**Responses To A Consultation Paper On The Proposed Use Of A Legislative Reform Order To Permit A Temporary Police Muster, Briefing and Deployment Centre On Wanstead Flats To Support The 2012 Olympic Games**

(Please note these responses have been reproduced as received).

| Mrs Janet Cornish |
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| I should be glad if you would include my email address in your distribution list for information on this consultation.<br><br>Janet Cornish (Mrs) |
| Gary Ewer |
| Public consultation Wanstead Flats<br><br>I am very concerned about the proposed plans for the Police Centre on Wanstead Flats.<br><br>This area is used extensively by local residents and is an open access area in the middle of very dense housing.<br><br>The Flats are protected by the Epping Forest Act and I am completely against any structure being built on the Flats or any restriction in the public access.<br><br>Gary Ewer |
| Ferndale Area Residents Association & Neighbourhood Watch |
| **Ferndale Area Residents Association & Neighbourhood Watch** *Chair: Flash Bristow chair@fara-leytonstone.org.uk – www.fara-leytonstone.org.uk*<br><br>Dear Sir / Madam,<br>8 December 2010<br><br>***Home Office consultation into a Legislative Reform Order to permit use of Wanstead Flats for a police briefing centre during the 2012 Olympic and Paralympic Games***<br>Ferndale Area Residents Association (FARA) is an active residents' group operating across an area of 5 streets which border Wanstead Flats, and many of our members use the Flats daily for dog walking, shortcuts, recreation and relaxation. We represent over 300 households in close proximity to the area proposed for use.<br><br>We have considered the Home Office Consultation regarding use of a Legislative Reform Order, as well as the Metropolitan Police consultation before it regarding their plans for a briefing centre on Wanstead Flats.<br><br>While we gave cautious support to the police over their plans for the briefing centre, we are concerned that the wording of the proposed Legislative Reform Order (LRO) is not available during your public consultation. This means we are unable to discuss the details, and so we have no option but to object to the use of an LRO for this purpose. We have also raised complaints about the lack of this information, both via our secretary, and our local Ward Councillor Nicholas Russell. |

In addition, we understand that a Legislative Reform Order should not be used to deliver "highly controversial proposals". However, in the case of an enclosure of Epping Forest for this purpose, there has been significant local objection, with petitions, demonstrations, etc. While those demonstrations are not organised by us, it is fair to say we are aware of a certain level of local controversy over this proposal, so the use of an LRO is probably inappropriate in any case.

I hope our contribution to your consultation is helpful.

Yours Faithfully,
Flash Bristow
*Chair, Ferndale Area Residents Association*

Friends of Epping Forest

Wanstead Flats Consultation

I am writing on behalf of the Friends of Epping Forest, a charity established to: support the preservation of Epping Forest, as an unenclosed open space for the recreation and use of the general public and the preservation of the natural aspect thereof; and to further the knowledge and appreciation of the public in all matters relating to Epping Forest.

When the Friends were contacted first in early June by the Press Association, in respect of the consultation by the Police, we responded that any development on the Forest would in principle be resisted, given the Forest's special status under the Epping Forest Act. However mindful of the exceptional and time limited nature of the proposal, we stated that what would be important where such a proposal to be permitted was that:

a) Full Public consultation and that public views are taken into account
b) No precedent to be set for such developments, ie this is a one off, very exceptional circumstances and enable no further enclosure
c) Full reinstatement of the site
d) Compensation for the loss of the site during that period

Clearly items c) and d) are matters for consideration under the planning permission. We consider that the use of legislative reform order to permit a temporary police muster, briefing and deployment centre on Wanstead Flats to support the 2012 Olympic Games responds positively to our concerns identified in point b) above.

As you described, the proposal to proceed by means of a Legislative Reform Order made under the Legislative and Regulatory Reform Act 2006 would a allow a one-time, temporary and limited enclosure of land on the Fairground area of Wanstead Flats, in Epping Forest. This would enable the City of London Corporation, which is responsible for the land, to grant permission to the MPS to construct and use a temporary Centre. The amendment to the Epping Forest Act would be strictly limited to the unique policing need in the summer of 2012. No lasting general powers relating to Wanstead Flats or Epping Forest would be conferred on the Police or any other bodies, and the Act would revert to its full protection at the end of the period, no more than 120 days.

For this reason, we support the use of a Legislative Reform Order for the purpose described above, whilst resisting any development on Epping Forest.

Yours faithfully
Judy Adams Chairman

Friends of Wanstead Parklands

Alan Cornish, Chairman - Friends of Wanstead Parklands: 7th December 2010

Dear Sir/Madam

The Friends of Wanstead Parklands (FWP) is a voluntary body, originally founded in 1980 with the principle aim to promote the understanding of and concern for the historical and natural heritage of Wanstead Park and its future. We currently have 67 paid-up members, but are expanding much due to the issue of a proposed temporary police muster, briefing and deployment centre on Wanstead Flats to support the 2012 Olympic Games: "the police compound". I write as chairman of FWP.

We are opposed in principle to the proposed police compound because it encroaches upon and temporarily encloses Epping Forest land, of which Wanstead Flats form a part. Epping Forest is land held in trust by the City of London Corporation under the terms of the Epping Forest Act, 1878. The City of London Corporation were formally constituted as Conservators of the Forest. It was further stipulated that **the Conservators shall at all times keep Epping Forest unenclosed and unbuilt upon as an open space for the recreation and enjoyment of the people.**

The proposed police compound appears to include a significant enclosure containing a range of buildings. It is apparently not planned to be held as an open space and is not to be open to the people. It is there unacceptable.

In fact, we also fin it extraordinary that the 2012 Olympics were known to be located in London for the last six years and:

(a) no information about encroachment on Wanstead Flats was published until 2012.

(b) no allowance was made for any police compound either within or adjacent to the Stratford Olympic Park site from its initial planning.

**Under the Freedom of Information Act we now request copies of all letters, emails and memoranda on these issues dated prior to 1 January 2009, including information on all other possible alternative locations which have been considered.**

With regard in particular to use of a legislative reform order to permit a temporary police compound on Wanstead Flats, we consider use of this mechanism to be entirely inappropriate. Section 1 of the LRRA 2006 lists certain powers the Act gives to Ministers – followed by a list of actions for which the LRRA cannot be used. It states that "The Government has also undertaken that the LRRA will not be used to deliver highly controversial proposals." It appears very obvious that the proposed police compound on Wanstead Flats is highly controversial.

We do not accept the entirely artificial limitation to only three possible options as posed in part 2 of your consultation document. Instead, we respectfully draw to your attention a comparison between (a) use of the LRO for the proposed police compound and (b) use of exactly the same area of Wanstead Flats for a firework display on 5 November last, organised by the London Borough of Newham. Newham were charged £5,000 for use of the site for two hours, (plus several days before and after the event, to prepare and clear up). They were also obliged to lodge an additional deposit of £5,000 which was refundable once the site was cleared.

We feel this provides a precedent for use of the same area for a police compound.

However, instead of use of the LRO, the police should simply be required to pay an agreed compensation fee, plus a refundable deposit, provided both sums are pro rata the Newham precedent. The police have apparently agreed a figure of £170,000 for use of the site for 90 days, with no refundable deposit. We feel it more appropriate that they be charged a fee proportionate to the Newham figure, with a further deposit refundable upon their clearance of the site after 90 days.

We note that the present draft agreement between the police and the City of London apparently includes no refundable deposit or any other incentive to clear the site after 90 or 120 days, beyond a written promise. The main concern both to ourselves and to many other local people is the precedent created by this encroachment upon Wanstead Flats – "temporary" or otherwise. We feel the financial agreement itself should provide a precedent for the future, to deter other "temporary" encroachments upon Wanstead Flats which involve any fencing, other enclosure or round the clock floodlights. If Newham was required to pay £5,000 for use of the area for two hours with no intrusive fencing or floodlights, then it seems appropriate that the police pay at last 45 times this figure for 90 days, to be trebled for fencing or temporary enclosure and 24 x 7 floodlights: i.e. £5,000 x 45 x 3 = £675,000, plus a similar figure again as a refundable deposit upon satisfactory clearance within 90 days.

Finally, we are extremely concerned at the way this issue is being handled by the LRO route, when the local planning authority appears to have decided that a "muster station" is a temporary construction, thus removing any need for an Environmental Impact Assessment to evaluate what impact any such compound might have on the area. We feel that the vague concept of a temporary muster station may be extended almost indefinitely – and is certainly not limited to 90 or 120 days without further significant buttressing.

Alan Cornish
Chairman – Friends of Wanstead Parklands

Katherine Gundersen

To whom it may concern,

I to give my views on the Home Office's consultation paper on the proposed amendment to the Epping Forest Act 1878.

I believe the consultation is unfair and falls short of recognised standards of public consultation. The consultation is limited to whether a Legislative Reform Order is the best way to amend the Epping Forest Act 1878 in order to allow the construction of a police muster briefing and deployment centre for the Olympic and Paralympic Games to go ahead. It does not seek views on whether Wanstead Flats should be used for this purpose at all. Criteria 1 of the Government's Code of Practice on Consultation states: "Formal consultation should take place at the stage when there is scope to influence the policy outcome." I do not believe this has been complied with in this case. If Wanstead Flats was essential to ensuring the safety and security of the 2012 Olympic and Paralympics as the consultation paper suggests, the plans should have been detailed at an earlier stage in the process, not presented to the public without proper consultation less than 2 years before the games are due to commence.

I am strongly opposed to the construction of a police muster briefing and deployment centre on Wanstead Flats and to any amendment to any amendment to the Epping Forest Act 1878.

Yours faithfully,
Katherine Gundersen

Steph Harrison

Hi

I was in Woodford today and saw members of the "Save Wanstead Flats" campaign and asked them what they were petitioning for. I have read the Consultation paper and can respond as follows.

Given that the use of Wanstead Flats is essential to ensuring the safety and security of the 2012 Olympic and Paralympics do you agree that a Legislative Reform Order is the best way to amend the Epping Forest Act 1878 in order to allow a one-off, time specific temporary construction on a small part of Wanstead Flats?
This pre-supposes that Wanstead Flats is "essential" which seems to indicate that no other land is suitable. I am concerned at the issue raised by the "Save Wanstead Flats" group when they question what other areas of Land have been considered. Hackney Marshes is probably closer to the site and I have to question why this site was not considered. I understand that the Olympics are to take place during the football close season so why not use Leyton Orient? West Ham Parks are also nearby.

If Wanstead Flats is indeed "essential" then it is clear that an order will have to be made but I re-iterate that you should point out to objectors what other sites were considered.

• Do you agree that specific provision which is time and purpose limited to the 2012 Games is the best of the three options set out on page 9.
Yes

• Do you agree that there are no costs to the private sector or voluntary sector from this proposal?
I cannot answer this. It does not appear to me to be a reasonable question to put before the public.

Finally I would like to state that I can understand the need for a seurity area for police officers and Wanstead Flats does seem to be a solution however I do wish to see a response to the comment that I have made above.

Steph Harrison

Nic Hinrichsen

I am concerned that The trustees of Epping Forest are colluding with the Metropolitan Police to seek amendment to the Epping Forest Act, and may be a breach of their responsibilities under the Purposes of the Charity, - which is to maintain Epping Forest as an Open Space for Public recreation.

The Act was designed to preserve the sanctity of the Forest, and should not be tinkered with lightly, particularly when it would appear that the real motive is to save the Metropolitan Police money. The lack of transparency over other potential sites, and the lack of planning of security requirements at the time of the bid should not be used as a rationale for amending legislation, compromising the Charitable Propose of Epping Forest and riding roughshod over the wishes of local people.

It is not an appropriate site. Its access to the Olympic site is through highly populated local streets - with limited main road access to the Stratford Olympic site, and given that most of the traffic will be coming from Central London - is the wrong side of the Olympic complex.

Amending legislation to enable this is setting an unacceptable precedent,
It is not an appropriate location or appropriate use of Wanstead Flats.
The Trustees of the Charity should be opposing it.

Nic Hinrichsen
Local resident

Derek Hobday

I simply wish to point out that the area that the police wish to use has been fenced off for up to 3 days at a time to provide security and safety for the London Borough of Newham's firework display.

Beate Hohmann & Rosalie Spire

Dear Madame / Sir,

We are strongly objecting against the proposed temporary police base for the 2012 Olympics and the temporary amendment to the Epping Forest Act 1878.

We are objecting for the following reasons:

1) LRO's are not a suitable vehicle for the proposed amendments. As stated on the UK Parliament Website, they are only to be used in non-controversial cases. Yet the proposal is highly controversial and most local residents, such as ourselves, are extremely unhappy about this.
2) Amendment to the act, setting a legal precedent. Although no legal experts, we remain unconvinced that the amendment does not set a legal precedent and will be used to change statuses of protected land across the United Kingdom.
3) Protection of Open Spaces. With so many open spaces (parts of Hackney Marshes, Drapers Playing Fields, and other local amenities) already being swallowed up by the Olympics, it is vital to preserve every inch of free space for local residents.
4) The interaction with the police, facilitated by the "Save Wanstead Flats Campaign" made it very clear that there are possible suitable alternatives which however have not been properly considered for the police base, for the sole reason of cost.

Yours sincerely,

Mary Igoe

I am very concerned about the proposed plans for the police centre on Wanstead Flats. This area is used extensively by local residents and is an open access area in the middle of very dense housing. The Flats are protected by the Epping Forest Act and I am completely against any structure being built on the Flats or any restriction in the public access.

Mary Igoe

Gill and Alan James

May we suggest that the £170,000 fee for police use of Wanstead Flats for the Olympics is used to benefit local children with a natural play facility. Aldersbrook children have never had any play facilities within walking distance and this might be the opportunity to provide it. Our preferred site would be close to Alexandra Pond .
Regards
Gill and Alan James

Lakehouse Lake Project

**Response submitted on behalf of the Lakehouse Lake Project to the *Consultation paper on the proposed use of a legislative reform order to permit a temporary police muster, briefing and deployment centre on Wanstead Flats to support the 2012 Olympic Games.***

We have already registered our disappointment at not being consulted at the earliest stages of this proposal. However we welcome this opportunity to comment on the above document. We have considered the overall effect of the proposal on the use and ecology of the Jubilee Pond and its environs and in general have no strong objections.

Our main concern is that this proposal should be considered to be a 'one-off' and in no way should be used to create a precedent for any future events or development. We realise that this issue is addressed in the document but our strength of feeling over this issue is such that we wish to reiterate this most powerfully. Any deviation from this would be considered a serious breach of trust. We note that in *Part 2: The Epping Forest Act 1878: the proposal* (page 9) three options are giving for acquiring the use of the land. Whilst we appreciate that option 3 is given as the preferred option we consider options 1 and 2 to be totally unacceptable.

We note that in the section *Protecting Wanstead Flats – Legacy* (page 8) the sum of £170,000 granted to the City of London is to be spent on improvements to the Flats. Whilst not wishing to appear parochial we strongly believe that this money should be spent on improvements to the Jubilee Pond. This is the area most directly affected by the proposal and would, in some way compensate for the fact that despite continued representation by the Lakehouse Lake Project we still have a pond that is not completed to its original specification and continues to leak.

We trust that these opinions will be taken into account in the decision making and that we will continue to be involved in and informed of any future discussions.

**The Committee of the Lakehouse Lake Project**

Robert Levene

I am responding to your consultation paper which I have carefully read and with full knowledge of both the Epping Forest Act 1878 and of the site.

You pose 3 questions, however these are so biased in their presentation as to predetermine the response. And as such are not open and valid method of posing questions.

Your first question gives a conclusion when there was no evidence presented in the consultation as to other sites just a bland statement that this was the only suitable site. I do not think that you have established that this is the only suitable site to achieve the objective.

Question 2 of course presupposes agreement to question 1, however if the matter is to proceed it seems to best options.

Question 3 I have no knowledge of this, however I would state that it is extremely disappointing that the £170,000 being paid is not in any way explained with no idea how this will be spent and this should have been agreed as part of the document.

It is my view that whilst the proposal will probably not cause any long-term damage to the site it sets a dangerous precedent for altering the Epping Forest Act which in itself is an important piece of legislation, not only for the protection of Epping Forest, but as the forerunner of many subsequent conservation acts.

If you do insist on going ahead with this I think a safeguard that may allay many peoples concerns might be an additional clause to the legislation to the effect that this could not be repeated for a period of say 50 years.

Robert Levene

Ken Mowatt

Sir/Madam

Would someone pleast tell me why the police cannot be given a small corner on the Olympic site to have their temporary station.

Instead of infringing again on the general public. Let those who are running the Olympics deal with this and not the people who need

somewhere to go while the Olympics are on to get away from it

Yours

Ken Mowatt

The Open Spaces Society

Dear Sirs

We have been informed by one of our local members of your consultation document on the proposed Legislative Reform Order on behalf of the Metropolitan Police Service and we have studied this with interest.

Will you please note that the Open Spaces Society is the recognised organisation concerned with the protection of all commons and other open spaces and we ought to be consulted direct on any matters affecting them, as we are by Defra. It is noted from the document that there are to be two other centres around London similar to that on Wanstead Flats. If either affect open spaces, please let us have details.

In section 9 of the Wanstead document, you set out what are considered to be the only three alternatives available for obtaining this site and decide that the only acceptable one is an LRO. In section 11, it is stated that an LRO may not be made if there are nonlegislative solutions which will satisfactorily remedy the difficulty which the LRO is intended to address.

Will you please inform us why the proposal cannot be carried out on behalf of the MPS by the LDA under section s 36(3)(c) of the London Olympic Games and Paralympic Games Act 2006. If this is not possible, should not the reasons be given in your document?

Yours faithfully
*Kate Ashbrook*
*General Secretary*
*The Open Spaces Society*

Dr MJ Pelling

Wanstead Flats Consultation, *BY EMAIL 8/12/2010*

Olympic and Paralympic Security Directorate,

Home Office,

Office for Security and Counter Terrorism,

17th Floor, 1 Churchill Place,

London E14 5HB 8 December 2010

Dear Sirs,

**RESPONSE TO HOME OFFICE CONSULTATION ON PROPOSED USE OF A LEGISLATIVE REFORM ORDER TO AMEND THE EPPING FOREST ACT 1878**

The following is my response to the Home Office Consultation Document published on 16 September 2010. Unfortunately, I have concluded that the Consultation itself is fundamentally flawed and that it cannot possibly meet the requirements of Section 13 of the *Legislative & Regulatory Reform Act 2006 (c.51)*, so that in the absence of a satisfactory consultation the Minister cannot lawfully proceed to make an LRO, and if he does so then it

will be liable to be quashed in Judicial Review proceedings. As you will see from my address I am a local resident living very close to Wanstead Flats.

0. *CONSULTATION FUNDAMENTALLY FLAWED* The Home Office Consultation Document explains the basis for the proposed Legislative Reform Order [LRO] as the need to remove the burden constituted by s.34 *Epping Forest Act 1878* which creates a criminal offence of enclosing land in the Forest without authorisation under the Act. This, it is said, prevents the Metropolitan Police constructing their Muster Briefing and Deployment Centre [MBDC] on Wanstead Flats because the Centre would be enclosed and the Police would be committing a criminal offence. The LRO is proposed to be made under s.1 of the *Legislative & Regulatory Reform Act 2006 (c.51)* of which the relevant subsections read:-

> **1 Power to remove or reduce burdens**
>
> **(1) A Minister of the Crown may by order under this section make any provision which he considers would serve the purpose in subsection (2).**
>
> **(2) That purpose is removing or reducing any burden, or the overall burdens, resulting directly or indirectly for any person from any legislation.**
>
> **(3) In this section "burden" means any of the following—**
> **(a) a financial cost;**
> **(b) an administrative inconvenience;**
> **(c) an obstacle to efficiency, productivity or profitability; or**
> **(d) a sanction, criminal or otherwise, which affects the carrying on of any lawful activity. .....**
>
> **(8) An order under this section may contain such consequential, supplementary, incidental or transitional provision (including provision made by amending or repealing any enactment or other provision) as the Minister making it considers appropriate.**

**—** and the *only* burden put forward in the Consultation Document to be removed or reduced is the s.1(3)(d) sanction of the criminal offence created by s.34 of the 1878 Act. This is fundamentally misconceived because the offence created by s.34 has long lapsed, from around 1882, and is not current law, so that there does not exist any burden under s.1(3)(d) capable of being removed or reduced. S.34 reads:-

> **34. If any person, except as authorised by this Act, after the expiration of the present session of Parliament, and before the making of the final award of the arbitrator, makes any new inclosure of land in Epping Forest, or commits any waste, injury, or destruction of the herbage, trees, shrubs, or other growing things in or on any land in the Forest, not by or under this Act allowed to remain inclosed, he shall for every such offence be liable to a penalty not exceeding twenty pounds.**

The offence therefore expired with the final award of the arbitrator. By the 1878 Act Sir Arthur Hobhouse (the arbitrator) had a maximum of 2 years to complete his work, but this

was extended to 4 years by the *Epping Forest Amendment Act 1880*. Thus the offence lapsed on the statute book from some point in 1882. There is no other amendment of the 1878 Act extending the duration of s.34 and making it perpetual.

1. *Epping Forest Byelaws §3(1)* To be sure, there is an offence of *"Enclosing or building or otherwise encroaching upon any part of the Forest"*, contained within the current Epping Forest Byelaws §3(1), for which under Byelaws §5 the penalty on summary conviction is a fine of up to £200 with a daily penalty for continuing offences of up to £20. But to remove this "burden" does not require an LRO since the Conservators of Epping Forest make the byelaws and can themselves amend or repeal them without aid of Parliament. The present Conservators evidently are willing to take such steps to further the Metropolitan Police's objective (see Para.8 *infra*).

2. *LRO ILLEGAL UNDER S.13 2006 c.51* It follows the Consultation is fundamentally flawed since the public are being invited to respond to a straw man, the Document not in fact putting forward any burden that needs to be removed or reduced so as to justify an LRO. No purpose for the LRO within the meaning of s.1(2) of the 2006 Act is presented in the Document. This renders any LRO illegal since the Minister will *ipso facto* have failed in his mandatory duty under s.13 ("Consultation") of the 2006 Act to consult before making an LRO. As the next paragraph explains, an LRO will also be illegal as the Consultation is in breach of s.13 by being unfair.

3. *CONSULTATION ALSO UNFAIR* The Consultation Document was published on 16 September 2010. It suggests that the Wanstead Flats site is the *only* suitable one available to the Police for its MBDC, a premise which I (and many others) reject and would wish to rebut in a substantive response on that issue. The Document does not contain criteria for site selection by the Police nor details of alternative sites considered, information which obviously the Police and presumably also the Conservators of Epping Forest had before 16 September 2010. Indeed at a Local Residents' Public Meeting held on 6 October 2010 at which the Conservators and Metropolitan Police were represented, the Police frankly admitted that they had considered a number of alternative sites but expressly refused to disclose any information whatsoever about those sites on grounds of commercial sensitivity. Objectors were not in a position to respond on the issue of site alternatives until CgMs Consultants published its Report *"The Need Case and Site Selection Decision Process"* some time in November 2010 (the Report is simply dated November 2010). It appears to have been published around 15 November 2010. On my part I only became aware of and obtained a copy of this crucial Report on 17 November 2010.

4. Since the issue of site alternatives may ultimately be crucial in whether or not an LRO is made in respect of Wanstead Flats and the 1878 Act, and is highly material to corresponding objections which could be made under s.3(2) of the 2006 Act that conditions in s.3(2) are not satisfied, there is a fundamental unfairness in objectors only being able to respond in a time span of not more than about 3-4 weeks whereas the principal proponents have had at least a further 2 months in which to prepare and make their case to the Minister. In fact 3 weeks is unreasonably short and I, and others, consider we have been prejudiced in the ability to make a fully reasoned and factually researched case in a Consultation response. Obviously, factual research into the various individual sites presented in the Report, including necessary site visits, is not something that working people can carry out in a short time. Local residents like myself do not have the time and resources available to the Metropolitan Police or the Corporation of London as Conservators.

5. This is unfair and a further violation of s.13 of the 2006 Act since plainly it is implied in s.13 that the required consultation must be fair. I note that Annex B of the Consultation Document sets forth a Code of Practice on Consultation which includes as Criterion 2, *Duration of Consultation Exercises*, the statement that, *"Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible"*. The public therefore should have had at the very least 12 weeks from the publication of the CgMs Report, and that key Report should itself have been included as an Annex to the Consultation Document or at least a clear reference for it should have been given in the Document.

6. *THE "SUPPLEMENTARY PROVISION"* The Consultation Document appreciates that removing the burden of the alleged criminal offence is not in itself sufficient to ensure that the Police can enclose part of Wanstead Flats, since it acknowledges that the Conservators of Epping Forest (the Corporation of London) are required by the 1878 Act to keep the Forest unenclosed and unbuilt upon. S.7 of the 1878 Act says:-

> **7 Preservation of Open Space**
>
> **(1) Subject to the provisions of this Act, the Conservators shall at all times keep Epping Forest uninclosed and unbuilt on, as an open space for the recreation and enjoyment of the public; and they shall by all lawful means prevent, resist, and abate all future inclosures, encroach-ments, and buildings, and all attempts to inclose, encroach, or build on any part thereof, or to appropriate or use the same, or the soil, timber, or road thereof, or any part thereof, for any purpose inconsistent with the objects of this Act.**
>
> **(2) Subject to the provisions of this Act, the Conservators shall not sell, demise, or otherwise alienate any part of the Forest, or concur in any sale, demise or other alienation thereof, or of**

**any part thereof.**

**(3) The Conservators shall at all times as far as possible preserve the natural aspect of the Forest, .... .**

The Consultation Document goes on to say that:

> *The proposed LRO would remove the burden of the criminal offence which would currently attach to the proposed enclosure of land and enable the Corporation to grant permission to the MPS to construct and use a temporary Centre. This would be a supplemental provision*
> *to the removal of the criminal offence.*
>
> *We consider that removing the criminal offence in section 34 which would otherwise attach to the enclosure of land necessary for the temporary Centre is removing a burden (a criminal sanction) within the meaning of the 2006 Act. We furthermore consider that enabling the Corporation to grant permission for the construction of a temporary Centre is an appropriate supplemental provision to the removal of the criminal offence.*

It appears therefore that the LRO will amend Section 7 of the *Epping Forest Act 1878*, as a *supplementary provision* under s.1(8) of the 2006 Act to the removal of the supposed criminal offence under s.34 of the 1878 Act. This *"supplementary provision"* will repeal the Conservators' fundamental duty under s.7(1) Epping Forest Act to keep the Forest unenclosed and unbuilt on as an open space for the recreation and enjoyment of the public, and would also have to repeal the Conservators' duty under s.7(2) not to alienate any part of the Forest (so they can lease the Wanstead Flats site to the Police for £170000), and also their duty under s.7(3) to at all times as far as possible preserve the natural aspect of the Forest – at least in relation to that part of Wanstead Flats in issue.

7. However, since there is no criminal offence to be removed, this again is quite misconceived and the required repeal of s.7 *Epping Forest Act 1878* cannot be a supplementary provision of the proposed LRO under s.1(8) of the 2006 Act. It would in fact have to be the *primary* provision of the LRO, but then the prerequisite burden under s.1(1)(2) that is being removed or reduced is not stated and it is impossible for the public to sensibly respond to the Consultation Document. For this reason also the Consultation is fundamentally flawed and does not satisfy s.13 of the 2006 Act.

8. I add in parenthesis that I consider that the Corporation of London is already in gross breach of its duties as Conservators under s.7 of the 1878 Act since it is already actively conniving in the Police attempts to enclose and build on the Forest and concurring in its alienation, contrary to s.7(1)(2). They have even agreed to take the Police "30 pieces of silver" in the form of an agreed sum of £170000. As such any submission by the Corporation to the Home Office supporting an LRO is in my view *ultra vires*, liable to quashed by the High Court, and should be disregarded by the Minister. I ask for an assurance accordingly from

the Minister.

9. *CONCLUSION* It is clear from the above that the Minister's purported Consultation under s.13 of the *Legislative and Regulatory Reform Act 2006* is fundamentally flawed on a number of grounds and cannot satisfy the legal requirements of s.13 express or implied. Further, it is not the duty of the public, or myself, to attempt to rectify the flaws in the Consultation Document and respond to some speculative rewrite of it, and I shall not do so. Once the "burden" of the fictitious criminal offence under s.1(3)(d) of the 2006 Act is gone, it is not for me or others to second-guess the Minister and substitute some other speculative burden under s.1(3)(a) or (b) or (c). The Minister needs to say exactly what he wants to do and why, in proposing an LRO, so that the public can sensibly and cogently respond. And he needs to give adequate time to all parties to respond, starting from a date when all parties can reasonably said to be on an equal footing.

10. The Minister is warned however that if he goes ahead and makes an LRO on the basis of his manifestly flawed Consultation then I am likely to apply to the High Court for an Order of *Certiorari* to quash it on the grounds of non-compliance with s.13. Had the Consultation not been flawed for the reasons given above, then I should have made extensive submissions based not only on s.1 of the 2006 Act but also on the key s.3(2): such submissions must now await the occasion of a genuine, well-founded, clear, and legally sound Consultation.

Yours sincerely,

***Michael J.Pelling***

Uma Ramani

Dear Sirs

I am responding to the Home Office's Consultation Paper dated 16 September 2010 as an interested party who lives near to the proposed site.

The Consultation Paper seeks views on the proposed amendment to the Epping Forest Act 1878. The argument put forward in the Paper for using the Fairground Site at Wanstead Flats ("the Fairground Site") is that it is the only suitable site available to the Metropolitan Police in that part of London.

Conclusion

I have concluded that the Fairground Site is not a suitable site for the following reason. In short, the Police and the Minister have failed to appreciate that the Commoners of Epping Forest can exercise their common law right to abate a nuisance at any time, thereby

meaning that they could lawfully remove the Muster Briefing and Deployment Centre ("MBDC") and there would be nothing the Police or any other party could do to prevent them (short of a further Act being passed before the Olympics take place).

Therefore, obtaining a Legislative Reform Order will still leave the Metropolitan Police with no assurance that they would be able to operate the MBDC at the Fairground Site on Wanstead Flats under their proposals.

For this reason, I conclude that making an LRO would be disproportionate to its policy objective owing to the fact that merely reducing the burden of the Epping Forest Act 1878 for the Corporation will be insufficient to enable the Police to use the Fairground Site.

On that basis, the LRO fails to meet the test of proportionality as required under section 3 of the Legislative and Regulatory Reform Act 2006.

Explanation

*Common Law Right of Abatement*

I refer to pages 45-49 from the Open Spaces Society's publication, "Our Common Land: the law and history of common land and village greens". This publication is available to purchase on the Open Spaces Society's website, however, for ease, I attach a copy of the relevant pages beginning "The Rights of the Commoners". That section starts with the statement:

*"The basic right of a commoner is to the peaceful enjoyment of his rights of common. Thus, if the owner puts up fencing to keep the commoner out, the latter may pull it down".*

The author then cites a number of cases where the decision supports this contention, namely, *Year Book 15 Hy 7* [1499-1500] (*"If I have a right of common and he who hath the land makes a hedge on the land, whence the right of common issues, I may break down the whole hedge"*), *Arlett –v- Ellis* [1827] (*"The commoners … are entitled to consider the whole of that fence so erected upon the common as a nuisance and to remove it accordingly"*) and *R –v- Dyer* [1952]. The author also refers to the case of *The National Trust for Places of Historic Interest or Natural Beauty –v- Ashbrook and Others* [1997] as a qualification to the general rule.

The author concludes that *"there is no doubt that a commoner may still use the old common law remedy of abatement to secure the removal works etc on the common which interfere with the exercise of common rights"*.

*Register of Commoners*

I have had an opportunity to examine the Register of Commoners. Whilst some of the Commoners are private and public bodies, a number (over 100) are private individuals. Any of these Commoners could exercise their right of abatement once the MBDC was on site.

Whilst there is an argument that a Court in the future might hold that the MBDC does not present a nuisance to any Commoner, the fact is that proceeding further at this stage would be too much of a risk to the Police given the possibility that a Court might not form this view.

The Police might be able to approach each Commoner and agree to pay them in return for an assurance that they would not exercise their right of abatement. However, given that a Commoner could in theory demand any amount in return for this assurance, this approach would be impractical. However, were the Police to proceed in that way, clearly there would

be costs to the private sector. In any case, the Police have not stated that they are considering making any such payment.

*Other Considerations*

It is worth noting that an LRO cannot remove burdens arising solely from common law (see page 12 of the Consultation Paper). The only way that the remedy of abatement could be extinguished would be by a new Act of Parliament.

I therefore consider that making an LRO is not appropriate in this case.

Yours faithfully

**Uma Ramani**

Redbridge London Cycling Campaign

We would like to submit a comment on the proposed Olympic Temporary Police Deployment Centre on behalf of the 140 members of Redbridge London Cycling Campaign . We have no objection to this proposal.

Regards
Gill James
Chris Elliott
Redbridge LCC

Save Wanstead Flats

**SAVE WANSTEAD FLATS**
**c/o Community Involvement Unit, Durning Hall, Earlham Grove, London E7 9AB ● savewansteadflats@gmail.com**

SUBMISSION IN RESPONSE TO THE HOME OFFICE – DECEMBER 2010
Proposed use of a Legislative Reform Order
to amend the Epping Forest Act 1878

**Introduction**
Wanstead Flats is, as the consultation document acknowledges, *"a much loved public open space, well used by variety of people for a whole range of recreational activities "*. But this simple description fails to convey the significance for local people of the Flats and Epping Forest in general – its survival as unenclosed open land is a remarkable part of the recent history of London and the result of fierce opposition to enclosure for more than 150 years. The Epping Forest Act of 1878, which the Home Office intend to casually amend as an inconvenience to plans for policing during the Olympics, was the product of local resistance to enclosure during the 1850s and again in the early 1870s, including huge demonstrations on the Flats in 1871 that demolished illegally erected fencing and legal action in 1874. That resistance re-emerged in the aftermath of the Second World War, with the successful campaign by the Wanstead Flats Defence Committee against plans by West Ham Corporation to build new housing on the Flats.

This history is important, for it marks out Epping Forest and Wanstead Flats at its southernmost tip as far more than 'waste land'. The special status of the forest as open space protected by Act of Parliament is widely recognised as an important part of London's green space and designated as 'heritage land' by Redbridge council, which has planning responsibilities for Wanstead Flats.

This alone should have immediately ruled out the Flats as an option for the Metropolitan police's 'muster and deployment centre'. The Act of 1878, which places responsibility on the City of London Corporation as Conservators to manage the forest, including Wanstead Flats, as *"unenclosed and unbuilt on as an open space for the recreation and enjoyment of the public"*, did not include the words 'unless this is inconvenient' and was intended to protect the environs of the forest from all – and any – attempt to treat it as little more than 'empty space'.

**Questions posed by the Home Office Consultation**

We strongly dispute the basic assumption made in the Home Office consultation document that the use of Wanstead Flats is *"essential to ensuring the safety and security of the 2012 Olympic and Paralympics"* and subsequently the way that the consultation questions have been framed, restricting an outright rejection of the Home Office proposals.

The question posed in the consultation document, which asks whether the *"specific provision [that] is time and purpose limited to the 2012 Games is the best of the three options",* is little more than a rhetorical tactic to divert attention from the fact that two of the 'options' have little credibility:

- The option of a compulsory purchase order would not have enjoyed support from the City of London Corporation and would have been fiercely resisted by local people. It could hardly be described as proportionate, particularly given the historical precedent of a public inquiry in 1946, ordered by the Minister for Town and Country Planning, which rejected a compulsory purchase application for housing development in post-war circumstances that were far more pressing than the needs of the Olympics.
- The option of a permanent removal of the "criminal offence" under section 34 of the Epping Forest Act 1878 *"in its entirety"* and *"consequential provisions enabling the Corporation to authorise enclosures in Epping Forest"* would, if presented, have undoubtedly failed to pass the 'proportionality' test required by the Legislative and Regulatory Reform Act 2006, as it would have been hugely disproportionate to its policy objective.

*[However, as we point out below, the Home Office consultation is erroneous in the way it addresses offences under section 34, whilst the proposed 'supplementary provision' amending Section 7 of the Act will have severe consequences for the role of the Conservators as protectors of Epping Forest]*

This leaves the option favoured by the Home Office, which is based on the disputed premise that *"Wanstead Flats is the only suitable site for the proposed North East centre that meets all the operational requirements required by the MPS"* This assertion has been repeated by the Metropolitan police ever since its plans were leaked in June 2010 and have been maintained throughout the supposed 'community engagement' exercise in September. However, this argument has always been far from convincing, because this non-statutory process, relied upon heavily in the Home Office document, was essentially a marketing exercise for a proposal that appeared to have already been decided upon. At no point were local people given the opportunity to consider alternative sites.

The Home Office consultation document mentions approvingly the proximity of Wanstead Flats to the Olympic Park, the Westfield shopping centre, Stratford more generally as "*a*

*major transport hub"* and Victoria Park, as well as its easy access to the road network and the size of the site. Until very recently, however, it would have been impossible to test whether Wanstead Flats really represents the *"only suitable site"*, as the criteria for site selection and details of alternative sites were not published.

At a local public meeting in October 2010, the City of London Corporation and the Metropolitan Police both refused to disclose any information about alternative sites on grounds of commercial sensitivity. It was only following pressure from local people and the threat of judicial review by the Save Wanstead Flats campaign that the CgMs consultants' report ***"The Need Case and Site Selection Decision Process"*** dated November 2010 was finally released.

Even so, there is an evident unfairness in allowing only 3-4 weeks (from the eventual release of the CgMs report) to check the validity of the decision-making process that was allegedly used for site selection. It is impossible for local opponents of the use of Wanstead Flats to re-examine each of the other sites that were purportedly considered, including the chance to make necessary site visits, when the Metropolitan police has had many months to prepare and make their case to the Home Secretary.

**However, it is important to reiterate that many of the reasons given to reject other sites – such as heavy vehicle access, relationship to other land use and impact on local activities and recreational use – apply just as much to Wanstead Flats, which unlike other alternatives has the additional status of protected heritage land.**

It seems entirely reasonable to question whether the CgMs consultants' report was produced specifically to confirm a decision to favour the use of Wanstead Flats that had already been made by the Metropolitan police. It is worth highlighting that consideration of alternative greenfield sites appears to have been carried out in a highly perfunctory manner. Whether suitable or not, we know that one of the rejected sites – the Lady Trower Playing Fields in East Ham – is owned by a local charity that at no point was approached for a site visit or additional information.

We also question the dubious inclusion of *"assurance of availability in 2012"* as a criteria consideration in the CgMs report. In each of the 'alternatives' considered, the same wording appears – *"this was not established due to site failing on other site criteria"*. It seems evident that this criteria heading was included for no other reason than to reinforce the case for Wanstead Flats.

**On this basis, it is our contention that the search for alternative sites was, at best, cursory and that having settled upon Wanstead Flats, the Metropolitan police have sought to mould its selection criteria to fit only one outcome. This decision is the only reason why a Legislative Reform Order is now under consideration.**

**The Legislative Reform Order and 'Unforeseen Circumstances'**
The Government should act extremely warily before attempting to amend primary legislation – even laws that are 132 years old – by Statutory Instrument rather than by proper debate and scrutiny within Parliament. Not for nothing do the preconditions of section 3 of the Legislative and Regulatory Reform Act 2006 seek to prohibit the use of an LRO for "highly controversial proposals" and is extraordinary that the Home Office proposes to use this problematic legislation for such a contentious plan.

Ministers should also proceed with extreme caution when considering a rushed proposal that, even within the severely restricted terms of the consultation, is based on a

fundamental error in its legal analysis of the Epping Forest Act.

The consultation document claims that the Home Office seeks to remove the 'burden' of section 34 of the Act, which created a criminal offence of enclosing land in the Forest without authorisation. However, this offence lapsed with the "final award of the arbitrator", Sir Arthur Hobhouse, in or around 1882. The current criminal offence of enclosure is instead covered by byelaw 3(1) of the Epping Forest Byelaws 1980 and the City of London Corporation as Conservators of Epping Forest can make and amend its own bye-laws if it wishes without reference to Parliament. This means there is no need for an LRO to remove a 'burden' that does not exist and therefore cannot be removed or reduced.

However, it appears – either by accident or design – that what the Home Office is really attempting in seeking an LRO is a far more wide-reaching change to the Epping Forest Act - an amendment of Section 7 of the Act

If this is granted, it would repeal the Conservators' fundamental duty to *"prevent, resist, and abate all future inclosures, encroachments, and buildings*" and remove their obligation not to *"sell, demise, or otherwise alienate any part of the Forest, or concur in any sale, demise or other alienation therefor, or of any part thereof"*. The intention of Home Office lawyers may have simply been to enable the Conservators to collect rent from the Metropolitan police and this may be why this is designated as only a "supplementary provision". The consequence, however, would pose a far greater threat to the future integrity of Epping Forest as open space for public enjoyment. Repealing section 7, even temporarily, would destroy completely the principles and core provisions of legislation that has lasted for 132 years and was specifically designed to prohibit any enclosure.

This is why we have argued repeatedly that the precedent set by the proposed LRO greatly endangers the future enjoyment by local people of Wanstead Flats. We remain convinced that the notion that these proposals represent a "one off" for the Games is completely disingenuous when a major sporting venue (one requiring policing considerations that may also be described as 'unique') will remain after 2012. We also contend that insufficient consideration has been given to either the impact on the Site of Special Scientific Interest on Wanstead Flats or the historical importance of Epping Forest as unenclosed land. These issues will inevitably be restated to Redbridge council (as the planning authority) in the course of consultation over planning permission.

Throughout preparations for the Olympics in 2012, there have been repeated assurances by government and the police that nothing is more important than the security of residents, spectators and athletes. However, the Metropolitan police have continually claimed that, in deciding upon Wanstead Flats, it has been unable to secure other, more suitable sites for its 'muster and deployment centre' because these have, in effect, already been taken by others for use during the Games. If nothing is really more important than the security, however, it is understandable that local people have repeatedly questioned the logic of this argument, based on the suspicion that it is nothing more than an excuse. It has been a source of considerable frustration that the Metropolitan police – and now the Home Office – remain blind to the considerable risk of unforeseen circumstances: that the apparent 'convenience' of using Wanstead Flats significantly undermines the long-term future of a vital part of London's green belt.

Most importantly, the 'burden' that the LRO proposes to remove is not a peripheral part of the Epping Forest Act, but the central function of legislation that was created to prohibit enclosure. Providing the means to undermine the Act as a 'temporary' expediency for the Olympics in 2012 establishes the basis for further suspension of the Act in the future – as and when such steps are periodically deemed 'necessary'.

**If Parliament wishes to amend or abolish the 1878 Act, it is of course entitled to do so under its normal procedures – but to effectively suspend legislation without proper parliamentary scrutiny and debate makes a mockery of the democratic process.**

Paul Taylor

Objection to proposed Legislative Reform Order to amend the Epping Forest Act 1878

Paul Taylor,

I am writing to object to the proposed Legislative Reform Order to amend the Epping Forest Act 1878 that would allow the Metropolitan Police to build a Muster Station on Wanstead Flats for the Olympic Games in 2012.

The Epping Forest Act states in unambiguous terms the will of Parliament, Queen Victoria, the Corporation of London and the people of the day that this area of open land should remain unenclosed and undeveloped in perpetuity. Ordinary people fought then for their rights to use this land for grazing and recreation. They continue to this day to defend the lungs of London.

The 1865 and 1895 Ordinance Survey maps (included as appendices to the archaeological survey in the planning application for this muster
site) demonstrate very clearly why this Act was needed. During this period the land between Leytonstone, Forest Gate and Wanstead went from being open fields to the street layout that we see today. Nowadays, the influx of people into London and the tendency to live in smaller households create relentless pressure to build houses on greenfield sites. The protection that the Epping Forest Act affords is therefore needed even more today than it was when it was passed.

After resisting the attempts at enclosure by landowners, Parliament and the Corporation continued to defend Epping Forest against the railways (High Beech, 1883) and motorways (M25, 1979 and M11, 1989).
Even in the aftermath of World War II, when many east Londoners had been bombed out of their homes, they and the Corporation stood together to defeat plans to build houses on Wanstead Flats.

Today the people of this part of east London have again expressed their opposition to this threat to Epping Forest by attending public meetings at the proposed site and at a local community centre (Durning Hall in Forest Gate) and by signing a petition against these plans.

Unfortunately, whilst all recent legislation is readily available online, this is not the case for either the Epping Forest Act 1878 or any of the Corporation of London Acts that have amended it. The Home Office has seen fit neither to rectify this situation nor to include the relevant sections in its consultation document. There might have been an excuse for this on the grounds of the labour involved in transcribing the Act, if it had been particularly lengthy, but in fact it is shorter than many of the individual papers that have been prepared the planning application and are already in the public domain. I have therefore copied the relevant sections of the Act in the form in which it was originally passed as an appendix to this letter of objection.

The Home Office consultation document also fails to specify what ``burden'' it alleges that the Act creates, or to spell out what amendments it proposes to make to remove this burden.

Somewhat vaguely, it suggests on page 9 that Section 34 of the Act is at fault, this being the section that made it a criminal offence to ``inclose land''. However, this word is to be understood there in its 18th and 19th century sense, namely an action taken by a landowner on his own land to prevent the public from exercising their ancient rights as commoners of grazing animals, collecting firewood and recreation. Moreover, Section 34 ceased to apply as soon as the process of acquisition of land by the Corporation was completed in 1882.

The Home Office proposal is therefore completely erroneous.

Indeed, the Superintendent of Epping Forest, Paul Thomson, has acknowledged this error in a letter to me. The offence of enclosure, presumably understood in a modern sense, is now the subject of Section 3(1) of the Epping Forest Byelaws. The Corporation of London has the power under the 1878 Act and others to make and amend its own byelaws. Primary legislation is neither involved nor needed for the purpose.

Maybe the burden that the Home Office has in mind is really the obligation that Section 7 of the 1878 Act places on the Conservators.
It requires that ``they shall by all lawful means prevent, resist, and abate all future inclosures, encroachments, and buildings''. It also forbids them to ``sell, demise, or otherwise alienate any part of the Forest, or concur in any sale, demise or other alienation therefor, or of any part thereof''.

Over the past year or two, the Conservators have indeed been concurring with the alienation of part of Epping Forest.
They have been compelled to do this by the threat of compulsory purchase, as the Home Office consultation document barely conceals.

The means by which the Home Office intends to make this amendment are even more outrageous than the amendment itself. The Legislative and Regulatory Reform Act 2006 was quite appropriately described in the national press at the time as ``the abolition of Parliament'' and ``the Bill to end all Bills'' because it gives any Minister the right to rewrite any Act of Parliament as he or she chooses.

This 2006 Act, which seems to have no legitimate function, is a clear candidate for the new Coalition Government's proposed Great Repeal and should already have gone the same way as the Identity Card Act. A new Government that has rightly made a major issue of its predecessor's disregard for civil liberties has no business to be making use of legislation like this, whatever the purpose.

This Act gives Ministers ``power to remove burdens'' and it has been used legitimately in this way. One recent Order simplifies the transfer of a pub licence when its holder dies. Another allows civil partnership ceremonies in British embassies abroad to be conducted by more junior staff. Hardly anybody would argue with these particular measures.

If the present proposal aims to change Section 7 then it is an utterly different thing from these examples. The essence of the Act is contained in Section 7. A Legislative Reform Order amending the Epping Forest Act would tear the Act up altogether. If this Section is removed then nothing is left of the Act, or of the protection of open space around London.

Appendix: Epping Forest Act 1878: Preamble

An Act for the Disafforestation of Epping Forest and the preservation and management of the uninclosed parts thereof as an Open Space for the recreation and enjoyment of the

public; and for other purposes.

[Disafforestation does not mean the removal of trees but of the legal status of being a forest.]

... Her Majesty was graciously pleased to express her concurrent in the desire that open spaces in the neighbourhood of the Metropolis might as far as possible be preserved for the enjoyment of her people;

... the Corporation of London have made great exertions to preserve the Forest as an open space for the recreation and enjoyment of the public, and for that purpose have purchased and hold a large proportion of the waste lands and have expended large sums of money, as well in those purchases as in the prosecution of the said suit and in the proceedings before the Commissioners, and otherwise;

And whereas the Corporation of London are desirous of being constituted Conservators of the Forest, and are willing and able to defray such expenses as are to be borne by the Conservators, and the Commissioners Scheme proposed and it is expedient that they be so constituted:

... but the objects aforesaid cannot be attained without the authority of Parliament: be it therefore enacted ...

Section 3: Conservators

Epping Forest shall be regulated and managed under and in accordance with this Act by the Corporation of London, acting by the Mayor, Aldermen, and Commons of the same city in Common Council assembled, as the Conservators of Epping Forest...

Section 5

All rights of common pasture and of common of mast or pannage for swine on or over Epping Forest, as they exist at the passing of this Act, shall continue, without prejudice, nevertheless, to the provisions of this Act (which rights are in this Act comprised under rights of common).

[This means the right to turn out pigs on the land during the pannage season (autumn) in order to eat beech mast, acorns and nuts.]

Section 7: Preservation of Open Space

(1) Subject to the provisions of this Act, the Conservators shall at all times keep Epping Forest uninclosed and unbuilt on, as and open space for the recreation and enjoyment of the public; and they shall by all lawful means prevent, resist, and abate all future inclosures, encroachments, and buildings, and all attempts to inclose, encroach, or build on any part thereof, or to appropriate or use the same, or the soil, timber, or road thereof, or any part thereof, for any purpose inconsistent with the objects of this Act.

(2) Subject to the provisions of this Act, the Conservators shall not sell, demise, or otherwise alienate any part of the Forest, or concur in any sale, demise or other alienation therefor, or of any part thereof.

Section 9: Preservation of Open Space

Subject to the provisions of this Act, the public shall have the right to use Epping Forest as an open space for recreation and enjoyment.

Section 33: Powers of the Conservators

(2) Provided that the Conservators, in exercising the powers of this section in relation to planting, sheep, or volunteer corps, shall not so anything that would materially take away or hinder the exercise of rights or common, and in relation to volunteer corps, shall have regard to the use of the Forest as an open space for the recreation and enjoyment of the public.

Section 34:

If any person, except as authorised by this Act, after the expiration of the present session of Parliament, and before the making of the final award of the arbitrator, makes any new inclosure of land in Epping Forest, or commits any waste, injury, or destruction of the herbage, trees, shrubs, or other growing things in or on any land in the Forest, not by or under this Act allowed to remain inclosed, he shall for every such offence be liable to a penalty not exceeding twenty pounds.

[The Home Office consultation document says that this section ``creates a criminal offence of making a new enclosure of land in the Forest without such enclosure being authorised by the Act''. However, this is nonsense in the context of the Act because the offences defined above ceased to apply a long time ago. In fact, this offence is now Byelaw 3(1).]

Section 45:

(1) For the purpose of enactments of empowering the metropolitan police, Epping Forest shall be deemed to be a place of public resort; and the powers and duties of the metropolitan police and of the police of the county of Essex in relation to pubic safety and preservation of order and protection of property shall extend to the Forest.

(2) Nothing in this Act shall extend the power of levying police rates to any person or property to which the same would not have extended if this Act had not been passed.

(3) For the services of the constables of the metropolitan and county police of the Forest the Conservators shall contribute out of the income of the Epping Forest fund sums to be agreed on with the Commissioner of Police of the metropolis and the justices of the peace for the county of Essex respectively, or, failing agreement, to be settled by the Ranger with the advice and assistance of the First Commissioner of Her Majesty's Works and Public Buildings.

Wanstead Flats Playing Fields Committee

Proposed LRO-Epping Forest Act 1878

I write as Chairman of the Wanstead Flats Playing Fields Committee (known to you as per your letter accompanying a Consultation Paper as “Wanstead Playing Fields Association”) which is charged under the 1957 agreement with the City Corporation (as Epping Forest

Conservators) with arranging for and supervising the playing of sports and games on Wanstead Flats. That agreement includes a provision against any inclosure such as is contemplated by the proposed Metropolitan Police Service muster, briefing and deployment centre.

My committee is disposed to assist, so far as it reasonably can, in any agreement necessary for a successful Olympics and is therefore not opposed to a Legislative Reform Order temporarily amending the Epping Forest Act 1878 as set out in the Consultation Paper providing that all conditions are to the satisfaction of the City Corporation. My Committee is utterly opposed to the matter being dealt with by a Compulsory Purchase Order.
Yours faithfully

JS Walker-Arnott

Andy Wilko

I don't live next to Wanstead Flats but know it well and I am a Friend of Epping Forest.

Fairs, Firework displays and Circuses are short lived and transitory by nature.

If we can believe it, this will be there for 120 days. What is it going to be built of ? Surely being there for a third of a year will lead to a greater impact than a Bank Holiday Fair or Circus ?

**And where will these events, enjoyed by local people for decades be held instead ???**

As an MDBC - and choosing this place located away from local people - how will it provide local security - as it will be catering for the security of the Olympics ?

Will there be Police cars with 2's and blues taking off and coming back 24 Hrs ?

If the Police are so short of accommodation , is it not a likely scenario that they will apply for an extension , perhaps offering more money , and then another and another ?

You can almost guarantee that the travelling community will take advantage of this - and occupy another part of the flats - what argument would you have to evict them ?

Also - having this based here for so long sets a dangerous precedent. This land was given to the People, not the government, and we will inevitably see an erosion to part of the lungs of the City as small installations appear and over years are turned into larger projects, until the whole area is swallowed up by development.

From your own document,
**How does the City of London Corporation relate to the** Wanstead Flats**?**

The City of London Corporation has protected open spaces for citizens for more than a century. When large areas of Epping Forest, including the **Wanstead Flats**, were enclosed for development in the second half of the 19th century, the City along with the citizens fought a legal battle against the enclosures. Two Acts of Parliament were passed in 1878, including the Epping Forest Act which appointed the City of London as the Conservator of Epping Forest. Since then the City of London has managed the Forest for the recreation and enjoyment of the public.

How does this protect open spaces for citizens ? and how long until we will be back to the

19th Century ?

I say STOP NOW - NO THANKS.

Regards

Andy

Wren Conservation & Wildlife Group

Dear Sir/Madam

The Wren Conservation & Wildlife Group's committee, and members thereof, referred to as the Wren Group, is concerned that proposals for a police muster station on the fairground site, adjacent to the Wanstead Flats SSSI, have not taken into consideration the sensitivity of the area, in particular with reference to Skylarks breeding in the neighbouring SSSI. We find this particularly surprising given the amount of information provided to the City of London Corporation on breeding Skylarks (a Red Data list species) over the last two breeding seasons.

One of the criteria that the Regulatory Reform Committees of both Houses of Parliament need to consider in making a Legislative Reform Order to vary the Epping Forest Act is that the proposals:

"... have been the subject of, and take appropriate account of, adequate consultation"

We feel that this criterion has not been fulfilled because the consultation document claims "Ecology, archaeology and traffic reports have been carried out to make certain that there is no risk to, or impact on, surrounding wildlife/habitats."

The document also says that:

"Habitats of nature conservation value are outside the perimeter of the centre and will remain untouched."

The Wren Group disagrees with both statements for the following reasons:

The ecological survey work commissioned for the site was of far too limited a nature, comprising a desk survey (which produced some very dated information) and a walk-over survey held in November. Quite apart from the fact that the November walkover produced glaring inaccuracies (there is a mention of Rooks foraging on the site, for example; and this species is never seen in the locality), November is not the time of year when the site will be used, and its value for wildlife - and particularly for the Skylarks - is very different (during this season. When questioned about this at a public meeting in Forest Gate a spokesman for the City of London said that more comprehensive survey work had been carried out prior to the pipe-laying operations on Wanstead Flats. However, this work was done some years ago and is now outdated.

The facts, as they relate to the Skylarks, are as follows.

* The breeding population on Wanstead Flats is the most significant one still remaining close to Inner London. However, it is an isolated population, with the nearest other breeding population (most likely in the Five Oaks Lane area, near Hainault.

* As we know from the demise of breeding Skylarks in Wanstead Park, once a population

disappears (and this is particularly true against a background of a major national decline), it may not be possible to get it back again.

* The SSSI breeding population comprises only two or three pairs, and as such is secondary in importance to the population east of Centre Road. However, if the SSSI population disappears it will make the population east of Centre Road all the more vulnerable.

Although Skylarks do not nest on the land that is proposed for use by the police, the birds use this land for feeding throughout the year. This feeding habitat is particularly important during the breeding season, the very months when the muster station will be operational. Effectively, the major part of their feeding area will be removed for three months at the height of the breeding season when they need additional food for their young.

* Also, the disturbance that the muster station will inevitably create will add further pressure to an already pressured population. We know that the Skylarks have been able to deal with a multitude of forms of disturbance, but the erection of a tall fence, the inevitable continuous noise from the site, and night-time light pollution could be the final straw. If the breeding population disappears from the area west of Centre Road it will only further isolate the population on the other side of the road, making the survival of the Wanstead Flats population more precarious.

Additionally, the muster station site is an important feeding zone for another species in national decline, Meadow Pipit. Although not a Red Data species, this is one of the closest breeding populations to Central London and could be seriously damaged if the proposals go ahead.

Yours faithfully

Tim Harris (on behalf of the Wren Conservation & Wildlife Group).

**Responses received through the Home Office Website**

| Given that the use of Wanstead Flats is essential to ensuring the safety and security of the 2012 Olympic and Paralympics do you agree that a Legislative Reform Order is the best way to amend the Epping Forest Act 1878 in order to allow a one-off, time specific temporary construction on a small part of Wanstead Flats? | Do you agree that specific provision which is time and purpose limited to the 2012 Games is the best of the three options set out on page 9? | Do you agree that there are no costs to the private sector or voluntary sector from this proposal? | We are interested to receive feedback on all aspects of this consultation. Please use this space to give us any other views or comments you may have. |
|---|---|---|---|
| No, No and again NO! Find somewhere else. That ruling has been in place since 1878. That land was given to the public, not to have the Police, a law unto themselves at the best of times, ride roughshod over those of us that firmly believe it should remain untouched. The damage that is likely to be caused will never be put right. | Leave it alone. | Find somewhere else to put it. | As always, the Met Police are doing their very famous 'don't do as I do, do as I say' routine. The land belongs to the dog walkers, the smoochers, the ducks,in short, the people and a wildlife. You know, while you're at it, why don't you set up a refreshment area in the car park of the City of London Cemetary? Leae it alone. |
| The use of 'essential' is an extraordinary assumption that somewhat invalidates the rest of this 'consultation'.<br><br>Difficult to respond to such a poor question, but No. | No. | Absolutely not. | This proposal brings additional costs - financial and social - to bear upon the local community. The London Organising Committee could, and should, be impelled to bring these facilities within the Olympic Park. There could be - is - sufficient space if non-Olympic building projects (retail) are delayed. |
| Yes | Yes | Yes | |

| Given that the use of Wanstead Flats is essential to ensuring the safety and security of the 2012 Olympic and Paralympics do you agree that a Legislative Reform Order is the best way to amend the Epping Forest Act 1878 in order to allow a one-off, time specific temporary construction on a small part of Wanstead Flats? | Do you agree that specific provision which is time and purpose limited to the 2012 Games is the best of the three options set out on page 9? | Do you agree that there are no costs to the private sector or voluntary sector from this proposal? | We are interested to receive feedback on all aspects of this consultation. Please use this space to give us any other views or comments you may have. |
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| This seems the best option, as it is time limited and I hope will not be seen as a precedent to further developments on the flats. | The time limit is essential-elst I would oppose it. | I haven't loked at this bit but I hope there is no cost to the local authorities with this development. | I understand that the Metropolitan police are offering a payment of Â£190,000 to re-instate the pond and make good after the Olympics. I think this is an appropriate response as there will bea lot of disruption to the local community during the Olympics and some redress for this would be welcome. |
| Yes I agree | Yes I agree | Yes I agree | I live opposite the Flats and I have no objection to this proposal. The Save Wanstead Flats campaign does not represent the community, only a small number of people who have responded to small-minded scaremongering. |

| Given that the use of Wanstead Flats is essential to ensuring the safety and security of the 2012 Olympic and Paralympics do you agree that a Legislative Reform Order is the best way to amend the Epping Forest Act 1878 in order to allow a one-off, time specific temporary construction on a small part of Wanstead Flats? | Do you agree that specific provision which is time and purpose limited to the 2012 Games is the best of the three options set out on page 9? | Do you agree that there are no costs to the private sector or voluntary sector from this proposal? | We are interested to receive feedback on all aspects of this consultation. Please use this space to give us any other views or comments you may have. |
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| No, the conditions for use of an LO are not fulfilled. This is a controversial precedent.<br><br>It is completely artificial to regard removing the criminal offence of s 34 EFA as "removing a burden" when the clear purpose of the order is not to remove this offence but to permit enclosure be to permit enclosure. It is a violation of language to characterise what any reasonable person would regard as the main purpose of the order i.e. permitting enclosure as "supplemental".<br><br>It is an absolute distortion of language to treat permitting the enclosure as not encroaching on the rights of citizens to access all parts of Wanstead Flats.<br><br>In short, the LRO is a poor attempt at avoiding what is clearly needed, amendment of the EFA by primary legislation. The flimsey legal analysis, if accepted, drives a coach and horses through the intention of Parliament in passing the EFA. | Yes | Don't know. | |

| Given that the use of Wanstead Flats is essential to ensuring the safety and security of the 2012 Olympic and Paralympics do you agree that a Legislative Reform Order is the best way to amend the Epping Forest Act 1878 in order to allow a one-off, time specific temporary construction on a small part of Wanstead Flats? | Do you agree that specific provision which is time and purpose limited to the 2012 Games is the best of the three options set out on page 9? | Do you agree that there are no costs to the private sector or voluntary sector from this proposal? | We are interested to receive feedback on all aspects of this consultation. Please use this space to give us any other views or comments you may have. |
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| I believe the consultation is unfair and falls short of recognised standards of public consultation. The consultation is limited to whether a Legislative Reform Order is the best way to amend the Epping Forest Act 1878 in order to allow the construction of a police muster briefing and deployment centre for the Olympic and Paralympic Games to go ahead. It does not seek views on whether Wanstead Flats should be used for this purpose at all.<br><br>Criteria 1 of the Government's Code of Practice on Consultation states: "Formal consultation should take place at the stage when there is scope to influence the policy outcome." I do not believe this has been complied with in this case. If Wanstead Flats was essential to ensuring the safety and security of the 2012 Olympic and Paralympics, the plans should have been detailed at an earlier stage in the process, not presented to the public without proper consultation less than 2 years before the games are due to commence. | I have outlined my concerns about the narrow scope of this consultation. I am strongly opposed to the construction of a police muster briefing and deployment centre on Wanstead Flats and to any amendment to any amendment to the Epping Forest Act 1878. | | |