





The Royal Borough of Kensington and Chelsea, Planning and Conservation, Kensington Town Hall, Hornton Street, LONDON, W8 7NX

For the attention of Derek Taylor

January 4, 2000

Dear Derek

DOE CIRCULAR 18/84: CONSERVATION AREA CONSENT

NOTICE OF DEVELOPMENT BY THE ROYAL PARKS AGENCY – KENSINGTON GARDENS – THE PLAYGROUND AS A MEMORIAL TO DIANA, PRINCESS OF WALES

I hope that you had a pleasant Christmas and New Year break. We spoke by telephone on Christmas Eve about the above project. I apologise for the fact that I was in the Early Learning Centre at the time! During our conversation you informed me that this proposal was not presently scheduled to appear before the January Committee meeting and that the next one would be sometime in February. I explained that in the light of the extensive and successful consultations carried out to date that I was hoping to have a response within the statutory period and that we had been promised a response by the 18th January 2000 in your acknowledgement. You said that there was a committee meeting scheduled for the 19th January and because of our need for a speedy decision, you would try to get this application tabled for that meeting.

I agreed to have sent to you a pack of information containing correspondence and internal memos relating to our consultations. This was sent to you on Christmas Eve afternoon. I would now like to explain something about how we approached the consultation process.

As you know we were asked by the Memorial Committee to consult fully with planners and residents groups in taking these projects forward. This was achieved by first developing our own proposals internally with the assistance of consultants and then consulting with the various groups, bodies and individuals interested in the projects. These included:

- The Royal Borough of Kensington and Chelsea, Planning and Conservation Department
- Westminster City Council Environment & Planning Committee
- · The Diana, Princess of Wales Memorial Committee
- Children's Play Policy Forum
- National Playing Fields Association
- The Landscape Institute
- English Heritage
- Garden History Society





- Royal Parks Wildlife Group
- The Department for Culture, Media and Sport
- The Historic Royal Palaces
- Buckingham Palace
- The Friends of Hyde Park and Kensington Gardens
- · The Thorney Island Society
- The Princess Diana Memorial Action Group
- The Knightsbridge Association
- The Kensington Court Residents Association
- The Kensington Society
- Palace Gate Residents Association
- The Westminster Society
- The Bayswater Residents Association
- The South East Bayswater Residents Association
- The Hyde Park Estate Association
- London Historic Parks and Gardens Trust
- The two local Members of Parliament

The first round of consultations was carried out individually (although certain groups did band together) in a two week period in June 1999. The Consultation with all groups, including yourselves, used a plan of the proposed route together with a briefing paper describing the scope of the works, as a starting point. All of the consultees were, to a greater or lesser extent, supportive of the two projects, with the exception of the Thorney Island Society, who objected to the Diana, Princess of Wales Memorial Walk and more especially to the walkers coming into Green Park or St. James's Park.

All of the other consultees were largely constructive in any criticism they had, but the most serious concerns were as follows:

The proposals for the South Flower Walk in Kensington Gardens – many groups expressed concern about the effect of the proposed redevelopment upon wildlife.

Many were concerned about the possible visual impact of the playground upon Kensington Gardens, both visually and in terms of traffic.

Many groups expressed concern about the risk of the proposals concentrating visitors at certain points of the route to the extent that these would become shrines. In particular they were sensitive to the areas around Kensington Palace and especially the Dial Walk area.

Many groups raised concerns about the adequacy of visitor facilities along the route (Drinking fountains, toilets, and cafes)

Buckingham Palace raised concerns about the bulb planting proposed for the Broadwalk in Green Park.

The overall feeling was that we had achieved a support level of about 90% for the Walkway and 95% for the playground proposals.



The proposals were further developed and a second major consultation exercise was carried out on the 10th September 1999 in the Old Police House, Hyde Park. All of the previous consultees were again invited to attend. This took the form of a presentation by Land Use Consultants (the appointed playground designers) and myself, followed by a question and answer session. The presentation was very well attended. We explained how we had developed our proposals and how we had addressed their previous concerns. The attendees appeared to be very excited about the Playground proposals and showed a very high level of support for the Walk. The discussions were mainly of a constructive nature. After the meeting was over there were many private conversations with attendees and they all expressed their satisfaction with the projects proposed. The consultees were invited to give their feedback in written format. The second consultation was viewed as being extremely successful with no adverse comment being received.

It might assist you in your deliberations if we provide you with evidence of the consultation that has already been carried out. Therefore copies of the "Contact reports" for several of the meetings are enclosed, as are feedback letters from the consultees, where they were provided. Also attached is a memo dated the 27th September 1999 summarising the whole consultation process, which was prepared for the Memorial Committee.

You should note that the Memorial Committee require the projects to be completed onsite by Mid-March 2000, and the Playground project will require to be on-site in early January 2000. Contractors for the Ship, Water Feature and Toilet/Attendants building have already been appointed and in the case of the first two have started work off-site. The contractor for the toilet/attendants building will be commencing setting out this week in anticipation of a substantial start on site next week. You can see that a decision on the matter and receipt of any comments you might have is urgent.

We have attempted to consult fully on this project and have received a high level of support for the project. Indeed even in the Pre-Christmas press articles it appears that there is a large element of support for the project and for the proposed design. I should point out that we believe that the media attention started as a result of comments by Ethne Rudd in the local press. One of her concerns was that the playground was bigger that the existing one by some 30 to 40%. In fact the figure is larger than that but please note that since we consulted with her on the 9th June 1999 the size of the proposed playground has in fact reduced. At that time (See contact note of the 9th June 1999) she accepted that the extension in size would be acceptable if it incorporated further green space within the playground. The current playground is entirely of black tarmac. The proposed playground has no tarmac, except for paths and even they will be of the more natural "chipped" variety. The bulk of the layout, and even the roof of the proposed toilet, is of grass, shrubberies, sand or bark mulch.

We understand that you have received an objection from the Kensington Court Residents association and that they may be concerned about the look of the playground. Again you will see from the contact report of the 9th June that the first point was discussed and that they did not want the playground to be too urban, too highly coloured, too intrusive and that they wish it to be integrated with the park. We shared these concerns and our proposals are very much of a landscape nature, which seeks to integrate the play needs of children with the needs of the historic landscape. There will be no highly coloured equipment as we are proposing that natural materials are used wherever possible, and we have been careful to ensure that the bulk of the ship is screened by earth mounding and additional tree planting.



I believe from your conversation with Adrian Wikeley of Land Use Consultants that you may perhaps be concerned about our ability to control the numbers who might be attracted to it. As to our ability to supervise the playground, I have to point out that the Agency is already unusual in that we provide attendants for our busier playgrounds, of which this is one. I have seen a comment from Brian Sewell in the Evening Standard where he questions the safety of the playground because of the numbers that might be attracted to it. He states that ideally you should be able to leave your child there, but who is going to pay for the supervision? I think that it is important to realise that this is not intended to be a crèche. We do not have any credible idea about likely visitor numbers, but we are aware that it may be an issue. We are taking several steps to ensure that we will be able to control the numbers if required to do so:

- 1. As mentioned, the playground will have a full time attendant
- 2. There is only one combined entrance/exit to the playground and the attendants' office is positioned so that he/she is able to monitor access.
- 3. The attendant is able to call upon the services of the Royal Parks Constabulary and the Park Management staff.
- 4. The Agency is developing a play policy for this site, with the assistance of the NPFA, which will seek to ensure that parents have a responsibility for the safety of their children. With that in mind we have been careful to ensure that every area of the playground has seating of some form nearby. The play policy will also explain that the playground, whilst conforming to all safety legislation, is not without some risk. A risk-free play environment also tends to be a sterile play environment and current opinion is that there is a place for controlled risk in play. We shall also be addressing the potential for overcrowding during development of the play policy.
- 5. We are also reviewing the operation of our toilet maintenance contracts, which include playground supervision, so that we can provide better playground attendant services.

Other concerns have been expressed in the media that some of the play equipment will not be accessible to disabled youngsters. This is an area that has concerned us greatly throughout the project. This is not a "Disabled Playground". It is a playground that enables able and less able children to play together. We have consulted widely with authorities from the play and disability communities and it is commonly understood that it is more important to provide "play value" that may not allow access to some children, than to provide lesser play value to all children. Therefore it is true that wheelchair bound children may not be able to access all areas of the ship for instance, but we have attempted to ensure that their play needs and those of other disabilities (learning difficulties, deafness, blindness, etc.) are provided elsewhere in greater measure than if a fully accessible playground were provided. This approach has received the support of experts in the field and will again be explained in our play policy.

I have also enclosed for your information a copy of an extract from the Winter edition of the Garden History Society's' "Society Update" where their president – Mavis Batey describes her reaction to the Diana, Princess of Wales Memorial Projects and the playground in particular. It is entirely supportive.



I hope that this letter and the supporting enclosures are helpful to you but if you require any further assistance then please call me.

Yours sincerely,

Greg McErlean Project Manager Diana Memoral Playgrand Draent This Circular 18/84 application must go to the 19/1 Committee, as the Royal Parks are going to start work on the playgrand that week! 8 trees are to be removed apparently a stray of the trees was indertuhen bit we don't have it! Deveh 4/1/2000

FILE NUMBER: PP/99/2384
Lensington Gardens, Royal Park
REVISED DRAWINGS RECEIVED
1. Please re-notify all objectors. Add to letter:
"Revised drawings received. Any further comments must be received by" *
2. Please re-advertise *
* delete or add as appropriate
Can we consult O Police
@ Kensington Palace
again? The original consultations do not appear to have reached them!
appear to have reached them!
6/1/99

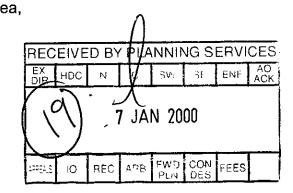


The Royal Borough of Kensington and Chelsea, Planning and Conservation, Kensington Town Hall, Hornton Street, LONDON, W8 7NX

For the attention of Derek Taylor

January 6, 2000

Dear Derek



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NOTICE OF DEVELOPMENT BY THE ROYAL PARKS AGENCY – KENSINGTON GARDENS – THE PLAYGROUND AS A MEMORIAL TO DIANA, PRINCESS OF WALES

Further to my letter of the 4th January 2000, and our telephone conversation of that date, I can confirm that the maximum capacity of the existing playground on a busy, sunny summer weekend is approximately 350 people. It is anticipated that the equivalent capacity of the new proposed playground is approximately 500 people. As I am sure that you are aware the calculation of future demand and indeed of past usage is very approximate. We expect that demand for the new playground will be greater than this in the initial flurry of interest but we do expect it to moderate after a couple of months, and certainly after the first summer. As mentioned in my letter we will be examining methods of managing this situation over the next couple of months.

I have spoken to Adrian Wikeley of Land Use Consultants this afternoon and reminded him that you still desire to receive an illustration of the ship.

I have also gone through my files again and realise that I had not copied to you a letter from the Kensington Court Residents Association dated the 18th October 1999, in which they object to certain aspects of the project. This was copied to you at the time but I enclose it again in the interests of openness. They raise a number of points of concern which are commented upon below:





- 1. Increase in size At our first consultation with them on the 9th June they were shown the area made available for the new playground and how it related to the existing, and although they had concerns which were noted on the contact report, they appeared happy at the time, provided that the extra space was green space. The architects chose to use much less than that on offer. As I have mentioned earlier, the emphasis is now one of green landscape not gray tarmac so we feel that we have been sensitive to the concerns of our consultees. Indeed since their letter of the 18th October 1999, and partly as a result of their letter, we have reduced the area of the playground still further. A copy of the drawing that was used for the second set of consultations is attached and the area of the playground that was omitted from the scheme on the 28th October 1999. As you can see it has been substantially reduced in size. Again we think that we have been sensitive to the concerns of our consultees.
- 2. That the proposed playground is Disney-esque. I think that I have dealt with this adequately before, but it is not our intention to present a tacky, glossy, high colour playground as a memorial to Diana, Princess of Wales. We are proposing a playground that draws upon themes appropriate to the park, and uses natural materials (oak for the play equipment and ship, sand, grass, play bark) of quality. The playground will be screened by additional earth mounding and tree planting.
- 3. Teenagers, security and vandalism We do not believe that the playground will be of lasting interest to teenagers and in any event there is an age limit of 12 as existing, and they will not be permitted entry, except to accompany younger brothers or sisters. We accept that it might become a target for vandals like any new thing, or indeed any recently refurbished thing, but that is to be expected and we at least have the ability to use the Royal Parks Constabulary to monitor the site carefully, particularly during the early months. As a precaution, we are also laying ducting as part of the scheme that allows for the easy installation of CCTV cameras at a later stage should that be considered necessary.

I hope that this assist you in the writing of your report but if you have any further queries then please call me.

Yours sincerely,

Grey McErler.

Greg McErlean Project Manager



WITH COMPLIMENTS

Note for MR. TAYLOR.

WE SPOKE ABOUT PRINCESS

RONS. AS WE ARE CONCERNED THAT WE MAY, SEE MESERNED. THE SMALL STONES ADJOINING THE SITE

MARKING. OLD. PARISH. BOUNDARY. St Mary Abbots Vicarage

Tel: 071-937 6032 (Office) AS DESCRIBED IN THIS EXTRACT 071-937 9490

FROM. FRIENDS. NEWSLETTER-

Parish Office

-THANK, YOU! St Mary Abbots Church Hall

Tel: 071-937 2419

FRONT OF "THE, HILL" GIVES AN IDEA OF LOCATION,

-7 JAN 2000

an lang Can- G

A.M. CARR-GOMM 9 HOLLAND PARK ROAD KENSINGTON LONDON W14 8NA TEL: 020-7602 5179

VICARAGE GATE KENSINGTON **LONDON W8 4HN** FRIENDS. OF KENSMIGTON GARDENS. HEWSLETTEN. DEC

who might be interested in finding out more about this very worthwhile and enjoyable activity would be welcome at the Lodge at any day between 2 and 4 p.m. when the duty 'volunteer' would be pleased to explain things. Alternatively, please get in touch with John Empson on 0171-937 6028.

Albert Memorial - Friends Proposal to Help the Visitors

When the 'Albert Memorial' was under wraps, there was a most informative and well patronised exhibition on the site. But, now he has - quite magnificently - reappeared, there is nothing at hand to help the visitor to understand the history and - one has to say - the immense detail and the complexities of this wonderful statue.

The Royal Parks have, it is true, arranged a guiding service but it is only on an occasional basis. The 'Friends' have thus taken the initiative and proposed that an explanatory plaque should be erected nearby. It has, of course, to be carefully thought out and in keeping with the location - there is a lot to say and much to explain.

We have said we would willingly help with ideas but also, if need be, contribute to the costs. A fine job having been done, a modest sum spent on this - the finishing touch as it were - would seem very worthwhile.

₼

Members' Letters

From Mr Peter D Harrison

Kensington Gardens and the Old Parish Boundary Stones

(Original article contributed by Peter Harrison, Bloomsbury Place, 27 Old Gloucester Street, London WC1N 3XX. Mr Harrison is a Research Agent from New Zealand.

Kensington Gardens lie within the boundaries of two ancient London parishes, those of the Parish of Paddington and the Parish of St Marylebone Westminster. The boundary dividing the two has been marked for centuries by stones which run in a straight line from Queen Anne's Orangery to the Serpentine (ending just behind the Peter Pan statue), before turning at right angles towards the Marlborough Gate.

Twenty such stones appear on Ordinance Survey maps, but only seventeen can now be seen, with the other three either missing or buried. Some have visible inscriptions, and where dates can be read they are usually either 1841 or 1900. Most of

the stones are very much older than this, however, and probably date from the 17th century.

All of the stones are therefore historic. The two standing together nearest the Broad Walk, however, have a separate and distinct history of their own, as it is these that J M Barrie described to the Llewellyn Davies boys as the tombstones of Walter Stephen Matthew (W St. M.) and Phoebe Phelps (P.P.), two of the "lost children" of Kensington Gardens. This story eventually became woven into a chapter in his book "The Little White Bird", then appeared as the book "Peter Pan in Kensington Gardens". Finally, Barrie re-worked it into the more familiar story of "Peter Pan and Wendy".

To follow the stones, walk in a straight line from the first one outside the Orangery. The three before the Broad Walk are single stones, after which they appear in sets of two or three. The final set in this line are buried behind the Peter Pan statue, after which two can be seen flush with the ground at the end of the Italian Gardens, and the final stone stands in a hollow to the left of the Marlborough Gate.

- 1. No inscription visible
- 2."P.P." visible
- 3. Replacement stone for one in the middle of the Broad Walk. "In the middle of the walk is the boundary of Paddington" "No.14 MBP 1900" (two inscriptions)
- {4."W St. M"
- (5."13A P.P. 1841" (old inscription
 "No.13 MBP 1900 (new inscription
 (Stones 4&5 are those described to the
 Llewellyn Davies boys as tomb stones by J M
 Barrie. This was the genesis of the story of
 "Peter Pan' in Kensington Gardens")
- (6. No inscription visible
- {7. "P.P. visible
- {8. "St.M.W."
- (9. "P.P." (old inscription)
 "No.11 MBP 1900" (new inscription)
- {10. "St.M.W."
- (11. No inscription visible
- {12. No inscription visible
- (13. Top only visible
- {14. Top only visible

(These "corner stones" are ten metres behind the Peter Pan statue, between three stakes)

- {15. "9A P.P. 1866"
- {16. "No.8 MBP 1900"

(These two stones are flush with the ground in the Italian Gardens)

- 17. Missing
- 18. Missing, possibly buried
- 19. Top only visible
- 20. Missing, possibly buried.





LONDON REGION

Director of Planning & Transportation

Royal Borough of Kensington & Chelsea

The Town Hall

Hornton Street

LONDON

W8 7NX

Your refs:

PP/99/02384

Our ref:

LRS/

Contact:

David Stabb

Direct Dial: 0171-973-3775

For the attention of Derek Taylor

6 January 2000

Dear Sir

KENSINGTON GARDENS ROYAL PARK

Development proposal: DIANA MEMORIAL PLAYGROUND

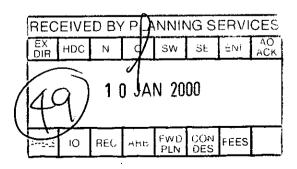
I refer to your letter notifying English Heritage of the application for planning permission detailed above. We have considered the development proposals and have the following observations to make on the scheme:

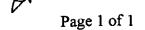
- The applicant should clarify whether the boundary railings are to be 1.2m high i. (key)or 1.8m high (drawing).
- ii. Details should be provided of the design and construction of the boundary rails and gates.
- Proposals should address the issue of the Elfin Oak and the damage which has iii. been occurring to it. English Heritage has been asked in the recent past to consider a glass case for the Elfin Oak. The Diana Garden should guarantee in some way that additional supervision/responsibility will be afforded the Elfin Oak without recourse to any further defensive measures.

Yours faithfully

David Stab

London Region









Row over Diana garden trees

by Peter Gruner

Plans for the Princess Diana memorial children's garden erupted into a new row today after Kensington and Chelsea accused the Royal Parks of "rushing ahead" with the £1.25 million scheme with the axing of mature trees, without council approval.

In what appears to be a major gaffe, work has already started in Kensington Gardens on the two-acre site a fortnight before the council was due to decide whether or not to approve it. Mature trees were being removed today with a mechanical digger in preparation for the bulldozers which were scheduled to arrive on 17 January. "It is, to say the least, extremely discourteous of the Royal Parks," said David Campion chairman of the council's Planning Services. "We take a very dim view of people who don't even bother to wait for our views and jump the gun. The scheme may not need planning permission, but if there are objections, then we can even at this late stage refer the entire matter to the Deputy Prime Minister John Prescott."

It is understood that the council committee would have rubberstamped the plans anyway, but noses have been severely put out of joint by the apparent haste of the Royal Parks. A spokesman for the organisation said: "We do not agree that we are being discourteous.

"We have had full consultation with the council. All we've done at the moment is some preparatory work in anticipation of a successful outcome of the planning committee."

Email this article to a friend

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of go back to



The relates to

City of Westminster

Carl Powell: Director of Planning and Transportation

Please reply to: Melissa Williams

Direct Tel. No: 0171 641 2977 Direct Fax No: 0171 641 2339 Client Director and Head of Service:

Gordon Chard

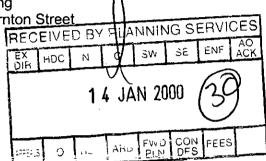
The Royal Borough Of Kensington & Chelsea

c/o Kensington And Chelsea (RB)

Director Of Planning

The Town Hall Hornton Street

London W8 7NX



Development Planning Services

Westminster City Hall 64 Victoria Street London SW1E 6QP

Your ref:

DPS/DCC/PP/99/02384

My ref:

PT/00/00090/OBS

TP/6172

Date:

12 January 2000

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

PREMISES: The Broad Walk, Kensington Gardens London SW7 0XX

Thank you for your application received by this office on 4 January 2000 I can confirm that it was accompanied by a fee of £ and was made valid on 4 January 2000.

Although every effort will be made to reach a decision as quickly as possible, it may take longer than the statutory 8 week period to deal with your application. If this is the case I will let you know in due course and agree an extension of time with you.

If you wish to check the progress of your application please contact the officer named at the top of this letter on the telephone number given above. It would help us if you would quote the reference numbers shown at the top of this letter if you write to or telephone us. Please note that voicemail is now in operation in the Division to facilitate easier access to planning officers. However if you are still unable to contact an officer and have an urgent message or query you can telephone one of the following numbers which are open all the time:

For addresses in W2, W9, W10, W11, NW1, NW8, NW6 - 0171-641 2017 For addresses in W1 - 0171-641 2514 For addresses in SW1, SW7, WC2, EC4 - 0171-641 2681

If you have not received a decision from the Council by 28 February 2000 you may appeal to the Secretary of State for the Environment in accordance with the above Act(s). If you choose to do this your appeal must be lodged with the Secretary of State within 6 months of the aforementioned date. The appeal must be made on a form which is obtained from: The Planning Inspectorate, Department of the Environment Transport and the Regions, Tollgate House, Houlton Street, Bristol BS2 9DJ (Tel: 01179 878000). This form should be returned to the Planning Inspectorate and a copy should also be sent to Westminster City Council at the address at the top of this letter. If you decide to appeal, the Secretary of State takes over responsibility for determining your application.

Yours faithfully

Carl Powell
DIRECTOR OF PLANNING AND TRANSPORTATION

RBKC ARBORICULTURAL OBSERVATIONS Address Application No. DC Officer Date of Obs. Kensington Gardens, Royal 99/2384 DT 14/01/00 Park Development Obi. No Obj. 👆 💮 🗀 Redeveloped play area No objection Status of Tree(s): C.A. No.(if any)— T.P.O. No. & Details (if any)—— Tree Work Applications 7.

These observations concern a meeting with the Royal Parks and Derek Taylor and myself held at Kensington Town Hall on Thursday 13th January 2000.

With regard to the felling of the Lime, Plane and Horse Chestnut trees, survey data dating from 1996 was presented showing that defects within the trunks of the trees had been identified. The trees management since this date has consequently taken these defects into account with crown reduction works being undertaken to reduce the risk of failure of branches and subsequent injury to users of the playground below.

Pictures were supplied showing the condition of the trees immediately after they had been felled. Each tree had evidence of decay within their trunks and ultimately, given their condition and the disruption the development work for the play ground would have caused the trees, their retention in the long term was unsustainable.

However, I do not accept that the trees were in imminent danger of collapse and that the trees required immediate removal. If this had been the case one questions why the trees were left until now to be removed and, in the case of the Lime and Plane tree, action taken to make them safe by appropriate pruning. Given the condition of the trees it is unlikely that any objection would have been made to their removal but it should be noted that we regret not having the opportunity to inspect them and comment before felling had commenced.

With regard to protection measures for the remaining trees on site, construction methods are to take into account the presence of trees and their roots. A method statement detailing these measures is to be provided by the architect for our information. I understand that to ensure tree issues are being addressed on site during construction that Mr Nick Butler of the Royal Parks would be supervising the site on a daily basis.

Signed:

Date: $\frac{14}{100}$

Arboricultural Officer.

Copy - Lesley for Info

RBKC ARBORICULTURAL OBSERVATIONS

Address		Application No.		DC Officer		Date of Obs	
Kensington Gardens, Royal Park		99/2384	DT		1	4/01/00	
Development					Obj.	No Obj.	
Redeveloped play area						No objection	
Status of Tree(s):							
C.A. No.(if any)	T.P.O.	. No. & Details (if any)			Tree Work Applications		
7.							

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Signed:

Date: $14/1/\infty$

Steven Parish

Arboricultural Officer.

P.S Photos on the file!

Your reference:

DPS/DCc/PP/99/02384

Our reference:

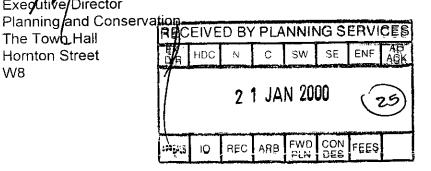
SS/93/BH/99

Date: 14/01/00

Executive/Director

Hornton Street

8W



METROPOLITAN POLICE SERVICE

Notting Hill

Ladbroke Road

Telephone: 0181 246 0163

Facsimile:

Dear Sir,

Thank you for the copy of plans for the proposed development at Kensington Gardens Royal Park (Princess Diana memorial). I have no comments for consideration by the committee. I would expect that Royal Parks police have also been consulted?

Yours sincerely,



MANAGEMENT

43 Chalton Street London NW1 1JD Tel: 020-7383 5784 Fax: 020-7383 4798

EMail: luc@london.landuse.co.uk



Our ref.: 1762/01 17th January 2000

Mr. Chris Colwell,
The Royal Borough of Kensington & Chelsea
Kensington Town Hall
Senior Tree Officer,
Room 317,
Hornton Street
LONDON W8 7NX

R.B.K.& C. TOWN PLANNING 19 JAN 2000 RECEIVED

Dear Mr. Colwell.

PLAYGROUND DEDICATED TO DIANA, PRINCESS OF WALES

Following your meeting with Greg McErlean of the Royal Parks Agency and Adrian Wikeley of Land Use Consultants on Thursday 13th January 2000 regarding the above project, please find enclosed the requested tree protection information as included within our tender documentation. I enclose text extracts from the landscape specification and drawings 1762/01/06 Tree and Shrub Removal Plan, 1762/01/07 Demolition and Tree Protection Plan and 1762/01/108 illustrating the Tree House Encampment detail around the 3No. mature trees situated in the north east of the scheme.

If you require any further information please do not hesitate to contact myself, or my colleague Adrian Wikeley at the above address.

Yours sincerely,

Jennette Emery-Wallis for Land Use Consultants

Enc.

cc.

Derek Taylor Greg McErlean Kensington Town Hall

an RPA

- Operatives must hold a BASIS Certificate of Competence, or work under the supervision of a Certificate holder.
 USE OF PESTICIDES: will not be permitted.
- NUISANCE: Take all necessary precautions to prevent nuisance from smoke, dust, rubbish, vermin and other causes.
- 265 BURNING ON SITE: of materials arising from the work will not be permitted.

291 WASTE:

- Remove rubbish, debris, surplus material and spoil regularly and keep the site and Works clean and tidy.
- Ensure that non-hazardous material is disposed of at a tip approved by a Waste Regulation Authority.
- Remove all surplus hazardous materials and their containers regularly for disposal off site in a safe and competent manner as approved by a Waste Regulation Authority and in accordance with relevant regulations.
- Retain waste transfer documentation on site.

PROTECT THE FOLLOWING

WORK IN ALL SECTIONS: Adequately protect all types of work and all parts of the Works, including work carried out by others, throughout the Contract. Wherever work is of an especially vulnerable nature or is exposed to abnormal risks provide special protection to ensure that damage does not occur.

421 EXISTING SERVICES:

- Notify all service authorities and adjacent owners of the proposed works not less than one week before commencing site operations.
- Before starting work check positions of existing services.
- Observe service authorities recommendations for work adjacent to existing services. Do not interfere with their operation without consent of the service authorities or other owners.
- If any damage to services results from the Works, notify CA and appropriate service authority without delay. Make arrangements for making good without delay to the satisfaction of the service authority or other owner as appropriate.
- Replace marker tapes or protective covers disturbed by site operations to the service authority's recommendations.
- 430 ROADS AND FOOTPATHS: Adequately maintain roads and footpaths within and adjacent to the site and keep clear of mud and debris. Any damage to roads and footpaths caused by site traffic or otherwise consequent upon the Works must be made good to the satisfaction of the Local Authority or other owner. Bear any costs arising.



- EXISTING TOPSOIL/SUBSOIL: Before starting work, submit to the CA, 435 proposals for protecting existing topsoil and subsoil from overcompaction in those areas as indicated on the Archaeological Constraints plan. Other areas which may be damaged by construction traffic, parking of vehicles, temporary site accommodation or storage of materials will require reinstatement prior to completion of the Works.
- RETAINED TREES/HEDGES/SHRUBS/GRASSED AREAS: 440
- Adequately protect and preserve, except those which are to be removed. Refer to 1762/06 Tree and Shrub Removal plan and 1762/07 Demolition and Tree Protection Plan.
- Replace to approval or treat as instructed any species or areas damaged or removed without approval.
- Mature trees and shrubs which, due to the Contractor's negligence, are uprooted, destroyed, or in the opinion of the CA, damaged beyond reasonable chance of survival in their original shape, must be replaced with those of a similar type and age at the Contractor's expense.
- TREES TO BE RETAINED: The Contractor is to note the penalty for causing 445 death or damage to a retained tree will be over and above the statutory penalty for listed trees. All retained trees, on the site or on adjacent sites, are to be protected at all times during the course of the works and as described below: Unless agreed otherwise by the CA, do not:
- Dump spoil or rubbish, excavate or disturb topsoil, park vehicles or plant, store materials or place temporary accommodation within the branch spread.
- Sever roots exceeding 25 mm in diameter.
- Branches, trunks, limbs etc of trees are not to be damaged in any way by cranes or machinery. Any damage that does occur must be immediately reported to the CA and the Contractor will be liable for the cost of any tree surgery that is found to be necessary due to the damaged caused by him. If serious damaged is caused the Contractor shall be responsible for paying for a report by an arboriculturist who shall be nominated by the CA. The arboriculturist will determine the likely longterm effect on the tree and the penalty clause then may come into effect. Damage to the branches or limbs which materially affected the original shape of the tree will also invoke the penalty clause. The penalties will be as follows:

£2000 Trees over 50cm girth Trees between 30 and 50cm girth £1000 £ 500 Trees below 30cm girth

Change level of ground within an area 3 m beyond the branch spread. All excavation under s tree's canopy spread shall be carried out by hand without damaging any roots. All roots exposed shall be covered with hessian sheeting which shall be kept moist until backfilling. Roots 50mm in diameter or over shall be left in tact bridging excavations and the CA is to be notified. Surgery is to be carried out by an approved tree surgeon who is a member of the Arboricultural Association.

- Playground dedicated to Diana, Princess of Wales,
 Kensington Gardens, London
- EXISTING FEATURES: Prevent damage to existing buildings, fences, gates, walls, roads, paved areas and other site features which are to remain in position during the execution of the Works. Adequately protect all listed structures on the site.
- 475 ESPECIALLY VALUABLE/VULNERABLE ITEM(S): Ensure the provision and maintenance of special protective measures to prevent damage to the following:
- Item: Elfin Oak
 Method of protection: Protective fencing/hoarding to an appropriate height to
 prevent damage by plant and machinery
- Item: Clock Tower
 Method of protection: Protective fencing/hoarding to an appropriate height to prevent damage by plant and machinery
- ADJOINING PROPERTY: Access to/use of adjoining property has been agreed with adjacent owners as follows:

 The Café
- ADJOINING PROPERTY: Prevent trespass of workpeople. Take all reasonable precautions to prevent damage to adjoining property. Obtain permission as necessary from the owners if requiring to erect scaffolding on or otherwise use adjoining property, and pay all charges. Clear away and make good on completion or when directed. Bear the cost of repairing any damage arising from execution of the Work.

A36 FACILITIES/TEMPORARY WORK/SERVICES

- LOCATIONS: Inform CA of the intended siting of all spoil heaps, temporary works, storage areas and services.
- MAINTAIN: Alter, adapt and move temporary works and services as necessary. Remove when no longer required and make good.
- 210 ROOM FOR MEETINGS: Provide suitable temporary accommodation for site meetings, adequately heated and lit, with table and chairs for 10 people. The room may be part of the Contractor's own site offices.
- ACCOMMODATION/LAND NOT INCLUDED IN THE SITE:
 Use of existing footpaths, roads and access gates for the duration of the
 Contract without charge may be assumed by the Contractor, subject to provided that:
- It is used solely for the purposes of carrying out the Works.
- The use to which it is put must not involve undue risk of damage.
- Any temporary adaptations must be approved by or on behalf of the Employer before being carried out.



- It must be vacated on completion of the Works or determination of the Contract.
 When vacated, its condition must be at least equivalent to its condition at the start of the Contract.
- TEMPORARY FENCING, HOARDING, SCREENS, PLANKED FOOTWAYS, GUARD RAILS, GANTRIES AND SIMILAR ITEMS: The Contractor shall provide temporary fencing, hoardings, screens, fans, planked footways, guard rails, gantries, and lighting and the like as may be necessary for protecting the public and others for the proper execution of the works and for meeting the requirement of any Local or other Authority. The Boundary of the Site is to be temporarily fenced with herras fencing or other approved by the CA to a height of 2.5m. This fencing is to be maintained for the duration of the works and removed on completion. Refer to relevant fencing plans: 1762/02/06/07/20.

325 TEMPORARY FENCING TO EXISTING TREES/VEGETATION:

- Before starting work, erect temporary protective fencing in locations shown on relevant fencing plans: 1762/02/06/07/20.
- Type of fencing: Cleft chestnut or similar or approved to BS 5837.
 Height of fencing: 1.2 m.
- Locate fencing at the outer limit of the branch spread or a distance equal to half the height of the tree, whichever is the greater.
- Maintain integrity of fencing for the duration of the works.
- Remove fencing on the completion of the works and make good disturbed area.
- 330 TEMPORARY FENCING TO ARCHITECTURAL/ARCHAEOLOGICAL FEATURE(S):

Before starting work, erect temporary fencing in locations shown 1762/05. Fencing to archaeological features to be at least 1.2m high and appropriately braced so as to deter damage of the fencing and trespass into the area. The fencing is to be maintained at all times by the Contractor.

Protective fencing to the Elfin Oak and Clock Tower to be sufficient to preve

Protective fencing to the Elfin Oak and Clock Tower to be sufficient to prevent mechanical/ plant damage to any part of the features.

- TEMPORARY FENCING TO NEWLY PLANTED AREAS AND MOUNDS: Once areas have been planted/turfed according to 1762/14 Planting Plan, they are to be enclosed by a temporary wire mesh fence 600mm high supported by softwood timber stakes as detail 1762/136 and located as per 1762/20 Temporary Fencing Plan to Planting Areas.
- TEMPORARY ROAD/SURFACING:
 The Contractor is to submit proposals with their tender for the protection of the 18th Century serpentine footpath from site vehicles across it. These are to be approved by the CA and erected prior to the commencement of the works. It is to remain in place until the completion of the work. Refer to 1762/05 Archaeological Protection Plan.

RBKC ARBORICULTURAL OBSERVATIONS Application No. DC Officer .: Date of Obs Kensington Gardens, Royal PP99/2384 D. T. 19/1/00 Park Development : : Obj. No Obj. Princess of Wales - memorial children's playground see comments Status of Tree(s): T.P.O. No. & Details (if any) Tree Work Applications C.A. No:(if any) Comments:

I have considered the Construction Specification supplied by Land use Consultants and offer the following comment.

Section 440, Retained trees/hedges/shrubs /grass areas; Section 445, Trees to be retained; Section 325 Temporary fencing to existing trees/vegetation are satisfactory in terms of tree protection and if adhered to there is no reason why the existing trees should be harmed.

However, the effectiveness of the protection measures will depend on rigorous application and enforcement. The inclusion of penalty clauses for tree damage will assist in the enforcement of the protection measures.

One area which does not appear to have been addressed is the provision of services to the site. Existing services are referred to in Section 421 but no mention is made for the provision of new services. I suggests that any new services, should they be required, are installed in accordance with BS5837 Guide for trees in relation to construction.

Whell Date: 19/11 00.

Signed:

RBKC ARBORICULTURAL OBSERVATIONS Address Application No. DC Officer Date of Obs Kensington Gardens, Royal PP99/2384 Park Development Obj. No Obj. Princess of Wales - memorial children's playground see comments AND THE PARTY OF T Status of Tree(s): C.A. No. (if any) T.P.O. No. & Details (if any) Tree Work Applications Comments:

The two mature trees to be felled (No.1 and 2) have already gone. The remainder of the trees identified for removal are small semi-mature and of little amenity value.

I note that trees to be retained will be afforded protection to B.S. 5837 'Guide for trees in relation to construction.'

However I am concerned that the installation of boundary railings, play equipment and new surfacing could cause considerable damage to the root structures of trees within and adjacent to the playground. I am concerned that the following mature trees may be particularly vulnerable to damage. Plane (No.3) Horse Chestnut (No. 8, 13 and 14), Maple (No.12).

I therefore suggest that no roots of 50 mm diameter or greater be cut without first obtaining arboricultural advice. Furthermore I suggest that where works will be carried out beneath the canopies of the trees to be retained, the works are carried out to an agreed method statement which complies with the appropriate section of B.S. 5837 'Trees in relation to construction.'

Careful consideration should also be given to the installation of any services (water, electricity etc.) which pass beneath the crowns of trees. Trenches dug for services can cause considerable damage to root systems. The location of excavations for services should comply with B.S. 5837.

The nature of the development is such that it is necessary to work beneath the exiting trees. A great deal of damage can be caused by careless or uninformed contractors It is therefore of the utmost importance that contracting staff are made aware that tree roots are easily damaged and that works should be carried out with this in mind.

Signed: | Signed: Date: 5/2/2000



ORME SQUARE GARDEN ASSOCIATION

15th March 2000

The Director of Planning
Royal Borough of Kensington & Chelse
Town Hall

Horton Street LONDON, W8 7NX.

RECEIVED BY PLANNING SERVICES

BY HDC N C SW SE ENF AO
ACK

ACK

1. Sea

1. 6 MAR 2000

REC ARB FWD CON FEES

Dear Sir,

Diana, Princess of Wales Memorial Playground

I enclose a copy of our letter to Westminster City Council of the 29th March 2000 and their reply of March 8th.

We are surprised to learn that Westminster was not sufficiently consulted on this development and are concerned about the effect on residents on this side of the Park, i.e. increased traffic, parking and noise. We would particularly like to know the noise level from the proposed "Movement and Musical Garden" section by Orme Square Gate.

We have our Annual General Meeting on March 22nd and would greatly value your comments by then.

Yours faithfully,

Chairman

Mrs. Jeremy Thorpe



Carl Powell: Director of Planning and Transportation



Please reply to: Godfrey Woods Direct Tel. No: 0171 641 2930 Direct Fax No: 0171 641 2339

Mrs Jeremy Thorpe Chairman Orme Square Garden Association 2 Orme Square London W2 4RS Client Director and Head of Service: Gordon Chard

Development Planning Services Westminster City Hall 64 Victoria Street London SW1E 6QP

Your ref:

My ref:

PT/TP

Date:

08 March 2000

Dear Mrs Thorpe,

Town and Country Planning Act 1990 Re: Diana, Princess of Wales Playground

Thank you for your letter of the 29 February addressed to the Chief Executive. He has asked me to reply to you on his behalf.

The playground is as you say within the Royal Borough of Kensington and Chelsea. They made the decision on the application but were required to consult the City of Westminster as the adjoining authority. They are however responsible for consulting all local residents likely to be affected by the proposals, regardless of whether they are in Westminster or Kensington and Chelsea.

We at Westminster were only given 3 weeks to give our comments. Because of this short period we were only able to notify the main associations recognised by the council for consultation purposes. I believe Kensington and Chelsea made its decision in any case shortly after the case was received by us, and well within the 3 weeks normally allowed.

I would suggest you write to the Director of Planning at The RBKC, Town Hall, Horton Street, London W8 7NX for details of its decision on the proposal and what conditions were imposed on the development. This might answer your concerns about the level of noise likely to be heard from music within the playground. I am afraid I do not have a copy of the decision.

Yours sincerely

Head of Development Planning Services

2 Orme Square, London, W2 4RS



SQUARE GARDEN ASSOCIATION Diana, Princess of Wales Playground

W. Roots, Esq. Chief Executive City of Westminster Council City Hall Victoria St. LONDON, SWIE 6QP.

29th February 2000

Dear Mr. Roots,

We are amazed to learn from the Bayswater Residents Association that as far as we are aware no local Residents Associations were consulted about the plan for major extensions of the new playground on the north side of Kensington Gardens. We are told that Kensington & Chelsea Council approved the plans, but this side of the park, close to the Bayswater Road, which is in the Westminster Council constituency, was not informed about the full extent of the project, nor shown any plans.

When the earlier plans for a Memorial Garden in Kensington Gardens was first proposed, we and indeed Kensington & Chelsea opposed the size of the scheme, which would have spoilt the open spaces of the Gardens and its rural atmosphere and would have brought increased congestion and parking problems to the areas both South and North of the Park. That original scheme was then abandoned.

However, we in the Westminster City Council constituency now find that we are landed with a huge playground which is bound to affect the residents living in the vicinity. We fully support the idea of dedicating playgrounds in memory of Diana, Princess of Wales, but regret that this particular plan will interfere with a wonderful open space. There must be areas in other more deprived parts of London which would benefit greatly from such a scheme.

We see from the plan displayed in the Park that music of some sort or another will be part of the area nearest Orme Square Gate. We are interested to know the nature of the sound, its likely volume and its effect on local residents.

It is also not clear to us who is bearing the cost of this extension and its upkeep.

We shall be grateful to hear from you why Westminster City Council did not keep us informed.

Yours sincerely,

cc: Rt Hon Peter Brooke CH MP Cllr Robert Davis, Lancaster Gate Com

Ward

Chairman

Cities of London

Westminster

Diana

Christopher Wright, Chairman

Bayswater Residents Assn.

Mrs. Jeremy Thorpe

· Diana Memorial Playapund (86) registered on 23rd November 1999, and notification sent at to the main residents associations, neighbouring properties, and consultees (indiding City of Westminsker) on 30th November. · We didn't notify any associations/properties in the City of Westminster. [but we don't, do we?] or our internal consultations, and it appeared the applications would proved normally. · In the last week before Christmas, things suddenly changed — 3 things happened 1) Articles appeared in national press, saying work world start in the New Year! 2) Keyal Parks removed three mature trees 3) City of Westminster said they never received their notification! A new letter sent to them on 23rd Dec. With work starting, we had no alkemative but to not a report to PSC on 19th Jan. This raised a number of concerns, but no formal Objection.

The matter finished in a very undervalue fashian, and it was unfortunate that City of Westminsters arginal notification seems to have gone astray [we have our File Copy] But the villains of the piece must be the Royal Parks, for (1) submitting their application so take in the day [(ess than 6 who before work commenced] and (2). insisting on commencing in January and advertising that in the natural poen

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX



THE ROYAL **BOROUGH OF**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mrs. Jeremy Thorpe, Orme Square Garden Association, 2 Orme Square, LONDON, W2 4RS.

Switchboard: Extension:

020 7937 5464

2944

Direct Line:

020 7361-2944

Facsimile: 020 7361 3463

KENSINGTON AND CHELSEA

22 March 2000

My reference: EDPC/MJF

Your reference:

Please ask for: Mr. French

Dear Mrs. Thorpe,

Diana, Princess of Wales Memorial Playground

I write with reference to your letter of 15 March regarding the above development. I would inform you that the City of Westminster was consulted, as the neighbouring local authority, by letter dated 30 November 1999 and, as a result of this notification, they were sent copies of the drawings as they had requested shortly before Christmas, safe receipt of which was acknowledged on 4 January. To date, no comments have been received from them.

With regard to the application which was made under Circular 18/84 procedures, and required only this Council's consideration, this Council raised no objection to the proposal subject to all the tree work being carried out with regard to the Council's Arboricultural Officer. The decision letter for this application was issued on 11 February.

It is regrettable that the Royal Parks failed to submit their application until less than six weeks before the work was due to commence and then commencing the work at the end of January; however, as I explained on the telephone this morning, it is the adjoining Borough's responsibility to consult with their residents' associations. I will ask the Royal Parks to advise you further on any possible noise nuisance from the musical garden; my understanding was that it would not create any nuisance to nearby residents along the Bayswater Road.

Yours sincerely,

M. J. French,

Executive Director, Planning and Conservation.

Mr. G. McErlean, Project Manager, The Royal Parks, The Old Police House, Hyde Park, C.C. London, W2 2UH.



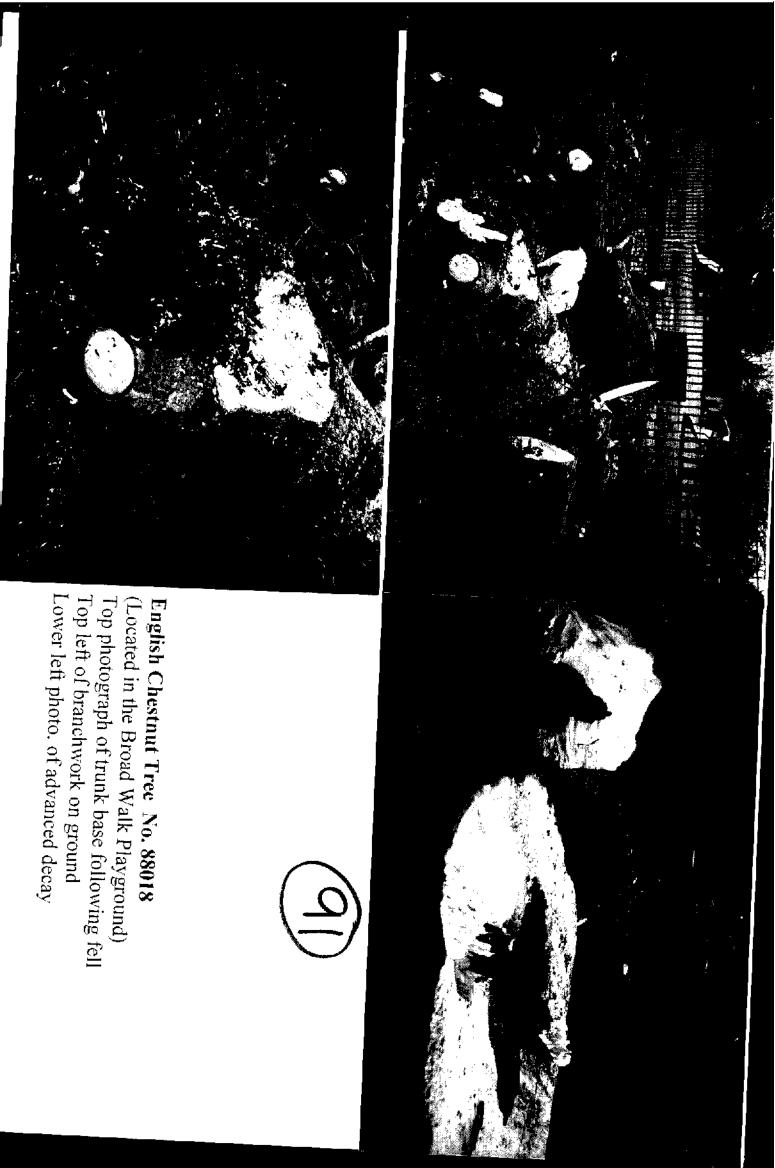


Common Lime Tree No. 88019
(Located in the Broad Walk Playground)
One photograph of both trunk and
stump following fell and excavation.















London Plane Tree No. 88020
(Located in the Broad Walk Playground)
Top photograph of the stump during excavation following felling
Lower photograph cross section of decayed trunk

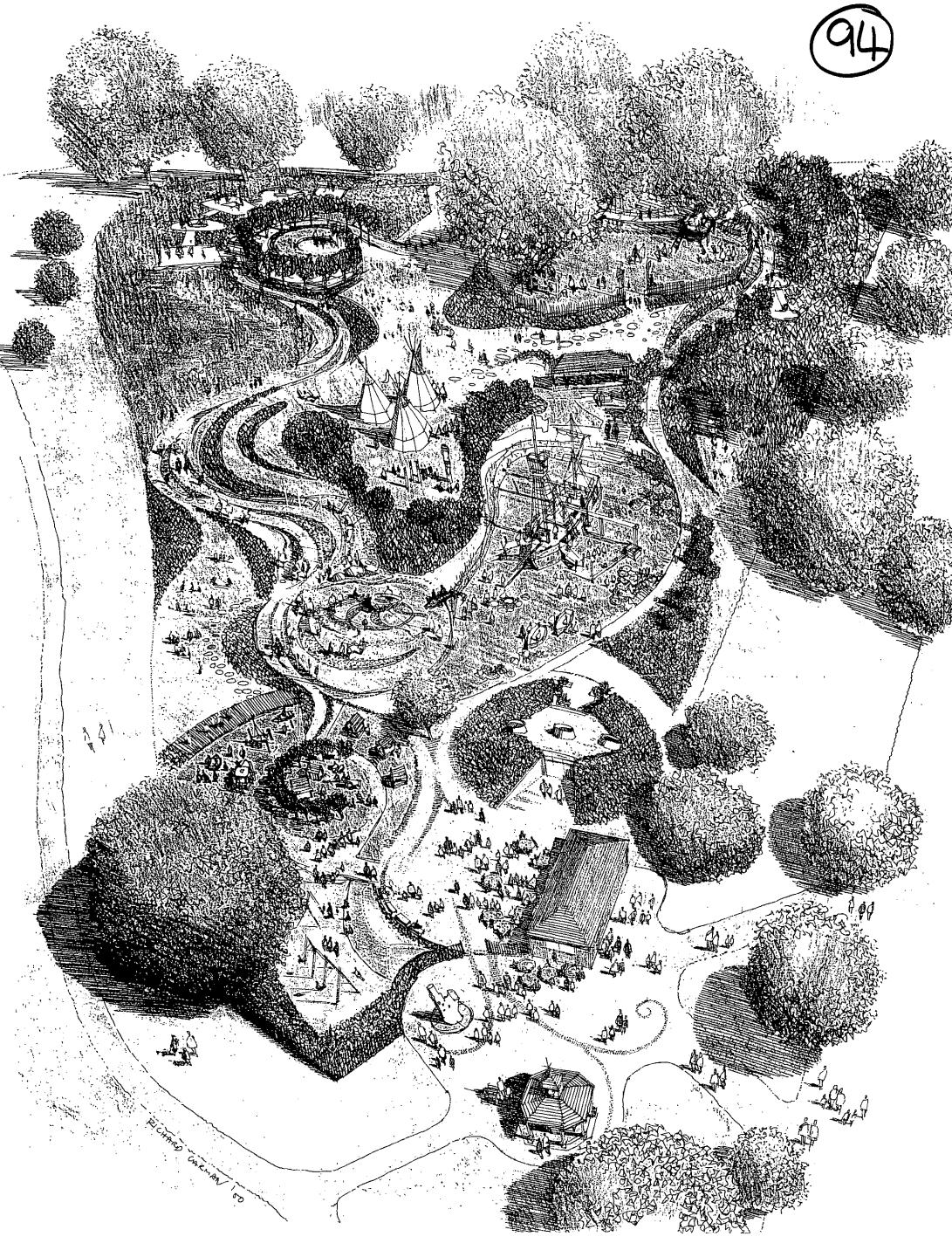








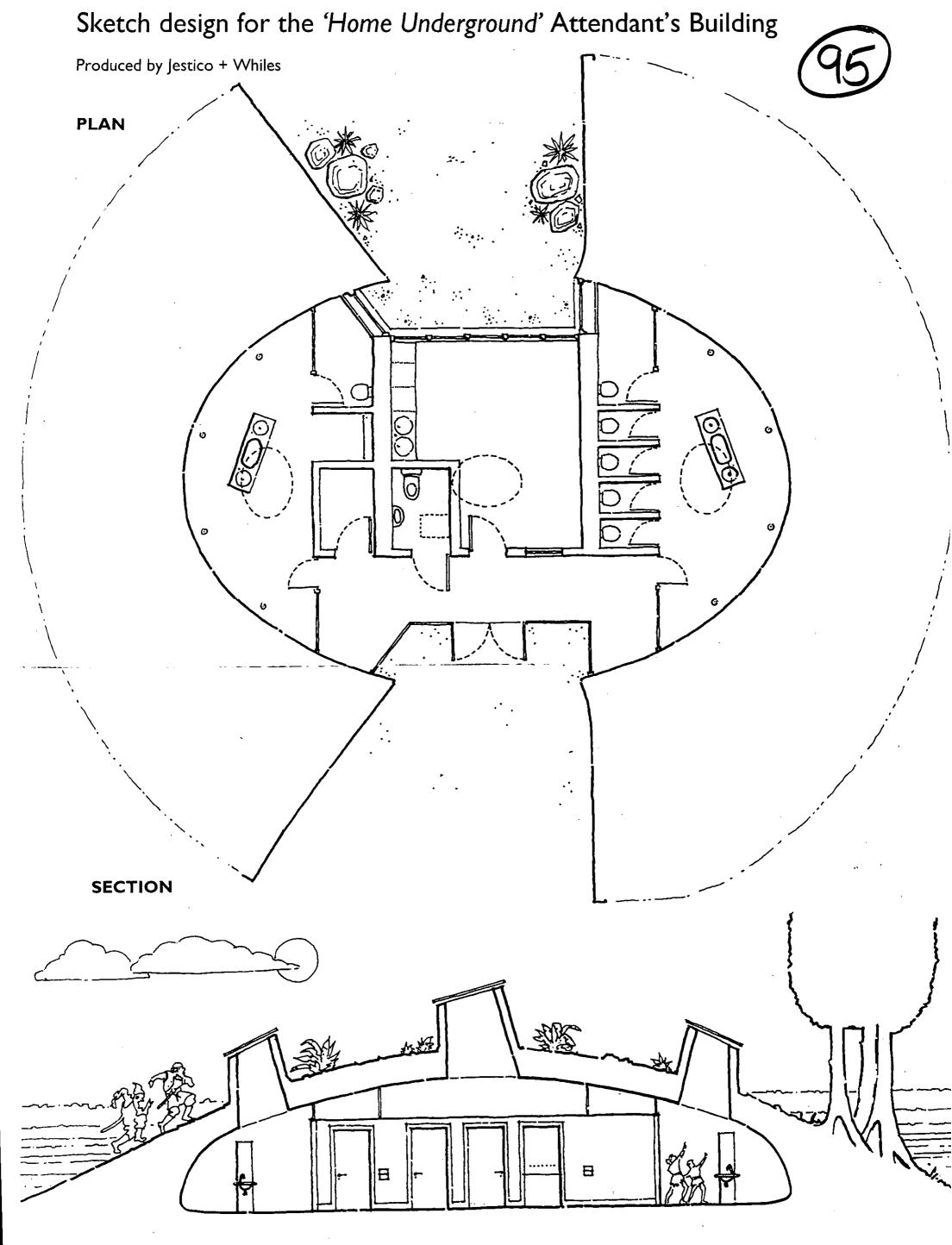






PLAYGROUND DEDICATED TO DIANA, PRINCESS OF WALES







PLAYGROUND DEDICATED TO DIANA, PRINCESS OF WALES

