

FAO: Ms Camilla Bebb  
London Borough of Lambeth  
Civic Centre  
Brixton Hill  
London  
SW2 1EG

BY EMAIL ONLY

5<sup>th</sup> January 2026

Dear Camilla,

**Brockwell Park, Dulwich Road, London SE24 OPA – application ref: 25/03733/RG4**

- 1.1 On behalf of our client, Protect Brockwell Park ('PBP'), Paragon Planning is writing in response to the current consultation for the application referenced above, where the applicant, Summer Events Ltd ('Applicant'), seeks planning permission from Lambeth Council as local planning authority ('LPA') for the following development:

Temporary use of part of Brockwell Park for Brockwell Live 2026 for up to 32 days (including wet weather buffer days), involving the installation and de-installation of temporary infrastructure including fencing, stages, lighting, public address (PA) systems and other temporary structures and ancillary works.<sup>1</sup>

- 1.2 It is fair to say that Brockwell Park is the jewel in Lambeth's crown. As well as being one of the most popular parks in the Borough, attracting over 1.7m visitors per year<sup>2</sup>, it is a holder of the 'Park of the Year', 'Heritage Park', 'Large Conservation Area' and 'Walled Garden of the Year' awards from London in Bloom. It holds various local and national designations in relation to nature and heritage. It is Metropolitan Open Land. It is a critically important resource for local people and Londoners generally.
- 1.3 PBP is a grassroots organisation of local residents and park users campaigning against the proliferation of large-scale commercial events in Brockwell Park and for robust, lawful and transparent decision-making in relation to the park. The group works closely with Friends of Brockwell Park, the primary stakeholder organisation representing park users. It has a

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<sup>1</sup> This description differs slightly from the wording proposed on the application form dated 2<sup>nd</sup> December 2025.

<sup>2</sup> Lambeth Overview and Scrutiny Committee, 19<sup>th</sup> November 2025.

broad base of local support, having been funded by over 1,250 individual donors in 2025 and having presented a petition to Lambeth Council with more than 3,500 local signatories, and maintains regular communications with subscribed local residents and park users through periodic news bulletins.

1.4 PBP **Objects** to this proposal, which is inappropriate and unacceptable in this sensitive location, for the following summary reasons that will be explained in this Statement:

- i. The proposals constitute inappropriate development on Metropolitan Open Land, causing harm to openness and the essential parkland character, and very special circumstances have not been demonstrated to clearly outweigh that harm.
- ii. The scale, intensity and duration of enclosure/occupation would unacceptably reduce public access to, and enjoyment of, Brockwell Park as a publicly available recreational resource (including through prolonged set-up/de-rig periods and associated path closures/diversions).
- iii. The Applicant has not provided a robust or complete ecological evidence base (including for BNG and mitigation), and the proposals present an unacceptable risk of adverse effects on biodiversity and sensitive habitats/woodland, including through repeated disturbance and reinstatement uncertainty.
- iv. The proposals would result in unacceptable harm to trees, soils and grassland through repeated heavy-use, trackway/plant, compaction and root-zone pressure, with insufficient certainty that impacts can be adequately avoided or fully remediated.
- v. The proposals may give rise to unacceptable effects on residential amenity by reason of noise, general disturbance and light intrusion, including from build/de-rig activity and servicing, and with inadequate detail to demonstrate effective control and enforceability. Or, at least, insufficient evidence has been provided to show that such adverse effects would not result or can be adequately mitigated.
- vi. The proposals would cause harm to the significance of designated heritage assets and their settings (including through encroachment, structures, lighting and intensified activity within key views and historic parkland context), which is not outweighed by public benefits.
- vii. The asserted public benefits are overstated and insufficiently evidenced (including claimed economic/community benefits) and are not of a nature or scale that would outweigh the identified harms or justify the grant of permission.

1.5 Those reasons constitute a clear basis for refusing to grant planning permission. In such circumstances and for the reasons developed below, the benefits of this scheme do not come close to outweighing the harms that would result. Permission should be refused.

- 1.6 Aside from the fundamental substantive problems with the proposed development, procedural issues also arise. Notwithstanding the submission of a Statement of Community Involvement with the application, which itself recognises that local engagement is ‘still at an early stage’ (p.2), PBP is concerned that to date there has been little meaningful dialogue with residents. This is disappointing given the significant level of disruption that would occur over a significant period, across May and June (and that has occurred, on an annual basis prior). It is also regrettable that the approach taken in the preparation of the application has led to deficiencies that could have easily been avoided, e.g., in relation to assembling an adequate noise baseline by collaborating with nearby residents at the Herne Hill House and Park View tower blocks.
- 1.7 The deficiencies indicate that the application has been prepared to a compressed timetable aligned to the Applicant’s event programme, rather than being supported by a complete and consultation-ready evidence base at the point of submission. For example, the submitted Ecological Impact Assessment (‘EcIA’) acknowledges that there are presently ‘unresolved’ conclusions in relation to habitat compensation, such that an ‘addendum will be provided prior to determination’ (EcIA, p.3). Clearly, it would be inappropriate to determine this planning application without sufficient detail, especially given the exhortation in the NPPF that the ‘right information is crucial to good decision-making’ (para. 44.). Matters of ecology and biodiversity are of particular concern to PBP; we therefore trust that any new application information will be subject to further public consultation.
- 1.8 In relation to consultation, the time afforded to residents to respond is clearly unsatisfactory due to the registration of the application at the advent of the Christmas period. Given the controversial nature of this proposal, the volume of technical documentation and the complex issues engaged, the consultation period – ending 5<sup>th</sup> January 2026 as stated on the site notice(s) – is plainly inadequate. Whilst the site notices say consultation expiry is 5<sup>th</sup> January, all letters sent to consultees/residents (that we have seen) say 31<sup>st</sup> December 2025. Some of these are reported as having been received as late as 18<sup>th</sup> December, inevitably due to festive delays. The reality is that this has led to confusion and very limited time for residents to meaningfully engage with the application material. PBP therefore requests that the consultation deadline is extended and that any further submissions/addenda are subject to a further period of public consultation.
- 1.9 Lastly, we observe that whilst the published application form has redacted the details of site owners pursuant to Certificate B (indicating that the Applicant is not the [sole] landowner), the application has been registered in accordance with ‘Regulation 4’ which,

consistent with local knowledge, indicates that the land is owned by the Council. We expect that the Council has been, and will remain, suitably open-minded in processing and determining the application despite the financial incentive that arises in doing so; there should be clear evidence and confirmation that this is the case.

- 1.10 We reserve our position in making further representations, and legal submissions if deemed necessary, prior to determination.

## **Reasons for Objection**

### **Principle of Development / Metropolitan Open Land**

- 2.1 Brockwell Park is designated Metropolitan Open Land ('MOL'). London Plan Policy G3 confirms that MOL is to be given the strongest protection, with the policy approach reflecting Green Belt-type controls i.e. that the MOL should be protected from inappropriate development through applying the same policy tests. The supporting text explains that MOL performs an important strategic role within London's green infrastructure, delivering (amongst other things) sporting/leisure use, heritage value, biodiversity, and health benefits through encouraging walking/running and other physical activity (para. 8.3.1). It is further recognised that the importance of the MOL also lies in its ability to improve Londoners' quality of life.
- 2.2 National policy through the NPPF is clear that the 'fundamental aim' of Green Belt policy is to keep land permanently open, with the essential characteristics being openness and permanence (para. 142). Inappropriate development is, by definition, harmful and should not be approved except in very special circumstances ('VSC') (para. 153). Substantial weight must be given to any harm, including harm to openness.
- 2.3 Although in accordance with para. 154 an exception exists for 'appropriate facilities' for outdoor sport and outdoor recreation, it is expressly conditional: the facilities must preserve openness and must not conflict with the purposes of including land within the Green Belt (read: MOL).
- 2.4 At local level, Lambeth Local Plan Policy EN1 seeks to maintain open spaces and their function, and resists development that would involve the loss of existing public or private open space unless relevant criteria are met. The Applicant expressly recognises that EN1 is to be read alongside London Plan Policy G3 in relation to MOL.

- 2.5 Against that policy framework, the proposal is not a small-scale community use of the park. It is a major, ticketed commercial event series, with a maximum licensed capacity of 29,999 attendees (including staff) across 32 days (including wet-weather buffer days). These days are defined to include build and de-rig, with the maximum event period spanning Saturday 9<sup>th</sup> May to Tuesday 9<sup>th</sup> June 2026.
- 2.6 PBP would therefore also question whether the nature and scale of development proposed is strictly related to sport and outdoor recreation, let alone being ‘appropriate’ to such a use; each event of the series is more akin to a music festival or private music club event than genuine recreation for the purpose of wellbeing and improving quality of life, consistent with the MOL designation. That evidently does not accord with the aims and objectives of the above policy framework.
- 2.7 The operational model relies on extensive temporary built form and enclosure: perimeter fencing (including 3.4m-high ‘Steelshield’ fencing around the Event Area and Staff Camping<sup>3</sup>), Heras-fenced areas, stages, marquees/gazebos, lighting rigs, PA infrastructure, welfare/toilet blocks, plant enclosures and back-of-house cabins. These are not incidental park fixtures; they are substantial, secured installations associated with a controlled-entry commercial venue.
- 2.8 The Applicant seeks to frame the impact as limited by reference to a headline figure that ‘approximately 26% of the park’ is enclosed/occupied ‘at any one time’ (Planning Statement, p.3). However, the submitted material also confirms that (i) the red-line application site (excluding the copse) is 185,872m<sup>2</sup> – stated to be 36% of the park – and (ii) the red line has been drawn wider than the likely fenceline in places to allow flexibility for changes to fencing/infrastructure and canopy growth<sup>4</sup>. Those points matter because the MOL harm is sensitive to the true spatial extent of land affected and the degree to which the park is experienced as open and publicly available during the relevant period.
- 2.9 In fact, accounting for the areas of the park that do not represent accessible open space (e.g. the Lido, the Hall, car parks, and ponds), the amount of remaining useable space that would be occupied by the proposed development increases to 45%, almost half the Park. This is demonstrated on the enclosed drawing prepared by PBP (**Enclosure 1**).

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<sup>3</sup> See Event Operation Summary (p.18) and various references in the Arboricultural Method Statement. PBP would point out that last year’s event included fencing up to 4m high.

<sup>4</sup> PBP observe that there would be additional footprint creep beyond red line area, such as boneyard parking, fenced-off exit/entrance routes, external lighting towers, and vehicle parking.

- 2.10 In MOL terms, “openness” is not only a question of long views across a landscape. It also has a functional dimension: the ability of the public to use and experience the land as open parkland delivering the benefits identified in the development plan (sport and leisure use; health benefits from walking/running; and the wider green infrastructure role). A proposal which, for a sustained period, introduces extensive barriers, security infrastructure and exclusion zones, and materially reduces the park’s availability for informal recreation, will inevitably pose harm even if it is not “permanent” and even if other parts of the park remain physically accessible.
- 2.11 The Applicant relies on NPPF paragraph 154(b) (outdoor recreation) to contend that the development is not inappropriate, and because (they say) openness is preserved. As above, that conclusion is not made out on the face of the proposals. The scale, intensity and secured enclosure of the event infrastructure, combined with the duration of occupation and consequential restriction on public enjoyment of substantial areas of MOL, will undermine openness in both spatial and functional terms. On that basis the proposal should be treated as inappropriate development causing MOL harm to which substantial weight must be given.
- 2.12 In relation to permanence, the Applicant’s suggestion that there would be no permanent harm because the permission is time-limited and infrastructure dismantlable is fundamentally misconceived. The concept of permanence in MOL terms is not confined to whether structures physically remain in situ year-round; it is directed to whether the land is, in practice, kept permanently open and available to perform its open space functions. Here, the proposal entails extensive built form and secured enclosure for up to 32 days (build to de-rig), and, crucially, the Applicant presents Brockwell Live as an annual event series (taking place in the Park annually since 2018<sup>5</sup>) which it intends to continue. The Applicant also acknowledges that effects arise ‘combined with cumulative effects of annual event disturbance periods’<sup>6</sup>, and the ecological recommendations explicitly refer to the need to compensate for the ‘*de facto* permanent disturbance’<sup>7</sup> of grassland areas. In those circumstances, the claimed absence of permanent harm should be given no weight: the proposed use is, in reality, a recurring and ongoing commercial occupation of MOL which

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<sup>5</sup> As set out in the Event Operation Summary (p.4). This is not therefore a continuation of a more historic use, contrary to the suggestion made at para. 3.3 of the Planning Statement. The history of the Park in that regard is primarily of free, civic or protest-related events (e.g. Lambeth Country Show, Rock Against Racism), not repeated large-scale, ticketed commercial festivals occupying substantial parts of the park for weeks at a time.

<sup>6</sup> Planning Statement, para. 7.83.

<sup>7</sup> See for example Tables 1.1 and 5.1 of the Ecological Impact Assessment.

materially erodes the permanence of openness of the Park, its fabric, and its public park function. Furthermore, there is inadequate justification for the event to be located at Brockwell Park; the claimed benefits, so far as material, could apply to any location.

- 2.13 If the LPA were to accept that the proposals are inappropriate development (or otherwise cause harm to MOL openness/function), the application can only proceed if VSC are demonstrated such that the harm (and any other harm) is clearly outweighed by other considerations. That is a high bar, and it requires more than generalised assertions about cultural vibrancy or a temporary duration. We return to the alleged public benefits later in this letter but PBP's strongly held view is that they are insufficient to amount to VSC.
- 2.14 For these reasons, the PBP's position is that the application conflicts with the development plan approach to MOL/open space (Lambeth Local Plan Policy EN1 and London Plan Policy G3), and with national policy requiring substantial weight to be given to any harm to openness and a stringent VSC test where inappropriate development is proposed.

### **Loss of Public Access of an Important Recreational Resource**

- 2.15 As above, Brockwell Park's value lies in its day-to-day availability for informal recreation, movement, exercise and wellbeing. That is integral to the MOL function described in policy.
- 2.16 The application is predicated on extended periods of secured enclosure and route restrictions. The Planning Statement anticipates path closures/diversions during the build, operation and de-rig phases; the submitted Cross Path Closure Dates plan identifies that this will include at least 26 days of closure on Paths 'B' and 'C' which are key points of access into the Park. This is confirmed by the Traffic Management Plan, which states 'once the event site is secured with a perimeter fence, there will be no public routes through the site' (para. 6.1.1).
- 2.17 Thus, these impacts are not limited to the festival days but arise during the broader residency when substantial areas are fenced, controlled and subject to route changes. The planning harm is therefore the sustained curtailment of ordinary public movement and informal recreation during the occupation period, not merely the hours of live performance.
- 2.18 Crucially, the Applicant's own SCI evidence that these arrangements have a measurable deterrence/displacement effect, based on previous events. The SCI records that some residents experienced 'the park was closed off for too long', with fences obstructing pathways normally used for exercise, walking and commuting (p.8). The SCI further records

that daily park use fell by around 40% during the 2025 event series, and 17% of respondents avoided the park completely (p.8). These figures go well beyond a mere inconvenience: they indicate substantive displacement and reduced public enjoyment of a key recreational resource.

- 2.19 The Applicant seeks to downplay this harm by reference to a headline claim that a maximum of 26% of the park is fenced off/used at any one time. That statistic is firstly an understated inaccuracy and secondly is not a sufficient answer: the principal access harm arises from severance of key desire lines, the cumulative effects of diversions/pinch points, and the changed character of the park arising from barriers and controlled movement.
- 2.20 There is also a clear assessment gap. The application material does not provide a transparent baseline (normal desire lines, peak recreational uses, key commuter/exercise routes) or quantify who is displaced and where. That deficiency is accentuated by the SCI's express limitation that no questions were asked about disability (or other protected characteristics), constraining any meaningful assessment of differential impacts on those with mobility impairments and others who rely on the park's route network and step-free access (SCI, p.8). We consider that in those circumstances the LPA cannot properly meet its Public Sector Equality Duty in determining the application as currently made. In circumstances where the Applicant's own engagement material identifies access and fencing as a key complaint, the onus is on the Applicant to show how the scheme has been designed and programmed to minimise loss of public access. This has simply not been addressed.
- 2.21 As noted above, the SCI also confirms that there was no specific engagement with residents on this planning application prior to submission, citing timescales. Given the scale/duration of the proposed enclosure and the evidence of access-related concern, that lack of application-specific engagement further underlines the difficulty of this application being lawfully granted without full and transparent engagement well in advance of any determination.
- 2.22 The Council's own post-event briefings for 2025 do not indicate acceptability and instead demonstrate the opposite: that adverse impacts are inevitable; the "recovery" is prolonged and requires significant intervention; and the park's openness and recreational function remain materially constrained for weeks and months after the events (bundle at **Enclosure 2**). Officers recorded the need for rope and pin barriers to restrict foot traffic in the most damaged areas (notably trackway routes and the main stage forecourt) and later considered

wider use of fleece/soil recovery methods notwithstanding the temporary reduction in usable open space this entailed during the summer holiday period. By early September 2025, officers still reported “pre-event standards” across only c.70–80% of the site and confirmed that further phases of work were required to reach 100% coverage, with track-matting zones specifically identified as having low recovery and poor sward density. The bundle also records that remediation outcomes have been weather dependent (e.g. compaction works constrained by very dry ground conditions) and that infrastructure damage requires ongoing attention. In parallel, they evidence displacement of core park functions: officers noted on 2<sup>nd</sup> July 2025 that the football pitch was unlikely to be playable by September and proposed relocation, with works continuing into October. On any fair reading, these are not benign, short-lived effects; they are continuing consequences of the event model itself. Loss of Park use therefore extends beyond the Applicant’s obviously misleading claim that restriction is confined to just 7% of the calendar year (Planning Statement, para. 8.2).

2.23 For these reasons, the proposal is not in accordance with the development plan. In particular, the extent and duration of enclosure and severance (and the Applicant’s own evidence of materially reduced park use) conflicts with the strategic purpose of MOL as part of London’s green infrastructure providing health and recreation benefits (London Plan Policy G3); and Lambeth Local Plan Policy EN1 which resists loss of open space and requires that any open-space related facilities are acceptable in terms of impact on openness and do not harm the function and operation of the open space.

### **Ecology and Biodiversity**

2.24 Brockwell Park is special. It is identified as a borough-grade Site of Importance for Nature Conservation (‘SINC’) and supports protected and priority species (including bats and birds of conservation concern).

2.25 The relevant policy context is correspondingly protective. London Plan policy G6 requires SINC’s to be protected, and where harm is unavoidable (and only where benefits clearly outweigh impacts) the mitigation hierarchy must be applied, with proposals informed by best available ecological information from the outset. In parallel, Local Plan policy EN1 resists development causing significant harm to biodiversity value of open space including SINC’s unless adequate mitigation or compensatory measures of equivalent or better biodiversity value are secured.

- 2.26 Against that policy backdrop, the submitted EcIA is candid that it is not yet in a final, consultation-ready form. It acknowledges that, ‘given time constraints’, mitigation and enhancement recommendations ‘may not have been fully integrated within proposals at this time’ (p.2), and that ‘an addendum will be provided prior to determination’ (p.3). This is an express admission that material ecological information is being deferred.
- 2.27 The EcIA also records methodological constraints that go to the reliability of predictions. It explains that the assessment has been prepared within a short timeframe, without the ‘full suite’ of baseline surveys that would ordinarily be collected, and that updates are likely to be necessary because event design and delivery evolve (EcIA, p.17). It also records that the author of the EcIA could not engage in dialogue with the Council’s ecologist and describes the report as ‘interim’ pending ‘firm commitments’ from all stakeholders (EcIA, p.18). Those statements materially undermine the Applicant’s suggestion that impacts are comprehensively assessed and can be robustly controlled at this stage.
- 2.28 The Council will be aware of the requirement in Circular 06/2005 that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by a proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. That Circular remains up to date being referenced in footnote 68 of the NPPF and is consistent with the duty under s.40 of the NERC Act 2006 that decision makers must have regard to the purpose of conserving biodiversity. This leads us to consider that the LPA cannot properly discharge its duties in determining the application because it is neither up to date nor suitably and sufficiently assessed.
- 2.29 In any event, the Applicant’s own evidence indicates that measurable ecological disturbance can arise from the event series. For example, the EcIA reports a marked drop-off in common pipistrelle activity during the event, and changes in soprano pipistrelle and noctule activity, with recovery later in the season (EcIA, p.2). That evidence reinforces (i) the sensitivity of receptors, (ii) the importance of having properly secured, enforceable mitigation and monitoring (not left to later iteration), and (iii) the inappropriate siting and scale of events of this type.
- 2.30 This is particularly important for matters with potential biodiversity consequences that are repeatedly referenced as being finalised later. By way of example, the submitted Landscape, Ecology and Ground Impact Management Plan refers to a ‘Functional Lighting Plan’ forming part of the application (p.30). Yet the application documentation (as publicly consulted

upon) does not present a single, auditable, assessed lighting design package showing predicted lux contours/angles/timings and secured ecological limits (which is critical for bats, birds and invertebrates in a SINC context). Plans relating to perimeter lighting are provided but these contain minimal information, only locations (and only in relation to ‘functional and safety’).

- 2.31 Turning to Biodiversity Net Gain (‘BNG’), the BNG Assessment recognises that the statutory BNG requirement applies (i.e. the development is not *de minimis*) and sets out a calculated habitat shortfall to be addressed (BNG Assessment, p.3). It also recognises that BNG calculations are sensitive to boundary assumptions and design parameters: it expressly notes that the BNG assessment boundary differs from the application red line and that, if the boundary or design changes, the BNG position will be impacted and ‘therefore BNG would need to be updated’ (BNG Assessment, p.3).
- 2.32 The EcIA itself recognises that the BNG/ Habitat Management and Monitoring Plan (‘HMMP’) component is integral to concluding on residual effects, recommending that a comprehensive ecological management plan be developed for the park and linked to the BNG and HMMP (EcIA, p.8).
- 2.33 The difficulty is that this has not been provided in a final form; instead, the ecology case relies on subsequent addenda and review. The Council is therefore being asked to determine the application without the public having any proper opportunity to comment on the finalised ecological package which, by the applicant’s own evidence, is determinative of whether impacts are acceptable. This is contrary to the NPPF’s emphasis that planning decisions should be based on adequate and up-to-date information (NPPF, para. 44).
- 2.34 We would also point out that accepting a degraded baseline calculation risks locking-in decline, because each year’s harm is judged against an already damaged condition. Given the ongoing, annual harm that has been caused, the baseline should reflect the earliest date available, also recognising that the proposed baseline reflects impacts arising from activities later found to be unlawful<sup>8</sup>. This calls for a precautionary approach when defining the “existing condition” of the land.
- 2.35 The Council’s recent determination of the Lambeth Country Show at Brockwell Park (ref. 25/00693/RG3) illustrates why it is not acceptable to defer fundamental ecology/BNG matters to post-permission processes. In that case, an updated, event-specific EcIA was not

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<sup>8</sup> *Shaman v London Borough of Lambeth and Summer Events Ltd* [2025] EWHC 1372 (Admin).

secured as part of the application evidence base but was instead required by condition to be submitted and approved after permission was issued. The Applicant's Planning Statement also records that those ecology/BNG conditions were then amended via a non-material amendment (ref. 25/01683/NMC), which we observe allowed for the EcIA to be undertaken *after* the site had already been affected by the development. That is wholly inadequate. We note that the condition was not discharged until 10<sup>th</sup> December 2025, six months after the event.

2.36 This is a clear example of essential environmental controls being finalised outside the determination process and without the safeguards of meaningful public scrutiny. The present application should not repeat that approach: the LPA should only determine the current application on the basis of a complete, publicly available and internally consistent EcIA/BNG package, with any mitigation/compensation measures clearly secured and enforceable at the point of decision. In the absence of such, permission should clearly be refused.

### **Harm to Trees and Ground**

2.37 The submitted Planning Statement asserts that there will be 'no permanent alterations' and 'no long-term displacement or damage of natural vegetation or habitat' (p.33). That is not a safe assumption on the evidence: (i) the submitted method relies on extensive activity within root protection areas ('RPA') with reduced physical protection; and (ii) recent post-event reporting and agronomy assessments record non-compliance and impacts which persist well beyond the event period. The experience of residents and PBP is that the Park events being undertaken by the Applicant, year on year, leave a consistent pattern of scarring which changes the character of the park and is unusable for picnicking, sunbathing and family games; the consequence of which is to further undermine the protective policies of the development plan.

2.38 Firstly, the Arboricultural Method Statement ('AMS') accepts that installation/dismantling of the 3.4m-high security fencing involves incursions 'within the RPAs of 49 trees'<sup>9</sup> (p.11) and further states that, for this element, 'tree protection fencing is not practicable' and RPAs will instead be 'managed and monitored' (AMS, p.12); in order to provide access pruning of trees is also likely (p.14). That is inherently high-risk in a public park context where crowd safety, contractor sequencing, and operational pressures predictably drive

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<sup>9</sup> Such fencing being much too large to erect by hand.

compromise. PBP's concern is reinforced by the Arboricultural Impact Assessment ('AIA') acknowledging that a 2025 'non-compliance log' exists but was not made available because it was 'vetoed' by the Council's Parks Department, with the report noting that a 'more bespoke and tailored approach' would have been possible had this information been shared (p.4). A review of the submitted plans also identifies trackways within the RPA of various important trees. In doing so it has been necessary to overlay drawings to reveal the true extent of risk. The Applicant should provide a clear and comprehensive drawing showing all items of fencing, plant, and trackways in relation to trees.

- 2.39 Secondly, the 2025 evidence (as far as disclosed) shows exactly why reliance on monitoring is problematic. The Council's Brockwell Live 2025 post-event condition reporting records repeated tree-related incidents including wire being installed in multiple trees and items stored within tree protection areas/RPA. Compaction around tree roots was also recorded<sup>10</sup>. In the copse, the same log records tree protection fencing being removed. FOI requests have also revealed evidence of recorded tree and branch damage across the Park.
- 2.40 Those incidents align with correspondence indicating, by the Operator's own admission, that the copse is intentionally left unfenced on event days for 'crowd safety' and for 'programming use' (**Appendix 1**). This is difficult to reconcile with the design principle in the submitted Landscape, Ecology and Ground Impact Management Plan that woodland blocks (including the copse) are 'not... locations for structures or areas used for crowd management or event operations' (p.11).
- 2.41 Thirdly, in relation to ground and soil impacts, the agronomy assessment after the 2024 Brockwell Live event series identifies three principal adverse effects: loss of ground cover; damage to soil structure; and disruption of surface levels; alongside a compacted surface and concentrated ground cover loss in heavily used areas (Agrostis June 2024, pp.7-9<sup>11</sup>).
- 2.42 The March 2025 follow-up was undertaken after reinstatement works following the major outdoor event reported on in June 2024. Whilst it notes that 'a general restoration of ground cover is apparent' and 'largely successful', it also recorded that the condition of ground

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<sup>10</sup> Published on the Council's website, available here:  
<https://event.microsites.lambeth.gov.uk/sites/default/files/2025-11/Post%20Event%20Damage%20Report%20BL25.pdf>

<sup>11</sup> This document, alongside other post-event reporting, was recently published as part of the Council's November 2025 Scrutiny Committee.

cover continued ‘to reflect the disruption that it has undergone’ and that the pattern of structures and activity could still be discerned (p.15)<sup>12</sup>.

- 2.43 Following the 2025 events, the Post Event Condition Report also includes a ‘Hand Over Damage Assessment’ which records multiple incidents and damage, consistent with the issues that were being report while the events were in operation. This contemporaneous evidence demonstrates that, even where an AMS is in place, operational pressures have translated into RPA encroachment and material ground damage which necessarily persists beyond the event days themselves.
- 2.44 The current application is supported by a further report dated November 2025. This underscores that recovery is materially constrained by soil conditions and timing. It notes that timing is ‘critical’ for renovation, with the optimum window being early August to mid-September (p.16). Against that evidence, the application does not properly demonstrate how the park will be given sufficient time (and secured, enforceable resourcing) to recover year-on-year, particularly in the context of an ongoing annual event residency and the predictable risk of repeat compaction and sward loss.
- 2.45 In short, the claim of ‘no permanent harm’ is not evidenced; if anything, each subsequent event compounds the harm caused by the previous events. The Applicant seeks permission for an annually repeating event model, with known pressure points where crowd management has already been used to justify relaxing protective fencing; and with documented soil structural impacts that carry over between seasons. On that basis, there is a highly likely and credible risk of cumulative harm to trees and the park’s soil resource, and insufficient confidence that impacts can be avoided and reinstatement reliably secured. Ongoing ground compaction will only exacerbate the drainage profile of the land and its ability to fully recover.

### **Residential Amenity**

- 2.46 The Applicant acknowledges that the main potential impacts on residential amenity are noise, crowd-management (including toilets/egress), and lighting (Planning Statement, p.57).

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<sup>12</sup> Available here: <https://event.microsites.lambeth.gov.uk//sites/default/files/2025-11/Agrostin%20Brockwell%20Park%20March%202025.pdf>

- 2.47 However, the application material still relies heavily on future permit / licensing / Safety Advisory Group (“SAG”)-controlled documentation to finalise how those impacts will actually be managed. We would suggest that this is not an adequate basis for determining whether to grant planning permission. This is particularly important in this case given the known issues that have arisen from previous events, leading to serious harm to amenity of residents. The Acoustic Report rightly recognises that the format of events across the years has remained ‘broadly consistent’ (p.5).
- 2.48 The Acoustic Report also asserts that, ‘as a time-limited event with finite operating hours, there is no mechanism for cumulative or ongoing harm’ (p.5). However, the event residency is not merely confined to show hours: it includes substantial build and de-rig and (as the Applicant accepts elsewhere) and can extend through buffer days and contingency periods; indeed, it has been foreshadowed that this will be the case where it is stated: ‘The event will apply for a Section 61 permit from Lambeth Council to authorise out of hours working’ (Event Operation Summary, p.10<sup>13</sup>).
- 2.49 The monitoring/audit material records recently published on the Council’s website reveals that noise complaints were received during the 2025 series, as they have been every year (Noise Audit Report<sup>14</sup>). The report records 115 noise complaints, described as an average of 16 complaints per event day (p.9). PBP would suggest this figure to be inaccurate where FOI requests indicate that at least 330 complaints were made in relation to noise. Nevertheless, even if the Applicant maintains that licenced sound limits were generally achieved, and aside from any “complaint fatigue” that usually occurs over time, the planning question is not limited to whether a licence condition was breached; it is whether the use (in scale, intensity and duration) would give rise to an unacceptable level of impact on residential amenity. PBP would also emphasise that the planning harm in this case also arises from the duration and repetition of events and is not simply a question of whether sound levels fall under a specified threshold.
- 2.50 The Acoustic Report itself notes that sound level alone has a weak correlation with complaint, because perception is shaped by a range of factors (including audibility,

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<sup>13</sup> The typical hours of operation for site build/de-rig are stated to be 8am – 8pm but it is also stated that it will be necessary to undertake some site works before 08:00 and post 20:00; the lack of specificity on this crucial point leads PBP to suspect that works will be generally ongoing late into the night, alongside other operations, which is known to be the case from past experience.

<sup>14</sup> Available here: <https://event.microsites.lambeth.gov.uk//sites/default/files/2025-11/Brockwell%20Live%202025%20-%20Noise%20Monitoring%20and%20Management%20Audit%20Report.pdf>

tonal/low-frequency characteristics, expectations and time of day) (p.9). That is important and underlines the need to have a robust assessment and model of likely impact. In our view, the submitted Acoustic Report falls short in that regard for several reasons.

- 2.51 Firstly, noise arising from plant (as well as traffic) has been expressly excluded from assessment. This is ostensibly on the basis of being insignificant relative to music noise. But, as above, it is evident from other application documents that operational noise is likely to endure beyond any public curfew/after music ends. Sudden, intrusive noise relating to build and de-rig activity has not been accounted for. This is a serious omission.
- 2.52 Likewise, it is not clear why noise from static plant (generators and towerlights) have been excluded. The Report acknowledges that noise will be continuous, therefore persisting beyond when the music stops, but this is not raised as an issue because it would be 'silenced equipment' (Table 3, p.7). However, no details have been provided to give assurance that this would be the case. Anecdotally, PBP understand that plant machinery has not been silenced in the past, and that use has endured beyond agreed hours.
- 2.53 The Event Operation Summary also states that servicing windows commence at 6am and toilet servicing will be undertaken 'overnight' (p.41). Again, the noise associated with those operations, including pumping equipment and pressure washers, has not been considered. Those are precisely the kinds of early morning / late-night activities that can materially affect sleep and quiet enjoyment, yet they are not assessed (or controlled).
- 2.54 Secondly, PBP remains concerned that the Applicant's noise evidence is materially weakened by the decision not to undertake monitoring at higher-level residential receptors within Herne Hill House / Park View tower blocks, notwithstanding that the upper floors directly overlook the site and music stages and are therefore likely to experience a materially different (and potentially greater) exposure than ground-level locations, where receptors are comparatively screened. There is no credible justification for not doing so. PBP understand that noise consultants routinely obtain representative data at height by applying a proportionate risk assessment and various consultants have been approached to confirm this is correct, with a typical response being:

'We have a duty of care when installing equipment to residents and ground floor passers-by. However, there may be an external balcony we can install onto. Or failing that place sound level meter out of a window on a boom and/or keep window open and place sound level meter level with façade, or even in the room.'

- 2.55 In these circumstances, reliance on ground-level monitoring is not representative of the most directly affected dwellings, and the Applicant has failed to assemble a robust baseline capable of informing enforceable noise limits and effective compliance monitoring for the 2026 event series.
- 2.56 Regarding lighting, the Event Operation Summary confirms that ‘LED floodlights are used along the event perimeter fence for security and safety purposes’ and that ‘Mobile tower lights are used in the park for public egress and other essential works’ (p.27). Similar to our concerns in relation ecology, there is little information on potential lighting impacts beyond what has been stated. That is a clear deficiency for the determination of a planning application.
- 2.57 There is no detailed lighting design information within the application allows the potential effects to be properly understood and conditioned: e.g. mounting heights, aiming/direction, light intensity, and degree of spill/glare at sensitive residential receptors. Instead, the Applicant asks the LPA to accept the principle and leave the detail to SAG. That approach does not enable meaningful public scrutiny, and it blurs the line between planning acceptability and event-management preferences.
- 2.58 Taken together, and in the absence of clear, front-loaded and enforceable controls, the above points indicate conflict with the requirement to protect residential amenity under Local Plan policy Q2 (and London Plan policy D14) and the objective to avoid significant adverse impacts from noise (and associated pollution) on health and quality of life in the NPPF (e.g. para. 198).

## **Heritage**

- 2.59 Sections 66(1) and 72(1) of the Listed Buildings Act are duties that have the force of statute and must be followed. They state that in considering whether to grant planning permission for development which affects a listed building or its setting, or is within a conservation area, the decision maker shall: have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses; and shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 2.60 The effect of those statutory provisions is that the desirability of preserving the setting of a listed building (or the character and appearance of a conservation area) must be treated as a matter of ‘considerable importance and weight’, with such duties regarded as presenting

a ‘strong presumption’ (and in this case a statutory rather than just policy based one) against a grant of planning permission where harm to a designated heritage asset is identified.<sup>15</sup> Such duties are clearly not to be discharged without the greatest of care.

2.61 A similar legal duty does not yet apply in relation to Registered Parks and Gardens; however, as a designated heritage asset, there remains a policy presumption in favour of preservation as per Local Plan policy Q21 and the NPPF.

2.62 We do not need to set out the various policy paragraphs of the NPPF that must be worked through methodically in the decision to be taken on this application, as these should be familiar to the Council. Suffice to say, for decision-making, the ‘great weight’ to be afforded to the conservation of designated heritage assets and their settings described in the NPPF is synonymous with the ‘considerable importance and weight’ of the s.66 duty.<sup>16</sup> Therefore, the NPPF itself provides a strong presumption against the grant of planning permission or listed building consent where development or works would harm a designated heritage asset or its setting, ‘requiring particularly strong countervailing factors to be identified before [that presumption] can be treated as overridden’.<sup>17</sup>

2.63 Furthermore, the weight to be given to the desirability of preserving the setting and thus, significance, of designated heritage assets is not uniform: it will depend upon the extent of any impact or harm, and the extent of the significance of the heritage asset in question.<sup>18</sup> That principle is especially important in this case where we say serious, potentially ‘substantial’ harm would result, and where harm to a highly-graded asset is involved.

2.64 We refer the Council to the enclosed Heritage Impact Assessment (‘HIA’) prepared by SR Historic Environment Ltd (**Enclosure 3**). The HIA confirms that Brockwell Park is a nationally significant historic landscape, designated by Historic England as a Grade II Registered Park and Garden (list entry 1000794). It is also a designated Conservation Area. Its significance derives from the survival of a coherent Regency villa landscape, forming the designed setting for the listed structures within the Park, most notably Brockwell Hall

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<sup>15</sup> *R (Barnwell Manor Wind Energy Ltd) v East Northamptonshire DC* [2014] EWCA Civ 137.

<sup>16</sup> *Jones v Mordue* [2015] EWCA Civ 1243.

<sup>17</sup> *Lady Hart of Chilton, R (on the application of) v Babergh DC* [2014] EWHC 3261 (Admin).

<sup>18</sup> *City & Country Bramshill Ltd v. SSHCLG and Others* [2021] EWCA Civ 320.

(Grade II\*, list entry 1080511) and its associated Grade 2 individually listed buildings<sup>19</sup>, and the designed relationships and views associated with them.

- 2.65 The HIA highlights the particular sensitivity of the main approach to the Hall and its pleasure grounds. The HIA's key point is that the harm is not genuinely "temporary" in practice. The HIA has been updated on an iterative basis to record that parts of the affected parkland have still not recovered from previous events, with widespread areas not appropriately reinstated or remediated, shortly before the next set-up period. It also reports continuing evidence of ground/grass damage, waterlogging and compaction effects, and the practical difficulty of restoring/decompacting/draining the land on an annual cycle.
- 2.66 In heritage terms, the HIA concludes that the annual event programme erodes key aspects of the Park's significance and setting: the Hall's visual dominance; the designed relationships between buildings; the intended naturalistic parkland flanking the approach (including sensitive C19 trees); and the tranquillity and seclusion associated with the Hall, walled gardens and portico. It also notes observed impacts relevant to setting and fabric, including damage to paths from repeated HGV movements and encroachment into RPA.
- 2.67 Overall, apart from the 'great temporary harm' associated with the Brockwell Live event itself, the HIA concludes that the annual rota of events causes unacceptable long-term harm to a significant part of the registered park's historic character and fabric, with particular concern about cumulative impacts on ground conditions and trees over successive years.
- 2.68 It is our view that the cumulation of those various harms, properly afforded the considerable importance and great weight that policy and statute require, clearly and decisively outweigh the benefits in this case. We would also aver that, in accordance with the PPG<sup>20</sup>, given that the proposed development would result in adverse impact seriously affecting a key element of the significance of the assets in question, this is a case where 'substantial harm' arises and the circumstances allegedly justifying the proposed development are not wholly exceptional and would not give rise to benefits necessary and sufficiently weighty to outweigh the harm. This would in our view clearly be the case even if the harm is deemed 'less than substantial'.

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<sup>19</sup> Tritton Clock Tower (1080513); Coach House and Stable Block (1080512); and Walled Gardens and Portico (1080514).

<sup>20</sup> PPG on Historic Environment: Paragraph: 018 Reference ID: 18a-018-20190723.

2.69 The application of the heritage policies of the development plan and NPPF clearly direct that permission should be refused.

### **Public Benefits**

3.1 In our view the Applicant's case is overstated and, in several respects, not robustly evidenced. The Planning Statement largely repackages the intrinsic attractiveness of major ticketed festivals as a benefit and relies heavily on generic assertions rather than demonstrating secured, additional benefits arising from this specific proposal. Claims relating to secondary spend are not supported by any transparent, auditable assessment. We would submit that any alleged benefits must be clearly evidenced, secured and site-specific; popularity alone is not a material public benefit.

3.2 Nor are the community benefits as extensive as suggested. Measures such as ballot tickets for local households and a community fund are not insignificant, but they are modest when set against the scale, intensity and duration of commercial occupation proposed, and (crucially) they are not shown to be uniquely dependent on this particular MOL location. In addition, it is understood that the previous "enabling" narrative (commercial festivals funding free-to-enter/community events such as Brockwell Bounce and the Lambeth Country Show) is now materially weakened by cancellations. We would also question whether community funds and charitable donations should be materially relevant to the determination of the application where it is not legitimate to offer money in a manner akin to buying a permission. In those circumstances, overall, the claimed benefits should attract only moderate weight and plainly do not meet the stringent VSC required in relation to MOL or outweigh the various other serious harms identified.

### **Conclusion**

4.1 For the reasons set out above, Protect Brockwell Park considers that the proposal would result in unacceptable harm to the openness and functioning of designated MOL, materially diminish public access to and enjoyment of this important recreational resource, and cause (both alone and cumulatively) harmful effects in respect of ecology/biodiversity, trees/ground conditions, residential amenity and the significance of designated heritage assets. The Applicant has wrongly assessed the impacts of the development as being temporary and confined only to the period of permission, rather than being part of an obviously prolonged and recurring use with lasting effects beyond the event period. The

Applicant has not demonstrated very special circumstances (nor clear and convincing justification for the enduring heritage harm caused), nor a complete and robustly evidenced package of benefits and mitigation capable of clearly outweighing those various harms.

4.2 In these circumstances, the Council is respectfully invited to refuse planning permission.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Stroud', written in a cursive style.

Steven Stroud MRTPI  
Director

Enc:

1. PBP Accessible Areas Drawing
2. Council Officer Briefing Reports Bundle
3. Heritage Impact Assessment (SR Historic Environment)

Re: URGENT - FENCING COPSE - Protection of copse/biodiversity site

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From: [REDACTED]

To: community@brockwell-live.com

Cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Date: Wednesday 28 May 2025 at 19:30 BST

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Dear [REDACTED]

I take it from your belated reply that the copse has had no ecological protection or mitigation throughout every event, and nor will it, notwithstanding what I understand to be clear arboricultural advice and mitigation agreements to avoid footfall compaction in TPZs and the effect of so much human disturbance and pollution of an acknowledged site of important biodiversity.

Your purported explanation itself demonstrates the obscenely greedy excessive scale of your events: namely, so many people in such a small area that you have to claim even this precious space on the grounds of 'safety'.

Feel free to escalate my concerns regarding your evident breaches. I shall be.

Thank you for your help  
[REDACTED]

On 28 May 2025, at 17:51, Brockwell Community <community@brockwell-live.com> wrote:

Hello [REDACTED],

Thank you for getting in touch.

During the pre and post-event build periods, the copse is fully fenced to prevent any vehicle or machinery movement through the area. We've also adjusted the layout of the festival site, relocating bar structures on the southern edge and stage infrastructure on the western edge, to ensure all elements fall outside the root protection zones of trees within the copse.

As with previous editions of the event, the copse has remained unfenced during live event days for two key reasons:

- Crowd Safety: Fencing the area reduces the perception of open space and, at peak times, can create confined channels that pose crowd flow risks. Site design decisions like this are made in partnership with crowd safety experts to ensure we do not compromise attendee safety.
- Programming Use: The copse is actively used during Brockwell Bounce for programming that benefits from the natural, shaded environment, such as sensory spaces and story telling, providing a safe and enriching space for children and families.

As is standard throughout the year, the grass in the copse has been left long to naturally discourage heavy footfall, with the majority of movement focused on the surrounding amenity grassland.

We've discussed this approach with Lambeth and have emphasised the need to prioritise crowd safety at all times. That said, we absolutely recognise and share your concerns and will continue to monitor the area closely and take further steps as needed.

Kindest Regards  
[REDACTED]

  
  
[community@brockwell-live.com](mailto:community@brockwell-live.com)

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**For more information about Brockwell Live and the Lambeth Country Show 2025, including details on our Community Fund supporting local projects - please visit our dedicated resident information and community pages here: <https://www.brockwell-live.com/info>**

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On 28 May 2025, at 15:48,  > wrote:

Dear all

It is again evident that the mitigating fencing around the copse has not been reinstated and is today 28th May still missing.

Please answer the questions below as a matter of urgency, and at the very least have the courtesy to acknowledge receipt of this message.

It is sadly notable that almost all concerns are being totally ignored and going unanswered - so much for open communication and support for community concerns and mitigating ecological or other damages - please reply and please answer the questions and most importantly please reinstate the fencing immediately.

Many thanks



On Tuesday 27 May 2025 at 09:31:15 BST,   wrote:

Please can I receive a response to this message?

Was the fencing reinstated prior to the City Splash attendees arriving on the site?

Please provide full details of:

- all protections that were in place and when for the copse throughout the whole festival period to date,
- what protections were NOT in place and when,
- and what actual inspection, enforcement and supervision was provided during yesterday's City Splash events to ensure the appropriate protection and attempted mitigation of risks to the copse?

Thank you



On Monday 26 May 2025 at 11:15:09 BST,   wrote:

URGENT PLEASE

Dear all

Please can the fencing that was initially in place around the copse be urgently reinstated.

Without it this area of important biodiversity is prey to excessive footfall, root damage, disturbance of wildlife (bats, nesting birds, stag beetle habitat), litter pollution and being used as a toilet as it was last

year.

The photos attached were taken and displayed yesterday.

Please confirm urgently

Thank you

[REDACTED]