

## Chairman's Report

In my last report I touched upon the decision in the very recent case in the Supreme Court of Day v Shropshire. This turns out to be a significant case and the decision reached by the judges has direct implications on the current status of the Golf Course land held by the AELTC, sold to them in 1993 by Merton Council. This is because it appears that the land was subject to a Statutory/ Public Trust and the correct procedures were not followed by the Council prior to the sale, the consequence of which was that the public trust still attaches to the land. We submitted an objection to Merton Council planning on the 12th April 2023 based on this point. This Objection appears on our website under the heading 'One more Material Consideration'.

Since then, and until very recently, there has been no communication from Merton on this application. However, we received a notification from Merton planning department that a response to our objection had been received from lawyers representing the AELTC, on the 7<sup>th</sup> July. On examination this took the form of a 32 page opinion from two KCs and two bundles of supporting papers. One bundle consisted of 929 pages of legislative papers and the other 676 pages termed factual. We were asked whether we would like to respond and were given three weeks to do so. This was of course a ridiculous time frame given that the AELTC lawyers had had three to four months in which to prepare their response. It is unusual for an objector which is not a statutory consultee to be given such an opportunity, but Merton made it plain that they wanted to hear from us.

During the ensuing days, while we considered our options and conveyed the information to our various contacts and supporters, we were presented with a wonderful offer from a local Wimbledon resident KC with whom we had been in conversation from time to time. George Laurence KC generously offered to write us a response pro bono. This was a fantastic offer and very welcome indeed. As you may know, in order to access a Barrister one usually has to go through a firm of solicitors. This case was no exception. With the assistance of John Gould, senior partner of our pro bono solicitors, Russell-Cooke in Putney, a series of meetings was held until, the final opinion was produced and sent to Merton with a covering letter from Russell-Cooke on the 1<sup>st</sup> August. This was within the 3 week deadline given by Merton Planning. All those who worked so hard to achieve this incredible result are to be thanked and congratulated.

Our response has been acknowledged and we believe, as a result, the planning meeting to decide the AELTC application, which was rumoured to be September the 14th, has yet again been pushed back. We have no idea when or if it will be rescheduled. We understand that, not surprisingly, Merton Council are being advised by their own KC who will be advising them what to do in the light of this exchange of opinions.

If we are right, as we believe we are, about the 'public trust' attaching to the land held by the AELTC, this will create a solid impediment to the present ambitions of the AELTC for any development on the land.

Subsequent to the response submitted on our behalf by Russell-Cooke, a further submission was made on the 14<sup>th</sup> August by Christopher Coombe, on behalf of the WPRA, making a number of other important points supplementary to the response by George Laurence on the 1<sup>st</sup> August. This is on our website at [www.wimbledonpark.com](http://www.wimbledonpark.com).

We are often asked why we do not approach the AELTC for a meeting to have a discussion to try and reach some sort of compromise solution. In fact Christopher Coombe, on our behalf, did approach Justin Smith as recently as June this year, with just such a suggestion.

The response from Justin was as follows:

*“Dear Christopher*

*Thank you for your email. It will not come as a surprise to you that AELTG does not share your or Save Wimbledon Park’s views as to the significance of the Day issue. The golf course has always been private and has never formed / does not form part of the open space within the Park.*

*“I am unclear what you are suggesting by us having a “strategic conversation” and in the circumstances I do not understand the purpose. Ultimately this is a matter for Merton and Wandsworth as planning authorities, so I suggest that they be left to make their respective decisions.*

*Regards*

*Justin”*

All relevant documents can be found on our website [www.wimbledonpark.com](http://www.wimbledonpark.com) and the Merton Planning applications website under 21/P2900 under ‘Relevant Documents’ and ‘Comments Wimbledon Park Residents’ Association’.

On Pages 8 and 10, Christopher Coombe provides a helpful explanation to the background and importance of ‘Public Trust’.

## **AGM**

On page 28 you will find the Notice of the next AGM which will be held in Wimbledon Park Hall on the 24<sup>th</sup> October, 2023 at 8pm. In addition to the usual formal agenda items, we will be dealing with a number of important issues such as a new website, how to improve the membership and finances of the Association and, in particular, our intention to incorporate the Association. We will also be asking our Councillors to share the floor on a number of important local issues. So please make a date in your diary. I look forward to seeing you there.

**Best wishes**

**Iain**