

Battersea Park Action Group
c/o 74a Prince of Wales Mansions
London
SW11 4BJ

17 November 2016

Dear Sirs

Planning Application (2016/3064)

This objection is made on Behalf of the **Battersea Park Action Group** and comprises two main areas of concern in connection with the required full reinstatement of the park under condition 10 of the original planning consent:-

1. Reinstatement proposals

2. Procedural irregularities

Before outlining our objection I should first highlight the confusing nature of both the application and your consultation letter dated 15th November which provides no background and very little explanation. The Planning Department have failed to make clear the nature of the application or its purpose and this confirms in the minds of many an intention to obfuscate this matter. As can be seen from some of the objections to date, some people thought this was an outdated or current application to host car racing again! The approach to this whole matter continues to raise serious concerns.

1. Reinstatement proposals

The main purpose of the application made by Formula E is to arrive at a suitable and appropriate permanent layout for areas of the park that were adapted for Formula E racing. The starting point for this must be the full reinstatement that the Council originally promised. The proposals put forward on 8 November contain a number of deviations from this requirement. We will highlight only those where we have a strong objection and ask that these are brought fully to the attention of the committee.

A. Former Boules area (Area 4)

The Council and Formula E propose now to replace the top course of unsightly black tarmac in this area with Breedon gravel. We welcome this proposal however; the description states that the area of current tarmac is to be reduced back to "its original position and layout". This is simply not the case and the applicant, or whomever has drafted this description, is misleading planning officers and in turn the committee by this statement. This is illustrated on the attached plans in **APPENDIX 1** showing the before and now proposed layouts. These indicate in blue the area of grass that will be reinstated but also in red the former area of grass that will not be reinstated and is currently laid to tarmac. Of this total area that of original grass **48%** is not now to be reinstated.

The description here is therefore wrong and in seeking to change a listed park this loss of grass must be highlighted by officers to the committee. The statement made by the applicant is misleading as well as incorrect and this issue is particularly key as the importance of fully reinstating the boules area was discussed and agreed by committee in December and was the subject of a separate informative.

In the event that the boules area is ultimately extended, we welcome the proposal to plant an additional tree in this area but seek confirmation that this tree will be a Turkey oak to match those that are already in place alongside the boules area.

B. Rosery car park (Area 3A & 3B)

(i) Layout

There is strong opposition to the applicant/Council's proposals amongst our group and park users to the current proposals in the Rosery car park. The current proposals attempt to reduce the total amount of grass buffer zones within the car park from four to three. The proposals also significantly reduce the size of the buffer zones themselves, attempting to reinstate about 29% less grass in these buffer zones overall. Again a move to extend tarmac car parking at the cost of landscaping in a listed park should not in our opinion ever be considered. We therefore ask that officers highlight our objection and the completely unsatisfactory nature of what is proposed.

The Council should not be encouraging further vehicle parking by extending tarmac areas nor should it be encouraging cars to continue speeding down this area as is currently happening. The expanse of black tarmac is an open invitation to use this area as a hot rod venue which has happened on several occasions. The large green buffer areas are a key environmental, amenity and safety measure that must be retained.

Officers must ensure that the large green buffer zones that were removed to enable the Formula E event are reinstated in their entirety. Any subsequent re-profiling must be carried out on the basis that the fundamental size of the buffer zones remains the same as those that existed prior to the 2015 civil works.

It is essential that these areas are reinstated as they in turn line the narrower link roads between car park areas. The current proposals produce the appearance of one large car park and this is just not acceptable. To act otherwise is to detrimentally impact a protected park and this runs counter to all environmental and conservation policy.

The HLF wrote to the Council on 22 August (**See APPENDIX 2**) with their comments on the amended Council/Formula E/Enable proposals, these were not made public. The concerns raised by the HLF and how they are being addressed must be reported to the Committee. They describe the Rosery car park **“as a huge expanse of black tarmac”** and that it **“is visually intrusive on the setting and therefore has a detrimental impact on the historic landscape”**.

Historic England make specific mention in the park listing description of this area of landscaping.

Much of the site not used for sports was landscaped, and this is especially noticeable in the area between the boundary railings and the carriage drives where the undulating ground slopes gently down towards the drive. A c 10ha lake dominates the southern half of the site.

Local plan policy directs the Council to **protect and improve** and the proposals do not in any way achieve this.

Core Policies for Places: Policy PL 4

Open space and the natural environment

- a. The Council will protect and improve public and private open space and Green Infrastructure in the borough, including Metropolitan Open Land, such as the major commons, parks, allotments, trees and playing fields as well as the smaller spaces, including play spaces, as identified in the Open Space Study and Play Strategy.

The Council's **Development Management Policies Document (DMPD)** also stipulates as follows:-

2.28 Battersea Park, Wandsworth Park, Putney Vale Cemetery, Wimbledon Park and part of the grounds of the Grove House, Roehampton and Springfield Hospital are included in the Register of Historic Parks and Gardens under the National Heritage Act 1983. These areas have historic layouts and features of landscape significance which make them of special historic interest. Development should aim to conserve and enhance the character and appearance of historic parks and gardens. General policies on protection and enhancement of open space are set out in Chapter 6 of this document.

Again, should the officers recommend approval they would be breaching this policy requirement and failing to **conserve and enhance**. Instead they would be agreeing to the removal of landscaping to enlarge a car park, which is at odds with the above.

The proposal in our opinion will cause substantial harm to this protected area of the park creating an ugly and visually intrusive layout in what should be a green and protected environment. This shows a distinct lack of any environmental consideration and takes no account of policy DMS2.

Policy DMS 2

Managing the historic environment

- a. In addition to satisfying the relevant parts of Policy DMS1, applications affecting a heritage asset or its setting will be granted where it:
 - i. is in accordance with the NPPF, the London Plan and relevant Historic England guidance;
 - ii. takes full account of the Council's Conservation Area Appraisals and Management Strategies;
 - iii. is accompanied by a satisfactory Statement of Heritage Significance and Impact (Heritage Statement) produced by a heritage specialist where appropriate.
- b. Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself, and the surrounding historic environment, and where they have consideration for the following:
- c. Development involving substantial harm to heritage assets will only be granted in exceptional circumstances, where the great weight given to conservation has been fully taken into account; and the substantial public benefit derived has been clearly and convincingly demonstrated in accordance with the requirements of the NPPF.

The plan in **APPENDIX 1** below illustrates that the applicant is seeking to reduce the **four** green zones between the various parts of the Rosery car park down to **three**. Furthermore they are to be reduced in size. There can be no public benefit in such a proposition. Previously there were five distinct car park areas with narrower link roads between. The current proposals gives the impression of one long car park (**See Photo 1***). This is totally out of keeping with the park landscaping and by officers own admission causes harm to the heritage layout of the park. These proposals we understand are being driven by the commercial considerations of Enable LC and not Formula E.

We are aware that the Heritage Lottery Fund have been consulted on this having originally raised concerns over the dualling of carriageways. The current layout fails to address this concern and is unacceptable and flawed. The HLF letter of objection is included below and please can you ensure that this letter is also brought to the committee's attention. We ask you to reference this letter in any report and we will circulate this letter to the committee if this request is not met.

In not reinstating these buffer zones and referring to them as 'pinch points' the applicant is being totally misleading. They seek to create totally inadequate 'pinch points' to replace the original green buffer zones that previously existed. The current proposals result in **29% less grass** in these areas and **one less buffer zone**. The proposals refer to angular shaped areas and simple re-profiling rather than fully reinstating the

areas of greenery to their original size as required. Officers must now insist that these areas are fully reinstated.

What is currently planned is totally unsuitable and fails to delineate car parking areas from link roads. This will result in fly parking in unsuitable areas and the impression of one huge car park. Officers have the chance to promote a practical solution here and they must draw to the attention of the committee the concerns of local people.

(ii) Surfacing

Rosery car park

On surfacing of the Rosery car park, we are aware that the Heritage Lottery Fund has requested that the black surfacing of the car park should be replaced with a top course in a more suitable colour. The Council has chosen to ignore this requirement but has agreed to include a dressing of fine stone grit. There is concern that the grit will dissipate over a relatively short period of time. This was evidenced when this area was originally resurfaced and the area sanded as a top cover. This was not a permanent solution and we ask that whatever is agreed that specialists are consulted so that a permanent solution is achieved.

The current black tarmac creates the impression of a dual carriageway and every effort should be made to mute the colour of the car park surfacing now and in the future. We ask that officers seek a suitable long term solution here and make clear to the committee their intentions as well as highlighting the concerns raised.

Rosery car park/Alexandra Avenue (Photo 2*)

One specific proposal that has been put forward is the reinstatement of two small areas of footpath at the junction of the path leading from the Alexandra Avenue gate at the end of the Rosery car park to the Southern carriage drive. In error, both western and eastern sections amounting to 38m² of the replacement footpath are proposed to be in black tarmac. To match the existing eastern footpath this area of approximately 19 m² must be in Breedon gravel. Also we suggest the edge of this footpath is marked with a drop pre-cast concrete kerb to delineate it from the historic carriage drive.

2. Procedural irregularities

(i) Divergence from policy

The Council granted an original planning consent 2015/7363 to permit Formula E car racing to go ahead. Condition 10 calls for full reinstatement of the park back to its pre-2015 layout. In the normal course of events full reinstatement by Formula E would have taken place post event.

This intention was further emphasised in a witness statement made by Mr Nigel Granger in connection with a High Court case made by James Jackson in his challenge to the Formula E event and submitted on 11th May 2016. In point 4 of his witness statement, Mr. Granger states *"It was always the understanding and intention of the Council that any physical interventions in Battersea Park associated with the Formula E race which*

were to be the subject of a grant of planning permission should be expressly of a temporary nature with restoration taking place after the event.” In point 9, once again referring to the civil works, he states “Officers’ view was that it was appropriate therefore for these civil works to be retained for the purposes of the 2016 event but thereafter to be removed and the land on which they are located be restored.”

As evidenced by the above, Mr Granger unambiguously stated that the removal of the Civil works and full restoration of the park will be a key requirement by the Council. As such anything but full reinstatement is at odds with this statement.

It is also notable that in point 8 of his witness statement, once again referring to the civil works, Mr. Granger states “*However, officers considered that **the retention of these works gave rise to harm and, in particular, harm to the heritage interest of the Park.** Indeed, this is recognised in the heritage impact assessment which was prepared to assist the Council in determining whether to agree to the use of Battersea Park for the series of races ...” It therefore appears that, were the Council to grant consent to the current proposals (in particular the significantly smaller grass buffer zones suggested for the Rosery car park and resultant increase in hardstanding), they would knowingly be harming the long-term heritage interest of Battersea Park, a Grade II* Listed park. This is wholly contrary to policy and not acceptable under any circumstances.*

(ii) Secrecy & lack of transparency

BPAG is aware that the Council on 10 June formally registered a Formula E planning application to discharge various conditions including condition 10 above. The application was validated despite the fact it did not contain the required detailed proposals for full reinstatement. Formula E on 14 June submitted detailed reinstatement plans and a description of its proposed works and asked that the Council confirm that these were agreed within 28 days. The Council replied to Formula E that the timescale was not possible as it was now considering changes to the layout of the park. Rather than place these documents online for public scrutiny the Council **withheld these documents from public scrutiny.** A decision that was wholly wrong and unacceptable.

Despite a number of requests by our group the Council has remained unwilling for five months and remains unwilling to make these documents public by putting them on the planning website. This despite the fact that Formula E have again on 26 October submitted these proposals formally stating that they are intended to be used to discharge condition 10.

It appears quite clear to our group and others that it is the Council that are driving material changes to the landscaping in the park. It is seeking to do this as part of a third party application to discharge condition 10. This is procedurally and legally unacceptable. The Council should not and cannot make arbitrary decisions to suit its needs when dealing with a Grade II* listed open space without making a new planning

application. It is very apparent that it is the Council that wants to impose these detrimental changes to the original heritage layout of the park, not Formula E.

Due planning process must be followed by the Council and officers must make the committee aware of local people's concerns over their handling of this matter. They must justify their approach that brings into sharp focus the legally questionable way that the Council has sought to deal with this application. Please be aware that we will be drawing these concerns directly to the attention of the committee and we would ask that your committee report references and addresses these matters.

CONCLUSION

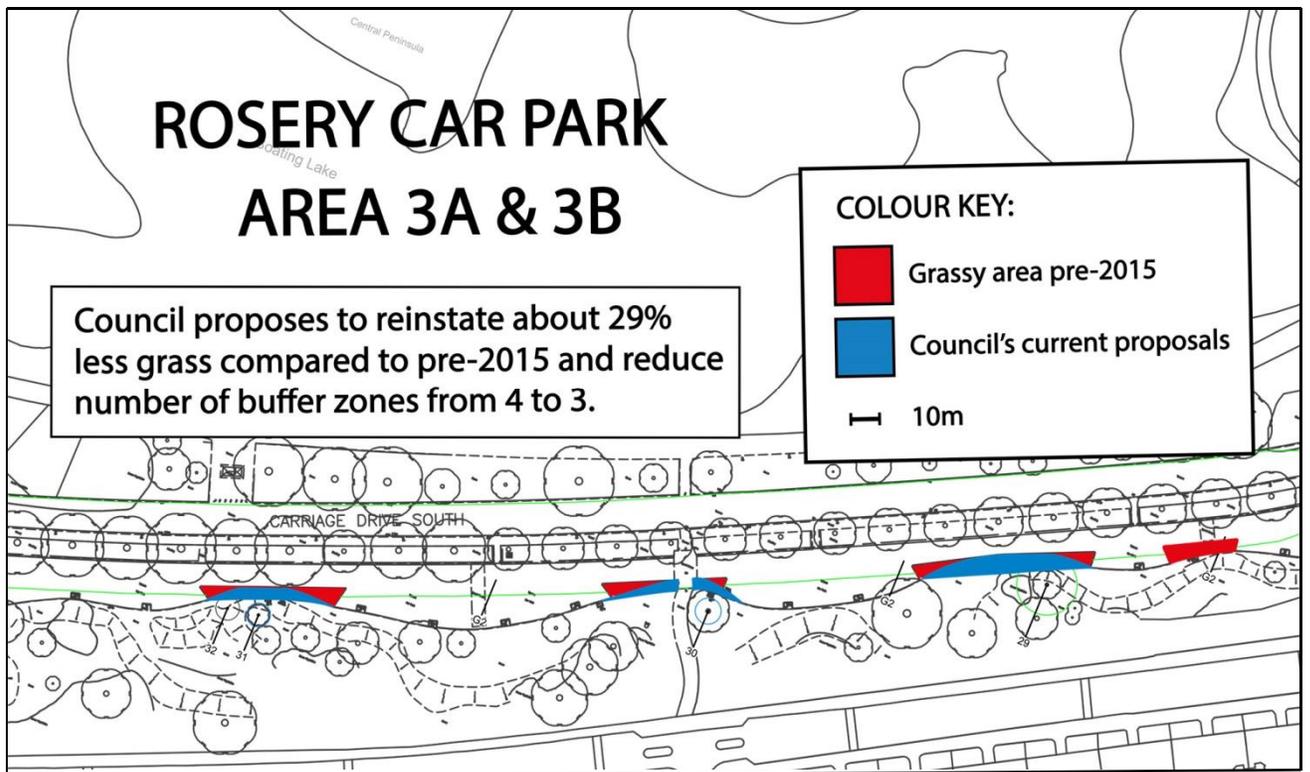
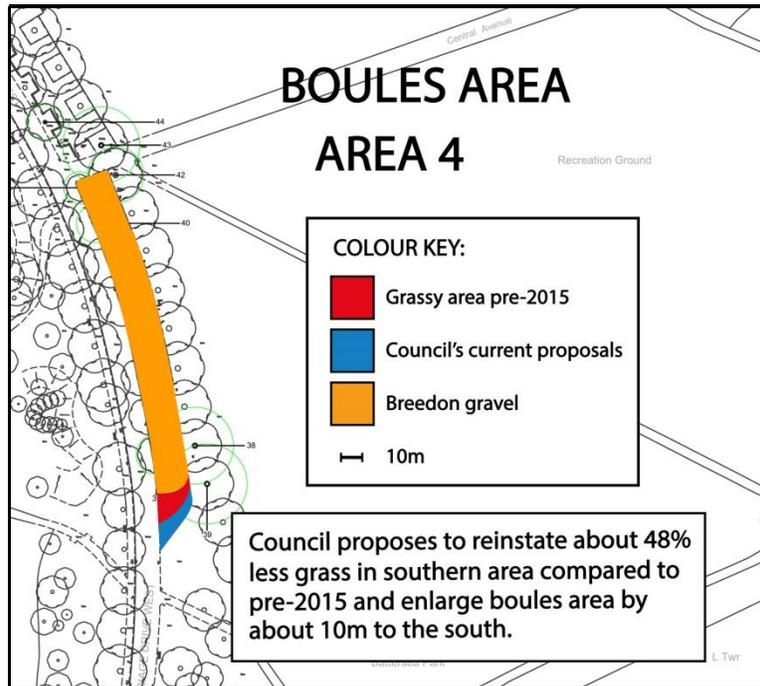
The Council has a responsibility to conserve, enhance and protect the park. Retaining tarmac in a landscaped and former grassed area cannot in any way be considered an environmental or amenity benefit. We now therefore submit that the Council should:-

- **Ensure the extent of the boules area is returned to its former layout such that both blue & red areas shown in APPENDIX 1 are returned to grass.**
- **Ensure that the Rosery car park green buffer zones are reinstated to their former extent, re-profiled and that four not three areas are retained.**

John Fox

For and on behalf of Battersea Park Action Group

APPENDIX 1 – Reinstatement analysis



APPENDIX 2 –Letter to Jerry Birtles of Enable LC from Heritage Lottery Fund with feedback on proposals not made public



Jerry Birtles Esq
Chief Parks Officer
Enable Leisure and Culture
Parks Office Staff Yard
London SW11 4NJ

22 August 2016

Dear Mr Birtles

Battersea Park – Restoration of Formula E Alterations

Thank you for sending through the Council's proposals for Battersea Park following the termination of the agreement between the Council and Formula E. Shaun Kiddell, our Parks Policy Adviser has also updated me following your recent site meetings. HLF has carefully considered the proposed changes and I am now in a position to formally respond. As you are aware there has been considerable local interest in the reinstatement proposals for Battersea Park and our expectation has always been that the park will be returned to its condition prior to hosting the Formula E event. We are aware that any changes will be further scrutinised.

All plans to reinstate the park back to its original condition prior to any physical alterations made in order to stage the event are to be welcomed. I will therefore limit comments to only where changes and modifications to the original condition are proposed. I understand there are some areas where changes are considered to be betterment and will address each of these in turn.

Area 1 ó Pierpoint (junction of North Carriage Drive and East Carriage Drive)

The importance of this area is the meeting of North and East Carriage Drive. This should be continuous flow without any interruption. I therefore suggest the proposed build outs are too extreme and would suggest you revisit the plans for this area to allow a better curve for the merging of north and east carriage drives. HLF welcomes the removal of the mini roundabout and reinstatement of the gravel path (beside the kiosk) as this will put back the original alignment to the existing path ways.

Area 2 ó Central Carriage Drive path leading to British Genius Site
HLF agrees with your proposal to leave as is.

Area 3 ó Millennium Arena car park

HLF would welcome the proposed changes as it is an improvement on the previous layout and reduces the amount of hard surfacing.

Area 5 ó Rosary car park

The resurfaced car park is now a huge expanse of black tarmac. Whilst I appreciate the new surface may be better for park visitors arriving by car, it is visually intrusive on the setting and therefore has a detrimental impact on the historic landscape. HLF does not support its retention in its current form and expect the council to explore options to soften its appearance. **One option to consider would be to surface dress the tarmac in a material that was much more sympathetic and in keeping with the heritage style that exists in Battersea Park.** We believe that the car park if surface dressed in a lighter colour material, would better allow the car park to blend into the parkland setting.

Area 7 ó Former Boules Area

The new resurfaced area of raised black tarmac between the two hoggin strips strongly competes with the adjacent carriage drive. HLF considers this new area of hard surfacing to be highly visually intrusive and would not support it being retained even if surfaced in a less intrusive colour. HLF would seek its removal and request the council explore alternative surface options.

Area 9 ó Albert Gate Junction North & West Drives

The alteration and re-alignment of the kerb stones for the curve is now unsatisfactory; although as in other areas, I appreciate the adjustment is better suited for traffic flow, but HLF expect to see a re-alignment of kerbs to create a smoother radius. The changes we're requesting reflect better the Heritage Impact Assessment and align with commitments made by the Council to us in returning the Park back to its post award condition.

We are, as you might expect, also receiving correspondence from the public in relation to any changes that may occur now that Formula E has ceased. Please be aware that in replying to such correspondence we will be clear in our views, as set out in this letter. I do appreciate you keeping HLF fully informed and please do come back to us if any further clarity is required. I look forward to receiving more information once you have considered options for both Rosary car park and the former Boules area.

Yours sincerely

Stuart Hobley
Head of Heritage Lottery Fund, London

PHOTO 1*



PHOTO 2*

