

Committee(s)	Dated:
Epping Forest Consultative – For consultation	21102020
Epping Forest and Commons – For decision	16112020
Subject: Path Management: Policy Development Note SEF 23/20b	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	12.
Does this proposal require extra revenue and/or capital spending?	N/A
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Summary

The Epping Forest Management Strategy 2020-30 approved by your Committee in November 2019 proposed Policy development around the management of the Epping Forest public rights of way and formal and informal paths networks. Initial appraisal work has found 41km of public rights of way; 81km of managed routes and a further 76km where the City of London Corporation has a management responsibility.

This report outlines the Policy Development note (PDN) that has been prepared on Path Management. The property and significant management considerations described in the PDN have been outlined along with the management strategy. A revised path management process is proposed and will require ten years to transition from the current reactive to a planned management process. By adopting a phased approach that focusses on the higher public access areas first it is planned that the initial costs will be kept within current local risk budget. Wider adoption of the approach is likely to require additional resources and will be subject to a review and report to your committee before progressing.

Recommendation(s)

Members are asked to:

- i. Adopt Option1 where it is proposed that path management transitions over a ten-year period from a largely reactive process to a planned management process.

Main Report

Background

1. On the 18 November 2019, your Committee approved the Epping Forest Management Strategy for the period of 2020-29. As part of the strategy existing operational activity in main geographical locations and for key activities is being reviewed.
2. The review process comprises a reappraisal of the City Corporation's (CoL) property management issues alongside other significant management considerations, to provide an overview of current practice and an outline of longer-term aspirations.
3. This report outlines the Path Management Policy Development Note (PDN) that has been prepared as part of the review.

Current Position

4. Epping Forest and the Buffer Lands stretch for over 19km (12 miles) from East London into south-west Essex. Visitors are encouraged to access the Forest and Buffer lands on foot, cycle or horseback only, with the following conditions applying:
 - a. Pedestrians: Visitors on foot have the right to access all areas of Epping Forest at any time of the day. Buffer Land access is permitted along Public Rights of Way (PRoW) and on Permissive Open Access sites and permissive routes.
 - b. Cycling: Cycling is permitted throughout the Forest except for the Scheduled Ancient Monuments (SAM) of Loughton Camp, Ambresbury Banks, Pole Hill, along Loughton Brook Regionally Important Geological Site (RIGS), around Connaught Water and on the Easy Access trails. Wanstead Park has a defined cycle route with no cycling permitted elsewhere in the park and cycling is only allowed on the Buffer Lands along Public and permissive bridleways.
 - c. Horse riding: Horse riding is permitted throughout the Forest, except for out-of-bounds areas marked on the horse-riding booklet/guide on payment of an annual licence. In the winter months access is limited to the surfaced ride network only. On the Buffer Land riding is on designated public and permissive bridleways only.
5. The current managed path network has developed over time, with individual routes arising from a range of initial objectives, such as improving the connectivity of the PRoW on the Buffer Lands or providing all weather routes in the Forest. Management of the different path types has, in practice, over the years been combined under the following principles:
 - a. Natural paths: Paths with minimal intervention to maintain their accessibility. In most cases, this path type best meets biodiversity and heritage obligations;

- b. All-weather routes: Surfaced paths responding to difficult ground conditions are appropriate on routes across the Forest and Buffer Lands where there is an approved strategic management or public access need. The maintenance obligations associated with the all-weather route network influences the Charitable trust's ability to develop further all-weather provision;
 - c. 'All-ability' paths: Installed at locations where there is a significant need for higher accessibility standard paths. The creation and maintenance costs of these significantly restricts the provision of these highly accessible all-weather routes.
6. There are 41 km of public rights of way (PRoW) in Epping Forest and the Buffer Lands. In addition, there are around 81 km of paths designated by the CoL as managed routes suitable for horse riding, cycling and walking, with some routes seasonally unavailable for riding and cycling. Across the Forest there is an unquantified network of unofficial paths. A review of the path network in 2019 identified 198 km of paths where the CoL could be considered to have a management responsibility.

A notable outcome of the 2019 path audit is that the managed path network is significantly greater than previously considered and that its condition is showing the effect of under maintenance. This has highlighted a need to reassess the largely reactive approach to path maintenance currently adopted.

Proposals

Overview of the CMP

7. The Path Management PDN outlines the Property Management context and significant Management Considerations impacting on the management of the path network before presenting a management strategy and outline management program.

Management Strategy

8. The overall objectives for the path management program at Epping Forest are:
- a. To have an annual management programme that ensures we meet the City of London Corporation's (COL) requirements under the Highways Act (1980) and Epping Forest path management standard specifications;
 - b. To ensure the path network accessibility is appropriate for a semi-wildland to wildland environment and Special Area for Conservation;
 - c. To integrate path management into wider operational habitat and landscape management; and,
 - d. To provide a path network in a safe condition and fit for the type of traffic which is ordinarily expected to use it.

Management Considerations

9. There are a wide range of management considerations given in the report and these have been summarised below:
- a. Ecological: Paths and their verges can facilitate the movement of species across the Forest and historically they were a refuge for heathland and

- open ground species. The large extent of the path network is an opportunity to promote wildlife conservation benefits.
- b. Heritage: The Forest's path network is set within a historic landscape long inhabited with man-made structures dated to around 500BC. A number of paths form part of what once were a network of long used routes such as drove roads. A separate Policy Development Note will be prepared concerning the management of these historic routes in 2021/22.
 - c. Access: The predominant clay soils in the Forest mean that during the 5-6 months in the winter important routes are very poor to impassable. Seasonal inaccessibility is a concern in central and southern areas where the Forest can represent the only nearby open space for many people. The forthcoming Sustainable Visitor Strategy will provide an assessment on the future shape of the access needs in the Forest.
 - d. Property: Third party agencies under specific agreements have upgraded paths across the Forest. Maintenance of these paths by the third party has however been mixed over the years. The CoL's obligation under the Occupiers Liability Act 1957 indicates that management of these routes needs more active engagement with the third parties concerned to ensure that these paths are appropriately maintained.
 - e. Community: The 12-mile elongated and largely linear nature of the Forest means that it passes through many communities and in many instances, it is the main public open space for the communities concerned. Access development to the Forest from these local communities has been largely organic and unplanned. It is proposed that a new Local Forest Access Point be trialled with the aim of making it more welcoming to local residents approaching on foot and the outcome assessed in terms of its impact on reducing car-based visitors.
 - f. Finance: A legacy of the former reactive process is that additional works will be required to ensure paths meet the relevant specification. It can also be anticipated that additional ongoing maintenance will be required to continue to ensure paths meet the design specification. It is proposed that initially planned path management is concentrated on the higher access areas to develop a better understanding of the financial impact of the changes. Following a review and report to your committee the management process would be extended to the less busy paths. Condition monitoring would however be applied to all paths.

Property Management Context

10. The main property management issues impacting upon path management are:
 - a. Tree Safety: All Official paths, natural or all-weather, and waymarked trails are managed under the Tree Safety Policy. It is proposed in the PDN that all Public Rights of Way across the Forest and Buffer Lands and Informal Paths in Wanstead Park are also included as paths managed under the Tree Safety Policy. It is proposed that for Informal Paths (excluding Wanstead Park), the tree safety response would be that a site visit will be undertaken in response to any reported problems by users to assess the situation;
 - b. Statutory Designations: Many paths are within the Site of Special Scientific Interest (SSSI) and/or Special Area of Conservation (SAC) and can impact on the Registered Park and Gardens (RPG) and SAMs within the Forest

and Buffer lands. Consents from the responsible authorities will be required for some activities;

- c. Access infrastructure: Policy and practice concerning individual access infrastructure types, eg bridges, boardwalks and culverts, is covered under the Forest Furniture Policy Development Note, which will be completed in 2021. With predominantly clay soils, the presence of drainage and the condition of the drains are a defining criterion for the condition of path surfaces. Drainage concerns have been identified in the 2019 audit for 25.5km of the official path network and it is proposed that the path drainage network be mapped and recorded, including its condition, in the next phase of the audit process;
- d. Public liability: The relative responsibilities regarding public liability for public rights of way, formal and informal paths needs to be more clearly articulated in the future Paths Management Strategy.

Outline Management Program

11. The PDN presents an outline management program for taking forward the revised path management process. Key activities to be delivered as part of the outline management program are:
 - a. Risk Monitoring: It is proposed that we considerably increase the routine monitoring of the path network and its condition. This involves two aspects of monitoring, tree safety and path condition. It is proposed that we undertake much of this with appropriately trained Volunteers.
 - b. Review: As part of the ongoing development of the revised path management process several policy and procedural reviews are proposed. A key policy review will be the appropriateness of designating all or part of the Forest and Buffer lands as Open Access Land under the CROW Act.
 - c. Improvement programme: Over the next ten years it is envisaged that there will be two possible path improvement projects. The Sustainable Visitor Strategy may identify potential changes to the path network and the encouragement of modal shift by promoting walks from public transport linked Local Forest access Points.
 - d. Finance: It is recognised that there will be some additional costs arising from the need to ensure paths meet agreed standards. This is difficult to quantify at present. It is proposed that in the first instance, and within existing resource levels, planned maintenance work focuses on the higher public access areas and this be reviewed the finding presented to your committee before possible wider adoption across the Forest. Path condition monitoring will be undertaken for all routes and safety problems responded to as required.

Options

12. Your Committee are asked to consider three options:

13. **Option 1:** It is proposed that path management transitions over a ten-year period from a largely reactive process to a planned management process. By adopting a phased approach that focusses on the higher public access areas first, it is planned that the initial costs will be kept within current local

risk budget at the same time as prioritising management risks in the more significant areas. **This option is recommended.**

14. **Option 2:** Do not approve the Path Management PDN. This would result in the continuation of the reactive management process which has been shown to have resulted in concerns over under management in vegetation and drainage as well as poorly meeting current public liability management standards. **This option is not recommended.**

Option 3: The full implementation of the planned management process across the whole path network. This would lead to a wider improvement in the accessibility of the path network however it would also be a significant and currently unquantifiable increase in revenue and capital expenditure. **This option is not recommended.**

Corporate & Strategic Implications

Strategic implications

15. City of London Corporate Plan 2018 - 2023: the restoration and maintenance of the internationally and nationally important habitats of Epping Forest directly underscore the *third pillar* of the Corporate Plan, which is to “*shape outstanding environments*”. The development of ISP’s and PDN form part of the operational planning to achieve this aim of the Corporate Plan.
16. Open Spaces Department Business Plan 2020-21: The proposals in the PDN contribute towards meeting the following outcomes of the plan: 1,3,4,5,7,8,9 and 11.

Financial implications

17. The first phase of the outline management program has been framed to fit within existing levels of local risk spend. The wider application of the revised path management program across the Forest and Buffer lands will require additional resources. The first phase development process will be to quantify the longer-term resource needs and identify how they can be met. These details would be brought to your Committee for further approval.
18. Good practice in path management should reduce our financial liability arising from personal injury claims against the CoL.
19. Being registered as Open Space under the CRoW act 2000 has the potential to reduce our financial liability for personal injury claims.

Legal implications

20. Subject to the provisions of the Epping Forest Acts 1878 & 1880 the Conservators are under a duty at all times to keep Epping Forest uninclosed and unbuilt on as an open space for the recreation and enjoyment of the public. They are also under a duty at all times as far as possible to preserve the natural aspect of the Forest.

21. The proposal to review landowner duty of care responsibilities will require legal consideration and this review would be developed in association with the CoL's legal team.

Charity Implications

22. Epping Forest is a registered charity (number 232990). Charity Law obliges Members to ensure that the decisions they take in relation to the Charity must be taken in the best interests of the Charity.

Equalities implications

23. No negative equality impacts were identified for this proposal.

Climate implications

24. None.

Security implications

25. None.

Epping Forest Consultative Committee

26. Members of the Epping Forest Consultative raise the following issues:

- The impact of 'Desire Lines' and what is being done about them, including one created by cyclists:
- Concern expressed that the Forest is park and we should be cautious on this.

27. It was reported that as a designated Public Open Space people have the right to walk anywhere which makes it difficult to intervene to prevent use. The PDN does outline a process for where a path adversely impacts the site in some way and this will allow assessment of specific substantive concerns. Also the PDN proposes making well used Desire paths 'Informal Path' which have a slightly higher management intervention. An important aspect of the PDN was to establish that the Forest is a 'Semi wild land' area and not a park our country park and the path management proposals seek to align with this definition.

Conclusion

28. A PDN has been prepared on path management. This identifies the property management context and other significant management considerations that should be considered.

29. A management strategy is presented along with an outline management programme which recognises that the next ten years will be a development period where we transition towards a planned management regime.

30. The first phase proposals would be achieved through existing Local Risk resources and are likely to reduce the CoL's long-term financial liabilities arising from public liability claims.

31. Longer-term it is anticipated additional resources would be required and quantifying this need will be part of the first phase of works with a review and report to your committee scheduled for 2025.

Appendices

- Appendix 1 – Path Management: Policy Development note (2019)

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