

Local Opposition to
the Metropolitan Police Authority's Proposal
for a Muster, Briefing and Deployment Centre
on Wanstead Flats
and to the draft Legislative Reform Order
to amend the Epping Forest Act 1878

Residents of Leytonstone and Forest Gate

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www.monad.me.uk

Edited by Paul Taylor using contributions by Kevin Blowe (leader of the Save Wanstead Flats campaign), David Bowden (a Chartered Building Surveyor), Tot Brill (whose house is the nearest to the site), Alan Cornish (Friends of Wanstead Parklands), Tim Harris (Wren Conservation and Wildlife Group), Kath Lee, Kevin Mansell, Michael Pelling, Cilius Victor and a local solicitor (who wishes to remain anonymous for professional reasons).

Please tell other people about this document and the website above. But please do not copy it to other websites or forward it as an email attachment, because it is still under development.

Please also bear in mind that this this document was compiled in something of a hurry from comments by numerous authors. Since it based on text that we happen to have available, some topics are treated disproportionately to their importance and others inequately, whilst the overall narrative is not as well structured as one would like.

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1 Overview

Epping Forest is natural land in the east of London as far as the orbital motorway (M25) from about half way out from the centre of the metropolis.

Nick Herbert, the Policing Minister, wants to use the notorious Legislative and Regulatory Reform Act 2006 to **tear up the Epping Forest Act 1878**. This is to allow the Metropolitan Police to build a base on Wanstead Flats (the southernmost part of Epping Forest) during the Olympic Games. There will be 2500 officers, 375 vehicles, 54 horses and some dogs, presenting an obvious terrorist target just 50m away from the nearest houses.

1.1 The Legislative and Regulatory Reform Act 2006

This 2006 Act gave any Minister the power to rewrite more or less any piece of primary legislation, so it was described in the national press at the time as the “Bill to end all Bills” and the “abolition of Parliament”.

Legislation should be made on the basis of proper parliamentary scrutiny, not by ministers for reasons of expediency. When the Coalition Government took power in May 2010, they promised to sweep away anti-democratic laws like this that the Labour Government introduced in its later, increasingly authoritarian, years. Nick Herbert and the rest of his party opposed this Act in 2006, when they were in Opposition.

The purported purpose of this Act was to “remove regulatory burdens”. A programmer would call this “bug fixing”, but of course such methods only encourage shoddy drafting. It has in fact been used about 20 times to do this kind of thing. However, **this is the first time**, so far as I can gather, when **it has been used to rip up an entire Act of Parliament**.

Section 6 explains how the Act functions and the uses that have been made of it in the past. Section 7 outlines the opposition that there was to it inside and outside Parliament in 2006.

1.2 The Epping Forest Act 1878

The 1878 Act put the Corporation of the City of London in charge of Epping Forest as *Conservators*. The Act did not mince its words when it specified their responsibilities: Section 7 says

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 4 quotes the relevant parts of the Act, since it is not available online in full, and Section 2 gives some more history.

1.3 Epping Forest

East London was subject to major housing development in the 1860s and 1870s, including the houses where many of the campaigners now live.

This may be seen as part the historical process of **inclosure** that happened in the 18th and 19th centuries, ie when landowners deprived common people of their traditional rights of grazing animals and collecting firewood in order to develop the land for agriculture and housing.

The Epping Forest Act was one of the first pieces of legislation intended to protect open land from further development. That role is even more important in 2011 than it was in 1878.

The Corporation is the “local authority” for the *City* of London, ie the “Square Mile”, not for the metropolis, so Epping Forest is way outside their territory. However, they owned enough of the land to qualify as Commoners and fought numerous Court battles against landowners for the rights of common people. This is how they came to be appointed *Conservators* of the Forest and have since undertaken the care of many other open spaces in and around London.

The biggest threat that the Epping Forest Act and Wanstead Flats in particular faced in the past was the proposal to build houses there in 1946 for the people who had been bombed out and were living in tents. Nevertheless local people resisted the building proposals, the Corporation *supported* the people against the local authority and a public enquiry finally rejected the proposals. There is a history of this campaign by Mark Gorman and a shorter one; an exhibition about it was held in Stratford in 2007–8.

However, the Corporation was utterly supine when the Police came along with their demands for the Olympics.

1.4 The Police base

It seems that no provision was made for Policing in the main planning documents for the huge main site for the Olympic Games that are to be held in London next year.

The Metropolitan Police authority therefore intends to build three “Muster, Briefing and Deployment Centres” (MBDC) outside the main Olympic site. The one for the South East is to be at Blackheath and is under consideration by Lewisham Council. There will be another somewhere in West London, but we don’t know where.

The biggest one is proposed for a part of Wanstead Flats that has come to be known as the Fairground Site. It is about 50m from the nearest houses in Sidney Road.

It is planned to station about 2500 police officers, 375 vehicles, 54 horses and some dogs there.

1.5 Home Office mis-consultation

Since these proposals are illegal under the 1878 Act, the Home Office wishes to use the 2006 Act to amend it.

They published a consultation document on 16 September 2010, but this **grossly misrepresented** the Act and what had to be done to change it. **Most of the legal discussion concerned a section of the Act that became obsolete in 1882.**

Maybe somebody made the schoolboy error of failing to read what the Act actually said, but if so this was a blunder of a magnitude that should have lost them their job.

The other explanation is that this was a deliberate attempt to mis-lead local people and the organisations that care for Epping Forest in order to avoid a powerful campaign.

The 2006 Act claims that its purpose is to simplify complicated legislation. It is a pot calling the kettle black, because it is written in the most appallingly contrived language. Whilst there are some archaic words in the 1878 Act, there are no “technical” clauses in it.

Section 7 of the Epping Forest Act is essentially all there is to it. The *only* way of legalising the Police proposals is to change *this* Section.

Section 5 gives the textual analysis demonstrating how the Home Office mis-represented what the Epping Forest Act says, even though the Corporation had already given them correct legal advice. The 2006 Act requires the Minister to go back to square one with his consultation process.

1.6 Planning process

The site lies within 100m of the point the point where the London Boroughs of Redbridge, Newham and Waltham Forest meet.

It will disrupt the lives of thousands of Newham and Waltham Forest residents, but the nearest people in Redbridge are some distance away on the other side of the park. Despite having no electoral mandate or moral authority, Redbridge gets to make the decision because it lies just within their boundaries.

The proposal was first advertised on their planning website on 16 November and eventually rubber-stamped by their Regulatory Committee on Thursday 24 February.

Section 9 shows how the consultation and planning processes were unfair to ordinary people in an disadvantaged area.

1.7 Local objections

The following discussion is based on the personal objections lodged by residents David Bowden, Tot Brill, Alan Cornish, Tim Harris, Kath Lee, Kevin Mansell, Michael Pelling, Paul Taylor, Cilius Victor and a local solicitor. There is also a Save Wanstead Flats campaign website and a Facebook page. Kevin Blowe, the leader of the campaign, has his own blog.

The particular issues that local people raise are as follows:

- The purported consultation and planning processes were conducted **unfairly**. (Section 9)
- The Police refused to reveal the **other sites** that they had considered when asked to do so at a public meeting on 6 October.

After they had done so in their site selection document, a local solicitor **actually visited them**. The selection criteria seem to have been made up to fit the site that had already been chosen, in fact they don't even fit that very well. (Section 10)

- The Police will pay the Corporation the **derisory sum** of £170,000 rent, whereas commercially-owned brownfield sites would probably ask about £1.5 million for a comparable site because it would not be possible to let it to others before September 2012.
- Newham Council's Strategic Development Committee lodged an planning objection because they saw the site as a threat to the **Safety of Local Residents**. (The elected representatives did this, whereas their bureaucrats had merely queried a few details.) Indeed, whereas

the main Olympic site is surrounded by 5m-high security fences and looks like a prison camp, this site is an obvious terrorist target because it will be open to the sky and its internal plans have been published. (Section 11)

- The **traffic** will be chaos: the Transport Assessment assumes that the Police traffic will go by a circuitous route that is already congested, instead of the direct one through densely populated areas. It relies on an alleged “Olympic Downturn Effect” and cites the main Olympic transport assessment for this, but that neither cites nor provides evidence for it; also, there is no mention of the horses. (Section 12)
- David Bowden, a local Chartered Building Surveyor, makes numerous criticisms of the **plans for the site itself** (Section 13) and there are objections on grounds of **noise**. (Section 14)
- There is a designated Site of Special Scientific Interest immediately to the north of the site, about which a **Habitat Report** was made, but Paul Ferris (Section 15) and Tim Harris (Section 16) have criticised it on numerous grounds, including that it was made at the wrong time of year.

The muster station site is on part of the foraging area of the nearest Skylark population to the centre of London; Skylark is a Red Data List species and is already under tremendous pressure in the area. Restricting the foraging of adults will threaten the food supply (and survival chances) of young Skylarks.

- Tot Brill’s house in Sidney Road is the closest to the site (about 30m away), so she has special concerns. In particular, she refers to a patch of woodland known as the Plantation between her garden and the site, with its own wildlife. This is not part of Epping Forest or of the SSSI and was overlooked in the Report. The Redbridge committee completely disregarded her comments.

2 History of Epping Forest and Wanstead Flats

Epping Forest is natural land in the east of London as far as the orbital motorway (M25) from about half way out from the centre of the metropolis.

The southernmost part of the Forest is called Wanstead Flats. This, as the consultation document acknowledges, is “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.

2.1 Main points

- Local people have fought to defend Epping Forest and Wanstead Flats from development on many occasions over the past 150 years. The Act expressed the unanimous opinion of Parliament, the Corporation, Queen Victoria and the people.
- The protection afforded by the Act was needed at the time and continues to be needed to prevent further encroachment by housing.
- On every previous occasion, especially in 1946, the Conservators have resisted such encroachments, but this time they were supine.

- When building work has been genuinely necessary in the past, even a Field Study Centre, permission for it has been obtained by Act of Parliament, not ministerial whim.
- Even adding this text with its temporary force to the permanent legislative record of the Act will make it easier for such things to be done again.

2.2 Introduction

The Epping Forest Act of 1878, which the Home Office intend casually to 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 has been 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 “Briefing, 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”.

2.3 Campaign against enclosures

In 1817 it had been proposed to remove the entire forest! In 1864, J. W. Maitland wanted to enclose some of his land. This was resisted by local people such as Thomas Willingale (1799–1870), who had traditional rights to “lop” branches of trees for winter firewood. In the 1870s the Corporation of London acquired enough land to give it rights under the then prevailing medieval law. This led to their being put in charge of protecting the forest under the Epping Forest Act.

Loughton and the preservation of Epping Forest in W. R. Powell (ed.), *A History of the County of Essex*, Volume 4: Ongar Hundred, 1956, pp. 114-116.

2.4 Housing

This area was subject to major housing development in the 1860s and 1870s. This may be seen as part the historical process of inclosure that happened in the 18th and 19th centuries, ie when landowners deprived common people of their traditional rights of grazing animals and collecting firewood in order to develop the land for agriculture and housing.

The 1865 and 1895 Ordinance Survey maps (which are 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.

2.5 The Epping Forest Act 1878

The 1878 Act put the Corporation of the City of London in charge of Epping Forest as *Conservators*. (Section 4)

The Act appointed an Arbitrator (Sir Arthur Hobhouse Q.C.) to oversee the process whereby the Corporation was to buy up all the remainder of the land in the Forest. Most of the text of the Act therefore became obsolete when he completed this job in 1882. Section 7 is the only important part of the Act now: there are no “technical” clauses in it.

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.

2.6 The Conservators

The Corporation is the “local authority” for the *City* of London, ie the “Square Mile”, not for the metropolis, so Epping Forest is way outside their territory. However, they owned enough of the land to qualify as Commoners and fought numerous Court battles against landowners for the rights of common people. This is how they came to be appointed *Conservators* of the Forest and have since undertaken the care of many other open spaces in and around London.

2.7 Visit by Queen Victoria in 1882

On Saturday, 6 May 1882, Queen Victoria went by special train direct from Windsor to Chingford and then by carriage to High Beech, where the most extensive view of the beautiful scenery of the forest is to be obtained. At this point an amphitheatre was erected capable of holding 2,000 persons, and an address from the Corporation of London was presented to Her Majesty by the Lord Mayor. The Queen then formally declared Epping Forest dedicated to the free use and enjoyment of the public for all time.

2.8 Railway stopped in 1883

It had been proposed to extend the railway that now terminates at Chingford as far as High Beach. However, Chingford station is at a much higher level than the part of the Forest that the line would have had to cross, so an unsightly viaduct would have been necessary. James Bryce spoke against this in Parliament.

2.9 House building stopped in 1946

The biggest threat that the Epping Forest Act and Wanstead Flats faced was the proposal to build houses there in 1946 for the people who had been bombed out during the war.

Nevertheless local people resisted the building proposals, the Corporation *supported* the people against the local authority and a public enquiry finally rejected the proposals.

There is a history of this campaign by Mark Gorman and a shorter one; an exhibition about it was held in Stratford in 2007–8.

Hansard, 1947: John Maitland on the Town and Country Planning Bill.

Hansard, 1958: the Solicitor General on the Revocation of certain defence regulations and termination of certain other powers.

2.10 Reservoir and field study centre in 1967

The Metropolitan Water Board Act of 1967 swapped ownership of parts of the land that had been covered by the 1878 Act with some other land, in order to allow a reservoir to be built.

Section 27 of the City of London (Various Powers) Act 1967 allowed the Conservators to build a field study centre. Rather than using the current anti-democratic methods, on this occasion proper Parliamentary processes were used and the amendment clearly says “Notwithstanding Section 7 of the Epping Forest Act 1878”.

2.11 The M25 and M11 motorways, 1979 and 1989

When the M25 (the orbital motorway around London) was being planned, it was proposed to cut off a portion of the Forest called Bell Common that is close to the town of Epping. Following opposition to this, the motorway was eventually put into a tunnel under the common, which was fully restored.

Friends of Epping Forest: history

Hansard, March 1979: building of the M25

Hansard, Lords, Nov 1979: building of the M25 - to go through a tunnel

Hansard, 15 May 1989: Harry Cohen defending Epping Forest against the construction of the M11.

Bell Common Tunnel from the Chartered Institution of Highways and Transportation.

2.12 Grazing cattle

Until BSE (Mad Cow Disease) in the mid 1990s, cattle roamed freely over Wanstead Flats.

Hansard, April 1962, Edward Redhead

Hansard, Lords, Nov 1986

2.13 Conclusion

Unfortunately, on this occasion the Corporation has forsaken the local people. Section 7(2) of the Act says that “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”. But **they have concurred** with the Metropolitan Police to alienate a part of the Forest. They have done this under a threat of **compulsory purchase** that is barely concealed in a Home Office consultation document about amending the Act.

If the MPA proposal is allowed to go ahead (even in some modified form) then it will have taken part in ‘giving away’ a large part of Wanstead Flats. Such a decision will confirm what many local residents privately believe, that the land here is less important and that they are lesser citizens than residents who reside close to other parts of Epping Forest where such a proposed use of that land would never have been given any consideration.

But even if you dismiss this comment as being overly sensitive or just plain wrong, you must should see the danger to other parts of Epping Forest for the MPA inspired legislative changes heralds grave dangers to all open space. The nature of the changes that will be necessary to accommodate the MPA will mean that a ‘temporary use of land’ does not mean this one time and never again. The proposed changes make it possible for further use to be made of the land (with perhaps diminished scope by your planning department to govern what happens on the site) as and when the MPA or perhaps some other government body or department decide they would very much like to use it.

Redbridge Council's Borough Wide Primary Policies Development Plan acknowledges Wanstead Flats as heritage land and that heritage is long indeed.

For over 500 years local people have fought to keep Epping Forest free and accessible for everyone and as representatives of local people now resident around these same lands and as partial custodians of that land, you must resist the attempt to remove it from the governance of the people.

3 Open Space

3.1 Main points

- The site is not only protected by the 1878 Act but also designated as Green Belt and Green Corridor land, as Heritage Land and as a Site of Metropolitan importance for Nature Conservation. To north of the site is a part of Wanstead Flats that is designated as a Site of Special Scientific Interest (SSSI).
- Wanstead Flats as a whole provides access to open space, opportunities for outdoor sport and recreation, attractive landscape and nature conservation interest. These activities (in particular cricket and horse riding) are specifically protected by the 1878 Act.
- The proposals would extinguish rights of way that are protected by the Act.
- The Fairground, which is an ancient custom and for the benefit of local people, lasts only a few days, whereas occupation by the Police is planned to continue for four months.
- The site would also have a detrimental effect on a patch of wooded land called the Plantation that is not part of Epping Forest or the SSSI.

3.2 Redbridge planning policies

Reference is made to informal footpaths and a horse-ride track (sic) across the site. They would be informal because the use of the Flats is informal by its nature.

Whilst I am not sure that this is true, the fact is that fairs and circuses are in any event popular events and have been held in the forest for centuries. They sit comfortably with the purpose of the Epping Forest Act, being the use of the Forest as an open space for the recreation and enjoyment of the public. They do not involve enclosure to anywhere near the same extent. Fencing is seen through and the area is much smaller.

The application quotes Redbridge Borough-Wide Policies yet omit:

“Local Development Framework Borough Wide Primary Policies Development Plan Document Policy E2” — Nature Conservation The Council will protect and where appropriate enhance the Borough's natural heritage, including the Blue Ribbon Network, and landscape features. Planning permission will be refused for development having an adverse impact on Sites of Nature Conservation Importance, Heritage Land, Green Corridors (as identified on the Proposals Map), the Roding Valley, protected trees and on important species. The Council will not normally grant planning permission where development on land within or outside a Site of Special Scientific Interest will have an adverse effect on the site (either individually or in combination with other development). In considering adverse impact to Heritage Land, the Council will take into account the following:

Wanstead Flats: protect the special character and quality of the open space.

Redbridge Nature Conservation Supplementary Planning Document List of Sites of Nature Conservation Importance in London Borough of Redbridge as at 29 September 2005 Sites of Metropolitan Importance: M140 Wanstead Flats and Bush Wood/Epping Forest South”

From this it would seem that the Council is not able to grant consent except in contravention of its own stated policies.

3.3 Comments by Newham Council

Newham Council does not support the principle of developing on the Wanstead Flats, even for the temporary period proposed.

The site is designated as Green Belt and Green Corridor land. The site is also designated as Heritage Land and a Site of Metropolitan importance for Nature Conservation. To north of the site is a part of Wanstead Flats that is designated as a Site of Special Scientific Interest. Wanstead Flats as a whole provides access to open space, opportunities for outdoor sport and recreation, attractive landscape and nature conservation interest. We understand that the proposed development also requires a separate Legislative Reform Order to the Epping Forest Act 1878.

Overall the Council is concerned about the loss of amenity for local people by limiting their access to the Wanstead Flats and importantly the precedent that this proposal would set for other potential developments on Wanstead Flats in the future. The Council considers that the site is an inappropriate location for the proposed use.

We would consequently urge the London Borough of Redbridge to refuse the planning application for the above reason.

The Council proposes the following condition in order to ‘ensure that the site is restored to a satisfactory level:

Prior to the commencement of the development hereby approved, a scheme for the restoration/landscaping of the site shall have been produced by the applicants in consultation with local residents and the London Borough of Newham Council; and - the restoration/landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

The commencement of the approved restoration/landscaping scheme shall begin before 21 September 2012 and shall be completed by 21 November 2012.

3.4 Comments by Tot Brill

Her house in Sidney Road is the closest to the site.

Other local residents have argued eloquently the risk and nuisance of this enclosure. The applicant makes frequent reference to fairs, circuses and firework displays on this site to justify their enclosure. These are not as frequent as are implied in the application. The circus happens, when it does take place, once a year. The fair visits the site three times a year, and Newham’s firework display is a recent, and not altogether welcome, once a year occurrence. None of them is of anything like the duration of this proposal. The circus runs for a week, the fairs for 3/4 days (not the 12 days stated in the application, and do not enclose the land) and the firework display lasts one day. While I can live with a short term, and traditional, restriction to the open space I love and enjoy, the restriction to my daily walks and running route for 90 days is something else. I support other objectors in principle objection to this loss of open public space. If this application is agreed I ask that Redbridge Council, and the owners of the land, the Corporation of London, make a public commitment that there will never be another non-recreational enclosure of Wanstead Flats.

The site plan attached to the application shows the perimeter fence closing two bridle paths: to the north of the piece of land known as the plantation north of Sidney Road and at the site’s

opening to Centre Road. Both of these routes are used by local residents for horse riding, cycling and walking, as well as being used by disabled residents for access to the Flats. I expect Redbridge Council, if it agrees this application, to insist that the site is moved north to keep free the bridle path from the Jubilee Pond to Centre Road; or that the Metropolitan Police make a new path south of the existing one suitable for horses, cyclists, wheelchair users and walkers. In addition, I ask that Redbridge Council insist that the site boundary finish short of the bridle path that runs parallel to Centre Road to allow horses, cyclists, wheelchair users and walkers to have free access.

3.5 Comments by David Bowden

In Chingford my earliest memories are of playing with my brother and sisters in Epping Forest, fishing for sticklebacks with jam jars in the River Ching, playing at Warren Pond and walking up Pole Hill. More recently the ponds at Whipps Cross was the first place I was taken to after a long stay in hospital and some months later the pond at Wanstead Flats was the first place I managed to go to on my own.

It is intended, contrary to everything I have ever known about the Forest and its special status as a forest given to the public by Queen Victoria for recreation, to construct on and to fence off a significant part of the south side of Wanstead Flats squeezed between a Site of Special Scientific Interest and a children's play area and a pond much frequented by birds. This is supposedly to enable the Metropolitan Police Authority to better police the Olympic Games, an international event which by far the majority of the local population will have no opportunity of attending.

This is just wrong, and wrong on so many levels.

As I hope you will see from my comments in Section 13, the application can be pulled apart from so many different approaches, but the real reason the proposal is so inappropriate is simply because it just is so inappropriate.

I do not believe that this should even be a matter for consideration under planning law as, under the Forest's protected status, development cannot be permitted to take place in any event. Wanstead Flats is a valuable resource for the public. It cannot and must not be built upon.

3.6 Rights of way

In more detail, the application form at (6) states that there will be no diversion or extinguishment of rights of way, yet makes no mention of the commoners' rights over the land, nor those of the public to whom Queen Victoria gave the forest. The commoners have the right to graze etc, and the public has a right to freely wander over the entire site yet it is proposed to erect fencing to obstruct that right.

4 Epping Forest Act 1878

The Act appointed an Arbitrator (Sir Arthur Hobhouse Q.C.) to oversee the process whereby the Corporation was to buy up all the remainder of the land in the Forest. Most of the text of the Act therefore became obsolete when he completed this job in 1882. Section 7 is the only important part of the Act now: there are no "technical" clauses in it.

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 is available online.

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.

You can buy a copy for £6. The following parts of the Act are those that are mentioned in or relevant to the Home Office consultation document.

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 do 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 public 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.

Additions and amendments

The principal addition to the 1878 Act was made in the one of 1977.

List of amendments (search for ccxiii or Epping: there is no internal link):

- Epping Forest Act 1880 (c.cxxx), ss.4(3) and 6;
- Metropolitan Water Board Act 1967 (c.xxv), s.15(1)(c)(2)(b);
- City of London (Various Powers) Act 1967 (c.xlii), s.27: Lords debate.
- ditto 1971 (c.lxi), s.10(1)(2);
- ditto 1977 (c.xv), ss.6, 10 and 11;

- ditto 1987 (c.xv), s.32(1) for M25: Commons debate, Jan 1987; and
- ditto 1990 (c.xxiv), s.9(1) for M11: Commons debate, 15 May 1989

5 Mis-Representation of the Epping Forest Act

The Home Office published a consultation document, to which I also lodged an objection, as did others, including Kevin Blowe on behalf of the Save Wanstead Flats campaign.

Despite our objections, the Minister of State for Policing and Criminal Justice, Nick Herbert, made a Ministerial Statement in the House of Commons on 20 January 2011 saying that he intended to press ahead with this amendment.

The Coalition Government intends to do this by means of an Order under the Legislative and Regulatory Reform Act 2006. This was described at the time as “the Bill to end all Bills” and the “abolition of Parliament” because it gives any Minister the power to change any piece of legislation. In opposition, the Conservative and Liberal Democrat parties voted solidly against it and Nick Herbert himself went through the no lobby. See here for further notes on opposition to this Act and about the twenty or so uses that have been made of it so far.

However, on this occasion it is *the central purpose* of an Act that is under threat and the “consultation” mis-represented both the Act and what needs to be changed in it.

The main function of the Epping Forest Act was to put the Forest under the care of the Corporation of the City of London, as *Conservators*. It is not available online in full, but here are the relevant parts.

5.1 Main points

- Most of the legal discussion in the consultation document was devoted to Section 34 of the 1878 Act, even though this lapsed in 1882.
- Whilst this may have been a schoolboy blunder, we note that the time-limiting parts of this Section were omitted from the *middle* of the quotation.
- Six months before the Home Office consultation document was published, the Epping Forest and Commons Committee of the Corporation had *correctly* identified Section 7 as the obstacle to the proposals and warned that tinkering with the 1878 Act would generate local hostility.
- The suspicion therefore arises that the consultation document was written in this way in order to lull organisations such as the Friends of Epping Forest into a false sense of security.
- Section 13(2) of the 2006 Act clearly states that the consultation must be repeated from scratch in the event of such an error.

5.2 Section 34

Most of discussion in the Consultation Document of the actual amendment to the Epping Forest Act that is proposed and the associated legal issues leads the reader to suppose that the change will be to Section 34. This Section of the Act reads as follows:

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 greater part of the Act was intended to allow the Corporation of the City of London to acquire all of the land in Epping Forest. The Corporation had previously undertaken substantial legal action on behalf of those who had Commoners' rights against the landowners. The latter were trying to *inclose* the land, in the 18th and 19th century historical sense, i.e. in order to develop it for agriculture and housing. The Arbitrator was a person who was charged with the task of overseeing the compulsory purchase of the remaining land by the Corporation at a fair price. The original Act allowed him two years in which to do this, but an amending Act extended this to four years.

Section 34 therefore became obsolete in about 1882.

Nevertheless, the Consultation Document contains extensive discussion of this Section: On page 9 (Part 2: The Proposal), it says

In particular section 34 of the Act creates a criminal offence of making a new enclosure of land in the Forest without such enclosure being authorised by the Act.

and later on the same page,

Without such specific authorisation, the enclosure and use of part of the Wanstead Flats for a temporary centre cannot be lawfully authorised by the Corporation. We consider that we have only three options in order to remove the burden of the criminal offence in section 34:

1. To acquire the land by compulsory purchase (the 1878 Act does not apply to land no longer owned by the Corporation); or
2. To remove the criminal offence in its entirety and make consequential provisions enabling the Corporation to authorise enclosures in Epping Forest; or
3. To make specific provision removing the criminal offence which would otherwise attach to the enclosure of land necessary for the Centre and enabling the Corporation to authorise the enclosure of land solely for this purpose for the 2012 Games.

On page 12 (in Part 3: Legal Analysis), it says,

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.

and this goes on to say on page 13,

NON-LEGISLATIVE SOLUTIONS

Section 34 of the Epping Forest Act 1878 creates a criminal offence "if any person, except as authorised by this Act ... makes any new enclosure of land in Epping Forest". As the proposed temporary enclosure is not currently authorised by the Act, the LRO would amend the Act by authorising the temporary enclosure. Without amending the Act, the construction of the temporary enclosure would be a criminal offence. It is only possible to amend the Act by further legislation.

The only other option which would result in the criminal offence not being applicable to the temporary enclosure would be a compulsory purchase of the land in question; this would mean that the land was no longer subject to the Epping Forest Act. However, we consider that this goes far beyond our proposal and would be disproportionate.

A reasonable person would therefore understand that

- 1. this Section remains in force and is the obstacle to the plans, and**
- 2. it is to this Section that the amendment is to be made.**

However, whilst the main idea of the Section is quoted, the words that limited it in time have been left out of the *middle* of the quotation.

5.3 Section 7

Most of the Act concerned the transfer of land in the 1880s (so these parts of the Act are now obsolete) and the subsequent day-to-day administration of Epping Forest. The only part that has significant force or is relevant to this issue is Section 7, which reads:

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.

This forbids the negotiations that the Corporation of London, acting as the Conservators of Epping Forest, have conducted with the Metropolitan Police Authority.

The only way of legitimising these negotiations would be by means of an amendment including the words “*Notwithstanding Section 7 of the Epping Forest Act 1878*” or similar. There are no technical clauses in the Act that could be changed instead.

Section 7 is the Epping Forest Act. *These are the words that protect the Forest from being turned into further urban sprawl.*

Changing it is not “removing a regulatory burden”, which was the purpose of the Legislative and Regulatory Reform Act 2006. Nor does the obstacle that it presents to the Police proposals take the form of a criminal offence: it is a statutory duty of the Conservators. (Section 34 didn’t create a criminal offence even when it was in force.)

So this is the Section that would actually need to be amended and careful reading between the lines of the discussion above indicates that this is what the Home Office intends to do. However, Section 7 only receives a single paragraph of discussion in the Consultation Document. The first mention of Section 34 quoted above, on page 9, goes on to say

In particular section 34 of the Act creates a criminal offence of making a new enclosure of land in the Forest without such enclosure being authorised by the Act.

This is in line with other provisions in the Act which include:

- that the public has the right to use Epping Forest as an open space for recreation and enjoyment (subject to the Act): section 9;
- an obligation on the Corporation to keep Epping Forest un-enclosed and un-built on (subject to the provisions of the Act): section 7; and
- that existing rights of common of pasture and of common of mast or pannage for swine on or over the Forest (right to turn out pigs on the land during the pannage season (autumn) in order to eat beech mast, acorns and nuts) will continue: section 5.

Notice that the main idea of Section 7 is quoted but the full text is not.

A reasonable person reading this would understand that no change is to be made to Section 7.

5.4 Apologies for the error

I pointed out this error to Paul Thomson, Superintendent of Epping Forest, in an email of 28 November 2010. (I wrote to him because I had already met him at two public meetings about this issue, not because I thought that he personally had been responsible for the error.) He replied by email and letter on 2 December, saying that

During the process of the Home Office's consultations, we have become aware that the criminal offence which would attach today to any enclosure in Epping Forest would be the offence under byelaw 3(1) of the Epping Forest Byelaws 1980. Breach of byelaw 3(1) is a criminal offence against the Epping Forest Act 1878 in accordance with Section 36 of that Act and attracts a maximum penalty of a 200 pounds fine under byelaw 5.

However, no Legislative Reform Order is needed to amend the Byelaws: the Court of Common Council of the Corporation of the City of London has the power to do this itself.

At this point a reasonable person might still believe that the Consultation Document was simply based on the schoolboy error of failing to read the actual text of the Act. But, however the error was caused, it invalidates the Consultation.

The Home Office has nevertheless decided to press ahead with the proposed Legislative Reform Order, although the actual text of the amendment has still not been published. The Minister, Nick Herbert, admitted to the error in his Ministerial Statement:

One other issue to emerge during the course of the consultation was the proposed use of the Legislative Reform Order temporarily to remove the "burden" of the criminal offence in s34 of the Epping Forest Act. During the consultation it became apparent that s34 of the 1878 Act has in fact lapsed and that the criminal offence relating to enclosure of land on Epping Forest (which needs to be removed on a temporary basis by the proposed Legislative Reform Order) arises under byelaws made under s36 of the Epping Forest Act 1878 rather than s34 of the Act. We consider that the consultation remains valid and the proposed Legislative Reform Order can proceed.

In fact, Section 13(2) of the Legislative and Regulatory Reform Act 2006 is quite clear about what needs to be done in this situation:

If, as a result of any consultation required by subsection (1), it appears to the Minister that it is appropriate to change the whole or any part of his proposals, he must undertake such further consultation with respect to the changes as he considers appropriate.

In other words, they have to go back to square one. Or at least so it would appear to a layman like me trying to read the text.

5.5 Corporation Documents

Documents that were obtained from the Corporation following a request under the Freedom of Information Act throw new light on the error in the Consultation Document.

A report was presented on 8 March 2010 to the Epping Forest and Commons Committee of the Corporation of the City of London by the Director of Open Spaces (Sue Ireland) and the Remembrancer (Paul Double). Item 27 of this report, under the heading “Legal implications”, says

Section 7(1) of the Epping Forest Act 1878 provides that “... *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 Section 7(2) provides that “... *the Conservators shall not sell, demise, or otherwise alienate any part of the Forest.*” Section 9 states that “...*the public shall have the right to use Epping Forest as an open space for recreation and enjoyment*”.

Item 22 of the minutes of this meeting records that

A Member stated that any attempt to tinker with the 1878 Epping Forest Act would generate local hostility.

Section 7 is quoted in other places in the documents that were obtained from the Corporation in this Freedom of Information request, but I could find no mention of Section 34 anywhere in them.

The Conservators were therefore explicitly aware of their statutory obligations under Section 7 of the Act, and that this, and not Section 34, was the obstacle to the Police proposals.

How, then, did this error find its way into the Home Office Consultation Document six months later?

I have invited Paul Thomson and Sue Ireland to comment on this document, but they have not done so.

6 Legislative and Regulatory Reform Act 2006

The Legislative and Regulatory Reform Act 2006 essentially gives any Minister the power to amend any piece of legislation as they please.

Description in Wikipedia

See here for notes on opposition to this Act in 2006.

6.1 Main points

- The purported purpose of the 2006 Act was to remove regulatory burdens and simplify legislation. It has been used about twenty times to make uncontroversial technical adjustments of this kind, but never before to remove the principal function of a whole Act of Parliament.

6.2 Commons Committee

House of Commons Regulatory Reform Committee.

The members of the Committee were appointed on 26 July 2010.

- Mr Robert Syms (Chair) Conservative,
- Heidi Alexander Labour,
- Mr David Anderson Labour,
- Andrew Bridgen Conservative,
- Jack Dromey Labour,
- Lilian Greenwood Labour,
- Ben Gummer Conservative,
- Gordon Henderson Conservative,
- John Hemming Liberal Democrats,
- Andrew Jones Conservative,
- Ian Lavery Labour,
- Brandon Lewis Conservative,
- Andrew Percy Conservative,
- Valerie Vaz Labour.

Contacts:

- John Whatley - Clerk of the Committee, 020 7219 2830, whatleyj@parliament.uk
- John-Paul Flaherty - Inquiry Manager, 020 7219 4404, flahertyj@parliament.uk
- Liz Booth - Committee Assistant, 020 7219 2837, boothl@parliament.uk,
- Committee Fax: 020 7219 2441, regrefcom@parliament.uk

6.3 Lords Committee

House of Lords Delegated Powers and Regulatory Reform Committee.

- Baroness Andrews (Lab),
- Lord Blackwell (Con),
- Rt Hon. the Lord Butler of Brockwell (Cross),
- Lord Carlile of Berriew QC (Lib Dem),
- Baroness Gardner of Parkes (Con),
- Lord Haskel (Lab),
- Rt Hon. the Lord Mayhew of Twysden QC DL (Con),

- Baroness O’Loan (Cross),
- Lord Soley (Lab),
- Baroness Thomas of Winchester (Chairman) (Lib Dem).

telephone: 020 7219 3103, fax: 020 7219 2571, email: dpr@parliament.uk

6.4 Previous Legislative Reform Orders

List of reports

- Civil Partnerships, 2010: Allowed locally engaged officials approved by the Secretary of State to conduct civil partnership registrations, as is already permitted in the case of marriages conducted overseas.
- Industrial and Provident Societies and Credit Unions, 2010: 14 proposals for reform of the law relating to industrial and provident societies (IPs) and credit unions, six relating to IPs and eight relating to credit unions.
- Licensing (Interim Authority Notices etc), 2010: Transfer of alcohol licences after the death of a publican, etc.
- Dangerous Wild Animals (Licensing), 2010.
- Prescribed Form of Penalty Notice for Disorderly Behaviour, 2009.
- Insolvency (Miscellaneous Provisions), 2009.
- Limited Partnerships, 2009.
- Minor Variations to Premises Licences and Club Premises Certificates, 2009.
- Local Government (Animal Health Functions), 2009.
- Supervision of Alcohol Sales in Church and Village Halls, 2009.
- Insolvency (Advertising Requirements), 2009.
- Verification of Weighing and Measuring Equipment, 2008.
- Lloyd’s, 2008.
- Local Authority Consent Requirements (England and Wales), 2008.
- Consumer Credit, 2008.
- Health and Safety Executive, 2008.
- Deer (England and Wales), 2007.
- Game, 2007.
- Financial Services and Markets Act 2000, 2007.
- Collaboration etc. between Ombudsmen, 2007.
- Agricultural Tenancies (England and Wales), 2006.
- Registered Designs, 2006.
- Fire Safety Subordinate Provisions, 2006.

7 Opposition to the Legislative and Regulatory Reform Act 2006

The Legislative and Regulatory Reform Act 2006 essentially gives any Minister the power to amend any piece of legislation as they please.

Description in Wikipedia.

See here for notes on how the Act operates and has been used in the past.

7.1 Main points

- The 2006 Act was described in the Press at the time as “the Bill to end all Bills” and the “Abolition of Parliament”. It was compared to the actions of King Henry VIII and Adolf Hitler. The entire Conservative and Liberal Democrat parties opposed it, along with six Labour rebels. The Coalition Government promised to sweep away anti-democratic legislation of this kind.

7.2 Opposition within Parliament

The Bill was debated in the House of Commons on the 15 and 16 May 2006, after which it was given its Third Reading.

In the final vote, the Conservatives, Liberal Democrats and all of the minor parties voted solidly against the Bill, as did these Labour MPs:

- Jeremy Corbyn (Islington North),
- Kelvin Hopkins (Luton North),
- Peter Kilfoyle (Liverpool, Walton),
- Robert Marshall-Andrews (Medway),
- John McDonnell (Hayes and Harlington) and
- Robert Wareing (Liverpool, West Derby).

The following other Labour MPs had voted against their party in previous divisions concerning the Bill:

- Mark Fisher (Stoke-on-Trent Central),
- Lynne Jones (Birmingham, Selly Oak),
- John McDonnell (Hayes and Harlington),
- Alan Simpson (Nottingham South).

7.3 Opposition from the Press

Daniel Finkelstein, *The Times*, 15 February 2006.

Who wants the Abolition of Parliament Bill? David Howarth, *The Times*, February 21, 2006

Red tape law 'must not be abused', BBC, 6 Feb 2006

Labour isn't wicked - but it's doing just what the Nazis did, Danny Kruger, *The Telegraph*, 27 March 2006

How we move ever closer to becoming a totalitarian state, Henry Porter, *The Observer*, 5 March 2006

7.4 Opposition from Lawyers

Three more reasons to be depressed, Joshua Rozenberg, 09 Feb 2006, Telegraph

David Pannick, QC in The Times, 28 February 2006, A practising barrister at Blackstone Chambers in the Temple and a Fellow of All Souls College, Oxford.

Six Cambridge law professors, Letters to the Editor, The Times, February 16, 2006: J. R. Spencer QC, Sir John Baker QC, David Feldman, Christopher Forsyth, David Ibbetson and Sir David Williams QC.

Legislative reform Bill grants powers too great for government, Letters to the Editor, The Times, 23 Feb 2006, from Sir Jeremy Lever QC and George Peretz, Monckton Chambers, Gray's Inn, London WC1

7.5 Opposition from others

Save Parliament.

The Legislative and Regulatory Reform Bill must die!, Tim Ireland, Bloggerheads, 8 March 2006.

Greens attack "Abolition of Parliament" Bill, 18 March 2006

8 Legal analysis

By Michael Pelling.

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 and 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.

8.1 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 and 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.

8.2 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).

8.3 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.

8.4 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.

8.5 Alternative sites

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.

8.6 Unfair consultation

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.

8.7 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, 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 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.

8.8 No criminal offence

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.

8.9 Breach of duties

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.

8.10 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.

8.11 Order of Certiorari

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.

9 Sham Consultation and Planning Process

9.1 Main points

- The plans were kept secret from local people for about a year, before being leaked to the Press.
- The planning decision has been made by a local authority (Redbridge) whose electors are affluent and live well away from the site, whereas the numerous people whose lives will be disrupted by this site live much closer to it but in two other boroughs (Newham and Waltham Forest).
- These people are in many ways already disadvantaged. They are in particular poorly able to represent themselves to Parliament or a planning authority.
- They generally have poor experiences of the Metropolitan Police already, whether as victims, witnesses or unwarranted suspects of crime.
- Many of them, in particular those living in roads behind those on the front line or those who are not fluent in English, never got to hear about the proposals because The Police consultation process was a sham.
- Only reluctantly did Redbridge inform residents of the other boroughs.
- The planning documentation was published in ways that made it very difficult for opponents to obtain professional advice.
- The deadline for objections was set just a week ahead.
- Whilst the complex planning documentation was conveniently summarised for the Regulatory Committee, the objections were presented to them in a way that was difficult to understand.
- Inadequate opportunity was given to objectors to put their case when the decision was made.

- Nevertheless, over 80 formal objections were lodged, along with a petition containing more than 1800 signatures.

9.2 A disadvantaged community

Wanstead Flats is located close to and is substantially used by a population that is considerably less affluent than the London average, by any economic and social indices you could name. The area is one of the most diverse populations in the United Kingdom.

For a host of reasons it already shapes the nature of policing the area receives in general anyway. ‘Stop and search’ and ‘dispersal zones’ are widespread, under the pretext of ‘knife crime’, ‘anti terrorism’ and ‘anti social behavior’. The all-encompassing CCTV is unremitting.

Those who have knowledge of the Metropolitan Police from their experience as victims or witnesses of muggings, burglaries and car crime find themselves treated as if they were the criminals. They rarely see their misfortunes result in convictions.

Wanstead Flats provides some measure of relief from such treatment, easily accessible and affordable, free from mediated access. It is inconceivable that the nature of policing for the general community will not become more intensive producing numerous ‘encounters’ that one cannot refer to as cordial.

9.3 Inadequate publicity

Campaigners have found, when distributing leaflets, that most people had heard nothing at all about these proposals from any source whatsoever. This was particular so for the residents of streets behind those on the front line. Even Dr John Samuel, whose surgery on Harrow Road is very close to the site, didn’t know about it.

None of the publicity has been provided in any other language besides English. This is despite the fact that many of the people who live in this area are transient or have a poor understanding of the language. The general level of education, even among the stable English-speaking population, is such that most people do not understand how to make a formal objection to a public body or have the confidence to write it. Most local people consider that they have expressed their democratic rights by signing a petition or by attending a community event. Those who have the professional skills to present their views through the official channels also have demanding jobs and families.

9.4 Wrong authority

Besides this, the planning application was judged by a local authority that has no electoral mandate or moral authority to do so. This is because the site lies within 100m of the point the point where the London Boroughs of Redbridge, Newham and Waltham Forest meet.

The Police base will disrupt the lives of thousands of Newham and Waltham Forest residents, but the nearest people in Redbridge are some distance away on the other side of the park.

The comparison with the 1946 campaign against building houses on the Flats (Section 2.9) is interesting. It was working class West Ham Council (now Newham) that wanted to build, whilst affluent Wanstead and Woodford (now Redbridge) were against. At that occasion, West Ham accused Wanstead and Woodford of (what is now called) nimbyism — putting their park above the need to house poor homeless people. This time, Newham has supported the local people by objecting to unwanted development that is being inflicted on them by Redbridge.

Newham’s last-minute objection aside, neither or MPs nor our local councillors or any party have made any effort to canvass the opinions of local people or assist in the campaign.

9.5 Police propaganda

The Police claim in their *Community Involvement* statement to have been “committed to engaging and consulting thoroughly with local residents”.

They began developing their plans for this and two other briefing centres in the middle of 2009. Those for the one on Wanstead Flats became known because they were **leaked** to the press in June 2010. The location of the one on Black Heath (near Greenwich) was only revealed in February 2011 and the third (in West London) is still **secret**.

Only (some time) after the first public meeting in Durning Hall on 14 July this year did the Police and Corporation circulate a leaflet. Its tone was that the Save Wanstead Flats campaign had been lying about the Police proposals.

Their document about “Community Involvement” contains an awful lot of **hot air about very little concrete activity**. For example, it repeatedly lists the names of *employees* of Redbridge Council and other authorities as if this amounted to engagement with the public, when these people are merely doing their jobs and do not represent anybody.

The document refers to the public meeting that was held at Durning Hall on 6 October — as if this had been a planned part of their consultation exercise. However, this meeting was organised by the Save Wanstead Flats campaign. The Police representatives only turned up to it because Kevin Blowe threatened in his blog to put a cardboard policeman in their place at the meeting.

Many of the Police statements about Wanstead Flats are highly disingenuous towards local people. In particular, they say that it is “not **close to residential areas**” when in fact there are houses in Sidney Road that back on to it. When I pointed to my house on the aerial view at the exhibition, the police officer who was standing next to me visibly **flinched**: plainly he would not like to live so close.

At (7.39) it is claimed that “In relation to the recreational impact, one of the criteria used in the site selection procedure sought a site which minimised the impact on local activities and recreational use. The size of the MBDC when considered on other sites left no recreational space for public use. The advantage of Wanstead Flats is that due to its expanse the majority of the site will remain for recreational use. The site has required the temporary re-routing of the informal horse ride track but this is only a few metres to the south and a route would still exist between the proposed MBDC and tree belt located to the rear of properties on Sidney Road. All other recreational aspects will remain including the use of Jubilee Pond, adjacent children’s playground, Alexandra Lake, dog walking, cycling, sports pitches, the model flying club and all other uses outside the MBDC.”

This is disingenuous. People can walk onto the Flats from the south west and will tend to walk over the area in question. Its closure would divert them into the wet grassland of the SSSI to the north where walking is less easy and would be more detrimental to the land, or onto the playing fields to the west where there would be conflict with sporting activities. If the application were to be permitted the effect would be to seriously affect the recreational use of the Flats, which is their very purpose.

9.6 Proximity to a residential area

The exhibition claimed the site was “distant from residential areas”.

Try telling that brazen falsehood to householders in Dames Road, Sidney Road, and Knighton Road E7 living less than 100 yards away, and the thousands downwind from the site in Forest Gate and Aldersbrook.

The Police have wilfully neglected this aspect and talk generally about the satisfactory Olympic security arrangements.

The Met claim that distance from residential areas was a key criterion in their appraisal of potential sites, but it has never been clear how they weighted these criteria and the report is totally silent on this crucial factor in the application. Where is the evidence that the police seriously considered a site isolated from residential property, and if they did, why was it rejected in favour of the Flats?

9.7 Home Office blunder

The Home Office a consultation document on 16 September 2010, but this **grossly misrepresented** the Act and what had to be done to change it. Most of the legal discussion concerned a section of the Act that became obsolete in 1882.

See Section 5 for the textual analysis.

Maybe somebody made the schoolboy error of failing to read what the Act actually said, but if so this was a blunder of a magnitude that should have lost them their job.

The other explanation is that this was a deliberate attempt to mis-lead local people and the organisations that care for Epping Forest in order to avoid a powerful campaign.

The 2006 Act claims that its purpose is to simplify complicated legislation. It is a pot calling the kettle black, because it is written in the most appallingly contrived language. Whilst there are some archaic words in the 1878 Act, there are no “technical” clauses in it.

Section 7 of the Epping Forest Act is essentially all there is to it. The *only* way of legalising the Police proposals is to change *this* Section. Indeed, it has emerged that the Corporation had given them correct legal advice in March 2010, long before the consultation document was published in September.

Section 13(2) of the 2006 Act requires the Minister to go back to square one with his consultation process.

9.8 Redbridge planning process

The proposal was first advertised on the Redbridge planning website on 16 November and eventually rubber-stamped by their Regulatory Committee on Thursday 24 February.

Whilst those dates were three months apart, it was not possible for local people to arrange for professional scrutiny of the documents because

- at first Redbridge refused to notify residents of the other boroughs by post; Anne Overbeke said that “given the vast number of households located within a radius of 800m of the application site, we will not be writing directly on this matter to households located outside of the London Borough of Redbridge boundaries”;
- they were forced to do so by the Mayor of Newham, but these notices arrived on Christmas Eve, when people have other things to think about;
- there was nothing in the Public Notices section of the free *Waltham Forest News*;
- the documentation that was published in November amounted to about 500 pages, much of which is very technical: it is way beyond the ability of ordinary people to digest this;
- street notices were put up (in the snow) dated 4 December and demanding responses within three weeks;
- no deadline for the end of the consultation was ever announced: the website continued to say 14 December throughout;

- more and more documents were added in dribs and drabs over this three-month period, even though a number of people had already submitted their response, so may not have subsequently become aware of the existence of the new documentation;
- some of the new documentation submitted is important, for example, the *Marquee Specification* says that their height be up to 5.4m, far more than the 4.8m mentioned in the *Design and Access Statement*, so the Police have misled residents by not submitting all documentation at the outset;
- this made it impossible to arrange relevant professional advice and formulate detailed objections;
- the three month period seems to have been for the convenience of the Police and various bureaucrats, not that of local people;
- the Regulatory Committee meeting date was only announced a week in advance;
- so both the solicitor and the surveyor who are involved in the campaign were out of the country at the time;
- the secretary of the Regulatory Committee summed up the numerous planning documents in a clearly itemised text, but the objections were all crammed together into a single unreadable paragraph in this; and
- the objectors were allowed a total of four minutes in which to speak at the meeting.

The website is also extremely awkward to use: after following this link, you have to click on “View documents”, then select the document and finally click “View”. There seems to be no way to make Web links direct to individual documents. There are 150 documents in six pages of listings. Some of the planning documents are on the first page, some on the last.

Nevertheless, in between these are **more than 80 formal objections from local people and a petition with over 1800 signatures.**

9.9 Spurious claims of support

Amongst the representations that were made to Redbridge Council during the planning process, four were classed as “support”.

In fact, only one of these is unambiguously in favour. The others acquiesce to the proposals *on condition* that the site be restored to its original condition, strictly at the end of the period.

These contributions are in fact comparable in length to the numerous single paragraph objections that were made. None of them considers the issues in anything like the depth that the major opponents did.

In the Police *Community Involvement* document, Mrs Flash Bristow styles herself Chair of the Ferndale Residents Association (**FARA**) and purports to represent the residents of five roads that are not even adjacent to the site.

However, there is no evidence in her letter that she either canvassed the views of her neighbours or investigated the issues behind the proposals before writing. In fact, three residents of Ferndale Road lodged *objections* with Redbridge Council.

The sole purpose of Mrs Bristow’s letter was evidently to appropriate the £170,000 for the benefit of the **part of the park that is nearest to her house.** However, this part is in a perfectly respectable condition for parkland and in a far superior state to the site itself.

Shannell Johnson of Aldersbrook Voice, on the other hand, has indicated that group's opposition to the proposals. The Aldersbrook area will be directly affected by the traffic, if it takes the stated route.

In fact, Mrs Bristow made another representation later that *opposed* the plans.

The letter from Gill James of the Redbridge London **Cycling** Campaign is extremely terse, indicating that she has not consulted her members at all either. Moreover, the appendix to the Transport Assessment records four accidents near the site in which cyclists were injured, one seriously, so it would also appear that Ms James has not actually investigated the issues involved.

Canvassing experience is that a tiny minority (maybe 5%) of local people are in favour of the proposals, believing (misguidedly, we feel) that having more police around will improve the local crime situation. However, many of those who said that they were in favour probably did not understand the question through lack of fluency in English.

9.10 Exhibitions and phone line

As part of their purported consultation process, the Police set up a phone line, web site and exhibition.

However, even though it was free (0800), the dedicated phone line attracted a grand total of five calls, whilst the address `admin@wanstead-mbdc.co.uk` attracted a mere six emails.

Five rather unimpressive exhibitions were held, which we are told were attended by 257 people. This is about the same number who attended the first public meeting at Durning Hall, on 14 July 2010. The people who visited the exhibitions were given no warning that in so doing they were consenting to the proposals.

It is first claimed that 53 people "clearly" stated their support for the proposals, but then revealed that all but 28 made significant reservations to their support. We do not, of course, know whether these people are local residents, off-duty police officers or people who are live near other potential sites and are relieved that theirs was not chosen.

These were another 45 cards that stated opposition, which is quite a lot considering that this was a partisan channel. I saw the exhibition but didn't fill in a card because I knew very well that any such responses would be abused in the way that they are being in this report.

9.11 Web site

There are lies, damned lies and **website statistics**.

Every time a *file* is accessed on a web site, the server records a line in its log, but if a *page* has formatting or contains any kind of graphics (including trivia like coloured bullets), *every one of these items* causes a line to be added to the log. So there may easily be 20 "hits" per page.

Besides this, *by far* the majority of the traffic measured in this way actually comes from robots such as Google, Yahoo and numerous other things on the Internet that collect data completely indiscriminately.

The author of the statement that "`www.wanstead-mbdc.co.uk` went live on 11 August and has had just under 58,000 visits, averaging 456 hits per day" is taking no care to distinguish "hits" (the number of lines in a log file) from "distinct visitors", let alone to exclude known robots from the count.

For comparison, my own website contains just my own academic research papers. During October 2010 it had about 50000 "hits" (lines in the log file) from about 5200 distinct sites. However, looking at the names of the top 30 of these, which accounted for 20000 hits, they are either obviously robots or anonymous. The latter are probably collecting email addresses in order to send out spam for criminal ends. This does not mean to say that *no-one* reads my site, just that the figures from the log are highly misleading.

Moreover, associating IP addresses with geographical locations is very difficult. Doing so with the precision required to say that the visitors are local residents is impossible. That is, without obtaining information from numerous Internet Service Providers that would each require a Court order.

A mere 30 responses were received through the website and there is not even any claim that these comments were supportive. So altogether the website was completely ineffective.

10 Site selection process

This is an analysis of Sections 3–5 of the *Need Case and Site Selection Decision Process* (the “Site Selection document”) that was made by a local solicitor. She actually visited the sites in question but wishes to remain anonymous for professional reasons.

Comments by Kevin Blowe, David Bowden, Paul Taylor and Cilius Victor have also been incorporated. However, this has been done in a rather hasty way, so please bear with us if the narrative is not as clear as one would like.

10.1 Main points

- The Police apparently began planning their activities (using MBDCs) in mid-2009, five years after London was chosen for the 2012 Games. It is inexcusable that policing was not properly considered in the main planning documents.
- The purpose of the Wanstead Flats site is muddled: is it for policing the main Olympic site or local areas outside it? Why do horses and humans have to be in the same place?
- There is a thinly veiled threat of compulsory purchase running through both the documents obtained from the Corporation and the Home Office consultation. However, the precedent from 1946 suggests that this would not have been allowed.
- By 6 October 2010 the Police consultation period had ended and the Home Office one was running. However, at a public meeting on that date, the Police refused to name any of the other sites that they had considered. Objectors had only a couple of weeks from the publication of the planning application to investigate alternative sites in order to object to the Home Office consultation.
- Minimum and maximum distances from the main venue are specified but not justified and not even observed in other similar cases.
- The sizes of this and other sites have been assessed in strange ways, but we suspect that this was done to come below the 4ha point at which an Environmental Impact Study would have been required.
- The criteria were not prioritised. The danger of flooding during the summer is over-stated, whilst the impact on residents has not been properly considered.
- It is claimed that the Wanstead Flats site is available, even though this is forbidden by the 1878 Act, whilst there are others that already belong to the Police or were not actually approached.
- We believe that the real reason for rejecting commercially owned sites is that they would have charged rent for the intervening period before the Games.

- Other sites such as Victoria Park, Millfields and Wanstead Park Sports Ground seem to us to be realistic alternatives. It appears that the Police did not in fact give them serious consideration.
- We conclude, therefore, that the Police have not demonstrated that Wanstead Flats is the only suitable site. Indeed, this site fails the Police’s own criteria.

10.2 Function

The Olympic Games will and already do occupy an enormous site in east London. Substantial effort went in to the *Olympic Bid* and the subsequent planning applications. It is inexcusable that policing issues of the kind for which this muster station is intended were **not properly considered** in the preparation of these substantial documents.

In their proposal for this site, the Metropolitan Police Authority refer to the example of the **Notting Hill Carnival**, but this analogy is completely inappropriate. The Carnival takes place on a site (the streets of west London) that is at other times used for ordinary residential and commercial purposes, whereas the Olympic Games already have exclusive use of their own site.

The Police say that “the vast majority of officers across London will not be deployed within the Olympic Park itself” and that the use of a muster station “minimises the pressure on to local police facilities, allowing them to get on with day to day policing activity”. On the other hand, they also say that “centralising briefing facilities is not only tried and tested as being operationally the most effective but they are also cost effective” and “proximity to the areas to be policed [is needed] to avoid too much delay in deploying officers following their briefing”.

It is therefore completely **ambiguous** what the **purpose** of this briefing centre is, whether it is for the Olympic Games or for day-to-day policing activity.

In an email forming part of the Additional Information provided with the application, the applicant claims that the buildings constitute permitted development by virtue of being ancillary to other operations being carried out on that or adjoining land. If he is referring to the Olympic Park itself, it is not adjoining, and if he is referring to anything else it surely requires planning permission in its own right?

At (7.8) it is claimed that “The Olympic site itself does not have enough space for a briefing centre of this kind. Whilst security and policing formed part of the Olympic bid, matters of detail in relation to this and other matters were not known at that point.”

Such a fundamental error in their own planning does not justify granting consent to the application, particularly when there are, contrary to their own claims, many alternatives available.

10.3 All on one site

I would comment first that if the main function of the MBDC is to assemble and brief officers prior to operational deployment (para. 2.8 of the Site Selection document), then this could be achieved by using several smaller temporary centres. No valid reason has been given as to why it is necessary to have just 3 temporary MBDCs in London and no more.

The Site Selection document states at paragraph 2.6 that the use of smaller facilities would result in multiple briefings and have a detrimental impact on local policing. However, it is not made clear what the detrimental impact on local policing would be if several smaller MBDCs were used and the Applicant needs to explain this. Neither has it been made clear why multiple briefings would present a problem. The possible increase in the cost of the security operation is not a valid reason in itself. It is worth mentioning that the present proposal relating to Wanstead Flats is for the use of 3 marquees for the Olympic Park MBDC. Therefore, everyone will not be briefed in the same area in any case.

Therefore, it is not accepted that the Applicant has made a valid case for overriding the protection which Wanstead Flats enjoys as Green Belt land, and the Planning Department should apply national policy as set out in PPG2 (Green Belt) to refuse this application.

The proposed MBDC is expected to contain space not only for 3 marquees for briefings but also kennels for dogs, stables for horses, cooking and eating facilities. If the Applicant's argument that the briefings should take place in one location is accepted, a second question arises as to why horses, dogs and eating facilities must also be located on the same site.

If the Applicant is prepared to go to the trouble of bringing security officers by coach from their rest areas to the MBDC every day and thereafter taking them to their point of deployment and then back to the MBDC for a debrief before returning them to their rest areas, there will be little added in terms of further travel to have the animals located on a separate site thereby operating two separate smaller MBDCs. This would also mean that the animals could be kept on a site away from residential areas thereby reducing noise and disruption on local roads.

By choosing to keep all facilities on one site, the Applicant is clearly looking for an MBDC which meets criteria related to convenience and cost, rather than one which takes account of disruption to residents and damage to land. Using two or more sites would open up further alternative sites to the Applicant which at present have been excluded as being too small.

10.4 Horses

Any kind of search is severely restricted if the criteria are unnecessarily rigid. In particular, this site is intended for **horses** as well as human police officers. Do the horses need to be briefed? Are they going to take the same circuitous route via the Leytonstone bypass as the vehicles?

If the horses and the people were considered separately it would be possible to post the latter further away, such as on a site adjoining the M11 motorway.

It is said that "at the time of searching for a location, a number of sites were unable to confirm whether other Games related activity would be taking place on these". This just shows that the Olympic Delivery Authority's left hand **doesn't know what its right hand is doing**.

10.5 Minimum distance

It has not been made clear why a 1000m post-incident exclusion zone from the Olympic Park and its environs is necessary and the Applicant needs to justify this requirement. Throughout the Site Selection document, the Applicant cites the use of an MBDC at the Notting Hill Carnival to justify the same use for the Olympic Games. However, the Notting Hill Carnival does not demand a 1000m post-incident exclusion zone. The Applicant has confirmed in response to a Freedom of Information request that during the last 5 years, the two main sites used to police the Notting Hill Carnival have been Burlington Danes Academy W12 and Sion Manning School W10, both being used at the same time. Whilst Burlington Danes Academy is more than 1000m away from the route of the Carnival, Sion Manning School is immediately adjacent to the route.

Further, the Applicant has recently revealed that it is proposing to use the Ministry of Defence Cadet Training Centre at Blackheath as its MBDC to cover the River Zone (i.e. the area around Greenwich and other South East London venues). It is clear that the Training Centre is less than 400m away from the perimeter of the Greenwich Park venue.

The policing of both the Notting Hill carnival and the River Zone venue demonstrates that whilst a 1000m post-incident exclusion zone for the Olympic Park may be preferable to the Applicant, the Applicant does not consider it to be essential. Consequently, this criterion should not be used to exclude sites which may meet other criteria.

10.6 Size of the site

Appendix A of the Site Selection document lists which sites were rejected because they were of insufficient size. It is not clear how the Applicant has measured the size of these sites. I attach at Appendix 3, an extract from a document published by the London Borough of Tower Hamlets entitled “An Open Spaces Strategy for the London Borough of Tower Hamlets 2006-2016” (document available online). The extract is from Appendix 6 of this document and is an analysis of Tower Hamlets Council owned parks and open spaces by size.

A number of the Applicant’s long listed sites appear on this extract. However, the sizes which the Applicant has attributed to those sites and the official sizes stated by the London Borough of Tower Hamlets seem to differ considerably. For example, Meath Gardens is officially listed as 3.92 ha, however, the Applicant’s figures suggest that it is only 1.1 ha.

It is also noteworthy that Tower Hamlets Council have assessed Victoria Park at 86ha. It is extremely surprising (and somewhat unbelievable) that the Applicant has been unable to find 3.6 ha outside of the post-incident exclusion zone to house its MBDC there. The Applicant has rejected Victoria Park on the basis that LOCOG events are to be held there. However, I telephoned and spoke to the planning department at Tower Hamlets Council at the beginning of December 2010 to ask them what events were to be held at Victoria Park during the Olympic Games and was advised that the only event which was envisaged at that time was the installation of a live screen and even that had not been confirmed yet.

Given that the Applicant has been planning for an MBDC to cover the Olympic Zone since at least the middle of 2009, it has had ample time to approach Tower Hamlets Council for permission to use part of Victoria Park for its MBDC. Victoria Park would also be more practical as the route to the Olympic Stadium from Victoria Park is far more direct than from any of the other sites considered.

The site on Wanstead Flats is also described as “2% of the total area of Wanstead Flats”. In fact, it is about half of the naturally defined portion of the Flats between Lake House Road and Centre Road, whilst the remainder of the ground there is rough or boggy. People will therefore effectively be prevented from using that portion at all. What you choose to define as the “total area”, or indeed call Wanstead Flats as distinct from other parts of Epping Forest, are rather academic questions.

The fence would prevent access from the neighbouring areas to the south except by walking across either the football pitches to the west of Lake House Road or the SSSI immediately abutting the site.

10.7 Some other sites

Having myself now visited a number of the longlisted sites, I consider that South Millfields is also suitable for the Applicant’s needs and wonder if the Applicant has in fact visited the site. The Applicant has assessed the size of South Millfields as 3ha but South Millfields is actually made up of 3 adjoining sites with a road running in between and is certainly larger than the attributed 3ha. It would be of no hardship for the Applicant to have the animals on one of the sites and the marquees and catering facilities on another and perhaps parking on the third site. And were the Applicant to use North Millfields as well which is separated from South Millfields by an “A” road, that would allow for even further space should it be required.

Some of the information which the Applicant has provided is misleading. For example, it has rejected Spring Hill Sports Ground and Springfield Park as being too small. However, both these sites are adjacent to each other being separated only by a local road. It would be entirely possible for the Applicant to place stables on one of those sites and to have the other site for the marquees.

An alternative site that is already available to the Metropolitan Police Authority is their

disused station in Leytonstone High Road, which is currently occupied by squatters. The excuse for the unsuitability of this site is that they plan to sell it.

10.8 Maximum distance

Finally, a point should be made about the outermost search boundary. The Excel centre at Custom House in the Docklands should have been considered as it falls just outside the southern boundary by only around 800m. This distance is negligible for either a vehicle or a horse to traverse (and could be walked in under 10 minutes). The inside of the Excel centre is already being used for Olympic events and it would make sense to use the outside for the Applicant's MBDC. Further, Excel has been purpose built to host major events and has excellent road links with the adjacent A1011 leading directly to the Olympic Park.

10.9 Criteria for Assessing the Shortlist

The Applicant ought to have prioritised the 9 criteria used to assess the shortlist. Clearly some of these criteria are of very little importance. For example, it makes little sense to reject a site simply because it is on a floodplain given that the likelihood of flooding occurring in East London during the summer months when the Olympic Games are taking place is very small.

It is also not clear why a secondary access is vital. The Applicant merely states that it is for operational reasons to be used in exceptional circumstances. In that respect, it is worth noting that the Ministry of Defence Cadet Training Centre which has been put forward as the MBDC for the River Zone only has one access route. Therefore, clearly, a secondary route is not essential but merely preferable.

10.10 Availability of other sites

Four sites were shortlisted by the Applicant and were considered against 9 different criteria. Only Wanstead Flats was deemed to meet all the criteria thus leading to the Applicant's conclusion that it was the only site available. Of the 9 criteria, perhaps the most important is the assurance of availability in 2012. Clearly if there is no guarantee that the site will be available, then the Applicant would have to rule that site out.

On that basis, it is not clear why the Applicant has stated that Wanstead Flats meets all the criteria. The Applicant is aware that Wanstead Flats is protected by the Epping Forest Act 1878 which obliges the City of London Corporation as conservators of the Forest to prevent any enclosure. The Applicant is hoping that a Legislative Reform Order can be obtained which will temporarily suspend the Act allowing it to bypass the protection offered by the Act. However, there is no guarantee that it will obtain an LRO.

Therefore, Wanstead Flats fails the criteria on this requirement alone as there is clearly no assurance that it will be available in 2012. If the Planning Department allows the Applicant's application, it will should be aware that its decision may be subject to a judicial review. At best the Planning Department should look to postpone its decision until the outcome of the application for a LRO is known.

At (24) he certifies that he has given notice to the Corporation of the City of London as owner of the land. He appears to have neither notified the commoners who have rights over the land, nor the public.

At (25) he declares that none of the land is, or is part of an agricultural holding, yet it is by virtue of the common grazing and other rights held over it.

10.11 Wanstead Park Sports Ground

The Police state that the sports ground is beyond walking distance for horses. However, it is less than 2km further away than the preferred Wanstead Flats site. A human could walk 2 km in less than 25 minutes. A horse could cover that in a fraction of the time. It is simply unrealistic for the Applicant to try and argue that a horse would not be able to cope with this additional distance given that the horse will be expected to remain on duty for much of the day.

Secondly, the Applicant has ruled this site out on the basis that it falls within a flood plain. If the Applicant is seriously worried about freak weather during the Olympic Games, it could just as well have ruled out Wanstead Flats on the basis that Wanstead Flats has been known to flood after heavy rainfall (a quick search on the Internet would reveal this). In fact, it is not clear why Wanstead Flats would not be blighted in the same way as Wanstead Park Sports Ground given that the proposed MBDC on Wanstead Flats would also be adjacent to a watercourse (Jubilee Pond).

10.12 North Millfields

The Applicant has rejected this site on the basis that it would be necessary to cross the A12. However, this appears to be incorrect as it would not be necessary to cross the A12 at any time. From North Millfields, it would be a easy journey to reach Hackney Wick. Thereafter, it would be possible to proceed south from Hackney Wick along Cadogan Terrace which runs parallel to the A12, and then cross at Wick Lane using the underpass into the Olympic Park. Appendix 4 is a leaflet produced by the London 2012 organisers showing the improvements to be made to the Wick Lane crossing.

The objection that the site is located adjacent to a river has already been covered above with respect to Wanstead Park Sports Ground. The same comments are applied here.

In response to the argument that there is no secondary access, that is indeed presently the case. However, North Millfields is separated from the adjacent A104 by nothing more than a very short metal fence which runs along its length. It would be a fairly simple procedure to remove a section of the gate and enlarge the service gate which presently allows direct access onto the A104. Given that the Applicant is looking to carry out temporary works to Wanstead Flats before using it for an MBDC, carrying out temporary works to North Millfields would be in keeping with its approach. Enlarging the service gate would also solve the problem of restricted access which is another objection levelled at the North Millfields site. As for the issue of no secondary access, a gateway could be installed at the north end of the site to allow exit at that point. The A107 is no more than 250m away.

In respect of the objection that North Millfields would not allow for space for local use, this is nonsense and suggests that the comments have been made without visiting the site. Immediately opposite North Millfields is South Millfields which altogether is a much larger site than North Millfields. Any activity which would have taken place on North Millfields could take place on South Millfields. South Millfields is also adjacent to Walthamstow Marshes which is an extensive open space for use by residents and does contain playing fields.

As for the argument that selection of North Millfields would result in use of congested, narrow roads, a look at the map (see Appendix 5) shows that such use would be limited given that North Millfields is bordered at its south end by the A104 and is about 250m away at its west end from the A107. Use of the narrow residential roads at the north end of the site could be avoided altogether and it is not clear why the Applicant has raised this as an issue.

Finally, in response to the comment that any MBDC on North Millfields would only be 25m from residential housing, it is worth referring again to the selected site for the River Zone which is the Ministry of Defence Cadet Training Centre in Blackheath where there is a block of flats

immediately adjacent to that site (much taller than the houses adjacent to North Millfields).

10.13 Compulsory purchase

The Home Office consultation document contains the barely concealed threat of a compulsory purchase order. It admits that this 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.

10.14 Secrecy

The Police were repeatedly asked what **other sites** they considered alongside Wanstead Flats. In particular this question was put to Alaric Bonthron at the public meeting on 6 October, but **he refused to answer** it. Still no indication has been given of what their fallback option would be should they fail to get planning permission or the necessary change to the Epping Forest Act. Objectors have consequently not been given reasonable opportunity to examine alternative sites.

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.

10.15 Consultation too short

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.

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.

10.16 Conclusion

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.

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.

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 Olympics are going to happen and the event will need to be made safe and secure. The police will need the plan and organise their resources to that end. The planning process is probably not the place to deliberate why on earth a multi billion pound event has allocated so little effort and resources into finding a suitable and non destructive operations base.

I lack the resources to offer an alternative site for police operations and at a public meeting in Forest Gate on 6 October 2010 attended by the police who revealed that they had no alternative plans to Wanstead Flats. This should disturb you when considering this application. It prejudices your decision and sets up a kind of 'moral coercion' for surely you would not deny a 'homeless' police an operations base to organise public protection during the Olympic games — a once in a life time event.

I believe it was reckless of the police not to have a contingency plan for policing such a major event based on three or four equally prepared possible alternative locations. The MPA documents being presented to you as an assessment of alternative sites is poor meat indeed. The problem here is less to do with available and affordable sites and more a symptom of a lack of rigor, due diligence and mindful application of effort to achieving a considered solution. All of this is easily repairable by the MPA.

11 Security issues concerning the site

By Kevin Mansell.

11.1 Main points

- The prominence of the Olympic Games make them a terrorist target, for which reason they have been surrounded by tight security.
- The MBDCs have presumably been located away from the main site because of the possibility that it may need to be evacuated.
- The proposed site on Wanstead Flats, on the other hand, is not in a controlled area, it is open to the sky and its internal plans have been published, so it is a sitting duck.
- As this will be obvious to the police officers who will be on site, they will inevitably patrol areas well outside it for their own protection.
- The experience that people, especially in this disadvantaged area, already have of the Metropolitan Police is not good.
- Besides a possible terrorist incident, residents therefore also fear harrassment from the Police; indeed they have refused to rule out searching local people.

11.2 Introduction

The Olympic Games have been an arena for international politics ever since they were re-established in 1896. The Games held in Nazi Germany in 1936 and in Munich in 1972, where Israelis were taken hostage and killed, are particularly vivid illustrations. Everybody takes it as read that the 2012 London Games are a possible opportunity for terrorists to stage an attack which would dominate the world's media.

The Metropolitan Police have explained that their reason for locating the police muster station away from the Olympic Park is that the latter may need to be evacuated, and if the incident was serious, a muster station on the central site could be damaged and the response nullified. However, the planning application to Redbridge Council for the Wanstead Flats Fairground Site was based entirely on the assumption of a normal policing situation and made no mention whatsoever of contingency plans for a major terrorist incident. It seems unlikely that the police have given absolutely no thought to the role of the Wanstead Flats site in the event of a major terrorist incident? 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 spectators, athletes and Londoners. 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 already been procured by others for use during the Games, or would be prohibitively expensive. If nothing is really more important than security, however, it is understandable that local people have repeatedly questioned the logic of this argument.

It has been a source of considerable amazement to local residents that the Metropolitan Police, Redbridge Council — and now the Home Office — appear to be deaf and blind to the considerable risk of unforeseen circumstances: that the apparent “convenience” of using the Fairground Site on Wanstead Flats places hundreds of local residents at risk of significant harm.

The Police have stated that the 2012 London Olympic Games will be the biggest operation in peacetime in response to potentially the greatest security threat that London has ever faced. There is obviously a significant risk of a major terrorist attack during the period of the Games. Should that happen, the Met Base at Wanstead Flats (being the biggest of the three in London) would no doubt be expected to coordinate a response to the emergency. It is therefore logical to imagine that the Flats base itself presents an attractive target to terrorist cells. There has been speculation of the possible detonation of a “dirty” nuclear device, or of a Mumbai-style

commando attack. And if the IRA were able to mount a rocket attack on Downing Street from a lorry south of Whitehall in 1990, it takes little imagination to speculate on what could be launched from a covered lorry or van from anywhere on the roads crossing or running around the borders of Wanstead Flats 20 years on.

11.3 Proximity to a residential area

The Met claimed in their travelling public exhibition in the summer of 2010 that their chosen site meets their criterion of not being close to residential housing, despite this is being patently untrue, as residents of Dames , Sidney, Knighton and Woodford Roads are all within 100 metres of their centre . In addition, thousands live downwind from the site in Forest Gate and Aldersbrook.

Councillors on Redbridge Council's Regulatory Committee on 24.2.2011 were satisfied by Police assurances that current intelligence information revealed no specific threat to the Games. However this could change rapidly, even if intelligence estimates are assumed to be 100% accurate which the July 2005 inquests, recently concluded, clearly demonstrate they are not. If such intelligence emerged during the Games, the only way the Police could secure the Fairground site against possible assault would be to lock out traffic from all roads over and round the Flats, which would bring traffic in the whole of East London to a standstill: it is bad enough already during the normal morning and evening rush hours

The Police claim that distance from residential areas was a key criterion in their appraisal of potential sites, but it has never been clear how they weighted these criteria and Redbridge Council's planning report was totally silent on this crucial factor in the application. Where is the evidence that the police seriously considered a site isolated from residential property, and if they did, why was it rejected in favour of the Flats?

11.4 A terrorist target in itself

The Fairground Site on Wanstead Flats is will clearly therefore be an obvious potential terrorist target itself . Either as an isolated incident or, more likely in view of events such as those of 11 September 2001 and 7 July 2005, simultaneously with one on the main site, its position on a vast public open space exposes the centre to attack from projectiles launched in a variety of ways. With the police's plans are now in the public domain, it would be easy for terrorists to choose from a variety of locations how to attack most effectively.

The risks to local residents of proximity to the Met's major operational and mustering centre for the Olympics and ParaOlympics are self-evidently enormous as it would be impossible to conduct security checks on all traffic coming to the Flats from Blake Hall Rd, Cann Hall Rd, Woodford Rd, Aldersbrook Rd and Dames Rd.

These could be are life and death issues for thousands of local residents. With the fierce, airport-type security around the Olympic Stadium, this Flats site becomes a prime target for Al Qaida and similar groups wishing to use the opportunity of the Olympics to gain worldwide publicity from a terrorist attack. With thousands of police on the site at certain times, Wanstead Flats becomes the most likely focus for any attempt at mass killings. It is not unduly alarmist or far-fetched to anticipate or imagine a sophisticated terrorist attack involving conventional explosives, rocket propelled grenades, missiles or a "dirty" bomb as being within the capability of determined terrorists.

No-one wants to see the kind of tragedy and everyone wishes Olympics security to be 100% effective. But equally, no-one seems to have seriously considered the possibility in making this amendment to the Epping Forest Act to allow the use of the Flats for an illegal purpose. So the question remains: given that the above risks are so obvious, why have the Police and Home Office decided to ignore them? The answer cannot really be operational preferences as there are any

number of feasible sites in the vicinity of Stratford, many well away from human habitation. The reason has to be economic. The “rental” charged by the City of London Corporation for 3 months use of the site, £170,000, is a fraction of what would have been necessary to secure in advance a commercial site, and despite the total Olympics budget amounting to almost £10 billion, it has been seen as financially prudent to override the dangers to local people of locating so close to housing.

In the event of a change to intelligence information during the games, how are the Police likely to behave in the context of such woefully inadequate security provisions for their own base? Will they keep to their own fenced-off area and to their published route to the Olympic Park?

It seems much more likely that they will patrol some distance around their site. However, East Londoners who have had personal experience of muggings and burglaries have very little confidence in the ability or the inclination of the Metropolitan Police to deal with ordinary crime. At the public meeting on 9 October 2010, Alaric Bonthron was asked whether the Police intended searching local people. His initial response indicated that they would. He certainly made no effort to reassure people and evaded the question when it was raised again.

The Met propose to encircle their base with walls eleven feet high, but the effective police-sequestered area will not be within these walls but to an unmarked area beyond the already considerable space the Met is demanding, an area determined by the police as and when they choose. It is hard to believe that residents walking around the pond which sits nearby the Met base with binoculars, cameras and other recreational items will go unchallenged by the police. It need only take a few unsavoury incidents for matters to escalate. The very size of the base will immediately change the atmosphere of Wanstead Flats, which in turn creates a much wider “no go” area on the Flats itself for those wishing to carry out their normal summer recreational activities on the Flats.

11.5 Objection by Newham Council

Objection by Newham Council

On 23 February 2011, Newham Council, through its Strategic Development Committee acknowledged the force of the above arguments and rejected their planners’ advice that the use of the Flats by the Police was supportable given the uniqueness of the Olympics. Councillors concluded that, though Newham Council acknowledged the importance of the proposal in relation to the functioning of the Olympic Games, the Council objected to the principle of the proposed temporary change of use of the land in question. Their letter to Redbridge Council stated:

The Council is very concerned that the centre is a potential terrorist target and poses a security risk for local residents. As you are aware, the closest residents to the application site reside in the London Borough of Newham. It has not been demonstrated to the Council or our residents how this security threat will be properly managed by the applicant to address the very legitimate personal safety concerns of local residents.

Their letter continued:

Safety and security is a material planning issue and the Council is not satisfied that this matter has been given due consideration in the planning application. The Council feels that alternative sites should be more fully explored. The Council understands that these concerns have been raised by a number of our residents in their consultation responses to the London Borough of Redbridge. Please ensure the issues raised by Newham residents are given full consideration by your Regulatory Committee (on 24.2.2011) as part of the assessment of the application.

Both Newham Council's views and the residents' petition were rejected the following evening 24 February by Redbridge's Regulatory Committee, which has delegated planning powers for Redbridge Council. Councillors there dismissed any possibility of a security threat from an attack by any international terrorist or jihadist group, which they judged unlikely based on police assurances on current intelligence assessments. Oddly, in a week when the inquests on the 7/7/2005 victims were concluding, Redbridge Members felt able to have complete confidence in the intelligence agencies to foil any plot timed to coincide with the Olympics, and complete confidence in the police to be able to secure all entrances to the roads around Wanstead Flats on a 24/7 basis for the three months the police camp will be on the Flats.

11.6 Summary

The Metropolitan Police's decision to base their Muster and Briefing Centre on Wanstead Flats can only be justified on economic grounds, but this equation does not include the possibility of an attack which would imperil the lives of local residents. Residents' legitimate questions have received totally inadequate answers from all the authorities concerned with the sole exception of Newham Council and the parliamentary process to amend the Act protecting the Forest provides a last opportunity to protect people living close to the Forest, whose security could be gravely in jeopardy in Police plans are able to go ahead

12 Traffic congestion

12.1 Main points

- Whilst the Transport Assessment uses sophisticated traffic modelling tools, it was a desk study and lacks familiarity with local conditions.
- The Assessment assumes that all Police traffic will take a circuitous northbound route to the main Olympic site, but no formal assurance has been provided that they will not instead take the obvious direct route. The latter passes through heavily built-up and congested residential areas of Forest Gate and Cann Hall.
- The traffic model relies on an "Olympic Downturn Factor", for which it cites the main Olympic planning documents. However, these provide no citation or evidence and none was provided in response to our enquiries.
- No mention is made of the horses in the Transport Assessment.
- An adjacent part of Wanstead Flats is used every weekend for football matches, during which the streets are chock-a-block with parked cars. During the Olympic Games, other sporting events are planned for local people. The parking situation will be much worse, so we fear that the Police will impose Draconian measures.
- This MBDC will be the principal Police operations centre in the event of an emergency at the main Olympic site. However, no attempt has been made to model the effect on traffic of such a situation.

12.2 Inappropriate model

The traffic plans assume that the Police "traffic will primarily use the A12, where the Olympic Route Network will be in operation, to get to and from the site and to and from the Stratford

area. The traffic will use the Green Man Roundabout, Bush Hall Road and then Centre Road to access the briefing centre.”

There is no “Bush Hall Road”, so plainly the author of this document is not familiar with the local roads. Between Centre Road and Blake Hall Road there are two roundabouts that are in normal circumstances generally congested. Then there is a turning to Bush Road and finally there is the Green Man Roundabout, where the traffic will be horrendous.

As part of the assessment, a site visit was carried out and an assessment made of the amount of traffic during a “normal” day. It was found that there was a reduction in traffic during school holidays which is when the Olympic Games is to be held. A reduction in traffic of between 2% and 6% is attributed to this factor.

The traffic analysis relies on a predicted reduction in traffic to match the increase from the proposal, yet the predicted decrease is not justified. It also ignores the closest accident black spots.

12.3 The stated route

The Transport Assessment is based on plans for all Police vehicle traffic to turn *north* from the Wanstead Flats site along Centre Road towards the Green Man Roundabout and then along the Leytonstone Bypass towards the Olympic site in Stratford.

However, Centre Road is vulnerable to disruptions elsewhere in the local network, and traffic often backs up the length of the road. Residents are concerned that they will be stuck in frequent traffic jams when they travel north to Wanstead and Woodford. The traffic management plan says that there is no impact on designated cycle routes, but the site cuts across two bridle paths much used by cyclists (see my comments on the closure of public rights of way).

Woodgrange Road, Woodford Road and Centre Road are already heavily congested and it is common to see queues stretching from the mini roundabout at Blake Hall Road right back to Dames Road E7. The additional traffic and congestion resulting from the will add enormously to this and the planning application states that this is the preferred route for all traffic resulting from the development. In addition to the problems resulting for residents and road users, it is likely to be exceedingly difficult for the police to get their staff from the development to wherever they are headed in a timely fashion.

The Traffic Assessment also conveniently omits any reference to the two mini-roundabouts that constitute the junction of Centre Road, Lake House Road, Blake Hall Road, and Aldersbrook Road, which are always difficult. These roundabouts omitted the highest density of accidents shown in the report.

What assurance do we have that Police vehicles they will stick to the route stated? The document includes a question to this effect by Peter Foley of Redbridge Planning Department, but not any reply to his letter.

12.4 The direct route

The direct routes from this site to Stratford turn *south* via Cann Hall Road or Woodgrange Road.

It is simply not plausible that the operational manager of the site will stick to the circuitous route stated when these roads are far more obvious. No doubt Police vehicles will amplify the disruption by using their blue lights at the least excuse.

Reference is made to another entrance, one not referred to in the application form, which is to be used in the event of an incident occurring that prevents access from Centre Road. This would be extremely tempting to anyone leaving the site and going towards the Olympics, the site of which is visible to the west along Lake House Road, as opposed to the stated access via the generally blocked roads to the Green Man roundabout and down the A12. It is also perhaps noteworthy that significant work is being carried out along Cann Hall Road and Crownfield Road

(which link Lake House Road and the Olympics site in pretty much a straight line). This work includes the removal of chicanes and other traffic calming measures that hinder use of the route.

It is claimed that “The second criterion related to direct access from an A Road. This would ensure access to key arterial routes, avoid more localised residential roads, allow for access without traversing land in other ownership and is not subject to narrow or traffic calmed routes.”

Is this perhaps why traffic calming is being removed from Cann Hall Road, despite the claim elsewhere that access to the Olympic site would be via a circuitous route via the Green Man roundabout and the A11?

It is difficult to believe that this is not the truly intended route.

Granting the MPA’s request will ensure that the serious traffic congestion already predicted for substantial parts of East and Central London will be near chaotic in the Forest Gate, Leytonstone and Wanstead areas to name a few.

The MPA expect to be transporting to and from the site several thousand police each day and throughout the day using a range of vehicles from coaches to saloon patrol cars and patrol bikes. They also expect a large mounted police presence with horses billeted on the site. Normal thru traffic already causes issues, especially at peak times. With the addition of ‘Olympic’ traffic also moving to and from the M11, A406, A13, A12 and A11 it is obvious that severe bottlenecks on the minor roads like Aldersbrook Road, Blake Hall Road, Centre Drive, Dames Road, Woodgrange Road, Cann Hall and Lake Hall will occur. General Olympic traffic will be using the minor roads leading to Stratford as a ‘rat run’ to get closer to an Olympic event or are just looking to park as near as possible to a venue.

12.5 Alleged Downturn Factor

The traffic modelling in the *Transport Assessment* relies on the assumption of an “Olympic Downturn Factor” that it says will reduce traffic by 8% compared to the norm.

This document cites page 209 of the *Transport Analysis* that was part of the planning application for the Olympic Games as a whole, but this page discusses railways, not roads. The supposed Downturn Factor is indeed mentioned, on pages 210-1, 222 and 236 (sections 6.9.5-8, 6.11.1-2 and 6.13.6).

The Olympic Delivery Authority failed to respond to our enquiries about what evidence there is for this.

(Here is an example illustrating the inadequacy of the time allowed for ordinary people to object.)

Maybe some people will indeed look to leave the area while the Games are on.

However, it is equally possible that visitors from other parts of the country will drive down to the area to take advantage of the permit-free parking which applies to most of the area around Wanstead Flats. Wanstead Flats is barely 1km away from the A118 Romford Road which is one of the main thoroughfares through East London, leading directly to Stratford and the Olympic Stadium. Anybody looking to drive to East London is likely to pass there.

Further, no consideration has been given to the possibility that the opposite of the Olympic Downturn Factor might apply — that people who might usually go away for the summer will choose in fact to stay in the UK for the reason of the Olympics. This will level out any drop in traffic caused by the Olympic Downturn Factor.

12.6 Horses

The Transport Assessment makes no mention whatever of the proposed use of 85 horses stabled on Wanstead Flats. The site was chosen to be within walking distance for the horses. Are they

going to go out of their way via a road that has the status of a motorway, or are they going to take the direct route? Horses go very slowly in comparison to cars. They are going to cause huge tail-backs.

About 54 stables are expected to be sited within the MBDC, therefore at least an equivalent number of horses can be expected. This means that at any one time, there may be a total of 54 horses leaving the MBDC together. The Applicant has not revealed the routes which the horses will use, whether to get to the Olympic stadium in Stratford or elsewhere. It is unrealistic to expect that the horses are not going to affect the flow of traffic quite substantially given the speed at which they will be moving.

12.7 Residential area

The Fairground Site at Wanstead Flats is located close to a very residential area. Even the smallest increase in traffic will have an adverse affect on local residents

There is no provision for pedestrians to cross to the other side of the Flats at the entrance of the development and there is no pavement on the other side of the road. How are we to get past the entrance of the site?

Police traffic to Wanstead Flats will further add to substantially elevated traffic levels effecting a much wider area than the immediate streets near Wanstead Flats. For those who rely on public bus transport especially routes 58, 101 and 308 which run closest to Wanstead Flats they may find these routes unusable during large parts of the day; find them diverted or terminating early as was the case for route 58 and 308 during the annual November firework display held on the same site.

12.8 Parking

The Traffic Assessment states that

There are areas of Centre Road that currently do not have parking restrictions. It is not expected that parking in these areas will occur in a manner to affect the MBDC operation. If any parking problem does emerge, the Police will be able to apply temporary parking restrictions to ensure the traffic flow along Centre Road is not unduly affected.

Effectively they are saying there will be no adverse effect on parking because they can restrict public parking if necessary, thereby further restricting the public's use of the Flats.

12.9 Local sporting events

We also learn from the *Traffic Assessment* (and, surprisingly, from no other source) that the Corporation of London is in fact planning to do something *for* the people of this area during the Olympic Games, namely to stage popular sporting events on Wanstead Flats. Whilst I applaud this, I also observe that these events will add further to the traffic and parking.

On most Saturday and Sunday mornings there are football matches on the Flats. As a result, Harrow Road is **already completely full** of parked vehicles on these mornings.

This effectively means that should the other activities lead to parking that interferes with the proposal, parking restrictions, ie restrictions on those other activities, being the only lawful uses, will be imposed. This is a further imposition not highlit elsewhere.

If sporting participants don't use public transport now, I think it unlikely that they will do so in 2012. If this application is agreed I ask that proper mitigation measures are made to protect local residents' use of bridle paths for cycling, and to reduce the risk of congestion on Centre Road

12.10 Coercion

It is inevitable that these events will conflict with the Police operations. Then, as the Transport Assessment says, “the Police will be able to apply temporary parking restrictions to ensure the traffic flow along Centre Road is not unduly affected”, which they will of course do in their own favour and to the inconvenience of both local residents and participants in the sporting events. Indeed, the *Assessment* goes on to say that “[Transport for London] has confirmed that measures will be introduced at the Green Man Roundabout as part of the management of Olympic traffic and that these are designed to cater for the [Police] traffic appropriately”, so the latter will be able to do as it pleases whilst residents have to wait in jams.

12.11 Outside the Olympic period

Even if the Olympic Downturn Factor is accepted as support for the argument that there will be less traffic on the road whilst the Olympic Games are in flow, no consideration has been given to how traffic will be affected for the remainder of the 90 days that the MBDC will be on Wanstead Flats. Some of that time will coincide with the finish and start of the school term and it is to be expected that the Applicant will want to carry out “practice runs” prior to the start of the Olympic Games thereby clashing with school traffic.

12.12 Emergencies

There is no assessment of how the transport situation might change should there be an emergency during the Olympic Games. It is well documented that the Olympic Games represents the biggest security threat that the UK has ever faced and there is therefore a significant possibility that an incident might occur. Should that happen, the MBDC at Wanstead Flats (being the biggest of the London MBDCs) would no doubt be expected to coordinate a response to the emergency. In that event, it is likely that traffic would not be in accordance with the findings of the Applicant in its Transport Assessment. For example, roads may need to be cordoned off to allow police vehicles priority access.

In short, the data contained within the Transport Assessment can only be considered accurate if it is assumed that the users of the MBDC will be following the same routine everyday throughout the 90 days that the MBDC is on site.

12.13 Objection by Newham Council

Section 4.2 of Redbridge Council’s current development plan indicates that adverse traffic congestion as a result of granting planning permission is an important factor to consider. To my mind the ‘adverse effect’ in relation to the MPA’s application is an understatement.

Details of the locations proposed for drop-off/pick-up of officers are required to enable assessment from a traffic management and highway safety point of view. Details are also required of the routes and approximate timings of horses based at the centre that will travel to the venues via roads in Newham. It accepted that these concerns can be addressed by a planning condition requiring this additional information. This information is needed to ensure Newham’s Network Management team is fully informed of movements associated with the centre.

Newham Council proposed the following conditions:

The number and time of vehicle movements shall not exceed those set out in the Transport Assessment. Vehicle movements shall be recorded and the data provided to the local planning on request.

Reason: To protect the living conditions of nearby occupiers.

Prior to the commencement of works on the development hereby permitted, further details of drop off/pick up locations, horse movements and scheduled traffic movements shall be submitted to and be approved by the Local Planning Authority. The approved development shall operate in accordance with the details thus approved.

Reason: To protect the living conditions of nearby occupiers, and ensure traffic impacts can be assessed and managed.

12.14 Conclusion

The Police TRansport Assessment relies on unsupported data and has ignored other significant factors. As such, it is not clear how the Planning Authority can reach a view on the evidence presented. Redbridge Local level Borough wide Policy T1 states that planning permission will not be granted for development which would increase trip generation excessively or would have a negative adverse impact on traffic generation. At present, the evidence to support the Applicant's argument that there will be no adverse impact is unsubstantiated. Either the Planning Authority should seek further and better particulars, or should reject the application on the basis that the conclusion reached is unproven.

13 The design of the site

This section is based on comments by David Bowden, who is a Chartered Building Surveyor, and Tot Brill, whose house is immediately adjacent to the site.

13.1 Main points

- The 3.4m (11') high fencing will be unsightly and lead to additional pressure on wildlife and the SSSI. There are also doubts that it will stand up to the wind.
- Hazardous materious such as biodiesel are to be stored on site. The catering facilities will cause unpleasant smells to the immediate neighbours.
- Lighting will be provided by 9m (30') high towers, well above the fencing and 24 hours per day.
- The advertised height of the marquees was increased from 4.8m (16') in the earlier planning documents to 5.4m (18') in a later one.
- The site and its fencing will move the anti-social activity that already takes place on the Flats into the Plantation, which is ad area of woodland that lies between the legal boundaries of Epping Forest and houses in Sidney Road.
- Considerable noise will be cause by the electric generators, the horses and the aluminium trackway. Newham Council objected that this would be above permitted levels.
- No consideration has been given to the additional noice that will be caused by an emergency situation.

13.2 Fencing

At (4.25) reference is made to the benefits of the 3.4 m perimeter fence limiting use outside the site. This fencing will be unsightly and will lead to additional pressure on the SSSI through forcing walkers to bypass the site.

These show a continuous 3.4 m high steel fence. Subject to engineering advice I would say that 3.4 m high solid fencing requires more support than shown. Wind load will be quite high and the pins may have to be piles, removal of which would be next to impossible.

I doubt the fencing will stand up to wind pressure as designed and so greater construction works will be necessary.

13.3 Hazardous materials

Biodiesel and other hazardous materials to be stored on site are not specified in any detail although biodiesel is worryingly described as safe.

At (23) the applicant admits to intending to store or use 0.5 tonnes of liquid petroleum gas. Elsewhere he refers to storage of biodiesel which he claims degrades naturally if spilt, which it may do but to the detriment of surrounding land and watercourses, as well as flora and fauna.

13.4 Smells

The largest marquee on the site is the feeding station. The applicant has given no details of how they will ensure that cooking smells do not escape the site. I expect Redbridge Council, if it agrees this application, to attach to it the same stringent requirements that they do to restaurants. I do not want to have to spend 90 days in a fug of frying oil. The horses, dogs and police officers on site will also defecate and urinate. I expect Redbridge Council, if it agrees this application, to ensure that no smells from latrines and manure piles escape the compound perimeter.

13.5 Lighting

The lighting proposed is on 9.1 m high towers, which will clearly be visible over a 3.4 m fence.

At (7.48) reference is made to lighting being designed to avoid spillage outside the site. However, lights some 9m high will easily pollute across a 3.4m fence.

The Metropolitan Police intend to light the site 24/7. This means that immediate neighbours will be unable to escape the muster village as it will shine out just behind their gardens. While the application promises that there will be no glare and that the high fence will reduce light spillage, they ask, that, if Redbridge Council agree this application much more is done to reduce lighting on the site and that there is a 11pm - dawn turn off for the car park lighting (vehicles have their own in built lights) and all external lighting. I also ask that the Metropolitan Police maintain a dedicated and direct site telephone number for residents to respond to noise, light and smell nuisance.

13.6 Anti-social activity

The southern boundary of the site is a stone's throw from the rear of the wooded piece of land (known as the Plantation) that backs on to the rear of the properties in Sidney Road. The Plantation is not part of Wanstead Flats, and is not owned by the Corporation of London. It sits just inside the boundary of the London Borough of Newham.

The prison-like fencing that surrounds the muster site encloses a bridle path that is used by people crossing the flats from Dames Road to Centre Road. We are concerned that more people will be diverted into the Plantation and will cause nuisance, and disturb the wildlife that lives in this relatively untouched and wild parcel of land.

There is already a considerable problem with rough sleepers, drinkers, drug takers, taggers and those indulging in al fresco sex. We are concerned that the funnelling caused by the proposed site boundary will make this problem worse by encouraging people to use the Plantation wood. Even

if the site boundary was to be moved back from the bridle path, we remain concerned that people will move away from the boundary fencing and into the Plantation wood.

13.7 Request for a permanent fence

The residents of Sidney Road request Redbridge Council, if it will not do the sensible thing and refuse this application, to require the Metropolitan Police, as part of the planning conditions it can attach to the application, to erect, at their own cost, a secure and permanent fence 2m high around the piece of land known as the Plantation, to the north of Sidney Road behind the even houses numbered 6 - 30. The design and exact location of the fence to be agreed with those residents whose houses back on to the Plantation.

Such a fence will be a permanent improvement for those residents who will suffer the greatest nuisance from the muster village, and could be seen as a reasonable legacy from this unwanted piece of Olympic infrastructure.

In conclusion, the nuisance and disruption this ugly enclosure of a loved open space will cause will ruin my enjoyment throughout the Olympic period. When I first moved to Sidney Road the annual visit of 3 fairs and a late autumn circus added to the pleasure of living here. Though it meant that bank holidays could not be altogether relaxing, the events were short lived and shut down early for the night. Since then the vastly disruptive Newham Fireworks blasts out in November, and now this noisy, smelly and brightly lit compound will blight the whole summer.

14 Noise

14.1 Generators

Noise is described as exceeding guidelines, yet no comparison is made with the existing level.

There will be generators on site which will start and stop automatically as electricity is needed. It is claimed that this will reduce noise emissions, yet it is the starting and stopping of any noise that is generally the most disturbing. It is claimed that they will only be used at peak times which it is claimed will likely to be during the day. The lighting will be needed more at night and electric lighting does not power itself no matter how ecologically efficient it might be.

14.2 Horses

The presence of horses does not appear to have been taken into account in preparing the noise data for this document. Paragraph 5.2 considers "movement of horses" as one of the main noise impacts from the operation of the site. But it is not clear how this has been factored into the estimates made of the noise output. Given that the perimeter fence is not going to reduce the noise from horses once they leave the MBDC and given that the horses are going to pass along residential roads, special consideration ought to have been given to this.

Further, it is not known whether the horses will leave and return to the MBDC at the same time. This is unlikely given that there are to be several places of deployment. Therefore residents could be faced with an almost continuous sound of horses throughout the day.

14.3 Trackway

In addition to 24/7 generators, vehicle movements and a farrier workshop, the Metropolitan Police propose an aluminium trackway and wooden floors to the marquees. Hollow trackway and wooden floors are noisy. Frankly, the level of noise this intrusive and unwanted village will cause within a

stone throw of bedrooms in Sidney Road is unsupportable. The residents ask, that, if Redbridge Council agree this application that sound deadening materials are used throughout the site and that movement and noise is restricted between 10.30pm and 7am.

14.4 Overnight

Further, there is no mention of how the presence of horses on the site overnight may affect noise levels. It is not clear that this has been factored in to the assessment of data. Nor is there any mention of additional noise levels from dogs being kept on site during the day therefore it is to be presumed that this has also not been considered.

14.5 Quiet area

No thought seems to have been given to the fact that the area around the site where the MBDC is to be sited is reasonably quiet. The presence of an MBDC will completely change the character and temperament of the area.

14.6 Emergencies

No consideration has been given to the additional noise which would result if there was an emergency. An emergency could even occur during the middle of the night. The Applicant's Planning Statement states at paragraph 7.69 that "the site will not be used for emergency 'blue light' response thus no sirens will emanate from vehicles using the site, except for an extreme emergency situation".

To have prepared a noise assessment using data which would only be accurate if there was no emergency is a contradiction in terms. The purpose of the MBDC is to coordinate a response if there is an emergency. Therefore, it is not for the Applicant to make some kind of assessment of the likelihood or not of such an emergency occurring, but rather to assume that there will be an emergency and consider the impact that would have on the local neighbourhood.

It is worth bearing in mind that the data collected suggests that at night, the maximum noise level would marginally exceed World Health Organisation guidelines (although the argument put forward by the Applicant is that such a change would be imperceptible to local residents). Add to that any kind of emergency which, even if there were no sirens, would almost definitely result in an increase in traffic, and the Applicant will have far exceeded WHO guidelines.

14.7 Comments by Newham Council

The conclusions of the submitted noise report do not accord with the proposed operation of the site. Night time noise levels and impacts on Newham residents cannot therefore be predicted accurately. In the absence of accurate information noise attenuation measures at the site cannot be assessed.

The suggestion in the noise report that noise from the 24 hour generators should be within 5dB of the background does not meet with the Council's standard requirement that plant operation and activity on site should not give rise to a BS4142 rating level greater than the background level at the nearest or worst affected property. Residents are entitled to be protected by reasonable standards. We acknowledge that this matter could be dealt with through a condition.

Newham Council propose the following conditions:

Prior to the commencement of works on the development hereby permitted, an acoustic report shall be submitted to and approved by the Local Planning Authority. Plant operation and activity on site shall not give rise to a BS4142 rating level greater than the background level at the nearest

or worst affected property. Where it is considered impractical to meet this noise standard the report should detail mitigation measures taken to reduce noise to a minimum. .

The approved scheme shall be implemented prior to occupation of the development and shall be permanently maintained thereafter. The developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed.

Reason: To protect the living conditions of nearby occupiers.

The hours where construction noise is audible at the nearest noise sensitive premises shall be limited to 08:00–18:00 Monday to Friday and 08:00–13:00 Saturday and at no time during Sundays and public holidays.

Reason: To protect the living conditions of nearby occupiers.

The number and time of vehicle movements shall not exceed those set out in the Transport Assessment. Vehicle movements shall be recorded and the data provided to the local planning on request.

Reason: To protect the living conditions of nearby occupiers.

14.8 Conclusion

National Planning Policy Guidance 24: Planning and Noise states at paragraph 5 that:

Plans should contain policies designed to ensure . . . that potentially noisy developments are located in areas where noise will not be such an important consideration or where its impact can be minimised. It may also be appropriate for local planning authorities to adopt policies to avoid potentially noisy developments in areas which have remained relatively undisturbed by noise nuisance and are prized for their recreational and amenity value for this reason.

It is contended that siting an MBDC on Wanstead Flats would breach PPG 24 on the basis that the area around the Fairground Site, despite having an “A” road running alongside, is actually quite quiet, given that it is in the middle of a vast open space. Further, the noise is not going to be self-contained within the site, but will spill over into the entrance and exit of vehicles and animals and along the route they take to their place of deployment.

The application also contravenes PPG 20 which states at paragraph 20 that

Special consideration is required where noisy development is proposed in or near Sites of Special Scientific Interest.

Insufficient regard has been paid to the fact that the MBDC will lie adjacent to a site of special scientific interest

15 Threat to wildlife

This article by Paul Ferris appeared on the Wanstead Wildlife and Wanstead Parklands Community Project websites.

The Metropolitan Police are intending to use part of Wanstead Flats as a temporary briefing centre for officers working on the Olympics policing operations. This is intended to be for a period of about 120 days, so as to include construction of the site, use of the site during the Olympic and Paralympic games, and the time taken to dismantle the site.

Later this summer the police are planning to start a period of public and planning consultation about the proposal, and we are told that “Any move would first be subject to a public consultation to gather feedback from people living in the area, and address any concerns about the restrictions it would put on public use of the area during the games.”

In an article in the *Wanstead and Woodford Guardian*, Peggy Bitten of the Friends of Epping Forest said: “We’re not going to object but we do hope there will be a full consultation, and that there will be total restitution afterwards.”

A spokeswoman from the City of London said: “We think there is a way forward that will allow the police to be based at Wanstead Flats, while retaining the Forest’s legal guarantees, and at the same time securing benefits for the long term interest of the area. A proposal to use the fairground site for a limited period in return for an investment which can be used in the local area, seems worthy of full consultation with the community.” She also added that: “This is a difficult position for us in our role of protecting the Forest. We are confident that we are seeking a solution that would be in the best interests of most people.”

I note that in all three comments — by the Metropolitan Police, by the Friends of Epping Forest and by the City of London, no mention is made about the damage that may be done to the wildlife and ecology of the area.

The Police, of course would have relatively little interest in or even knowledge of the potential threat to the environment. The Friends of Epping Forest do, but only mention the restoration of the grassland. And of course, there is a tendency for things that happen in the southern reaches of the Forest to have less importance to those that live further north — and who generally will have less knowledge of how much disturbance there already is in this area and how delicately balanced the survival of some of our local wildlife is.

In a subsequent discussion about the proposal at a Wanstead Park Community Project meeting — and the fact that the probable site would be on the that rather poor-but-firm area that is used by the fair — a vociferous argument was put forward that, because the area was such as it is, it couldn’t do any harm. This is fairly typical of the unappreciative view that because an area isn’t — for example — covered in wild flowers or trees, it has no value. Diversity is often overlooked, and the area supports a ground-flora that doesn’t exist in quantity elsewhere on the Flats. We probably don’t know just how much it does support!

The City of London — the Conservators of Epping Forest — should have a good knowledge of the effect that possible events or temporary structures and usage could have, but from previous experience this has proved not always to be the case. As far as restoration afterwards is concerned, I have seen various instances where restoration work has been poorly carried out after works have taken place. (see here, for example, in relation to the Reservoir Stream recently) In my perception it has not been a good record. Their comment that the solution “that would be in the best interests of most people” is not encouraging for local residents or wildlife. “Most people”, of course, will be the millions that will attend the Games, and security will be of utmost importance.

We don’t know yet what the Metropolitan Police will require on Wanstead Flats. The suggested area is the Fairground site — and this may well lead at least to the possibility of the fairs and circuses not being able to take place, as the time limit that has been suggested by the City of London if this was allowed, would be around 120 days. Whatever your views on these activities, they are historic ones and should be able to continue and not lost due to the Olympics, even temporarily.

The Metropolitan Police have also said that there is no existing Met. building in the right place and of the right size for their purpose and a search for other alternatives has shown the Flats as the only practicable site. Was this requirement not taken into account in the planning stages for the Olympics? Already Hackney Marshes has lost much of its football pitches, and we are getting the outcasts here — and although it is difficult to judge, probably a lot more cars (and people!) polluting the area as a by-product.

My gut reaction is that I don’t like the sound of this. We have two groups of people already that aren’t really knowledgeable and/or interested in the south of the Forest and the damage that could be done — let alone the inconveniences to local people, and a third which from the comment might be perceived as looking towards a financial gain “which could be used in the local area.”

The Metropolitan Police have already in the past used land adjacent to the Forest for their own purposes — in the form of a tower block by Bush Wood — and this on the site of a picturesque Swiss-style cottage (see picture here). The cottage was demolished in 1962 in spite of local protests when the Metropolitan Police erected the multi-story accommodation block for police cadets on the site. Now that same building has been sold off by the police and is classy residential housing. That shouldn't have been allowed to happen and I think that perhaps this shouldn't, either.

16 Threat to skylarks

By Tim Harris.

The Wren Conservation and 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.