



MARIO CREATURA

WORKING TO BE YOUR NEXT MP
FOR CROYDON CENTRAL



5th November 2019

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Dear neighbour,

LOVE LANE COMMUNITY GARDEN – CLEARING UP THE CONFUSION

By now you will have most likely seen the metal fencing that has been erected around the much-loved community garden on Love Lane. As you will all know from the last time I wrote, I used to live on Love Lane so the area will always be particularly special to me.

There has been some confusion about why the fencing is there – who erected it; did they have the right permissions; what does this mean for the land etc. Rather than engage in speculation, I got in touch with the company who has the legal rights to the site and received an update from them yesterday.

- Transport for London are using a portion of the relatively large plot of land to carry out works on the tram track. The land that TfL are using is alongside the track and does not include the gardens.
- TfL have not started work yet and have nothing to do with either the blue container or the fencing that was erected last week.
- The blue container was put on the site by the landowner as a secure storage facility which contained the materials required for the fencing. Once installation of the fence is complete the landowner has confirmed that the container will be removed.
- When the license to use the land was issued to TfL some legal issues surrounding the gardens were brought to light.
- The landowner was advised that a license to agree terms of use must be issued so that it regularises the use of the land and safeguards the landowner from a legal perspective.
- What does this mean? Well to issue a license the access to the land must be regulated to ensure safe usage. Until the license is issued, if any member of the community were to hurt themselves on the land (including on the flowerbeds planted by local people), there would be a liability to the landowner. The fencing and the issuing of a license moves the liability to those controlling access to the site.
- I am told that residents of roads surrounding the garden were informed by the landowner back in July this year that fencing would be installed. It should not have come as a surprise to local councilors that this was happening.
- In early September this year, the landowner met with Croydon Council and made clear their intention to erect the fence. The landowner clarified the fence would have to be built to protect interests but (and this is important) that the community could be granted access through a license.



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- The height of the fence was also discussed at the Council meeting and the landowner confirmed that it would be approximately 1.8m high, and therefore would not require planning consent. That only kicks in at 2m.
- The landowner met Croydon Council in September and so the Council has been aware of this for some time. Again, local councillors should not have been surprised when it was installed last week. Their threats of legal action (to whom and for what law breach?) are therefore at best naïve, at worst disingenuous.
- Given that local councillors have publicly said that the Council will never allow planning consent on the land for any development, it now makes it almost impossible for the Council to CPO the land in the public interest.
- The landowner tells me that they have absolutely no intention of stopping access to the site for local people wanting to use the community garden. Croydon Council accepted the offer of the license and agreed to be the licensee (which then would mean that the Council hold the liability should any issue occur) at which point, the landowner drafted a license which was provided to the Council at the end of September 2019.
- The landowner is still waiting for the Council to sign the documentation and return it. Once this happens keys will be issued to the Council, and it is hoped those keys will be given to the community so access can continue. This meets the key legal requirement of protecting the integrity of the land, whilst allowing the community free access.
- It is unclear why the Council has taken so long to sign a simple, standardised document. This delay has caused the fencing to go up without access for the community being formally agreed. The Council were fully aware of the timeframes involved and have been sitting on the forms for weeks. There is no excuse for the community to have not been given access. Due to the Council-caused dithering, access to the community has been prevented.

I hope this clears up the current situation with the community garden. It is obviously excellent news that the landowner wants to continue to allow local people to have access to the site, but it is entirely reasonable that the liability of the land is confirmed so all parties involved can continue to use the site in a co-operative way.

Do let me know if I can clear up any of the above. Some of the claims made by your local Labour councillors have been a little wide of the mark, so I hope they take the time to resolve this properly for the community and grant you all access as soon as possible.

All the very best,



Mario Creatura, Prospective Conservative MP for Croydon Central



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