

City of London Corporation Committee Report

Committee(s): Epping Forest and Commons Committee	Dated: 17/07/2025
Subject: Motorgate Wayleave Fee increase 2025 (SEF 18/25))	Public report: For Decision
This proposal: <ul style="list-style-type: none">• delivers Corporate Plan 2024-29 outcomes	Flourishing Open Spaces
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	£0
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of:	Katie Stewart – Executive Director of Environment
Report author:	Brian Pallett – Epping Forest Licensing and Wayleave Officer

Summary

This report is necessary to seek Committee approval for the increase in wayleave fees for domestic motor access (motorgates) as of 1 October 2025.

It is proposed to maintain the existing model of basing charges on council tax bands. As the last time charges were reviewed was 2015 a Retail Price Index (RPI) uplift will be applied on the 2015 charges (April 2015 to April 2025). This represents a 55.9% increase in fees.

Recommendation(s)

Members are asked to:

- Approve the increase in motorgate wayleave fees in line with RPI as proposed in Option 1.

Main Report

Background

1. Following the enactment of the Epping Forest Acts 1878 & 1880 which established the City Corporation as the Conservators of Epping Forest, further land acquisitions were finalised in the Arbitrator's Award of 1882, which established the initial Forest Land holding. While the Arbitrator's Award settled many of the access issues for properties associated with the Forest, given the purchase of individual estates within the Forest and the settling of many illegal enclosures, over 150 properties were found to rely on crossing Forest Land to access the public highway. Section 33(1)(iv) of the Epping Forest Act 1878 recognised this situation and provided power to the Conservators to 'afford facilities and grant rights of way for access to inclosures'.
2. Wayleaves are a widely recognised form of personal licence, which allow the Conservators to continue to manage rights of access across Forest land and prevent access rights from potentially arising by prescription.
3. The wayleave has the benefit of an annual charge rather than a one-off charge based on a full property valuation. Few landowners are prepared or able to make such contributions and therefore wayleaves remain the preferred solution for recording and conferring access rights.
4. There have been some previous misconceptions by some wayleave holders that the wayleave fee is related to some form of maintenance provision to be executed by the Conservators, that the wayleave permits additional uses of Forest land such as parking or material storage and that the holding of a wayleave licence for a prolonged period confers a permanent access right. All wayleave licences directly indicate that the maintenance of the wayleave throughout its continuance is the responsibility of the licensee, that the wayleave is only for the purpose of passing and re-passing to the benefitting property and that it can be determined at any time.
5. Epping Forest Officers have worked to the general principle that where a property has had the benefit of a motorgate wayleave, the same benefit will be offered to new owners/occupiers of the property, by way of a new licence subject in most cases to revised terms.
6. The current wayleave charging model was developed by Strutt and Parker in conjunction with the City of London Open Spaces Department in 2015. This replaced a very basic model which charged all motorgate wayleaves at £50 per annum. The model came into effect as of 1 October 2015 and linked the motorgates to the existing council tax banding A-H. The basis for this model was that it is a charging concept that all households are familiar with and that there is a standard percentage escalation between council tax bands nationally and established valuation principles recognise that the value of land used to provide access to third party property is related to the value of the property that the access serves.

7. It was originally planned that the 2015 charge would be reviewed in 2020. However, this was not pursued due to the uncertainty caused by the Covid Pandemic. Epping Forest Officers have instead used the last five years to improve recording of wayleaves to protect the Forest from the potential establishment of prescriptive rights, pursued debt collection of non-payments and improved wayleave documentation when new wayleaves are requested.
8. Access to commercial wayleaves is addressed by a separate project and is based on the rateable value of the respective property.

Current Position

9. Motorgate wayleave fees raise £30,765 and form a contribution to the Superintendent's (Assistant Director) Local Risk Budget which is applied in pursuance of the Epping Forest Charity's activities, including conservation and recreation objectives.
10. All wayleaves are granted on an annual basis and will renew until determined, which can be completed at any time by either the Conservators as the licensor or by the licensee.
11. All wayleaves contain a clause that states that wayleave fees can be increased at any time by the licensor when notified in writing.

Options

12. **Option 1:** Approve the increase wayleave fee for all domestic properties and agricultural accesses in line with RPI from April 2015 to April 2025 which represents a 55.9% increase and an increase in revenue to the Charity of £17,205 and annual income of £47,970. **This option is recommended.**
13. **Option 2:** Approve an increase in wayleave fee for all domestic properties in line with average Council Tax increases per respective borough. **This option is not recommended** due to the inconsistency across the Epping Forest estate.
14. **Option 3:** Do not approve an increase in motorgate wayleave charges. **This option is not recommended.**

Proposals

15. It is proposed to maintain the existing model and apply a Retail Price Index (RPI) uplift on the 2015 charges (April 2015 to April 2025). This reflects the last available published RPI rate against the rate used in 2015. The RPI increase over this period is 55.9%.

16. Use of RPI is a recognised measure of inflation in UK that includes owner-occupier housing costs (the expenses associated with owning, maintaining, and living in one's own home). As RPI is often used in the setting of cost increases for bills and services, and other government levies it's use in this context is appropriate for the service the licence provides to the respective properties.
17. RPI increases are used annually by the Epping Forest Charity to increase in fees and charges for licences and produce fees.
18. If approved, Officers propose the next increase to wayleave fees in 2030, given the scale of application required to implement the increase.
19. This would result in a £17,205 increase in income to the Epping Forest Charity and a prospective annual income of £47,970.
20. By way of comparison, council tax has increased on average in the UK per dwelling by 39% over the same period. Locally, in the London boroughs of Redbridge and Waltham Forest Council tax has increased by 57% respectively and in the Epping Forest District by 42% over the same period. Due to this inconsistency in a local context, it is not proposed to increase wayleave fees on this basis reflecting the cross-authority extent of the Forest.

Key Data

21. This 55.9% increase would be applicable to all properties across all bands. The increase per property is shown in the table below.

Council Tax Banding	No. Motorgates	2015 Fee	2025 Fee	Increase between bandings	Total Income 2015	Total Income 2025
A	55	£70.00	£109.00		£3,850.00	£5,995
B	1	£81.00	£126.00	16.67%	£81.00	£126
C	2	£93.00	£145.00	14.29%	£186.00	£290
D	13	£105.00	£164.00	12.50%	£1,365.00	£2,132
E	58	£128.00	£200.00	22.22%	£7,424.00	£11,600
F	44	£151.00	£235.00	18.18%	£6,644.00	£10,340
G	45	£175.00	£273.00	15.38%	£7,875.00	£12,285
H	14	£210	£327	20.00%	£2,940.00	£4,578
Agricultural	8	£50	£78		£400.00	£624
					£30,765.00	£47,970

Corporate & Strategic Implications

City of London Corporate Plan 2024-2029

22. Option 1 supports the Corporate Plan's Flourishing Public Spaces as the licence fees received from motorgate wayleaves are used to fund the

activities of the Epping Forest Charity, contributing to the protection of Epping Forest as a place of conservation and public recreation.

Natural Environment Strategy

23. Part 4 of the Five Key Strategies: *Charity Income Strategy- In order to maximise our ability to preserve, protect and develop our open spaces in an era of reducing funding we will seek to increase our income whilst preserving the ethos and culture of the Natural Environment values.*

Financial implications

24. Will increase annual revenue to the Charity by £17,205 to £47,970 p.a. in the year 2025/2026.

Resource implications

25. Epping Forest Officer time will be spent creating letters to all current licensees, answering potential press enquiries and possible complaints.
26. Chamberlains will need to make the respective alterations to Direct Debit and invoice alterations for the respective wayleave accounts.

Legal implications

27. The City Corporation's wayleaves are by their nature, licences. They are granted on the express basis that the permission is personal to the licensee and that such permission continues during the pleasure of the City Corporation, and can be determined by the City Corporation at any time by notice in writing. Licensees are asked to pay an annual licence fee which can also be increased at any time.
28. Under Section 33(1)(iv) of the 1878 Act, the Conservators have power "*to afford facilities and grant rights of way for access to inclosures*". The properties granted wayleaves are considered to be 'inclosures' for the purposes of this section.
29. Section 7(2) of the 1878 Act provides that the Conservators shall not sell, demise or otherwise alienate any part of the Forest. The grant of wayleaves (licences) for access across Forest land to inclosures is not a "sale, demise or alienation" of Forest. However, in all cases the creation of a wayleave would be carefully considered for its appropriateness and impact on the natural aspect and public recreation.

Risk implications

30. The planned increase in motorgate wayleave fees is likely to receive some negative responses from licensees and could result in some negative publicity. However, the increase is in line with RPI, which is a national recognised metric of inflation.
31. As noted in the report to your Committee in 2015, established valuation principles recognise that the value of land used to provide access to third party property is related to the value of the property that the access serves. Therefore, it was considered reasonable to make use of the council tax banding system as the basis to calculate various access cross-over tariffs for the least to the most expensive dwellings, bearing in mind that the charges should remain affordable at the lower end of the tariff.
32. There is a risk that a fee increase will result in refusal of payment. If this situation does occur the Wayleave Enforcement Policy procedure would commence:
- a. The Wayleave holder would be written to informing them of their debt history and the Conservators intention to withdraw the Wayleave Agreement.
 - b. If payment is not received within 28 days, careful consideration would be given to any representations made within the 28 day period. If it was decided by the relevant officers that the status of the way was clearly a terminable wayleave, and there were no special circumstances making obstruction of the way inappropriate or disproportionate (such as occupants reliance on vehicular access due to disability or ill-health of occupants) a further letter would be sent a further letter would be sent terminating the Wayleave in accordance with its terms, and advising that as from a date set 7 days after termination a barrier is to be installed blocking the access.
 - c. On the appointed day a concrete barrier would be installed across the Wayleave with support from Bailiffs and Police Officers if deemed necessary. A £50 admin fee for the renegotiation of the Wayleave will also be required.

Equalities implications

33. N/A

Climate implications

34. N/A

Security implications

35. N/A

Charity implications

36. Epping Forest is a registered charity (number 232990). Charity law obliges Members to ensure that the decisions they take (for and on behalf of the trustee) in relation to

the Charity are taken in the best interests of the Charity. In relation to providing rights of way across Forest land, this includes being satisfied that the proposed terms are the best that can be reasonably obtained for the Charity.

Conclusion

37. The Epping Forest Motorgate Wayleave fees have remained static for the last ten years and therefore the relative value since the introduction is now diminished. In order to ensure fair contribution from properties benefitting from accesses across Forest Land, it is considered appropriate that revised fees are introduced. An application of an RPI upon the existing fees represents a recognised inflation metric which observes owner-occupier housing costs. All monies received from these licences provide essential income in pursuance of the activities of the Epping Forest Charity, including its conservation and recreational objectives.

Appendices

None

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