

London Borough of Enfield

Portfolio Report

Report of: **Doug Wilkinson – Director of Environment & Operational Services**
Mark Bradbury – Director of Property & Economy

Subject: **Enfield Chase Restoration Project – Woodland Creation**

Cabinet Member: **Cllr Guney Dogan – Cabinet Member for Environment and Sustainability (in consultation with Cllr Mary Maguire – Cabinet Member for Finance and Procurement and Cllr Ian Barnes – Deputy Leader of the Council)**

Executive Director: **Sarah Cary – Executive Director - Place**

Ward: **Chase, Cockfosters and Highlands**

Key Decision: **KD 4980**

Purpose of Report

1. It is proposed to create 60 hectares of publicly accessible woodland on existing Council owned farmland and improve access by upgrading the public footpath that connects Trent Park to Hilly Fields Park. The new woodland will involve planting 100,000 trees and capture an estimated 234 tonnes of carbon emissions per year.
2. This report follows the Portfolio Report on the Enfield Chase Restoration Project that was approved in November 2019 (Report No PL 19/107 P) which proposed the creation of 60 hectares of woodland.
3. This report seeks approval to remove 64.2 hectares from existing farm tenancies to enable the overall 60-hectare woodland creation and footpath upgrade works to proceed in the 2020/21 financial year.
4. Further reports will follow to seek approval for future phases of the project as they develop.

Proposals

5. To approve the process of regaining possession of approximately 17.0 hectares from three existing Agricultural Holdings Act tenancies with negotiated compensation payments (allocated from GLA funding agreement) and associated annual rent reductions to reflect the reduction in tenancy area. In order to bring parcels of land

back into the direct control of Enfield Council and facilitate the woodland creation project.

6. To approve serving part notices to quit across two existing tenancies (one Tenancy at Will and one Farm Business Tenancy) for approximately 47.2 hectares in order to bring parcels of land back into the direct control of Enfield Council and facilitate the woodland creation project.
7. To approve the proposed woodland creation and footpath improvements on these parcels of land and submit the detailed funding application to the Forestry Commission under the Woodland Carbon Fund (WCF).
8. To delegate authority to the Head of Highway Services to authorise the placing of orders through any of the Council's existing relevant term contracts or to invite and evaluate tenders/quotations and, where suitable tenders/quotations are received, to award contracts for the works as part of the delivery of the first phase of the Enfield Chase Restoration Project in compliance with the Council's procurement rules.

Reason for Proposals

9. The proposals contribute to mitigating climate change by offsetting carbon emissions, as supported by the emerging Enfield Climate Action Plan. It is estimated that broadleaf woodlands can capture 3.9 tonnes of carbon per hectare per year, 60 hectares of woodland would be expected to capture 234 tonnes per year. Consequently, the scheme has the potential to offset over 20,000 tonnes of carbon emissions over its lifetime.
10. Increased opportunities for recreational activities such as walking and cycling, by improving access to Enfield's Green Belt land, and associated benefits to public health and well-being. As well as providing a focal point for the historical interest of restoring the ancient woodland of Enfield Chase.
11. Improvements to the environment by creating woodland habitat that benefits biodiversity and alleviates flood risk by reducing rainfall runoff from Enfield's rural upland areas.
12. Increased access to nature including creating opportunities for outdoor arts and education in a natural environment.
13. The current proposals for woodland creation will attract estimated funding of £425k from the Forestry Commission.

Relevance to the Council Plan 2020 - 2022

14. The project meets the following aims of the Council Plan:
 - Working with partners to protect the local urban and green environment by maintaining parks and green spaces
 - Create opportunities to get more people visiting and enjoying our parks and open spaces.
 - Driving investment in cycling infrastructure to improve connectivity and support economic growth by working with central government, the GLA and other partners to develop infrastructure that will help deliver health promoting environments
15. The project is also aligned to the guiding principle of promoting Enfield widely to ensure that the Borough receives the maximum benefit from national, regional and

sub-regional programmes which will enhance Enfield's reputation across London and beyond.

Background

16. The Enfield Chase Restoration project proposes to create 60 hectares of new publicly accessible woodland on land that is currently designated Green Belt and primarily used for farming. The land is owned by the London Borough of Enfield and leased to separate tenants.
17. The aim of the project is to extend and reinstate some of the residual landscape of the much-reduced ancient forest of Enfield Chase by creating woodland with improved public access and biodiversity enhancements. It will also contribute to mitigating the climate emergency by reducing flood risk and increasing carbon sequestration. It is proposed to create the woodland over two winters as shown indicatively in the table below (natural regeneration relies on trees growing from seeds rather than planting saplings, it therefore requires more time but is considered by many ecologists to result in a more diverse, resilient woodland):

Year	2020/21 Phase 1	2021/22 Phase 2	Overall
Woodland Planting (ha)	25	25	50
Natural Regeneration (ha)	5	5	10
Overall Woodland Creation (ha)	30	30	60

18. This report follows and should be read in conjunction with two previous related reports. A Cabinet Report on the Enfield Rural Catchment Project was approved in February 2019 (Report No 167, Item 12), which proposes using Natural Flood Management techniques, such as woodland creation, to reduce flood risk to urban areas downstream. The report also delegated authority to the Cabinet Member for Environment to approve delivery of the woodland creation scheme in consultation with the Cabinet Member for Property and Assets (now Cabinet Member for Finance and Procurement).
19. A Portfolio Report of the Enfield Chase Restoration Project (Report No PL 19/107 P) was subsequently approved in November 2019 and builds on the aforementioned report outlining the award of £748k of funding from the Greater London Authority (GLA) to develop woodland creation for a total of 60 hectares over the next 2 winters (30 hectares in 2020/21 and 30 hectares in 2021/22) as well as the process of funding the project from the Forestry Commission along the lines of their woodland creation funding mechanism.
20. The GLA funding supports measures which maximise the public benefit such as community engagement, improvements to footpaths, and other recreational and educational site infrastructure, planting events and compensation payments to secure land as necessary for the scheme.
21. It is proposed that to deliver the initial 60 hectares of woodland and footpath improvements that Enfield Council resumes possession of targeted areas of land which allow the scheme to be delivered. The proposed mechanism for delivering this differs depending on the tenancy type:
- Farm Business Tenancy (FBT) and Tenancy at Will (TaW) to be restructured under the terms of their tenancies to bring the land required back in hand
 - Agricultural Holdings Act (AHA) tenancies – Enfield Council as landlord to resume possession of the parcels of land required; these areas of land would

be surrendered from existing tenancies with offers of a compensation payment

22. The compensation payments applied to the AHA tenancies will be allocated from the GLA funding agreement. An annual rent reduction will be applied to all tenancies to reflect the reduced farm areas. The details of land under consideration are shown in detail in the attached appendix. This work has been supported and enabled with the on-going advice of Knight Frank.
23. The approval of this decision would be followed by submission of these parcels of land as an application to the Forestry Commission for funding to plant trees and deliver other ancillary items under the Woodland Carbon Fund (WCF). Obtaining Forestry Commission funding is a condition of the funding agreement with the GLA.
24. This step follows the recent submission of a wider scale Woodland Creation Design Plan which has been compiled taking into consideration a range of social, environmental and economic factors in order to produce a UK Forestry Standard (UKFS) compliant woodland design. This Woodland Creation Design Plan has been submitted for an area totalling 190 hectares in size and is currently under consideration with the Forestry Commission. The approval of the plan only demonstrates the potential for a woodland, explicit support for tree planting is granted under the WCF. Submitting the Woodland Creation Design Plan for a larger area enables the long-term potential for additional woodland to be evaluated, allowing for expansion of the scheme in future years. It should be noted that identifying these potential areas at this stage does not commit Enfield Council to converting any of this land to woodland.
25. The application for the WCF outlined here would correlate to the areas of land brought back into Enfield Council's control through the process described above and would allow for 61 hectares of woodland creation (please note that this is less than the proposed surrender area of 64.2 hectares, the difference attributed to the fact that some areas are existing woodland which can be incorporated into the scheme). This decision would fulfil the terms of the GLA funding agreement for creating 60 hectares of new woodland across the winter planting seasons of 2020/21 and 2021/22.

Main Considerations for the Council

26. In order to deliver the 60 hectares of woodland creation in the planting seasons of 2020/21 and 2021/22 it is necessary for the Council to acquire direct control over discrete blocks of land. These blocks have been targeted based on the extent of the scheme that can be delivered, whilst considering also the nature of the individual tenancies. The attached appendix shows the details of these decisions and the extent of the land which would be brought into Enfield Council's control in order to deliver the scheme. The process has been carried out and enabled with the ongoing advice and support of Knight Frank (who manage Enfield's rural land portfolio) and independent legal advice where appropriate.
27. A basic summary of the areas being considered are shown in the table below

Farm	Farm Size (ha)	Proposed surrender (ha)	Woodland Creation Enabled (ha)
Botany Bay Farm	41	8.5	8.3
Rectory Farm	134	38.7	38.6
Park & Parkside Farm	128	6.7	6.2
Plumridge Farm	168	6.1	4.1
Beech Barn Farm	85	4.2	3.9
TOTAL	556	64.2	61.1

28. It is proposed for Enfield Council to make an initial application to the Forestry Commission for woodland planting through the Woodland Carbon Fund (WCF) which is a funding scheme that offers bespoke support for large scale woodland creation projects that aim to deliver significant economic, environmental and social benefit. These benefits include a recognition of the ability of woodland to remove carbon from the atmosphere and act as a cost-effective way of compensating for emissions. This grant is for direct woodland creation at a landscape scale and is paid at a maximum capped rate of £8,500 per hectare.
29. The application for the Woodland Carbon Fund will be made for 50 ha of the 61.1 ha cited in the table above. The remaining area will be allocated for woodland creation through natural regeneration, this method does not require financial support from the WCF. The benefit of this natural approach is that it will enable creation of woodland with a mix of habitat types and ecology as well as supporting open space and landscape character.
30. Taking possession over the land outlined here will allow for the following measures to be delivered, utilising funding from several sources including the WCF (Forestry Commission), the GLA, Enfield Borough Capital and S106 funding:
- Tree planting and natural regeneration to form woodland creation (61 ha)
 - Improvements and upgrades to footpaths (3.3km)
 - Natural Flood Management features such as ponds, wetland and scrapes (estimated 15 features)
 - Upgrade to a footbridge
 - Replacement of fences (as required)
31. A further benefit of the Council having possession of land proposed here is that it allows for potential river restoration to Salmons Brook which is a longer-term project currently being explored for feasibility and funding mechanisms.
32. It is proposed that the woodland will be planted through a series of volunteer planting events organised alongside project partner Thames 21.

Safeguarding Implications

33. There are no direct safeguarding implications to children, young people and vulnerable adults from these proposals. The rationale for this is that is an environmental scheme for improving an existing public asset by incorporating existing inaccessible space.

Public Health Implications

34. The proposal will have a positive impact on improving access to the rural areas of Enfield and will contribute to narrowing the gap between those with the best and

poorest health. The improvements to the path facilitated by this decision will provide enhanced access to green space for populations with a wide range of abilities. Studies have shown that more time spent in green space is associated with greater mental health and vitality. Other studies have shown that visitors to natural environments significantly reduced both physical and psychological stress levels after the visit, as opposed to those who visited a more built-up outdoor setting or indoor space.

35. Currently the path within the project area is in poor condition. The improvements will provide an asset which appeals to people and encourages use. It is shown in studies that the creation of a better walking/cycling environment inspires people to exercise more, increases opportunities for sociable travel and recreational opportunities and encourages a societal and cultural experience and enhanced health and wellbeing via connecting neighbourhoods.
36. It therefore follows that the proposal will directly provide opportunities for active travel by providing a new link in an interesting and new environment with opportunities for appreciation of the outdoors and nature. Increased use of this sort of infrastructure will improve the opportunity for healthy activities.
37. The proposal is part of a potential wider project to diversify the type of farming which takes place in the greenbelt. The current improvements will provide linkages to current small-scale farm shops on Hadley Road and Botany Bay. There may be opportunities for further businesses such as this in the future.

Equalities Impact of the Proposal

38. Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment is neither relevant nor proportionate for the approval of this report to approve the Enfield Chase Restoration project.
39. The scheme will be designed in accordance with good practice to ensure it is reasonably accessible for all users; any new footpaths will be compliant with the Equalities Act 2010.
40. It should be noted that any contracts awarded should include a duty on the successful applicant to assist us with meeting our obligations under the Equalities Act 2010.

Environmental and Climate Change Considerations

Adaptation and resilience

41. The design of the scheme is being carried out with climate change adaptation considered. The design of the woodland includes the incorporation of wetland and ponds which will serve as flood mitigation and reduce peak flows to the downstream areas of flood risk in the catchment of Salmons Brook. For the woodland itself the tree species and provenance has been considered taking into account climate change projections, and how the species selected will perform in the projected climate change models.

Energy Consumption

42. Several considerations can be made regarding converting the use of mainly arable farmland to amenity woodland. Where the land use is changed from arable farmland the energy consumption and production on the land in question will reduce. This will result in lowered energy consumption and carbon emissions.

Carbon emissions and offsets

43. The woodland itself will provide carbon sequestration with an estimated carbon offset of 234 tonnes of carbon emissions per year.
44. The improvement of the footpath to facilitate and encourage more active transport will also contribute to individual behaviours which reduce carbon emissions.

Environmental

45. There are many benefits this project seeks to provide including direct environmental improvements, these include
 - carbon sequestration - 60 hectares of woodland would be expected to capture 234 tonnes per year. Consequently, the scheme has the potential to offset over 20,000 tonnes of carbon emissions over its lifetime
 - reduced carbon emissions – through change in land use and encouragement of active travel (walking / cycling)
 - increased biodiversity through habitat creation – a mixture of planted woodland, natural regeneration and wet habitats
 - flood mitigation
 - reintegration of landscape features
 - incorporation of archaeological and heritage aspects of the area
46. On-site interpretation will communicate these aspects of the project to the visitors of the area.

Procurement

47. The project will involve the planting of trees which will be procured from a sustainable source

Risks that may arise if the proposed decision and related work is not taken

48. The following key risks relate to not implementing the project:
 - Loss of opportunity to improve access to Enfield's Green Belt land
 - Loss of up to £1,267k of external funding to Enfield
 - Loss of opportunity to increase biodiversity and wildlife habitat
 - Loss of opportunity to cooperate with the local community
 - Loss of opportunity to reduce flood risk and offset carbon emissions

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

49. The first few years following the planting of the trees is critical to their long-term survival. Key risks include browsing by animals, drought or flood conditions, vandalism, fire and disease. These risks and mitigation measures are summarised in the table below:

Risk	Likelihood	Impact	Mitigation Measure
Browsing by deer / rabbits / other	5	4	- Protection with guards and / or stock fencing as appropriate
Drought	3	5	- Carrying out planting as early in the season as possible - Systematic watering (methods to be explored)
Land contribution / failure to meet funding objectives	3	4	- The timely sign off of agreements and serving of notices being pursued
Covid-19	4	3	- Restructuring volunteer planting events in line with government advice

50. The conditions of the Woodland Carbon Fund require the woodland to become established at the stocking density planted.

51. Once the land is taken out of the existing tenancies the land in question becomes the direct responsibility and under the liability of Enfield Council with no sitting tenant.

52. Further risks are set out in relation to the property implications

Financial Implications

53. On the 12th Feb 2020, Cabinet recommended that Council approve the 10-Year Capital Programme (KD5026). This included £6.45m for Highways and Street Scene, of which £150k was approved for Highway Trees under Delegated Authority (KD5103) of the Cabinet Member for Environment.

54. The funding breakdown for the Enfield Chase Restoration Project – Woodland Creation is as follows:

Project Cost Element	Estimated Cost (£ k)	Funding source	Notes
Land Surrender Compensation	90	External Grant (GLA)	Secured
Recreational access routes, entrances, wayfinding, infrastructure, interpretation and seating	619	External Grant (GLA)	Secured
		Enfield Highways Capital (£150k)	Secured, as per KD5103 approval
Community engagement, volunteer tree planting events	27.5	External Grant (GLA)	Secured
Tree planting, protection and other supplementary features	425	WCF	Subject to application
TOTAL	1161.5		

55. Further details of the financial considerations are shown in the appendix.

Legal Implications

56. Section 111 of the Local Government Act 1972 permits local authorities to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of their functions.

57. The Council has a general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals may do, provided it is not prohibited by legislation and subject to public law principles. The proposals in this report are compliant with the Council's general power.

58. If the Council will be procuring contracts using the grant monies, it must comply with all requirements of its Constitution, Contract Procedure Rules (“CPRs”) and the Public Contracts Regulations 2015 (“Regulations”), should the value of any contracts be above the relevant EU Thresholds. The receipt of grant funding by the Council does not appear to contravene the EU State Aid rules as set out in the Treaty for the Functioning of the EU (TFEU) Article 107(1) as the Council is not an undertaking engaged in economic activity. The Council must at all times also adhere to the Duty of Best Value in accordance with the Local Government Act 1999.
59. A farm business tenancy (FBT) is a tenancy that exists pursuant to the Agricultural Tenancies Act 1995. A tenancy at will is a tenancy that can be determined/ brought to an end at the will of either party on notice by one party to the other. The report states that the Council intends to bring parts of the FBT and tenancy at will to an end by notice to quit part of the respective tenancies and that no compensation will be paid.
60. Agricultural Holdings Act (AHA) tenancies exist pursuant to the Agricultural Holdings Act 1986. The report states that the parts of the AHA tenancies are to be surrendered by agreement between the parties, and that the Council is to pay an element of compensation for the surrenders of parts. Unlike an FBT tenant or tenant at will, an AHA tenant has security of tenure enabling a tenant to pass on a farm to his successors. This is a reason why the landlord (the Council) is seeking to agree surrenders of parts of the AHA tenancies. Section 31 of the 1986 Act provides that a notice to quit part of an AHA tenancy shall not be invalid on the ground that it relates to part only of the holding if it is given with a view to the use of the land for, amongst other things, the planting of trees.
61. When part of a leasehold property is assigned or transferred rent is apportioned. Similarly, the Council is to agree to apportion the rent between the land to be surrendered and the land to be retained.
62. The report outlines that the Council is being advised in this matter by an external firm of solicitors.
63. All legal agreements arising from the matters described in this report must be approved in advance of contract commencement by Legal Services.

Workforce Implications

64. Highway Services continuously reviews the level of staffing resources required to deliver its various work programmes and projects throughout the year as part of its normal service management arrangements. If required, will seek approval to employ additional staff either on a permanent, fixed term or agency basis, or by commissioning consultants.
65. This project will be managed through a combination of in-house staff within Highway Services, supported by external consultants such as Thames 21. Enfield has already been working with Thames 21 on this project. All costs for in-house staff and consultants will be recovered by re-charging to this project. Any additional staffing resources required for this project will be recruited in accordance with Enfield’s processes.

Property Implications

66. There is an element of risk to the timeframes of this project should tenants not wish to continue to engage as they have currently indicated.
67. It is anticipated that voluntary surrender agreements for land within AHA tenancies is feasible with those identified as the tenants have a long term relationship with the Council, as landlord, by nature of their tenancy agreements.
68. Whilst it is anticipated that a voluntary agreement will be reached with such tenants, there is a minimal risk to frustrate the proposal contained within the report. To mitigate against this, the Council's managing agent has recommended that further legal advice is taken to help evaluate whether a formal notice served on AHA tenants could provide more certainty, or a backstop to negotiations. This may result in a slight delay to the proposed timeframes.
69. Resuming possession of land let by way of an FBT or Tenancy at Will could prove more controversial due to the short term nature of those agreements. Tenants could view they have more to lose and less to gain from the proposals and therefore be less willing to work with the Council as their landlord.
70. It is however hoped that a voluntary agreement will be reached with such tenants however negotiations may be more difficult and therefore consideration to offer an increased financial compensation payment or rent reduction is an option but has not been costed as consultation is still ongoing.
71. In order to mitigate against this risk it is recommended that a minimum of 2 months' written notice is served in relation to land in those tenancies. Such notices will also mitigate a potential legitimate claim for compensation arising from the tenant's expenditure on field operations and cropping after harvest 2020. This may result in a slight delay to the proposed timeframes set out in the Report.
72. The current Heads of Terms as drafted for the various AHA surrenders may – subject to legal advice - result in a Deed of Variation or Memorandum (in addition to a Deed of Surrender) to the existing tenancy being required. This is to provide for access and other rights the Council will require in relation to the project over land being retained in tenancy. There may also be a cost to the project associated with this and which has not been quantified at the current time.
73. There will be a loss of annual income derived from the portfolio as a result of resuming possession of land within the respective farm tenancies. This is estimated at £3,500p.a. but does not include loss of rent for both Rectory and Botany Bay farms respectively and therefore this rental loss figure will increase.
74. Ongoing management/security costs for the land being surrendered is also not included within the estimated figure (beyond those cited below with regards woodland and infrastructure maintenance).

Other Implications

Highway Services

75. The woodland creation proposals to create new woodland have been discussed with the Principal Arboricultural Officer in Highway Services. It has been agreed that although the proposals will require a change in the pattern of maintenance activities, the overall cost of future maintenance will not be significantly increased as only

minimal maintenance is required, particularly during the first 20 years. It is estimated that the maintenance requirements for 60 hectares of woodland would require a Grounds Maintenance Operative for less than 1 day per week with an associated cost of approximately £6k/year. These maintenance and upkeeping costs will be met by Highway Services and additional funding will be sought from external partners invested in the project.

76. The cost of maintaining the new footpath has been estimated based on the current maintenance budgets for Enfield's existing footpaths. Using a figure of £0.50/m²/year the proposed 3.0m wide, 3.3km long bound-gravel footpath would have an estimated maintenance cost of approximately £4.95k/year. This will be funded from the existing Highway Services maintenance budget.

Strategic Planning

77. The proposals have been discussed with The Planning Service, specifically Strategic Planning & Design in the context of Enfield's recently adopted Heritage Strategy and emerging new Local Plan 2036. Discussions will continue with officers as the emerging spatial options for growth are refined. It has been agreed that the woodland creation proposals are to be supported in terms of emerging policies to proactively manage growth, climate change and enhancing the borough's blue / green infrastructure and assets, in particular measures for enhancing opportunities for greater accessibility to the Enfield's Green Belt and reducing flood risk. As detailed proposals emerge for the woodland creation project, the final design and planting areas will be assessed in terms of overall historical landscape and character impact and in the context of the Local Plan. The project will be closely coordinated to ensure no conflicts arise with the borough's heritage strategy and future growth options.

78. The New Local Plan will be underpinned by an Infrastructure Delivery Plan, which will monitor the progress of projects and programmes (including the Enfield Chase Restoration Project) in the context of the emerging policies and wider network of green and blue spaces.

Options Considered

79. Do nothing: This scheme is part of a series of improvements to improve the biodiversity and amenity value of Enfield's rural land. To do nothing will lose an opportunity to attract significant funding to the London Borough of Enfield, improve the environment, for both people and wildlife, and reduce flood risk to local residents and infrastructure. In addition, by not proceeding with this proposal the Council would miss an opportunity to make a positive contribution to reducing borough-wide carbon emissions and addressing the world-wide climate emergency.

Conclusions

80. Approving the following proposals will enable the first phase of a funded agreement relating to woodland creation in the Borough:
81. Regaining possession of 17.0 hectares from three existing Agricultural Holdings Act tenancies with negotiated compensation payments (allocated from GLA funding agreement) and associated annual rent reductions to reflect the reduction in tenancy area. In order to bring parcels of land back into the direct control of Enfield Council and facilitate the woodland creation project.

82. Serving part notices to quit across two existing tenancies (one Tenancy at Will and one Farm Business Tenancy) for 47.2 hectares in order to bring parcels of land back into the direct control of Enfield Council and facilitate the woodland creation project.
83. Delivering proposed woodland creation and footpath improvements on these parcels of land and submit the detailed funding application to the Forestry Commission under the Woodland Carbon Fund (WCF).

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10/07/2020

Appendices

Appendix 1 - Details of land for Phase 1 of woodland creation (table, explanation and map)

Background Papers

The following documents have been relied on in the preparation of this report: