

APPLICATION RESPONSE

Comments following submission of planning application HGY/2023/1208 to upgrade of a current make shift BMX trail into permanent trail for children of all ages:

The land adjacent to 1 Shepherds Hill, London, N6 5QJ

Shepherds Hill BMX Trail - Application Comments

5th July 2023
Submission of comments.

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OVERVIEW

This document represents a formal response to the recent application (2023/1208) for the upgrade of the existing BMX track on land adjacent to the Highgate Library at 1 Shepherds Hill.

1. COMMENTS ON CONTENTS OF APPLICATION FORM

The application states that there has been a 'makeshift' BMX track on the site for a number of years. This statement is very misleading as there has never been a BMX 'track' on the site other than a few built up mounds closer to metal fence that separates the London Underground in 2012 following the Summer Olympics that year. Apart from felling of eight diseased trees by Haringey in Feb 2022, the site has been illegally cleared over the last three years without due regards to neighbouring properties.

This can be verified on Google Streetview. Attached photos taken over recent years show that this site has never been used as an informal bike park. A few mounds of mud would not constitute as an informal bike park. The random Google Streetview scene from 2009 to 2023 shows no such activities. *(Please refer to photos in Section 7.1)*

The application further states that it will be a long-term investment with an aim to enrich the public realm whilst preserving local wildlife without going into detail without any supporting evidence. In addition, the application states that existing use of the site as F2 (local community) and the existing and proposed GIA of site will remain unchanged at 564 sqm. without any supporting materials. This is very misleading as there is no enclosure to confirm the boundary other than a few of piles of mud dug up recently. *(Please refer to photos in Section 7.2 and 7.3)*

The application also states that the subject land is owned by TfL and leased by the Council. Therefore, this is not a private-land as stated on the application.

2. COMMENTS ON DRAWING SUBMISSION

GENERAL

I note that the submitted drawings generally are poor quality in that they lack the following:

CLARITY

A lack of existing drawings for consultees to determine the change between existing and proposed (including the relative heights between them). Also, a lack of site photographs of the site showing the existing condition and the perimeter of the active use area.

A lack of adequate commentary or imprecise commentary on the proposals. There is very little and in most cases no text on drawings.

Elevations are drawn at a scale that makes it very difficult to gauge the proposals when viewing the drawings digitally as the majority will.

ACCURACY

There appears to be some discrepancy in scaling of the proposals between the drawings, particularly in plan as outlined below.

02_01 PROPOSED TRACK DESIGN

The proposed track design on p20 appears to be at a correct scale relative to the scale bar on the drawing but at a glance shows the track finishing closer to the public footpath than is suggested on Proposed Site Plan 01_01 and Proposed Plan 01_02. This error is repeated on p5, p12 & p17 of the Design & Access Statement.

This mismatch in scale is relevant as the relationship of the trail to the existing path and Library is not adequately described in the submitted proposals.

I am assuming that the location points B1, B2 etc refer to heights of ramps but this is not made clear and nor is it clear how these heights relate to the existing condition. Existing drawings are a pre-requisite of all planning applications and should be provided in this instance.

DETAIL

There are no specific details associated with the application and given the scale of the proposals and the slight discrepancy in construction build ups this would seem to be required. An application of this nature should include 3D drawings so that consultees can make sense of the proposals and comment accordingly.

3. COMMENTS ON DESIGN & ACCESS STATEMENT

GENERAL

The Design & Access Statement refers to 'Pre-Application Advice' but there is no reference to what the advice from Haringey entailed or how the application has specifically responded to any advice given.

More clarity should be provided on this matter, in particular if the application does not action advice given at pre-application stage.

PAGES 5, 12 & 17

The proposed plan does not reflect the detailed plan 02_01 particularly in its proximity to the public footpath.

Drawings, photos or other graphic evidence with greater consistency/accuracy should be provided.

PAGE 7

The reference confirming that existing greenery and retaining walls will be retained but this is difficult to verify or record without existing drawings.

Existing drawings should be provided as part of the application.

It is difficult to believe that the process of construction will not result in more damages to trees and/or loss of shrubs and the application should confirm how these will be protected and safeguarded. The application does not take into account that over the last 3 years intense digging activities on the site has damaged tree roots and challenged the health of trees on the site. (Please see photos attached)

The application should include information on how trees will be protected during the works to avoid damage/loss (see comments under Section 6)

PAGE 9-10

The construction build-up of the ramps varies slightly between the plan drawing 02_01 (4mm dust), the Design & Access Statement (10mm dust, 100mm depth) and the Heritage Statement (10mm dust, 100-150mm depth).

Whilst it is appreciated that these are minor differences, it does reflect a broader lack of rigour with the application reflected in the submitted documents which in turn brings into question how there will be control and inspection over what is constructed.

An example of this is on p10 where the photo shown does not show the true nature and current condition of the site. There have been intense unauthorised activities in recent years where rubble and soil have been brought from building sites to build up the existing slopes.

A detailed drawing should be provided as part of the application or covered in Conditions to be approved prior to construction.

PAGE 24

Whilst an upgrade to the area can be claimed to have benefit in its own right it cannot be stated that it would benefit the Library or the Jacksons Lane Theatre which are separate, unconnected enterprises.

This inappropriate and misleading reference should be removed from the application.

4. COMMENTS ON CONSULTATION REPORT

It is noted that a number of consultation events have taken place at regular intervals over the last couple of years, advertised through such events as the Highgate Festival. However, there is no consultation with immediate residential neighbours along the Shepherds Hill or/and Priory Gardens

This was clearly an oversight and has resulted in less local representation than would have been the case.

OVERALL PROJECT SCOPE

It is noted that the consultations were predicated on the idea of a BMX track enhancement *and* a nature trail for young visitors. The current application relates to a BMX trail only.

This reduces the value of the consultation process where consultees were looking at the use of the site as a whole and the benefit of cross generational involvement with its attendant improvement in security which has now apparently been lost.

The application should make clear why the proposed nature trail is no longer part of this scheme and whether future phases are envisaged.

CLARITY OF RESPONSE

I note that various consultation comments are recorded in the Consultation Document. Unfortunately, the application does not respond specifically to these comments but leaves the reader to interpret them in a more general manner.

This is particularly problematic where concerns like litter and anti-social behaviour have been raised.

If these are simply ignored with respect to the final application, what is the purpose of the consultation?

LITTER/ANTI-SOCIAL BEHAVIOUR

It is clear from the consultation process that there is ongoing local concern regarding the littering of the site and anti-social behaviour. The area in front to the site is also notorious for fly-tipping being an area with little or no overlooking or security camera coverage.

The current application confirms that Haringey will oversee the space and that it will have park signage but the extent to which they will attend site to maintain the space is unclear.

A number of consultees requested that litter bins be placed on site. This has not been actioned in the application nor has a reason for the omission been made clear in the application.

LIGHTING/SECURITY

A number of consultees requested improved lighting both to encourage the use of the facility by younger age groups at various times and improve security.

The police consultation is unhelpful as it makes no useful recommendation in this regard, stating that there are pros and cons to introducing lighting.

The police consultation refers to an upgrade of cameras on the main junction due to take place but it is unclear as to whether this was completed and therefore would be useful.

This application process should give clarity on whether this camera upgrade has now taken place and if not, why additional security is not being considered as part of the scheme. Clarity on security advice received at pre-application stage would also be helpful in this regard.

SEATING

No seating or bicycle storage should be provided on site as it will attract undesirable groups to the area and encourage instances of vandalism and theft on the site.

CORE FUNDING/ONGOING MAINTENANCE

We are aware that the initial funding of the project has been approved without any direct consultation with the immediate neighbours of the site. The application provides no mention as to where future funding will come from for the ongoing maintenance/inspection of the project.

In addition, there is no clarity as to who will take overall responsibility for the site. For example, should an increase in incidents of anti-social behaviour take place in future by what route should complaints and concerns be raised?

Application states that there will an on-going maintenance plan is to be included and the track will be put on the council's rota to be looked after. There is no clear statement from the Haringey that they will take full responsibility of the maintenance and NOT to rely on volunteers. Someone or entity should take responsibility. Even with full responsibility of the

Council, things would not have happened as they should be. Examples are uncollected accumulated rubbish on the ground of Library. *(Please refer to photos in Section 7.5)*

RoSPA GUIDELINES

The open access policy on the site means that groups could potentially use the site at any point 24/7, 7 days per week.

There is no mention who will have the ongoing responsibility to manage the site in terms of who, when and how they will use the site. There will therefore be a lack of control over the facility which could lead to unnecessary damage and risk to younger users as well as an increase in nuisance and anti-social behaviour during night affecting immediate neighbours.

The application makes it unclear whether the open access policy adheres to the RoSPA's code of good practice or whether and how their guidelines will be implemented at the post development stage.

5. COMMENTS ON PRELIMINARY ECOLOGICAL REPORT

The conclusion of the Ecology Report confirms that the intention was to prepare an EclA report to 'support the forthcoming application'. No such report has been completed.

The preliminary ecological appraisal has instead been submitted cold with no commentary in the Design & Access Statement on how its recommendations/implications are being implemented.

If there is no reaction or response to reports of this nature, they become a pointless box ticking exercise. In particular, I would like to draw attention to the following:

The Preliminary Ecological Assessment Notes point out Habitats of Principal Importance (HPI). A few HPIs have been identified as being the most threatened and require conservation action and protection.

- No trees should be felled in order to create the new BMX track with works being strictly limited to the existing track's footprint. It is a recommendation that existing woodland and trees be protected during the works using root protection fencing around the root zones in accordance with British Standards BS 5837 2012. No arboriculturist report has been provided to respond to this. Some tree roots have been seriously damaged in the last 2 years.
- Whilst the ecological appraisal was underway there appears to be three or four tree roots have been maliciously damaged over the last 2 years. *(Please refer to photos in Section 7.3)*. It came to raise a question whether this pattern of unauthorised behaviour is supported at the Council level and/or an unelected entity such as HNF as they seem to show the blind eye on the issue of damaged trees.
- Preliminary ecological assessment identified certain invasive species and recommended all invasive species should be subject to sensitive removal from the site, to be disposed of as controlled waste to avoid spread. Again, no report has been provided to confirm how and when this will happen.
- The appraisal states that all wild birds, native reptiles and Stag Beetles are protected under Schedule 5 of the Wildlife and

Countryside Act (1981) as amended. They are also Species of Principal Importance (SPI) listed on the Natural Environment and Rural Communities Act (2006). It recommends as a precautionary measure, any clearance must be undertaken in a staged, directional manner so as to safeguard any habitats that may be present. Full methodology will be included within the to-be-produced full Ecological Impact Assessment (EclA) report. This report has not been submitted with the application and this omission needs to be rectified.

There should be a thorough EclA (Ecological Impact Assessment) detailing current atrocities committed to trees on the public land and exposed risk associated with illegal removal and disposal of invasive species. (Please refer to photos in Section 7.2 & 7.3)

6. CONCLUSION

It is clear from reviewing the application that there are considerable questions arising from the submission of this application. These can be summarised as follows:

The submission of poor and inaccurate drawings that do not adequately describe the existing situation or the proposed works in either scope or detail.

An inadequate consultation process with no direct invitation to local residents based on a proposal with a cross generational approach subsequently slimmed down to a bike trail for the final application.

An inadequate response to Pre-Application recommendations by Haringey as listed in the Application Form but not adequately described in the supporting documents.

No information on how it is intended to maintain and monitor the trail and who will be the responsible body/point of contact should problems arise.

The submission of a preliminary ecological appraisal report with no evidence that its recommendations have been reviewed, considered or actioned upon. Recent evidence would suggest trees have been damaged in the last couple of years under the watchful eye of the HNF, TCV (The Conservation Volunteers) and parent volunteers. Furthermore, it seems that enthusiasts must have caused a problem of structural integrity of the metal perimeter fence that separates the land from Highgate Tube station. *(Please refer to photos in Section 7.3)*

The application is predicated on the fact that the existing size and use of the site has been stable where in fact it has already expanded without permission over the last few years. The application should therefore seek to gain permission for these changes in addition. As it stands now, it is just a few mounds of soil with no indication whatsoever its current use as informal bike trail. *(Please refer to photos in Section 7.3)*

Over the last 20 years or so, the neighbourhood has been affected by anti-social behaviour largely resulting from the gathering at the site of young and middle-aged men for illicit drug taking/dealing and public alcohol consumption. Littering, loitering, intimidation, mugging/phone-snatching, graffiti and other damage to public and private properties are very common. *(Please refer to photos in Section 7.4 and see how culture of graffiti intertwined with hi-octane activities such as skateboarding and BMX bike as evidenced at Lordship Lane, SE22 (illegal occupancy of former Grove Pub) and Stockwell Road, Brixton, SW9)*

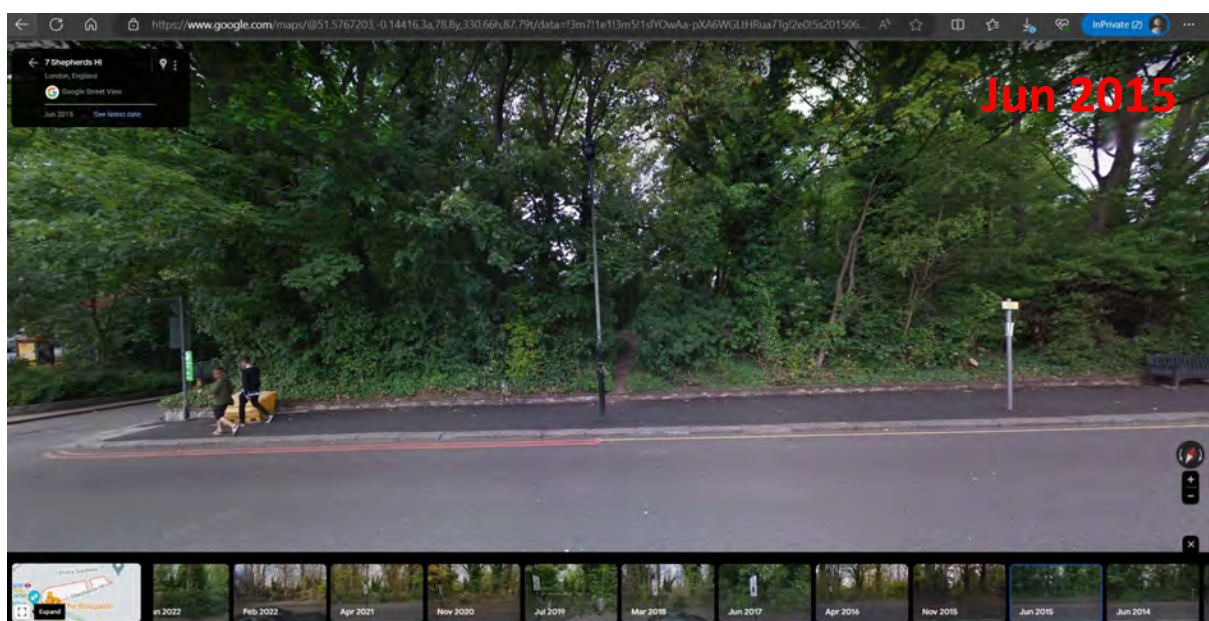
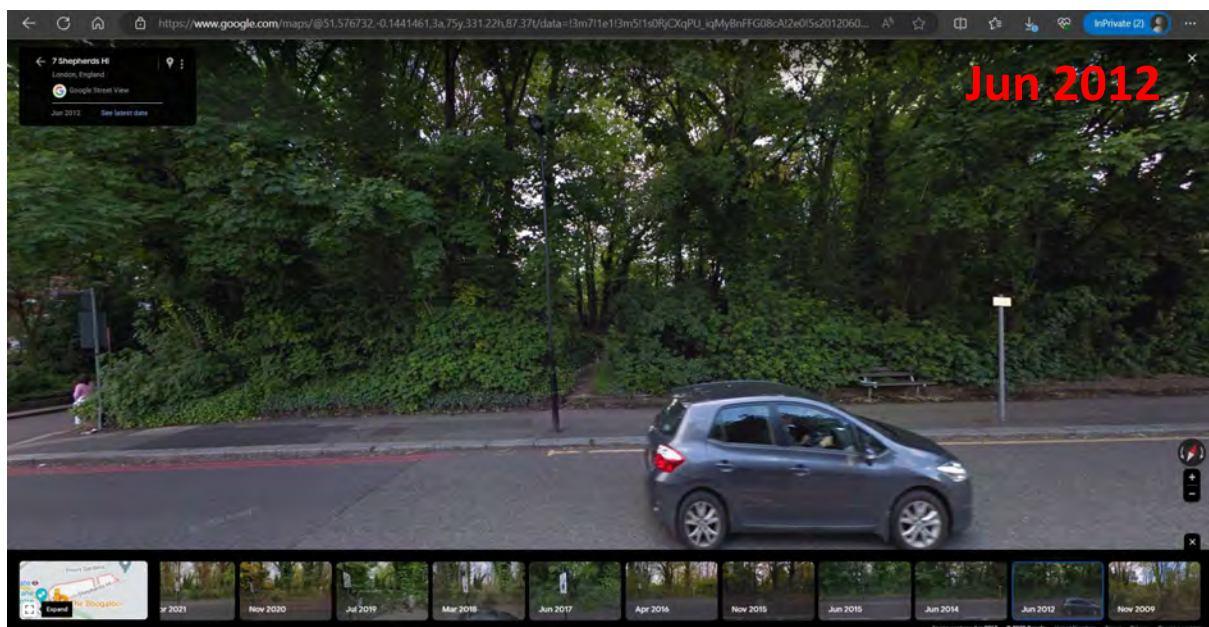
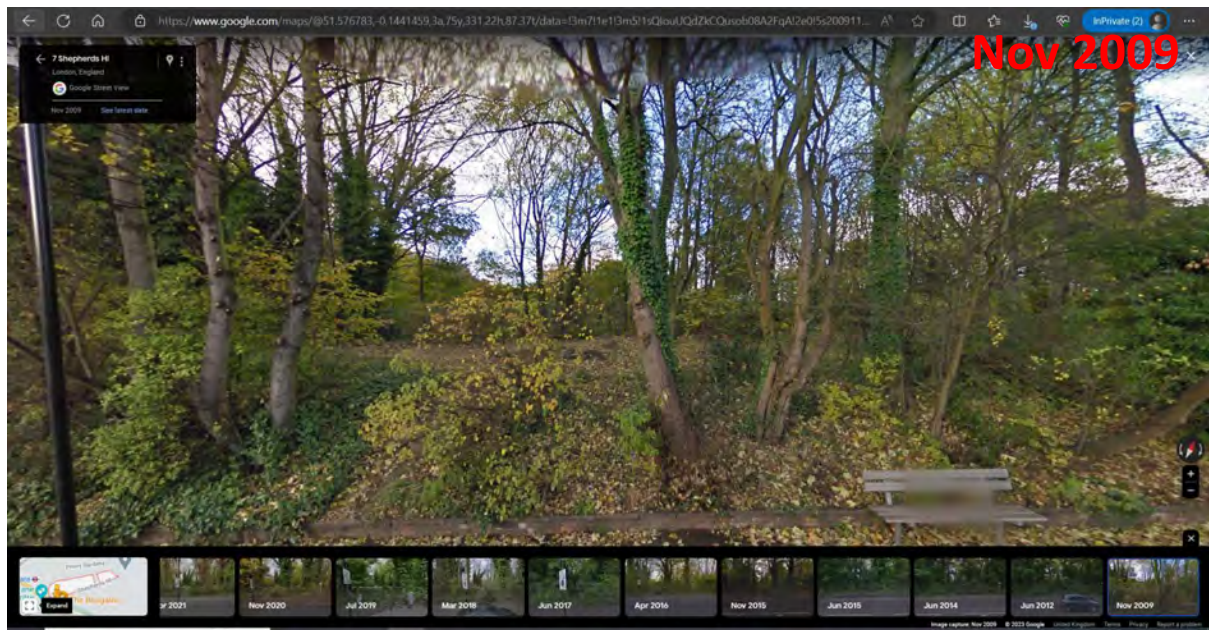
The proposed development is of a permanent in nature will further exacerbate the situation of ASB and will seriously impact the livelihood of neighbours, nature reserve and its wildlife. If this is approved our experience of ASB is not going to stop at our middle age but will continue and threaten our livelihood forever.

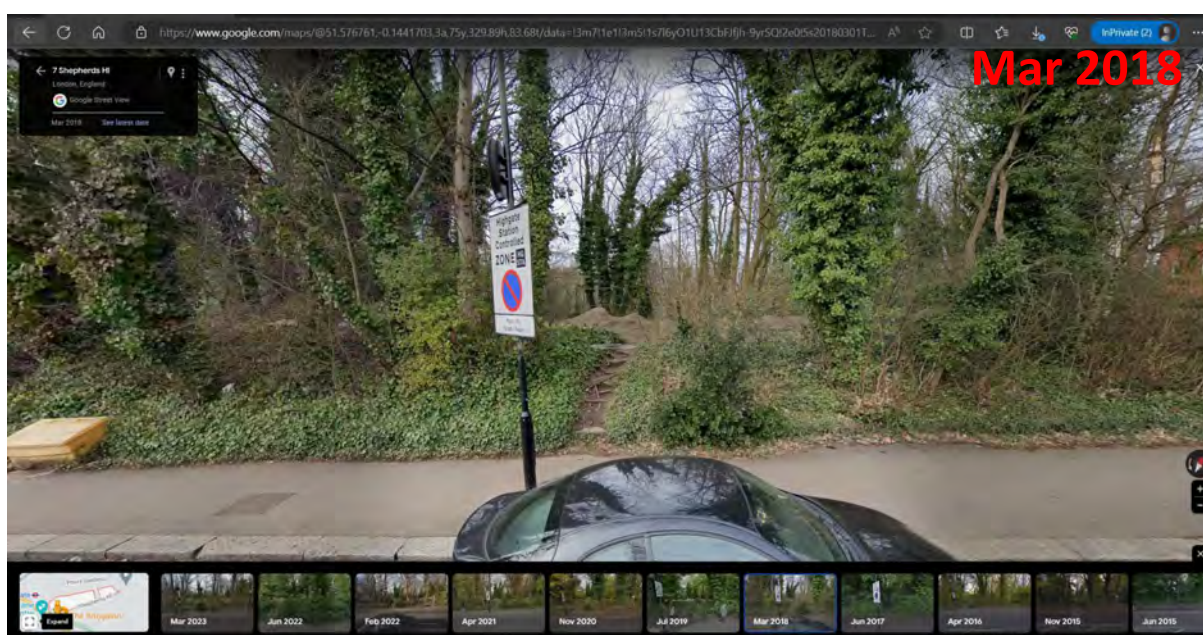
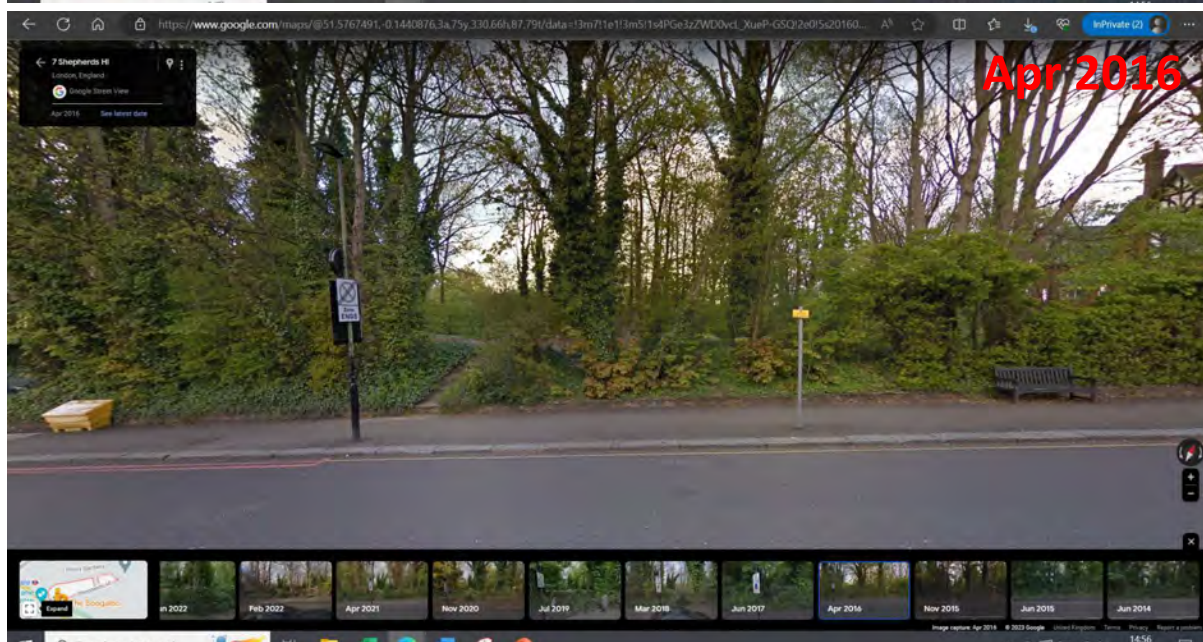
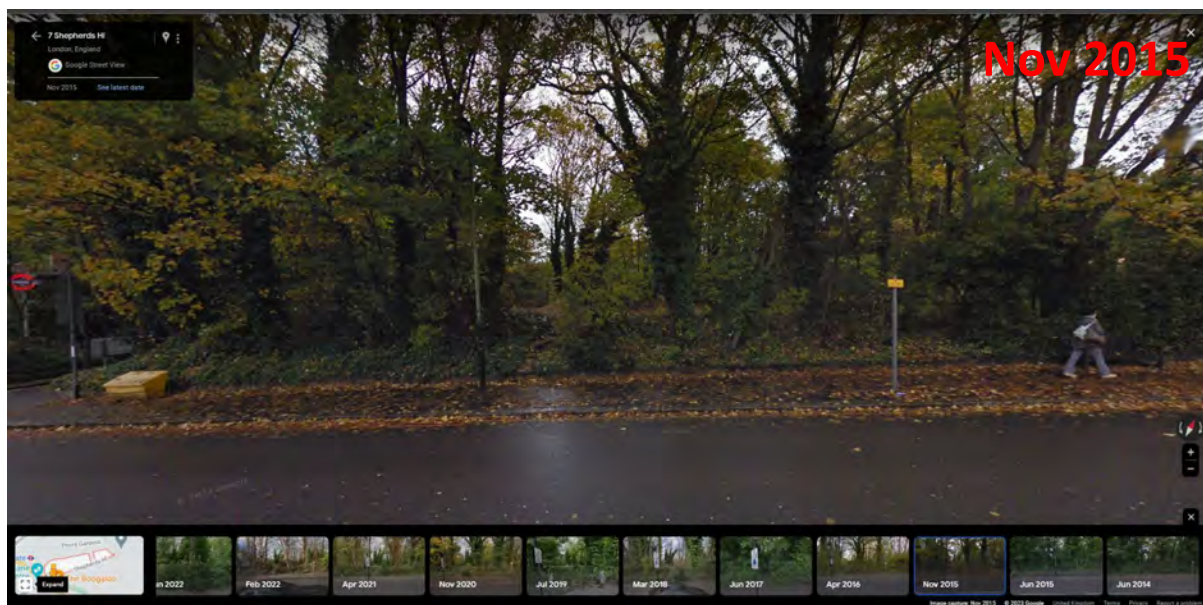
For the reasons listed above, we strongly recommend that this proposal is refused. We want all unauthorised activities to be stopped immediately and level off all excavated soil back its original position to avoid any human catastrophic incidents. They must remove all building rubbles off the land and make good of security fence that separates the land from Highgate Tube Station.

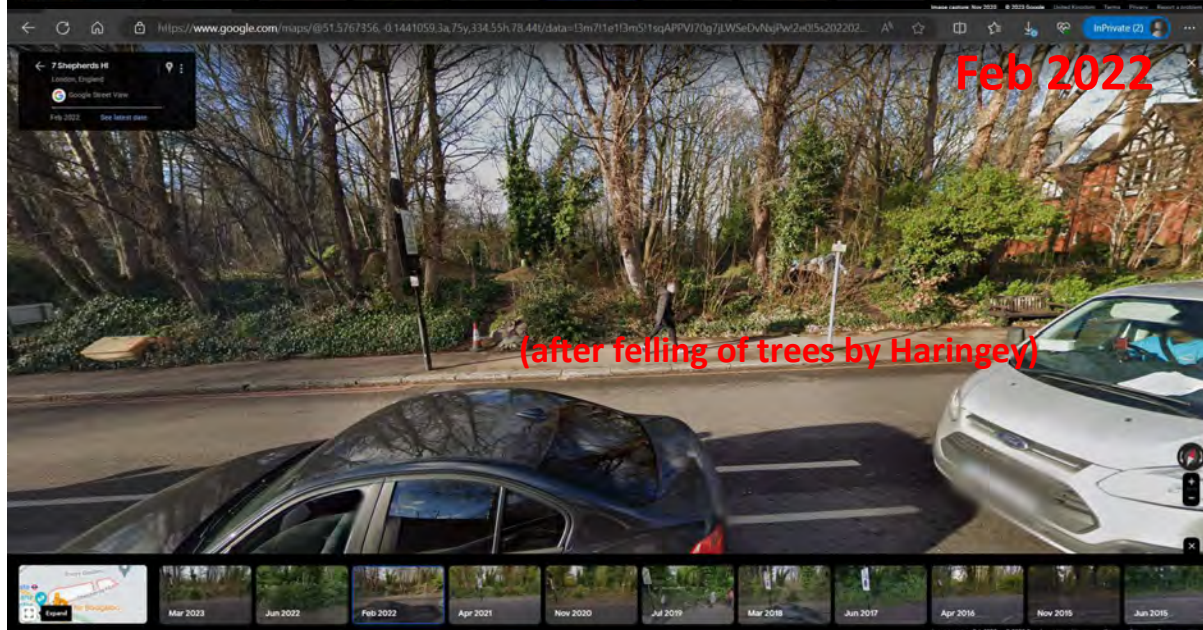
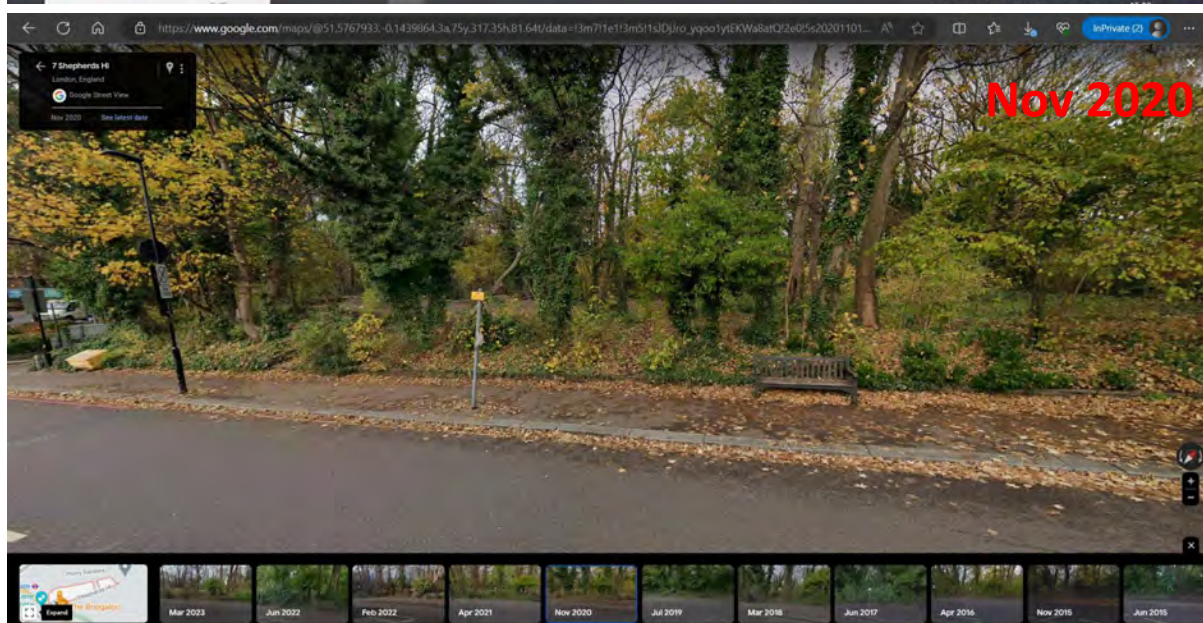
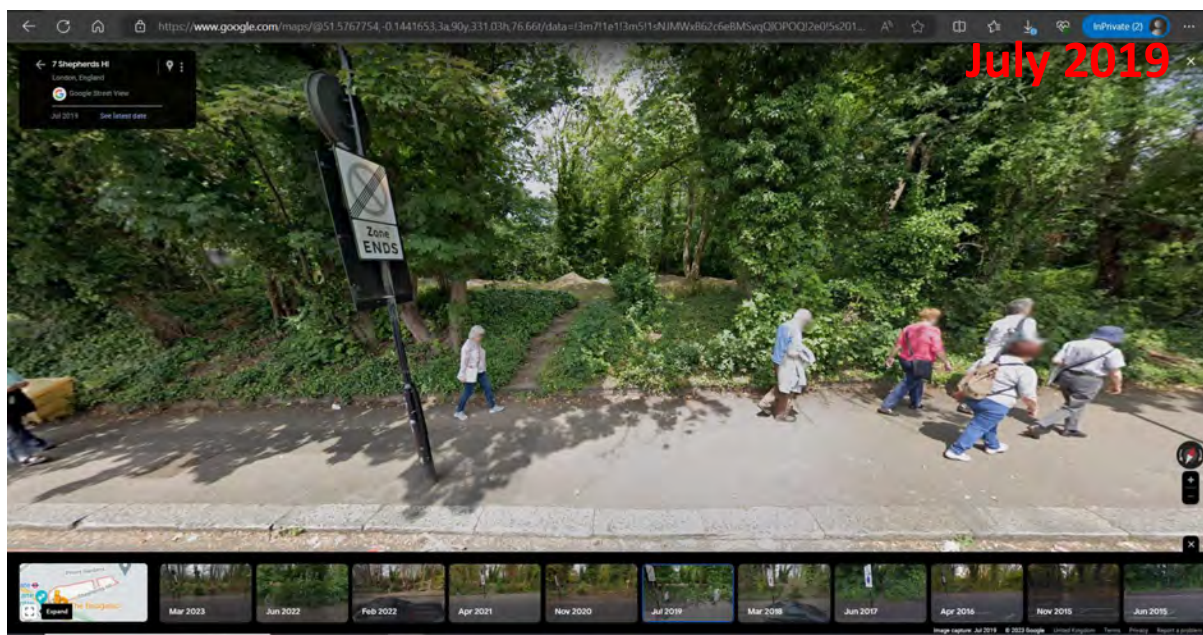
7. SITE PHOTOGRAPHS:

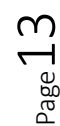
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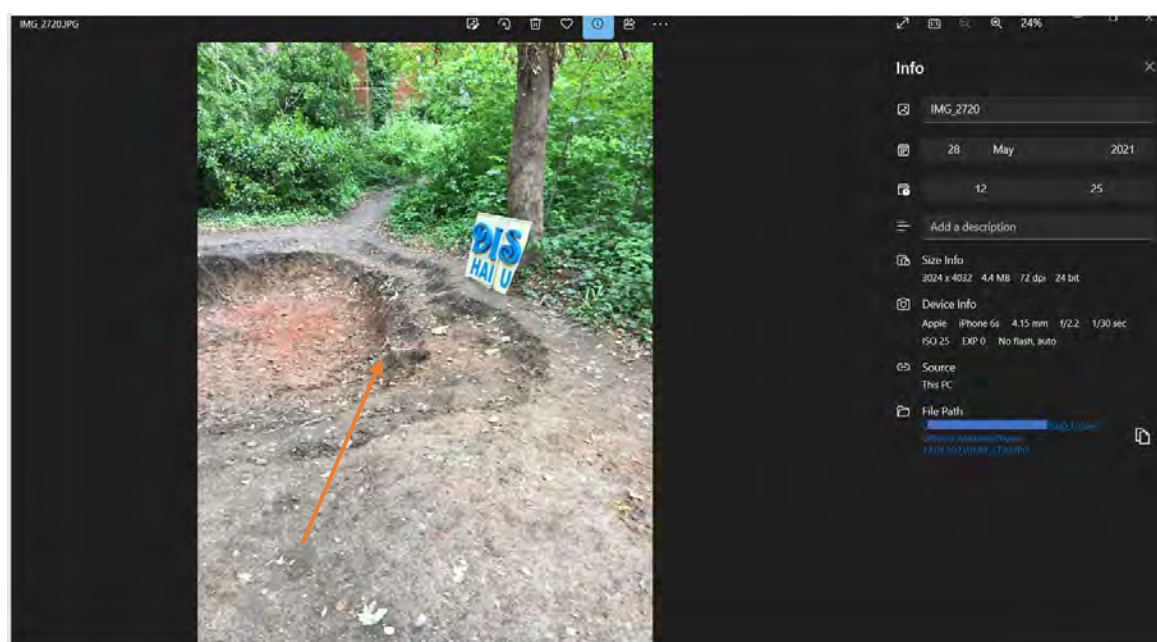
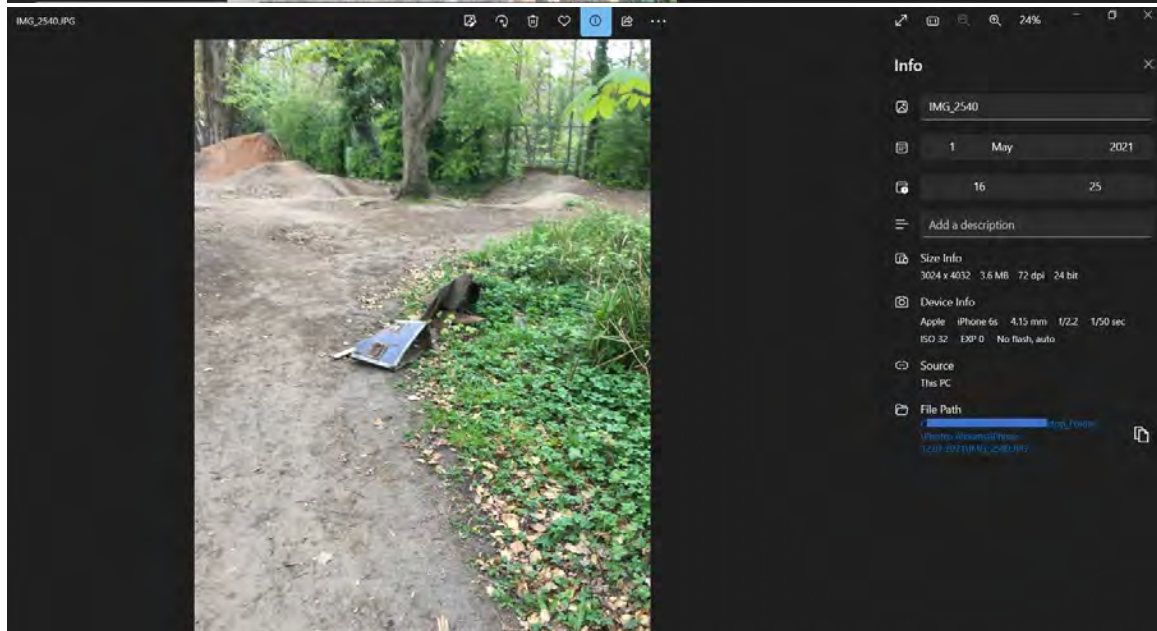
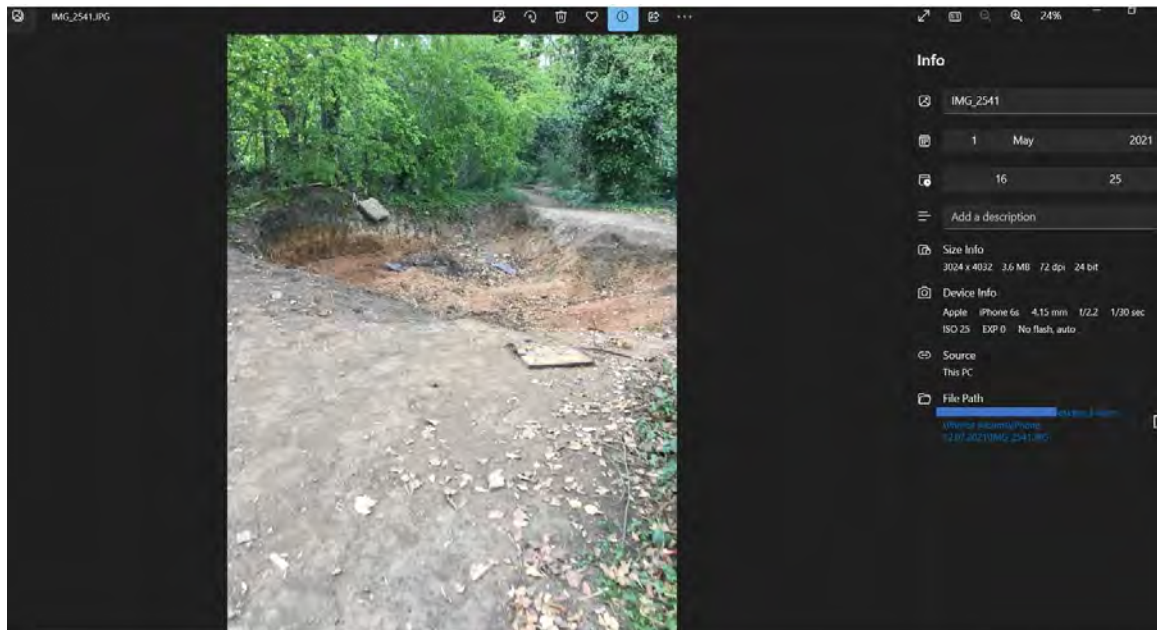


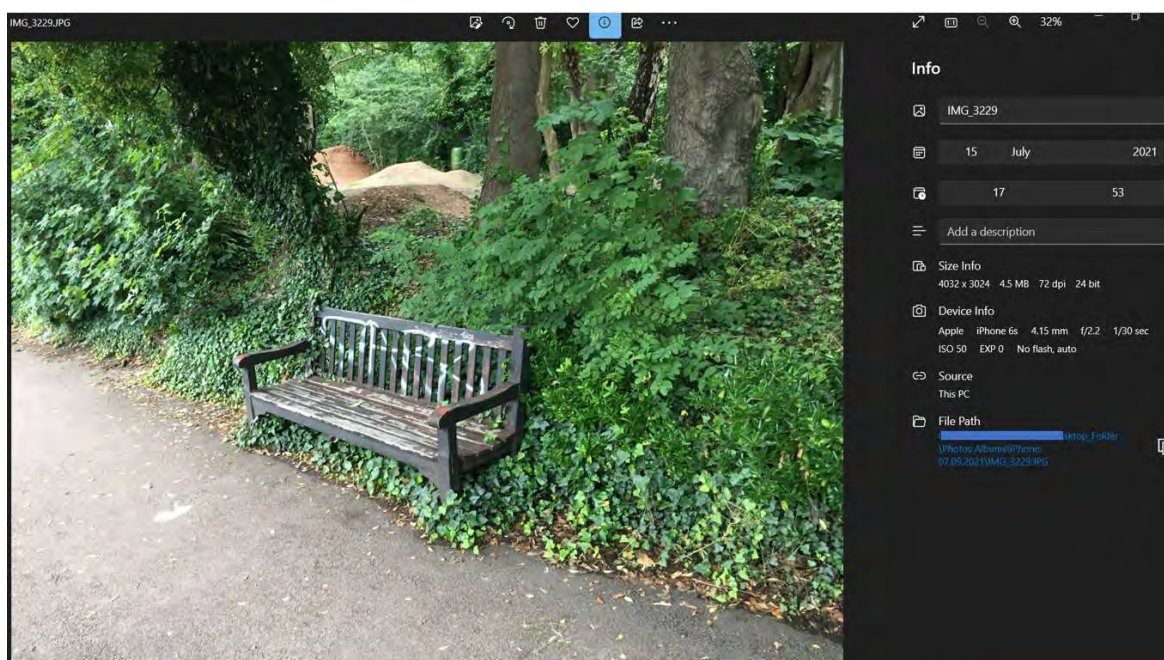
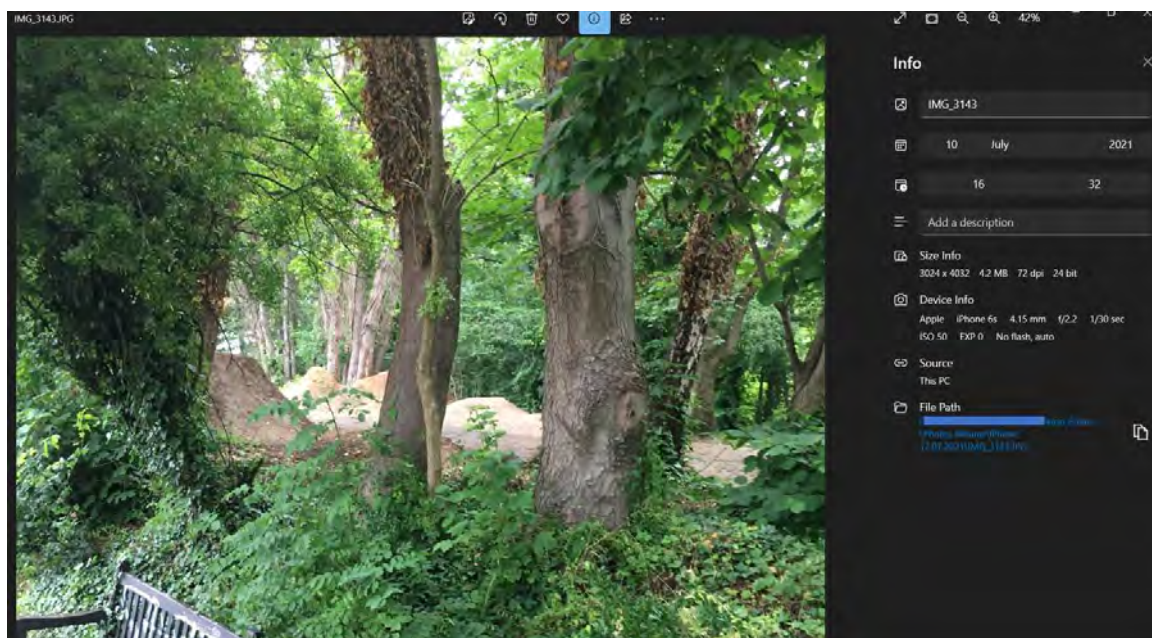
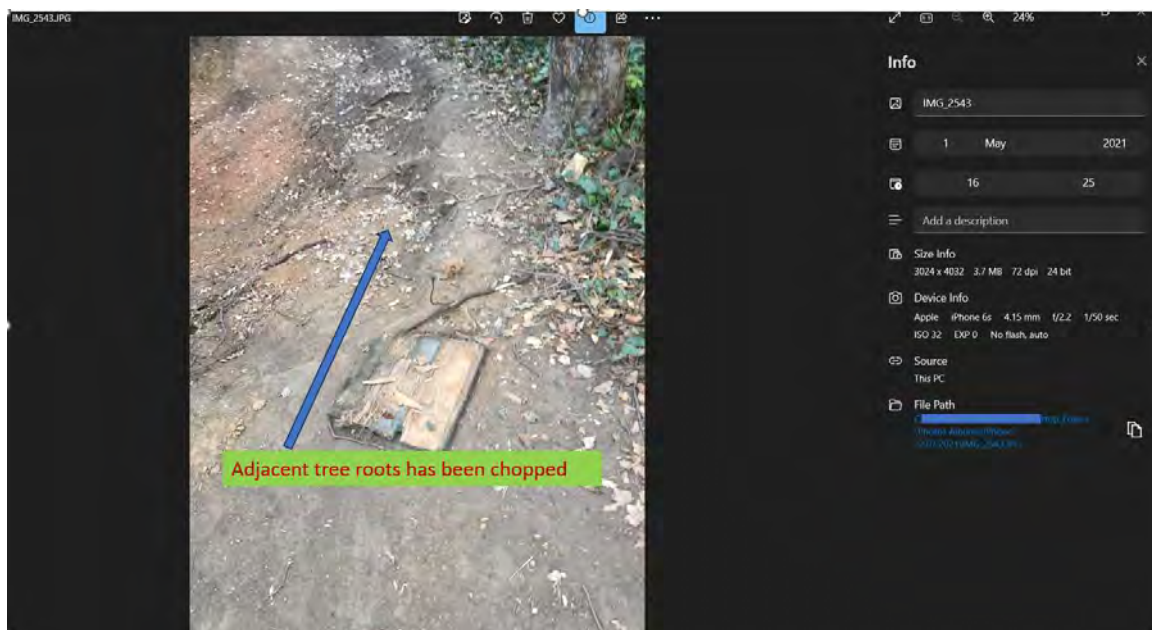


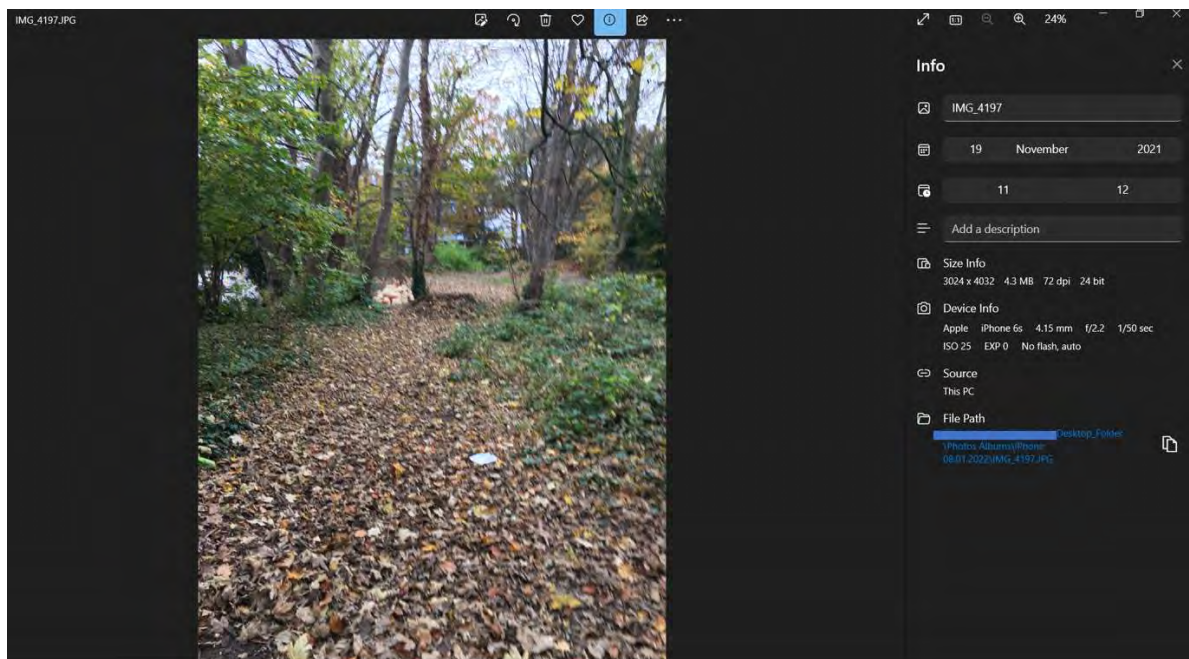
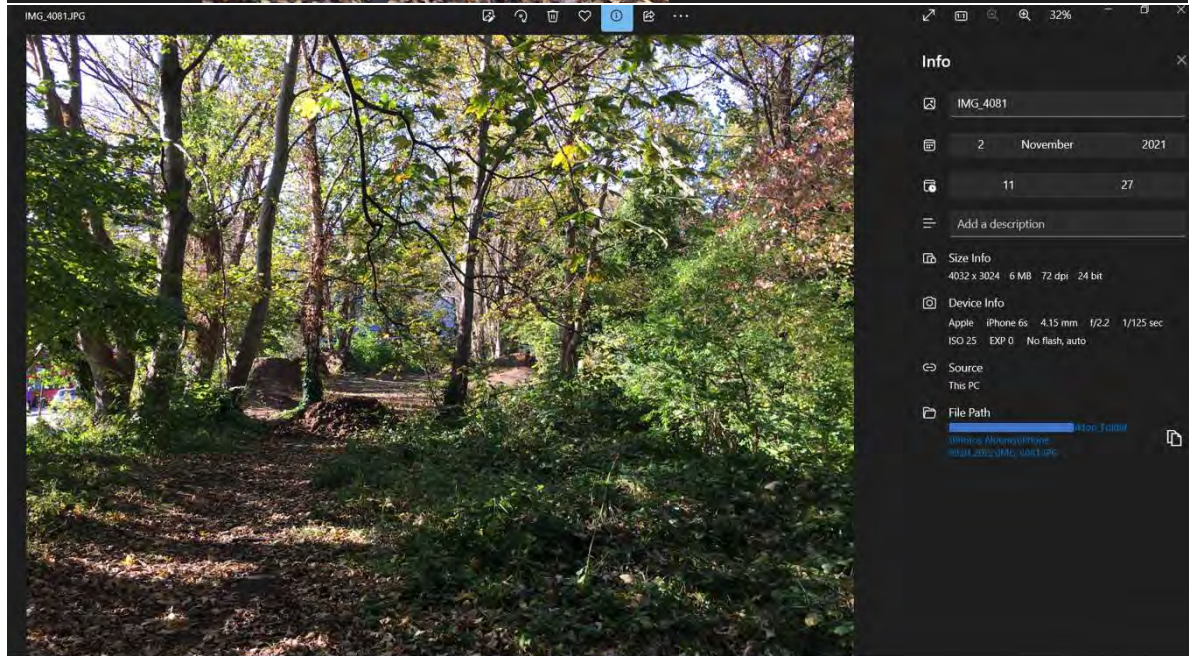
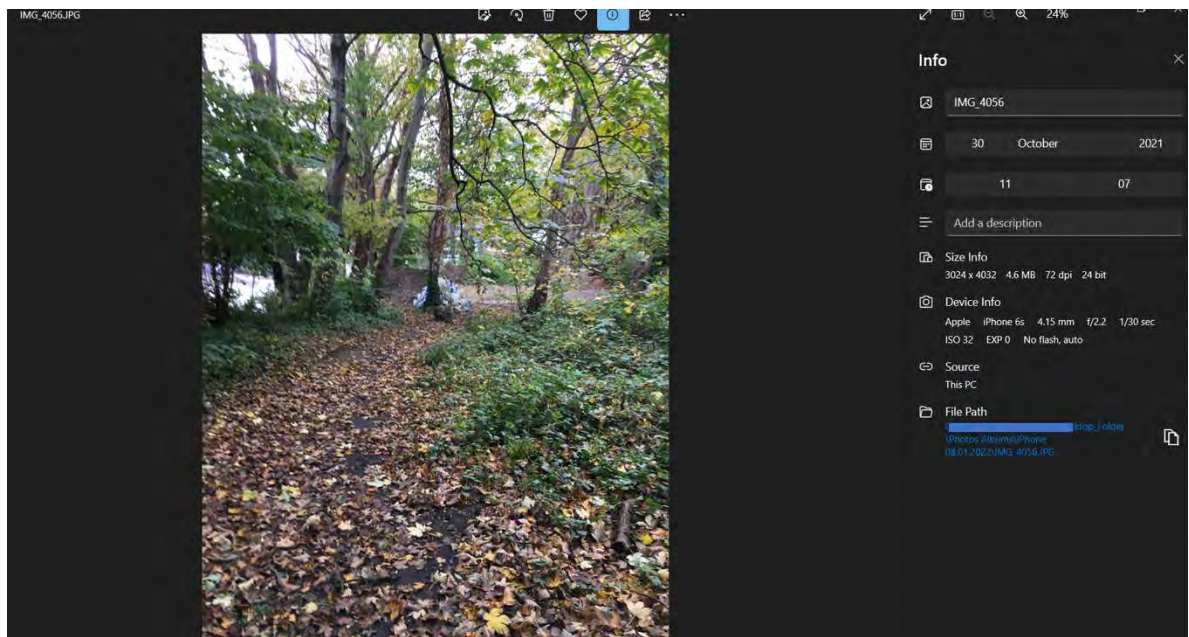


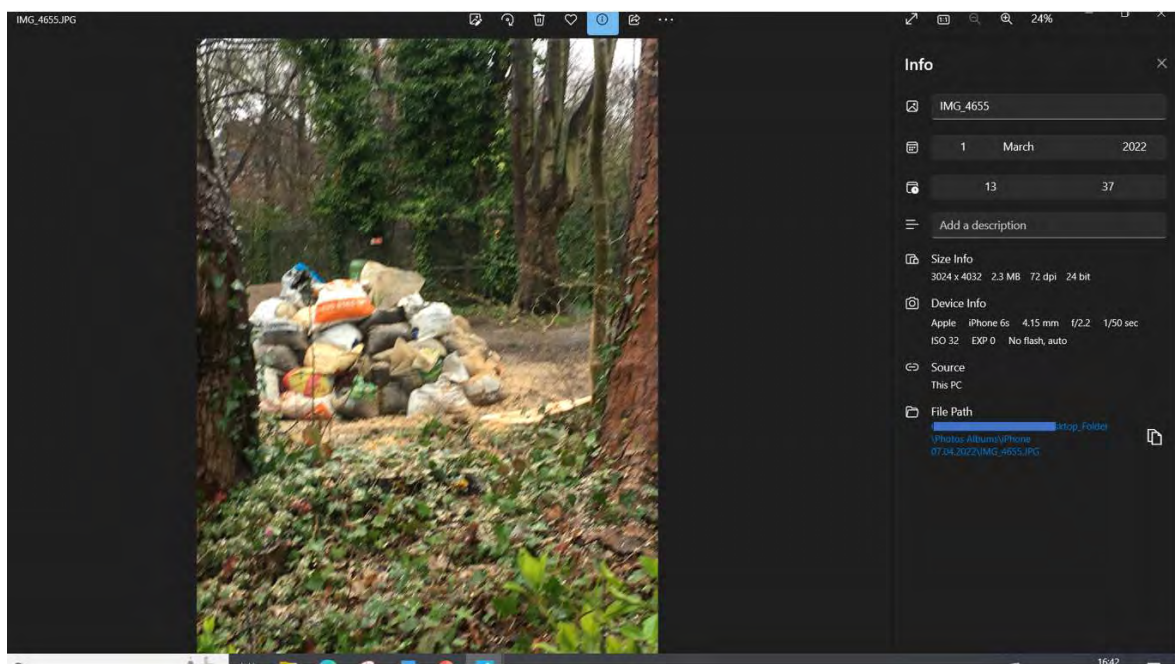
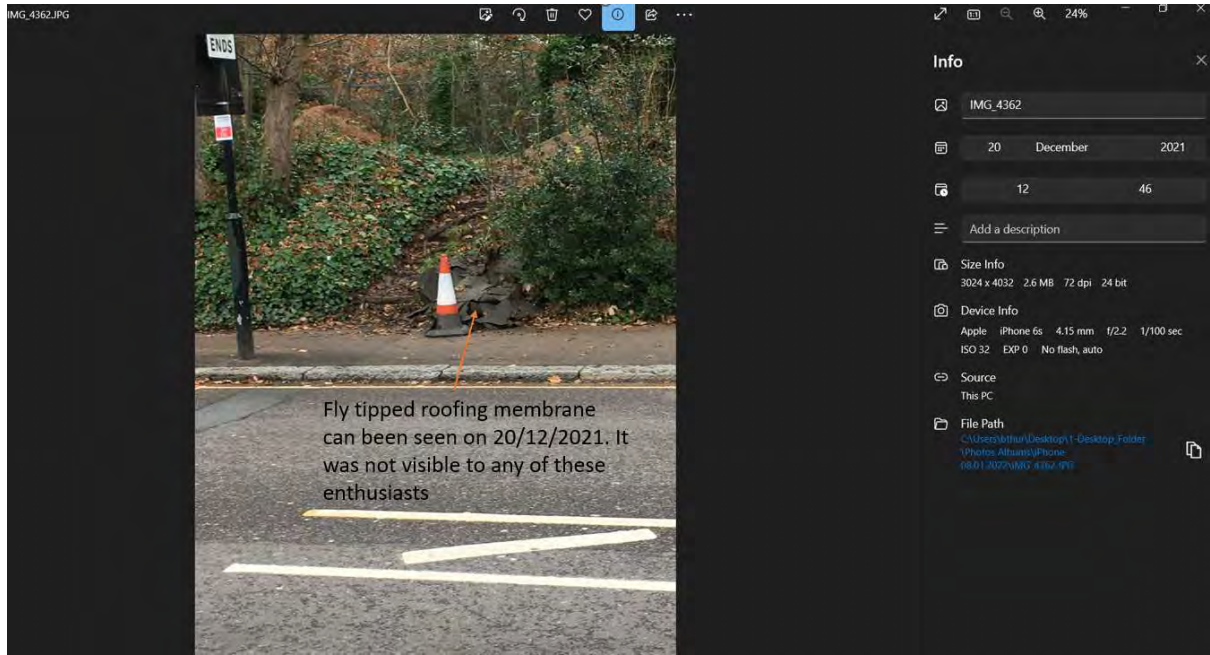


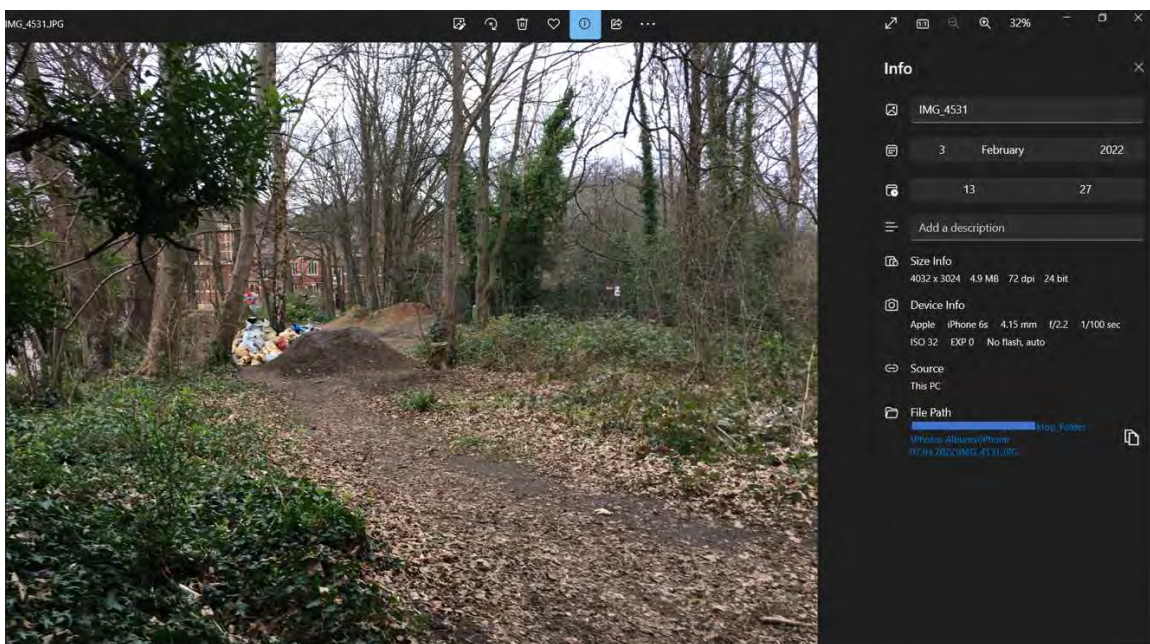
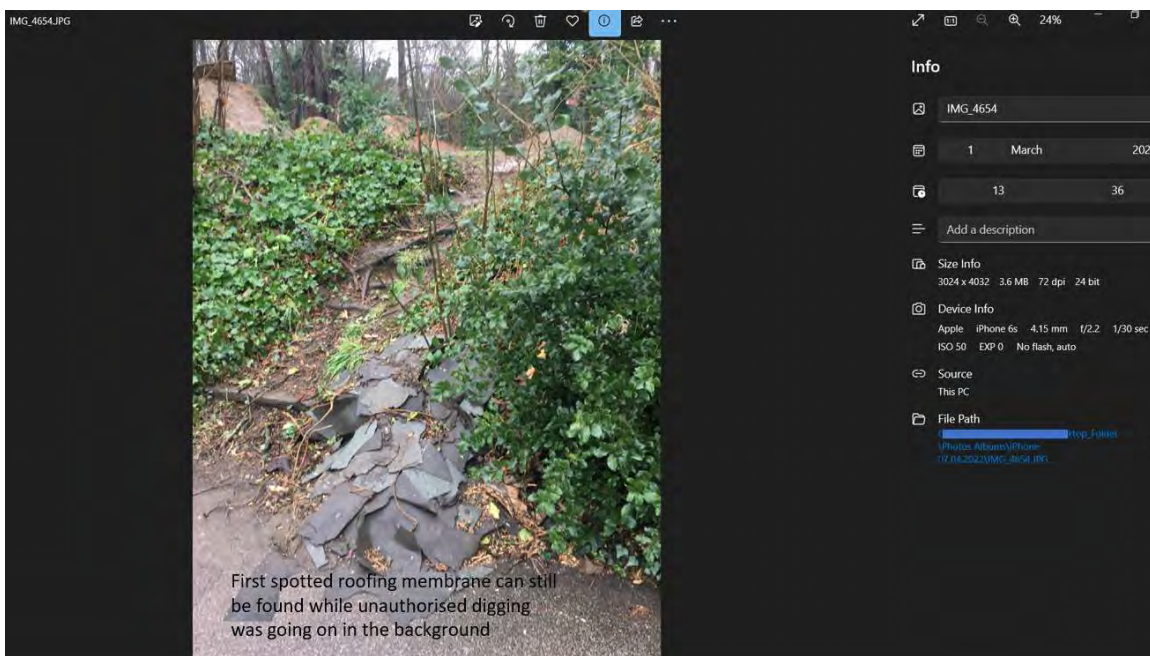
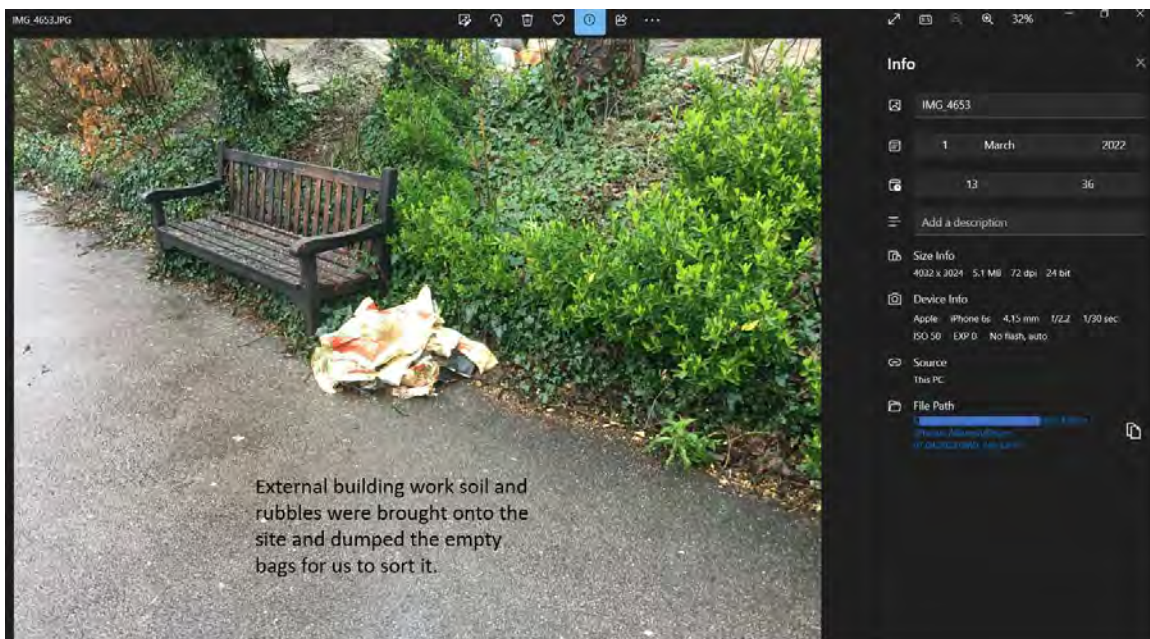
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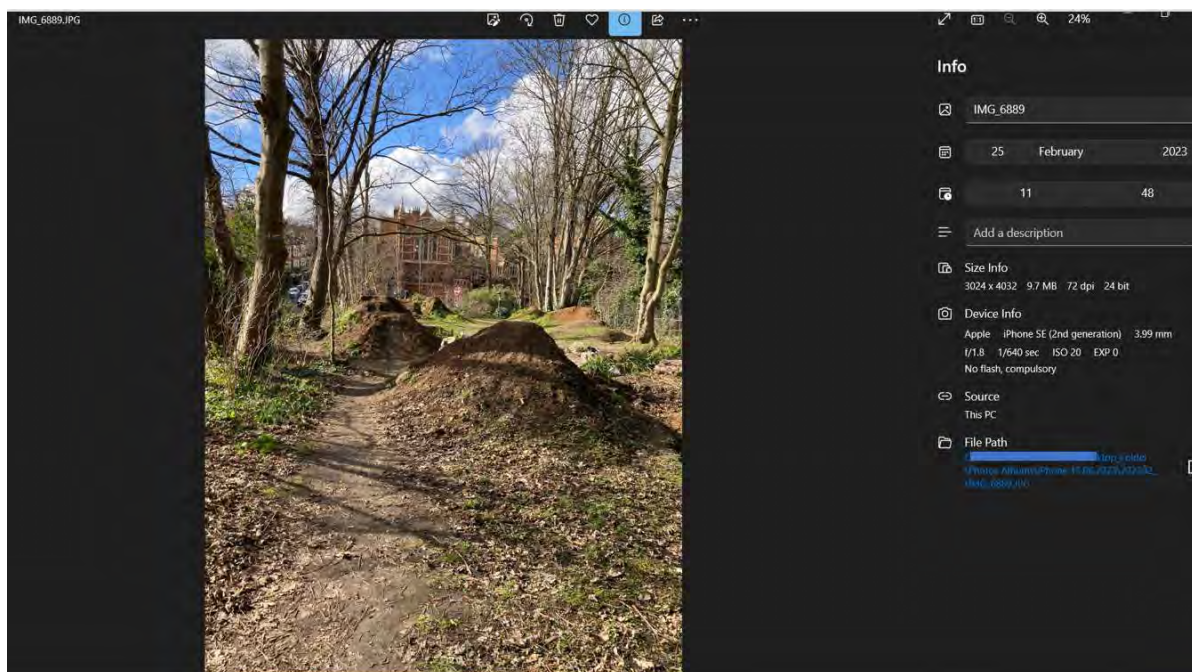
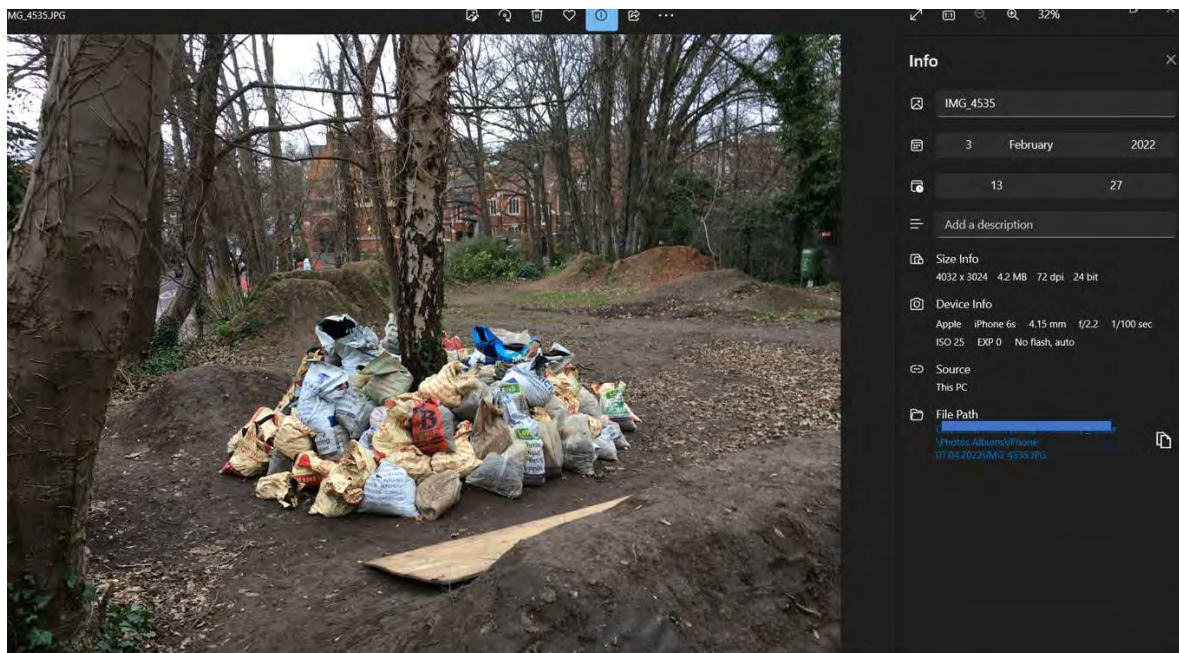




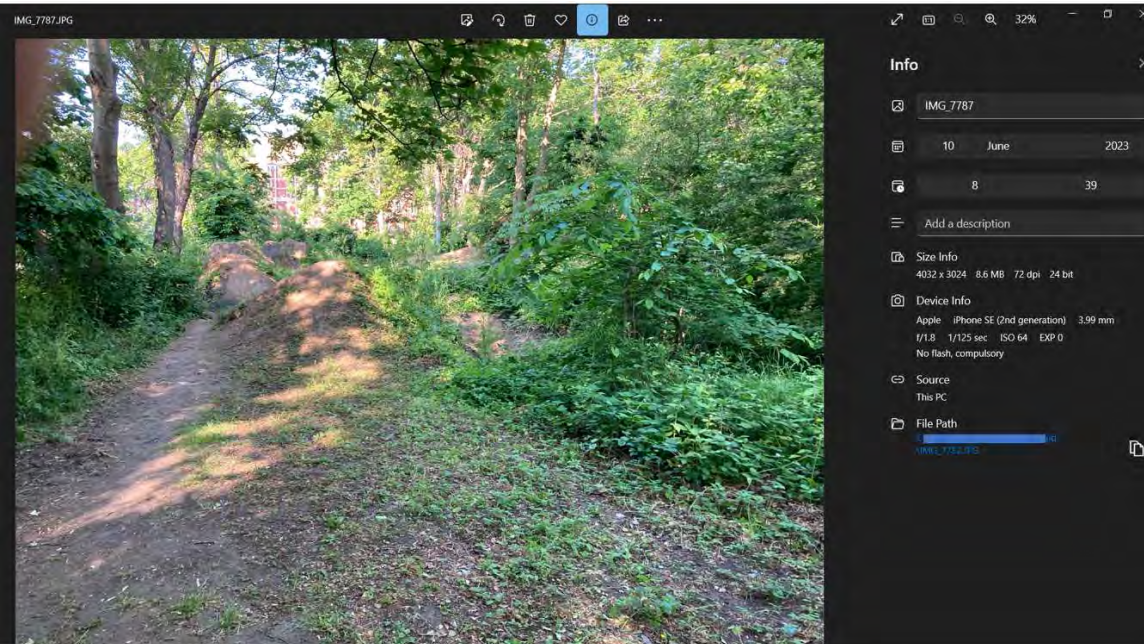
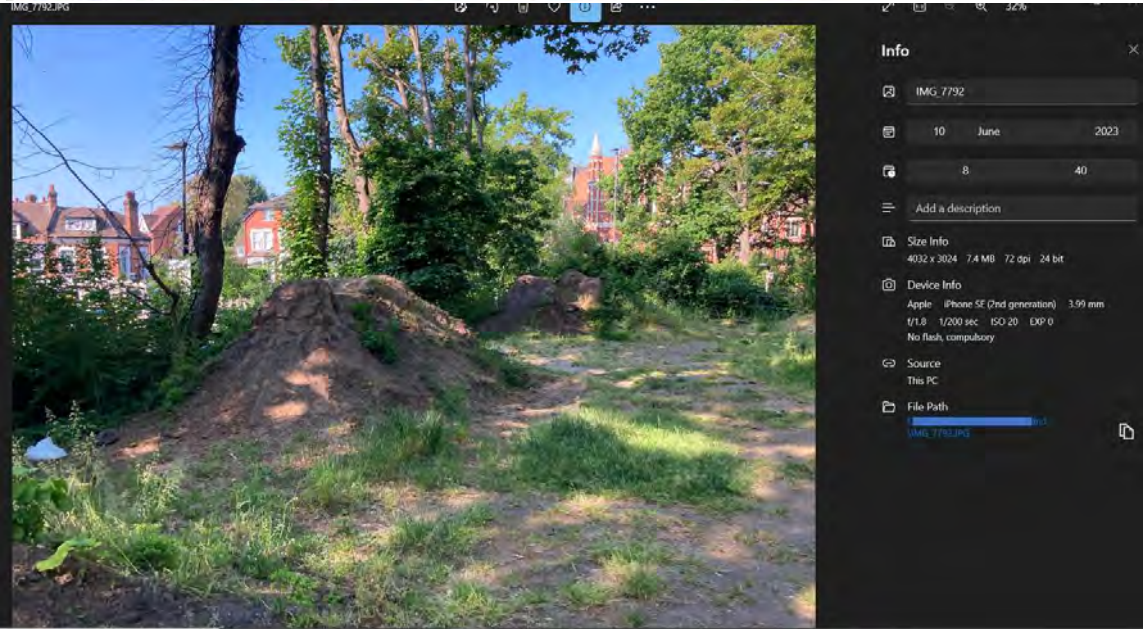
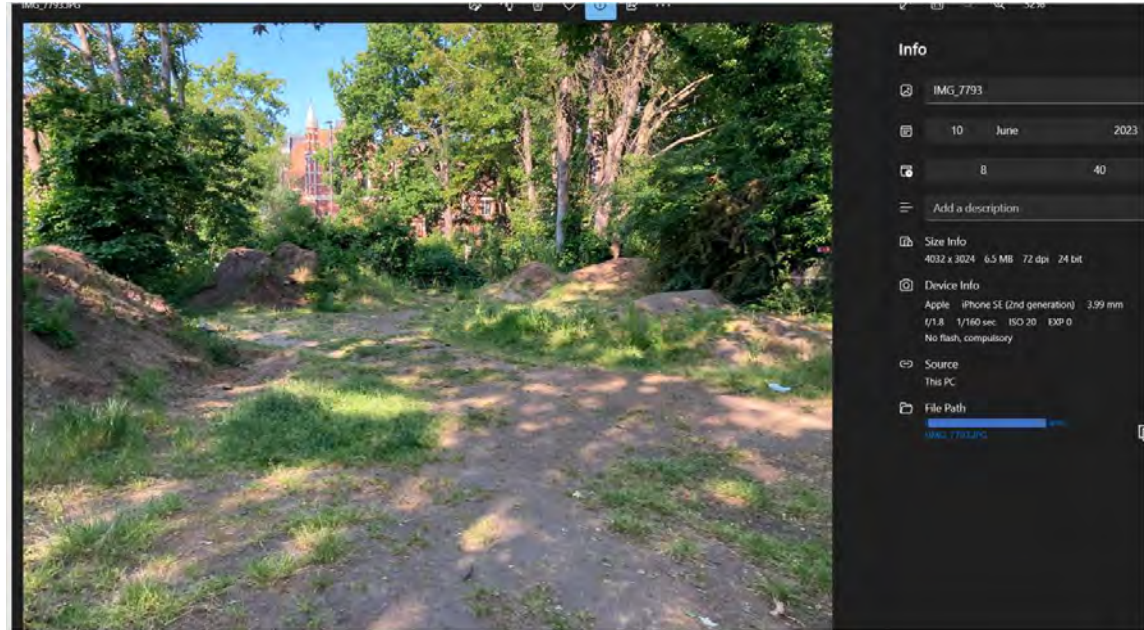


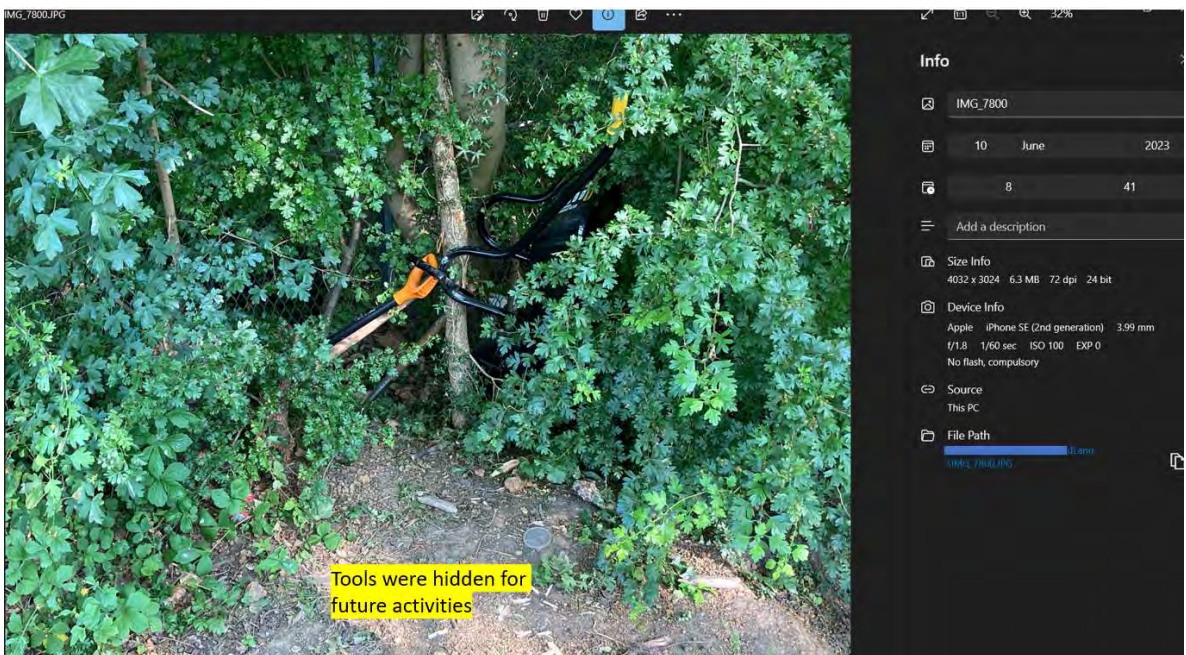
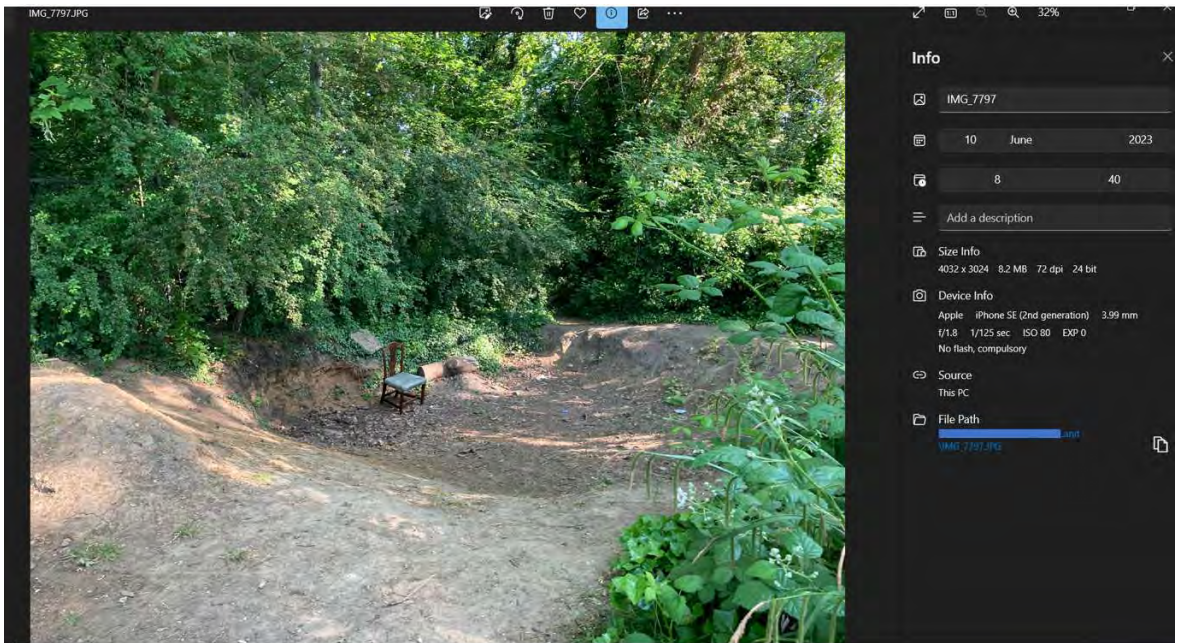
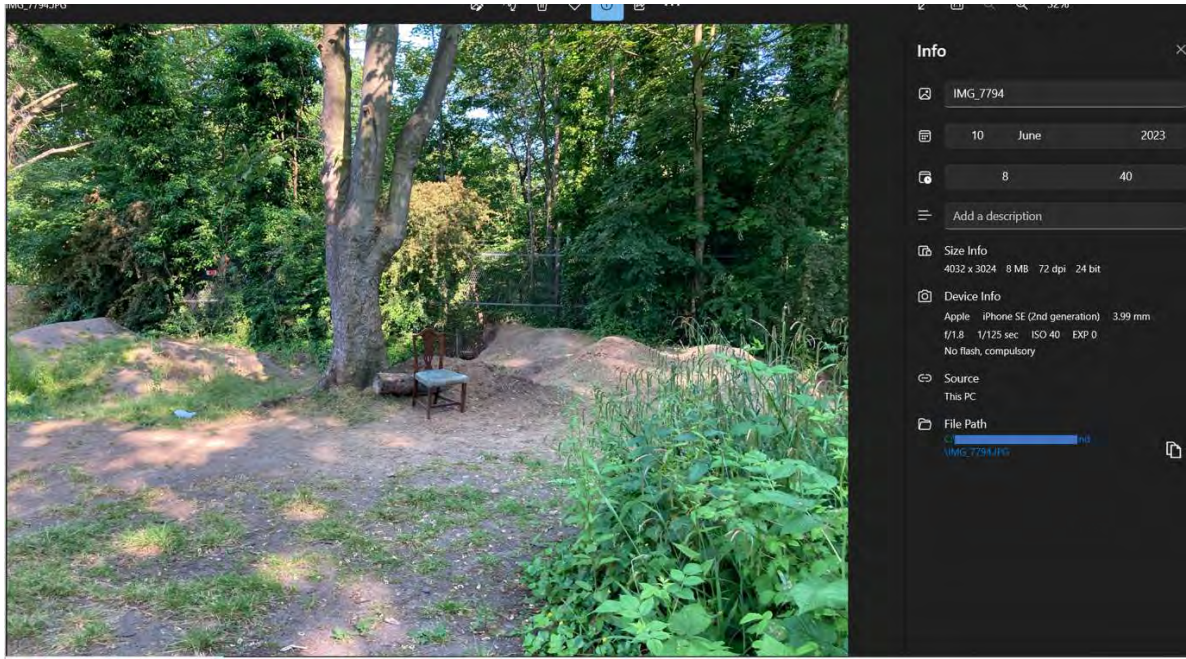


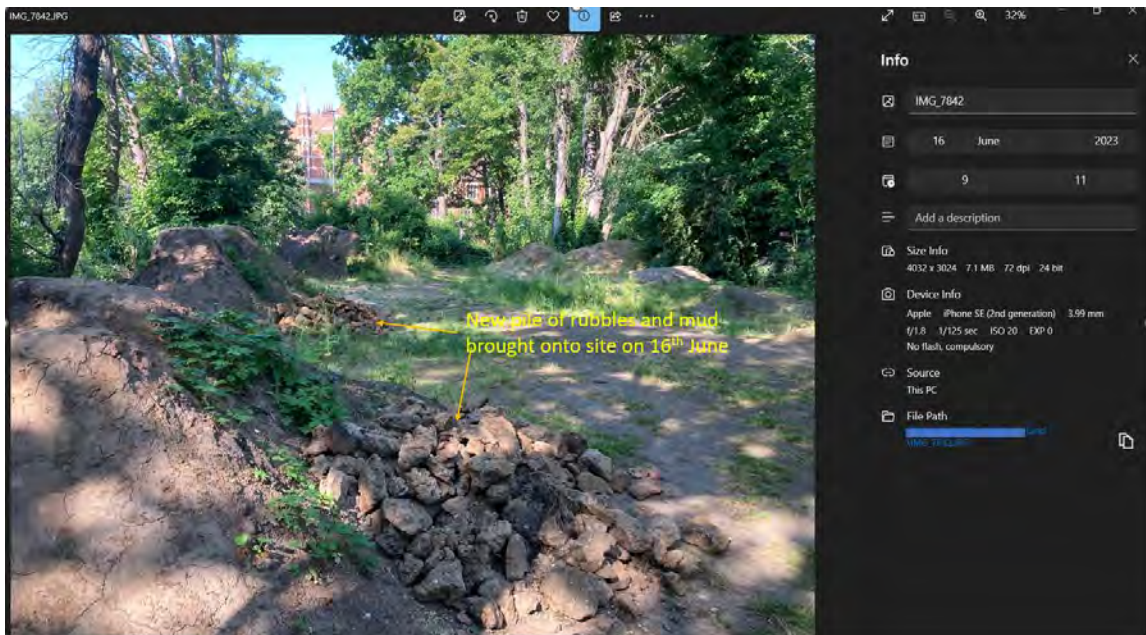


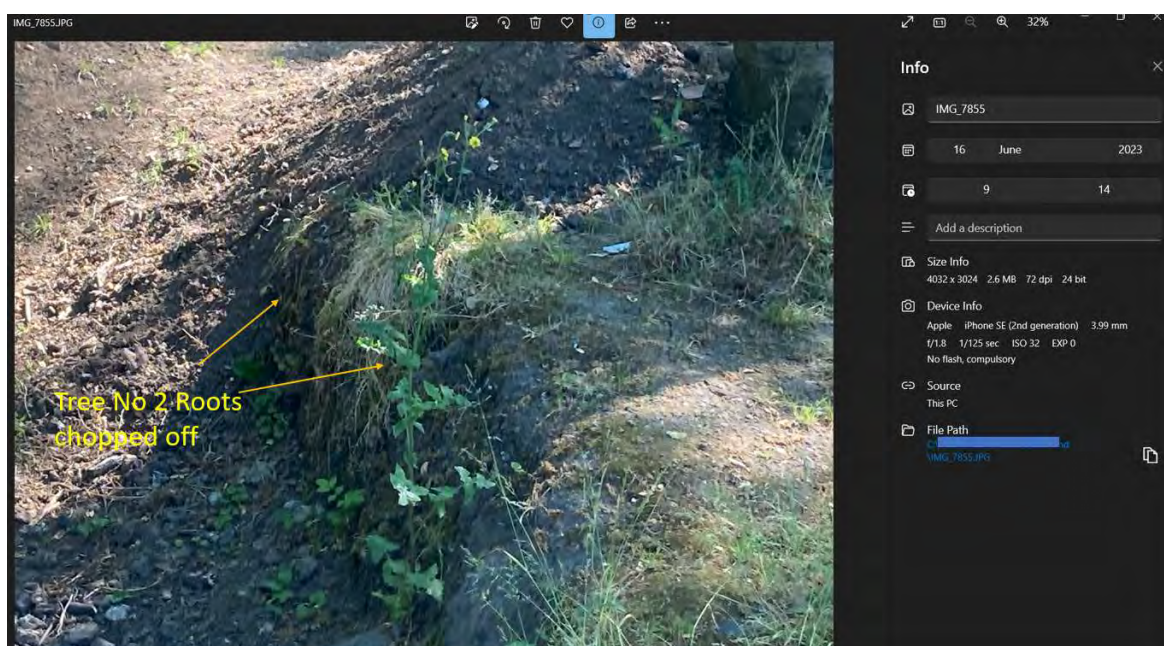
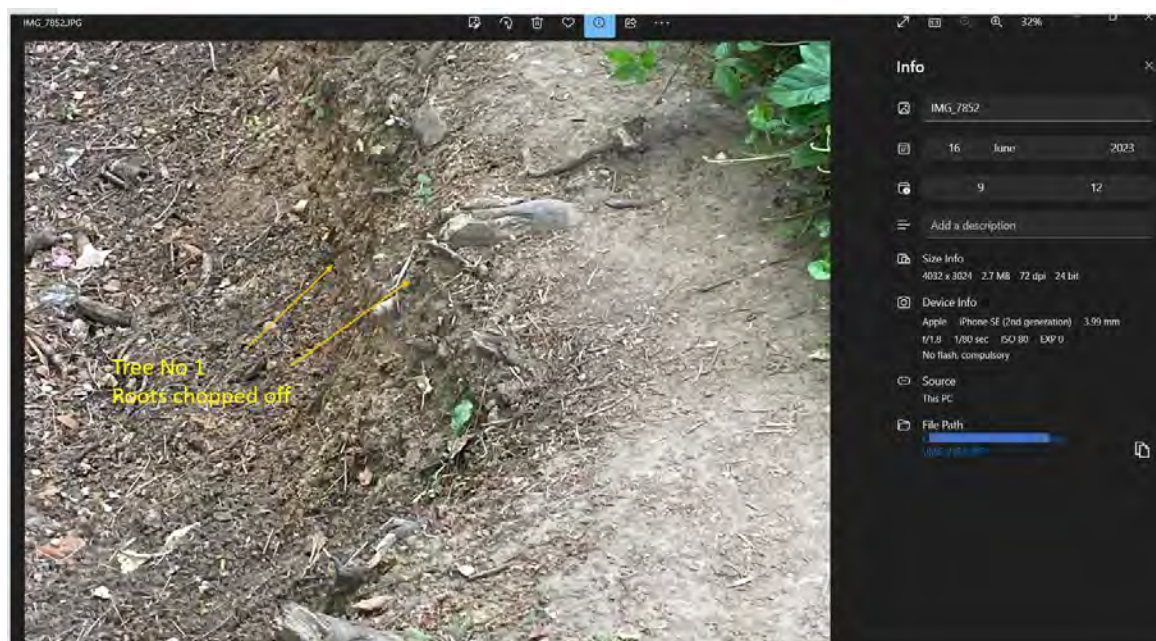


7.3 Site photos showing on-site activities whilst Planning Application underway:













7.4 Photos showing Graffiti usually associated with BMX Track and Skate Park:





Graffiti extends to bus shelter

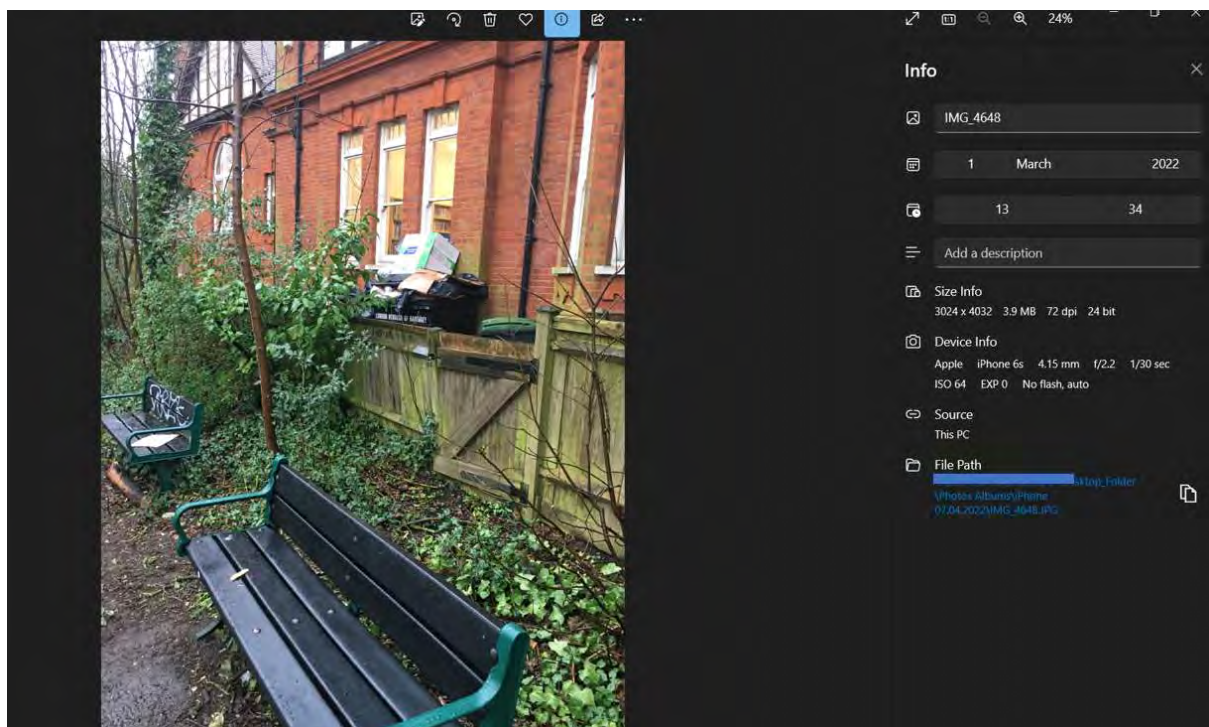
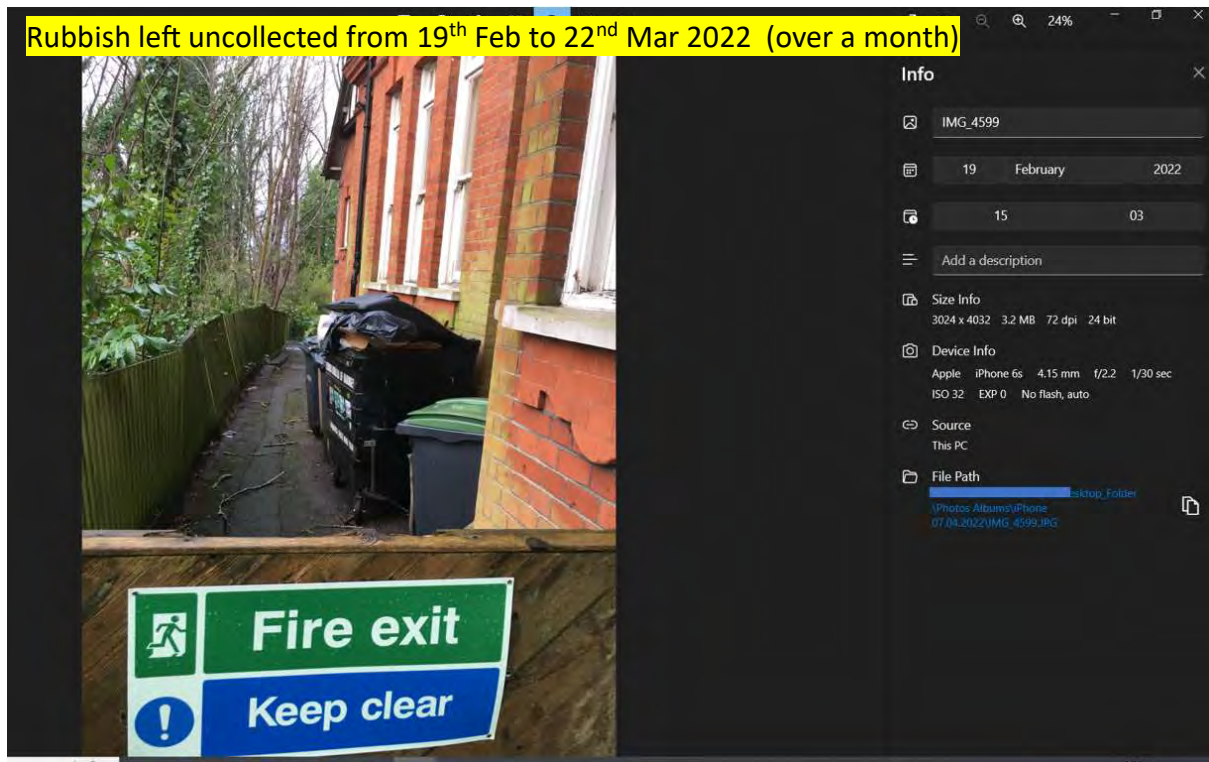


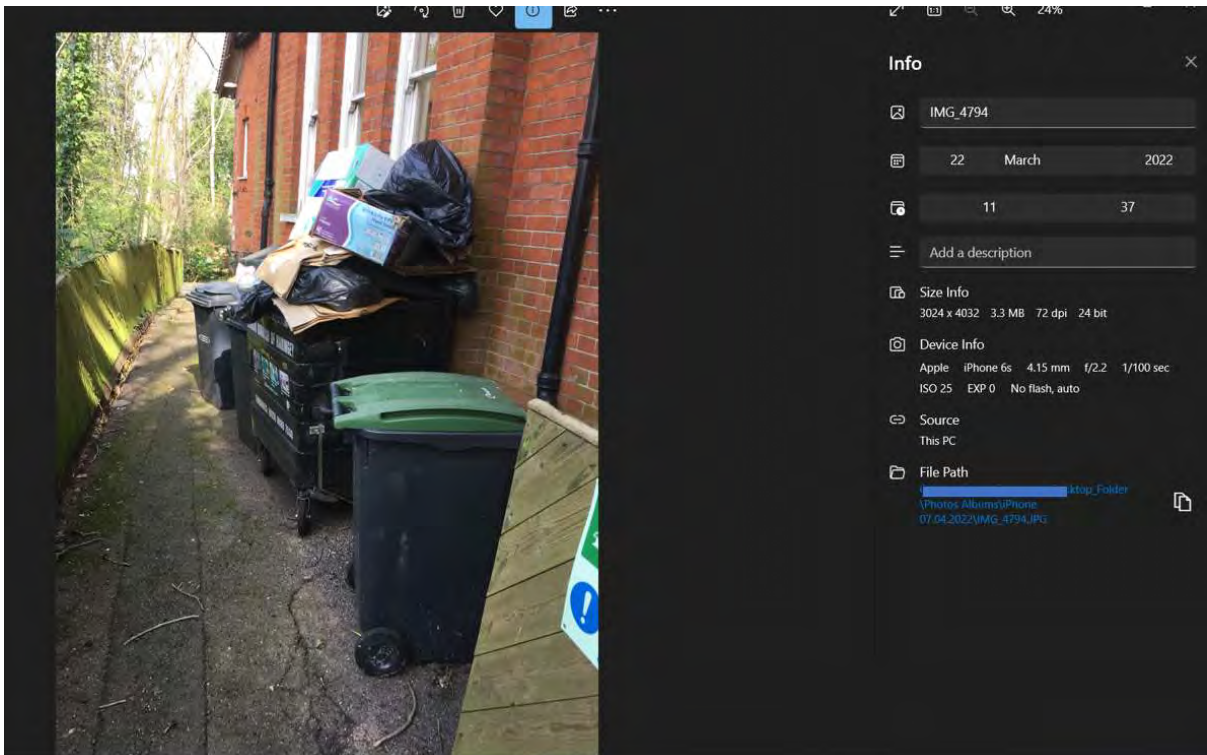
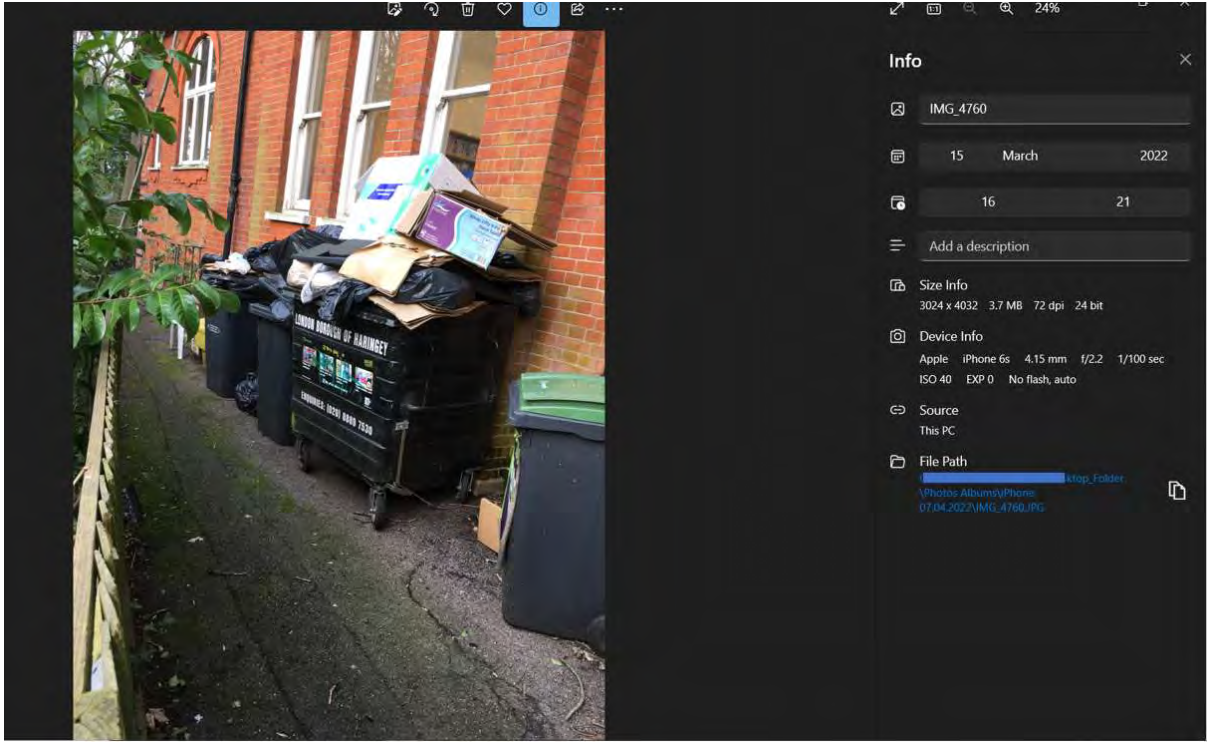
Graffiti extends to neighbouring building and litter box



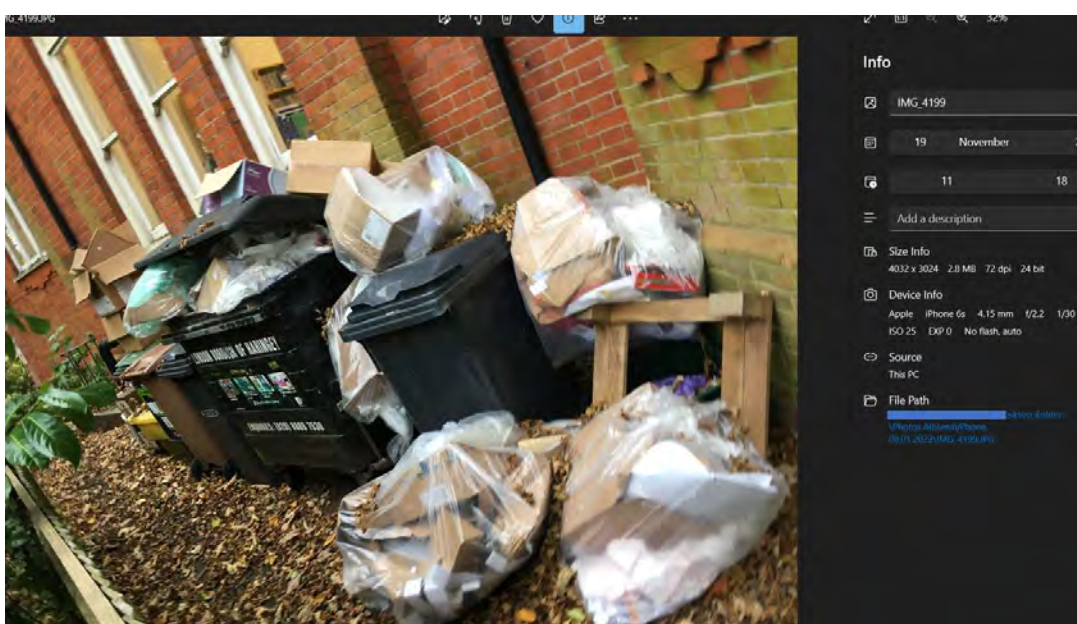
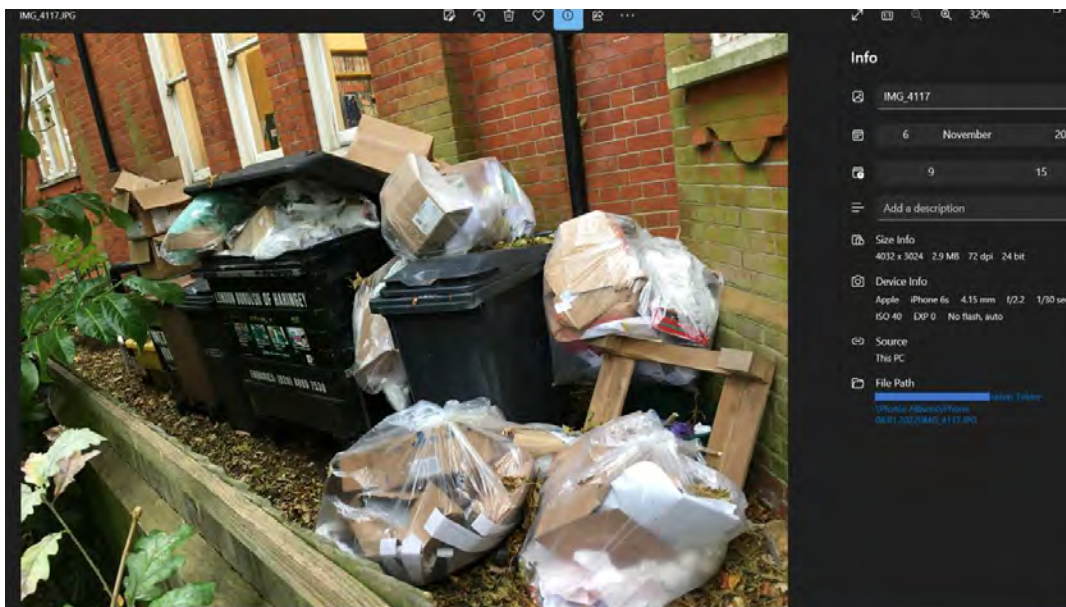
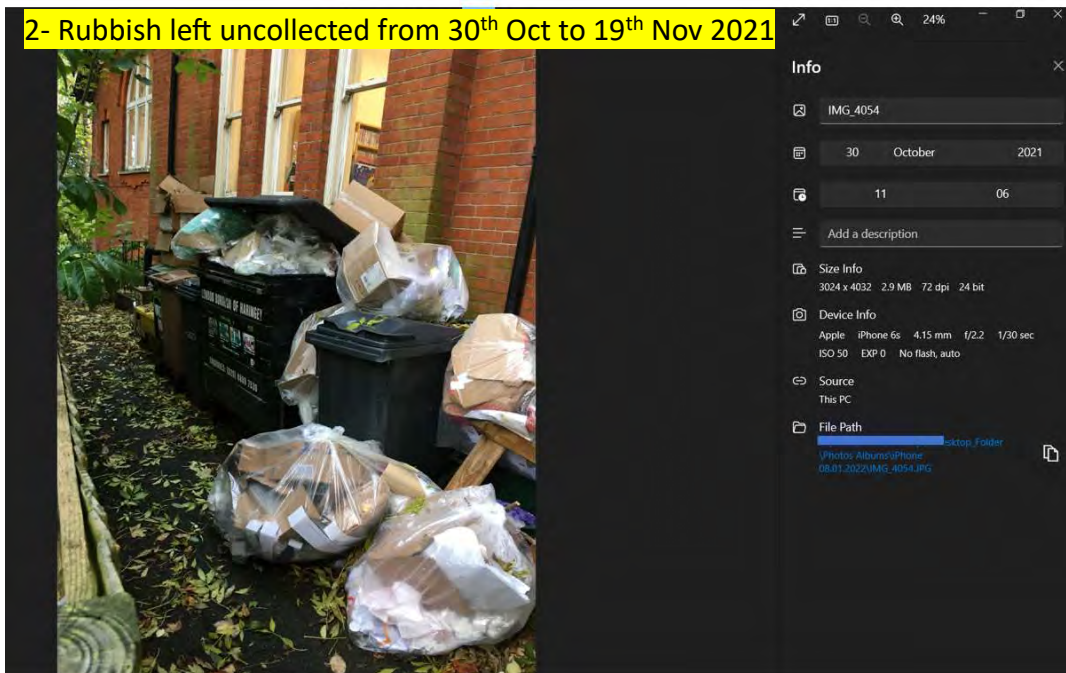
7.5 Photos of accumulated uncollected Rubbish at the Library & Other ASBs in general:

Rubbish left uncollected from 19th Feb to 22nd Mar 2022 (over a month)





2- Rubbish left uncollected from 30th Oct to 19th Nov 2021



3-Rubbish left uncollected from 31st Aug to 6th Sep 2022

