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## Application Decisions

Inquiry opened on 16 June 2015

Site visit made on 24 June 2015

**by Susan Doran BA Hons MIPROW**

**an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs**

**Decision date: 21 August 2015**

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### **Application Ref: COM603**

#### **Hackney Marshes (North Marsh), Hackney**

Register Unit No. CL17

Registration Authority: London Borough of Hackney

- The application, dated 8 August 2014, is made under Article 12 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 for consent to construct works on common land.
- The application is made by Ian Holland on behalf of the London Borough of Hackney, 1 Hillman Street, London E8 1DY.
- The works comprise: the construction of a new Pavilion and associated car parking and landscaping on Hackney North Marsh.

**Decision: Consent is granted for works in accordance with the Application dated 8 August 2014 as amended<sup>1</sup> with the exception of the provision of electric vehicle charging points for which consent is refused.**

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### **Application Ref: COM604**

#### **Hackney Marshes (East Marsh), Hackney**

Register Unit No. CL17

Registration Authority: London Borough of Hackney

- The application, dated 8 August 2014, is made under Article 12 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 for consent to construct works on common land.
- The application is made by Ian Holland on behalf of the London Borough of Hackney, 1 Hillman Street, London E8 1DY.
- The works comprise: the reinstatement of a car park facility on Hackney East Marsh.

**Decision: Consent is refused.**

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### **Preliminary matters**

1. I held a Public Inquiry at Stoke Newington Assembly Hall between 16 and 19 June, continuing on 23 and 25 June 2015. I made an unaccompanied site inspection of both North Marsh and East Marsh and of the Application land on 15 June, and a further inspection on 24 June accompanied by Ian Holland, David Lloyd Jones and Jon Sheaff, representing the London Borough of

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<sup>1</sup> By reference to the revised plans and planning consent dated 26 June 2015

Hackney Council ('the Council'), and Paul Charman, Kevin Dovey, Russell Miller and Peter Mudge, some of the Objectors to the Applications.

2. Following the close of the Inquiry, and as agreed, the Council submitted a copy of the amended planning permission concerning the Application sites<sup>2</sup>. This document was circulated to the parties for information, it being unchanged since the previous version dated 5 June 2015, provided before the Inquiry opened. The permission is granted subject to 18 conditions. In reaching my decisions I have had regard to its content: the grant of planning permission is a material consideration and ought to carry significant weight. However, whilst a separate planning permission has been granted for the proposals, for the avoidance of doubt, my decisions are completely separate from it - a consideration of the permission is not within my remit. I have had regard to it in so far as it and the conditions specified are linked to the proposals requiring consent under the relevant tests (paragraphs 19-21 below).
3. In all, some 109 objections and representations were received in response to the Applications for consent to carry out works on the Common, including from the Hackney Marshes User Group, Save Lea Marshes Group, the Open Spaces Society, the Council for the Protection of Rural England, as well as numerous individuals, and I have considered all of these in reaching my decision. Many of those from individuals were standardised, though I have no doubt as to the sincerity with which the views are held, as articulated by the Objectors at the Inquiry.
4. As regards matters prior to the Inquiry, it was considered by Objectors that the consultation process concerning future plans for Hackney Marshes, carried out by the Council in the summer of 2013, was flawed and should be regarded as unreliable. In addition, a number of objections raised concerns regarding the advertising of the proposals, which it was considered had been inadequate. Whilst I note these matters, I do not consider it is appropriate for me to comment on the manner in which the Council has approached its consultation process. In any event, it is apparent that the necessary statutory consultations in respect of the Applications have been carried out by the Council. Furthermore, I am satisfied that the written submissions and evidence given at the Inquiry have enabled me to fully consider all of the arguments put forward both for and against the Applications for works on the common.
5. In his written submissions, Paul Charman maintained that the East Marsh Application should have been made under Section 38 of the Commons Act 2006 ('the 2006 Act') as he argued there was no free standing power under the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 ('the 1967 Act') for the construction of car parks. However, this argument was not pursued at the Inquiry. I have approached my consideration of this Application on the basis that it is properly made.
6. Both the Council and the Objectors provided comprehensive and well organised bundles which assisted the Inquiry and the ease with which documents could be located.

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<sup>2</sup> Inquiry Document 33

7. To further assist the Inquiry, the Objectors co-ordinated their arguments with each individual presenting different aspects of the case against the Applications. A common theme expressed was that the Council had failed to take into account the views and needs of other Marsh users, those engaging in informal recreation, and had concentrated on organised sports users. Consequently, the Council's approach did not effectively balance the needs of the different users. Nevertheless, I have noted widespread support amongst the Objectors for the provision of new facilities for use by cricketers and footballers at North Marsh, though not as proposed.
8. Of particular concern to many of the Objectors at the Inquiry was the past management of a similar application affecting Hackney Marshes that they maintained had resulted in the loss of habitat and where mitigation measures had largely failed<sup>3</sup>; the effects of other works carried out on the Marshes including the cricket show pitch; and the legacy resulting from the 2012 Olympic and Paralympic Games ('the 2012 Games') on common land in the area, and in particular on East Marsh. It was Julian Cheyne's view that some of the existing features on the Marshes should have been, or should be, the subject of applications for common land consent. Whilst I note these concerns, they are separate matters to the Applications before me which I cannot take into account in reaching my decisions. It is not my role to determine whether or not the features referred to are lawful, but rather a matter for the courts.
9. The Council drew my attention to a number of Application Decisions concerning works on common land in their ownership. Whilst I take note of these, I do not consider that I am bound by their findings as each decision turns on its own merits.

### ***The Marshes***

10. As well as being registered as common land under the Commons Registration Act 1965, Hackney Marshes, covering an area of 136 hectares<sup>4</sup>, is within an area of Metropolitan Open Land ('MOL'). Most of Hackney Marsh common is amenity grassland for recreation, with the banks of the River Lea<sup>5</sup> providing wildlife interest, and small areas of tree planting. The Lea Valley Metropolitan Site of Importance for Nature Conservation ('SINC')<sup>6</sup> runs through the Marshes, predominantly along its perimeter or along the River Lea itself<sup>7</sup>.
11. Hackney Marshes is renowned as the home of grass roots football in England and is widely used by local leagues, clubs and schools. Rugby and cricket are also enjoyed on the Marshes. The Council's submissions indicated its greatest use occurs at weekends, that it is extensively used by locals, and has a wider role with people coming from further afield. In addition to sports activities, it is described by the Council as a popular walking destination and a haven for wildlife. Indeed, I heard that the Marshes offer opportunities for a wide range of leisure and recreational pursuits from enjoying nature to quiet meditation.

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<sup>3</sup> The Hackney Marshes Centre on South Marsh (Application Decision COM73)

<sup>4</sup> As applicable to Common Land Register Unit CL17

<sup>5</sup> Also spelt 'Lee'

<sup>6</sup> Also referred to as the Lea Valley Site of Metropolitan Importance for Nature Conservation ('SMI')

<sup>7</sup> Whilst a SINC is a non-statutory designation, it is afforded a degree of protection through the planning system

### **The Applications**

12. The Applications form part of the Council's "Re-making the Marshes" project, described as an improvement programme to enhance leisure and recreational facilities at Hackney Marshes, joint funded by the Council and a range of sporting bodies. In addition, the Council stated that the proposals would contribute to a range of other initiatives, including Strategies for Sport and Physical Activity, Parks and Green Spaces, and Health and Wellbeing.
13. The North Marsh Application as made is for a single storey pavilion building comprising changing rooms for footballers and cricketers (16 rooms for football and/or cricket use and 4 for officials) and social facilities for users, spectators and the local community, a reception area and an administration area, together with ancillary features including cricket practice nets and car parking. The proposed pavilion is 1395m<sup>2</sup> in area, with a building length of 92m. The proposed car park area is 5749m<sup>2</sup>, of which 2237m<sup>2</sup> comprises cellular reinforced grass (which was described as permeable and having a 20 year lifespan), providing 60 standard parking spaces, 8 spaces for disabled ('blue badge') users, space for 5 mini buses, 5 coaches and 26 bicycles. The proposed cricket nets area comprising 4 practice nets (to the south of the proposed pavilion) is 400m<sup>2</sup> in area, and the length of the cricket nets is 67m (3 sides of netting). The Council stated the pavilion is designed to meet England and Wales Cricket Board and Football Foundation standards. Associated with the proposed works are planting/landscaping schemes.
14. The East Marsh Application as made is for the proposed reinstatement of a car park with a permeable paved surface of 2746m<sup>2</sup> in area, edged by wooden sleepers 155m long and 45cm high, and a natural soil/grass bund, with two access barriers/gates 2.4m high and 11.4m wide, and an electric feeder pillar. The proposed car park would provide parking for 53 cars, 4 disabled ('blue badge') spaces, space for 5 minibuses and 30 bicycles. In this instance, the works are already in place save for the installation of bicycle hoops. Associated with the proposed works are planting/landscaping schemes.
15. Both Applications are for permanent works on the common. They are seen by the Council as the re-provision of existing facilities to modern standards, with overall reduced parking. In both cases, the proposed car parks are considered ancillary to the recreational use of the Marshes.
16. Further to the submission of the Applications and in response to the planning permission sought (and now granted) there have been some amendments to the proposed works. The Council confirmed that these are a revised design to the elevations of the proposed pavilion including the omission of planted bays and a greater emphasis on the horizontality of the building; revised landscaping proposals to the east of the proposed building including adding to the extension of the SINC and additional trees; additional transport surveys undertaken; provision (at both Application sites) for electrical vehicle charging points ('EVCPs'); a commitment to reduce the number of car parking spaces (over both Application sites) by a total of 29 spaces over the course of the Travel Plan; and additional landscaping at the East Marsh Application site.
17. The Council suggested that the amendments could be accommodated within the terms of the existing Applications for consent. It was put to me that the changes to the pavilion do not affect the footprint of the building but would

improve its visual appearance, a matter relevant to the assessment of the quality of the building and its likely impact on the openness of the common land. Further, that other matters regarding the landscaping proposals and the reduction in parking spaces were controlled by the planning conditions and did not require duplication by the commons consent. As regards the introduction of EVCPs, these again the Council said would be controlled by a planning condition and were an ancillary part of the provision of a car park facility. They would be judged by the planners in terms of the likely impact on the land and its status as common land and MOL. They could, the Council said, be made subject to further commons consent, but that the material planning controls may be considered sufficient.

18. It is necessary that I consider the impact of amendments to the original applications in my decisions, as I need to assess the extent to which they vary. I address these matters, where relevant, below.

### **Main Issues**

19. Article 7 of the 1967 Act provides that a local authority may in any open space provide and maintain a variety of facilities for public recreation, subject to conditions. Such facilities include indoor centres for the use of clubs, societies or organisations whose objects or activities are wholly or mainly of a recreational character<sup>8</sup>; and, buildings or structures considered necessary or desirable in connection with any purpose relating to the open space<sup>9</sup>. Article 10 of the 1967 Act permits a local authority to make reasonable charges for the use of any building or structure erected or maintained under Article 7(1)(f). Article 12 provides that in the exercise of powers under Article 7, the local authority shall not, without the consent of the Minister, erect, or permit to be erected, any building or other structure on any part of a common.
20. I am required by Section 39 of the Commons Act 2006 to have regard to the following in determining applications made under Article 12 of the 1967 Act:
- (a) the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
  - (b) the interests of the neighbourhood;
  - (c) the public interest, which includes the interest in nature conservation, conservation of the landscape, protection of public rights of access and the protection of archaeological remains and features of historic interest;
  - (d) any other matters considered to be relevant.
21. I have had regard to Defra's Common Land Consents Policy Guidance<sup>10</sup> in determining this application, which has been published for the guidance of both the Planning Inspectorate and applicants. However, every application is considered on its merits and a determination will depart from the guidance if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the guidance.

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<sup>8</sup> Article 7(1)(a)(vi) of the 1967 Act

<sup>9</sup> Article 7(1)(f) of the 1967 Act

<sup>10</sup> Common Land Consents Policy Guidance (Defra, July 2009)

## **Background**

### *North Marsh*

22. The existing changing facilities at North Marsh have been in place for many years and it was acknowledged by all parties that they are in need of replacement and modernising. The Council seeks to provide a facility that will accommodate minority groups, women, children and adults playing football or cricket, which the existing building falls short of doing. The existing structure comprises largely a single storey, and in part two-storey, building with an adjoining car park accessed via Cow Bridge, crossing the Lea Navigation. Originally, a much larger car park was associated with the existing building, principally situated to the north. However, this ceased to be used around 2004, and in recent years has been replaced with a cricket show pitch, and it is this with which the proposed pavilion is orientated. The proposals form part of the Council's vision as stated to upgrade the main pitch provision, improve the quality of facilities, access, and parking, as well as the educational value of the site, whilst safeguarding and improving its ecological and environmental quality.
23. In selecting the proposed site, the Council considered 4 options including siting the pavilion on the footprint of the existing building, although it was considered that there was insufficient area available to site a single storey building here to meet the requirements. Further, there was insufficient space to ensure the safe guarding of root protection areas and mains service zones. In addition, to do so would require moving the car park to the east of the line of Poplar trees (to which I return later in this decision). The Council acknowledged, however, that the proposed pavilion is larger than the existing building, so as to meet current standards.
24. As a result, the site of the proposed pavilion lies to the east of the Poplars on amenity grassland; and the proposed car park to the west of the proposed pavilion and of the trees, on the site of the existing building. It is the effect of the proposal in siting the building on open land and the effect of the proposals on the row of Poplars that are key factors in the objections to this Application.
25. Peter Mudge presented two alternative proposals that he argued would enable the proposed pavilion and car park to be sited within the existing space and therefore result in less harm to the common, albeit that the final conclusion was that it might be possible to fit them within the area to the west of the Poplars. He also drew attention to inconsistencies within the Council's Design and Access Statement (which sets out the reasoning behind the Council's choice of site for the proposed works) with regard to various measurements. Indeed, a range of differing figures were highlighted by Objectors both within and between different documentation (including Travel Plans and Transport Surveys) submitted by the Council.
26. Since there was too little information available to determine whether it is technically possible to locate both the pavilion and car park within the current site, Mr Mudge invited me to find that the Council had not proved it impossible, accordingly it would be inappropriate for permission to be given to build on MOL.

27. That it was preferable to build on the existing site so as to minimise the effect of the proposal on users and on the Marsh itself, its views, wildlife and the impact on open space and amenity grassland, was a view echoed by Abigail Woodman and others speaking against the Application.
28. The Council rejected both alternatives as neither feasible nor workable. They considered that a building incorporating changing rooms on two storeys was not compatible with the requirements of the sports bodies, including the England and Wales Cricket Board who had funded the cricket show pitch (and supported the proposed pavilion as a condition of that funding), or with the needs of disabled users. Furthermore, it would have a greater visual prominence.
29. It is not for me to consider or propose an alternative site for the development which has not had the benefit of being properly evaluated and upon which others have not had a chance to comment. Planning permission is determined by the planning authority, and it is evident from the documentation submitted that the fact the land is MOL has been taken into account at the planning stage. The issue for me is whether consent for the works should be granted, having had regard to the issues set out in paragraphs 19-21 above.
30. An Arboriculture Impact Assessment Report was prepared on behalf of the Council in respect of the Application site. Its content was criticised by Russell Miller and others as inaccurate and misleading. No ecological impact assessment had been undertaken by the Council, although an ecological survey had been carried out. Its limitations were recognised, although it was Jon Riley's view that one carried out at a different time of year would not have revealed much more. The Inquiry was informed by the evidence of Russell Miller, and for the Council by Jon Riley as regards the ecological impacts of the proposals, and by Jon Sheaff as regards the landscape and visual impact assessments resulting from the proposals. Consensus was reached at the Inquiry as regards the species of Poplar trees (paragraph 23) which are affected by the proposals<sup>11</sup>.

### *East Marsh*

31. Prior to the preparations for the 2012 Games, East Marsh comprised football and rugby pitches, a changing facility and car park. The latter were removed to enable the construction of a ramp, terraced area and land bridge crossing Ruckholt Road serving as pedestrian and cycle access to and from the Queen Elizabeth Olympic Park. The remainder of the site was transformed into a hard surfaced coach park for the 2012 Games.
32. Since then, most of the land has been re-grassed and playing pitches have been reinstated. This has included alterations to the land levels, although the land remains generally flat. However, remaining in situ is a surfaced section of the coach park which forms the Application site. Facilities at the nearby Hackney Marshes Centre, including car parking and changing rooms for those engaged in organised sport, have been available to users of East Marsh since the reinstatement of the pitches.

### *Car Parking*

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<sup>11</sup> Agreed by the parties to be fastigate Black Poplars, together with some Balsam Poplars

33. As described above, both Applications include the proposed provision of car and team vehicle parking. This issue was a particular concern for Objectors. Tim Evans and Kevin Dovey argued that the need or demand for such facilities had not been established, in particular in the light of existing public transport and of sustainable transport policies, and that information provided by the Council was out of date. Furthermore, that with car parking at both Application sites having been absent for some time, car use to the Marshes had fallen, whilst that of sustainable modes of transport had increased.
34. The Borough of Hackney has one of the lowest car owning populations in London; although transport models showed the Marshes were poorly served by public transport<sup>12</sup>. It was argued that there has been an improvement in public transport opportunities since the 2012 Games with re-routed bus connections and new facilities at the transport interchange at Stratford. There is also car parking nearby at facilities provided initially for the 2012 Games, including a multi-storey car park within walking distance of the Marshes, but which the Council said were not owned by them and therefore it could not be guaranteed would be available to users of the Marsh as they were reserved for use by other developments.
35. Historically there has been car park provision at the Marshes and the Council viewed the need for it at the Application sites in the context of the use of the whole of the Marshes. The bulk of car parking provision is at the Hackney Marshes Centre at South Marsh, and the Council regarded the proposed car parks as complementing this. They would provide for a wide variety of users and took into account that for many, including children carrying heavy kit bags (as demonstrated by Duncan Holden at the Inquiry) it was not always possible to make a journey by public transport.
36. There was considerable debate at the Inquiry regarding figures provided for the number of parking spaces at the North, South and East Marsh sites in the past (pre-2008 and 2008), those existing now, as proposed, and in 5 years' time; and Objectors criticised the lack of research by the Council into current use and travel patterns. Victoria Balboa indicated the car parking figures proposed were based on peak demand (generated by use of the pitches), which historically occurs at weekends, and on the interaction between the three sites, it being acknowledged, however, that during the week the car parks tended to be little or under-used. In addition, there was debate about the need to provide spaces for coaches and/or minibuses or whether, if there was demand (and it was suggested that few clubs could afford to hire such vehicles), it could be accommodated in different ways.
37. A condition of the planning permission, however, is that car parking provision is reduced at the Application sites by 23% over a period of 5 years; although this raised the question for Objectors as to why it was necessary to provide spaces that would subsequently be lost. It was suggested that for North Marsh a small car park for use by emergency vehicles with disabled parking provision and a drop-off point would be more than adequate taking into account peak demand for a few hours a week during the football/cricket seasons, and that for most of the time the car park would not be used.

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<sup>12</sup> Based on the Public Transport Access Level ('PTAL'), which measures accessibility to the public transport network in London whereby the density of the public transport network is measured at a particular point and afforded a rating according to a set scale.



## **Reasons**

### **Application Ref: COM603, North Marsh**

#### ***The interests of those occupying or having rights over the land***

38. There are no rights of common registered on North Marsh, which is owned and maintained by the Council. However, the public have a right of access to the common for air and exercise under Section 193 of the Law of Property Act 1925.
39. If consent is granted, there would be a negative impact on those who use the common for informal recreation. The proposed pavilion has a larger footprint than the existing building and is sited on open amenity grassland. It follows that the proposals would have an adverse effect on the public's ability to take air and exercise over the common as there would be a reduction in the amount of land to which access is available. Russell Miller accepted that the loss of MOL was not major, although he had concerns about the habitat and the adjacent SINC, which I consider below. The area affected is calculated by David Lloyd Jones as 0.37% of the playing field area at North Marsh (rather than of the common as a whole). This is a relatively small part of the common, although it should be considered alongside the greater part of the Marshes set out as football, rugby and cricket pitches, to which public access is to an extent restricted, in particular on weekend mornings during the respective sports seasons. I understand though that there would be public access to the pavilion on a managed and controlled basis (when hired), rather than totally free.
40. The proposals would, however, result in modern appropriate facilities primarily for those engaged in sporting activities, notably football and cricket. The Council's survey indicated that existing users were likely to make more use of the common if such facilities were provided. Whilst I note the reservations expressed by Peter Mudge as regards the 2013 survey (paragraph 4), it is the most up to date information available and no other surveys have been conducted by way of comparison. Accordingly, it must attract some weight. Duncan Holden believed that some clubs were reluctant to travel to the Marshes due to the poor state of the existing facilities. Modern and inclusive facilities would most likely be beneficial in attracting these, and perhaps encouraging other users, to the common to engage in sports activities, which is a traditional use of the Marshes. I consider, therefore, the proposal would improve the ability of those engaged in sporting activities to enjoy the common for air and exercise.
41. I find that the effect on the interests of those having rights over the land depends on whether the user is engaged in organised sport or informal recreation. The balance is, in my view, a fine one. However, when considered as a whole, the loss of access in terms of area is small and the vast proportion of the common will remain available for public access in the same way that it is currently enjoyed by all users.

#### ***The interests of the neighbourhood***

42. Hackney Marshes is situated in a densely populated and built up area of east London and provides a green lung, part of the corridor of green spaces along the Lea Valley. As mentioned above, it is used for a wide variety of purposes,

- including organised sports activities, cycling, jogging, dog walking, picnicking, volunteering and general relaxation.
43. A large proportion of its users are local, from the immediate area, or from neighbouring boroughs, those for whom the common is a short walk or cycle ride away, or a short journey by public transport, or private car. Such users include those engaged in organised sport and informal recreation. Duncan Holden referred to cricket club youngsters typically making journeys of 15-30 minutes or more to get to the Marshes. In addition there are those travelling from further afield to engage, for the most part, in organised sport. These include opposing teams travelling from other London boroughs, neighbouring Counties and indeed from other parts of the Country – Ian Holland gave an example of a football team travelling from the north-east of England. Figures from a Council survey (seemingly of sports users) undertaken over a weekend in March 2015 revealed that 64% of respondents were from outside the borough, and 36% from within. Approximately 30% travelled for more than 30 minutes to get there and 70% less than that; 51% travelled over 3 miles, and 18% over 10 miles. Taking all these factors into account I conclude that the neighbourhood is local, regional and to a degree, countrywide. I agree with the Council that the Marshes serve a much wider community and a wider purpose than that of purely a local park.
44. Nevertheless, whilst well known as a venue for organised sport, the Marshes are also valued by local residents as a place of refuge from daily life. Fi Stephens placed significant weight on their importance for health and well-being (including positive benefits as regards mental health). With green space in the urban environment being in short supply, any loss of amenity grass was considered unacceptable. Kevin Dovey described this area as the last piece of amenity grassland on Hackney Marsh without a pitch marked out on it, which was well used by the public for relaxation. Celia Coram spoke of its informal use, the Poplar trees being a particular place to gather. She argued there was more use of the Marshes by non-organised sports users, including walkers, cyclists and runners as well as those engaging in health and fitness initiatives. Statistics (not specific to the Marshes) showed there had been a general decline in numbers of those playing team games such as football and cricket, whereas individual sports such as cycling had increased. Joseph Ward expressed his concerns that the proposal would remove a place for quiet recreation.
45. The location of the proposed pavilion on amenity grassland on the periphery of the Marshes is one those engaging in informal recreation would be using especially when the pitches are in use, predominantly at the weekends and mostly on Sunday mornings. I consider therefore that there would be a loss to the neighbourhood of common land or green space if consent was granted.
46. However, as stated above (paragraph 39), the area is small when considered in the context of the green space as a whole. It should also be noted, as pointed out by Julian Cheyne, acknowledged by Ian Holland, and evident on the plans, that the proposals would result in the loss of a marked football pitch. Therefore, to a degree, any loss of open space for informal recreation would be offset by the amenity grassland resulting from its removal. Accordingly, the situation on the ground would reflect what it is now in that there would be an area of amenity grassland associated with the proposed pavilion and woodland

edge that would be available for public recreation whether or not the remaining pitches were in use, albeit located further to the east of the existing row of Poplars and slightly further into the Marshes. Consequently, I find that the detrimental effect of the proposal on those engaging in informal recreation is reduced. The ability to engage in informal recreation on the Marshes as a whole, when the pitches are not in use, remains. At the same time I acknowledge that the proposed pavilion would be on land that is currently undeveloped.

47. Historically the Marshes have been used for organised games and they are an established and traditional use of the common. The provision of accessible and modern facilities for the convenience of users of the pitches at North Marsh as a whole would therefore have a wider public benefit in terms of the neighbourhood, as the facilities are likely to be used by local residents playing sport as well as by teams visiting from other parts of the borough and the country, though other members of the public would only be able to use the facilities when the pavilion is booked for use.
48. Duncan Holden explained that the proposal would facilitate the use of the Marshes by cricketers of all ages. The Marshes, he said, were fast becoming a centre of cricketing excellence with most junior members living in the borough, and opponents travelling from across the county. However, the existing facilities in the building and lack of cricket nets were a disadvantage; although he acknowledged his concern was for suitable facilities rather than that they had to be located as proposed.
49. I consider therefore that the proposal would have a positive benefit for the wider neighbourhood, although this should be weighed against the loss of a football pitch due to the positioning of the proposed pavilion.
50. As regards the proposed car park, historically there has been parking provision at this location and in this respect it is consistent with the traditional uses of the Marshes for public recreation. In terms of the area of common land affected, the proposed car park is larger than at present, although a proportion of this is taken up with landscaping. It would not introduce anything new to North Marsh, although it would have limited benefit to the immediate neighbourhood who would be less likely to use it as a car park, although it would be available for informal use when not occupied by vehicles.
51. Overall I conclude the proposed works would have a negative impact on the local neighbourhood as they would affect how the common is used now for informal recreation. But the loss of common land to a built structure would be ameliorated by the amenity grassland arising from the removal of a football pitch, which the whole community could use. For the local and wider neighbourhood engaging in team sports, there would be a positive impact resulting from the provision of the pavilion and ancillary features which would enhance the way the common land is used, including with the cricket show pitch which lies on the site of the former North Marsh car park.

### ***The public interest***

#### *Nature conservation*

52. As mentioned above (paragraph 10) a SINC runs through the Marshes and a small part of the Application site lies within it<sup>13</sup>. The remainder of the SINC lies to the north, west and south of the Application site. There is nothing to suggest that the integrity of the SINC would be adversely affected by the proposals. Further, the SINC designation does not preclude the development envisaged by the Application.
53. Jon Riley indicated that a preliminary ecological appraisal assessed the site to be of local importance. Protected species are known to exist within the SINC as described by Russell Miller, including grass snake, but there is no evidence before me that they are present on the Application site, nor that any fauna or flora is at particular risk. Any likely impact on protected species is considered by the Council to be low or negligible. A Black Poplar log lying outside the Application site was drawn to my attention. It provides a habitat for a range of rare insect species. Again there is nothing to suggest that the proposal would have any significant impact on these invertebrates. Jon Riley's evidence indicated that measures would be taken prior to the commencement of works with regard to protected species. Further, the loss of habitat for nesting birds would be ameliorated by the planting schemes proposed which would also be beneficial to invertebrates, although it would take some time for them to achieve an equivalent level of maturity. The loss of an area of short perennial vegetation would be ameliorated by a brown roof on the proposed pavilion providing a mosaic habitat. The proposed car park would have a living substrate, although Russell Miller did not regard this as an ecological improvement.
54. To the east of the existing building stands the row of Poplar trees, estimated in the region of 60-65 years old with a remaining life expectancy estimated by Russell Miller of at least 40 possibly up to 60 years. The proposed works would result in the loss of one of these trees to enable the proposed pavilion to be accessed.
55. The felling and planting of trees does not require specific consent under the 1967 Act and is therefore not part of the Application. The stated reason for felling the Poplar is to provide an emergency vehicle and delivery access to the pavilion which, according to the plans, comprises the cellular reinforced grass/gravel surface. The loss of a mature tree would result in a loss of local importance, not least in terms of the species it supports; however, in this case the tree is a variety that is common, if not abundant, in Hackney and generally in the south east of the country. Whilst it is of biodiversity value, were it a Black Poplar then its wildlife value would be greater. The affected tree, however, is not natural in the sense that it was planted.
56. The main concern regarding the position of the proposed pavilion is the safeguarding of the route protection area associated with those trees. This is a matter relevant to the planning conditions that have been imposed, to ensure the protection of the remaining Poplars and of their root protection areas. A further planning condition provides for the planting of additional trees and shrubs and their aftercare. This is designed to link into and extend the existing SINC and would comprise locally sourced native stock, including of native Black Poplar. The Objectors remarked, however, that it is likely the tree and shrub

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<sup>13</sup> On the southern boundary of the Application site and west of the proposed cricket nets where a gravel path is proposed

planting proposed to mitigate the development would take place in any event, through the work of the volunteers.

57. I note the Objectors' scepticism regarding such mitigation works and their long term success without appropriate aftercare; and I note Steve Dowding's comments that tree planting work carried out by volunteers on other commons has been lost to development. However, the planning conditions require detailed plans to be provided for approval by the Council; and in the case of the landscaping works, these are to be maintained for a period of 10 years to include the replacement of any plants that die, are severely damaged, seriously diseased or removed. In addition, it has not been suggested here that tree planting work carried out by volunteers is at risk.
58. Overall, I consider that the proposed works would have no major adverse effect on the nature conservation value of the common. Some existing habitat would be lost, but the loss of the one mature Poplar tree would not be ecologically significant in the context of their distribution in the area. The proposed planting of trees and shrubs with a local provenance would both replace and increase the habitat lost as a result of the proposed works and would confer some ecological benefit.

#### *Conservation of the landscape*

59. The Marshes are a largely open area of mown grass, where the pitches are located, the perimeter defined by trees and shrubs forming a wooded edge. The existing building and car park are located on the periphery of North Marsh and are screened to some extent by existing planting and mature trees to the south and east, including by the row of Poplars. These are regarded as significant landmarks, part of the much loved character and argued to be one of the best views of the Marshes enjoyed by its users. Fi Stephens described the view of the Poplars across the Marshes as iconic. Kevin Dovey considered that views of the Marshes from all angles would be spoilt by the proposed development.
60. The proposed development has been granted planning permission through a process which included evaluating the impact of the development on the landscape. I was able to appreciate at my accompanied site visit various angles from which the proposal would be seen, and from Jon Sheaff's evidence to have an understanding of what it might look like after construction and again 15 years on once the landscaping had started to establish, although Celia Coram considered this was a long time to have to wait. The landscape and visual impact assessments concluded that the proposed pavilion would have either a slightly adverse impact on key views within the Marshes, or would result in no change to the quality of the views –the extent of the impacts depended on proximity and the degree to which views were uninterrupted by current planting.
61. I agree that the existing Poplars provide a mature landscape setting, and I agree that the view across the Marshes would change as a result of the proposal. There would be an impact on the landscape, and this may be felt most strongly by those who are familiar with it, as Paul Charman opined.
62. In considering this, I note that the proposed pavilion's position to the east of the row of Poplars means that it would not stand out against the skyline when

viewed from the playing fields. Also, as a single storey construction its effect on the landscape of the common would be reduced when compared to the existing building which includes, in part, a second storey. Its footprint though is larger than that of the existing building.

63. Mitigation against the effect of the proposed pavilion includes a planting scheme with a new row of Poplars to the east, together with further planting extending into the SINC (paragraph 56). Over time the view would change as the visual impact of the building would be reduced by the screening provided when viewed from the playing fields, and the new row of Poplars would provide a similar view to that enjoyed now as the existing trees approach the end of their natural life. In addition, the view would be different from different parts of the Marshes: from some locations the views would be interrupted and in others uninterrupted. This would depend also on the direction from which users enter the Marshes, a point raised by Vicky Sholund and Paul Charman. David Lloyd Jones acknowledged the proposed pavilion would be most visible when viewed from the north and north-west across the cricket pitches, but from the direction of the Hackney Marshes Centre would, over time, be little more visible than that experienced now.
64. The northern end of the proposed pavilion though would extend into the common beyond the proposed planting and by its very nature would have some impact on the landscape, yet it would remain on the periphery of the Marshes. A condition of the planning permission is that the elevations of the proposed pavilion will further reduce its visual impact, so it would appear less intrusive in the landscape. I do not consider that the amendments to the proposed Pavilion would affect the terms of the consent, if granted. As mentioned above, a further planning condition provides that landscaping would be maintained for 10 years (paragraph 57).
65. Also, as previously mentioned, there would be the loss of a Poplar tree. Nevertheless, in my view it will not have a significant impact on the landscape and its conservation. It is proposed that further Poplars will be planted by way of replacement and as part of the overall landscaping scheme.
66. The existing building is visible for example when entering the Marshes from Cow Bridge and from within the Marshes, but I am not convinced that the proposed pavilion would urbanise the character of the landscape any more than does the existing building. The proposal would result in nothing new to the landscape as the existing building has been there for many years. I acknowledge that the proposal is to build on green space, although the proposed car park would occupy the site of the present building. The encroachment onto the green space I believe would have a limited effect on the openness and sense of space those engaging in informal recreation enjoy, given the proposal's position on the periphery of the Marshes and given the remaining and extensive open area unaffected. The tree and shrub planting proposed to mitigate the development would have the effect of extending the woodland edge planting onto open grassland.
67. As regards the proposed car park, I consider the proposed surfacing together with some tree and shrub planting would go some way toward making it less obtrusive within the landscape. Other proposed landscaping features will help to soften its appearance and integrate it into its surroundings.

68. A condition of the planning permission granted is the provision of EVCPs. Victoria Balboa said there were a variety of ways they could be facilitated: they could be the size of a bollard, or larger and wider; or pop-up ones as described by Ian Holland. Both Paul Charman and Russell Miller expressed their concerns about the appropriateness of EVCPs, considering that they would have an urbanising effect and were not ancillary to any legitimate use of the common. However, with no clear details as to what they might look like or where they would be sited, I am unable to come to any conclusions as regards what effect they would have on the common and on the conservation of the landscape. Accordingly, I do not consider it would be appropriate for them to form part of any consent that may be granted for this Application.
69. In conclusion, I consider there would be an impact on the landscape and the balance between the differing effects is a fine one, but that overall any harm to the landscape would not be unacceptable.

*The protection of public rights of access*

70. I have considered the effect on public access at paragraphs 38 to 41 above, and concluded that overall, any loss of access would be small.
71. The proposed cricket nets though are a further issue in that they will form an obstruction to public rights of access when in use, although I understand that they can be taken down if required, presumably outside the cricket season and/or when not needed for use. In any event, I do not consider that their effect on public rights of access would be significant. The Council believed the facilities would encourage greater formal recreational use of the common.
72. The issue of charging for use of the facilities was raised by the Objectors. Whilst access to the proposed pavilion and car park would be limited as a result, the 1967 Act provides that a local authority may make reasonable charges for the use of facilities it provides (paragraph 19 above). The remainder of the common would remain accessible for formal and informal recreation as it is now.
73. In the absence of information, I am unable to establish whether or not the EVCPs would have any impact on public rights of access.

*Archaeological remains and features of historic interest*

74. I have seen no evidence that any archaeological remains or features of historic interest would be affected by the proposed works. I conclude therefore that the proposed works would have no detrimental effect in this regard.

**Other matters**

75. Vicky Sholund raised safety concerns about vehicles crossing Cow Bridge and meeting the pedestrian/cycle way, where visibility is limited. The Bridge provides vehicular access to the existing and proposed car park. I understand that it had been unavailable for vehicular use for a number of years, refurbishment having been completed in 2013. A traffic light system operates here as it is single vehicle width. As part of the proposals, National Cycle Route 1 would be realigned to follow a more direct route inside the western edge of the Application site, crossing the access road closer to the Bridge and traffic lights. Cow Bridge lies outside the Application site so does not form part

of the proposals before me. However, Ian Holland indicated at the Inquiry that the Council would investigate safety issues at this location.

76. Peter Mudge drew attention to various features of the cricket show pitch. For the most part though, it lies outside the Application site and beyond my remit.
77. It was Theo Thomas' view that more parking provision would generate new pollution from the vehicles that used it, and risked an increase in the percolation of water through the ground thereby increasing the leaching of pollutants into the rivers running through Hackney Marshes. In addition, Caroline Day and Claire Gourlay spoke of their concerns and the effects on health and the environment, arguing that the proposed car parks would increase air pollution. Russell Miller also spoke of air pollution arising from particulates being carried from the car park to roads. Whilst I understand and note the importance of these concerns especially where they affect individuals, I do not regard them as matters for my consideration under the relevant tests.
78. Caroline Day spoke about the Marshes being an historic landfill site and the resulting uncertain ground conditions in relation to the building foundations. Again, whilst I recognise this is an important matter, it is not one for my consideration in respect of the Application.

### **Conclusion**

79. Paragraph 4.6 of defra's policy guidance advises that commons should be maintained or improved as a result of the works being proposed. Furthermore, paragraph 4.7 advises that in deciding whether to grant consent to carry out works on common land, the Secretary of State will wish to establish whether the proposed works are consistent with the use of the land as common land.
80. I consider that the provision of a pavilion, although a permanent structure, is consistent with the use of the Marshes as it is intrinsically connected with the enjoyment of traditional pastimes on the common, reflecting its historical use as a venue for grass roots football, and its use for cricket and other organised team sports.
81. I have concluded that there would be an impact on access to the common as a result of the loss of green space, but that this is small; and that there will be positive and negative effects on the neighbourhood. The proposal would have a limited effect in terms of nature conservation and is mitigated by the proposed landscaping works. There will be an impact on the landscape when the building is viewed from some parts of the Marshes, but this will decrease over the years as plantings continue to mature. In my view, none of the adverse effects outweigh the advantages conferred by the proposals which will provide improved sports and other facilities for the local and wider community and facilitate the use of the common, in particular for those engaged in organised sporting activities, whilst leaving the majority of the area as open land.
82. However, I do not propose to give consent to the provision of EVCPs for the reasons given above (paragraph 68).



## **Application Ref: COM604, East Marsh**

### ***The interests of those occupying or having rights over the land***

83. As with North Marsh, there are no rights of common registered on East Marsh, which is also owned and maintained by the Council<sup>14</sup>. However, the public have the same right of access to the common for air and exercise under Section 193 of the Law of Property Act 1925.
84. If consent is granted, the location of the proposed car park would be beneficial in providing easier access for those wishing to enjoy East Marsh for sport and recreation, and include disabled parking spaces and bicycle parking, together with minibus parking for team use. Access to the common would be maintained, albeit the site of the proposed car park is remote from the changing facilities at the Hackney Marshes Centre. The Council considered the proposed car park as a satellite to ease congestion at the Hackney Marshes Centre and proposed North Marsh pavilion, whilst improving the public's ability to use the Marshes for air and exercise.
85. There would, however, be a small negative impact on those who use the common for informal recreation. The proposed car park has a larger footprint than the former car park<sup>15</sup> which in my view would affect the public's ability to take air and exercise over the common as there would be a reduction in the amount of land to which access is available. This is a relatively small part of the common, East Marsh having an area of 19 hectares, although it should be considered alongside the remainder of the area set out as football and rugby pitches, to which public access is to an extent restricted at certain times, in particular on Sunday mornings.
86. On balance I find that any detrimental impact on those having rights over the land is small.

### ***The interests of the neighbourhood***

87. The provision of a car park at East Marsh is consistent with the traditional uses of the Marshes for sport and recreation. Historically there has been car parking provision, albeit at a different location on East Marsh. Therefore nothing new would be introduced, the main change being its location.
88. The proposed car park would only be accessible when booked by users of the East Marsh facilities, at other times users travelling by car would need to park at the Hackney Marshes Centre and walk. When the pitches are not in use, during the summer months, it is likely to be little used. It would have little benefit to the immediate neighbourhood who would be less likely to use it as a car park, although it would be available for informal recreational use when not occupied by vehicles. Recreational access on foot I understand would be unaffected: as Paul Charman commented, almost all local users arrive at the common by foot or bicycle.
89. There would be a perceived loss of green space or common if consent for the proposed car park was granted. However, as the proposal is for the replacement of a car park that previously existed, in that respect the effect on

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<sup>14</sup> With the exception of the ramp leading to the land bridge

<sup>15</sup> Excluding overspill

the neighbourhood would not be significant. Use of the Marshes would be facilitated by it, especially for those engaged in organised sport. There has, however, been a reduction in the number of pitches following the broader changes to the East Marsh site.

90. On balance, I find there would be little adverse effect on the interests of the neighbourhood.

### ***The public interest***

#### *Nature conservation*

91. There is no known impact on biodiversity as the proposed car park already exists on the ground. Native tree and shrub planting would be introduced, as part of the landscaping proposals, to merge with existing plantings and to screen the proposed car park. Additional landscaping is proposed further to a condition set out in the planning permission granted. These are likely to improve the nature conservation interest at this location on the Marshes, as trees and shrubs would be of local provenance.

#### *Conservation of the landscape*

92. As previously mentioned, the proposed car park is already in situ as it comprises the residue of an area of surfaced parking provided in connection with the 2012 Games. I note the views expressed by Objectors about the loss of green space should consent be granted for the proposed car park. I also note that the proposed development has been given planning permission through a process which included evaluating the impact of the development on the landscape.

93. The Council stated the proposed car park is slightly larger than the one that previously existed at East Marsh. Even so, overall its area is small in the context of the Marshes as a whole. Nevertheless, East Marsh is a discrete area, separated from the main Marsh by the River Lea, and in that context I find that the proposed car park in terms of its size has a greater effect on the common in landscape terms.

94. When approaching the proposed car park from the direction of the Marshes, it is generally hidden from view due to the lie of the land, with the exception of the metal gates/barriers which are visible. From this direction it is seen, in part, with a wooded backdrop. However, when viewed from the ramp and land bridge to/from the Queen Elizabeth Olympic Park, which I understand is a major entry point into the Marshes, its appearance in the landscape is, as Tim Evans described, obtrusive, not least due to the surface treatment of block paving, which he considered to be overly heavy duty for the level of use envisaged. The car park also appears intrusive in the landscape when looking across East Marsh from the car park itself adjacent to Ruckholt Road. Paul Charman commented that the existing structure had been inherited and was not designed for the planned usage.

95. The Council accepted there was a visual impact, but considered it to be minor. By way of mitigation against the appearance of the proposed car park when viewed from the land bridge, and taking into account its impact on the MOL, the Council's intention is that it would be landscaped in keeping with the nature of East Marsh with native trees and shrubs. This would include tree planting,

which in itself would not compromise the openness of the land where it merges into the existing tree and shrub belt on the periphery of the Marsh, and indeed may add interest and enjoyment for users of the common. There would be some softening introduced by planting between the harshness of the proposed car park and the amenity grass of the playing fields, on its northern and western sides. Jon Sheaff described additional planting, further to the planning consent, to produce an effective screen of the land bridge with an informal hedgerow including standards along the boundary between the proposed car park and playing fields, as well as further tree planting alongside the road.

96. However, I agree with Tim Evans that the effect of the proposed car park would be to fragment the Marshes landscape. At the North Marsh Application site, the Council has proposed a car park more sympathetic to its surroundings with the use of a cellular reinforced grass surface interspersed with planting. By contrast the surface of the proposed car park at East Marsh has a much more urban appearance which I consider to be unsympathetic and inappropriate in the landscape here. The East Marsh Application does not propose to adopt the same or a similar treatment as is proposed at North Marsh, and which in my view would be less visually intrusive in the landscape and more sensitive to, and when viewed from, the surroundings.
97. On the west side of the proposed car park, close to the entrance, is an electric feeder pillar. It would be landscaped to help screen it. Paul Charman described it as an alien and urbanising feature. I agree and find it visually intrusive in what is otherwise an open setting, and incompatible with the common.
98. Although already largely complete, works remaining include the installation of bicycle hoops and EVCPs, the latter a condition of the planning permission. I have considered these above in relation to the North Marsh proposals (paragraph 68), and the same comments apply here. I do not consider it would be appropriate for them to form part of any consent that may be granted for this Application.
99. On balance I find that the surface of the proposed car park is inappropriate in the landscape as is the electric feeder pillar and that they would have a significantly detrimental effect on the common in landscape terms.

*The protection of public rights of access*

100. The proposed car park is bounded by an essentially continuous soil/grass bund and knee high wooden sleeper edging designed to prevent unauthorised vehicular access onto the playing fields (there is a vehicular access point onto the playing fields for maintenance/emergency purposes). Both Paul Charman and Tim Evans considered the sleeper edging to be a barrier to public access. In addition and further to a planning condition to undertake additional landscaping mitigation measures to reduce the visual impact of the car park, a hedge with standard trees is to be planted between the proposed car park and playing fields.
101. I appreciate that it is desirable to prevent unwanted vehicles accessing the playing fields. However, I consider the knee high wooden edging, whilst not necessarily physically preventing access will hinder public access to the common generally, including for example for those who are less mobile and for

those with pushchairs. Equally I consider the hedge would also present a barrier to public access. I therefore find that both the wooden edging and hedge will be detrimental to public rights of access on the common. Julian Cheyne referred also to the car park gates which form a barrier to public access.

102. The electric feeder pillar which it is proposed would be densely screened with trees I consider would have a minimal impact on public rights of access. In the absence of information, I am unable to establish whether or not the EVCPs would have any impact on such rights.
103. Overall, I conclude that there would be an adverse impact on public rights of access as a result of the proposal.

#### *Archaeological remains and features of historic interest*

104. I have seen no evidence that any archaeological remains or features of historic interest would be affected by the proposed works. I conclude therefore that the proposed works would have no detrimental impact in this regard.

#### **Other relevant matters**

105. I understand that the bridge crossing the River Lea between South Marsh and East Marsh is unsuitable for vehicular use. Therefore it was argued that the proposed car park would provide access for emergency and maintenance vehicles to East Marsh. Nevertheless, I do not consider that such access is dependent upon there being a car park to facilitate it.
106. As already mentioned, with the exception of the bicycle hoops and EVCPs, the Application is retrospective. However, that the works applied for are by and large already in place neither weighs in favour of, or against, an application.

#### **Other matters**

107. The views expressed by Theo Thomas, Caroline Day and Claire Gourlay (paragraph 77) are also relevant to the proposed car park at East Marsh. As stated above, whilst I understand and note the importance of the concerns raised, I do not regard them as matters for my consideration under the relevant tests.
108. Paul Charman pointed out the inconvenience of the proposed car park for those travelling from the Hackney direction as a left turn in and left turn out system would operate. This is not an issue for my consideration.

#### **Conclusion**

109. Paragraph 4.6 of defra's policy guidance advises that commons should be maintained or improved as a result of the works being proposed. Furthermore, paragraph 4.7 advises that in deciding whether to grant consent to carry out works on common land, the Secretary of State will wish to establish whether the proposed works are consistent with the use of the land as common land.
110. I have concluded that the proposals would have minimum impact on the interests of those taking air and exercise over the land, and that there would be little adverse effect on the interests of the neighbourhood. In addition there would be no known adverse effect on nature conservation. However, I have

concluded that both the landscape and public rights of access would be harmed by the proposal. I therefore conclude on balance that consent should not be granted for this Application.

### **Formal Decisions**

#### **Application Ref: COM603, North Marsh**

111. In exercise of the powers conferred by Article 12 of the 1967 Act, and of all other enabling powers, consent is hereby given to the works described, as amended (see above), with the exception of the provision of EVCPs, for which consent is refused.
112. For the purposes of identification only, the location of the works is shown edged red on the plan attached.

#### **Application Ref: COM604, East Marsh**

113. Consent is refused.

*S Doran*

**Inspector**

## **APPEARANCES**

### **For the Applicants:**

<i>William Upton of Counsel</i>	<i>instructed by Hackney Borough Council</i>
who called Victoria Balboa Ian Holland	Transport Consultant, Whyte Young Green Head of Leisure and Green Spaces, Hackney Council
David Lloyd Jones Kate Matthews Jon Riley Jon Sheaff	Architect, Studio E Planning Consultant, Firstplan Ecology Consultant Landscape Architect

### **Supporters:**

Duncan Holden	Cricket Co-ordinator, Stoke Newington Cricket Club
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### **Objectors:**

Paul Charman	Local resident
Julian Cheyne	Local resident
Celia Coram	Local resident, Save Lea Marshes Group Member
Caroline Day	Local resident, Save Lea Marshes Group Member
Steve Dowding	Local resident and volunteer Hackney Marshes User Group and Tree Musketeers
Kevin Dovey	Local resident, Committee Member Hackney Marshes User Group, Save Lea Marshes Group Member
Tim Evans	Acting Chair, Hackney Marshes User Group
Claire Gourlay	Local resident
Russell Miller	Chair, Sustainable Hackney; Chair, Abney Park User Group; Activities Co-ordinator, Tree Musketeers
Peter Mudge	Local resident
Vicky Sholund	Local resident, Save Lea Marshes Group Member
Fi Stephens	Local resident, Committee Member Hackney

	Marshes User Group, Save Lea Marshes Group Member, Tree Musketeers Volunteer
Theo Thomas	London Waterkeeper
Joseph Ward	Chair, New Lammas Lands Defence Committee
Abigail Woodman	Local resident, Save Lea Marshes Group Member

## DOCUMENTS

1. Greater London Authority Planning Report D&P/2161c/01, Hackney Marshes (North Marsh and East Marsh), Planning Application No. 2014/2582, together with Greater London Authority covering letter dated 22 October 2014, submitted by Hackney Council
2. Hackney Planning Sub-Committee 03/06/15 Case Officer's Report, submitted by Hackney Council
3. Letter (dated 15 June 2015) from Adam Hollis, Landmark Trees concerning the Arboricultural Impact Assessment Report for Hackney Marshes North Pavilion; Post-1940s aerial view of Hackney Marshes; Letter (dated 21 May 2010) from England and Wales Cricket Board to Hackney Council concerning England and Wales Cricket Board Grant Aid Programme: Construction of three cricket squares and seven non-turf pitches at Hackney Marshes; General Arrangement Plan, Hackney Marshes North Pavilion Landscape Project, Drawing No. A1729-TN-L101 Rev. A, dated 3 September 2014, submitted by Hackney Council
4. Powerpoint presentation of David Lloyd Jones, Architect, submitted by Hackney Council
5. Email dated 21 June 2013, concerning North Marsh Changing Rooms SI Report, from Robert Tyler to Mick Beanse, Hackney Council, (referred to as 'Document 3'), submitted by Hackney Council
6. Further submission of Julian Cheyne together with Freedom of Information Requests response from Hackney Council dated 18 May 2015
7. Documents submitted by Tim Evans comprising: Table of contents; Transport for London PTAL output 2011 for Clissold Park; Hackney Council Cycle Training scheme and Cycle Loan scheme; maps showing public transport points in relation to Hackney North Marsh and East Marsh; Lea Valley Hockey and Tennis Centre venue details; Queen Elizabeth Olympic Park venue details; Hackney Marshes Centre venue details; map showing Victoria Park, London
8. Statement of Duncan Holden
9. Additional Information – Distances travelled to Hackney Marshes (based on Travel Survey 28-29 March 2015, submitted by Hackney Council
10. Car parking data summary for Hackney Marshes, submitted by Hackney Council
11. Copy of site notices posted at North and East Marshes, submitted by Hackney Council
12. Supplementary statement of Russell Miller
13. Map showing extent of Lea Valley Site of Metropolitan Importance for Nature Conservation, submitted by Hackney Council



14. Photograph of North Marsh submitted by Vicky Sholund
15. Hackney Marshes East Car Park: Comments by Hackney Marshes Users Group, submitted by Tim Evans
16. Extract from London Borough of Hackney, Hackney Marshes Transport Statement May 2013 (produced by Savell Bird & Axon) concerning proposed car parking, submitted by Tim Evans
17. Statement of Theo Thomas
18. Article from The Guardian Weekend newspaper, dated 20 June 2015, concerning UK deaths attributed to pollution, submitted by Claire Gourlay
19. Statement of Fi Stephens
20. Extract from The London Plan 2011, London's Living Places and Spaces, Policy 7.6, Architecture, submitted by Joseph Ward
21. Photograph of East Marsh showing application site, submitted by Julian Cheyne
22. Extract of Chairman's Comments, January 2014, made by Johnnie Walker, Hackney and Leyton Football League, submitted by Julian Cheyne
23. London Borough of Hackney, Hackney Marshes Centre Travel Plan August 2010 (produced by Savell Bird & Axon), submitted by Hackney Council
24. Comments on supplementary documents together with extracts from East Marsh Car Park Design and Access Statement, submitted by Tim Evans
25. List of photographs and video footage referred to by Vicky Sholund
26. Copies of Chairman's Comments, January 2014 and January 2015, made by Johnnie Walker, Hackney and Leyton Football League, submitted by Hackney Council
27. Greater London Authority Planning Report D&P/2161c/02, Hackney Marshes (North Marsh and East Marsh), Planning Application No. 2014/2582, together with Mayor of London covering letter dated 24 June 2015, submitted by Hackney Council
28. Hackney Marsh (North and East Marsh) Public Inquiry, Overview, version 2; script; Consultation problems, version 2; Design and Access Statement errors and misleading statements, version 2; Geometry of the site, version 2; table of figures, submitted by Peter Mudge
29. Paper titled 'Importance of context and continuity', submitted by Steve Dowding
30. Statement of Kevin Dovey

31. Closing statement for the Objectors

32. Closing submissions on behalf of London Borough of Hackney Council

Late document submitted by agreement:

33. Hackney Planning Decision Notice, Town and Country Planning Act 1990 as amended, Town and Country Planning (Development Management Procedure)(England) Order 2015, Application No: 2014/2582, Hackney Marshes, dated 26 June 2015 together with covering letter, submitted by Hackney Council