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GLA planning

planningsupport@london.gov.uk; john.finlayson@london.gov.uk; rohan.graham@london.gov.uk

Application to develop Wimbledon Park Golf Course (Merton 21/P2900, Wandsworth 2021/3609)

Objections of WPRA for GLA Stage 2: please reject this application.

The Wimbledon Park Residents' Association has been established for many years for the Ward of Wimbledon Park in Merton, some 12,000 residents and 4,500 households. This Association has made several representations[1] objecting to this application as it has been revealed in further documents over the course of the 30 months of this process. We understand that all representations will be forwarded to you at Stage 2, which is expected imminently.

This paper is a brief note of some of the key policy and planning issues, largely at NPPF level and repeated in the London Plan. We respectfully request the GLA to reject the application, confirming the unanimous decision of the London Borough of Wandsworth and notifying the London Borough of Merton to refuse the application. If the GLA decide to take over the application, we reserve the right to make further representations and apply to be heard at any meeting.

For the Wimbledon Park Residents' Association, 56 Home Park Road, SW19 7HN.

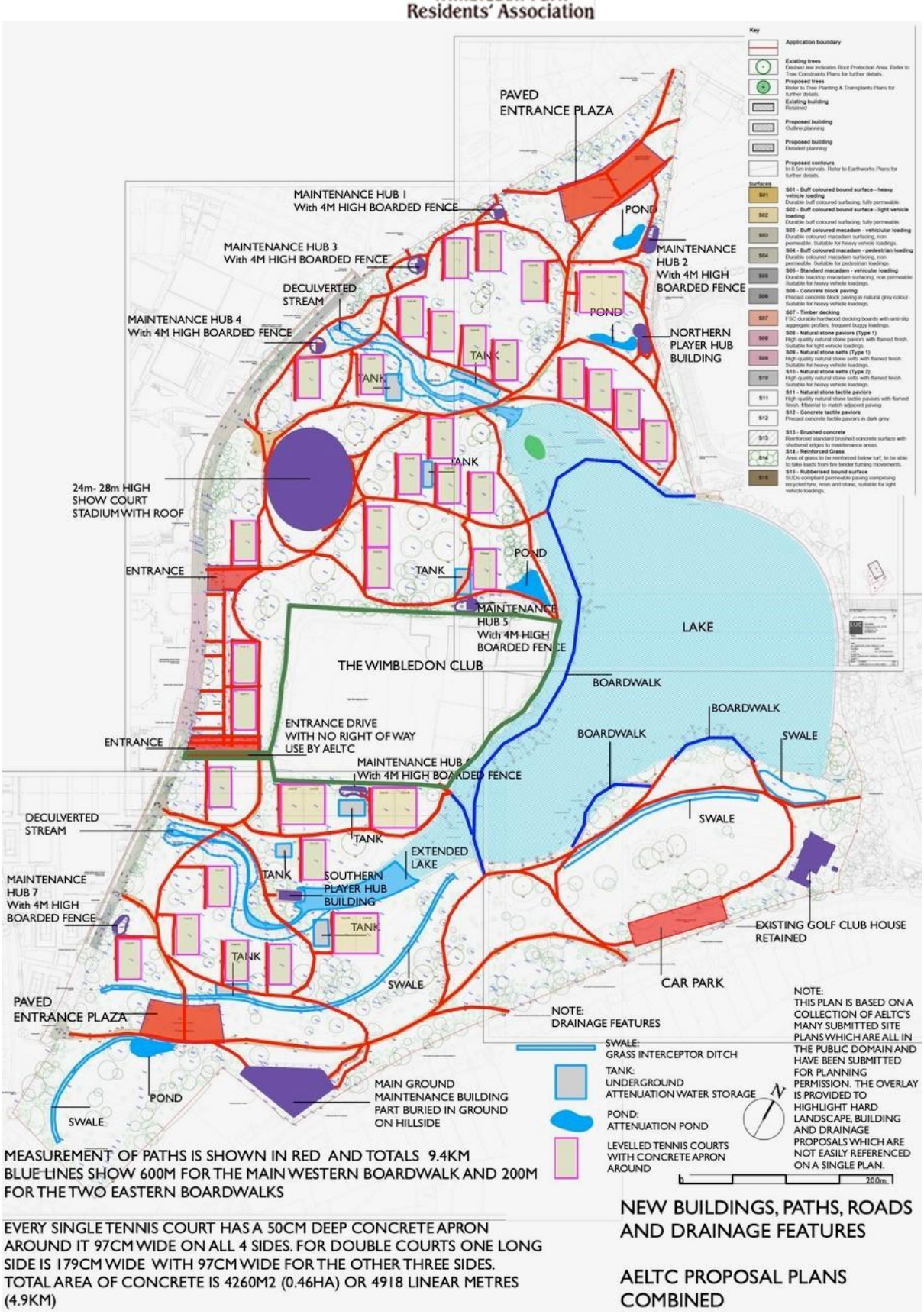
Iain C. Simpson Chairman, Dr D.G. Dawson, and C.B. Coombe, Planning and Environment Committee.

1. Extent of the proposed works.

This is a colossal development on a highly protected site. The developer has provided no single plan to show the full extent of the works proposed. The following plan has therefore been prepared from the application documents with that aim, but, even so, cannot fully illustrate the subterranean works (tunnel, tanks, drains and services) required for such a complex, nor the court "dressing" ("permanent structures")[2], nor the extensive excavations of some two thirds of the site required to level all 39 courts, provide foundations for all the buildings, roads, paths and hardstanding areas, and replace unwanted soil and surfaces. Nor does the plan show the proposed soil removal and relocation across the entire site to change the underlying grassland landscape.

[1] Dated 29 September 2021; 27 January 2023; 9 and 15 February 2023; 12 April 2023; 13 August 2023; 10, 18, 19, 20, 21, 22, 23, 24(x2) October 2023; and 18 and 20 November 2023. Legal submissions from Russell-Cooke on behalf of this Association and The Wimbledon Society including Counsel's opinions dated 31 July 2023 and 24 October 2023.
[2] Source Wandsworth Officer's Report for 21 November 2023 meeting ("WOR") page 10.

Wimbledon Park Residents' Association



2. Essential protection of Metropolitan Open Land (Green Belt): NPPF 147, 148.

The key reason for the GLA to become involved is that this is a Category 3D proposal to build on MOL. This is inappropriate development. The required "Very Special Circumstances" are not demonstrated. At Stage 1 the GLA concluded that the application failed to comply with the London Plan.[3]

Nothing has changed since.[4] The developer has not demonstrated the need: they first sought space for the qualifying tournament, extended it to a general expansion of the championships but still fail to explain what will happen on the existing championships and members' club site west of Church Road.[5] Alternatives for the qualifiers or for such expansion have not been adequately explored, despite many existing opportunities west of Church Road, or at Roehampton, Raynes Park or elsewhere in England.

No "considerations" offered "clearly outweigh" the harm which will be caused to the open space. In particular, the benefits are merely asserted not proven; overstated; self-serving as simply part of the application without a public benefit; and in most cases vague and incomplete. Please see the WOR and comments at section 4 of this Association's paper of 18 November 2023. The Lake desilting is not now justified. The "permissive"[6] rights offered by the developer are illusory since the developer reserves the right to exclude the public, retaining ownership subject only to a s106, which it can overcome. The alleged public benefits have not been discussed with the public: in nearly all cases they are assessed as of no value.

The GLA Stage 1 Report required any benefits to be "robustly secured". The developer proposes a s106 agreement, which as they know well, can be overturned under s106A after 5 years. The community is concerned that a s106 will be inadequate to ensure any "robust security", in view for example of the developer's express desire to avoid, circumvent or remove its 1993 covenanted obligations to keep the land as open space for leisure and recreation and to dedicate a walkway around the lake.[7]

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[3] GLA Stage 1 report dated 1 November 2021.

[4] Note that an undated Rolfe Judd spreadsheet headed "GLA Stage 1 Report – Applicant Response", was published by Merton on their planning website on 22 July 2022 but not apparently agreed or approved by the GLA. This document published a year after the original application demonstrates that a great deal of information and detail was still required. Nothing has been published since to offer any further clarity, and questions continued to be raised at both Merton and Wandsworth as late as the planning committee meetings.

[5] WOR Table B page 99 "in itself this should not justify incursion into MOL and RPG to enable reduction in courts on the existing site".

[6] The developer's own choice of words to describe access to any part of the development; contrast its 1993 covenanted obligation to "dedicate" a walkway around the lake.

[7] Developer's chairman's letter to this Association dated 13 July 2021, Developer's submission to Merton Local Plan Inquiry 2022, Developer's legal opinion in this application dated 17 January 2023. See also The Wimbledon Society's paper dated 13 October 2023.

3. Deliberate neglect or damage to Heritage Landscape: NPPF 196.

The application seeks to justify the removal of trees, culverts and other features in the landscape on the grounds that they were deliberately and inappropriately planted or inserted, and the de-silting of the lake on the grounds that the owner has neglected essential maintenance. The developer admits that this alleged "deteriorated state" of the site arises from deliberate neglect or damage. These aspects of the development should be assessed on their own merits. They should not be taken into account in any decision on the development as a whole, whether as a "benefit" or justification for any other works by the developer.

4. Harm to Heritage Assets: NPPF 199-202.

No harm, however categorised, to this heritage asset is satisfactorily outweighed by "public benefits", just as the claimed benefits are largely illusory for MOL/VSC purposes. In fact, the developer's proposal would cause substantial harm (as confirmed by Merton's conservation officer but ignored by Merton's planning officer). Some of the "benefits" appear, inappropriately, to have been counted twice, as noted in the WOR.[8]

5. Failure to satisfy Environmental Standards: NPPF 174 (d) and 179 (b).

The developer has significantly over-stated the urban greening factor and bio-diversity net gain. On being made aware of deficiencies in their calculations they revised, downwards, some of their estimates but they are still excessive.[9] The developer has refused to engage with objectors regarding the deficient methodology in the application documents. The development fails the necessary tests which protect this precious environment.

The developer's environmental proposals ignore the certainty of a lengthy development process, during which most wildlife at this protected site will have been driven away, and the possibility that wildlife may never return due for example to light pollution, and the presence of thousands of visitors over many weeks.

6. The site has not been shown to be Surplus to Requirements: NPPF 99.

No "assessment has been undertaken which has clearly shown the open space to be surplus to requirements"; the loss of the golf course is not "replaced by equivalent or better provision"; the development is not for "alternative sports or recreational provision", it is a private entertainment complex, the benefits of which do not "clearly outweigh the loss".

7. Non-existent Community Engagement: NPPF 40 and 132.

There was no "early, proactive, or effective engagement with the community". Before the application, the developer made just three on-line presentations, revealing this enormous project in stages. In view of the number of critical comments, the developer was asked on the

[8] WOR Table A page 98, Heritage Balance, and Table B page 104, Need v VSC. However, in Table C page 105, the WOR advises that "double counting of an element is to be avoided".

[9] For example, see this Association's submission on Urban Greening Factor dated 10 October 2023.

third presentation whether anything had been or would be changed. They admitted that there were no changes.

Since then, this Association, and many others, have sought discussions with the developer, without any success. Nor has the developer sought the views of any part of the community as to the "community benefits" which they say are so important to "clearly outweigh" the harm to the MOL or harm to the heritage asset.

8. Emerging Local Plan, not recognised as a Material Consideration: NPPF 49.

The application contradicts the emerging Merton Local Plan, which the Report to Merton's planning committee ignores and fails to give any weight. Please see section 8 of our 24 October 2023 comments on the Merton Officer's Report.[10]

9. Failure to acknowledge further Material Considerations.

Legal submissions have been made by and on behalf of this Association and The Wimbledon Society regarding the effect of the Supreme Court decision in Day v Shropshire (2023) and the public trust status of the whole of the Wimbledon Park Estate, and regarding the covenants agreed by the developer in 1993 that the land would remain as open space. The right is reserved to advance further legal arguments about these issues.

10. Merton Council failures.

In urging the GLA to dismiss Merton's decision and reject the application, we would mention a few of the main problems with Merton's approach. We reserve the right to draw to the attention of the planning decision-makers, or if necessary, the courts, many issues arising from Merton Council's report, process and decision.

Examples include Merton Council's failure to take note of the observations of its own Design Review Panel or to follow the advice of its own environmental consultants or of its conservation officer or to acknowledge or follow its own rules on outline applications in conservation areas; its disregard of relevant material considerations (including its own emerging local plan); the conduct of the Merton Planning Committee and its uncritical referral to the applicant on so many issues; its disregard of informed and expert submissions from objectors; and its unwillingness to engage in any discussion regarding community issues and benefits.

11. GLA Stage 1 Report.

We refer to our paper to Merton dated 18 October 2023 headed "problems with the GLA Stage 1 Report" with comments on bio-diversity net gain, the permissive park etc. We reserve the right to make further representations on the Stage 1 Report, and any comments arising from it.

[10] GLA Stage 1 Report listed (para 14) the Merton New Local Plan as a Material Consideration. The WOR adopted Merton's Report uncritically on this point.