

Committee(s)	Dated:
Epping Forest & Commons Committee	09 May 2016
Subject: Request for Highway Dedication on Forest Land at Bell Common adjacent Hemnall Street, Epping (SEF 19/16)	Public
Report of: Superintendent of Epping Forest	For Decision
Report author: Sue Rigley – Epping Forest	

Summary

Your Committee is asked to consider a request by Essex County Council for the installation of a new footpath on Forest Land at Bell Common on the east side of Hemnall Street, Epping and for the installation of two lamp columns on Forest Land on the west side of Hemnall Street to allow adequate lighting of the proposed footpath.

The progressive urbanisation of the Epping Forest land through the construction of additional highways infrastructure remains a challenge for your Committee. The overall assessment by officers is that the proximity of existing residential development, roads and street lighting has already detrimentally affected Forest Land in this area and hence this additional 85 m2 wayleave will have a low impact on natural aspect and tranquillity considerations.

Recommendation(s)

Members are asked to:

- Approve the dedication to public highway of approximately 85m² of Forest Land at Bell Common adjacent Hemnall Street, Epping in favour of Essex County Council for the installation of a public footpath upon suitable terms to protect the City's interests to be agreed by the Superintendent of Epping Forest in conjunction with the City Surveyor and in exchange for adequate compensatory land.
- Authorise officers, to undertake all such documentation as necessary and upon such terms to protect the City Corporation's interests and the Forest.

Main Report

Background

1. St Johns School, Epping relocated from its original site on Tower Road to a new site in Bury Lane, Epping in September 2013. Pupils on foot access and exit the school along Lower Bury Lane onto the High Road. See Appendix 1 - Plan.

Current Position

2. The new school location has altered pedestrian routes to school. In order to gain access to homes on the east side of Epping through the shortest possible route, pupils are now crossing the High Road, and as there is no footpath, are walking south along Hemnall Street in the narrow roadway. Before the school relocation, pupils would have crossed the High Road at a different point using the existing highway infrastructure. Essex County Council has concerns about the safety of the students who are choosing to walk in the roadway in Hemnall Street.
3. Forest Land on the west side of Hemnall Street forms part of Bell Common; Forest Land on the east side forms part of a scrubby verge approximately 14 meters in width.
4. The issue was not anticipated by the Essex County Council project group responsible for the school development relocation scheme.
5. The issue has been raised by Epping Forest District and Essex County Council Councillors. Essex County Council as the Highway Authority has requested permission to install a footpath approximately 63 meters in length on 85 m² of Forest Land on the east side of Hemnall Street as there is not enough highway width or land available for either a walkable verge or footpath. The Highway Authority has also requested permission to install two additional lamp columns on Forest Land on the west side of Hemnall Street to light the proposed footpath.
6. The report accompanying the request has identified only 1 slight injury near the junction which was not a pedestrian.
7. The progressive or 'creeping' urbanisation of the Epping Forest land through the construction of additional highways infrastructure remains a challenge for your Committee. The overall assessment by officers is that the proximity of existing residential development, roads and street lighting has already detrimentally affected Forest land in this area and hence this additional 85 m² wayleave will have a low impact on natural aspect and tranquillity considerations.
8. The use of wayleaves, rather than formal highways dedications, to record the provision of highways infrastructure has been an administrative convenience for both organisations since the 1960s. However, unless a highway was being 'stopped up', it would be exceedingly difficult for the City of London to withdraw from a wayleave agreement and oblige the removal of publically funded and publically beneficial highways infrastructure.
9. Officers are currently developing a policy approach in relation to further highway dedication requests. Members have previously expressed a desire that a retrospective assessment of previous land dedicated to public highway should be undertaken with a view to developing a 'land bank' approach outlining land owed to the Conservators.
10. Recent reviews of previous highway dedication schemes reveal that the City of London has accepted payment for dedication schemes and in one instance an

exchange of land. Officers recommend that compensatory land should be sought from the Highway Authority in relation to each dedication. The Highway Authority will shortly bring forward further proposals for highway dedication at Bell Common which could be combined with the current request.

Options

11. **Option 1 – Agree without lighting** - Agree to the request for the dedication of approximately 85m² of Forest Land for a new footpath only. There is already an existing lamp post on the west side. As the footpath is to be provided predominantly for the benefit of school pupils at the beginning and end of each school day, the existing lighting should be adequate for their needs. Dedication terms can be offered to ensure the surface of the proposed footpath is a resin-bonded gravel surface to the Superintendent's specification, reflecting the proximity of the footpath to Forest Land at Bell Common. This option is **Recommended**.
12. **Option 2 – Agree with lighting** – Agree as Option 1, together with two new lamp posts on Forest Land as requested. This option is **Not Recommended** as it is believed that the existing lamp post will provide sufficient light. Officers do concede that the damage to tranquillity by the installation of two additional down swept LED lights would be minimal.
13. **Option 3 Refuse** – Refuse the request, protecting both the 'natural aspect' under the Epping Forest Act and Hemnall Street's location within the Bell Common Conservation Area., as the additional infrastructure will increase the urbanisation at this location. Refusal would prevent the City of London from adequately responding the safety assessment made by the Highway Authority. This option is **Not Recommended**.

Proposals

14. It is proposed to agree to the request by Essex County Council for the dedication of Forest Land for the installation of a footpath on Forest land at Hemnall Street, Epping. This will provide a safer alternative for pupils who, since the relocation of St John's School, are crossing the High Road at a different point to access homes on the east side of Epping.

Corporate & Strategic Implications

15. **City of London Corporate Plan:** the proposal meets the Corporate Plan's vision of providing modern, efficient and high quality local services and maximising the opportunities and benefits afforded by our role in supporting London's communities.
16. **Open Spaces Department Business Plan:** the proposal meets the Open Spaces Department's Business Plan Vision by preserving and protecting our world class green spaces for the benefit of our local communities.

Implications

17. **Financial** – There should be no financial implications for the City of London in dedicating land to improve the highway network. Terms would be offered that would include all construction and future maintenance costs being borne by Essex County Council. The City's reasonable legal costs will be met by Essex County Council.
18. **Legal** - Section 33(iv) of the Epping Forest Act provides the Conservators with the necessary powers to 'maintain and make roads, footpaths and ways'. The Comptroller and City Solicitor advise that dedication is preferable to the use of wayleaves.
19. **Property** - Approving the footpath installation will add more infrastructure and urbanisation to the Forest. Granting Essex County Council an appropriate interest will protect the City Corporation's ownership and interests and theoretically frees it from ongoing maintenance costs but this assumes that Essex County Council will be able to meet the same indefinitely.

Conclusion

20. The City of London needs to strike an appropriate balance between requests by Highway Authorities where the safety of pedestrians has been identified and the duty to protect Epping Forest Land. While the progressive urbanisation of Epping Forest and the damage to tranquillity remain a concern the overall impact of highway infrastructure in this predominately suburban area will be minimal, especially if matched by compensatory land of a suitable quality and location.

Appendices

- Appendix 1 – Plan

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