

East Herts Council Report

Executive

Date of meeting: 8 July 2025

Report by: Councillor Vicky Glover-Ward – Executive Member for Planning and Growth

Report title: Hatfield Forest Mitigation Strategy and Development Tariff

Ward(s) affected: Sawbridgeworth, Bishop's Stortford South, Bishop's Stortford Thorley Manor, Bishop's Stortford Central, Bishop's Stortford All Saints, Bishop's Stortford Parsonage, Bishop's Stortford North, Little Hadham and the Pelhams (part), Braughing and Standon (part), Much Hadham (part), Ware Rural (part), Hunsdon (part).

Summary – Uttlesford District Council, East Herts District Council, Harlow District Council and Epping Forest District Council, the National Trust as landowners of Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) and Natural England have been working in partnership to agree a strategic mitigation solution for the adverse impacts of recreational pressure on Hatfield Forest SSSI / NNR. This report sets out the outcomes of this process and the obligations to the Mitigation Strategy for future development within the defined Zone of Influence (Zoi) around Hatfield Forest.

RECOMMENDATIONS FOR EXECUTIVE to recommend to Council that:

- a) The final version of the National Trust Hatfield Forest Mitigation Strategy (version 6, attached at Appendix A), which includes the Site Access Management and Monitoring Measures (SAMMS), is approved as a basis for seeking a financial contribution for mitigation at Hatfield Forest;**
- b) The apportionment of the SAMMS between the four LPAs via a hybrid method, taking equal account of both the percentage**

visitor impact and the proportion of new housing relative to existing within the Zol, is approved;

- c) The apportioned SAMMS tariff for East Herts District Council is set at £540.07;**
- d) The tariff is applicable to new residential dwellings with immediate effect, subject to transitional arrangements to agree appropriate legal, financial and administrative mechanisms being brought into place to allow the collection and transfer of funds;**
- e) The draft Governance Agreement (Appendix B) between the four local planning authorities and the National Trust as landowners is approved and delegated authority is given to the Head of Legal and Democratic Services to work on the final version with an expectation that this is signed and sealed in Autumn 2025.**

1.0 Proposal(s)

- 1.1 The purpose of this paper is to outline new arrangements for the collection of a tariff to support mitigation measures to Hatfield Forest, an important historic park in Uttlesford District. The paper sets out why the tariff is required and why it should be applied to residential development proposed in East Herts District, and seeks agreement for the tariff to be collected immediately, subject to transitional arrangements to enable this to happen.

2.0 Background

- 2.1 Located within Uttlesford District, five kilometres east of Bishop's Stortford, Hatfield Forest is the finest surviving example of a small medieval Royal Hunting Forest in Europe. Covering 404 hectares, it now offers local people unique opportunities for access and recreational activities. It is within easy reach of East Hertfordshire residents, being located close to the B1256 and the A120, which

both run east to west, and the M11 which lies just 1.6 kilometres to the west.

- 2.2 The National Trust owns the freehold of Hatfield Forest; 392 hectares are designated as a Site of Special Scientific Interest (SSSI) and a National Nature Reserve (NNR) and the Forest also contains two Scheduled Ancient Monuments and four listed buildings. This means that the National Trust is legally obliged to observe the provisions of the Wildlife and Countryside Act, 1981 (as amended). The National Trust has a Conservation Management Plan for Hatfield Forest which is agreed with Natural England and sets out the key management activities required to protect and enhance the notified features of the SSSI designation.
- 2.3 According to the Trust's Mitigation Strategy, Hatfield Forest is currently experiencing rapid and unsustainable growth in visitor numbers which is putting it under considerable pressure. The nature of the special landscape is extremely vulnerable to this growth in numbers and habitat loss is occurring and not recovering.
- 2.4 Through visitor surveys, it has been established that most of the visitors to the Forest arrive from Uttlesford and the neighbouring authorities of Epping Forest, Harlow and East Hertfordshire. These surveys have determined a 'Zone of Influence', within which new housing developments are likely to have the greatest impact on the Forest.
- 2.5 It is the collective statutory responsibility of the local authorities and Natural England 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.
- 2.6 Natural England have advised the four Councils to apportion the cost towards a package of mitigation improvements; the Hatfield Forest NNR & SSSI Mitigation Strategy (February 2025, see

Appendix A). The Councils, together with the National Trust and Natural England, have come together in response to form a working partnership in order to meet these goals. This report, attachments 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. In the case of East Herts Council, this body is the Executive and Council.

- 2.7 The following section describes the key elements and draw Members attention to the Partnership and Governance Agreement which represents the legal documentation underpinning the Partnership and the obligations placed upon new development within the Zone of Influence as it affects specific wards within the district.

3.0 Reasons

Structuring a fund for the Mitigation Strategy

- 3.1 Hatfield Forest is a unique historic recreational resource in neighbouring Uttlesford District, accessible to many people living around it, including residents within East Hertfordshire. As owners, the National Trust have historically managed and maintained the site, covering the costs of reactively repairing the negative impacts of visitor pressure over time.
- 3.2 Over the last decade, the site has experienced a doubling of visitor numbers. This growth in numbers is rapid and unsustainable and has brought signs that the SSSI, NNR and other designated and protected features are being degraded and damaged. Habitat loss is occurring and not recovering. Growth in visitor numbers is being partly attributed to significant increases in housing completions, a trend which will continue as the Harlow and Gilston Garden Town and other development gradually completes.
- 3.3 In seeking to mitigate this, the National Trust have focused on fundraising and testing on-site mitigation measures with the

objective of revising the Mitigation Strategy and its Site Access Management and Monitoring Measures (SAMMS).

- 3.4 In order to determine the extent to which development – specifically new homes – should contribute to mitigating the impact of visitors to the Forest, the Trust have established a ‘Zone of Influence’ (Zol). The Zol is determined every five years through a visitor survey conducted by external ecology consultants to understand how people are travelling to the Forest and where their journeys originate. The last survey was conducted in 2022 and established a 11.1km Zol around the forest, which is shown on the map at Appendix D. Within East Hertfordshire, this includes Bishop’s Stortford and Sawbridgeworth as well as the B1004 corridor through the Hadhams. The Zol also takes in parts of the administrative areas of Epping Forest, Harlow and Uttlesford Councils.
- 3.5 Various laws and planning policies protect the interest features of SSSIs and other assets of acknowledged importance from development, from other damage or neglect. Local Planning Authorities (LPAs) are required to have policies in their development plans which protect SSSIs, as required by the National Planning Policy Framework (NPPF, December 2024), particularly at paragraphs 192 to 195. This advises that development which results in loss or deterioration of irreplaceable habitats should be refused but, if development cannot be avoided (as is the case in meeting the housing needs of a district) mitigation or compensation should be sought.
- 3.6 LPAs are also required to consult Natural England on planning applications which might affect the interest of an SSSI. Consistent with this, Natural England screens planning applications that fall within Hatfield Forest’s 11.1km Zone of Influence (Zol) and advises when mitigation should be sought from new developments.
- 3.7 As a means of funding the SAMMS, it is expected that developers proposing new residential development within the Zol should be

expected to address the impacts on the Forest (as required by the NPPF) and, because of the unique nature of the Forest, this should not be offset by the provision of other green infrastructure obligations that would ordinarily be sought in residential schemes (i.e. compensatory costs towards mitigation of the Forest are additional). The Mitigation Strategy advises that financial contributions from developments – any development proposing an additional residential unit – would collectively ensure that mitigation measures are compatible with the Mitigation Strategy and increase the resilience of the Forest to future visitor pressure.

Implications for East Herts Council

- 3.8 The authorities within the Zol, along with Natural England and the National Trust, have been working together in partnership for a number of years with the ambition of agreeing a form of developer contribution through a tariff that can contribute to the Mitigation Strategy and fund the SAMMS. This process has reached a full agreement, resulting in the summation of the agreement by Natural England through a letter distributed to the partners on June 19, 2025 (attached at Appendix C).
- 3.9 The agreement with Natural England and the National Trust effectively defines the Zol as an area within which a tariff will be sought on all new residential development consented within it. The tariff differs for each local authority dependent on the number of homes planned within the Zol and the likely impact generated from this on the Forest based on the visits attributed by the survey. The tariff for East Herts is calculated at £540.07 per new dwelling, and is applicable with immediate effect. **The Gilston Area (defined by Policy GA1 of the East Herts District Plan (2018)) is the only exception to this condition.** This is due to the substantial areas of green infrastructure being provided by this development.
- 3.10 At the current time, the tariff is not reflected in the policies of the East Herts District Plan, as it was adopted prior to the tariff being

conceived. Natural England have committed to work with the Council to ensure that the tariff and its implications is reflected in policies for the new District Plan which will begin to emerge next year.

- 3.11 In the meantime, the Planning Policy team have been liaising with Development Management colleagues and the Section 106 Programme Manager to ensure that the appropriate procedures and triggers are in place to support the processing of applications and the collection of the tariff within the ZOI as it exists in East Herts. Through liaison with Natural England on major applications prior to the formal agreement of the tariff, the Council has already collected some contributions to the mitigation measures for the Forest. The formal agreement of the tariff and the procedures for managing and distributing them will enable these collected funds to be passed to the National Trust.

4.0 Options

- 4.1 The Council could choose not to approve the tariff and not abide by the arrangements set up to support the mitigation strategy for Hatfield Forest. This would be contrary to our obligations towards heritage assets of acknowledged importance, and to national planning guidance. It would also undermine any efforts to mitigate for degradation to Hatfield Forest arising out of new homes being delivered in the district which have a direct impact on that degradation and would compromise recreational and health benefits derived from this open space for current and future residents. Any delay to a decision would lead to similar issues, albeit on a temporary basis.

5.0 Risks

- 5.1 Whilst Natural England's stated ambition is for the tariff to be collected with immediate effect, there are complications associated with this. The application of the tariff is across four authorities and two further organisations. Whilst these organisations have a shared goal, there is a risk of delay through democratic procedures.

5.2 Similarly, within East Herts, the immediate change to collecting a tariff not previously sought has a risk associated with the transition for development management, including for officers working with an additional requirement and having to manage another financial contribution. On the client side, the imposition of a further tariff on existing and imminent proposals may have an impact on some schemes where the additional financial expectation deters development from proceeding.

5.3 If East Herts was to resist the tariff, it would risk Natural England objecting to all applications within the district that should otherwise be contributing, leading to delays in processing applications and, potentially, reputational damage to the Council.

6.0 Implications/Consultations

6.1 The arrangement for the tariff have been worked up between the four authorities and The National Trust and Natural England. The process has required specialist input throughout and requires approval by relevant determining bodies within each organisation. The tariff has a direct implication for all developments proposed across the Zol.

Community Safety

There are no community safety implications arising from this report.

Data Protection

There are no data protection implications arising from this report.

Equalities

There are no direct equality, diversity, or inclusion implications in this report. An Equalities Impact Assessment (EqIA) will be carried out of the updated District Plan in accordance with The Equality Act 2010.

Environmental Sustainability

The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and infrastructure in a sustainable manner.

Financial

There are no financial implications arising from this report. Monitoring costs will be sought in addition to the tariff payment per dwelling.

Health and Safety

There are no health and safety implications arising from this report.

Human Resources

There are no human resources implications arising from this report.

Human Rights

There are no human rights implications arising from this report.

Legal

The Wildlife and Countryside Act 1981 (as amended) places a legal duty on the Council to consider whether proposals would cause harm to SSSIs and, where they might, to notify Natural England and take their advice into account.

Specific Wards

Sawbridgeworth, Bishop's Stortford South, Bishop's Stortford Thorley Manor, Bishop's Stortford Central, Bishop's Stortford All Saints, Bishop's Stortford Parsonage, Bishop's Stortford North, Little Hadham and the Pelhams (part), Braughing and Standon (part), Much Hadham (part), Ware Rural (part), Hunsdon (part).

7.0 Background papers, appendices, and other relevant material

- Appendix A – Hatfield Forest NNR & SSSI Mitigation Strategy (February 2025)
- Appendix B – draft Governance Agreement between the four local planning authorities and the National Trust
- Appendix C – Natural England letter dated June 19, 2025
- Appendix D – Zone of Influence Map

A number of supporting documents have been prepared through the Partnership Arrangement between the local authorities, the National Trust and Natural England to support the delivery of the tariff and the SAMMS. These documents are listed below, and are available on request:

- Schedule 2: Note on Calculation of SAMMS Tariff Contributions
- Schedule 3: Financial Arrangements between the Partners and the Delivery Body (*detailing how tariff collection will be transferred between the LPAs and the Delivery Body, as well as the required reporting process, and how the money will be held*)
- Schedule 4: Hatfield Forest SAMMS Partnership Steering Group Terms of Reference
- Schedule 5 - SAMMS Delivery Flow Chart
- Schedule 6: Hatfield Forest NNR & SSSI Strategic Access Management and Mitigation Strategy (SAMMS) Governance Document (March 2025)
- Schedule 7: Hatfield Forest Zone of Influence and NNR for Delivery of SAMMS
- Spreadsheet: Tariff Calculations (Natural England)

Contact Member

Councillor Vicky Glover-Ward, Executive Member for Planning and Growth

Vicky.Glover-Ward@eastherts.gov.uk

Contact Officer

Sara Saunders, Head of Planning and Building Control

Contact Tel. No. 01992 531656

Sara.Saunders@eastherts.gov.uk

Report Author

Richard Crutchley, Team Leader – Planning Policy

richard.crutchley@eastherts.gov.uk

