

Committee(s): Open Spaces and City Gardens Committee	Date(s): 5 th December 2022
Subject: Directors Report	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1, 2, 3, 4, 5, 11 & 12
Does this proposal require extra revenue and/or capital spending?	N/A
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Juliemma McLoughlin, Executive Director, Environment	For Discussion
Report author: Sally Agass, interim Director of Natural Environment	

Summary

This report provides the Committee members with an update on matters relating to the work of the Natural Environment Division of the Environment Department since the last Committee in October 2022.

Recommendation

Members are asked to:

- Note the contents of the report.
- Provide feedback on the contents of the report

Main Report

Charity Review

Members are asked to note that Natural Environment Charity Review of the nine charities is progressing and a full report, cover the following areas will be submitted to the next Committee, the review covers the following key areas:

- Governance
- Operational Finance
- Operational resourcing
- Strategy

Members are advised that one of the actions under the governance section is to review the objects of the Charities. These objects do restrict which charitable funding sources the charity can approach to fund its activities. The Comptroller and City Solicitor's

provisional view is that no changes to any of the objects of any of the charities are necessary, but this will be further tested as the Strategies and proposals for implementing them are crystallized and assessed. Should any changes be required then in almost all cases legislation would need to be sought from parliament, which is a resource intensive and lengthy process, together with any necessary Charity Commission consent. The descriptions of what the charities do as published on the Charity Commission website would benefit from being updated. It is proposed to prepare and provide updates to the Charity Commission under officers delegated authority for day to day management, unless your Committee wishes to review those relevant to it once drafted. Changes to the descriptive section on the Charity Commission website that briefly describes what each charity does is changes as follows:

Epping Forest Charity number: 232990

Objects - THE PRESERVATION OF EPPING FOREST IN PERPETUITY BY THE CORPORATION OF LONDON, AS THE CONSERVATORS OF EPPING FOREST AS AN OPEN SPACE FOR THE RECREATION AND ENJOYMENT OF THE PUBLIC.

Acts: EPPING FOREST ACTS 1878 AND 1880

Who What, How, Where Descriptors on the Charity Commission website:

- 'What' - Current descriptors is only Amateur Sport and Recreation

The administrative change is to add to the 'What' section

- Conservation and preservation of the Environment in perpetuity; Sport, Recreation and public enjoyment; Heritage Education and Learning; The Advancement of Health & Wellbeing; Culture & the Arts; Science

'Where' it operates:

- Currently - Throughout England and Wales (Will remain as is)

Ashted Common Charity number: 1051510

Object - THE PRESERVATION, IN PERPETUITY, BY THE CORPORATION OF LONDON, OF THE OPEN SPACE KNOWN AS ASHTEAD COMMON FOR THE RECREATION AND ENJOYMENT OF THE PUBLIC.

Act: CORPORATION OF LONDON (OPEN SPACES) ACT 1878.

Who, What, How Where descriptors on the Charity Commission website:

- 'What' - Currently only Amateur Sport Recreation

The administrative change is to add to the 'What' section:

- Conservation and Preservation of Environment in perpetuity; Sport; Recreation and public enjoyment; Heritage; Education and Learning; The Advancement of Health & Wellbeing; Culture & the Arts; Science

'Where' it operates

- Currently - Surrey
- Amended (for consistency) Throughout England And Wales

Coulston, Kenley and other Commons Charity number: 232989

Objects: - THE PRESERVATION, IN PERPETUITY BY THE CORPORATION OF LONDON OF THE OPEN SPACES KNOWN COLLECTIVELY AS COULSDON COMMONS FOR THE RECREATION AND ENJOYMENT OF THE PUBLIC

Act: CORPORATION OF LONDON (OPEN SPACES) ACT 1878.

Who what, How Where descriptors

- 'What' currently only Amateur Sport

The administrative change is to add to the 'What' section:

- Conservation and Preservation of Environment in perpetuity; Sport; Recreation and public enjoyment; Heritage; Education and Learning; The Advancement of Health & Wellbeing; Culture & the Arts; Science

'Where' it operates

- Currently - Surrey
- Amended (for consistency) Throughout England And Wales

West Wickham Common & Spring Park Wood Charity number: 232988

Objects: THE PRESERVATION, IN PERPETUITY BY THE CORPORATION OF LONDON OF THE OPEN SPACES KNOWN COLLECTIVELY AS WEST WICKHAM COMMON AND SPRING PARK WOOD FOR THE RECREATION AND ENJOYMENT OF THE PUBLIC.

Act: THE CORPORATION OF LONDON (OPEN SPACES) ACT, 1878.

The administrative change is to add to the 'What' section:

- - Conservation and Preservation of Environment in perpetuity; Sport; Recreation and public enjoyment; Heritage; Education and Learning; The Advancement of Health & Wellbeing; Culture & the Arts; Science

'Where' it operates

- Currently - Surrey
- Amended (for consistency) Throughout England And Wales

West Ham Park: Charity number: 206948

Objects: THE MAINTENANCE OF WEST HAM PARK AS OPEN PUBLIC GROUNDS AND GARDENS FOR THE RESORT AND RECREATION OF ADULTS AND AS PLAYGROUNDS FOR CHILDREN AND YOUTH

Act/Indenture: INDENTURE DATED 20TH JULY 1874 AND SCHEMES OF 12TH MAY 1981 AND 27 SEPTEMBER 1991 AS AMENDED BY RESOLUTION DATED 08 NOV 2021

The administrative change is to add to the 'What' section:

- - Conservation and Preservation of Environment in perpetuity; Sport; Recreation and public enjoyment; Heritage; Education and Learning; The Advancement of Health & Wellbeing; Culture & the Arts; Science

'Where' it operates

- Currently - Newham
- Amended (for consistency) Throughout England And Wales

Hampstead Heath: Charity number: 803392

Objects: THE PRESERVATION OF HAMPSTEAD HEATH IN PERPETUITY BY THE CORPORATION OF LONDON AS THE TRUSTEES OF HAMPSTEAD HEATH, AS AN OPEN SPACE FOR THE RECREATION AND ENJOYMENT OF THE PUBLIC.

Act: THE HAMPSTEAD HEATH ACT 1871 AND THE LONDON GOVERNMENT REORGANISATION (HAMPSTEAD HEATH) ORDER 1989

The administrative change is to add to the 'What' section:

- Conservation and Preservation of Environment in perpetuity; Sport; Recreation and public enjoyment; Heritage; Education and Learning; The Advancement of Health & Wellbeing; Culture & the Arts; Science

'Where' it operates

- Currently - Camden
- Amended (for consistency) Throughout England And Wales

Highgate Wood and Queen's Park: Charity Number 232986

Objects: THE PRESERVATION IN PERPETUITY BY THE CORPORATION OF LONDON, OF THE OPEN SPACES KNOWN AS HIGHGATE WOOD, HIGHGATE AND QUEENS PARK, KILBURN AS PUBLIC PARKS OR OPEN SPACES, FOR THE PERPETUAL USE THEREOF BY THE PUBLIC FOR EXERCISE AND RECREATION

Act: HIGHGATE AND KILBURN OPEN SPACES ACT 1886. SCHEME 12TH AUGUST, 1886 (CHANCERY DIVISION)

The administrative change is to add to the 'What' section:

- Conservation and Preservation of Environment in perpetuity; Sport; Recreation and public enjoyment; Heritage; Education and Learning; The Advancement of Health & Wellbeing; Culture & the Arts; Science

'Where' it operates

- Currently - Throughout England And Wales (to remain as is)

Strategies

Members have previously been advised that five core strategies are in development, as follows:

- Conservation and Nature Resilience
- Visitor, Sport and Leisure
- Community and Stakeholder Engagement
- Education and Learning
- Charity Income

it is proposed:

- A Culture and Heritage Strategy be developed
- That an over-arching Natural Environment strategic document be prepared and brought back to the next Committee for decision. This document will demonstrate how our strategies will contribute to the Corporate Plan, the Environment Departmental Business Plan and the key strategic objectives

Current draft strategies:

Community – designed to increase the involvement of local communities, local authorities and national bodies who all should have a role to play in delivering the objects of the strategies. The strategy is designed to in local 'ownership' of the space and therefore, individuals' willingness to take proactive measures to ensure their continued protection. The strategy promotes consultation and communication to ensure continued relevance of the facilities, events and activities that we provide.

Conservation and Nature Recovery – designed to protect and preserve into perpetuity our open spaces. To look beyond existing boundaries including the buffer lands, to form partnerships with external partners so that a shared vision for local nature recovery and restoration of natural landscapes. Designed to forge clear links with Corporate Climate Action Policy that seeks to balance biodiversity net gain against competing green space strategies such as visitor access, commercial activity, health and wellbeing, heritage, learning and information.

Charity Income – a clear inter-connected strategy that seeks to generate income, both revenue and capital for reinvestment into our charities. The income generation strategy is themed around the other strategies and seeks to provide income to deliver the actions pertaining to each strategy. Regarding the TOM Phase 2, income raised can be used to support additional posts to deliver key strategic aims

Visitor, Sports and Leisure - The vision of the strategy is to align the Charities objects with customer's needs so that our open spaces can be seen as important

destination for London and beyond with a well-defined branding and a wide range of activities and facilities that can attract a wide range of visitors. The major benefit of the strategic approach is that that investment in facilities and events is aligned with the need to capture the local importance of our spaces as regional and national destinations but also to harness the balance between visitor needs and the preservation of these sites for future generation and biodiversity.

Learning – Our open spaces provide the perfect environment for everyone to learn about nature, to acquire green skills and to be part of the conversation about Climate Action, biodiversity and conservation. Learning is integral to all our strategies and demonstrates the interdependencies of this strategic approach that will maximise the benefit of our open spaces for health, wellbeing, education and recreation .and demonstrates our ability to deliver corporate and regional strategies

Key News from our Charities

Hampstead Heath

Hampstead Heath is looking at re-instate small scale sheep grazing in small areas in September 2023. The group looked at the ant hill site on the Heath Extension which is already fenced off with the potential to also use to Tumulus site which was the focus of the 2019 visit. We are modernising the way enforcement of car parks is delivered by involving third party contractors as at present enforcement is carried out by site keepers and not very effective. The contractors will invest in enforcement infrastructure and will mirror models that are at other sites within the Natural Environment Division and within the City of London.

Members attended a successful launch of a refurbish playground at the Heath Extension that was funded by community fundraising with an impressive contribution of around £48K. All our gardens have been awarded London in Bloom gold standards with West Ham Park being a winner of the large parks category.

Epping Forest

Epping Forest launch its first externally funded sustainable guided walking trail on 26 September at Goldings Hill, Loughton. Adjacent to a local residential estate and public transport bus stop, the scheme is designed to provide local walking routes to discourage travel through the SAC to ‘honeypot’ sites. The Lord Mayor also planted a tree with members of the Gifford family to commemorate the late Sir Roger Giffords £75,000 investment in the creation of the Gifford Wood Forest extension planting at Horseshoe Hill, Upshire. A £280k project led by the District Surveyor team was also completed on the Birch Hall Park lake Small Raised Reservoir (SRR) to create an access road, make the dam safe and manage overflow arrangements through a series of downstream biodiversity friendly ‘leaky’ dams.

Sadly, Epping Forest was notified by DEFRA of a confirmed Avian Flu wildfowl death on 30 October, following notifications to the Government Department of a significant

number of bird deaths. These deaths coincide with a substantial Avian Flu outbreak amongst the UK wild bird population. DEFRA/Animal Plant Health Agency signage urging public caution and restrictions on feeding have been erected at lakes, and Keepers are collecting wildfowl carcasses from various lakes, particularly Eagle Pond, following strict Health & Safety protocols supported by a new dedicated Category 1 waste stream.

Burnham Beeches and The Commons

Staffing levels have improved over the period with the recruitment of two Assistant Rangers at Burnham Beeches, and one at Ashted Common. The current apprentice at Burnham Beeches was successful in obtaining one of the new roles at Burnham Beeches. A staff member at Ashted Common has happily returned to full duties after a long period of illness. Five staff from both the Commons and Hampstead Heath spent five days in northern Spain attending a conference and visiting sites with old pollarded trees with Spanish and other international arborists and nature reserve managers. This continues a long-established relationship with counterparts in Spain. A seminar to share the experience with Open Spaces staff is being prepared.

Volunteers have delivered 2739 hours of work in September and October, the equivalent of £ £27,390 using the Heritage Fund's matched funding calculator. The 'eco-volunteers' at Burnham Beeches have been working on the crab apple project which has secured funding from the City of London's central grants scheme. They have been taking measurements of apples and leaves and are now writing up some of the projects carried out over the summer. Volunteer activity on the autumn/winter habitat management work is in full swing across The Commons, including hosting the Environment Department's new 15 strong Business team on a wet November. They undertook heathland restoration work as part of the annual Countryside Stewardship Scheme (CSS) funded management program and hopefully the baked potatoes cooked in the embers of the fire, used as part of the task, helped to warm them up. Our thanks to the team.

Despite the dry summer conditions The Commons were successfully grazed. The grazing area at Burnham Beeches was increased using a combination of traditional and invisible fences, including the 'No Fence' system, with the livestock now offsite for the winter. The grazing partnership with Surrey Wildlife Trust continues to be a success at Ashted Common. Sadly, there was a dog attack on the goats at West Wickham Common which led to the death of one goat. Staff have good evidence of the attack and are working on prosecution possibilities. The winter work programme of cutting ancient pollards at Burnham Beeches and Ashted Common has been suspended for 22/23 due to this summer's drought conditions. This is likely to impact the amount of grant that can be claimed for this work in 2023 as part of the CSS Scheme agreements for these sites. A contractor has been appointed to cost up and look at funding options for the delivery of a landscape scale project around Burnham Beeches and encompassing the National Trust/Dorneywood Trust land. £10,000 funding for this project has been provided by Buckinghamshire Council.

West Ham Park

The gardeners have been busy in the ornamental gardens by creating a mini meadow bordered by a flowering hedge. On the bank by the small pond the gardeners have sown a spring flowering meadow. This flowering hedge has been designed to attract bees, beneficial insects, birds, butterflies, moths and other pollinators. It has nectar/pollen rich flowers, provides shelter and habitat, has seeds for birds and makes a good wildlife hedge.

The Friends have continued to assist the keepers with litter picking three times a week as the visitor number remain high due to the warmer weather. This is great support for the keepers as they battle to keep the grass down and clear the leaves up. The Friends have been developing an interpretation panel that tells the Fothergill story and have had it made by signage company Fitzpatrick Woolmer. The story tells how Dr Fothergill collected plants on his travels and grew them at West Ham Park. The panel was brought to life by park user and local illustrator Salvatore Rubbino who worked with the Friends to produce this amazing story board. The panel will be displayed for all to see in the playground near the explorer ship

The keepers have done great work on renovating the football pitch. They scarified, aerated, and seeded the pitch to encourage better grass coverage as the pitch had been scorched during the summer and grass coverage was inadequate for league matches. Now renovation is complete and the games have commenced in November.

Over the past month the park has had four companies choose West Ham Park as a venue to hold their volunteering days. We have had the pleasure of welcoming Chubb Insurance, National Grid, Societe Generale and Lexis Nexis who have been carrying out various volunteering tasks around the park. Tasks have included weeding, mulching, pruning, installing vertical log stacks, shrub and ivy removal and planting. Between these companies they have supplied 60 volunteers, who have done a combined total of over 360 volunteer hours. This is a great help to the park team as this helps us keep on top of all the maintenance tasks. We have had great feedback from all the volunteers and many of them would like to volunteer again next year.

Newham biggest leaf pile event from the Friends of West Ham Park was postponed to the end of November.

Wild Schools: October has been relatively busy for the team. During October 20 sessions were taught to roughly 410 children. These sessions covered a variety of topics from habitats to orienteering. Children from the charity Ambition Aspire Achieve (AAA) benefitted from an amazing session in which they took part in outdoor cooking and shelter building.

Other autumn sessions:

November – 31 sessions booked

December – 9 sessions booked currently, but in November a new Festive Storytelling around the campfire session will be offered to schools if there is still space in December.

The playground is still very popular with children. We entered a defect period when discussions with the contractor are now taking place to remedy any issues after opening. The park team are regularly in contact with the playground contractors and

suppliers to get the issues with the playground rectified. The contractors recently met with the gravel suppliers on site to discuss and find a solution to the gravel not binding adequately. The suppliers of the net climber, Galopin, are currently speaking to the contractor about the poorly fitting slide, which should be rectified shortly.

The work and activities outlined in this report contribute to numerous strands of the City of London Corporate Plan 2018-2023, but notably outcome 12. “our spaces are secure, resilient and well-maintained”, under the Shape Outstanding Environments strand.

The park is proving to be a great asset for community participation with successful engagements of businesses and schools. The Friends of West Ham Park continue to be a key partner to keep the park well managed and to involve the local communities. Staff is remaining engaged in the implementation of the wider Natural Environment strategic framework which includes nature recovery and community engagement.

West Ham Park – Former Nursery Site

Notification of the disposal of the former nursery site adjacent to West Ham Park was made via a section 121 notice (under the Charities Act 2011) in March 2022. A section 105 Order (under the same Act) to allow part of the proceeds of the disposal to be received in kind by the provision of new operational facilities was obtained in August 2022. The commercial agreement with the preferred developer is currently being finalised. Further details are provided in the non-public update report elsewhere on this agenda.

Learning

The learning programme has engaged 21,970 participants at Epping Forest, Hampstead Heath and West Ham Park (April – September 2022).

9,580 students participated in our school programme, which reached children in London’s most deprived boroughs, including Tower Hamlets, Newham, Hackney, Waltham Forest and Haringey. Schools took part in facilitated workshops that support the National Curriculum and boost fusion skills, wellbeing and connection to nature.

12,240 people participated in our play programme at Hampstead Heath, with visitors enjoying activities which promoted social skills, physical fitness, confidence and wellbeing. 150 people participated in our community programme, including sessions for Young Carers and facilitated visits to Hampstead Heath for children growing up in Newham, one of London’s most deprived and urban boroughs.

A new youth officer was recruited in August and a variety of activities are now in place, including a pre-apprenticeship work experience programme for school students at risk of exclusion, and a six-week programme for a London pupil referral unit. The youth programme is targeting 13 – 25-year-olds who are struggling with education, employment or mental health.

Byelaws

There are 12 separate sets of byelaws which relate to the Open Spaces managed by the Natural Environment. A number of these were drafted and enacted many years ago and therefore are not totally reflective of modern activities.

There are also a number of activities which are not included in the current byelaws, which need to be added to enable effective management and enforcement to take place. However, this is a complex legal exercise and requires careful review, understanding, prioritisation and planning.

The Natural Environment Division have therefore established a Byelaw Review Group to manage, monitor and progress the process for the update of the byelaws.

Changes and additions require legal support (which is provided by the Comptroller & City Solicitors Department – C&CSD) and for a formal consultation process to be carried out. This is complex, potentially challenging and needs to be managed carefully in order to obtain the right outcome. A great deal of interest may be attracted; therefore, it is very important to be clear on the reasons and imperative for the changes and a robust rationale is essential to inform and support the process.

As the byelaws relate to the individual sites and associated Charities, the need for a phased approach is appropriate and will deliver the best outcome. Learning will be gained and can be applied to the process going forward. Epping Forest will be the Pilot location, reviewing and working towards updating their byelaws first.

The Chief Lawyer from the C&CSD is currently drafting the relevant documents detailing the key changes required for Epping. This will be available in the next few months. The advice from the C&CSD is that the timeline of the process for changes is 6/12 months. A further report will be brought back to Committee as we advance.

Queen's Green Canopy

Planting season officially began again on October 3rd with a ceremony at Chelsea Royal Hospital where representatives from Burnham Beeches and Golders Hill received their "Tree of Trees" tree from Buckingham Place along with commemorative pot and letter from the Queen.

Over the next 6 months we are partnering with the City's Cool Streets and Greening programme to plant 20-30 trees across the City, along with separate plantings in Epping Forest and Hampstead Heath and wider Open Spaces.

Over the last several weeks we have had several individual plantings events along with an event at Keats House in which the official plaque revealing the Ancient Black Mulberry Tree's designation as one of the Queen's 70 ancient trees.

Projects Update

Monument Update

The Monument, is a visitor attraction, scientific instrument and heritage feature in the City of London, operated by Tower Bridge staff on behalf of the Natural Environment Division, who are the asset owner. Officers are exploring one current opportunity to work with the private sector, creating a Monument visitor centre in the immediate vicinity. The opportunity could result in a visitor centre constructed and fitted out at little or no cost to the Corporation. Several positive meetings with the prospective development partner and their architectural consultants have been held. Both parties have agreed to further test the viability of a proposed visitor centre by commissioning a feasibility study to better understand the space requirements, the potential operators and the business model options for the facility. The appointed consultant team will begin work in early December 2022.

Corporate & Strategic Implications

All projects and works delivered by our Charities contribute towards the achievement of the three aims set out in the City of London Corporate Plan 2018-23: Contribute to a flourishing society, Support a thriving economy and Shape outstanding environments.

A key strategic link is the Climate Action Strategy, and we work with the Departmental and Corporate teams to deliver those elements allocated to the Natural Environment Department,

Financial Implications

Not applicable

Resource Implications

Not directly applicable

Climate Implications

Not directly applicable

Legal Implications

Not applicable at this time but will be reported to Committee as part of the Charity Review

Risk Implications

Not applicable

Equality Implications

No impact.

Security Implications

Not applicable

Appendices

None

Sally Agass

Interim Director, Environment Department.

E: sally.agass@cityoflondon.gov.uk