertfordshire, Harlow and Epping Forest, and the National Trust, (final working) draft April 2025
- Schedule 2: Note on Calculation of SAMMS Tariff Contributions
- Schedule 3: Financial Arrangements between the Partners and the Delivery Body
- Schedule 4: Hatfield Forest SAMMS Partnership Steering Group Terms of Reference
- Schedule 5: Hatfield Forest SAMMS Tariff 2025
- Schedule 6: SAMMS Governance report, January 2025, updated March 2025
- Schedule 7: (MAP) Hatfield Forest Zone of Influence and NNR for Delivery of SAMMS
- Schedule 8: Site Access Management and Monitoring Measures (SAMMS), Mitigation Strategy, February 2025 (v6)
- Appendix 2: Natural England letter of endorsement and instruction to local planning authorities regarding the tariff, 2025
- Footprint Ecology Hatfield Forest Visitor Survey 2022

## Impact

11.

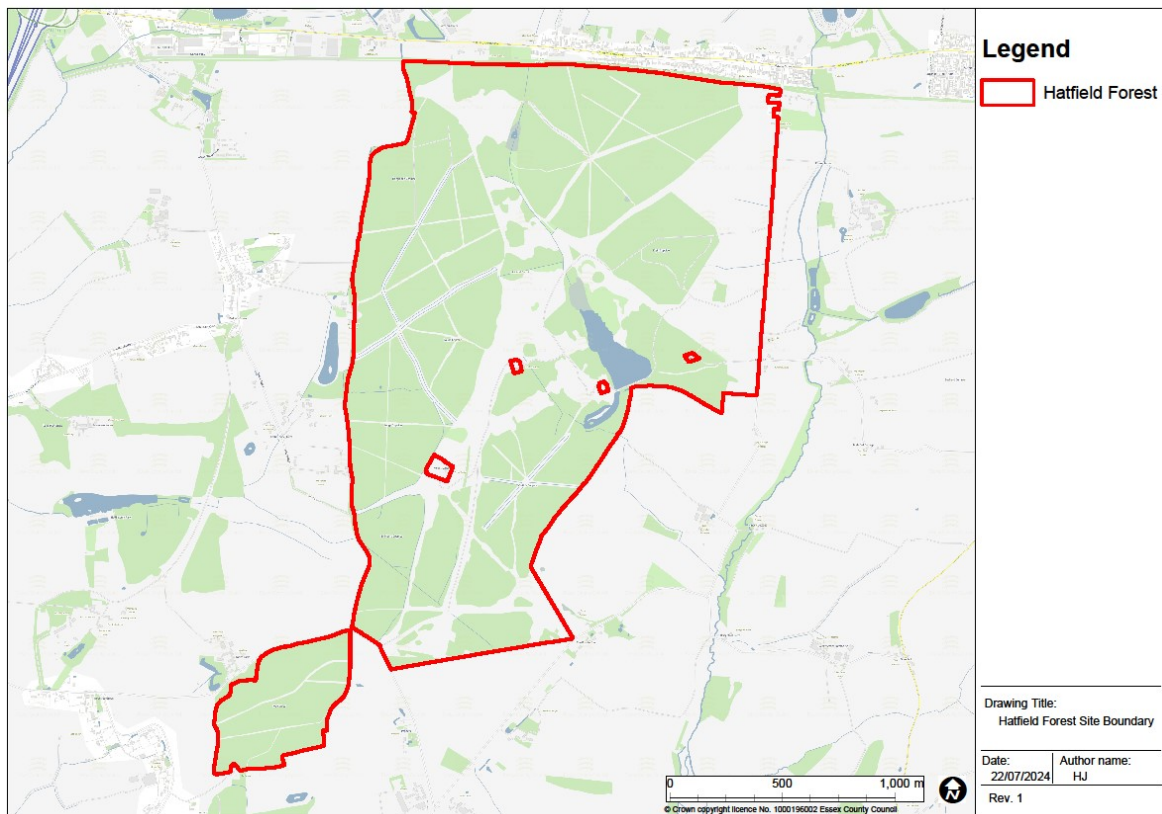
Communication/Consultation	The Strategy and approach to Hatfield Forest mitigation has been developed over the last 4-5 years between the four partner authorities and National Trust with the support of Essex Place Services and
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	endorsed by Natural England.
Community Safety	None
Equalities	The tariff applies <u>equally</u> across all residential developments that give rise to an increase in population based on the distance from the Forest itself (the Zone of Influence).
Health and Safety	The mitigation package will add to the overall maintenance works and will apply to the forest and woodland pasture environment, access and visitor facilities where public safety is a dominant consideration.
Human Rights/Legal Implications	None
Sustainability	The Forest is a valuable natural resource that incorporates a variety of habitats and species with many and ancient veteran trees encouraging carbon capture. It is sensitive to water and air quality impairment. Proposed development will be assessed under a Sustainability Environmental Assessment for potential impact and mitigation measures applied before planning consent is granted.
Ward-specific impacts	The wards within the Zone of Influence are: Aythorpe Roding, Barnston, Berden, Birchanger, Broxted, Chickney, Clavering, Debden, Great Dunmow, Elsenham, Farnham, Great Canfield, Great Easton, Great Hallingbury, Hatfield Broad Oak, Hatfield Heath, Henham, High Easter, High Roothing, Leaden Roding, Lindsell, Little Canfield, Little Dunmow, Little Easton, Little Hallingbury, Manuden, Margaret Roding, Newport, Quendon and Rickling, Stansted Mountfitchet, Stebbing, Takeley, Tilty, Thaxted, Ugley, White Roding, Widdington,
Workforce/Workplace	Some officer input, as above.

## Situation

### Background

12. The National Trust has owned Hatfield Forest since 1924. Extending over 424 hectares it is one of the largest and best-preserved remnants of medieval Royal Hunting Forest in the country and presents a mosaic of wood pasture, ancient coppice, wetlands and fen, grassland plain, veteran pollarded trees, long rides and notable assemblages of fungi, lichens, invertebrates and breeding birds. Recognised as having high ecological value as a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) it is attracting increasing numbers of visitors who are inadvertently causing threatening ecological harm. The area covered by the Forest NNR is illustrated below:



Hatfield Forest is also notable for its historic and cultural value, with features such as pillow mounds and woodbanks, two scheduled ancient monuments at Portingbury Hills and The Warren, and four listed buildings. The predominantly heavy clay soils are poor draining which makes them vulnerable to compaction and increased visitor pressure impacts on the soil structure as wider areas of the Forest and its Rides become trampled and damaged. The National Trust has been working on an 'Every Step Counts' initiative and managing recreational access to the site to help woodland rides recover from trampling in

wet winter weather. The photographs below illustrate typical scenes in the Forest and show two visitor survey points from the Footprints Ecology 2022 survey.



13. Located in the southwest of the district and bounded by the Flitch Way along its northern boundary it is the largest area of open space in the District. The Council's Green and Blue Infrastructure Strategy (GBIS) identified the district as lacking open space of significant scale compared to standards appropriate to the size of the population. Similarly, the Local Plan's evidence for Open Spaces prepared by Knight, Kavanagh and Page (KKP) 2023 highlighted this paucity and the heavy reliance on Hatfield Forest for outdoor recreation, accounting for 75% of publicly open space in the District.
14. Most visitors arrive, as well as from south and central Uttlesford, from the neighbouring authorities of Epping Forest, Harlow and East Hertfordshire. It is the collective statutory responsibility as public bodies and the National Trust as landowners to take steps to conserve and enhance the Forest and to mitigate against its deterioration for the enjoyment of current and future generations.
15. Natural England advised the four Councils to apportion the cost towards a package of mitigation improvements; the Strategic Access Management and Mitigation Strategy (SAMMS). The Councils together with the National Trust have come together in response to form a working partnership in order to meet these goals. This report and schedules set out the various elements to the partnership which are now in their final form and for which each of the partners governing committees or board need formal approval.
16. The following sections describe the key elements and draw Members attention to the Partnership and Governance Agreement which represents the legal documentation underpinning the Partnership (Appendix 1).

#### ***Visitor Survey (Footprint Ecology 2022)***

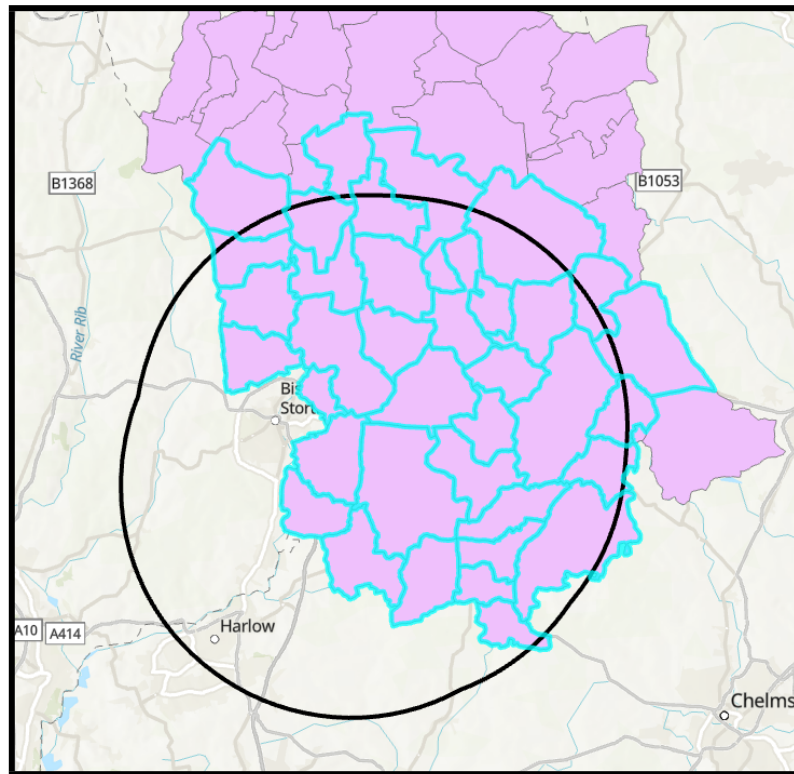
17. When the Forest was assessed by Natural England in 2011 its condition was labelled as "Unfavourable Recovering" in part derived from increased

trampling by growing visitor numbers. This is only marginally away from designation as 'unfavourable' with significant loss to biodiversity. The Trust undertakes regular surveys with people counters, of vegetation condition and trampling, soil compaction, ecological impact as well as the visitor surveys. The Trust realised that urgent action was needed following regular five-year visitor surveys, and in 2022 commissioned Footprint Ecology to undertake a further visitor survey to update the previous one in 2017/18. From these interviews of 281 visitors the Zone of Influence of 11.1 km from the Forest boundary was calculated, as well as a predicted increase in visitor numbers of 22%.

18. The survey covered 1,899 groups of 3,953 people entering, leaving or passing through at the survey points and 96% of interviewees were on a day trip or short visit from home. Most arrived by car (77%) though 20% walked and 3% cycled with 47% of all interviewees visiting at least once a week, and 11% who visited at least once a day. The Forest was mostly visited by people coming for a walk, either with or without a dog.
19. The Visitor survey has been used by Natural England to calculate the Zone of Influence, the proportion of people visiting from the local authority areas and in the calculation of the tariff.

### ***Zone of Influence and NNR Area for Delivery of the SAMMS***

20. The Zone of Influence (Zol) uses post code origins of visitors and takes the median straight-line distance at the industry-recognised 75<sup>th</sup> percentile to identify the Zol. Within the Zol the tariff applies. Local authorities are required to have local plan policy to protect SSSI and the NPPF 2024 para 193 states the importance of protecting biodiversity, SSSI, irreplaceable habitats and supporting environmental enhancement. The Uttlesford draft local plan policy (CP38) will provide added protection whilst recognising the recreation pressure on the Forest particularly from within the Zone of Influence. This impacts on 37 parishes as illustrated below:



### ***Mitigation Strategy***

21. The SAMMS mitigation measures have been worked out in some detail by the Operations Manager at the National Trust. They are colour coded in four broad areas of Access management and infrastructure; Ride and path mitigation; Human resources; and Monitoring. The measures set out in Schedule 8 will be reviewed every five years alongside ongoing monitoring of visitor impacts.
22. The cost will be reviewed for inflation annually using the BCIS index for measures relating to infrastructure. The financial contribution will be collected by section 106 where appropriate, and for the smaller sites, a Unilateral Undertaking or other authorised payment. The Council is currently developing a CIL schedule and may include the fixed tariff too. Either way, the most efficient method will be used for specific application types.
23. The total costs for the SAMMS identified to date are £7,403,760.

### ***SAMMS Governance***

24. Schedule 6 summarises the governance structure of the partnership and was amended several times and agreed broadly by the Partnership Steering Group in March 2025. Much of it was subsequently incorporated into the Partnership



and Governance Agreement which is the principal legal document for the Hatfield Forest Partnership governance programme.

25. The Councils' officers / lawyers have now agreed the SAMMS package, the cost, the apportionment and collection of the tariff, monitoring, and the overall governance arrangements through the working officer steering group of the partnership. It is recognised however that full mitigation must include the incorporation of SANG (Suitable Alternative Accessible Natural Greenspace, in accordance with Natural England criteria, in proposals for strategic development sites. It is proposed eventually that an alternative attraction in a new Country Park will be created as referenced in the draft local plan policy and reflecting the mitigation hierarchy in the NPPF 2024 para188.
26. Natural England has recommended a strategic solution to address the impacts, drawing local authorities' attention to duties under the Wildlife and Countryside Act 1981 (as amended). Natural England have been concerned that as the Mitigation Strategy has been developed it is robust and compatible with their other projects, using experience on similar strategies at the Chiltern Beechwoods Special Area of Conservation (SAC), Epping Forest SAC and the Essex Coast. A review was undertaken by Lepus Consulting leading to revisions to the Mitigation Strategy *vis*:
  - Costings were to extend to 'in perpetuity' or 80 years
  - The on-site mitigation measures have been carefully reviewed between the National Trust and Natural England and shared with the partnership Steering Group to derive the essential additional tasks and to reduce the overall cost which has led to the proposed tariff
  - Updated the ZOI to 11.1km to reflect the later 2022 visitor survey and the inclusion of two smaller parcels of forest in the south. This the zone included in the local plan and as advised by NE in their April letter.
27. The position now is that the recommended combined approach of the SAMMS package and the tariff, and the provision of alternative quality green space through SANG will alleviate the adverse impact of growth on the Forest and help prevent further deterioration.

### ***SAMMS Application and Collection Process***

28. SAMMS applies to all net new residential dwellings within the Zone of Influence. It excludes conversions and residential extensions but includes sites for gypsy, traveller and show people, houses in multiple occupation (HMO) and residential institutions C2 where residents are not severely restricted by

illness or mobility. Also included are hotel and tourist accommodation within 400m. For all other hospitality locations (C1 hotels, C2 residential institutions and C4 houses in multiple occupation), or any other relevant *sui generis* use the tariff may, but is unlikely, to apply. For hotels and guesthouse, this is dependent on the scale of the proposed use and will be subject to agreement with NE using their Discretionary Advice Service. For sites of 50 units or more, alternative green space must also be provided at 8ha per 1,000 head of new population as a mitigating alternative recreational attraction to help meet the overall deficit; this SANG space will be provided in accordance with Natural England criteria and will otherwise be agreed in detail with NE as part of the planning application process.

29. With regard to the planning process, the tariff applies to: Full applications, Outline applications, Hybrid applications, Prior approvals and permitted development, Windfall sites – if large, on a case-by-case basis, Reserved Matters applications if not provided for at outline stage, and Section 73 applications.
30. As at March 2025 it was estimated that the SAMMS package in perpetuity would cost £7,403,760. The tariff can be collected by one of three ways depending on the nature of the application: section 111 of the Housing Grants, Construction and Regeneration Act 1996 upfront payment, section 106 Agreement under the Town and Country Planning Act 1990 or a Unilateral Undertaking. The tariff is in addition to CIL liability once this scheme, currently in preparation, has been adopted.
31. Each local authority will be responsible for issuing the tariff demand, for collecting it and for maintaining a spreadsheet of the amounts requested, and collected under which planning application, and the date of transfer of funds to the Collecting Authority. The funds will be transferred to Uttlesford at least every six months on or before 28<sup>th</sup> February and 30<sup>th</sup> August.
32. The National Trust as the Delivery Body will employ a Delivery Manager responsible for delivery of the overall mitigation programme described in Schedule 8 and the management of the tariff implementation funds. The Delivery Manager will report to the officer Steering Group on progress of the specified works every six months. They will produce an annual report and audited accounts for transparency.
33. Uttlesford as the Collecting Authority is in the process of establishing a procedure for the recording and collection of the tariff and passing to the National Trust. Because of the legal structure of the National Trust and its not being a public authority, the Council cannot pass funds to the Trust without formal agreement of the partnership and governance arrangements and the associated relevant schedules in this report. Hence, although money can and

should be collected as stated in the Natural England letter and indeed has been collected informally through the section 106 process, funds will continue to reside with Uttlesford. Only once the Partnership Governance Agreement has been approved by Cabinet with a formal seal from partners who are taking the same documentation through their Committees, then payments can be made over to the Trust. The earliest this is envisaged will be Autumn this year.

### ***Hatfield Forest SAMMS Tariff calculations***

34. Application of the visitor pressure, distance and housing development factors described in this report has resulted in the tariff for the Uttlesford Zone of Influence area of £1,333.60 (excluding any small administration fee), payable before commencement of development of each phase. The table below summarises the calculations. Derived from the Footprint Ecology visitor surveys it is clear that Hatfield Forest receives the heaviest visitor pressure from the most proposed development in Uttlesford which the draft local plan has identified primarily as being the Takeley corridor and Great Dunmow.
35. Underlying this approach, adopted elsewhere by Natural England such as in the Epping Forest and Chilterns Beechwoods SACs, is the 'polluter pays' principle of apportioning impacts. The factors weighted evenly are visitor numbers and proposed housing growth:

<i>Apportionment of costs (80 Years)</i>				
<b>Authority</b>	<b>% of additional visitor pressure</b>	<b>Apportionment (80 yr)</b>	<b>Planned housing within 11.1km of Hatfield Forest</b>	<b>Charge per dwelling</b>
Uttlesford	88.26	£6,534,632.98	4,900	<b>£1,333.60</b>
EFDC + Harlow	6.63	£491,080.19	3,350	£146.59
East Herts	5.11	£378,046.83	700	£540.07
Total	100	£7,403,760.00	8,950	

### **Hatfield Forest Nature Reserve Strategic Access Management and Monitoring Strategy (SAMMS) Partnership and Governance Agreement (Appendix 1)**

36. The Partnership and Governance Agreement (PGA) sets out the organisational and governance arrangements for the partnership between the four local authorities and the National Trust in order to deliver the SAMM

Strategy in accordance with the schemes, cost and financial arrangements in the schedules. It is a legal document which each authority will authorise for signature. This is the document which will be sealed by each authority and the National Trust, intended to take place in the Autumn 2025.

37. The document reflects similar governance agreements on which the National Trust has worked such as the Essex Coast RAMS, Epping Forest SAC and Chiltern Beechwoods SAC. Its purposes are to:

- specify the organisation of the work between the Parties in collecting and administering SAMM Contributions;
- set out the rights and obligations of the Parties;
- secure and monitor delivery of the Project Deliverables (i.e. primarily the costed work) by the Delivery Body
- specify arrangements for the monitoring and review of the effectiveness of the Partnership and Governance Agreement including the associated SAMM Strategy; and
- establish the governance structure for the purposes of implementing the Agreement and securing delivery of the Project Deliverables

38. The PGA sets out the duties of the Partnership Steering Group itself, the group that has worked on this documentation over the past few years and will now be formalised. It covers responsibilities related to:

- Project oversight and the SAMMs deliverables
- Agreeing the appointment of the National Trust as Delivery Body
- Financial management - tariff collection, investment, expenditures
- Press release and communications
- The Partnership Steering Group meetings and individual responsibility
- Responsibilities between partners regarding financial information, performance management of projects, planning applications, press communications etc
- Termination and procedures for removing partners

## **Risk Analysis**

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigating actions</b>
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That not all the committees in the partnership agree and sign off the approach of the Hatfield Forest mitigation programme as set out in this report.	1	2	The Natural England letter requires authorities to impose the tariff; the recommended approval by Uttlesford District Council means that the majority of the mitigation costs will be collected; partners may need to review the documentation.
That a developer may object to the tariff	1	2 for larger scale developments 1 for smaller scale development	The principle of the tariff is included in the draft local plan, enshrined in environmental and planning legislation, with anticipated adoption of mandatory policies early next year; the Natural England letter underlines the obligation; planning consent will not be granted until payment of the tariff; any exceptional circumstances would be subject to separate negotiation with the LPA.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.