

AELTC (All England Lawn Tennis Club)

Planning Applications: 21/P2900 London Borough of Merton - LBM

(Planning Applications: 2121/3609 London Borough of Wandsworth - LBW)

SGCARA **OBJECTION**

SGCARA's Objections of Nov 2021 were submitted to both LBM & LBW. Most of the following content was submitted as an additional Objection to LBM in Oct 2023 & to LBW in Nov 2023, in response to additional information that emerged since 2021.

SGCARA remains convinced that AELTC's 'Wimbledon Park Project' is an unnecessary 'vanity' scheme, which will inflict years of misery on the local population through construction-blight & untold environmental damage. AELTC had – & may still have - the opportunity to purchase the generous-sized & beautiful Bank of England Sports Ground, where the 'Qualifiers' currently take place. AELTC have so far chosen not to do so. This has easy access to primary road-routes, & any developments on that site would not impact a Capability Brown landscape.

1) Reasons to doubt AELTC's undertakings

Many of the 'Community Benefits put forward by AELTC as compensation for the significant & permanent harm to cherished MOL rely on AELTC keeping their word. Bluntly, SGCARA does not have reason to trust AELTC to fulfil these 'Community Benefits' & neither should the Deputy Mayor or Planning Dept of the GLA.

1.1 **Reminder of AELTC's willingness to ignore the 1993 Restrictive Covenants**

Tony Colman, Merton Council Leader 1993: *'Respecting the wishes of local people, this Council is resolute that the land will be retained as open space. All England has bought the land knowing this is our policy & is aware that we would not allow development of the site.'*

Previous AELTC Chair Ian Hewitt, responded to recent (2021) correspondence as follows: *'As to the assurances made in 1993, I am sure you can appreciate **that the requirements of the club & the community have developed in the resulting 28 years***

Any other undertakings promised by AELTC (including as 'Community Benefits' to compensate for the substantial harm caused to Metropolitan Open Land - MOL) should therefore be treated with scepticism. AELTC will inevitably dilute or abandon these commitments when *'requirements of the club'* change.

1.2 **Public access to the southern parkland** - one of the main claimed 'Community Benefits' similarly hangs by a thread. If AELTC wished to *guarantee* public-access in perpetuity, the land would be transferred to a 'Community Trust'. There is just a S106 Agreement. **There is provision under S106A for these agreements to be renegotiated if circumstances change**, ie AELTC could wriggle its way out of this agreement if it wanted to develop the 'public' parkland in the future, in the same way as it is fighting against the 1993 Covenants.

In the most recent AELTC 'Community Newsletter' the (new) AELTC Chair (Deborah Jevans) claims that AELTC will deliver '*a new 23-acre public parkland with permanent access*' and that '*this new public parkland will be open year-round*'. **The S106 clearly states that there will be specific closure periods around the Championships**, (& maybe around other tournament uses of the 38 courts + show court?) The LBM & LBW case officers' Committee Report uses the word 'Permissive' to describe the parkland, as does the LBW Decision Notice Reasons for Refusal.

The claims of the AELTC are misleading at best.

1.3 The three 2021 community 'Consultations' were in reality a cynical stage-by-stage unveiling of the plans AELTC already had in place, culminating with the plans for the 8000-seater tennis stadium revealed in the 3rd 'Consultation'. AELTC confirmed that no changes were made to the plans at each stage between each 'Consultation', despite huge opposition - especially to the 2nd & 3rd stages. (Tiny changes may have been made to suggest that AELTC was 'responding' to local concerns).

1.4 Misleading 'Community Newsletters' For the first 100 years of occupation of its current Church Rd site, AELTC made no effort to communicate with the community. Since AELTC was apparently taken by surprise at the overwhelming opposition to PA s 21/P2900 (LBW - 2021/3609), it has employed a PR firm to try to counteract this opposition. One result has been a plethora of 'Community Newsletters' – the first in those 100 years of being in our neighbourhood. The AELTC Community Newsletter (Autumn 2023). This appears full of what we believe to be misleading information.

1.4a See 1.2 above - misleading words in the 'Community Newsletters' re. the public (permissive) parkland.

1.4b The inside pages contain glossy CGIs of the proposals showing beautiful mature parkland. However AELTC's Landscape Manager confirmed at one residents' group meeting that **the CGIs are an artist's impression 25 years after the completion of any project.** The project might take 10 years to complete (maybe more depending on legal processes) + 25 years **makes 2060 earliest for the parkland & site to look anything like the CGIs.** Lest there should be any misunderstanding, the AELTC Landscape Manager was asked the same question during a later tour of the former Golf club site & he gave the same answer. These same style of misleading CGIs have been prevalent from the three 2021 'Consultations' onward, with no caveat of the likely date these CGIs represent. They have also featured in literature shown at train stations etc to persuade commuters to sign template Supports for their project (see 1.5 below). A large number of 'Supports' (uploaded in batches by the PR company) for PA 2021/3609 will have been achieved in this manner.

1.4c. Claims by the AELTC Chair that Wimbledon Pk Golf Club (WPGC) is a 'private members club'. That has never been the case. Any Merton resident has been able to 'pay & play' on the WPGC course without being a member, (in the same way as the public can 'pay & play' on the crazy golf course in the public park!) The clubhouse has been available for anyone to hire for events, and residents affirm that they have able to walk in the WPGC site without impediment. That is not the case now. We understand that the gates are locked with threatening K9 security signs.

1.4d A further (paper) AELTC circular was received by local households on Sat 11th Nov. In this circular, Chief Exec. Sally Bolton refutes claims which she says are circulating in the community of ‘*a lorry every 10 mins*’ during the construction-period. However, according to AELTC’s own document, (Buro Happold Construction Traffic – Estimated Vehicle Movements 21.10.22), on the busiest days there will be 27 lorry arrivals, ie 54 movements, (a mix of approx 18 HGVs and 9 LGVs arriving and the same number departing). Assuming a generous working day from 8am - 5pm (9 hours), that is six lorry movements per hour or one every 10 mins. This is exactly what Sally Bolton denies in the AELTC circular.

Elsewhere, AELTC have stated that tennis players have complained about the standard of courts at Roehampton. However this is disputed in the following report from ‘The Telegraph’

By Simon Briggs, TENNIS CORRESPONDENT 29 June 2023 • 9:52pm

A “mini-Wimbledon”. That was how Eugenie Bouchard, finalist at the Championships proper in 2014, described this year’s qualifying event at the Community Sport Centre in Roehampton. “The first day I got here,” she added, “it felt like a real official professional tournament. Far more so than it did in the past.”

1.5 Support for Applications achieved by misleading methods

Faced with overwhelming opposition to its proposals, AELTC has used the services of a PR firm to try to counteract this. In Feb 2023, representatives of the PR firm were regularly to be found at Wimbledon Station (and possibly other stations), presenting commuters with a template ‘Support’ on a clipboard and inviting them to sign. The PR representatives retained these & uploaded them in batches – as the planning department will know.

First-hand reports say that these representatives clearly identified themselves as communications consultants hired by the AELTC

1) They had laminated slides of CGIs and photos of the golf course. (These were the same style of pictures which have been since been acknowledged to be a representation of how the site *may* appear 25 years after completion.)

- 1) The person continuously talked about how great the proposals would be, without any apparent real knowledge of the project, no additional evidence presented, no ability to answer more than the most superficial questions, no presentation of the length of construction-period etc
- 2) A main theme was that the golf course was not public and this would now have public access. None of the caveats explored in 1.2 above were explained.
- 3) When it was brought up that there was a Covenant on the land the communications consultant would say that this would be something for “Merton to decide”.
- 4) The communications consultant urged those being spoken to sign their Support on the basis of often a less than 5-minute conversation.

1.6. Obfuscation over the lakeside walk

AELTC’s website has claimed that there was no obligation in the Covenants to provide a walkway round the lake. This is highly-misleading.

The 1993 Transfer included a positive Covenant to dedicate (ie permanently release to the public) a circular public walkway *around the lake perimeter* when golf ceased to be played.

The route is shown on a plan in the Transfer.

(On completion of the walkway, Merton has an obligation to pay for a fence to separate the walkway from the AELTC land.)

- There is a caveat in the Transfer that the dedication can be deferred if the Golf club lease still subsists. In effect AELTC are saying that even though golf has finished, the Lease has not been formally surrendered & has 20 or so years left to run. Therefore the Lake Walkway is not an obligation. They have omitted the vital word 'yet'. This appears a devious way of avoiding the walkway obligations.

Meantime PA 21/2900 (2121/3609) documents show:

- a) the Boardwalk mostly inside the lake itself - which is Merton-owned, not AELTC.
- b) tennis courts on some parts of the land which on the 1993 plan would have been the new walkway route – ie a land-grab by AELTC
- c) reedbeds & areas for spreading dredged silt from the lake also where the walkway should be.

AELTC claims that the 1993 route cannot be fully delivered today anyway as **some areas** have eroded over time, and that the boardwalk alternative is "a pragmatic response" to their 1993 obligation, (omitting to mention that pushing the public walkway into the lake instead releases land that can be used for its proposed tennis courts)

A board-walk is vastly inferior – no room to sit & picnic by the lake, disturbance of wildlife etc. Yet another demonstration of the lack of transparency of AELTC & reason to doubt their other claims & intentions to honour all 'community benefit' commitments.

2) Environmental Concerns

SGCARA concurs with other Objections focussing on environmental concerns, eg that submitted by Wimbledon Park Residents Association Objection of 19.10.23, 'Tree-Felling & Carbon-sequestration in Wimbledon Park,' & also by Wimbledon Society 08.06.23.

2.1 Air Quality

Effects on Air Quality is a material consideration in planning applications. There is poor validity for AELTC's claims that Air Quality will be unaffected by its proposals.

2.1a Even in the updated EIA of 23.05.22 there is scant acknowledgement of PM2.5 (PM=Particulate Matter). PM2.5 are the tiniest particles which we now know can penetrate the lung walls & enter the bloodstream. Of great concern is that dangerous PM2.5mg/m³ is also formed by chemical reactions between gases such as sulphur dioxide & nitrogen oxides, causing secondary particles.

The dangers of PM2.5 have been increasingly acknowledged since AELTC's 2021 EIA. Both this & the 23.05.23 update are wildly out of date.

Since the AELTC 2021 application & the updated EIA of 23.05.22, poor Air Quality is increasingly recognised as a cause of disease & poor human health, including an adverse effect on mental functioning. This is behind the emergence of ULEZs in London & elsewhere. AELTC's updated EIA, Section 8.8 (Air Quality) states:

Policy SI 1 Improving Air Quality; *'Development plans, through relevant strategic, site specific and area-based policies should seek opportunities to identify and deliver further improvements to air quality **and should not reduce air quality benefits that result from the Mayor's or boroughs' activities to improve air quality.**'*

Air Quality is improving as a result of the extension of the London ULEZ 29.08.23, therefore the Air Quality element of the EIA update is already out of date.

Information on the Defra Local Air Quality Management (LAQM) website, states clearly that for PM2.5 et al, there is *'no safe threshold below which no adverse effects would be anticipated'*

World Health Organisation (WHO) Guidelines for 'safe levels' of particulate matter were revised significantly *downwards* (22.09.21) by 50% for PM_{2.5}/m³ and 10mg/m³ and by 70% for Nitrous Oxides (NO₂)

Imperial College London released a significant study updating the detrimental & life-long effects on poor air-quality on human health 19.04.23:

<https://www.imperial.ac.uk/news/244355/review-highlights-lifelong-health-impacts-pollution/>

There also appears to be no assessment of the Air Quality impact from dangerous PM that would be released from the tyres & brake pads of construction vehicles. Tyres & brake pads are increasingly acknowledged to be a serious source of such PM, in some cases worse than from exhaust emissions. Such emissions are emitted by both electric & petrol/diesel-driven cars)

See the Final Report Phase 1 of the Govt-commissioned Report from Ricardo Energy & Environment 24.02.23, (**ie since the AELTC updated its EIA**)

The Executive Summary states:

'Ricardo, in collaboration with the Arup AECOM consortium were contracted by the Department for Transport (DfT), to develop a "proof-of-concept" system for measuring non-exhaust emissions (NEE) of particles, under real-world driving conditions.

*NEE of particles from road vehicles primarily arise from a combination of brake wear, tyre wear, road surface wear, and the resuspension of dust particles. **Emission data from the UK National Atmospheric Emissions Inventory (NAEI) estimate that NEE are now the dominant source of coarse and fine particulate matter (PM₁₀ and PM_{2.5}) from road transport in the UK'***

Air-quality at parts of the proposed route for construction vehicles (eg the Southfields (Replingham/Augustus/Wimbledon Pk Rd) traffic lights/crossroads & also at Granville Rd/Wimbledon Pk Rd roundabout) already fail WHO guidelines & other revised 'safe limits' even before the proposed heavy construction-traffic is taken into account. The same is likely to be true of other 'pinch point' locations on proposed routes.

Apart from other considerations of the proposals, including the substantial harm to MOL, the seemingly incomplete & deficient environmental impact-assessments, including Air Quality, alone mean that PA 2021/3609 should be Refused.

2.2 Trees

The numbers of currently-existing trees is disputed between AELTC and Objectors. AELTC make much of the attractiveness of the tennis stadium being surrounded by (veteran) oaks. There appears to be no consideration of the effect on these of the sudden deprivation of light from the 100' high building.

(Quotations used with permission from Dave Lofthouse, Arboricultural Manager of 'Greenspaces', London Borough of Merton in relation to issues presented by PA 21/P2900 as they affect trees.

'In relation to the showcourt and nearest veteran trees:

*'...The shading issue is definitely of possible significance, **particularly for Oak which is not very tolerant of shading and will certainly change canopy shape over time with a bias towards the light.** I do not believe that would make a mature tree unstable without some*

other agency being involved **but it needs to be remembered that veteran and mature trees can be particularly affected by changes in their immediate environment - the light regime being just one element of this** - since they have had a great deal of time to make the best of it.

..It's also important to remember that root systems are not circles - that is just a human conceit as we like the convenience of imposing un-natural order upon nature. It is further, too frequently forgotten that the circle on a BS 5837 plan is a minimum protected zone and is by no means guaranteed to be the area required for the tree's healthy growth and survival. Mycorrhizal associations, water relations and the light profile which you have highlighted are just a few of the elements that can be affected well beyond a notional RPA.'

The possibility of the health &/or beautiful canopy-shape of any one of the veteran oaks being compromised by the AELTC proposals is unthinkable.

2.3 **Effect on the lake of removal of the entire soil layer**

The destruction of the 'soil web', built up over many years, that this process would involve has been explored in detail in other Objections. SGCARA has not seen any reference/statistics in PA 21/P2900 (2121/3609) to any possibility/likelihood of soil/mud finding its way into the lake during the vast works to level the site. Our weather is increasingly volatile – the recent periods of torrential rain bear this out. Loosened soil/subsoil is highly likely to find its way into the lake, making any work to desilt the lake or improve its quality much more challenging.

3) **Community Benefits**

3.1 **Public/Permissive parkland.** The caveats surrounding this as a long-term 'Community Benefit' were described in 1.2 above.

3.2 **Opportunities to play on (a small number) of the new courts & tickets for stadium-events**

The 8000-seater stadium would be a permanent 24/7 appalling visual blight on the view across the lake for all residents in perpetuity. Parts of that view remain much as they were in the famous 19th century watercolour of the Capability Brown park. Possible opportunity for a few residents to play tennis & others to possibly have tickets for stadium events is no compensation whatsoever for this in anyone's imagination. We imagine that AELTC could choose to withdraw/reduce these 'community benefits' whenever they choose.

Past-AELTC Chair Ian Hewitt also said:

*'our proposals also mean that Wimbledon Park will be as open as it is **now in terms of verified views**'*

The views in this Capability Brown park to which he is referring would be wrecked forever.

3.3 **De-silting of the lake**

The possibility of de-silting the lake is also a much-disputed issue. Local experts claim that AELTC's current preference for the 'centrifugal' method would result in contaminated water being returned to the lake. (There are many contaminants presently buried in the silt). Relevant consents for this process would need to be obtained from the Environment Agency.

3.4 **Public Lakeside walk – proposed as 90% 'boardwalk'**

This has been dealt with in 1.4d.

3.5 **Bio-diversity**

AELTC's Application suggests that bio-diversity is depleted by the current uses of the WPGC land. Yet at the recent AELTC 'Nature w/e' (28th/29th Sept), the large variety of current species, eg bats, was celebrated. These assessments cannot both be true. 6) of the JAM conclusions brings to light '*incorrect figures for net gain*'.

4) **Legal Considerations**

SGCARA concurs with those demanding that the Restrictive Covenants must stand & that the Day v Shropshire Decision has parallels with the 1993 sell-off. These include Wimbledon Society 13.10.23 & The Capability Brown Society 11.09.23.

SGCARA urges the GLA planning department to recommend Refusal, and we urge members of the planning applications committee to acknowledge the huge risks & drawbacks of this scheme & to Refuse PA 21/P2900 (2021/3609).

It is deeply concerning that that LB Merton appeared to ignore/over-ride the conclusions of JAM Consult – the very Consultants it tasked with assessing PA 21/P2900 independently. We trust that the GLA will take JAM's conclusions very seriously indeed, as did LB Wandsworth.

Here are some of JAM's conclusions, in their own words:

- 1) *"The evidence provided on waste and materials does not support the conclusion that the impacts from these issues are not significant"*
- 2) *"There are considerable inconsistencies between documents and as a result consequential errors have occurred in other related reports."*
- 3) *"The vehicle trip analysis is completely inconsistent between documents and uses different methods of analysis..."*
- 4) *"The cumulative impacts assessment does not comply with the regulations..."*
- 5) *"The impact of the increase in traffic upon climate change has not been provided"*
- 6) *"The ES chapter consistently refers to the incorrect figures for net gain"*
- 7) *"It is not clear how the desilting of the lake will address potential impacts on the ecology."*
- 8) *"There has been a failure to update the Policies, Guidance and Regulations at National, Regional and Local level throughout the documents.'*

SGCARA urges the GLA to Refuse PA 21/P2900 (2021/3609). The justifications for Refusal appear overwhelming.