

NOGOE NEWSLETTER – SEPTEMBER 2010



It has been a busy summer for NOGOE, holding our public servants to account: writing letters, making Freedom of Information requests, querying tree felling in the Park.

We now have the dates of Park Closure –

- | | |
|-------------|---|
| 2011 | Test Event - 20 June to 8 July |
| 2012 | Olympics - 6 July to 13 August
Para Olympics - ? |

Full details can be viewed here –

<http://onlineplanning.greenwich.gov.uk/acolnet/planningonline/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=64552>

We cannot find Park closure dates for the Paralympics, nor are LOCOG clear about how much of the Park will remain open as promised in their consultations.

CROSS-COUNTRY COURSE

The course is defined by white plastic screw-in whiskers screwed into the ground, and if you download our map of the Greenwich Park with the course and trees plotted on it (see page 3 of this Newsletter) you will be able to walk the course yourself. You will note that the course goes through the eastern side of the flower garden and also through the sandpit in the children's play park – these are both areas that it was promised during the public consultation would not be touched. It is unclear at present how much of the children's play park and the flower garden will remain open while further preparation work and installation of jumps takes place. We will let you know when we find out.

Please tell NOGOE if you see a tree being cut down in the Park or the stump of a recently-felled tree or any tree-pruning: either to www.twitter.com/nogoe2012 or e-mail: reply@nogoe2012.com

When Greenwich Council gave planning consent to LOCOG's applications to use Greenwich Park for the 2012 Olympics equestrian events, this was subject to more than 42 conditions. But LOCOG almost immediately prevailed upon Greenwich Council partially to waive perhaps the most important condition of all, Condition 1 (about reinstating the Park), so that LOCOG could start preparing the cross-country course. This was agreed by The Royal Parks and Natural England. What is more, the decision partially to waive Condition 1 was supported by the Friends of Greenwich Park, the Greenwich Society and the Blackheath Society – which we think was naïve, unfair to Park users and extremely short-sighted.

The limited period for the use hereby approved shall be until 13th September 2012 after which all temporary associated structures shall be removed from the site and the site restored in accordance with a Site Reinstatement Plan (including landscaping) to include financial guarantees and a timetable for implementation. **No development shall commence until the Site Reinstatement Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with The Royal Parks.** *Greenwich Council Planning Consent, 23 March 2010, paragraph 3.2*

Today, **six months since the Planning Board of 23 March 2010, there is no sign of LOCOG discharging the remainder of Condition 1. There is no timetable for reinstating the Park; and there are no financial guarantees in place**, only general “assurances” from a LOCOG employee (not from a director or corporate sponsor). Is it possible that LOCOG intend to repeat that "manoeuvre" - ie leave it until they can say to the Council that they must be allowed to start construction of the stadium before discharging any more of Condition 1? A local councillor has now (23 September) written to the Chief Executive of Greenwich Council to ask her when she expects the details of the remainder of Condition 1 to be submitted by LOCOG.

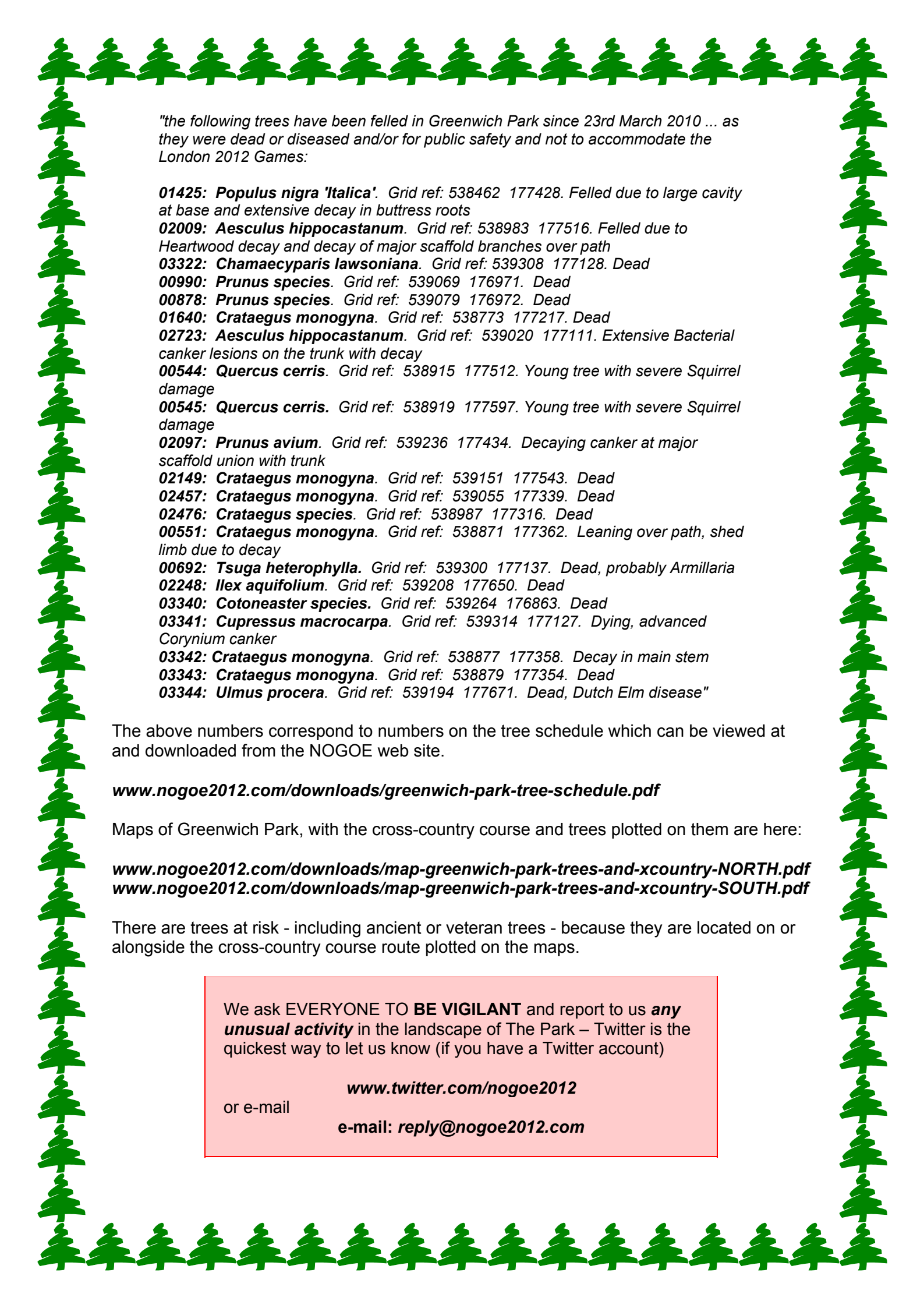
NEW! - NOGOE tree audit photographs on Flickr –
www.flickr.com/photos/greenwich_park/

TREES

The Royal Parks have said that no trees will be felled as part of the 2012 cross-country course preparation. However, 70 trees *have* been pruned this year along the course to allow for the movement of the course preparation machinery. The Royal Parks say (e-mail of 17 September 2010 12:42) that any further tree pruning will be “minor”.

Park users contacted NOGOE with their concerns about trees that have been cut down since the end of March this year. A Freedom of Information request to The Royal Parks brought this reply (e-mail of 14 September 2010 13:52):





"the following trees have been felled in Greenwich Park since 23rd March 2010 ... as they were dead or diseased and/or for public safety and not to accommodate the London 2012 Games:

01425: *Populus nigra 'Italica'*. Grid ref: 538462 177428. Felled due to large cavity at base and extensive decay in buttress roots

02009: *Aesculus hippocastanum*. Grid ref: 538983 177516. Felled due to Heartwood decay and decay of major scaffold branches over path

03322: *Chamaecyparis lawsoniana*. Grid ref: 539308 177128. Dead

00990: *Prunus species*. Grid ref: 539069 176971. Dead

00878: *Prunus species*. Grid ref: 539079 176972. Dead

01640: *Crataegus monogyna*. Grid ref: 538773 177217. Dead

02723: *Aesculus hippocastanum*. Grid ref: 539020 177111. Extensive Bacterial canker lesions on the trunk with decay

00544: *Quercus cerris*. Grid ref: 538915 177512. Young tree with severe Squirrel damage

00545: *Quercus cerris*. Grid ref: 538919 177597. Young tree with severe Squirrel damage

02097: *Prunus avium*. Grid ref: 539236 177434. Decaying canker at major scaffold union with trunk

02149: *Crataegus monogyna*. Grid ref: 539151 177543. Dead

02457: *Crataegus monogyna*. Grid ref: 539055 177339. Dead

02476: *Crataegus species*. Grid ref: 538987 177316. Dead

00551: *Crataegus monogyna*. Grid ref: 538871 177362. Leaning over path, shed limb due to decay

00692: *Tsuga heterophylla*. Grid ref: 539300 177137. Dead, probably *Armillaria*

02248: *Ilex aquifolium*. Grid ref: 539208 177650. Dead

03340: *Cotoneaster species*. Grid ref: 539264 176863. Dead

03341: *Cupressus macrocarpa*. Grid ref: 539314 177127. Dying, advanced *Corynium* canker

03342: *Crataegus monogyna*. Grid ref: 538877 177358. Decay in main stem

03343: *Crataegus monogyna*. Grid ref: 538879 177354. Dead

03344: *Ulmus procera*. Grid ref: 539194 177671. Dead, Dutch Elm disease"

The above numbers correspond to numbers on the tree schedule which can be viewed at and downloaded from the NOGOE web site.

www.nogoe2012.com/downloads/greenwich-park-tree-schedule.pdf

Maps of Greenwich Park, with the cross-country course and trees plotted on them are here:

www.nogoe2012.com/downloads/map-greenwich-park-trees-and-xcountry-NORTH.pdf

www.nogoe2012.com/downloads/map-greenwich-park-trees-and-xcountry-SOUTH.pdf

There are trees at risk - including ancient or veteran trees - because they are located on or alongside the cross-country course route plotted on the maps.

We ask EVERYONE TO **BE VIGILANT** and report to us **any unusual activity** in the landscape of The Park – Twitter is the quickest way to let us know (if you have a Twitter account)

www.twitter.com/nogoe2012

or e-mail

e-mail: reply@nogoe2012.com

RESIDENTIAL & BUSINESS INSURANCE ETC

London (and the whole of the UK) is currently at the overall threat level (from international terrorism) of Severe. All the planning by the police for safety and security in 2012 has to be carried out in this context, and they have to plan in the ability to respond to a change in the threat level. Normally, Greenwich Park is not a prime terrorist target but as an Olympic venue it will be because all the Olympic venues are prime terrorist targets. This heightened exposure - entirely due to a decision in 2004 by the Secretary of State - is what insurers term "a material change of circumstances" and has implications for the insurance policies of everyone who lives or works in central Greenwich and downwind of central Greenwich. But neither the Government nor Greenwich Council has done anything yet to raise awareness of these implications.

Section 2(2) of the Reinsurance (Acts of Terrorism) Act 1993 states: "In this section 'acts of terrorism' means acts of persons acting on behalf of, or in connection with, any organisation which carries out activities directed towards the overthrowing or influencing, by force or violence, of Her Majesty's government in the United Kingdom or any other government *de jure* or *de facto*."

Everyone should examine their buildings insurance policies or their insurance for business stock or their vehicle insurance. What are the defined terms? Can you claim for the cost of alternative accommodation elsewhere, perhaps for a long time, perhaps - in the event of a chemical or biological bomb attack in the Park – indefinitely? Can you claim for the whole cost of decontamination, replacement or reinstatement?

The Government-backed Pool Re (reinsurance pool) operates only when HM Treasury has issued a Certificate deeming the event an "act of terrorism".

www.cabinetoffice.gov.uk/ukresilience/response/recovery_guidance/infrastructure_issues/insurance_issues.aspx

That means that having to move out of home or business because of a bomb in the Park does not of itself justify a claim on the insurance policy; you have to wait for the Treasury to issue a Certificate. That might take months. Furthermore – what is sometimes called the "Madrid scenario" – if someone rents the next door shop or house as a bomb-building factory and accidentally blows himself up, destroying his house and yours, you cannot claim on your insurance because this is not an insured risk.

Occupants of leasehold properties (including Greenwich Council leases) might do well to apply now for deeds of variation to put break clauses inserted in their leases: the right to terminate the Lease in the event of damage by terrorism whether or not it is an insured risk, unless the Landlord agrees to rebuild at its own cost; and the right to a cesser of rent (the Lessee's liability for the annual ground rent and other charges) triggered by terrorist damage whether or not it is an insured risk (whether or not the Government has issued a Certificate).



Does your business rely on supplies brought to you by road, or on your sales representatives being able to reach customers by road? The Federation of Small Businesses (FSB) has calculated that restrictions on London's roads (to prioritise official Olympic traffic) could cut firms' operating capacity by up to 70 per cent. How will that affect your turnover and annual profits? **The FSB is proposing to advise its 7,000 London members - employing 50,000 people - to consider temporarily closing down during the London Olympics.**

www.thisislondon.co.uk/standard/article-23879982-2012-traffic-restrictions-could-force-businesses-to-shut-down.do

Does your business rely on the "tourist trade", the visitor "foot fall", in Greenwich?

VisitBritain told the *Sunday Telegraph* that Britain is likely to suffer a fall in foreign visitor numbers in 2012 because of the Olympic Games. **Although an estimated 320,000 spectators will come from overseas to attend Olympic events in July and August, this may not be enough to compensate for a bigger decline in tourist numbers elsewhere. Potential holidaymakers are expected to be put off by the focus on London, where most Olympic events will be held, and by high prices charged during the Games.**

www.telegraph.co.uk/sport/othersports/olympics/london2012/7996457/Britain-to-suffer-drop-in-visitors-during-London-2012-Olympics.html

DID GREENWICH COUNCIL ACT *ULTRA VIRES*?

In his letter 22 July 2010 to NOGOE, the Minister for Sport and the Olympics wrote that

"In 2004, the Secretary of State formally decided that Greenwich Park could be used for the Equestrian and Modern Pentathlon events during the 2012 Games."

We have written to the Secretary of State to point out that his predecessor's decision in 2004 did *not* include permission to site the stadium within Greenwich Park. In 2004, the Secretary of State's decision was predicated upon the unfounded expectation that the stadium/field of play could be sited within the grounds of the National Maritime Museum, north of the Queen's House; since then, and comparatively recently, the ODA/LOCOG have had to agree to the stadium being erected south of the Queen's House, within the Park. Did Greenwich Council, in giving planning consent for a stadium in a Royal Park without first obtaining the Secretary of State's permission to do so, acted *ultra vires*?



Misleading image of "field of play" still being used by the media

CHEMICALS IN THE PARK

As part of the preparation for the cross-country course, LOCOG intends to use “Revolution” – a so-called “wetting agent” – and “Rescue”. “Revolution” is typically used on golf courses to cut the time and cost of fairway management. **It would appear that “Revolution” has never before been used in a public park: all our repeated questions to The Royal Parks, Greenwich Council and the Health & Safety Executive – asking if “Revolution” has been used before now in a public park – have gone unanswered.**



photo: UK Biodiversity Action Plan

“Revolution”, manufactured in the US by Aquatrols and distributed in the UK and the EU by Farmura, contains a small amount of the carcinogen ethylene oxide, as a by-product of the manufacturing process, which we are told is too small to be a risk to Park users. But the Health & Safety Executive could not tell us at what concentration ethylene oxide *will* cause cancer. “Revolution” is also described as a “surfactant” – a detergent – and its use in the Park appears to exploit a loophole in the Detergent Regulations 2005. It also appears to contain chemicals used as fumigants in other contexts so while “Revolution” sterilises the ground, is it going to kill invertebrates – including protected species – and micro organisms at the same time?

In response to our concerns about the safety of “Revolution”, Greenwich Council sent a statement prepared by Applied Pharmacology and Toxicology (APT) Inc, of Gainesville, Florida, USA, which claimed to be an independent assessment. However, APT founder Christopher Borgert was associated with Aquatrols before he founded APT, and he was president of the International Society for Regulatory Toxicology and Pharmacology (IS RTP) at the time when the US Congress investigated that Society and other organisations for conflicts of interest. Why didn't LOCOG or the Council commission a truly independent risk assessment, from an organisation in the UK? We don't know because they haven't answered that question. **Where in the UK has “Revolution” been used, outside golf courses and sports grounds, and where specifically it has been used in public parks, other than on sports grounds? We don't know because neither LOCOG, The Royal Parks nor Greenwich Council have answered our questions on this.**

“Rescue” (manufactured by Syngenta and distributed in the UK and Ireland by Scotts Professional) is “an exciting new highly selective herbicide” (Syngenta web site) containing Pinoxaden, “an entirely new active ingredient for the turf industry, from the new class of ‘den’ herbicide technology” that targets rye grass and “weeds”; it, too, was developed for use on golf courses. We do not know if it has ever been used in a public park.

How does Greenwich Council reconcile allowing this – rare habitat in the Park destroyed, protected species threatened or destroyed, deliberate destruction of invertebrates (such as stag beetles) and micro organisms – with its obligations under important biodiversity agreements? The Thames Terrace micro fauna are ecologically important. Why does Greenwich Council consent to Greenwich Park being used as a experimental public park laboratory for agro-chemicals that were developed for use on golf links?

Will the London Borough of Greenwich give a guarantee that they will assume legal culpability for any adult, child or pregnant woman who visits the Park while these products are in use and subsequently develops a health problem that can be attributed to the use of the products? And will they publicise such a guarantee to set everyone's mind at rest? And if they won't give such a guarantee, why not?

The NOGOE team, September 2010