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*Campden Hill Residents' Association  
13, Airlie Gardens  
London W8 7AL  
Tel; 020 7229 5684  
www.chra.info*

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**OPEN LETTER TO THE DEPUTY MAYOR, MR IAN CLEMENT**

Friday 18 July 2008

Dear Mr Clement,

**Misleading Evidence to the Planning & Spatial Development Committee**

I am writing with grave concern about the robustness, accuracy and appropriateness of the evidence you gave to the London Assembly's Planning & Spatial Development Committee on Tuesday morning, 15 July 2008.

There are four major concerns:

- (1) Your denial that the Mayor had received the referral from the Royal Borough despite the fact that the papers arrived three days before.
- (2) Your misunderstanding of the legal definition of school playing fields as set out in Section 77 of the School Standards & Framework Act 1998.
- (3) Your quotation of untrue figures about the future open areas for the school because the figures you gave included the private housing site.
- (4) Your personal remarks about "the fact that people do not want state educated children to clutter up their streets." I strongly rebut this as untrue.

**(1) The referral from the Royal Borough of Kensington & Chelsea**

Firstly, you told the committee that the Mayor had yet to receive the referral from the Royal Borough of Kensington & Chelsea. Your words were:

***"Can I just clarify, the Mayor has not made a decision, it has not yet been referred, it will be referred and then the Mayor will make a decision in due course."***

In fact, according to your planning decisions unit, they received the papers on **Friday 11 July** and the clock has been ticking since that date. This was three working days before the Committee met on Tuesday 15 July. Therefore the 14 day period will now expire next week on Thursday 24 July. This presents a

very different picture to the evidence you presented about the Mayor 'making a decision in due course.' Did you deliberately set out to mislead the committee? Will you correct the record?

In fact, we now understand that a presentation is scheduled for your diary on **Wednesday 23 July** at which you will sign off on a Stage 2 report, with the Mayor possibly looking at the matter in the final 24 hours before the 14 day period expires. **Just how has so much changed in the 72 hours since you gave evidence on Tuesday morning?**

**(2) Your misunderstanding of the legal definition of school playing fields**

You told the committee:

***"In terms of Holland Park School let's deal with the facts. We are not talking about playing fields... and I am disappointed with the fact that planning issues, and particularly the issue around playing fields, is used to mask an underlying issue."***

In fact, under Section 77 of the School Standards & Framework Act 1998 (see attached) the definition of Playing Field is:

**"Land in the open air** which is provided for the purposes of physical education or recreation, other than any prescribed description of such land."

Therefore the hard surface play area is inextricably playing field land and this cannot be denied.

Indeed, this 'catch all' definition was set out by the then incoming Labour government precisely to avoid local education authorities running down playing field land prior to disposal. This is an approach which the new Mayor has also shared in his very first Mayor's Question Time on 21st May when he expressed his concern that:

**"a lot of playing fields are being left to go to rack and ruin in the hope that they will be given planning permission to develop on them and I think that we should make sure that these places are used."**

**How have you changed the Mayor's policy position in just eight weeks to face in entirely the opposite policy direction?**

**This is contrary to London Plan policies which Sir Simon Milton acknowledged to the Committee would need to be addressed in the decision made by the Mayor:**

**"Can I just deal with that, you wanted a policy response, an application response. I think that the point of having a strategic document is to be able to determine whether boroughs are in compliance or whether applications are in compliance with that. And very often what happens is that the Mayor will have to make a statement if the scheme is or is not in compliance. **If there is a clear policy on playing fields then the facts will be applied to that policy****

**to see whether it is in compliance or not.** If it is then the Mayor would not intervene.”

What you are considering permitting is the disposal of playing field land as defined by Parliament and as intended to be protected by the 1998 Act. This is the case because the Council has indeed had to apply to the DCFS for approval for the disposal of **SCHOOL PLAYING FIELD LAND.**

**This has to be a policy conflict with both existing London Plan policy and the sentiments expressed in *Planning for a Better London* issued only last Friday, namely:**

*“The Mayor will use his planning powers to prevent inappropriate development of open spaces, Green Belts, domestic gardens and **playing fields.**”* (*Planning for a Better London*, page 28)

If the Mayor did not understand the legal definition of a playing field then there has been a mistake and this commitment should not have been made.

**(3) Your quotation of untrue figures about the future land areas for the school**

In your evidence this week you told the committee:

*“Let’s deal with the fact around Holland Park School and the figures. Hard surface games area, and these are all in square metres, and that is what Mr Tuffrey referred to as playing fields he was in fact referring to hard surface games area, the existing foot print is 6,163 sq m proposed under the new development is 7,532. That is an increase of 1,369. And I’m quite happy to bounce this email round with these figures to members of the committee if the Chair decides that later. **Informal and social 4,853 sq. m and proposed 8,844. An increase of 3,991. Habitat, there is a loss of habitat. 10,446 to 7,016 which is a decrease of 3,430.**”*

**You may not be aware but the figures you read out from the email in your possession included the informal and social and habitat areas which will be part of the new private housing scheme.** These are by definition not part of the school site and cannot be counted as part of the future school site.

**You have therefore inadvertently attributed almost 4,000 sq m of land (about an acre) to the school which will no longer be part of the school - almost 2,000 sq m of informal and social space and almost 2,000 sq m of habitat.** This is not *de minimis*, it is one acre of open space not available for the school children – as detailed in the attached schedule.

This is either an appalling example of ‘spin’ or an honest mistake. Perhaps you could inform the committee of the true position for the future areas available for the thousand school children who will use the school site on a daily basis.

**(4) Your personal remarks about “the fact that people do not want state educated children to clutter up their streets.” I strongly rebut this as untrue.**

Finally, in passing, I would like to address your slur on the good character of the local residents in this area. You said:

***“I am disappointed with the fact that planning issues, and particularly the issue around playing fields, is used to **mask an underlying issue around the fact that people do not want state educated children to clutter up their streets and I am being candid and out there on that because I feel very strongly about that.**”***

**Mr Mike Tuffrey responded, “And I’m sure if the residents were here, they would rebut that.”**

Indeed, I would like to suggest that the use of the words “**the fact that people do not want state educated children to clutter up their streets**” is a **deeply inappropriate remark for a public official to make and is also untrue.**

Incidentally, in relation to this remark, you may not know that the new school is planning to cater for just **30** additional children above current numbers. In fact, selling off the southern site precisely precludes meaningful expansion at this location to address the substantial shortfall of state school places in this Borough.

I would respectfully ask you to withdraw your personal attack while we consider our position in respect of the remark and your overall objectivity in relation to this application and your Stage 2 decision making still to come on Wednesday 23 July.

Yours sincerely,



David White  
**Chairman**  
**CHRA**

cc: [Nicky.Gavron@london.gov.uk](mailto:Nicky.Gavron@london.gov.uk)  
[Jenny.Jones@london.gov.uk](mailto:Jenny.Jones@london.gov.uk)  
[darren.johnson@london.gov.uk](mailto:darren.johnson@london.gov.uk)  
[Tony.Arbour@london.gov.uk](mailto:Tony.Arbour@london.gov.uk)  
[Gareth.Bacon@london.gov.uk](mailto:Gareth.Bacon@london.gov.uk)  
[Andrew.Boff@london.gov.uk](mailto:Andrew.Boff@london.gov.uk)  
[Steve.o'connell@london.gov.uk](mailto:Steve.o'connell@london.gov.uk)  
[Navin.Shah@london.gov.uk](mailto:Navin.Shah@london.gov.uk)  
[Mike.Tuffrey@london.gov.uk](mailto:Mike.Tuffrey@london.gov.uk)  
[Simon.Milton@London.gov.uk](mailto:Simon.Milton@London.gov.uk)  
[Boris.Johnson@london.gov.uk](mailto:Boris.Johnson@london.gov.uk)