

# THE FRIENDS *of* WHITEWEBBS PARK



Protecting *what's* PRECIOUS

Newsletter Autumn 2022

## Main Topics

1. Where are we with the bid from Spurs?
2. The letter to Enfield Council following barristers' legal opinion
3. Text of the press release
4. Meetings with Council Cabinet member for parks and open spaces and parks officers.
5. Observed species—keeping a record of biodiversity
6. Planning applications

## Where are we with the Spurs bid?

At the time of writing we are waiting for Tottenham to submit their planning application. No doubt there have been “pre-planning” discussions with planning officers and we have seen surveyors measuring up the car park and approach road at Beggars Hollow.

The failure to engage in any meaningful consultation with the Friends and other users of our park should not be forgotten. There was supposed to be a meeting after the decision to proceed with the Spurs bid. At this, plans would be presented and questions answered. The excuse of COVID has not had any validity since the Spring. The official line is that all matters can be raised at the planning stage. Anyone who has dealt with the planning process will know that this is rubbish and a disingenuous and cowardly attempt to avoid any meaningful engagement with the community.

We have received massive support from the CPRE ( [www.cpre.org.uk](http://www.cpre.org.uk) ) Their campaign team and solicitor have been working to examine the legality of the Council's decisions and actions. It was decided to seek a “legal opinion” as to the lawfulness or otherwise of Enfield's actions and decisions. CPRE arranged for this with a very reputable team of barristers on a “Pro Bono” basis. We had to demonstrate the seriousness of our intent by raising a proportion of the costs. The appeal for funds generated a generous and immediate response demonstrating the strength of support for Whitewebbs. Thanks are due to the many, many Friends and users who contributed. We covered the initial amount with enough to spare for contingencies and further work.

Special thanks are also due to Enfield RoadWatch for their support, financial backing and for providing banking services.

This has been a combined effort by CPRE, Enfield Roadwatch, Friends of Whitewebbs and some individual supporters.

Enfield and Whitewebbs are not alone in this threat to our public open space. Councils all over the country are attempting to sell off public open space to commercial football clubs and other developers. The CPRE is fighting many similar battles.

**A letter challenging the lawfulness of Enfield's actions was sent to the Council on November 3rd**

## Letter to Enfield Council 3rd November

On Thursday 3rd November we sent a letter to the Council based on the legal opinion received. It has taken time to produce this but it was important to get the legal stuff right. There was much work done by the CPRE solicitor and the Barristers. **The text of the first part of this letter is below. To read the full letter please click the link at the foot of the page.**

Helen Berry

Senior Property Lawyer

Legal Services

Enfield Council

Silver Street

Enfield EN1 3XA

By email

3 November 2022

Dear Ms Berry,

Further to previous correspondence, we write regarding the proposed disposal of a portion of Whitewebbs Park to Tottenham Hotspurs Football Club (“THFC”) (key decision 5177, Leasing of Whitewebbs Park Golf Course).

We write to set out our understanding of the council’s legal obligations over the land, our interest in the land as members of the public, and our aim and intention to preserve the land as public open space.

### **1. The legal status of the land**

The land known as Whitewebbs Park, of which the planned area for disposal is part, is public trust land. It was acquired by Middlesex County Council under s169 of the Public Health Act 1875. The freehold of the land has been transferred to Enfield Borough Council but is still held under s164 PHA 1875. The land is subject to a public trust. The council is in the role of trustee or custodian of the land, as opposed to beneficial owner, and must approach decisions regarding its use accordingly (*Muir v Wandsworth* [2017] EWHC 1947 (Admin)).

We consider that the proposed restrictions on public use and access inherent in THFC’s proposals to convert the land to a private training academy are contrary to the statutory trust arising under s164 PHA 1875.

### **2. The council’s powers over the land**

The land is “open space” as defined in Article 6 of the Greater London Parks and Open Spaces Order 1967: “...any public park, heath, common, recreation ground, pleasure ground, garden, walk, ornamental enclosure or disused burial ground under the control and .....

[Click this link to see the full letter and the press release.](#)

If you have any press or media contacts who might be interested please send details to whitewebbspark@gmail.com

Updates and news will be published to the Walking in Whitewebbs Facebook page

## Text of Press Release

# *Enfield Council's plans to lease Whitewebbs Park to Tottenham Hotspur are unlawful, claim local campaigners*

Local campaigners have today Thursday 3 November written to Enfield Council [1] stating they believe the leasing of over half of Whitewebbs Park to Tottenham Hotspur Football Club to build a football academy is unlawful because the land is held for the public for recreation.[2] They have said they intend to enforce the rights of the public to make use of the land for recreation and will take legal action if necessary.

Local groups Enfield RoadWatch and the Friends of Whitewebbs, along with the London branch of the Campaign to Protect Rural England, [3] have set out in the letter why they believe the proposal to lease the land to Tottenham Hotspur will not stand up in court. They contend:

It will not be for "recreational" or "public use" (*under the 1967 Order*).

It will have demanding screening requirements excluding the vast majority of the community.

It will significantly restrict public access to a large percentage of the park.

It will be largely owned and run for the sole benefit of a commercial sports corporation.

Sean Wilkinson of the Friends of Whitewebbs Park said: "The proposed sports academy will primarily be run for the purposes of contributing to the commercial success of the club. It will no longer be a public park. It's that simple. Covid has brought home to all of us how important our open spaces are for the mental and physical well-being of the whole community and Whitewebbs is a busy park every day of the week with people of all ages enjoying space and the natural environment."

Alice Roberts of CPRE London said: "We are extremely concerned that we're seeing threats to parks all over London so we are now helping local groups access legal support to ensure they have the best chance of saving London's parks for generations to come. We are also supporting local campaigners fighting to save Wimbledon Park in Merton, West Ham Park in Newham and Greendale Park in Southwark, for example. It is hard to believe it is often left to local groups to fight these battles but this is unfortunately how it is."

ENDS

NOTES

[1] Letters enclosed

[2] We say in our letter to the Council:

Whitewebbs Park is public trust land.

Legislation states that the land is to be used as open space and for public recreational activities.

The land and the recreational activities should be open to all. The only exceptions are for public safety and the land's preservation.

While reasonable charges can be made for recreational facilities, these should not be set so high that the public cannot afford them (the former public golf course was an example of this with its concessionary rates, twilight sessions and lack of membership requirements).

People should not be barred from these recreational activities by selection procedures, tests demanding levels of skill, social status, or other discriminatory barriers.

[3] [Friends of Whitewebbs Park](#), [Enfield RoadWatch](#), [CPRE London](#)

# What should we be doing now?

## Contacting councillors and MPs

At the last local election Enfield was the only London Labour Council to lose seats. I would argue that at least some of this was due to the way the Council has handled the issue of Whitewebbs Park.

Throughout the borough we have many new councillors and they should be made aware of the strength of feeling about the selling off of Whitewebbs. Please continue to write to your councillors and to our MPs.

Do not be put off by the banal responses you may receive—they are hoping the issue will go away. It won't.

## Ask the Council for details—and don't be put off.

All the promises in what little information we have been given are vague and uncosted. Essentially the deal will provide an average of £80,000 a year. This will probably be just enough to cover the cost of emptying bins and doing some essential maintenance such as dealing with fallen trees in the council retained area. It is not enough for any major infrastructure work—path improvement, fencing, drainage, decent signage, bridleway improvements. The much trumpeted £500,000 “Premium” is a major distortion. Most of it is advance rental. At best £125,000 is a “Premium”. This will go practically nowhere once central admin costs have been removed..

Ask for schedules of work, budgets and maintenance provision.

## The Cattle grazing proposal

While cattle grazing can, in the right place, with the right cattle and at the right season, play a part in land management it was obvious to all who know the proposed area that this was inappropriate for Whitewebbs Park. We had a very well attended meeting on site with Council Officers at which they would not be proceeding with the proposal in Whitewebbs.

Various ideas for the management of the areas were discussed and paper describing these was sent to the officers. A copy of this can be found by clicking this link [Thoughts on the meadow area.](#)

## Meetings with the Council on general park issues

There is provision for a quarterly meeting with all Friends of Parks, Council Officers and the Cabinet member with responsibility for parks. While this can be appropriate for discussing borough wide issues it is not appropriate for issues specific to individual parks. The Council has introduced 20 minute on line meetings ( a surgery) with the Parks Officer for individual parks. I immediately booked one of these for Whitewebbs. Twenty minutes was not long enough but I provided a written version of concerns beforehand. Click this link—[Surgery](#)

Key outcomes:(I think. I have not yet received the official record of the meeting)

1. The need for a management plan for the park which would involve officers, park Friends and external stakeholder groups such as wildlife trusts and, for example but not specifically, the Woodland Trust and Thames 21.
2. An onsite meeting to look at the work needed.
3. The provision of machines and labour for a couple of days a year to do the heavy machine work. The Friends would recruit volunteers to do the less heavy year round maintenance. Initially this would be targeted at footpath clearance and drainage.

There were other issues.

If there are more please send them to whitewebbspark@gmail with “surgery” as the subject

At some point soon Tottenham will submit a **planning application**. This will contain vast amounts of information from architects, drainage engineers, consultant ecologists, landscape designers and all sorts of other highly paid consultants.

We will get 21 days to study the documents and formulate our responses. Please be ready to help with this by writing letters and making your protests. Guidance will be given at the time.

Anyone with any specialist skills = planning, law, ecology, landscaping is asked to make themselves known by contacting whitewebbspark@gmail.com

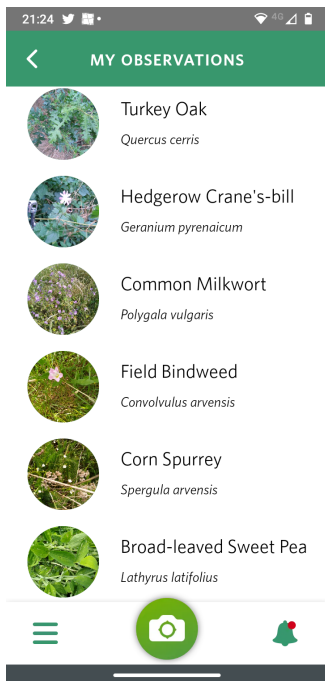


### Planning applications

These can be found by clicking this link [Planning](#) Choose the monthly or weekly list and select the ward e.g. Whitewebbs for a list of the validated applications. There are more specific search options. Available.

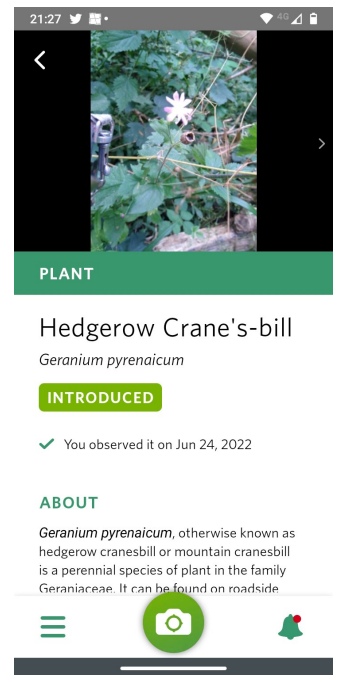
### Recording data

Appeals have gone out for Friends and park users to record the plants and wildlife of the park. We have built up records but need more—photographs, sightings, incidents. Smartphones are invaluable with apps such as Google lens, Seek, Plant net and Bird Net. These help with identification and record locations. Animals are not always co-operative—if, for example, you see a grass snake but can't take a photo report it to whitewebbspark@gmail.com and describe the location. Better still use the what3words app to give a precise location. All these apps, at least in their basic form, are free



These are examples of recordings using Seek from Inaturalist. This is the one I have found most useful but none of them are perfect.

Bird net is good for identifying birds by their song, but it has limitations. Mine works best with an external microphone with a fluffy cover.



Please pay particular attention to the areas where Tottenham wants to construct its pitches—the northern part of the golf course..

Sean Wilkinson

Chair of the Friends of Whitewebbs Park