

HOWARD KENNEDY

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By Email

To Mr Mark Evison
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Email: I.Harris@howardkennedy.com

3 June 2009

Dear Mark

Alexandra Palace SAC Urgency Sub Committee and Haringey Heartlands Planning Application

I refer to our conversation yesterday when you asked for my advice following the meeting of the above committee on 21 May.

I have considered the report of the General Manager that was presented. The recommendations were that the committee

“considers the application and decides what advice, if any, it wishes to provide to the board of trustees regarding this planning application.”

It is clear from the report that “this planning application” is by National Grid Property Holdings Ltd and the London Development Agency for outline permission. The site is described as land between Hornsey Park Road, Mayes Road and the East Coast main line. It is owned by the applicants.

It is clear to me from the plan attached to the application that none of the land concerned is within the boundary of Alexandra Park and Palace.

At paragraph 6.7 of the report the General Manager wrote that:

“Should this Urgency sub-committee wish to provide advice to the trustees, a panel meeting of the Board would be convened to consider this.”

At the point of writing this letter I have not seen the minutes of the meeting. However for the reasons I set out below I do not consider this matter to be within the remit of the SAC and accordingly there is no question of any advice it may wish to give being put before the Board.

My reasons for so advising are as follows:

1. The powers and duties of the SAC are to promote the objects of the charity and assist the trustees in fulfilling the trusts by considering and advising on the specified matters.
2. The matters upon which the SAC are to advise are set out in paragraph 19 of Schedule 1 to the 1985 Act. These include, at sub paragraph (v), any proposals which require planning permission.

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3. The reference to planning permission is clearly to permission in relation to land that is within the ownership of the trustees and subject to the trusts upon which it is held.
4. Accordingly it cannot be within the remit of the SAC to consider and advise upon applications for planning permission on land outside that subject to the trusts.

My advice is that there is and can be no doubt that the remit of the SAC can only extend over the land subject to the trusts.

However should there be any doubters it is instructive to examine the Hansard debate on what became the 1985 Act.

This set out that the committee

“will advise on events and activities in the palace and park with a view to ensuring that they do not cause nuisance or annoyance, and are not of detriment to the amenities of local residents.”

In the context of a suggestion that parking permits should be introduced for parking in surrounding streets, the debate recorded the acceptance by the local MP, who initially opposed the bill, that

“However, the bill cannot deal with what happens outside the palace and park.”

I hope this is helpful but please do not hesitate to revert.

I have copied this advice to the committee clerk for him to use as he may wish.

Yours sincerely

Iain Harris
Consultant