

Attention Sabah Halli
Development Control
London Borough of Merton
Merton Civic Centre
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7th October 2015

Re: Planning application 14/P4361: Redevelopment of the Wimbledon Greyhound Stadium

Dear Sabah Halli

Response to the revision of the AFC/Galliard Homes Application: Flooding

The revised plans of AFC/Galliard Homes contain two documents that concern flooding which have the titles "The Wimbledon Stadium Development Flood Risk Assessment -addendum" and "Technical Note". These appear in the submissions as "Environmental Statement Appendix 7.1 Flood Risk Assessment Addendum.pdf" and "Environmental Statement FRA Addendum TN14A Comparison of 2010 and 2015 Modelled Flood Levels respectively

1. Comments on The Wimbledon Stadium Development Flood....

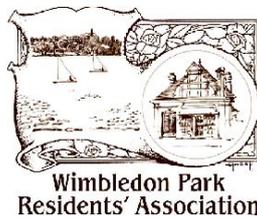
This document discusses the sequential and exceptional tests and the section on flooding levels.

1.1 The Sequential Test

This test requires that there must be no other site where the development can be placed which carries a lower flood risk. In their revised plans the developers now argue that this test was passed since the site was assigned for "Intensification of sporting activity with supporting enabling development" in Merton's Sites and Policy Plan and that the Government Inspector ratified this assignment. The sequential test was not, as far as we are aware, discussed during the hearing of the Government Inspector on Merton's Sites and Policy Plan. Indeed, the Wimbledon Park Residents' Association are very surprised to learn from the developers that they would have considered the sequential test as passed as a result of the hearing.

We do not think that it is possible to claim that the sequential test was passed as a result of the hearing or Merton's Site and Policies Plan. Indeed we do not believe it is possible to claim that the test has been passed before an application has been submitted. We now explain these points further:-

- The Government Inspector made it clear that it was not his responsibility to assess the merits, or failings of any documentation concerning possible future applications submitted at the hearing. However, he did expect that National Planning Policies would be fully applied to any subsequent application by Merton Council. Further details of his approach can be found in our document entitled "The Government Inspector and National Planning Guidelines" [1] given in appendix A.
- As the National Guidelines make clear the sequential test must be applied to each element of any proposed development and to the catchment area appropriate to the element being considered. If we consider the football stadium element of the developer's plans, then the catchment area where the majority of the supporters live. This is an area well beyond the Borough of Merton, indeed only a minority of the supporters of AFC Wimbledon live in Merton [2].



AFC Wimbledon currently plays at Kingsmeadow which is within 2.5 km of Merton's boundary. The size of the ground is largely suitable for the current needs of AFC and is not subject to flooding. The possible sites for AFC Wimbledon were considered in the Colliers report, entitled "AFC Wimbledon, Returning Home: Summary Report" [3] commissioned by Merton Council. Although this report considered the Greyhound site as the most favourable possibility, the report did not take any account of the flood risk of the Greyhound site. Despite the somewhat subjective nature of the criteria used, the scores of Kingsmeadow and the Greyhound sites are very close on the main criterion and this leads one to conclude that the Kingsmeadow site is the most suitable site for AFC, once one takes into account the flooding risk. It would be incorrect to use the conclusions of this document without taking into account the flood risk.

In summary, AFC have a football stadium, at Kingsmeadow, on which they currently play, which given the large area over which their supporters are distributed, is as much in the catchment area of their supporters as is the Plough Lane site and in contrast to the latter does not suffer from problems of flooding. As a result the development must fail the sequential test and cannot be used to justify the building of 601 residential units on a functional flood plain.

- As the above makes clear the application of the sequential test depends on the details and type of the planning application. As such it is incorrect to suppose that the sequential test can be carried out before an application has even been submitted. Further elaboration of the above arguments can be found in our document entitled "The sequential test, Merton Council and the AFC/Galliards Homes application" [4]. Clearly, if the developers had some valid arguments to support their claim that their application passed the sequential test then they would have presented them in their revised plans rather than resort to incorrect interpretations of what the Government inspector might have thought or, attempts to apply the sequential test even before their application was submitted.

1.2 The Exceptional Test

A key part of this test requires that the development provides wider sustainability benefits to the community that outweigh the flood risk. Although the developers now indicate that their previous documents provided such evidence, we recall from our comments entitled "Flood Risk and the AFC/Galliard Homes Planning Application" [5] on their original application that the claims for benefit are contradicted by section 6 of the Environmental Statement of their original plans and in particular the summary table called "The Impact of the Proposed Development and Significance" [2]. In this table it is stated that the effect of the proposed development on direct/indirect employment generation, increased community cohesion, improved health and well-being of residents through greater participation in sporting activities, increase of tourism and visitors to the area, strengthening of the Wimbledon Brand and sporting intensification to the area is of minor benefit for each of these categories.

We believe that the development, if approved, will adversely affect the area around the stadium, Wimbledon town centre as well as areas quite far away the site for reason we have spelt out in the comments of WRPA on the original application. Thus the development will have a negative rather than positive effect on local residents and shopping centres and so it will not enhance the local area as claimed. Furthermore, the developers have not advanced any valid arguments that relate to the sustainability of their development as required by the exceptional test. Hence the proposed development fails the exceptional test.

1.3 Calculation of Flooding levels

The revision of the plans by the developer states that, after discussions with the



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Environment Agency, the developers no longer find their own Site-specific Flood Risk Assessment contained in the original application to be acceptable. They then present new calculations and now claim that the original conclusions in the original planning application is still valid. While we have not been able to check their calculations we are sceptical. Looking at figure opposite table 1 of Appendix B: Flood Compensation Calculations Explained which is part of the revised plans of AFC/Galliard Homes. We see that the footprint of the existing Greyhound Stadium, excluding the open area in the middle which can be flooded, occupies only a small part of the site. In contrast, the proposed plan consists of a substantial stadium, three residential buildings, as well as other buildings which cover almost all the site. The developers propose that the site can store more flood water than the site does at present. Despite the presence of the underground car parks beneath the residential blocks, whose use to store flood water is controversial, we find it difficult to believe this claim of the developers.

One point that is unclear from the revised plans is what is the proposed level of the football pitch in the new stadium? We noted in our comments on the original application [5] that the proposed level of the pitch was essentially at the same level as the expected flood water and so could not be used to effectively store flood water. As we also previously remarked [5] it is far from clear how the flood water would find its way onto the pitch rather than be sent into the surrounding areas by the concrete structure of the stadium.

The site is subject to considerable ground water flooding, indeed it is flooded very often during the winter and was even a few days ago. It is likely that were the site to be subject to flooding from the River Wandle it would be subject, at the same time, to ground water flooding. As such we think, that the flood modelling must be done assuming that both sources of flooding are present.

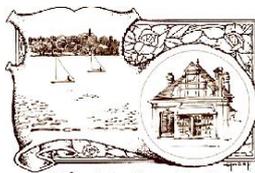
The safety of the plan assumes that the residents will largely stay in their apartments once the site floods. However, the main proposed storage mechanism of flood water is in the underground car parks beneath the residential blocks and this could only be pumped out once the flooding on the site and surrounding areas has been significantly reduced. The time taken to do this is difficult to estimate accurately and could be quite a long time. This calls into question whether the site may not be considered safe in time of flood.

We note that there is an alternative proposed development for this site that is much less intensive, having fewer houses and a sporting stadium with a very much reduced footprint and as such this alternative plan stands a real chance of storing more flood water in a natural way. Given the uncertainties in the estimates of future flood risk, it would be prudent not to accept a plan that overdevelops the site and relies on underground car parks to act as flood storage facilities.

2. Comments on the Technical note

In this document the developers have submitted revised flood maps corresponding to the remodelling of the Wandle Valley. This exercise has not been completed and has yet to be published. As such, we are unable to check the accuracy of the revised flood levels. We are also unable to assess the validity of the assumptions that underlie the new Wandle River modelling, in particular, where are the possible flood defences and where are the future functional flood plains to be sited.

A key requirement of planning policy is that applications should be decided on the basis of publically available information. We do not think that the developers should be allowed to use this information until it is available to all parties. Certainly we will challenge the validity of any decision that is taken using this unpublished data. We think the application should be judged on the basis to the most recent available published flooding data which is contained in the Scott and Wilson report [6] which was the flooding document that Merton's



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Sites and Policies Plan relied on. As we have explained in our previous document [5] on the original application, the development fails to be compatible with National Planning guidelines if the Scott and Wilson data is adopted.

We note that the Greyhound stadium site flooded in 1958, 1968 and the River Wandle broke its banks in 2007. If we were to include this latter event, then we find that the Wandle valley does flood in a way that is very consistent with a one in 20 year event rather than a one in 100 year event.

References

- [1] "The Government Inspector and National Planning Guidelines ", enclosed in appendix A.
- [2] Environmental Statement, section 6, part of the original AFC/Galliard Homes planning application ID: 14P4361, Merton Council website.
- [3] "AFC Wimbledon, Returning Home: Summary Report" , Colliers.
- [4] "The sequential test, Merton Council and the AFC/Galliard Homes application", submitted 02/02/2015, comments by the WPRPA on the planning application ID: 14P4361, Merton Council website.
- [5] "Flood Risk and the AFC/Galliard Homes Planning Application" , submitted 025/01/2015, comments by the WRPA on the Merton planning application ID: 14P4361, Merton Council website.
- [6] "Strategic Flood Risk Assessment, London Boroughs of Wandsworth, Sutton and Croydon, Merton Level 2 Final Report", Scott and Wilson, July 2009. Merton Council website.

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Appendix A: The Government Inspector and National Planning Guidelines.

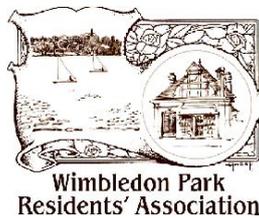
In this note we consider the report and verbal statements made by the Government Inspector in relation to the Merton's Sites and Policies document. It has been suggested that the Government Inspector's comments could be interpreted to mean that the full National Planning Policies need not be applied to the planning application of AFC/Galliard Homes; we explain that this is not the case. The Sites and Policies document gives the designation for the Greyhound Stadium site as 'the intensification of sporting activity (D2 Use Class) with supporting enabling development'. However, the Inspector made it clear that any development must satisfy National and Local Planning policies, and he clearly stated that he was not going pronounce whether any development did or did not do this.

1 During the hearing on the Greyhound Stadium site the Wimbledon Park Residents' Association requested that the constraints on the enabling development be more explicitly spelt out. This was refused but the Inspector asked Merton Council if they would enforce National Planning policies to any future development and Merton Council assured the Inspector that they would do this. It was clear that the Inspector thought that any enabling development must fully satisfy National and Local Policies.

2 We now consider the Inspector's written report and show how this confirms the discussions which took place during the hearing. We reproduce in the appendix the sections of the report that are relevant to our discussion.

2a Sections 74 and 75 point out that the plan allows for a wide variety of uses and that it is not the Inspector's role to consider which of those proposed is best or viable. He also makes it clear that it is not his role to assess the proposed developments from a planning view point.

2b Section 77 is on the constraints the enabling development must satisfy. The Inspector makes it clear that he has not felt it necessary to state in detail the constraints in



the site 37 discussion of the site constraints, in the Sites and Policies document, the relevant National and Local Planning Policy, as these are stated elsewhere in the document. He also makes it clear that they are to be enforced on any development. Indeed at the hearing these parts of the site 37 were referred to by Merton as 'flag posts' whose role was to indicate to the reader which are the relevant planning policies that should be applied.

2c Section 82, discusses the possible enabling developments. The Inspector points out that although Merton Council opposes substantial retail development any such development would have to pass the sequential test and impact assessment. He then says that "Similarly for residential development, the amount that would be acceptable will vary according to the design and layout of particular proposals." One should not interpret this as meaning that the residential housing on the site should not be subject to National and Local Planning Policies.

3 The Environment Agency was represented at the discussions related to flooding during the Inspectors' Hearing. However, these discussions were on policy and not on the details of specific sites, including the Greyhound Stadium site. The Environment Agency was not present during the hearing that considered the Greyhound stadium site and so will not have heard the Inspectors remarks mentioned above. We do not recall the representative of the Environment Agency stating that they opposed housing on the Greyhound Stadium site at the hearing, however, they did write that residential housing was not suitable in an earlier submission.

4 While we do not think that housing should a priori be excluded as part of a possible enabling development, as a small section of the site carries a 3a flood risk. However, the amount of housing should be small and should only sit on the 3a part of the site. To compensate for the fact that the site is a functional flood plain, and the expected increase in flooding due to climate change, the developers should clearly demonstrate that the flood risk on and off the site is significantly reduced to what it is at present. The development put forward by AFC/Galliard Homes pays little attention to the fact that the site is a functional flood plain and proposes housing of such a high density that one can question whether it should be permitted even if there was no flood risk.

Conclusion

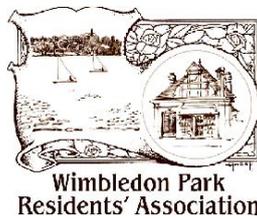
The verbal statements and report of the Inspector make it clear that although the possible enabling developments on the Greyhound site were not specified, he did expect that any planning application must satisfy National and Local Planning Policies. Furthermore he did not consider that it was his responsibility to apply any National and Local policy to the enabling development but that this was to be done by Merton Council when a future application was made. As such the Environment Agency should fully enforce National Planning Guidelines and in particular it should not allow residential housing on a functional flood plain, that is, in the 3b part of the site. Given

that this is the majority of the site, and taking into account climate change, the developer must show a substantial reduction of flood risk both on and off the site. In any case the Environment Agency should give independent advice according to its mandate and should not rely on external comments.

Appendix: Extracts from the Inspectors Report

Background

74. This site is allocated in the Plan for the intensification of sporting activity (D2 Use Class) with supporting enabling development. Developments that facilitate more



- sporting activity may be enabled by more viable uses. In other words the Plan takes a flexible approach to this site and allows for a wide variety of alternative uses.
75. Two particular uses, a scheme for a football stadium plus enabling development and a scheme for the retention of a greyhound stadium plus enabling development, were pressed with particular vigour at the Hearings. However, it was made clear to all parties at those Hearings that it is not the role of the Examination to hear detailed evidence about, or come to a conclusion on, which of these schemes was the more suitable or viable. Nor would it be appropriate for me to assess any documents submitted in support of particular schemes on the site or comment on the approach the Council will take to determining any planning applications of the site. Rather the purpose of the examination was to establish whether the Plan in general, and the proposals for this site in particular, are sound.
76. It was common ground at the Hearings that the site is suitable for the intensification of some form of sporting activity. It has operated as a sports and leisure venue for almost 100 years; there are no more suitable or deliverable sites in the Borough; there is a will to develop the site for such a purpose as evidenced by the two schemes mentioned above, one of which is being promoted by the current owner of the site; and such a proposal would be in keeping with the general character of the area.

Constraints

77. It is acknowledged in the Plan that the site has constraints with flooding and transportation being given particular mention at the Hearings. However, I see no reason why each and every policy in the Plan, the Core Strategy, the London Plan and in the National Planning Policy Framework which deal with such matters need be referred to in the section of the Plan dealing with the Greyhound Stadium. Such documents are intended to be read as a whole and in conjunction. As to the suggestion that the Plan should give more detail as to how these constraints should be overcome, it is sufficient for it to state that they must be managed and met rather than specifying how they be managed and met.

Enabling Uses

82. Although the Plan refers to sporting activity on the site being enabled by more viable uses it does not specify their type or scale. This is understandable. While, in the current market, the most likely enabling uses are residential and retail, this could change over time. Moreover, while the Council is clear that it would not support substantial out of centre retail uses on the site it is not possible, without having carried out sequential tests and impact assessments, to establish the precise nature of the retail development that would be acceptable. Similarly for residential development, the amount that would be acceptable will vary according to the design and layout of particular proposals.

Yours sincerely