

Committee(s):	Date(s):
Epping Forest Consultative Epping Forest and Commons	13 06 2018 09 07 2018
Subject: Epping Forest Play Policy (SEF 31/18)	Public
Report of: Director of Open Spaces and Heritage	For Decision
Report Author: Jacqueline Eggleston - Head of Visitor Services	

Summary

Epping Forest provides valued green spaces for a range of communities often replacing local authority open space provision. Consequently, requests for formal open space facilities such as play areas on Epping Forest land to service these local communities are not infrequent. This report considers the relevant statutory provisions and presents a Play Policy for Epping Forest for your approval which sets out the position that the Conservators will adopt in relation to future requests of this nature.

Recommendation(s)

Members are asked to support:

- approval of the Play in Epping Forest Policy Statement attached as Appendix 1.

Main Report

Background

1. Epping Forest provides valued green space for many communities both within the Forest and adjacent to its boundaries. Some 1,055 acres of Waltham Forest's entire open space is provided by Epping Forest, while Epping Forest provides some 830 acres of Redbridge open space. Adjacent local authorities such as Newham which have a high level of open space deprivation also rely heavily on Epping Forest open space provision in the south of the Forest.
2. In some areas Epping Forest provides the only open space for some distance with a corresponding absence of local authority open space. This absence of local authority open space often coincides with a deficit of formal play facilities in these areas. Epping Forest land can therefore be seen as the logical location for a play area provision by local proponents of such a facility.
3. Significant adventurous play equipment has been part of Epping Forest's role as an inland leisure resort prior to the Epping Forest Acts, including the 'Razzle Dazzle' Aerial ropeway on Chingford Plain. Children's play equipment has also

been a feature of catering 'Retreats' on and adjacent to Forest Land since the inception of the Epping Forest Acts 1878 & 1880. In the past your committee has approved the siting of formal or more naturalistic play areas on Epping Forest land in conjunction with the local authority which funded and continues to maintain the facility. These are:

- 3.1 Dames Road licensed to the London Borough of Waltham Forest (1985)
 - 3.2 Lords Bushes licensed to Buckhurst Hill Parish Council (2001)
 - 3.3 Leyton Flats licensed to the London Borough of Waltham Forest (2015)
- 4. Notwithstanding these exceptions the Conservators have made a general presumption against formal built play facilities and the majority of such requests have been refused.
 - 5. Three play areas are currently being campaigned for on Forest Land and there are other proposals which may be submitted soon.
 - 5.1 Memorial Green, Wanstead
 - 5.2 Wanstead Park
 - 5.3 Woodford Green

Current Position

- 6. The most relevant statutory provisions in respect of play facilities in Epping Forest are as follows:
 - 6.1 Section 7(1) of the Epping Forest Act 1878 states that "Subject to the provisions of this Act, the Conservators shall at all times keep Epping Forest unenclosed and unbuilt on, as an open space for the recreation and enjoyment of the public..."
 - 6.2 Section 7(3) of the Epping Forest Act 1878 states that "The Conservators shall at all times as far as possible preserve the natural aspect of the Forest..."
 - 6.3 Section 33(1) (vi) of the Epping Forest Act 1878 gives the Conservators the power "To acquire or erect buildings ...in their judgment necessary or convenient for recreation or refreshment..."
 - 6.4 Section 33(1)(xiii) of the Epping Forest Act 1878 allows the Conservators "To set apart...such parts as they think fit, for the use of the inhabitants to play at cricket and other sports, and to lay out, form, and maintain cricket grounds and grounds for other sports..."
 - 6.5 Section 76(1)(b) of the Public Health Acts Amendment Act 1907 allows the Conservators "To set apart any such part of the park or ground...for the purpose of cricket, football, or any other game or recreation, and to exclude the public from the part set apart while it is in actual use for that purpose."
 - 6.6 Section 76(1)(c) of the Public Health Acts Amendment Act 1907 also allows the Conservators "To provide any apparatus for games and recreations, and charge for the use thereof, or let the right of providing any such apparatus for any term not exceeding three years to any person."

- 6.7 Section 8(2) of the City of London (Various Powers) Act 1977 also provides that “Subject to the functions and obligations of the Conservators under the Act of 1878, including in particular their obligation to preserve the natural aspect of Epping Forest, the Conservators may, for the purpose of providing or improving opportunities for the enjoyment of the Forest by the public and in the interests of persons resorting to the Forest, provide such facilities, services and works as may appear to them to be necessary or expedient, including meals and refreshments, parking places for vehicles, shelters and lavatory accommodation.”
7. The Play Policy attached as Appendix 1 sets out a position on play in Epping Forest which is designed to best reflect the position outlined in the legislation. It advocates the importance of play but suggests that play can be achieved through the natural landscape in preference to formal structured play facilities.
 8. Given the frequency of requests for play facilities in the past and the number currently being discussed, a formal position is needed to ensure that the natural aspect of the Forest is protected from unsympathetic and disproportionate play developments.
 9. The Policy states that Epping Forest will not consider applications for formal built play facilities in anything other than the most exceptional circumstances and conforming to a range of defined requirements.
 10. The Policy also shows how Epping Forest division will seek to promote other play opportunities within the Forest.

Options

11. Your Committee can consider three options:
 - 11.1 **Option 1** – To approve the Epping Forest Play Policy as attached at Appendix 1. This will provide a clear position to inform potential applications for play facilities in Epping Forest. **This is recommended**
 - 11.2 **Option 2** – To approve the Epping Forest Play Policy as attached but with amendments specified by your committee.
 - 11.3 **Option 3** – Not to approve the Epping Forest Play Policy as presented in Appendices 1. This will leave the position on play facilities in Epping Forest unclear and open to unnecessary discussion and disappointment in cases where the facility will be rejected. **This is not recommended**

Proposals

12. The Play Policy states that there is a general presumption against built formal play facilities in Epping Forest with a view that in most cases they will detract from the preservation of the ‘natural aspect’ and as such are not generally granted permission.
13. In rare circumstances an exception may be made, and the policy defines the minimum criteria a request must meet before being considered by your committee.
14. The policy also makes commitments to increase promotion of other natural play opportunities in the Forest.

Corporate & Strategic Implications

15. The Epping Forest Play Policy will help deliver one of the aims of the Corporate Plan 2018 – 2023, to:

Contribute to a flourishing society.

- a) People are safe and feel safe
- b) People enjoy good health and wellbeing
- c) Communities are cohesive and have the facilities they need

16. The Policy will also deliver the Open Spaces Departmental Business Plan top line objectives:

- a) Open spaces and historic sites are thriving and accessible.
- b) Spaces enrich people's lives.
- c) Business practices are responsible and sustainable.

Financial

- 17. Commitments to promote play opportunities through website and publications can be met within existing budgets.
- 18. Further play promotion will be subject to obtaining funding or through work in partnership.
- 19. Built play facilities must be funded and maintained by the local authority at no cost to the City Corporation.

Environmental

- 20. Built formal play facilities will not be permitted other than in exceptional circumstances. Permission will only be granted once all statutory permissions are obtained and will only be considered in circumstances where the natural aspect is preserved.

Legal

- 21. Contained within the body of the report.

Reputational

- 22. The careful assessment of play facility requests through a clear and consistent policy approach should ensure fairness and equality of access.
- 23. A clear policy approach reduces the risk of adverse publicity as applications can be rejected at the earliest stage.

Property

- 24. Any licence to provide formal play facilities will include provision for the termination of the agreement and for all costs including reinstatement to be met by the local authority.

Conclusion

- 25. The City Corporation Epping Forest occasionally receives applications to site play equipment in the Forest. This policy framework creates a fair and transparent system for assessing these applications and establishes a guiding

principle that play equipment is not permitted other than in rare and exceptional circumstances.

Appendices

Appendix 1 – Epping Forest Play Policy

Jacqueline Eggleston

Head of Visitor Services

T: 020 8532 5315

E: jacqueline.eggleston@cityoflondon.gov.uk