

Director of Environment and Regeneration
London Borough of Merton
Civic Centre
London Road
Morden SM4 5DX



13 April 2023

Dear Sirs,

21/P2900 – AELTC Application to Develop the former Wimbledon Park Golf Course
Merton ref: 21/P2900
Wandsworth ref: 2021/3609

We have recently been provided by Wimbledon Park Residents' Association with a copy of their paper dated 12 April, which we understand has been sent to you.

The paper raises a further Material Consideration which, in the Society's opinion, obliges your Council to reject this application. This concerns the Council's failure (as appears from the extensive research carried out by the WPRA) to undertake a statutory advertisement and public consultation, as required by section 123 Local Government Act 1972, before disposing of the golf-course land to AELTG. The Supreme Court recently decided in the case of *Day v. Shropshire* (2023 UKSC 8) that failure to follow the statutory procedure means that the land disposed of remains subject to a statutory trust for public recreational use.

As we have repeatedly pointed out, this land enjoys the very highest level of protection from development, being Metropolitan Open Land and a Grade II* listed Registered Park and Garden. The land is also subject to restrictive covenants preventing development, imposed for public benefit when the land was sold in 1993. Added to this, as the Supreme Court explained, is the continuing existence of a statutory trust for public recreational use of the land. In view of all these layers of protection, to grant planning permission for the substantial development proposed by the AELTC would, in our view, be unconscionable.

In the circumstances, the Wimbledon Society fully supports the submissions contained in the WPRA paper and joins with them in urging you to accord proper weight to this further Material Consideration in the course of the planning process. At the very least, before any decision is taken, the legal history of the land and the circumstances of the sale in 1993 should be thoroughly investigated.

Yours sincerely

Chris Goodair
Chair, Wimbledon Society Planning & Environment Committee

Please send all correspondence by email to chairmanpc@wimbledonsociety.org.uk

cc: Hannah Doody, CEO, LB Merton
LB Wandsworth Planning Department