

Overview and Scrutiny Committee – 27th July 2023

Officer Response: Key Decision number KD5607: Decision to lease land at Whitewebbs Park

Reasons for the “Call in” are detailed below:

1. Reason for call-in
The Council should not go ahead with the proposed lease to Tottenham Hotspur, which has no local support and doesn't provide full public access to the park.
Officer response
<p>This decision follows a number of previous decisions: in March 2019 (KD 4849) to market the golf course to prospective new tenants; in March 2021 to permanently close the golf course, which was loss-making (KD5177); and in September 2021 (KD5177) in principle approval to enter into an agreement for lease with Tottenham Hotspur (“TH”).</p> <p>The September 2021 decision followed stakeholder and resident engagement that informed setting the Council’s objectives for the park. The Council’s objectives were: enhancement of public access, community engagement, maintenance of woodland and open areas, range of activities (outdoor leisure or sport led) and provision of refreshments and welfare facilities. These objectives formed part of the scoring matrix used in a competitive bidding process, under which TH’s bid was assessed as scoring highest. Therefore, TH’s proposal represents the best available opportunity for delivering these objectives for the benefit of local residents.</p> <p>The current decision is whether to proceed with the above decision in principle made in September 2021, following compliance with the statutory procedure for inviting and considering public objections to the proposal. As per paragraph 30 of the Report (KD5607) it was confirmed that the objections were duly considered and, in the view of officers, none gave rise to sufficient reason for the Council not to proceed with the proposal, which offers significant benefits as set out in the report for KD5177 and the current Report (KD5607).</p> <p>When the golf course was operating, there was not “full public access to the park”. Under TH’s proposal, Whitewebbs Wood will be preserved and remain publicly accessible and managed by the Council. TH will fund new enhancements including signage and repairing trails and parts of the perimeter bridleway around the edge of the site. Around half of the former golf club will be rewilded and transformed into new parkland and wildflower meadows. In addition, improvements will be made to the Southern Clubhouse and car park to incorporate a public café and WCs and public car parking.</p> <p>The area of the park which TH will control and to which public access will be limited is approximately 18% of the park. This area will be dedicated to growing the Women’s and Girl’s game with a new state of the art Football Academy and the new Turf Academy,</p>

and access will be managed by the Club. The remaining 82% of Whitewebbs Park will remain fully open to the public.

2. Reason for call-in

The park is enjoyed by people from across the Borough. The Council holds the Park in trust and as part of this trust is expected to maintain open access to the parkland.

Officer response

The park will continue to be enjoyed by people from across the Borough and TH's proposal offers significant enhancements of the park, for the benefit of the public: see the response to reason 1, above. Further, TH's proposal will provide a sustainable economic basis for the park, into the future.

Section 123(2B) of the Local Government Act 1972 provides a procedure whereby that part of the park to be leased to TH is released from the statutory open space trust and the Council has followed that procedure.

3. Reason for call-in

Whitewebbs Park is one of the most important public spaces in the borough. It represents a crucial hub for biodiversity, with 78 species of birds, ancient woodland and a wide variety of flora and fauna. The proposals detailed in the report by Tottenham Hotspur will destroy the land and its biodiversity forever.

Officer response

There is no evidence whatsoever that TH's proposal will destroy the land or its biodiversity. See the response to reason 1, above. That part of the park which it is proposed TH will control and to which public access will be limited was formerly used as a golf club and this will be limited to approximately 18% of the park.

The Council are developing a Management Plan, which will seek to maximise ecological outcomes and benefits, both for park users and wildlife.

Further, the merits of any proposed scheme and its effect on the natural environment together with any proposed mitigation will be a material consideration to be assessed as part of the statutory planning application process having regard to the requirements of adopted and emerging planning policy and any statutory requirements. This will be for the Council in its role as Local Planning Authority to consider as part of the planning process on which there will be public consultation, which was explained in the recent letter that went out to residents.

4. Reason for call-in

The proposal for reinstatement of parkland on the southern part of the golf course is unnecessary as the parkland has re-established itself unaided. The rewilding is already under way due to natural processes.

Officer response

TH's proposal will deliver a range of public benefits, as set out in the response to reason 1, above.

One of these benefits is rewilding around half of the former golf club and transforming it into new parkland and wildflower meadows. The process of rewilding involves land management techniques to maximise ecological outcomes and benefits. This will not be secured by simply leaving the parkland alone.

As stated above, the Council are developing a Management Plan, which will seek to maximise ecological outcomes and benefits, both for park users and wildlife.

5. Reason for call-in

Whitewebbs Park should be allowed natural regeneration alongside tree planting and the creation of wildflower-rich glades.

Officer response

See the response to reason 4, above.

6. Reason for call-in

There has been a lack of information, transparency and consultation regarding the plans and inconsistencies throughout.

Officer response

TH's proposals for the leased areas were publicised at the time of the winning bid, as an appendix to both KD5177 and more recently in Decision Report KD5607 as Appendix D. Information about the proposals has consistently been available on the Council's website.

A notice under Section 123(2A) of the Local Government Act 1972 was published in the Enfield Independent on 14 December 2022 and again on 21 December 2022. The notice provided a link to the Council's website, where details of the proposal were set out, and invited objections, which have been duly considered.

Public and stakeholder engagement will also form part of the planning application process.

7. Reason for call-in

There has been a 90% error in calculations as to the loss that the golf club was making. The previous report KD5177, March 2021 (to permanently close the golf

course following closure during Covid19 pandemic) included the revenue financial costs of Whitewebbs Park Golf Course for the six years (2014-15 to 2019-20) on a full cost accounting approach, totalling £1.2m loss. When calculated on the basis of cashable savings as a result of closing the golf course (i.e. excluding overheads and capital charges), the figure is £115,000 loss over the same period.

Officer response

The report in March 2021 reflected the full cost approach, not just the cash able savings, excluding overheads and capitals charges. This has been set out in the current Report.

The figures have no effect on the current decision. The calculations show the golf course operating at a loss. The golf course closed permanently in 2021. This decision concerns the future of the park given the current circumstances.

8. Reason for call-in

There remains lack of detail and clarity to the proposal that THL will carry out improvements to the park's infrastructure (including to bridleways and footpaths).

Officer response

TH's proposals are available on the Council's website and include information about the improvements to the park infrastructure. See further the response to reason 1, above.

These proposed works will be finalised after planning and informed by the associated public consultation and implemented ahead of the lease being entered into.

9. Reason for call-in

The Council informed the public of the intention to enter an Agreement for Lease with THL by posting a notice on a toilet wall on 14th December. The Notice was published as residents were preparing for Christmas and going on holiday. Lease terms were not made public even in draft form.

Officer response

Formal notice of the proposal to enter into an Agreement for Lease was advertised in accordance with Section 123(2A) of the Local Government Act 1972, and published in a local newspaper, the Enfield Independent, for two consecutive weeks beginning 14th December 2022.

In addition, the Notice in A3 print was displayed at the Civic Centre, Silver Street and the four hub libraries (Library Green, Ordnance Road, Edmonton Green and Broomfield Lane).

A further copy was displayed on the LBE-owned WCs at the southern end of

Whitewebbs Park adjacent to the public carpark.

A full calendar month was allowed for submitting objections, namely 11.59pm on Sunday 15th January 2023 (allowing a longer period because of the holiday period).

During the negotiation stage, which is continuing, the lease terms remain commercially sensitive and confidential and/or subject to legal and professional privilege.

10. Reason for call-in

The proposed lease would benefit only a select group of elite players and not an increasing opportunity for Enfield women and girls to play sport.

Officer response

TH's proposal will deliver a range of public benefits, as set out in the response to reason 1, above.

In relation to the specific issue of increasing opportunity for participation in sport, Tottenham propose to develop a women's football academy to sustain the growth in women's football, with a regionally significant facility that is dedicated to the development of women's and girls' football from grassroots level – the two components feeding off one another.

The proposed Women's Football Academy would create a positive impact on women, by developing female football talent from U10 level, through U16 and U18 levels up to development squad (reserve team) level.

In addition to the development of academy talent, the facility would also enable the development of female grassroots football .

11. Reason for call-in

The entire process for the marketing and accessing of bids cannot be trusted. The report asserts that this represents the best consideration that was obtainable on the terms of the tender. There should have been an open process with independent observers.

Officer response

The independent property consultancy, Knight Frank, ran the process on behalf of the Council. The previous report KD5177 confirmed that following an extensive two stage marketing process, that TH's submission achieved the highest evaluation score.

The bidding process was operated in accordance with commercial procurement legislation and was designed to encourage competitive bids.

12. Reason for call-in

A Deed of Easement should be formalised between Edmonton Running Club and Enfield Council as soon as possible in order to safeguard their current rights into perpetuity.

Officer response

Legal advice has been obtained that confirms the club has not acquired the rights that it claims. The use that club members have enjoyed in the past was as members of the public exercising their rights to use the park for public recreation. Further, this use will continue in the future in respect of the vast majority of the park.

Proposal: Councillor Dyson has asked that the decision is referred back to the decision maker.