

<b>Committee(s)</b>	<b>Dated:</b>
Epping Forest and Commons	11/05/2015
<b>Subject:</b> Cycling at Pole Hill	<b>Public</b>
<b>Report of:</b> Superintendent of Epping Forest SEF 23/15	<b>For Decision</b>

### **Summary**

In response to questions by your Committee regarding continuing damage by mountain biking at Pole Hill, the Superintendent agreed to investigate the current policy approach and report back to Members.

Members noted that there had been recently reported cases of cyclists physically altering Forest land to create jumps and berms.

The former brick workings at Pole Hill have left a series of gravel mounds and dips; with very little natural ground cover. The area has historically been a popular area for cyclists, particularly those who follow the sport of Bicycle Motocross (BMX). BMX courses require the construction of jumps and berms to create courses that offer more physical challenge and excitement.

Following a prolonged period of damage, associated with the popularity of BMX in the 1980s and 1990s your Committee agreed on 13 March 2006 that Pole Hill be included in the July 1997 list previously approved by your Committee where cycling is not permitted, and that signs be erected to that effect.

Determined action by staff to regularly remove excavations by cyclists and the changing fortunes of BMX have significantly reduced the use of Pole Hill by BMX enthusiasts and mountain bikers to a point where the prohibition on cycling may no longer be considered necessary or desirable.

### **Recommendation(s)**

Members are asked to:

- Note the report

### **Main Report**

#### **Background**

1. At 91 metres (300 feet) above sea level, Pole Hill is one of the highest points in the Forest. It is included within both the Epping Forest Site of Special Scientific Interest (SSSI) and the Special Area of Conservation (SAC) designations. The Hill is popular with visitors because of the panoramic views from the summit;

together with the Obelisks, erected in 1824, to mark the Greenwich meridian and the association with the original site of 'Cloisters' – 'The T. E. Lawrence Hut'.

2. To the north and west of Pole Hill's summit is the former Chingford Rise Estate brickworks, where the remaining Claygate beds, sand and gravel mounds have proved to be very popular with cyclists, especially as they provide a variety of terrain which enables cyclists to enjoy more adventurous cycling. Indeed the area was, and still is, promoted on a number of cycling and BMX websites as being a good place to go for this type of activity. There is little ground vegetation in this area although there are a number of mature trees, especially veteran Hornbeam pollards.
3. As a result of its popularity with cyclists prior to 2006, the area suffered a considerable degree of erosion, leaving a number of tree roots exposed. Of even more concern was the frequency with which the site was altered and excavated to create more challenging berms – raised corners –and jumps. The Works Team had to visit the area on numerous occasions to try and repair the damage, using mechanical diggers and other machinery. The erosion and the creation of BMX courses presented problems for other Forest users and led to regular complaints from members of the public.
4. Due to the level of problems at the site a report was placed before your Committee on 13 March 2006 recommending that the area (See Appendix A) be added to the July 1997 list of sites where cycling is not permitted, and that signs be erected to that effect.
5. The report noted that the Conservators have a duty under the 1878 Act to as far as possible preserve the natural aspect of the Forest. In addition, as landowners the Conservators have a duty under the Wildlife and Countryside Act 1981 (now as amended by the Countryside and Rights of Way Act 2000) to protect areas designated as a SSSI; and to protect areas designated as a SAC (at that time under the Conservation (Natural Habitats) Regulations 1994 and now under the Conservation of Habitats and Species Regulations 2010).
6. The report also noted that whilst Epping Forest Byelaw 3(45) provides that it is an offence for a person to make any offensive or improper use of the Forest or do anything tending to the injury or disfigurement thereof, requisite evidence of damage being done would be needed in order to take a prosecution under the Byelaws.
7. The report explained that frequent Forest Keeper patrolling had not been successful in dealing with this problem. Whilst it was not uncommon to find cyclists using this area it is not an offence under the Epping Forest Byelaws to use the ramps and jumps once they have been constructed. In order to enforce Byelaw 3 (45) it would be necessary to apprehend offenders with a spade, shovel or other implement to hand and have evidence of them being the persons who created the damage. Temporary notices asking cyclists to desist from damaging the site were being routinely removed and on occasion incorporated as part of the jumps. Liaison with cycling clubs, local bicycle shops and the websites

referred to above had not secured meaningful engagement with the groups involved.

8. Your Committee therefore agreed to use its powers under Section 7 of the City of London (Various Powers) Act 1977 ("the 1977 Act") to prohibit cycling at Pole Hill.
9. As directed by your Committee, excavations continued to be removed, signage was erected and higher levels of Forest Keeper patrols were maintained. The routine demolition of earth berms and ramps and the restoration of Forest land have been effective in deterring cyclists from continuing the arduous task of modifying Forest Land. Conversely, prohibition signs were regularly vandalised, even when placed on tall steel poles which had to be removed following repeated damage.
10. BMX has not maintained the popularity it enjoyed in the 1980s and 1990s while mountain biking has continued to grow in popularity. Since the introduction of BMX as an Olympic discipline in 2004, there has been a gradual resurgence of interest in BMX.

### **Current Position**

11. Following questions raised at your Committee of both 3 November 2014 and 12 January 2015 the Superintendent has reviewed the issue of cycling in the area of Pole Hill.
12. The Central Forest Keeper team maintain regular patrols of the area and have not seen any evidence of any digging or damage to the Forest for several years. There is some use of the area by mountain bikers but during a recent visit by Officers only one mountain bike was observed passing through the area and there was very little evidence of any erosion or damage caused by cycling of any description. Some of the desire lines in the area were well used and quite muddy but the evidence suggested that footfall was the main cause. The gravel mounds and dips did not appear to be heavily used by cycles and no damage was observed.
13. The area remains on the list of sites where cycling is not permitted but no signage is currently in place or has been for several years. It is shown on the current cycling leaflet (June 2011) as a no cycling area. The City of London website cycling page was amended to include details of the Pole Hill restrictions.
14. The undulating terrain at Pole Hill continues to attract all terrain enthusiasts with advisory conversations recently undertaken with 'Giant' ¼ and 1/5 Scale Remote Control vehicle enthusiasts.

### **Options**

15. There are three options open to your Committee:

16. Option 1 - Maintain the status of the area as a 'no cycling' site and maintain suitable signage.
17. Option 2 - Remove the area from the list of 'no cycling' sites. The evidence from a period of at least 5 years has shown that there is no longer a problem in the area. No remedial work has been required and complaints have been about an occasional off road motorbike rather than mountain bike or BMX bicycles.
18. Option 3 - Landscape the former brickworks site to both restore the character of the Forest and remove the incentive for potential future use by cycling or other all-terrain interests. Without grant support the costs of undertaking this expensive work would be prohibitive.

### **Proposals**

19. Option 1 - maintaining the area restriction is recommended; on the grounds that previous enforcement and restoration work which has maintained a climate of compliance would be undermined by a change. Similarly, it should be noted that BMX is currently experiencing resurgence which could see renewed interest in the site.

### **Corporate & Strategic Implications**

20. **Open Spaces Business Plan 2013-2016:** The removal of restrictions meets the Department Strategic Aim: "Provide safe, secure and accessible Open Spaces and services for the benefit of London and the nation".
21. **The City Together Strategy:** The removal of restrictions meets the key theme: "A world class City that supports our communities"

### **Implications**

22. **Legal** Section 7(1) of the 1977 Act provides that where the Conservators consider it necessary for the purposes of the regeneration of any part or parts of Epping Forest to preserve the natural aspect thereof, or for the protection of the Forest as an open space for the recreation and enjoyment of the public, they may from time to time by the placing of notices posted at such places in the Forest as they think fit, restrict or prohibit access to any such parts of the Forest provided the total area of the part or parts to which access is restricted or prohibited or which are enclosed under this sub-section should not at any time exceed 100 acres, and provided that before restricting or prohibiting access to any part of the Forest exceeding 2.5 acres the Conservators publish notice of the proposal in a local newspaper and consider any representations received before determining whether to implement the proposal.
23. Section 7(4) of the 1977 Act provides that the Conservators, for the purpose of preserving or protecting places in Epping Forest which, in their opinion, are of special attraction to the public, have power to regulate or restrict access by the public to or within such places by the placing of notices or direction signs posted

in or in the vicinity of such places.

24. Under section 7(6) of the 1977 Act (as amended), if any person, without the authority of the Conservators or reasonable excuse, contravenes a notice posted in pursuance of subsection (1) above, or a notice or direction sign posted in pursuance of subsection (4) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

25. **Insurance** Once the City of London becomes aware of unauthorised construction on land for which it is responsible there are Public Liability and Insurance implications in allowing the continued use embankments and structures that may not be constructed to suitable standards. Liability is best managed by the swift demolition and levelling of these structures.

26. **Financial** The only direct financial implication of the current restrictions is the printing of the current Epping Forest 'Cycling' leaflet, which was last reprinted in July 2011

## **Conclusion**

Your Committee agreed to include the area at Pole Hill in the list of sites where cycling is not permitted on the evidence submitted in 2006 which clearly indicated that there was a problem. While the current evidence clearly indicates that there are currently no cycling-related problems at Pole Hill, there is a realistic possibility that high levels of cycling or BMX use could return undermining the previous enforcement and restoration work undertaken by Officers.

## **Appendices**

- Appendix A - Map of area "Out of Bounds"

## **Background Papers**

Control of Cycling 14 July 1997  
Director of Open Spaces  
SEF 60/97

Control of Cycling at Pole Hill 13 March 2006  
Director of Open Spaces  
SEF 06/06

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