

Friends of Haven Green



Keeping Haven Green at the Heart of Ealing

Common Land Casework team
Planning Inspectorate
Room 3/25B
Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

71 Gordon Road
Ealing
London W5 2AL

Dear Sir/Madam

Application by London Borough of Ealing to do restricted works on Haven Green Under Article 12 of the Greater London Parks and Open Spaces Order 1967.

The Friends of Haven Green (FoHG) is an independent community group that speaks up for Haven Green to protect it for the perpetual enjoyment of Ealing residents and visitors alike. FoHG has a number of concerns about the above application and its relation to other developments (some already implemented and others proposed) on Haven Green Common Land.

These developments are a direct consequence of intensifying demands that are being made of this important areas of green space that lies at the heart of Ealing town centre. Two documents the Council has published recently help illustrate the scale and nature of these demands.

- In 2012 the Council consulted on some initial proposals for Haven Green in a document a little confusingly entitled '[Ealing Broadway Forecourt designs](#)'. The consultation said that changes are required on Haven Green to accommodate the redevelopment of Ealing Broadway Station as part of Crossrail and the increase in passengers it would bring. It then listed a number of ideas including those in this application. The consultation did not refer to the fact Haven Green is common land but FoHG flagged it in [its response](#). The Council has not yet said how it proposed to respond to the issues it described in its consultation and the comments it received, but this application should make mention of them.
- A new [boroughwide cycling strategy](#) that will affect Haven Green generally and the bus layby area which is now proposed to be returned as common land in particular (see page 19) has also been published. These proposals are not mentioned in the current application.

Friends of Haven Green



Keeping Haven Green at the Heart of Ealing

These documents demonstrate very clearly that the proposals in the present application form part of some bigger ideas for Haven Green as a whole. In line with its mission to protect the Common Land for future generations, FoHG thinks an overall plan is now needed for the whole Green rather than the present approach of piecemeal encroachment. In the absence of such a plan, we are therefore objecting to the way the present proposals ignore these bigger questions.

Separating the current proposal from these questions is inappropriate and confusing. For instance, the consultation referred to above said that temporary cycle stands on the Green were to be removed and the Green reinstated, whereas these stands have now been made permanent. This is unfair to those like FoHG who seek to promote the integrity of the Green but do not have the same resources that the Council employs to pursue other objectives it feels more pressing.

One such objective led last year to the construction of a new cycle hub partly on the Common Land and this year to the permanent installation of the stands for 110 cycles. At first, Ealing Council argued that consent for these developments was not required because they fell outside the area of the Common Land, or because they were temporary, but it has now changed its stance to say that the shelters and ranks of cycle stands do not require consent because they are not buildings. We have obtained legal advice that the Council's new argument is also incorrect, but extracting it was time consuming and expensive. Anyway, the shift in the Council's legal arguments has not succeeded in addressing the problems the unauthorised incursions have created in terms of the loss of common land, and the increased visual clutter that impairs the amenity of the green. These and similar matters need to be examined as part of this present application.

FoHG has specific concerns about this application, over and above the necessity of considering the Green as a whole. They relate to three broad areas:

- I. Questions about the process the Council has followed in making the application.
- II. Concerns about the information provided in the application.
- III. Objections to what is proposed.

1. Questions about the process the Council has followed in making the application.

- For the purposes of our response we assume the application comprises:
 - The Notice of Application
 - The application form
 - The management scheme
 - The Steer Davis Gleave memo dated 19.03.13
 - Haven Green registration documents

Friends of Haven Green



Keeping Haven Green at the Heart of Ealing

- The application form states that before applying for consent there should be wide informal consultation in order to identify and overcome objections. This has not happened. Although, as described above, more general consultations affecting Haven Green have been undertaken, there have been no consultations that refer to issues about the Common Land.
- In light of the above, it may be seen that the documents supporting the current application are rather partial in the information they provide. The main justification for the changes are set out in the 19th March memo from Steer Davis Gleave (SDG). This lists a number of 'existing issues', most of which are accurate enough, but it does not list others that are even more relevant as they were set out in the 2012 consultation and FoHG's response to it. While we support many of the measures indicated in the landscape improvements, most of them have nothing to do with the exchange of important areas of common land as the current application proposes.
- The Council does not explain why it has made its application under Article 12 of the Greater London Parks and Open Space Order. We read this order as relating to matters of recreation, but there seems to be no suggestion that this application has anything to do with recreation. PINS Guidance states that 'Article 12 applications must always be in respect of facilities for public recreation'. We think the application ought to have been made under Article 17 which concerns the use of portions of open spaces for street improvements.

2. Concerns about the information provided in the application.

- We have referred above to the fact that other changes to Haven Green are envisaged by the Council that are omitted from this application. Unless one is familiar with these bigger changes it is very hard to make sense of what is being proposed here.
- Section G of the application form asks for details of existing works on the land. The response to this question is incomplete. There is no reference to the existence of the cycle hub on the island site clearly shown on the application plans as forming part of the area of Common land, and no reference to the recently installed cycle stands for 110 bikes. Other works that the legislation suggests are restricted, or should have obtained authorisation, (such as the installation of poles for CCTV cameras) are also omitted. And while it is correctly noted there is an electricity substation on the common land, it should also be noted that this is a temporary installation on the Green. The substation enjoys a 5 year temporary consent that expires in 2014; a consent that was granted retrospectively only after complaints by the local community that it had been installed without authority. FoHG and others have been

Friends of Haven Green



Keeping Haven Green at the Heart of Ealing

seeking to establish the date for its removal. PINs' current investigation is the most appropriate opportunity to consider the substation's future.

- Section K of the application form requires that maps submitted as part of an application show all existing works on the Common Land. The map we presume forms part of this application (SDG memo page 4) shows no such works – either those listed in Section G or those that are not.
- Neither the plans that depict the proposals nor the justification for them are sufficiently detailed to show what is intended. The maps submitted to describe the proposal do not even carry an accurate scale. The 1968 Common land registration plan is obviously of insufficient scale to calculate the precise extent of the area of the Common Land, even though this could be ascertained easily enough using the line of the roads that bound the Green and existed at that time. It is therefore disappointing that the Council did not commence this present exercise by establishing the extent of this boundary more carefully.
- However, from what we are able to ascertain, we suspect SDG's plan may be inaccurate in showing the boundary in at least two areas:
 - It shows the eastern boundary of the Common land between the cab shelter and the 65 bus layby as running to the west of that shown on the 1968 map.
 - It suggests that the new area of the 'island site' on which much of the cycle hub now stands is larger than the original. This is especially surprising given that LBE told us for a long time that this island site lay outside the area of Common Land.
- The plan that appears in the SDG memo titled 'Ealing Broadway Interchange, Haven Green Boundary 1965¹ & 2013 versus Proposed Common Land Boundary' seems to have been used to calculate 'before and after' areas. Unfortunately, the figures showing the calculation of the area of land that would lie within in the common land boundary following implementation of the proposals is indecipherable.
- The calculations of the areas proposed to be exchanged are unavailable so we do not understand how SDG arrived at the view in the table on page 2 that the extent of the common land will be increased. We estimate the extent of common land will be reduced.
- Three other changes seem to be intended that are not described in the notice.

¹ This ought to read 1968.

Friends of Haven Green



Keeping Haven Green at the Heart of Ealing

- SDG's plan seems to suggest widening the existing footpath along the southern edge of the Green. This would entail the loss of Common Land although this is not stated in the notice of Application.
 - A narrowing of the footpath along the north of the diagonal road is also suggested. If this were done it would have the effect of increasing the area of Common Land but there is no reference to this proposal in any of the application documents and no justification provided for it. In our view, the loss of this footpath would be an inconvenience for people who now use it.
 - There seems to be a similar narrowing of the footpath along the northern boundary of the Green. Again is likely to inconvenience pedestrians but it has not been advertised.
- We also query whether the land is indeed owned by the Council as the application claims. The Commons registration documents dated 1972 says the Council own the land, but the 1878 Management Scheme seems to say the Ecclesiastical Commissioner retain the title, having only transferred responsibilities for managing it to the Council's predecessor.

3. Objections to what is proposed.

- Friends of Haven Green support many of the proposed landscape improvements, including the use of temporary fencing where it is needed to protect planting while it is recovering. We welcome these measures as being long overdue.
- We object to the Council's proposal to exchange the bus layby in the north east corner for the land taken from the Common to widen the pavement along the diagonal road across the Green. Most of the bus layby already lies within the area of Common land and it was extended and the hard surfacing surrounding it added without the Secretary of State's consent. It is not therefore available as an exchange for widening the footpath as proposed.
- To justify widening the footpath along the diagonal road across the Green, SDG explain that the grass has become degraded by excessive pedestrian use and people waiting at bus stops. They say, quite rightly, that 'grasscrete' installed to mitigate the problem has failed. SDG offer no evidence to show that they would solve the problem by widening the footpath, and why pedestrians and those waiting at bus stops would not just spread further onto the Green. FoHG thinks a better solution might be to discourage undue casual use of the grass areas through the installation of a simple waist high rail along the footpath edge, similar in design to that which already protects other parts of the Green. This would obviate the need to surrender this part of the Common Land and was a measure that we suggested in

Friends of Haven Green



Keeping Haven Green at the Heart of Ealing

[our response to the Ealing Broadway Station Forecourt consultation](#). We have had no response from the Council to our suggestion and no consideration of it as an option in this application.

- In principle, we would support the proposed renewal of footways across the Green, many of which are in poor condition having been poorly installed less than 10 years ago. However, we would like more details about exactly what is proposed. We would like to know:
 - what materials will be used,
 - how the present problems of cracking and resulting patching can be avoided,
 - which paths it is envisaged may be used for cycling (currently only the path from Gordon Road to the Station is a designated shared cycle path),
 - what signs there will be,
 - whether any of the paths are to be widened and how this would be offset by appropriate land exchange.

Yours sincerely

Greg Phelan
Chairman FoHG