



Friends of Wimbledon Park

Submission on Planning Applications Merton 21/P2900, Wandsworth 2021/3609 at Wimbledon Park Golf Club, SW19 7HR.

Introduction

The Friends of Wimbledon Park (FOWP) is a voluntary umbrella organization that aims to give a voice to local people, community groups and other interested parties, to protect and enhance this well-loved heritage landscape, Heritage Wimbledon Park, for future generations.

Comment

Around 180 documents have been submitted by AELTC in support of their Wimbledon Park Project (WPP). There have been over 1000 objections and about 49 in support according to the LBW website. Some documents are technical requiring expert responses on matters of major importance for the future of the Heritage Park. These responses need consideration as well.

We have consistently maintained that the Way Forward should be on a holistic approach that takes note of the assets, facilities and activities that are present. Landscape, biodiversity, and habitat should take priority. It is notable that isn't happening. A piecemeal approach does harm.

This sixth submission from FOWP relates to submissions and reports from groups and individuals identified as worthy of comment and these are listed below:

- 1) State of Nature, a recent report from the Environment Agency.
- 2) AELTC and the 'At Risk Register'.
- 3) The Gardens Trust concerning the 'At Risk Register' and covenants.
- 4) Sport England and their limited response.
- 5) Historic England and harm.
- 6) Duncan Henderson examines harm, very special reasons and related matters in detail. We endorse his submission. He also attached 14 other important submissions, listed in references, which we also endorse.
- 7) Dr Dave Dawson's submissions examine biodiversity, soils, trees, lake, and problems with applicant response to GLA Stage 1 Report. We endorse all these submissions.
- 8) London Wildlife Trust submission.
- 9) JAM Review and Responses looks at a couple of examples. Also comment by The Wimbledon Society.

Glossary

AELTC-All England Lawn Tennis & Croquet Club; TWC-The Wimbledon Club; LBM-London Borough Merton; LBW-London Borough Wandsworth; TCBS-The Capability Brown Society; GLA-Greater London Authority; MOL-Metropolitan Open Land; LWT-London Wildlife Trust; WPP-Wimbledon Park Project (AELTC); VSR-Very Special reasons; VSC-Very Special Circumstances; EIA-Environmental Impact Assessment; NPPF- National Planning Policy Framework; JAM-JAM Consult Ltd.

State of Nature in England¹

- 1) England is one of the most nature-depleted countries in the world due to its long history of industrialization and land use changes over millennia. Large areas of habitats have been lost with 99.7% of fens, 97% of species-rich grasslands, 80% of lowland heathlands, up to 70% of ancient woodlands and up to 85% of saltmarshes destroyed or degraded.
- 2) The impacts on species have also been severe, with a quarter of mammals in England and almost a fifth of UK plants threatened with extinction.
- 3) Wimbledon Park has many special places for nature such as its ancient and historic woodlands, hedges, and lake (lake could be enclosed with a nature reserve). These can be enhanced for the benefit of species and visitor enjoyment.

This was published in July 2022 and is a wake-up call if one is still needed!

On the 'At Risk Register'

- 1) It is noted that AELTC have included² *The new public park will not only be a valuable asset to the community but will significantly increase the biodiversity of the site by restoring important habitats and represents the best chance of resolving its 'at risk' status, as identified by Historic England*.
 - a. Our response to the red highlighted underlined text is to say that the Community working with the 3 owners would be better. In our Annual Report 2019 we said, 'We encourage the 3 owners (LBM, TWC, AELTC) to set up an 'Owner's Group' which will lead to developing a 'Master Plan for Heritage Wimbledon Park'. We met them and passed over a bundle of



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documents which included papers on the lake and special places for nature. This sets an agenda for a constructive dialogue. It is worth noting that amongst the bundle we passed over was a request that the streams be brought above ground.

- b. Apart from a Memorandum of Understanding which remains a secret document little progress has been made.
- 2) Interestingly the Gardens Trust³ agrees ‘*Conversely, we recognize that the likelihood of finding an alternative viable financial mechanism to fund the heritage improvements and subsequent long trees, is vanishingly unlikely. The commitment by AELTC for maintenance of the parkland and lake in perpetuity is to be greatly welcomed, so that Merton so that Merton and Wandsworth can focus their limited budgets elsewhere*’.
 - a. This response ignores contributions from the Community and other partners. We could do much better and we have shown how it could be achieved. Funding hasn’t been overlooked.
 - b. Removing Heritage Wimbledon Park from Historic England’s ‘At Risk Register’ is an objective for the Friends.

Covenant.

- 1) From the Gardens Trust ‘*A covenant to ensure the public are never charged for access during the permitted season as set out in the application documents. Without this we would be concerned that over the years, public access could be gradually diminished as competition requirements increase, or fundraising opportunities, which would require occasional closures of part of the parkland, become more frequent*’.
- 2) The problem with a covenant can be shown by⁴ *The current Chairman of the AELTC, Ian Hewitt replied to recent correspondence as follows: “As to the assurances made in 1993, I am sure you can appreciate that the requirements of the club and the community have developed in the resulting 28 years and that the AELTC has needed to work to ensure that The Championships remain a preeminent tennis tournament and continue delivering significant and improved socioeconomic benefits to the local area. It has been our stated aim for many years that purchasing the golf course and especially the freehold was done with the intention of moving our Qualifying event onsite, but our proposals also mean that Wimbledon Park will be as open as it is now in terms of verified views and will in fact, through the creation and opening up of parkland previously occupied solely by a private golf course, be substantially more openly accessible to the public in the future.”*
- 3) We don’t agree with AELTC on this matter. A covenant should be honoured.

Sport

- 1) Sport England’s comments⁵ are limited to golf, tennis, and cricket together with concerns of The Wimbledon Club. There are 6 major sports played at national and international (including Olympians) level. These are tennis, cricket, hockey, squash, bowls and athletics. There are many junior sport coaching groups and new sports, such as beach volleyball netball and coaching teams, are developing well.
- 2) Sport England’s Active Design principles applied in an holistic way would have uncovered these and the lack of good walking routes and running paths in a Grade II* park.
- 3) What is relevant is the replacement of participation golf with spectator tennis. This decreases space for participation sports.
- 4) Sport⁶ and physical activity can do so much good for our mental and physical wellbeing, and for children this is even more profound: there’s evidence obesity levels are increasing and mental health deteriorating – rates of 5-16-year-olds who may have had problems with aspects of their mental health to such an extent that it impacted their daily lives, has increased from one in nine in 2017, to one in six in 2020.
- 5) Skills exist and improvements to the facilities can provide a Regional Centre for sport. This could include great walks, junior parkrun and perhaps a parkrun⁷. It is unfortunate that the Junior golf coaching requiring about 1ha has been banished by AELTC on the grounds that was unviable.
- 6) Activities in which all ages can participate, particularly in a natural environment, is a pressing need. In Wimbledon Park this could include a blue/green walk.
- 7) The AELTC application is a “commercial” for profit application contrary to what is allowed on MOL Land

Harm

- 1) *Historic England⁸ has concerns about the application on heritage grounds due to the harm arising from the scale and extent of the proposed development.*
- 2) *Your authority, as decision maker, should weigh this harm against such benefits as the proposals would procure, as required under NPPF paragraph 202⁹. We note that these include meaningful heritage benefits, and it is important that these are secured should your authority be minded to approve this application.*



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- 3) Our view is that the harm significantly outweighs the meaningful heritage benefits offered. We consider NPPF paragraph 201¹⁰ applicable here.

Harm and Very Special Reasons (VSR)¹¹

Duncan Henderson's submission is endorsed, and the following extracts are highlighted:

Calling in

3) In fairness to the applicant and to avoid legal disputes, Merton should consider inviting another public authority to decide the Application (so far as it concerns Merton). (Whoever the decision-maker is, the outcome must inevitably be the same, given the weight of the planning harms on one side and the absence of "very special circumstances" ("VSCs") on the other.)

4) The Mayor of London can be asked to give a direction under s2A(1) TCPA 19903 that he is to be the planning authority. Alternatively, the Secretary of State can be asked to direct under s77(1) TCPA 1990 that the Application is "called in" or referred to him. On the applicant's case, the Application is a matter of national importance: I assume it would say on that basis that the Application would warrant "calling in".

Summary of Conclusions

7) For reasons which follow (and for the reasons in the Enclosed Comments and in my previous comments dated 13 September 2021), any reasonable exercise of planning judgment ought to reach the conclusions that the applicant has not demonstrated that

- a) the harm by reason of inappropriateness and the further harm caused to the openness and the purpose of Metropolitan Open Land ("MOL") is clearly outweighed by the countervailing benefits,
- b) VSCs exist,
- c) any VSCs that do exist justify an exception to MOL policy,
- d) in the context of a climate emergency and a 2050 target for net zero carbon, there is anything like adequate justification for removing 296 trees from a carbon sink site.

8) Planning permission should therefore be refused.

9) The rest of this letter will justify those conclusions under the following headings:

- The nature of the decision
- Harm caused to openness and the purpose of MOL (1): introduction
- Harm caused to openness and the purpose of MOL (2): 38 new courts and the new show court
- Harm caused to the openness and the purpose of MOL (3), and other environmental harm:

Trees, climate emergency and net zero by 2050

- VSCs Case Limb 1: "Pressing need"
- VSCs Case Limb 2: "identified need cannot be met elsewhere"
- VSCs Case Limb 3: "proposed development will secure significant public, heritage, and other benefits"
- Deliverability

Harm caused to the openness and the purpose of MOL (2): 38 new courts and the new show court

19) The proposal involves converting about 21 hectares of land which currently is mostly unbuilt (parkland and golf course) to a built landscape of 38 "regular" courts and a large new show court (with a variety of ancillary and related facilities). The remaining 9 hectares of the site is to be retained, at least for the time being, as park land.

20) The illustrative views (attached to the planning statement addendum ("PSA")) of the new show court are not at all candid. 360 degree views of the stadium from a number of vantage points should have been given. The planning authorities should draw adverse inferences as to the extent of the visual impact. One need only look from Church Road to the existing site to get an idea: the visual impact of each of Centre Court, Court 1 and Court 2 is obvious. The volumetric increase to built space will be very substantial.

25) Furthermore, no need (let alone a "pressing need") for a new show court (either at all, or an 8000 seater) has been demonstrated:

a) The show court has nothing to do with the qualifying rounds: it is a means to expand the Championships.

Wanting and pressing need

38) There is a world of difference between wanting, in a particular place (i.e. at the Application Site), a major upgrade and expansion of one's facilities, and there being a pressing need for it. The applicant has not sought to demonstrate "need" by any proper or systematic analysis of the future for its tournament if the proposed development did not go ahead at the Application Site at all, or if it went



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ahead in a scaled-back form at the Application Site, or if the qualifiers stayed at Roehampton to 2035 (end of the existing lease), or if they were relocated to an alternative site.

Roehampton

24) However, the Applicant has failed to demonstrate a need (let alone a “pressing need” – VSCs Case Limb 1) for 38 new courts or anything like that number or the space that they demand.

Currently, in Roehampton, where the qualification rounds take place, play is spread over 18 courts (including one show court) at a site of about 11 hectares (the bulk of which space is devoted to football and cricket pitches). And (as pointed out at Enclosures, p39) up to 18 proposed new courts at the Application Site are inessential for qualifying event delivery or involve merely moving courts from the main Championships site to the Application Site.

FOWP photos



Dr Dave Dawson

- 1) Dave is a professional environmental scientist. He has been working on the history and biodiversity of the Wimbledon Park heritage landscape for many years. Before retirement, he was joint head of the Greater London Authority Environment Section. He worked on biodiversity in planning for London Boroughs for some 33 years and was responsible for developing the London hierarchy of Sites of Importance for nature conservation.
- 2) Since the inception of the Friends of Wimbledon Park he has advised how the park should be managed, helping us write the Conservation Management Plan (CMP) and the recent Summary CMP and enabling us to meet targets such as the planting of over 2500 trees since 2016 and the fixing of blue plaques to each of the five entrances to the heritage park in 2016. He is an expert in his field.
- 3) We endorse his detailed submissions and extracts from these submissions follow.

Biodiversity¹²

- 1) The data on the application site were inadequate because the surveys were minimal and largely at the wrong time of year. This deficiency was not remedied by recourse to existing independent information based upon much better surveys. Failure to find is equated wrongly with absence, so biasing the comparisons in favour of the predicted value of the habitats proposed seeming better than the underestimated existing value.
- 2) The extent of a national priority habitat, Wood pasture and parkland, was grossly underestimated because of a miss-reading of the habitat definition, leading to the exclusion of many valuable trees and almost all of the grassland. This is compounded by an under-valuing of the grassland component of the priority habitat, which has potential as neutral (mesotrophic) grassland. Most of the parkland is to be sacrificed to intensively-managed sports facilities, amenity grass and built development and the remainder (in the south of the golf course) is to be sacrificed in an attempt to replace the naturally fertile soil with an infertile sandy acid soil. The supposed “gain” of acid grassland from this expensive substitution is very unlikely to be achieved.
- 3) Wimbledon Park Lake was seriously undervalued because no recourse was had to the findings of a five-year study of lake water quality and the habitat value of the lake. Large areas of the lake shallows are proposed for disposal of sediment dredged from the centre of the lake, dressed up as reedbed, and as a habitat gain. In fact, the lake is a national priority habitat supporting a rich biota, including 8 species of bats that come for the insect food emerging from the water, making the landscape one of the best for bats in London. Replacement of a large area of this with reedbed is a net loss to biodiversity.
- 4) Sediment excavated from the lake bed is proposed to be dumped around the edge of the lake. This compromises water’s edge vegetation and a national priority habitat, wet woodland. These losses are underestimated, so tipping the balance incorrectly towards net gain.



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- 5) The surveys of birds were inadequate, so missing a large proportion of the species that breed, pass through on migration or winter in the heritage landscape, including a good number of priority species for conservation. This omission, too, introduces a fictional “gain” when compared with a purely theoretical species composition in future. Many of the species supposed to be gained already occur in the heritage landscape and others are most unlikely to come because of the proposals. Many existing species will be harmed by the losses of trees and reduction in the area of shallow eutrophic water and the food that thrives in and above the water.
- 6) The adverse effects of the proposed buildings, tennis courts and access paths are not properly accounted for. The introduction of lighting and access for people, however well designed, takes away from undisturbed habitat and dark skies, seriously compromising bat habitat. The intensive management of the grass courts risks nutrient and herbicide pollution, affecting the parkland grasslands and water quality in the lake. A very large number of existing trees are to be removed to make way for these developments and this is not redressed by new planting, which will take well over 100 years to achieve replacement quality.
- 7) I broadly support the conclusions of the fisheries survey, but regret that these seem not to have been incorporated into the detail of the proposals.

Soils¹³

- 1) The claims of widespread acid soils on the golf course are erroneous. The evidence for this is extensive botanical survey that AELTC chose to ignore, and observations of various excavations across the heritage landscape. So, the proposed new habitats would be unnatural and difficult or impossible to establish and would not constitute a net gain. The aims for habitat enhancement should be for habitats of poorly drained, neutral to alkaline soils, for which there is good evidence. The woodlands should be similar to the existing ancient and old woodlands of the heritage landscape and the grasslands should be lowland meadows, both of which are National Priority Habitats of neutral to alkaline soils. A small area of degraded acid grassland near the northern tip of the site is the only place where an acid soil habitat is appropriate, but there seems to be no proposal to retain this area in the landscaping. It is inappropriate to strip the existing topsoil across the site in an attempt to create a new acid soil. Only where the existing soil proves irreparably damaged should stripping be undertaken to help restore neutral or basic soils. This analysis of the soils shows that the predicted biodiversity net gain from acid grassland and woodland creation would not eventuate. Gain would be possible should the error be corrected and appropriate habitats encouraged.
- 2) It is not appropriate to strip the topsoil from large areas in the south and replace this with “acid” soils, because these would lie on top of a heavy clay subsoil, which would impede drainage and counteract any acidity of the imported topsoil. It would be appropriate, rather, to manage any acid soils in situ. The grasslands of the golf course should be allowed to grow tall and be subject to thorough survey before remedial treatments are prescribed to promote lowland meadow vegetation. Where a sward shows potential, it is always best to manage this appropriately, rather than assume no existing value. Use of imported seeds, however well chosen, is a last resort.
- 3) Both regenerating woodland and degraded neutral grassland can be improved for biodiversity if guided by ecological knowledge. Such gains are possible for the grasslands in the south of the site, where a parkland is proposed and for small areas of young woodland scattered across the site. This would enhance Woodland and Lowland Meadow, both of which are national Priority Habitats. Fighting against the soil type, as proposed by AELTC, will not achieve a net gain to biodiversity and probably a net loss. Gains of the magnitude claimed are only possible if working with the soil type.

Trees¹⁴

The All England Lawn Tennis Club proposals for intensive lawn tennis development on Wimbledon Park Golf Course fail to deliver national planning goals for biodiversity, amenity and carbon sequestration.

- 1) The Club’s tree survey is grossly deficient, having missed out some 1000 tree seedlings, saplings and young trees. Not accounting for the harm to these trees contributes to the calculation of a fictional biodiversity net gain and ignores a loss of stored carbon.
- 2) A proposal to transplant 18 mature trees that stand in the way of development is an expensive and insubstantial gesture as most will fail or take many years to resume normal growth.
- 3) The proposal to protect some 41 veteran trees, as required by the National Planning Policy Framework (NPPF), is welcome but two essentials for biodiversity conservation are omitted: the retention of large quantities of standing and fallen deadwood and retaining a pastoral setting. Also, there is no provision similarly to protect future-veterans, so the future prospect is biodiversity loss.
- 4) It is proposed to remove some 300 other mature trees, with a median age of 45 years (28% of the total), many of which provide wildlife habitat features. Understating this loss allows the calculation of a fictional biodiversity net gain.



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- 5) The golf course has a history as an Ancient Wood Pasture, identified in the NPPF as equivalent to other Ancient Woodlands and so of highest priority for protection. The failure to protect the 300 trees proposed for removal is contrary to paragraph 180 (c) of the NPPF, as the application “should be refused, unless there are wholly exceptional reasons”
- 6) Felling the 300 trees will release some 210,000 kg of carbon. This substantial loss of carbon store will cause global heating and not be redressed for 50 years, far too long for any meaningful effect.
- 7) Many of the trees on the golf course originated by “passive rewilding” – the germination of seeds that arrived naturally from nearby mature trees. These young trees are thriving already, have a local genetic heritage, and are preferable to planting new trees, many of which will not thrive.
- 8) The landscape proposals retain a few surviving 18th century tree clumps and enhance a peripheral woodland on the golf course. However, trees are kept well clear of the planned new facilities, cramming them into areas dictated by the facilities, not by landscape design. Long views across pastoral slopes down to the lake are missing. Lancelot Brown’s landscape tradition is very compromised.
- 9) The species proposed for planting are mainly those of native woodlands, so failing to reflect the range employed by Lancelot Brown. Much of the proposed planting merely replaces the many undocumented young trees that are to be removed. Taking these into account would greatly reduce any need for new plantings.

There is insufficient detail given in the planning application for a precise estimate of either the loss of carbon store from the felling of 300 trees or the growth of the proposed planting of parkland, woodland and hedgerow. However, approximate calculations are possible I estimate that the felling will release some 210,000 kg of carbon. At best, carbon sequestration by the proposed tree planting would have stored this amount of carbon after some 50 years of growth. Only after this time would there be any net increase in the tree carbon store. So, the substantial loss of carbon store from the trees to be felled will not be redressed for 50 years, far too long for any meaningful effect on global heating.

The proposals claim a “reimagining” of the Lancelot Brown Wimbledon Park heritage, with a new landscape centred on the proposed “show court”, as a modern substitute for the lost Marlborough Manor House. So, our starting point should be the disposition of trees and woodland in Brown’s design.

So, how does the proposed distribution of woodland and individual trees conserve the heritage asset? There are two great positives here.

- 1) Brown’s peripheral woodland belts lost to suburbia have been replaced by the survival of 18th century clumps, supplemented by natural colonisation. This has resulted in an accidental, peripheral woodland around the golf course, which forms the basis for much of the proposed new woodland, just as in the existing programme of woodland planting in the public park. Capitalising on this natural survival and colonisation to create a new peripheral woodland is a welcome reimagining of the 18th century park.
- 2) Restoring the surviving 18th century tree clumps “m & n” and retaining the naturally-colonised tree clumps “u & s” is also welcome.

However, there are four great negatives.

- 1) Not a tree matter, but the re-imagining of the 18th century manor house as a proposed, gross “show court” does not enhance the landscape. Indeed, the mock views illustrating the planning application emphasise the screening of this huge building.
- 2) The clearance of trees to make way for the 8,000-seat stadium, 38 courts, 10 other buildings and 9 km of roads and paths. The new courts are clustered in groups and the surviving trees are left in lines, distant from these groups, giving a distribution nothing like Brown’s designs. In fact, the distribution would be much like the lines of golf course trees between fairways proposed for removal.
- 3) This is reinforced by the disposition of the large number of proposed new trees, which are also constrained to be distant from the proposed developments and fill in the gaps between the survivors.
- 4) No long, grassy slopes down to the water’s edge survive, nor are any created.
- 5) The opportunity to retain, or re-create, areas of open pasture with few trees has been sacrificed to the planting of some 500 “parkland trees”. This is especially so in the southern part of the golf course beside Church Road, which was largely free of trees in the 18th century, and in a doubling of the number of trees to increase the density of the 18th century Vineyard Hill Wood.



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So, retained and proposed trees are kept well clear of the planned new facilities. This has led to the cramming of trees into areas dictated by the facilities, not by landscape design. Long views across pastoral slopes down to the lake are missing, so sacrificing any design inspired by Lancelot Brown.

Lake¹⁵

In May 2022, new details were given of the July 2021 All England Lawn Tennis Club proposals for new reedbed and circular walkway, following “de-silting” Wimbledon Park Lake. These details include the preferred method of sediment removal and the aims that led the All England Club to propose a circular walkway largely within the lake, rather than around it. I consider that the lake would benefit from the removal of sediment, as this would restore Lancelot Brown’s original design and increase its depth by an average of 0.7m but this operation could cause immeasurable harm to the lake, so full detail is required before any grant of planning permission. This submission seeks to remove the factors that make the Grade II* heritage park at Risk.

- 1) The planning application is deficient because the locations of the sediment to be left in the lake and that to be removed are not detailed, nor is the method of removal decided. Some existing information on pollutants in the sediment is not considered. The purpose of bunds at the edge of the proposed reedbeds is not given. The disposal of material removed from the lake is not detailed. It is not appropriate to grant planning permission for sediment removal without much better information on its consequences.
 - 2) The removal of the sediment by the preferred method would release such large quantities of nutrient pollutants into the lake water as to cause long-term harm to the lake water quality and consequently to amenity use, fisheries and biodiversity. This is adequate reason to refuse planning permission for the “de-silting”.
 - 3) The new reedbeds and walkway would harm biodiversity by encroaching into the lake, so harming three national priority habitats and the special species that these habitats support. No species, reedbed specialist or not, is shown to benefit from the proposals. Approval should not be given to proposals that would result in a net loss to biodiversity.
 - 4) The proposed “Quiet zones” in the two arms of the lake would prove to be “Disturbed zones”, as they would have significant, close human disturbance, preventing wildlife from flourishing.
 - 5) Realistic alternatives to the proposed walkway exist on land owned by, or which could readily be acquired by, AELTC. Such walkways would avoid the harm to biodiversity and could be dedicated as public rights of way.
 - 6) The proposed boardwalks and reedbeds would harm views that survive from Lancelot Brown’s design. Realistic alternatives would allow the restoration and enhancement of this design.
 - 7) All of the reedbed and most of the walkway are proposed on land not owned by AELTC. Both will require regulation of access, and maintenance, but no provision is made for arranging this with the owner.
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- 1) The European eel is supported by the existing reedbeds of the lake and by the open water. As the new reedbeds are provided at the expense of open water, the net effect on the eel of exchanging the one priority habitat for the other is not obvious.
 - 2) The Kingfisher would be harmed, because it uses the wet woodland fringe, which would be sacrificed to the proposed reedbed.
 - 3) Grey herons visit the lake from nearby heronries and a heronry is being established in a tree on the island. This species uses the wet woodland edges to the lake, so it too would clearly be harmed by the loss of wet woodland.
 - 4) Sand martins visit to hunt over the open water of the lake. Establishing a Sand martin bank would be welcome, as it would reduce the distance this species needs to travel to visit, but the proposed new reedbed would reduce the food supply of this species, so would harm it.

Placing the proposed circular walkway in the lake will introduce disturbance to sensitive wildlife, where there is currently minimal disturbance. The lack of screening of users of the walkway to avoid such disturbance is well illustrated by Figure 11 of the Landscape Addendum. This would effectively reduce the area of open water and water’s edge that is available to sensitive birds and disturb breeding birds at their nests and flightless young birds. The value of the lake for sensitive wildlife would be very significantly harmed. The deliberate disturbance of protected bird species illegal, the proposals seem designed to do this and should not be permitted.

There is an existing path along the western edge of the lake which lies on land in two ownerships: AELTC and LB Merton. No explanation is given for not using the route of this pathway and so avoiding the considerable disturbance to sensitive species by using the lake. This route is screened from the lake by a wet woodland fringe which is adequate in the south, but thin in the north. It would be readily reinforced to fully protect sensitive wildlife from disturbance. It would be straightforward to provide access through this wet woodland screen to lake edge bird hides, so allowing the public to enjoy the wildlife without introducing undue disturbance.



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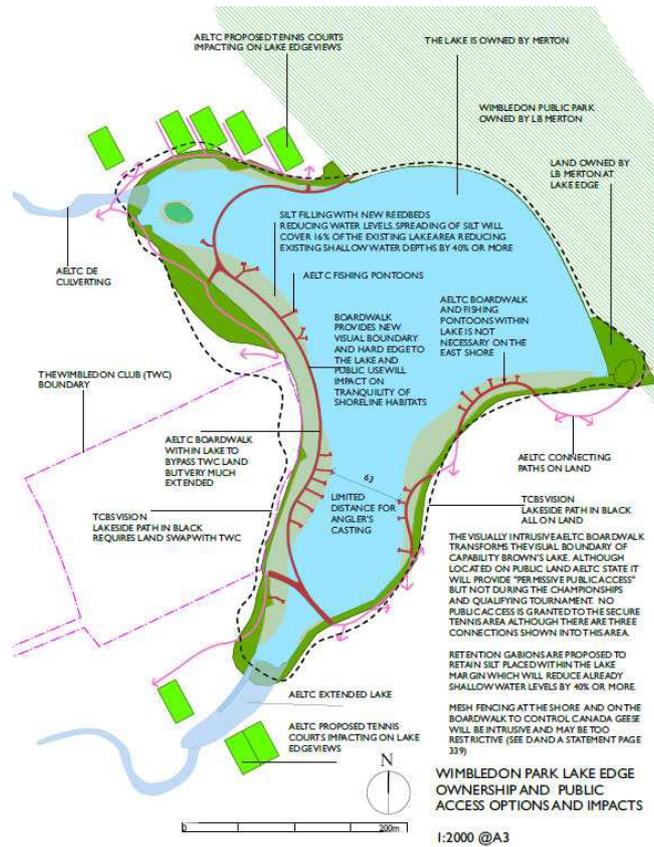


Figure 1. Circular walkway options. © Capability Brown Society 2022.

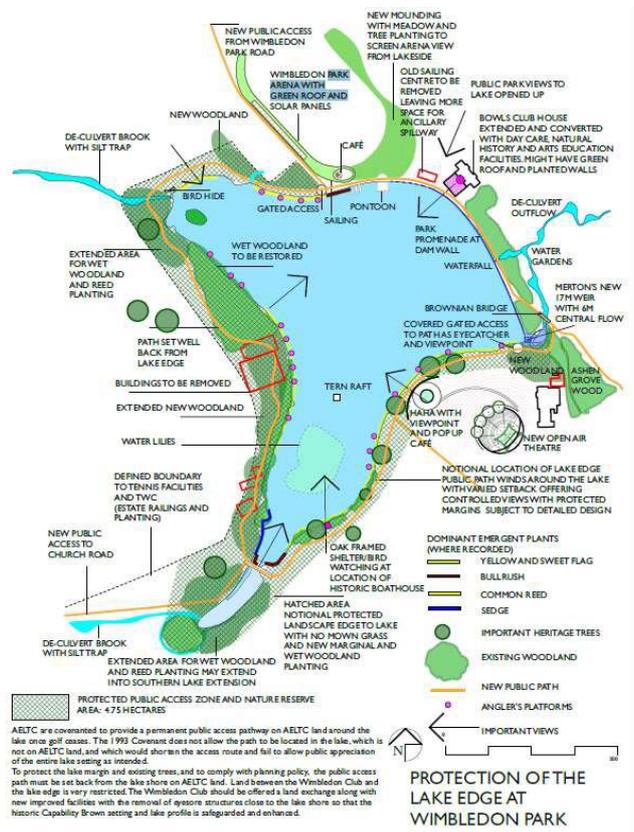


Figure 2. An alternative vision of a circular, lakeside walkway wholly on lakeside land. © Capability Brown Society, 2022



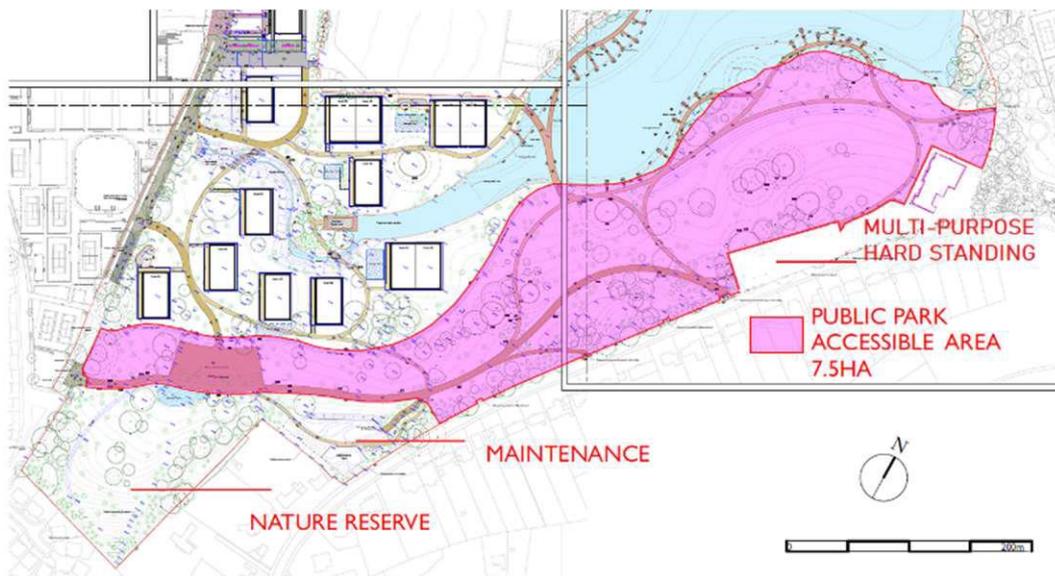
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AELTC do not consider any explicit alternative to their damaging circular walkway design. They do not mention the existing positive obligation, enforceable in public law, to provide a lakeside walkway once golf should cease. Using this obligation as a starting point, and negotiating a sensible land swap, allows alternative circular walkway designs. Use of the existing access route on the western edge of the lake is possible (see above), and another alternative is reproduced as Figure 2 above.

Although this independent vision gets no mention in the AELTC application, it surely shows that there are less damaging alternatives than the proposed walkway constructed largely within the lake and which would better meet with AELTC's own brief for a circular walkway. It is informative that the Landscape addendum puts the walkway over lake water because of limited land availability. I suggest, rather, that the ambition of AELTC for a huge number of new grass courts is what limits the availability of land for honouring a community obligation and providing a great community asset.

Problems¹⁶ with the “GLA Stage 1 Report – Applicant Response”

The All England Lawn Tennis Club (AELTC) proposes a major, intensive tennis development on Wimbledon Park Golf Course and Lake, which may be scrutinised by the Greater London Authority (GLA), under its planning powers. An AELTC document was posted on planning application websites, claiming to be an update on: the topic-by-topic Stage 1 comments of the GLA; AELTC's responses or comments; and the GLA response to those. Very little reference is made to third party submissions or comments. My report examines topics where my submissions on the planning application introduced matters that were not properly considered in the dialogue between the applicant and the GLA.



- 1) The area of the proposed “public park” is given as 9.4 ha in three places (pages 1, 2 and 3) and “almost 10 hectares” on page 4. In fact, the public will have permissive access to 6.8 ha of open space, not 9.4 ha. This is because the Maintenance Hub, the fenced-off southern nature reserve, the golf clubhouse and a multipurpose hard standing area will be inaccessible (see plan to above).
- 2) The GLA note that “the site is in an area identified as being deficient in access to nature” and that “the proposal submitted could meaningfully address the above-mentioned deficiencies”. I have disputed this claim. The Area of Deficiency was wrongly determined, because the public park was inexplicably excluded from Merton's Greenspaces Green and Blue Infrastructure, Biodiversity and Open Space Study. In fact, there is public access to nature close to all three entrances to the public park. Recalculating the deficiencies with this error corrected shows that the site is not in an area identified as deficient, so there is nothing to address.

London Wildlife Trust (LWT)¹⁷

Extracts:

- 1) The London Wildlife Trust has been invited to review ‘The Wimbledon Park Project’, the proposals by the All England Lawn Tennis Club (AELTC) to reconfigure part of Wimbledon Park, which lies adjacent to the AELTC Wimbledon facilities.



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- 2) We have been given access to a range of documents that describe the project and have had a walkover of the site with Andrew Wayro of the AELTC to understand the context for the project.
- 3) We have been asked to provide our view of the proposals insofar as they might align with LWT's aims and objectives.
- 4) Current situation - currently public access is limited to the municipal park to the north of the site and the lake which occupies the centre of Wimbledon Park. Although the lake has nature conservation interest which contributes to the SINC status of Wimbledon Park, much of the municipal park is of limited nature conservation interest except for the woodland along its northern boundary.
- 5) Enhancement of the lake - the lake, (and the veteran trees, are currently the most important ecological features of Wimbledon Park. However, the lake's value is compromised by many years of siltation, inflow of sometimes polluted water, and limited areas of marginal aquatic habitat and clearly demarcated and managed wildlife sanctuary areas. The Wimbledon Park Project offers a potential solution to resolving some of these limitations on the ecology of the lake by providing direct benefits, such as the opening of culverts and installation of pollution control measures, and indirect benefits such the catalyst for and funding of the desilting and enhancement of the lake and lakeside habitats, such as reedbeds.
- 6) We recognise that this is a contentious project. Despite its ambition to improve the ecology of Wimbledon Park and restore some of the original design elements of the Capability Brown landscape the project is also a series of contemporary interventions that will support and enhance the experience of the Wimbledon Championships, these elements are inherently antithetical to the original Capability Brown landscape and the current designation of this land as Metropolitan Open Land.
- 7) With this in mind and having had the opportunity to review the AELTC project documentation and for LWT staff to visit the site and understand the context and ambition of the proposals, I can confirm that LWT would like to offer its support for this ambitious and exciting project and will explore further how we can work with AELTC to make this the best that it could be.
- 8) **Our comments on the LWT submission:**
 - a. Their approach takes the view that the WPP application will be successful without any changes.
 - b. It doesn't recognize that access to the 61ha heritage park up to 2021 was based on a pay to use, and this includes about 56% of the public park.
 - c. We agree on the enhancement of the lake in 5).
 - d. We also agree with '...these elements are inherently antithetical to the original Capability Brown landscape and the current designation of this land as Metropolitan Open Land' in 6).

JAM review and responses

Review of Revised Environmental Impact Assessment+ supporting documents and Responses to JAM Consult Review (27/09/2022) of Revised ES are detailed documents. A brief look at two items and comment from the Wimbledon Society.

Extract concerning court comparison numbers:

- 1) The scale of the development has not been appropriately justified, particularly the proposed number of courts in the context of the Listed Park and MOL status (see section on alternatives).
- 2) Justification for the scale of development required.
 - a) Wimbledon – currently 52 courts + 39 courts; proposed = **91 courts**.
 - b) New York – 52 courts.
 - c) Paris – 33 courts.
 - d) Australia – 39 courts
- 3) AELTC-It is not for the ES to justify the scale of the Proposed Development. The justification for this is set out in the Planning Statement and Addendum.

Extract from JAM comment No. 3

Alternatives

The assessment of alternatives remains inadequate. The options are still grouped together so the results cannot be understood or adequately compared e.g. locations of show court. Several options have either not been discussed in the supporting information or in sufficient detail to understand the deciding factors. Options not included are:

- An option for less than 39 courts



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- Lean Design Options included within the Circular Economy Statement – Appendix B (pdf page 38) including:
 - Parkland Court Ring Beams
 - Cut and Fill Balancing
 - Church Road crossings
 - Minimising Irrigation Water Demands
- ❖ Lake Desilting Options included within the Lake Desilting Statement (further information is needed on these e.g. number of vehicle trips to understand the impacts)
- ❖ Cycle/pedestrian routes
- ❖ Extract from AELTC response
 - The EIA Regulations 2017, Sch.4 Para 2 states that an ES must include: “*A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) **studied by the developer**, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.*” (emphasis added)
 - This establishes that the ES is only required to describe the alternatives which *were* considered by the developer.
 - This is further supported by well-established caselaw, which confirms that there is no requirement for the ES to describe or assess options which were not actually considered by the developer, but that the ES should outline “*all the main alternatives that were studied by the developer*” (CJEU case of *Holohan v An Bord Pleanala* [2019] PTSR 1054, applied by the Court of Appeal in *Gathercole v Suffolk CC* [2020] EWCA Civ 1179).

Construction Programme

- As per the response to Comment 4 – the Planning Statement incorrectly referenced a construction programme of 6.5 years instead of the correct 8 year programme. Therefore the assessment remains in line with the original ES documents and unchanged.

The Wimbledon Society¹⁸

Extract:

- 1) The latest review by JAM is not simply a review of technical materials but identifies ten major topics which “need attention in order for the ES [Environmental Statement] to be considered adequate”. These are particularly worrying comments which go to the heart of the application and its due process.
- 2) For all planning applications, the public and the planning authority expect to see a coherent set of documents that clearly describe the proposals.
- 3) With so many subsequent amendments and corrections, substitutions, and additional material, it is now totally unclear what set of documents actually forms this application. This is not only intolerable, but it also makes it impossible for the public properly to engage in the public consultation. Additionally, the inadequacy of the ES highlighted by the JAM reports is not addressed. Accordingly, the Wimbledon Society considers that the applicant should now be asked to formally WITHDRAW the application, and either:
 - (a) resubmit the application with a single coherent set of documents, with the many inconsistencies ironed out, after ensuring that all the required JAM points are addressed, or (and this would be much preferred)
 - (b) resubmit with a wholly different scheme, that reflects the powerful objections that have been raised to the very fundamentals of the current application, by both the general public and national bodies.

We agree.

Conclusion

- 1) This is a complex and developing application. It is difficult to keep track of the many documents and the cross referencing due to amendments and new information is growing.
- 2) The 1993 Covenant, aiming to preserve this open space, is significant due to its likely effect on the application if it is honoured.



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- 3) The proposed programme will cause harm and will take 8 years to complete. As LWT say ‘these elements are inherently antithetical to the original Capability Brown landscape and the current designation of this land as Metropolitan Open Land’.
- 4) Very special reasons are required to be demonstrated by substantial public benefits. The benefits claimed by the applicant to amount to VSCs are limited, vague, ill-defined or potentially defeasible.
- 5) Moving the Qualifying rounds from Roehampton 18 courts (11ha) to Wimbledon Park 38 courts plus a new show court (21ha) results in an almost doubling of land required, and is not persuasive.
- 6) “Wanting and pressing need” are claimed as key considerations, but these are not proven and are subjective special pleading by the applicant.
- 7) Biodiversity surveys were inadequate as they were minimal and at the wrong time of year. The extent of national priority habitat grossly underestimated. Wimbledon Park Lake is seriously undervalued. Proposed dumping of sediment around the lake edge comprises water’s edge vegetation. Surveys of birds were inadequate. The adverse effects of the proposed buildings, tennis courts and access paths are not properly accounted for.
- 8) The claimed need for acid soils on the golf course is erroneous and worse, environmentally risky and damaging. Replacing existing topsoil with ‘acid’ soils, on top of heavy clay subsoil, would lead to impeding drainage and counteract any acidity of the imported topsoil.
- 9) Regeneration of woodland and degraded neutral grassland can be improved for biodiversity if guided by ecological knowledge.
- 10) Trees take a long time to grow and there are many areas of concern. a. A deficient tree survey, transplanting mature trees with likely failure, removal of 300 mature trees with median age of 45 years, release of some 21000kg of carbon which will take 50 years to be redressed. b. Non recognition that the value of ancient and veteran parkland trees depends upon their pastoral setting and that large quantities of standing and fallen deadwood are a key element in woodland and parkland ecosystems. c. Retained and proposed trees are kept well clear of the planned new facilities. This has led to the cramming of trees into areas dictated by the facilities, not by landscape design. d. Long views across pastoral slopes down to the lake are missing, so sacrificing any design inspired by Lancelot Brown.
- 11) An alternative vision of the lakeside walk will provide great biodiversity gains and have a high wellbeing value for visitors. This will help the European eel, kingfishers, the new heronry, and a sand martin bank could be established.
- 12) The desilting proposal needs a lot more information with a cost benefit analysis focused on nature and it should be a separate planning application with a separate environmental impact assessment, including an informed and thorough discussion of methodology and outcomes.
- 13) The submissions show that claims of biodiversity gain are incorrect.
- 14) The area for participation sport is significantly reduced and the non-recognition and needs of other sports (hockey, cricket, squash, athletics, and bowls) is worrying.
- 15) The applicant continues to demonstrate a clear reluctance to consider alternatives.
- 16) The whole application is misconceived and has now reached the point where it should be rejected without further ado.

A useful exercise is to ask what our descendants in 150 years’ time might say of this generations actions on preserving Heritage Wimbledon Park? The hornbeams we’ve planted should be admired but what of the rest? It could be a toast or (*!?!*!?!*!?!*) perhaps best left unsaid.

The Friends of Wimbledon Park stand ready to discuss in an open and constructive community-orientated meeting, alongside the many community groups who share our concerns, the possibilities of alternatives to this proposal.

Dr N R Steiner
Chair Friends of Wimbledon Park
116 Clonmore Street, Southfields, London SW18 5HB

References

¹ <https://www.gov.uk/government/news/environment-agency-report-sets-out-urgent-need-to-work-with-nature>

² AELTC Community Newsletter Autumn 2022

³ The Gardens Trust letter dated 14th July 2022 Margie Hoffnung, Conservation Officer



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⁴ 21P2900_Comments_Wimbledon Park Residents Association_29.09.2021

⁵ 21P2900_Comments_Sport England_14.09.2021

⁶ <https://www.sportengland.org/about-us/uniting-movement/what-well-do/positive-experiences-children-and-young-people>

⁷ <https://www.parkrun.com/>

⁸ 21P2900_Comments_Historic England (Parks & Gardens) 24.09.2021

⁹ NPPF 202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

¹⁰ NPPF 201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.

¹¹ Duncan Henderson 5647838 The following are attached to this submission: 5633539 - Wimbledon Society, 20 July 2022:5637097 - Friends of Wimbledon Park, July 2022:5637803 - West Wimbledon RA, Aug 2022:5637754 - Fleur Anderson MP, Aug 2022:5631611 - Gardens RA 12.7.22:5639647 - Wimbledon Club, 3.8.22:5641218 - Wimbledon Society, 9.8.22:5637348 - Belvedere Estate RA, 28.7.22:Extract from Save Wimbledon Park, Call to Action, July 2022:Parkside Residents Association - Commentary on GLA Stage 1 Planning Report - 9.3.2022: Wimbledon Society, 13 August 2022: Capability Brown Society, 14.7.2022: Parkside Residents Association - 9.8.2022: Tree Warden Group, 15.8.2022

¹² Submission on Planning Applications Merton 21/P2900, Wandsworth 2021/3609 at Wimbledon Park Golf Club, SW19 7HR. Dr D.G. Dawson, September 2021

¹³ Dawson The soils of Wimbledon Park Heritage Landscape March 2022

¹⁴ Dawson September 2022. Trees in the AELTC proposals

¹⁵ Dawson June 22 Further comments on the effect of the AELTC proposals on WP Lake

¹⁶ Dawson August 2022 Problems with the GLA Stage 1 report applicant response version 2302132

¹⁷ Gordon Scorer (CEO LWT) letter; February 14th 2022.

¹⁸ 21P2900_Comments_The Wimbledon Society_23.11.2022