

PARKSIDE RESIDENTS' ASSOCIATION

WIMBLEDON PARK GOLF COURSE

Planning application LB Merton ref 21/P2900 and LB Wandsworth ref 2021/3609

A proposal for the expansion of the All England Tennis Club's grounds onto the Wimbledon Park Golf Course with the introduction of a new tennis complex including an 8000 seat Stadium, 38 outdoor grass courts, 10 ancillary buildings and other facilities.

**Reviewed in the Greater London Authority Stage 1 Referral Planning Report GLA/2021/0914/S1/01
1 November 2021**

COMMENTARY

1. Introduction and scope of this commentary

The Parkside Residents' Association ("PRA") represents a membership area of some 350 households located to the south west of the application site. Our area, which includes roads which adjoin Church Road and also the AELTC's estate to the west of Church Road, is directly impacted by the operational requirements of the annual Wimbledon Tennis Championships and, year round, by the AELTC's various ongoing building programmes to upgrade its facilities.

We have reviewed the proposals described in the above application, which represents the largest project undertaken by the AELTC in decades. It will significantly expand the Club's facilities by transforming the Wimbledon Park Golf Course, a site which enjoys significant protective planning policy designations, most notably as Metropolitan Open Land ("MOL"), with a radical scheme for a major tennis complex. We participated in the applicant's three preliminary briefings to present the proposals to Residents' Associations, responding at each stage with our comments and concerns. In our objections to the proposals submitted to the two planning authorities we advised that, in our view, the substantial scale and density of the proposals and their impact upon this protected site and upon the wider community are inappropriate, unacceptable and are contrary to the numerous planning policies which these protective designations afford. The application should therefore be refused.

Under the Town & Country Planning (Mayor of London) Order 2008, this is a planning application of strategic importance requiring compliance with the London Plan and has been referred to the GLA for the review. The recommendation in the above referenced GLA Planning Report ("GLAR") is that the application does not yet comply.

In its "Strategic Issues Summary" supporting that recommendation the GLAR notes under "Land Use Principles" that

"the proposal constitutes inappropriate development on MOL which must be robustly justified by very special circumstances. At this stage a VSC justification which clearly outweighs the potential harms to the MOL has not yet been fully demonstrated. Further information is required, and the benefits must be secured"

This conclusion follows a detailed analysis of the application's case for "very special circumstances" ("VSC"), discussed under separate headings. In this commentary we consider the GLAR's analysis of the VSC case, and

offer further points to reinforce its conclusion but we also wish to demonstrate that in our view, not only has the requisite “robust” VSC justification not been made, it is unlikely to be available for the proposals in their present form. On that basis the proposals would remain as “inappropriate development” on MOL and cannot be approved.

We should also note that this paper has been reviewed and is supported by a number of residents’ associations and community groups from the Wimbledon and Southfields areas, all of whom have membership areas close to the application site and its surroundings. Each one has actively contributed via the planning process to the public review of the proposals. Collectively their membership areas represent over 8,000 households. They are:

Belvedere Estate RA, Sutherland Grove Conservation Area RA, Southfields Gardens RA, Victoria Drive Conservation Area RA, Wimbledon Park RA and the Wimbledon Society.

2. The Applicant’s status

As a preliminary point the GLAR notes that the applicant’s VSC case centres on “the special and unique value” provided by the AELTC and The Championships. Inevitably this status is emphasised throughout the application documents. Whilst this value is recognised, reputation offers no exemption from scrutiny; planning policy requires an objective analysis of any application. The AELTC’s high profile is not a justification for any “reward” of planning permission which might otherwise fail to satisfy the strict VSC criteria which apply in the present circumstances, nor can it justify any “special and unique” approach to the consideration of its proposals. As noted above, given the site’s protected status as MOL and from the other designations all noted in the GLAR, the proposals must be robustly and objectively scrutinised for strict compliance with clear and unambiguous planning policy.

3. Summary of benefits claimed as “Very Special Circumstances”

The proposals provide for a significant expansion of the AELTC’s Championship facilities, as well as supporting the relocation to the application site of the Qualifying Event, currently held over 4 days in the week before the start of the Championships on 26 grass courts (including practice facilities) at the AELTC’s premises in Roehampton. The proposals include a new retractable roofed 8000 seat stadium for Championships’ matches, 38 grass courts for some tournament, but mostly practice, play (including hardstanding areas for temporary spectator seating), and 10 ancillary buildings (player hubs and maintenance buildings) all connected via a honeycomb network of 9.4k of paths and roadways. The benefits forecasted to be delivered can be summarised as:

- A positive Economic Impact (including increased economic activity at local, London and national levels)
- Likely increased funding to the Wimbledon Foundation for social and community initiatives and the Lawn Tennis Association (LTA) for grassroots tennis
- Delivery of Social and Community Benefits (including a new Public Park area with permissive access and a new Boardwalk for the Wimbledon Park Lake)
- Enhanced Championships’ experience
- Positive impacts upon Heritage, Ecology and BioDiversity

Many of these benefits are presented in the Economic Social and Community Benefits Report prepared by Quod planning consultancy, (“ESCB”) and in the Planning Statement prepared by Rolfe Judd (“PS”) with further information in the Design and Access Statement (“DAS”) all submitted with the application. Other comments have also been made by the AELTC since the application submission, in “FAQs” and “mythbusters” pages on their website and in community newsletters and press statements.

We discuss, and challenge, a number these benefits and claims in more detail below.

4. Economic Impact.

The proposals will not add more tennis matches to the AELTC's Qualifying and Championships' schedule, (except for a few extra matches in the Wheelchair Draw) but will relocate the venue of the Qualifying Event (including the Junior Qualifying Event) to the application site and also enable a small number of Championships matches to be played on 5 new courts close to Church Road and in the new Stadium. It would appear from the ESCB that a key element of the forecasted increased economic activity comes from the additional spectators which the expanded facilities will be able to accommodate and their spending eg on tickets, hospitality, retail, travel, accommodation etc. Although the ESCB forecasts reference increased economic activity at local, London and National levels, there is no information on the expected uplift which the AELTC itself will receive. Given the claim that the proposals are "vital" to the long term future of the Championships the lack of transparency to justify this claim is unhelpful.

4.1 Lack of clarity in ESCB spectator number projections – an unexplained discrepancy of 27%:

The attendance for the 4 day Qualifying Event is projected to be 40,000 (10,000 per day) from the outset, yet elsewhere the AELTC have suggested this number is merely an estimate "for design purposes" and that it will take some years to achieve as the Qualifying Event is not a high profile event at present. In any event since a total of 6,000 tickets are already sold annually for the Qualifying Event, the projected increase should be 34,000. The ESCB also claims that the total number of Championships' spectators will increase by 150,000 over the 13 day* tournament period whereas the PS and the DAS as well as the AELTC's press statements note that the number will increase by only 8,000 per day ie a total of only 104,000. As the ESCB's projections are based upon an assumed increase of 190,000 in spectator numbers over the combined Qualifying and Championships' period (40,000 + 150,000), rather than 138,000 (34,000 + 104,000) as stated in the PS and DAS, **this rather significant discrepancy of 52,000 spectators (27%) clearly needs further investigation and clarification.**

*(*Note – all projections in the application documents assume the Championships will be a 13 day event.*

Although from the 2022 Championships onwards there will be an extra day's play on "Middle Sunday" the ESCB states that any additional economic impact from the extra day will not be material to its projections.)

4.2 Modest survey sample:

The ESCB's projections for spectator spending are based upon visitor data from a survey of just 5000 spectators in the 2016 Championships. No data is provided from spectators at the annual Qualifying Event in Roehampton, who hitherto have typically had a different visitor profile but the projections appear to make the same spending assumptions for both. Also, since in 2019 attendance at the Championships had risen to over 500,000, we query whether at only 5000 spectators, the 2016 survey sample is sufficient for the purpose of the ESCB's current projections, or indeed that pre Pandemic behaviours such as travel preferences etc. can now be accurately extrapolated on a like for like basis for the purposes of projecting future economic activity.

4.3 Modest increase in employment opportunities:

The forecasted increase in full time employment – 40 posts – and 12 seasonal posts seems exceptionally low for the substantial capital investment being made in the project. It is perhaps a reflection of the fact that when the proposals are delivered, the new infrastructure, despite its vast scale, will have extremely limited year round use. There is also no information on whether there will be any job losses at Roehampton or any negative economic impact in that area when the Qualifying Event relocates.

4.4 Inappropriate claims of employment opportunities in construction:

It is particularly concerning to note that the ESCB suggests that the employment opportunities in the construction industry created in the delivery of the proposals should feature amongst the justifications to be taken into account. This is a deeply flawed approach in our view. Self-evidently, all construction projects create short term employment opportunities. If these numbers were in any way relevant in the determination process, it would inevitably ensure that most, if not all, major projects on MOL would have to be approved. The policy process requires an assessment of the long term implications of the completed development upon MOL. Given the GLAR's conclusion that the proposals constitute "inappropriate development" we cannot see how

the number of people employed to deliver such proposals is in any way relevant nor should it be included amongst “very special circumstances” to justify planning permission.

5. Likely increased funding for the Wimbledon Foundation and LTA.

5.1 Increased funding cannot be guaranteed

The ESCB and the PS report in some detail on the funding already delivered by the Wimbledon Foundation for social and community initiatives since it was established in 2013, as well as the amounts distributed by the LTA locally and nationally to support tennis. The claim is that the increased revenue generated by the additional attendances and expanded facilities will allow the AELTC to deliver additional funding to both bodies. However, as the projected increased revenue is not disclosed these outcomes cannot be guaranteed, nor can they be effectively secured by planning conditions. The estimated shares of any increase in its revenue which might be available for the AELTC to give to the Foundation and the LTA, or the timescale within which this may become available, is not explained. However this is an obvious question to be clarified given the burden on the AELTC of the substantial capital expenditure over the eight year building programme required for the delivery of the proposals and which will need to be recouped. The Foundation is funded on a discretionary basis by the AELTC but operates as an independent registered charity and its spending priorities are determined independently by its Trustees. It is not a party to this application so could not be bound by any planning conditions as to the distribution of its funds. Similarly the LTA has to fund grassroots tennis on a national level and has its own strategic priorities. The amount it receives from the Championships’ “surplus” (a term which is not defined in any application documents) is via its private contractual arrangements with the AELTC which are negotiated in a commercial context. Even if additional funding is forthcoming, like the Foundation, the LTA is not a party to the application so its investment priorities in tennis (such as supporting grassroots tennis in the local communities of Merton and Wandsworth) are not matters which any planning condition could direct.

5.2 Is continuing funding for social and community initiatives to be contingent upon the success of the planning application?

A more worrying issue emerging from recent press reports responding to the controversy surrounding the application, is the suggestion that the proposals are somehow necessary to ensure the AELTC’s continuing commitment to supporting social and community initiatives. (An unnamed AELTC spokesman is quoted in the Evening Standard on 2 February as stating that the proposals “are vital to the future success of Wimbledon as one of the world’s iconic sporting venues, *and our ability to be an active contributor to our local community both today and for future generations*”. The AELTC has yet to issue any clarification.) Since the AELTC has sought to underscore its credibility by highlighting its delivery of these initiatives, we very much hope that the AELTC will take the opportunity to confirm its ongoing commitment to the community and that this is not contingent upon the successful outcome of its planning application.

6. Delivery of Social and Community Benefits

The DAS at p161 defines “community benefits” as “*tangible positive outcomes which improve the lives of local residents and visitors.*” The PS notes the AELTC’s commitment to “*give back to the wider community to which the Club belongs*” and to “*deliver a positive impact for their local, national and international communities*”. Whilst the proposals do include potentially positive elements such as a new separate Park area and a Lake Boardwalk, we have important concerns about both, especially in the planning context in which they are presented. There are also other offers being made, as part of the VSC case, to provide “*facilities for community use*” within the proposed infrastructure **but, far from being “tangible”, these are vague and unquantified.** The AELTC has had over six months, longer if the preceding briefing period on its proposals for the community and stakeholders is taken into account, to quantify these aspects of its “offer” but has chosen not to do so. The continuing repetition of vague offers but a persistent non-disclosure of any material details is only serving to further undermine public confidence in the proposals. We also wish to highlight omissions and negative implications for community amenity which we believe must be taken into account. These points are discussed in more detail below but support the GLAR’s conclusion that, overall, the commitments to the community are insufficient to satisfy the requisite VSC justification.

6.1 The new Park on part of the site – but only with “permissive” access

6.1.1 The delivery of a 9.4ha Park area in the southern part of the site and connecting Church Road and Home Park Road is a welcome element of the proposals **but this will be the only part of the site to which the public will have access without paying for tickets.** It will be laid out informally with pathways, woodland and grassland and will include protected areas for nature where access is restricted to preserve habitats etc. The GLAR suggests that it will include “sports facilities” but this will not be feasible. The varied topography and planting cannot accommodate infrastructure such as courts, pitches etc. or other playing surfaces for outdoor games.

6.1.2 Why is the principal maintenance hub located in this Park? It is particularly disappointing that the hub (a substantial building at 30,000sq ft) is to be installed in the one area of the development intended for public use, rather than elsewhere on the site closer to the areas where the tennis infrastructure which it is servicing is located and public access is prohibited. The location means that maintenance vehicles will have to traverse the public areas to access the courts and other areas where they will be working which may impact upon public enjoyment of the space. The hub will also be supported by an access road linked to the car park beside the former Golf Club House with provision for staff and maintenance vehicle parking. This allocation is criticised in the GLAR.

6.1.3 Uncertainty about the former Golf Club House. This Park includes the former Golf Club House adjoining Home Park Road. It is suggested that this building could become a “community hub” to support “education and learning” but there are insufficient details, and no long term guarantees offered to support any “robust” VSC justification. Clearly, any such offer would need to be secured by a suitable planning condition and a prohibition on commercial use.

6.1.4 The new Park, unlike the Queen Elizabeth Olympic Park with which it is compared, will remain in the AELTC’s private ownership. Comparisons with the Queen Elizabeth Olympic Park (“QEOP”) are somewhat disingenuous. The QEOP is a substantial site in public ownership through the London Legacy Development Corporation and its extensive public amenity space, delivered as part of the major regeneration project for the staging of the 2012 Olympics, is accessible year round. The AELTC’s new Park will remain in the AELTC’s private ownership; access is “permissive” only and is not guaranteed in perpetuity. The application documents already mention closures during and around the Qualifying and Championships’ period and for unspecified “maintenance periods”. Further, unlike the QEOP the application does not expressly confirm that this “permissive” access will be free, so this would need to be secured, as would promises about opening hours to keep pace with those of the adjoining LB Merton owned Wimbledon Park and maintaining links to access the new Lake Boardwalk. Undertakings by the AELTC as to the long term preservation of the new Park’s infrastructure, providing education and interpretation facilities, nature trails etc. within the Park as well as continuing maintenance etc. must also be secured.

6.1.5 Residents’ concerns that in the longer term, the AELTC will seek to restrict, possibly even withdraw, future public access to this park area as their commercial priorities change, must be addressed. The longstanding local experience is that the AELTC’s core objective “*to maintain the Championships as the premier tennis tournament in the world and on grass*” is characterised by an ongoing commitment to ensure that facilities are constantly upgraded and when necessary replaced and enlarged to keep pace with those on offer at other Grand Slam venues. On the main site, plans have already been approved for a major refurbishment and extension of the eponymous “Millennium Building” to deliver enhanced amenity facilities for players and members. A large new Media Centre is under construction. A major development is nearing completion on previously Open Space at the AELTC’s site adjoining Somerset Road, providing an extensive covered courts facility (including car parking) and outdoor all weather courts for members, as well as Championships’ players’ infrastructure. Given this approach, further expansion seems inevitable. For the AELTC, space seems always to be at a premium but the density of the infrastructure proposed for the Golf Course land is such that there is no room for future expansion there without sacrificing facilities which the AELTC claims in the application to be essential. On that basis the unbuilt upon land within the new permissive

Park (as well as the Golf Club House itself) would be an obvious expansion target and we do not believe that the conventional approach of a S106 agreement with legal undertakings would be sufficient long term protection to save them from that threat. We say this because **when they bought the freehold of the Golf Club land from LB Merton in 1993, the AELTC gave legal undertakings in the form of restrictive covenants that the land would not be developed and which limited its use - yet the application's proposals ignore those undertakings.** This apparent willingness to disregard public commitments for the sake of its business development priorities has undermined the community's trust and confidence in the AELTC. Given the importance of the delivery of the permissive Park in the VSC justification, **the only way in which free public access can be safeguarded from future expansion plans is for the new permissive Park to be restored to public ownership, perhaps via a community trust, with secured maintenance etc. obligations required of the AELTC.**

6.2 Lack of tennis courts for community use

The need for the provision of public access to play tennis is referenced in many of the commentaries and consultations on the application but is ignored in the proposals.

6.2.1 There is no offer to provide any tennis courts for community use either on the application site or elsewhere in the local area. This is despite frequent claims in the documents about encouraging a healthy active lifestyle and inspiring people to take up tennis, (the ESCB's 2016 spectator survey suggested more people are inspired to play having watched live matches at the Championships.) It is a notable and disappointing omission as many would assume that delivery of courts for public use would be an obvious "community benefit" to provide as part of a multi-million pound expansion of facilities in the "home of English Tennis". An LTA survey quoted in the PS said that public park courts are the most popular venues for people to start, or to return to, playing tennis and in its pre-application response the LTA said it would "*support and encourage*" community use of the new practice courts on the application site. Why is this not followed up in the proposals?

6.2.2 The grass court playing season runs from May – mid September. **Whilst recognising that the AELTC would want to protect the condition of the new courts before the Qualifying and Championships' events, we query why some public access thereafter cannot be offered, perhaps on a rotating basis, given the number of courts available.** If public access is genuinely not practicable then alternative provision of public courts elsewhere should be considered. The ESCB also notes that only 22% of Merton's public tennis courts are of good quality and, with rising demand, there will be a shortfall in available outdoor public courts by 2035. The public courts in Wimbledon Park are amongst those in poor condition; the PS suggests that the AELTC are "in discussion" with Merton about possible "improvements" in the public park but there are no details of the facilities which are being considered. In the absence of a clear offer which can be properly evaluated, it must be assumed that there will be no such provision as a justification for the proposals.

6.2.3 In its pre-application response to the proposals, **LB Merton's Design Review Panel** noted:

*"The balance of landscape and tennis was too much in favour of the new practice courts and the landscape needed to be more evident. The issue of public access and activities outside the championships was vague and needed much more clarity and **there needed to be some full public access in the area of the park occupied by the new practice courts.**"*

This access requirement must be addressed. The justification for the proposals includes a comparative assessment of the loss of the opportunity to play golf in the context of the alternative tennis facilities to be provided. In this context it should be noted that although the Golf Club was private, the terms of their lease guaranteed the right for the public to play golf on the course and with a discounted green fee for local residents. The GLAR's assessment at P36 suggests that:

"GLA officers would consider that the benefits of the proposed tennis infrastructure outweigh the loss of the golf facility in line with London Plan Policy S5, subject to confirmation from the local authorities and Sport England that the proposal is in line with local needs and opportunities for sports facilities."

This view appears to assume that there will be some public access to use the tennis infrastructure which the proposals provide. That is plainly not the case; the only public access will be to those who have purchased tickets and they will watch, not play, tennis. On that basis, we query how the provision of 39 courts, one of

which is inside a stadium, which are to be used for only 3 weeks in the year and none of them available for the public to play on at any time, can be said to be “*in line with local needs*”.

6.3 Claims of “Flexible space for use by the wider community for a range of events and activities” (noted at para 19 of the GLAR) are unexplained in the application.

Both the PS and ESCB suggest that some of the facilities in the Stadium, (though not the court itself) could be available for “community use” such as meetings, workshops, classes or small events. LB Wandsworth’s Design Review Panel said that community facilities would need to bring “*significant benefits to residents and visitors all year around*”. Unfortunately, since the Stadium proposals are only submitted in outline form, there are no design details to illustrate the size or location of any such facilities in the building. But even without these details it is evident from the Stadium’s Design Guidelines that capacity for such facilities would be limited in any event; the building is intended to be a major sports stadium, not a year round community centre incorporating a tennis court for a few weeks’ use. More important, no data or research has been supplied showing any demand for new community venues in a locality where there is already a good supply of halls and public meeting rooms (mostly provided by faith groups and community organisations to generate income). Without a clear evidenced-based proposal the “offer” is meaningless. This “offer” has all the hallmarks of a somewhat hasty afterthought in response to justified criticisms of the building’s limited use. In any event without details the suggestion of community use cannot be considered in support of the VSC justification as either “significant” or a “year round community benefit” for the purposes of the application and should be ignored. **As proposed, the building is nothing other than a vast sports arena, the third in the AELTC’s Championships’ portfolio; its overriding purpose is to support the delivery of the Championships and it will stand empty for up to 95% of the year; it should be evaluated against planning policy accordingly.**

6.4 Claims of improvements to sports/leisure facilities, including in Wimbledon Park are unexplained

There is a statement in the PS p12 that:

“the proposals provide the opportunity to secure other benefits for the local community, including improvements to leisure facilities within Wimbledon Park”

but there is no explanation as to what these “other benefits” might be, where they would be located and any terms, including hours of use, accessibility and affordability. There have also been vague references to discussions between the AELTC and LB Merton on these matters but again, without details being made public. As with the vague offer of access to unspecified “flexible space for community use” this further suggestion is not a “tangible benefit” as it is unquantified and cannot be assessed for consideration in support of the VSC justification as a “year round community benefit” for the purposes of the application. This approach, in relation to all suggested community benefits, not just those which may be offered in Wimbledon Park, is endorsed in para 24 of the GLAR:

“...however, for this to form part of any VSC case the details of community use arrangements must be secured via Section 106 agreement. GLA officers seek further discussions with the applicant and the Councils regarding the detail of the proposed community use (particularly in respect of access hours/periods and charging rates/affordability of the sports facilities). A full understanding of the key terms of the community use agreement is required to properly weigh this potential benefit against the proposed harm to openness.”

Residents are extremely frustrated at the lack of information on these matters. The AELTC has had months to put these “other benefits” in the public domain but has not done so. If there is a genuine intention to provide these improvements/facilities they should be presented to the community for consideration and evaluation as part of the planning process and not left to private discussion with officers. **Hints should be ignored until they become clear offers and, when they are disclosed, the community’s assessment of their merits in consultation should inform any decision on the application.**

6.5 The Lake Boardwalk delivers an existing obligation

The proposals also include the provision of a new public Boardwalk on Wimbledon Park Lake. Much of the structure will stand on land (including the lake bed itself), which is owned by LB Merton. The Boardwalk is cited as another key benefit to the local community. Whilst the provision is undoubtedly welcome, it should be noted that this reflects an existing obligation which the AELTC has previously contracted to deliver. Under the

terms of its acquisition of the golf course freehold in 1993, the AELTC gave an undertaking to give up part of its land around the Lake perimeter “once golf ceased to be played” on the course and to dedicate that land as a public walkway. The AELTC has given notice to golf club members to close the course for golf at the end of 2022. Unfortunately some parts of the 1993 route have been eroded over time so can no longer be dedicated in those locations. Whilst the new Boardwalk route is perhaps a pragmatic response, the substantial utilisation of LB Merton land in this way nevertheless enables the AELTC to retain, and keep private, other areas of its own land that it was due to surrender to the public, and helps to secure its lakeside boundaries. **It is wrong in our view to consider the delivery of an existing contractual commitment, albeit in a revised form which is also advantageous to the applicant, as a significant new community benefit deriving from this application.**

7. “An Enhanced Event Experience” – for whom?

The proposals are presented as a major long term investment by the AELTC in the future of the Championships to meet its core objective of keeping the Championships as the world’s premier tennis tournament and on grass; the extensive facilities will optimise event delivery. Para 2.2.7 of the PS identifies a number of “Critical Success Factors” to achieve that objective. They include: “Extend the quality of Club facilities for Members, retaining the heritage and character of the Club....Provide an unparalleled experience for Debenture holders throughout every part of their day.....Provide a unique guest experience of the highest quality.....Retain the intensity and atmosphere of the current Championships experience across the site.....Deliver unrivalled experiences for commercial partners, hospitality guests, retail, and F&D customers.....”. Whilst these are undoubtedly important priorities for any commercial event on the scale of the Championships, the AELTC already has a formidable reputation for the quality of its event delivery. We have to query whether the enhancements which the proposals are expected to deliver are proportionate justifications having regard to the significant impact of the event upon the community. Key elements such as the closure of Church Road, and the AELTC’s continuing use of the adjoining public Wimbledon Park (beyond the application site) for Championships’ infrastructure can only be achieved at the expense of community amenity.

7.1 Excessive number of new courts – disproportionate allocation of Event infrastructure at the expense of community amenity

Residents have long complained about the annual Championships’ utilisation of much needed public amenity space in Wimbledon Park to locate The Queue and its camping facilities and Car Park 10; when the buyout of the Golf Club was confirmed there was an expectation that these elements would be transferred to the AELTC’s land in the Park as part of its redesigned layout. However there is no space allocated for these facilities in the application site. We are told that the density of courts (38) is necessary because there are insufficient practice courts for Championships players on the main site at present. The DAS at p217 shows the proposed allocation of all practice courts including those which will also continue to be available on the main site during the Championships. We note that 6 temporary practice courts hitherto installed annually on the AELTC’s private croquet lawns will no longer be provided there, so we assume these have been transferred to the new parkland site, yet as far as we are aware these croquet lawns will not provide any new Championships’ amenity space and will remain private during the Championships. The DAS also states that up to 12 new courts in the southern parkland area will be set aside for “other” uses during the Championships such as “*sponsor activation, exhibition matches [and] guest interaction*” – uses which are likely to generate commercial revenue for the AELTC. **In our view the justification for this density of courts seems somewhat “thin” if there will be up to 18 courts whose use either does not appear to be essential for event delivery or which merely removes courts from the main site without “adding value” to the “event experience” there.**

7.2 Limitations of “additional circulation space”.

We note the suggestion that the proposals will provide more circulation space during the Championships, but as daily visitor numbers are projected to increase it seems likely that this will primarily benefit spectators watching the small number of matches allocated to the 5 new courts on the application site where the layout will be less congested. The main site will continue to be the principal hub for the Championships, particularly in the second week as fewer matches are played on outside courts. In any event the provision of more courts enabling more spectators to watch tournament matches in new locations on their visit (typically lasting just

one day) might be enjoyable for those spectators but we query whether this can reasonably be counted as a wider community benefit to justify the provision of extensive permanent and intrusive infrastructure on MOL which will be mostly unused outside of the tournament period and will remain inaccessible to the wider community.

7.3 Use of the Public Highway – Church Road

The proposals include design improvements to the surface of the section of Church Road between the application site and the AELTC's main site to create a temporary event pedestrianised zone; Church Road would be closed to through traffic (including non-ticket holding pedestrians and cyclists) with lengthy diversions through nearby residential roads via a Temporary Traffic Order dealt with separately from the application. It is intended that this closed section of Church Road will provide additional circulation room and help to create a "seamless event space" with spectators brought in via new entrances on MOL at the Northern and Southern ends of the parkland. As such this element of the plans is integral to the utilisation of MOL. Church Road is an important transport link for the communities of Wimbledon and Southfields. The traffic diversions will route vehicles through residential roads, impacting upon air quality and restrict access to the 493 bus which links two local hospitals as well as forcing pedestrians and cyclists to use hilly diversion routes. It is highly unpopular. **If approved this three week closure will "gift" valuable event space to the AELTC. What "community benefit" is being offered in justification?**

7.4 Unquantified Claims about local residents having access to the Championships

The DAS at p161 suggests that the proposals will offer a "new opportunity for local residents to experience the Championships". The ESCB also mentions "a compelling ticket offer" for local residents. Neither of these offers is explained further. As noted above, an offer has to be clearly explained if it is to be evaluated in any assessment. It has always been open to the AELTC to offer residents some form of priority access to tickets, even on a limited basis, but with the exception of the unusual circumstances of the 2021 Championships and separate provisions for neighbours directly impacted by long term building works, this opportunity has consistently been declined. Even with some clarification, we cannot see how a meaningful residents' ticket offer, which is a matter of commercial event management, can properly be secured, even less enforced, via planning conditions. It is also disappointing that the issue is only being mentioned in the context of a deeply unpopular planning application with far reaching and highly disruptive implications for residents.

8. Positive Impacts claimed in relation to Heritage, Ecology and BioDiversity

Wimbledon Park of which the application site is part, is designated as MOL, a Grade II* Heritage Park and Garden (but sadly on Historic England's "Heritage at Risk" Register), a Grade I Site of Borough Importance for Nature, part of LB Merton's Green Corridor and within the Wimbledon North Conservation Area. Collectively these important designations ensure that the Heritage, Ecology and BioDiversity of the site are protected by rigorous policy constraints which in our view the proposals do not adequately address.

8.1 Criticisms by Heritage Groups.

Many heritage groups including the Capability Brown Society, Save Britain's Heritage, the Campaign to Protect Rural England and Friends of Wimbledon Park, have expressed concerns about the impact upon the heritage interest in the site, particularly in view of the "Heritage at Risk" designation which has been in place since 2016 and which the proposals do not in our view properly address. There is no doubt that Capability Brown's original design for the Park as a whole has been compromised over the years by the competing claims of different owners promoting their separate interests. However, despite bold assertions in the application documents it is questionable whether the extensive remodelling and levelling of the site to accommodate the 8000 seat Stadium, 38 new grass courts, the honeycomb of 9.4km of connecting, paved pathways, the necessary underground utilities together with the 10 ancillary buildings including the 30,000sq ft maintenance complex, are in any way consistent with the Brownian vision. The previous golfing landscape is criticised in the application as "heavily managed" yet it is being replaced with an extensive grass court tennis complex of far greater scale, design complexity and density.

8.2 Differing views on works to the Lake

The Lake was a core element of Brown's original design and for many years has been home to a popular sailing and water sports centre. Its original boundaries have eroded over time; two original feeder streams have been culverted and in 1996 a further inlet was installed, sourced from the AELTC's main site, to take surface water run-off from the new No 1 Court. It is a priority habitat but silting is also contributing to its present high water levels and there is frequent flooding of parts of the surrounding area, including the golf course. Without effective remedial action this flooding will continue and will undoubtedly affect the AELTC's proposed new courts etc. in the vicinity so they have a clear incentive to address the issues. The proposals include de-culverting the streams on the AELTC's land, dredging the centre of the Lake bed and redistributing silt at the Lake edges with new reed beds. Some leading environmentalists (see the submission dated September 2021 to LB Merton and LB Wandsworth by Dr D Dawson) have queried whether de silting is the right solution given the ecological impacts upon the habitats in the Lake bed and have suggested other measures to alleviate flooding, whilst protecting habitats. Whatever approach is assessed to be the most appropriate, it must also be acknowledged that any remedial works to stop flooding will directly benefit the AELTC's investment. On that basis we query whether such safeguarding measures can properly be regarded as gestures to benefit the community and as such to be "rewarded" with a planning permission.

8.3 Commitment to a Conservation Management Plan is responsible ownership not a planning justification.

Similarly there have long been calls for the respective owners of the Park to work together on a Conservation Management Plan for the whole Park but priorities vary and views differ on the detail. The AELTC's willingness to participate in any joint initiative is welcome but again we query the scope of any "reward" which should be offered for a commitment which might reasonably be expected of any responsible landowner, and whether in practice it can be delivered on a unilateral basis if the other owners do not make similar commitments.

8.4 Potential negative impacts upon ecology and biodiversity

We regret that the GLAR does not provide a more extensive analysis of the sheer scale of the works to the site and the significant environmental damage and loss of habitat likely to be caused. The claims as to an overall net gain in biodiversity are strongly disputed in Dr Dawson's paper noted above. In a further paper dated February 2022, Dr Dawson also demonstrates the errors in the AELTC's recent claim that the proposals would have a positive environmental impact by achieving an increase in the 'Urban Greening Factor' score "to a nearly perfect 0.95" – he demonstrates there would be a loss.

Particular concerns are highlighted below.

8.4.1 The works require the felling of some 300 mature trees. Of those trees being retained, a number are to be transplanted to maximise the density of courts' allocations - we understand that such measures have a potential mortality rate estimated at 50%. Some will need heavy pruning to provide clearances for proposed buildings and courts and root systems will be vulnerable in areas to be excavated etc. for courts and other infrastructure. The impact of shading from the Stadium on the trees which will surround it has not been properly addressed. The replacement specimens proposed for the site are mostly whips and young saplings which will take many, many decades to reach the equivalent maturity, restore the visual landscape and replace the carbon capture of those which will be lost. As a result, the present very attractive varied and "green" visual amenity or "vista" which the site delivers for the community will be lost for an unacceptably and disproportionately lengthy period (Dr Dawson estimates 100 years).

8.4.2 The negative impacts of the sheer scale and volume of the excavations and earthworks will be substantial. The present attractive undulating topography will be radically altered by the proposals. Extensive excavations and earthworks will be required, including removal of almost all existing topsoil and infilling as well as removing hedgerows and scrub, all to create the level surfaces required for the courts, and leaving a surplus of earth in excess of 28,000 cubic metres to be removed from the site. New specialist loam will be brought in for the Championships' specified grass on the new courts. Separately, the protective framework for the new courts will require 7000 tonnes of concrete to be poured in. None of these figures allow for the excavations or

materials required for the new Stadium where calculations are unavailable because this element of the application is in outline form only.

8.4.3 The claims as to biodiversity net gain, the “Urban Greening Factor” score and the methodology used in the assessments are disputed in detailed submissions by experts with extensive local knowledge. Dr Dawson’s scholarly submissions noted above offer a wealth of information on this issue. Briefly, this is a Grade I site of Borough Importance for Nature Conservation; the Lake and nearby wet woodland are designated a priority habitat which is under threat from the proposals. The works will also involve the loss of important ecosystems supporting invertebrates, birds and bats as well as jeopardising root systems and fungal networks. Dr Dawson demonstrates that claims for biodiversity net gain are flawed; the base survey data for habitats and species including birds is incomplete and the habitat destruction from dredging in the Lake and the excavations across the site are not factored in. His estimate is that the errors he describes “*prevent there being a net gain within any reasonable time period*”. Construction traffic over the 8 year build programme will have a significant impact upon air quality which is already poor. In the Environmental Impact section of the application the data relied upon for the Air Quality Assessment is now out of date – WHO guidelines for safe levels of particulates have been revised significantly downwards. **In summary, the sheer scale and density of the proposals across the site and the flawed methodology in data assessment mean that the case for an overall net gain in biodiversity has not been met.** Dr Dawson also demonstrates that the “near perfect” Urban Greening Factor score (0.95) claimed for the proposals is also in error – with the true figure somewhere between 0.82 and 0.70. Since the site currently has a score of 0.99, the proposals represent a loss in Urban Greening.

9. Assessment of Impact on MOL

The impact of the Stadium and the other “buildings and structures” on MOL should not be deferred as “reserved matters” since this implies their acceptance in principle and that suitable design details can eventually be provided.

As the GLAR notes at para 29:

“The NPPF clearly states that essential characteristics of Green Belts (and therefore MOL) are their openness and their permanence, therefore an assessment of the impact of proposed development on the visual and functional openness of the MOL is warranted; however, as matters of appearance, means of access, landscaping, and scale for the proposed new buildings and structures are not considered in detail as part of this application, a full assessment of the impact on visual openness cannot be undertaken yet.”

And at para 30:

“the magnitude of [the Stadium’s] scale and capacity would certainly impact the visual and functional openness of the MOL.”

In our view the absence of full details of the Stadium and the larger ancillary buildings is a fundamental omission from the application. The Stadium in particular is central to the project and the AELTC’s VSC case as to the importance of the long term future of the Championships. As such it must be presented in detailed form so that its impact upon MOL can be properly addressed. The GLAR already recognises the potential harm from this building, noting at para 43:

“Nevertheless, the parkland show court is anticipated to have a notable impact on the openness of the MOL in terms of its visual impact, built footprint, height, and volume.”

The absence of any information on the Stadium’s suggested “community use” is a further and notable omission undermining the scope for a meaningful analysis. The application must be considered as a whole yet key elements of the requisite assessment cannot be undertaken because the applicant is choosing to defer important details to a later date to suit its commercial priorities for other aspects of infrastructure delivery (principally the construction of the grass courts which have a long maturity requirement). In addition, as the site is within the Wimbledon (North) Conservation Area, Policy DM D4 of LB Merton’s Sites and Policies Plan provides that applications for outline approval are not permitted so we do not understand how the application was lawfully validated and registered by LB Merton in this incomplete form. In any event **in our view, the Stadium is an unacceptable element of the application and as a minimum it should be withdrawn from the proposals.**

10. Enforceable Restrictive Covenants will impede the deliverability of the Proposals

There are enforceable restrictive covenants on the application site which the proposals, if approved, would breach. As such they are a significant constraint upon the deliverability of the proposals which cannot be overcome by other VSC claims.

These covenants were given by the AELTC to LB Merton in the 1993 Transfer of the golf course freehold, now the application site, for the benefit of the remainder of the public Wimbledon Park. LB Merton continues to hold the benefit of these covenants as Trustee for the public and in that capacity has duties in regard to their enforcement. They were imposed to reassure the community and provide additional protection for the site in the knowledge that it was already designated as MOL. The covenants restrict use of the site to leisure and recreation purposes (which would preclude a commercial tennis complex) and as open space and limit buildings to those which are “ancillary” to those purposes. Clearly the proposed 8000 seat stadium cannot be regarded as an ancillary facility in that context. These restrictions clearly cast considerable doubt as to the deliverability of the scheme and in our view they are a significant and material constraint which other elements of the VSC case cannot be expected to overcome.

Conclusion

The necessary “robust” justification that there are sufficient “Very Special Circumstances” to outweigh the likely harms to MOL has not been met. Without more information to clarify vague and ambiguous offers of new community benefits and access to undisclosed new facilities, there can be no consultation or assessment of them which would properly inform the planning authorities’ decision; on that basis these offers have to be ignored. The new permissive Park must be protected for public use by transfer into community ownership. The provision of a public Lakeside Boardwalk represents the delivery of an existing commitment. However, the cherry picking of elements of the proposals for assessment leaving other material elements outstanding for detailed scrutiny as “reserved matters” cannot be the right approach; the application has to be considered as a whole on the terms now proposed and for the reasons outlined it fails to pass the requisite tests. The AELTC has had ample warning of the concerns of the community as well as those of key stakeholder consultees but important information has not been provided and, crucially, no material changes have been made in response to those concerns. Claims as to the benefits to Heritage, Ecology and Biodiversity have been heavily undermined in expert analysis which also demonstrates flaws in the AELTC’s methodology. Overall, the case for the real “need” for these extensive installations and the aggressive expansion of facilities has not been made. **The sheer scale and density of the proposals, viewed as a whole, is too much for this heavily protected site.**

If the AELTC really does want to be “an active contributor” to the local community and have a “positive impact” it must go back to the drawing board, scale back these proposals and put forward a better plan which will respond positively to the protected landscape and comply with the covenants, so as to enable the Tournament to continue to thrive, with the community sharing and enjoying genuine benefits which can be delivered as a result.

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9 March 2022