

PROOF OF EVIDENCE

Tooting Triangle – Common Land Application Inquiry

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11/04/2022

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1 Introduction.

- 1.1 I am Simon Cooper-Grundy, currently employed by Enable Leisure and Culture (Enable) as a Senior Projects Officer.
- 1.2 Enable is a charitable company limited by guarantee that was set up in 2015, formed from the former Leisure and Culture Services of Wandsworth Borough Council (WBC). The full range of the former Council's Services includes Parks, Sport and Leisure, Bereavement, Arts, Public Events, Filming, Community Halls and the Putney School of Art and Design. Enable also has responsibility for the day to day management and direction of the Council's Parks and Events Police Service.
- 1.3 Enable has provided leisure and cultural services to Wandsworth Borough Council since 2015.
- 1.4 Prior to 2015 I was employed by WBC, since 1977, in a number of middle and senior management roles in the Council's Parks Service.
- 1.5 In those roles I had varying levels of responsibility for the maintenance and provision of 32 public open spaces including Tooting Commons and the delivery of public services which met the recreation needs of the community including the direct management of staff and service Contractors employed by the Council to deliver those services.
- 1.6 From the early to mid 1980's (1981 to '85 approx.) my role was District Officer, Southern District, my office and operational base on Tooting Common, at the Staff yard, Dr. Johnson Avenue, London SW17 8JU.
- 1.7 During the majority of my (nearly) 45 years continuous employment in the borough, 38 of which were with the Council and currently nearly 7 years with Enable, I have known the Tooting Triangle and the buildings and facilities for which consent to carry out works on common land is sought in their current and previous iterations.
- 1.8 I have prepared this Proof of Evidence taking full account of the information and guidance provided in ((by) the Department for Environment Food and Rural affairs "Common Land consents policy – November 2015" (Core Document 21) and the Planning Inspectorate's "Inspector's Requirements for the Public Inquiry"

2 General description of the Tooting Commons:

- 2.1 The majority of the information in this section of my proof is taken from “The Common Story – A History of Tooting Common” (Core Document 1)
- 2.2 Until the late 1860s, the area now known as Tooting Common (or more correctly Tooting Commons) comprised two distinct land parcels each under the control of different Lords of the Manor.
- 2.3 Prior to the 1830s infrastructure intrusions into the commons were relatively few, generally footpaths, bridleways and historic gravel workings.
- 2.4 This all changed with the development of the railways and subsequent/related housing construction which had a significant impact on the Commons and which in turn led to the introduction of the Metropolitan Commons Act 1866 which stated explicitly that any remaining metropolitan commons should be protected. The 1866 Act has been replaced by successive Metropolitan Commons Acts and other Acts which continue to protect metropolitan commons from inappropriate development.
- 2.5 By 1873 the Metropolitan Board of Works (MBW) had acquired fully the manorial rights to Tooting Bec Common and in 1875 an Act of Parliament was passed confirming the ownership and management of Tooting Graveney common by the MBW.
- 2.6 The MBW instituted a number of “improvements” in the late 1880s and early 1890s including the introduction of gravel paths and unspecified sporting facilities, recognising/responding to the growing demand for public open space of the increasing population.
- 2.7 Ownership and management of Tooting Commons was passed to the London County Council (LCC) in 1889.
- 2.8 The LCC continued to introduce improvements including, in the late 1890s, the construction of the refreshment room/café which opened on Tooting Bec Common in 1898, close to Dr. Johnson Avenue and the Common’s southern boundary. The café was leased to a private operator from the outset. (Location Map at Appendix A)
- 2.9 The Tooting Bec Lido opened in 1906 close to Tooting Bec road, next to the railway. (Location Map, Appendix A)
- 2.10 In 1936 the Tooting Athletic Track, enclosed by fencing, (originally the LCC Sports Ground) was opened on Tooting Graveney Common following the introduction, in 1935, of the LCC (General Powers) Act, which gave them, the LCC, greater power to alter the landscape and powers for the “provision and maintenance of miscellaneous recreational facilities”.
- 2.11 During their tenure the LCC/GLC also constructed:
 - tennis courts, enclosed by fencing (Location Map, Appendix A),
 - sports changing facilities with adjacent public toilets, close to the junction of Tooting Bec rd. and Dr Johnson Avenue (Location Map, Appendix A),
 - sports changing facilities on the north east corner of the Triangle field, demolished in the mid. 1980s,

- the Keeper's Lodge and the staff yard on Dr Johnson Avenue (both on Tooting Graveney common, and
- the original building on the site of the proposed development (Location Map, Appendix A).

2.12 Ownership and management of Tooting Commons was passed to WBC by the LCC's successor Authority, the Greater London Council (GLC), in 1971

2.13 Wandsworth continued to introduce improvements including:

- construction of machinery storage "garages" in the staff yard in the mid 1970s,
- construction of a Youth Activity Centre, on the application site, in the mid 1980s.
- extending the original building on the proposed development site as a children's One O'Clock centre, in the early/mid 1980s
- construction of a new children's play area towards the western edge of Tooting Bec common in the 1990s
- improving and extending the children's play area adjacent to the proposed development site in the mid 1980s and again, to its current form in 2012

3 Layout of Tooting Commons:

- 3.1 The area now known as Tooting Commons is made up of two historic commons: Tooting Bec Common and Tooting Graveney Common.
- 3.2 Tooting Bec Common, located on the eastern boundary of Wandsworth, in Bedford Ward in the south of the borough, is the larger of the two extending to 58.1 hectares
- 3.3 Tooting Graveney Common extends west and south of Tooting Bec Common and occupies approximately 27 hectares.
- 3.4 The site of the proposed development stands in the western corner of an area known as the Triangle field, which extends to approximately 69,000m² (6.9ha) on the northern side of Tooting Bec Common, close to the northern extent of the Common and the borough's boundary with the London Borough of Lambeth (LBL). A map of the Commons is provided as Appendix B
- 3.5 The application site ("the site") of the proposed development covers an area of approximately 4,825m² (0.48ha) and includes two existing buildings, linked by a covered passageway, beyond which is an enclosed garden area and an existing redgra surfaced, floodlit outdoor sports pitch area.
- 3.6 Immediately to the west of the site is an open access children's play area, known as the Tooting Triangle Natural Play Space, which is outside the application site and which is not included within the proposed development.
- 3.7 The area to the east and south of the site is predominately open grass land, extending to approximately 65,000m² (6.4ha) with mature trees along the northern and eastern perimeters and interspersed in the grassland. The majority of the open grassland is mown regularly providing a general amenity/recreational area.
- 3.8 Parcels to the eastern and southern edges are semi-improved neutral grassland and an area of wet broadleaved woodland, both managed for their biodiversity value (Appendix C: Tooting Triangle Biodiversity Map).
- 3.9 Valerie Selby, Enable LC's Biodiversity and Parks Development Manager provides detailed information on various parcels of land in her Proof of Evidence on Ecology matters.

4 The Proposed Development/Facilities – Background/History

- 4.1 Following informal expressions of interest, in 2012, from a local businessman who was proposing to install a new artificial grass surfaced and floodlit playing pitch, enclosed within mesh fence, to provide 2 5v5 or 7v7 football pitches which would be used by local schools, clubs and individuals for football and other sports activities, the Council sought expressions of interest from groups or organisations interested in the future improvement, operation and maintenance of the 'redgra' sports pitch and former youth centre premises at Tooting Triangle. (Core Document 2: Paper No. 12-572 – paragraphs 113 to 115).
- 4.2 The Council received a number of expressions of interest and invited 7 of the interested organisations to submit tenders to redevelop the outdoor sports pitch and the adjacent built premises to provide an improved facility with publicly accessible toilets and a cafeteria.
- 4.3 Paper No. 16-451 (Core Document 3) reports on the expressions of interest, the two tenders received and, subsequently two revised tenders, and the Council's decision to award a draft contract to TFC Leisure Ltd. subject to their obtaining all necessary consents for the proposed improvements/works.
- 4.4 This report, which was considered by the Community Services Overview and Scrutiny Committee on 21st November 2016 and subsequently approved by the Executive on 28th November 2016, also approved that the consultation (by advertisement) of Council's intention to dispose, by means of a 25 year lease, of the redgra sports pitch and the premises occupied by Balham Amateur Boxing Club (including the former One O'Clock Club premises and the adjoining enclosed garden), to TFC Leisure Ltd. for the development of the facilities as outlined in its tender, and also approved the granting of a lease, subject to responses to the advertised disposal intention and, at a later date, to submit an application to the Planning Inspectorate for Secretary of State consent for works on Tooting Common.
- 4.5 In November 2018, the Council approved recommendations set out in Paper No. 18-432 (Core Document 4) in particular the granting of an agreement to lease, and a lease subject to the necessary consents and the for the completion of a Service contract with TFC Leisure Ltd..
- 4.6 After the approval of the recommendations of this report, TFC Leisure Ltd. submitted its planning application that received approval in May 2020 (Core Document 5: Permission for Development).
- 4.7 The permitted works consist of:
 - 4.7.1 Erection of single storey rear/side extension to the north elevation of the building,
 - 4.7.2 Erection of a single storey rear/side extension to the west elevation of the building,
 - 4.7.3 Enclosure of existing covered corridor,
 - 4.7.4 Installation of retractable awning to the east elevation of the building,
 - 4.7.5 Installation of replacement doors on the south and west elevation and erection of platforms to provide disabled access ramps along the south elevation of the site,

- 4.7.6 Installation of replacement pitches (hardstanding and artificial grass) with associated 4.5m high perimeter fencing,
- 4.7.7 Installation of replacement floodlighting (8 number) plus one new floodlight, all approx. 8.3m high
- 4.7.8 The permitted works information taken from Core Document 6: Planning Committee 19/05/20 – Item 7
- 4.7.9 Following the granting of Planning Permission in November 2020 the Council submitted an Application for Consent to Carry out Works on Common Land in accordance with Article 12 of the Greater London Parks and Open Spaces Order 1967.
- 4.7.10 In accordance with the provisions of the Act the Council placed Notices confirming that it had made this application in the South London Press (13/11/20 edition) (Core Document 17) and the Wandsworth Times (12/11/20 edition) (Core Document 18) and posted copies of the Notice at the application site and at 2 other locations; at the western end of Culverden Path which runs between Bedford Hill and Emmanuel rd. and passes the application site and one at the southern extent of the Triangle field, where the path linking Bedford Hill with Emmanuel rd. enters the common at the “Spinney”
- 4.7.11 Also in accordance with the provisions of the Act the Council sent copies of the Notice to consultees specified by the Planning Inspectorate and placed copies of the Application and all supporting documents on the Council web-site in accordance with Government advice at the time in respect of Coronovirus (COVID-19).
- 4.7.12 In January 2021 the Planning Inspectorate forwarded just over 700 emails, received in response to the Council’s application requesting the Council’s comments on the representations, the comments to be in the form of a single statement which could be sent to all those who made representations and addresses all of the points raised by them.
- 4.7.13 Originally the Planning Inspectorate had asked for a response within 21 days. To best ensure that it had fully considered the various objections, concerns and other points raised by the respondents the Council requested additional time, which was duly granted, and the Council submitted its response on 19th March 2021 (Appendix F)
- 4.7.14 In late April 2021 the Planning Inspectorate forwarded 28 emails and a survey completed by 120 people, received in response to the Council’s letter/response dated 19th March 2021. As previously the Planning Inspectorate requested the Council’s comments on the representations, the comments to be in the form of a single statement which could be sent to all those who made representations and addresses all of the points raised by them.
- 4.7.15 The Council duly submitted its response on 14th June 2021 (Appendix G)
- 4.7.16 In late July 2021 the Planning Inspectorate informed the Council that an Inspector had considered the application and decided that a Public Inquiry would need to be held, initially scheduled for four days in March 2022

4.7.17 Following the Council's request that the Inquiry date be moved to later in the year the Inspectorate re-scheduled the Inquiry to June 2022 setting aside an additional 2 days due to the level of interest.

5 The Council's Objectives for the indoor and outdoor facilities

- 5.1 One of the Council's objectives in the context of this application is to recognise the role of open space provision as a resource that contributes to the health, well-being, cultural heritage, placemaking, landscape, education, climate change mitigation, bio-diversity and movement for people and wildlife (Core Document 7: WBC Open Space Report May 2021: Executive Summary, and page 1, Part 1: Introduction).
- 5.2 Another is to retain and develop/improve existing playing pitches and, where possible, to provide additional playing pitches and or playing capacity in accordance with the Playing Pitch Strategy 2013 (PPS) and the Playing Pitch Assessment Report 2013 that recognises that Wandsworth is a borough of playing pitch deficit and under considerable pressure to provide more facilities to meet the ever-growing demand for both matches and training (Core Document 8: WBC Playing Pitch Strategy 2013: page 20 and Core Document 9: WBC Playing Pitch Assessment Report 2013: page 35, paragraph 2.6).
- 5.3 Amongst the 15 key findings identified for football are:
- That 11 sites in the borough are overplayed which is considered to be inevitable given that some of the pitches are on open common land thereby attracting considerable informal use,
 - In general a decrease in senior men's football but an increase in youth, girl's and women's football,
 - 14 clubs express latent demand for access to more pitches to accommodate current demand and 31 clubs report plans to increase the numbers of teams they could provide,
 - Very little actual spare capacity (surplus provision) and where spare capacity is expressed it is likely to be retained as a matter of (good) practice to allow pitches to rest and rotate,
 - Modelling ideally suggests a need for an additional 4, full size 3G artificial grass pitches and a 60x40m 3G pitch. It goes on to note that whilst this is supported through consultation with clubs it is recognised that space and public funding is limited, so any move towards achieving this aspiration is only likely through redevelopment of existing sites and private sector funding.

- 5.4 The Council's view is that the proposed improvement of the facilities at Tooting Triangle would make a significant contribution to addressing the deficit in a way that setting out additional pitches on open grass areas, either on Tooting Common or other open spaces, cannot do and would provide facilities accessible to all sectors of the community, including young and old of all genders and all abilities with varying degrees of fitness wishing to keep fit and active. The Council therefore considers that the proposed facility will provide positive improvement opportunities for a sizeable proportion of the local community who are currently disadvantaged as a direct result of insufficient opportunity within the borough currently to participate in sport and physical activity and that it would achieve this by improving an existing facility without detriment to the amount of open grass area available to the public.
- 5.5 Another of the Council's objectives is achieving its vision, as set out in the Active Wandsworth Strategy 2017-2022 (Core Document 10: Page 18) of: "*enabling Wandsworth to be the most active borough in London by 2022*", based upon four main themes one of which is
- Facilitate (places) – *investing in and maintaining existing sport and physical activity facilities* and thinking differently about how we use non-traditional sporting venues. *This encompasses protecting and improving the number and quality of places* for active travel, *active recreation and sports across the borough* including the River Thames, highways, parks, playing fields, sports facilities, leisure centres, schools and other community buildings where physical activity and sport take place (Core Document 10: pages 24 and 25.)

- 5.6 The proposed re-introduction and improvement of the outdoor and indoor sports and recreation facilities fully accords with these objectives.

6 The Current Indoor and Outdoor Facilities

6.1 The Buildings

- 6.2 One of the buildings, built by the Council in 1985 as a Youth Activity Centre, has been occupied, since 2008, by the Balham Amateur Boxing Club.
- 6.3 The other, originally built between 1947 and no later than 1951 (according to maps of the area dated 1947 to 1952 Appendix D) and 1951 to 1978 (Appendix E)), is currently vacant. This building is marked "WT" on the earlier map and "P.C." on the later map. It is unclear whether it served originally as Play Centre or as Public Conveniences for users of the adjacent playground and of the wider common.
- 6.4 On the basis of the floorplan and the dates/ages of the maps it is thought likely that it was built as public conveniences and converted to its more recent use, probably by the London County Council (LCC), as a One O'Clock centre/children's activity centre at a later date.
- 6.5 From 1971 following the transfer of Tooting Commons from the GLC to WBC the building was used as a Children's One O'clock Centre, that provided supervised play opportunities, indoors and outdoors, on weekday early afternoons for pre-school children accompanied by their parent/s or carers and, from 2008, as a "Signposting" – Children's Centre, with a specific remit to narrow the gap between those that are most disadvantaged, identified by those living in 0-10% Lower Super Output Areas (Income Deprivation Affection Children Index). This use continued until 2016 when, following consultation, the Council ceased Children's Services delivery at the Triangle with the intention to re-instate stay and play and some nursery places through leasing the premises to a third party.
- 6.6 Proposals to lease the premises were put on hold in 2017 but the Council continued to provide a limited stay and play facility within the premises, albeit without a supporting budget, until 2019, when the facility was finally closed.
- 6.7 The decision to close the Children's Centre was taken as the deprivation levels in Balham had fallen (no longer has 0-10% or 20-30% LSOAs) and the Council refocused its resources to the Faylands Estate and the Nightingale Square Homeless Unit, so that the statutory duty could be met for its most disadvantaged residents. The Council declared the premises surplus to its Children's Services operational requirements in 2018. (Core Document 4: Paper No. 18-432).
- ### **6.8 Current Condition**
- 6.9 Both buildings are considered to be structurally sound with both showing signs of their ages, in particular the flat roof of the building occupied by the Boxing Club that has been repaired on a number of occasions, and continues to need repairs, to stop rain water leaks. The roof, rainwater gutters etc. and security shutters of the former One O'Clock Centre are, currently, in poor condition due to frequent vandalism since the facility closed.

- 6.10 Internally both buildings are in poor condition with generally poor insulation and associated low energy performance ratings, again reflecting their ages. In particular the toilets and showers serving the Boxing Club, whilst serviceable, are in a demonstrably very poor condition and fall far short of user expectations in the 21st century.
- 6.11 The generally poor condition of the buildings are confirmed by Condition Survey Reports, commissioned by the Council, that were carried out in November 2021 (Core Document 12: Balham Boxing Club building - Condition Survey Report 12/11/21 – Executive Summary and Core Document 13: (former) One O’Clock centre – Condition Survey Report 24/11/21 – Summary extract)
- 6.12 Overall neither the buildings nor the layout/configuration of the entire built area/footprint which includes a covered corridor linking the two buildings meet user expectations in the 21st century.
- 6.13 The outdoor sports pitch
- 6.14 The outdoor sports pitch, the eastern boundary of the site of the proposed development, was, it is believed, constructed in the late 1950’/early 1960’s. When constructed the pitch was enclosed within an approximately 4m high chain link fence with access gates; on the western perimeter and in the north west and south west corners and provided with floodlights mounted on 8 x 10metre high steel columns which remain in place and are available to be used by anyone wishing to book use of the facility.
- 6.15 The pitch, which has included floodlights, has been available for booking by sports clubs, teams and individuals since at least 1971, when ownership of the Commons was transferred to the Council (from the GLC). Whilst demand/bookings by sports clubs has fallen off, predominantly due to the poor condition of the playing surface, lack of fencing and the lack of changing facilities, the pitch and the floodlights remain available for booking through the Council’s grounds maintenance contractor, Continental Landscapes Ltd. Currently the pitch is booked and used by football clubs twice a week, on Saturdays and Thursdays. The Thursday booking is an evening fixture and includes use of the floodlights.
- 6.16 I arranged for the fencing on the north, east and south perimeters of the pitch to be removed in the late 1980’s/early 1990’s due to the poor and potentially hazardous condition of many of the steel uprights, the majority of which were heavily rusted at their bases, with some no longer set in the ground (due to the rusting), and sections of the chain fence panels.
- 6.17 The fence along the western boundary remains in place and still retains the angle brackets at each end that linked this section to original sections at the southern and northern ends of the playing pitch area. The intention at the time was to replace the fencing and upgrade the playing surface subject to securing the necessary funding.

6.18 Current Condition

6.19 The current redgra playing surface is in poor condition and is increasingly difficult to maintain to an acceptable and safe standard due to its age and the difficulty of obtaining the appropriate materials necessary for routine maintenance. Notwithstanding this it is still booked by two “clubs” for regular, weekly, use, on Thursday evenings, with floodlights, and during the day on Saturdays. As with the buildings whilst still usable the playing pitch falls far short of 21st century standards and user expectations.

6.20 Building and outdoor sports pitch – overall/summary

6.21 The Council’s view, as previously stated, is that the proposed development of the facilities represents the most cost effective, and in current circumstances only, way of providing much needed improved facilities for people of all ages and abilities to have the opportunity to actively participate in sport and physical exercise in a safe and secure environment that meets 21st century expectations.

7 Common Land consents policy – Assessment Criteria

7.1 The information provided in the following paragraphs: 8: *The interest of persons having rights in relation to, or occupying the land (and in particular persons exercising rights of common over it)*; 9: *The interests of the Neighbourhood*, and 10: *The public interest*, accords with the Assessment Criteria set out in the Department for the Environment Food and Rural Affairs “Common Land consents policy” (Core Document 21)

8 The Interests of persons having rights in relation to, or occupying the land (and in particular persons exercising rights of common over it)

8.1.1 Exercise of Rights

The Council has confirmed in its application for consent that there are no registered rights for Tooting Bec Common (*Section C paragraph 5 of the Application together with Appendices 1 and 2 to the Application*). As such, the proposed works will/can have no effect of the “exercise of rights”.

The Council sets out its views in respect of the general public rights of access across the common in the following paragraphs: 6 (i) and (ii) and 7 (i).

8.1.2 Rights of Access

The Council has confirmed that there are 3 leaseholders with “rights of access over the land”. In this context, I have taken “land” to mean the wider area of Common.

These are the proprietors/operators of the Tooting Bec Café, off Bedford Hill, the Tennis courts, off Dr. Johnson Avenue, and the Tooting Bec Lido, Tooting Bec rd. (*Section C paragraph 7 of the Application*). These facilities are all located on the western part of the common on the area bounded by Bedford Hill, Dr Johnsons Avenue and Tooting Bec rd, and remote from the Triangle field (Appendix A; Location Map)

The Council confirms that the proposed works will have no effect on those occupiers' ability to "exercise their rights" as defined in their leases as none are located on, or close to the Triangle field and the site of the proposed works.

8.1.3 Loss or Benefit

Further to its responses to "Exercise of Rights" and "Rights of Access" (above) the Council contends that the proposed works will not cause any financial loss to rights holders.

9 The interests of the neighbourhood

9.1.1 Positive benefits

The Council noted in its responses to the Planning Inspectorate dated 19th March 2021 (Appendix F) and 14th June 2021 (Appendix G) that Wandsworth is a borough of playing pitch deficit and under considerable pressure to provide more facilities to meet the ever-growing demand for both matches and training as noted in the Playing Pitch Strategy 2013 (Core Document 8 – page 20).

The Council also noted its view that the proposed improvement of the existing facilities at Tooting Triangle; replacing the current redgra surfaced outdoor sports pitch which is in poor condition with a third generation (3G) artificial grass surface that will support 5-a-side and 7-a-side football pitches and a number of other sports activities, replacing the old and inefficient floodlights with modern LED lighting on units on shorter columns and replacing the perimeter fencing that was removed in the 1980s due to safety concerns and significantly upgrading the internal facilities to provide improved amenities for the Balham Amateur Boxing Club together with changing room, showers and toilets for users of the Boxing Club and the outdoor sports facility the majority of which have been in place for 60 years or more, would make a significant contribution to addressing the deficit, by providing more playing time and encouraging people to use the improved facilities, in a way that setting out additional pitches on open grass areas, either on Tooting Common or other open spaces, cannot do, without any loss of open and freely accessible grass woodland areas.

The Playing Pitch Assessment Report 2013 (Core document 9: page 20, table 2.6 and page 28, table 2.11) showed that the Balham area had the highest participation rates for youth boys (10-15 years age group) and Mini-soccer (mixed) 6-9 years age group) in the borough in 2014 and that there will be an estimated additional 55 Youth Boys teams and 41 mini-soccer mixed teams in/by 2026, using estimated population growth, generating a demand for additional appropriate pitches (facilities).

The Assessment further noted that there was a low satisfied demand and a high level of unmet demand for football and that existing Artificial Grass Pitch (AGP) used capacity was at 100%. It notes the view of the Football Association that AGPs can support intensive use and that, as such, they are great assets for both playing (matches) and training.

Among the 15 key findings identified for football in the Playing Pitch Strategy are that:

- 11 sites in the borough are overplayed which is considered to be inevitable given that some of the pitches are on open common land thereby attracting considerable informal use
- In general a decrease in senior men's football but increases in youths', girls' and women's football

- 14 clubs express latent demand for access to more pitches to accommodate current demand and 31 clubs report plans to increase the numbers of teams they could provide,
- There is very little spare capacity (surplus provision) and where spare capacity is expressed it is likely to be retained as a matter of (good) practice to all pitches to rest and rotate,
- Modelling ideally suggests a need for an additional 4, full size 3G artificial grass pitches and a 60mx40m 3G pitch. It goes on to note that whilst this is supported through consultation with clubs *it is recognised that space and public funding is limited, so any move towards achieving this aspiration is only likely through redevelopment of existing sites and private sector funding*

The Council's view is, as previously stated, that the proposed re-provided facility/facilities which include an artificial grass surfaced and floodlit outdoor playing pitch that will support a range of sports and recreational activities, linked to the existing buildings that will be significantly improved both inside and out that will provide improved facilities for the Balham Amateur Boxing Club, new changing rooms, showers and toilets for users of the facilities, facilities for stay and play activities for pre-school children with their parents or carers and a publicly accessible refreshment facility and accessible toilets that will open to all, both users of the facilities and users of the children's open access play area that is immediately adjacent to the application site, and users of the wider common, will provide positive benefits and opportunities to a sizeable proportion of the local community who comprise the "neighbourhood", including young and old of all genders and abilities, and of the wider borough community, who are currently disadvantaged as a direct result of insufficient opportunity within the borough currently to participate in sport and physical activity, all without any significant detrimental effect on the neighbourhood and the ability for all to use and enjoy the open space and facilities around the site of the proposed development and across the wider common. (Appendices F and G – response letters)

9.1.2 **Loss of existing use and Future use and enjoyment**

Whilst the construction of the proposed works, specifically the construction of a perimeter fence around the outdoor sports pitch, will result in users of the common being prevented from accessing this part of the site in the unrestricted way that they have been used to since the majority of the original perimeter fencing was removed due to concerns at its poor and potentially hazardous condition, in the late 1980s/early 1990s, the Council reiterates its views expressed in its correspondence with the Planning Inspectorate (Appendices F and G) that it has paid due attention to the provisions and intentions of Article 7 of the MHLG 1967 in particular its ability to "*set apart or enclose.....any part of the open space and preclude any person from entering that part.....*" and its requirement to "*...satisfy themselves that they have not unfairly restricted the space available to the public for recreation in the open space or in any open space*"

In support of its view that the proposed re-provided facilities will not "*...unfairly restrict the space available to the public for recreation in the open space...*" the Council notes that the proposed perimeter fencing will enclose an area of approximately 3580m² which equates to approximately

- 5% of the total area of the Triangle Field (approximately 69,000m²),
- 0.6% of the total area of Tooting Bec Common (58.1 hectares), and
- 0.4% of the total area of the Tooting Commons (approximately 85 hectares)

and that the public will continue to be able to access enclosed outdoor sports pitches by payment of the relevant fee and, in some cases, for example local schools, for free.

The enclosure simply re-provides that which formerly existed and is needed for functional reasons to allow the playing pitches to be used effectively for their intended purposes.

The pricing structure in terms of use of the playing pitch will be broadly in line with fees charged by the Council for similar facilities and reviewed annually and ultimately approved by the Council.

Access arrangements to the Balham Amateur Boxing Club and the Boxing Club will be the same as or similar to the current arrangements. The facilities available will however be significantly upgraded and improved.

Access to the proposed, newly provided publicly accessible toilets and refreshment facility will be free of charge. (Appendices F and G)

10 The Public Interest

10.1.1 Recreation and Access

As noted previously, the proposed works will have no impact on those wishing to use the wider common and only minimal impact on those wishing to use the existing redgra surfaced outdoor sports pitch for the purposes for which it was constructed in the late 1950's/early 1960's as indicated by the maps provided as Appendix D (map dated 1947-1952) and Appendix E (map dated 1951-1978). The pricing structure will be broadly in line with fees charged by the Council for similar facilities and the fee structure together with arrangements for the allocation and booking of space/s in the facility, indoors and outdoors will be set out in the Service Contract.

10.1.2 Nature Conservation

Refer to the Proof of Evidence on Ecology Matters provided by Valerie Selby, Biodiversity and Parks Development Manager, Enable.

10.1.3 Impact on the Townscape/Landscape

Refer to Proof of Evidence on (all) Planning matters to be provided by Michael Lowndes

10.1.4 Protection of Archaeology

The Council refers to the responses provided by Historic England both to the local Planning application and to the Council's Application to the Planning Inspectorate that "Having considered the proposals with reference to information held in the Greater London Historic environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest"

10.1.5 Local Heritage

This matter is addressed by Mr.Lowndes in his proof of evidence. The Council contends (that it is generally agreed) that through the greater part of the 20th century and continuing into the 21st century Tooting Commons serve a primarily recreational and ecological function that has evolved from a wide range of historical functions that were relevant to their times. The proposed re-provision of the facilities seeks to continue that evolution in a sensitive manner

by improving existing facilities that were first installed early in the second half of the 20th century (Appendix D; Map dated 1947-1952 and Appendix E; Map dated 1951-1978) by re-providing indoor and outdoor facilities for sport and recreation appropriate to 21st C demand and expectation with no loss of open green space and little or no impact on the environmental and ecological value of the neighbouring/surrounding green space. The proposals are therefore in accordance with the historic and current character and function of the Commons and in particular the Tooting Triangle part of the Commons.

11 Other Issues

11.1 Impact of additional traffic – congestion and parking

- 11.1.1 A number of respondents expressed concerns that the proposed facility will generate significant increases in traffic travelling to and from the area and parking locally with many noting existing congestion and on-street parking problems.
- 11.1.2 TFC Leisure Ltd. (TFC) has produced a Green Transport Plan (Appendix H) which was included in its application for planning permission which was which was accepted by the Council in its capacity as the local Planning Authority and the local Highways Authority in May 2020. The Plan sets out TFC approach to actively encouraging users, and staff to journey to and from the facility on foot, by bicycle or by public transport. Indeed, neither Wandsworth LBC, acting as local highway authority, nor Transport for London nor the adjoining Lambeth LBC local highway authority advanced any objection to the planning application on the basis of unacceptable traffic or parking impacts.
- 11.1.3 Notwithstanding the content and intent of its Green Transport Plan TFC appreciates the concerns expressed and has committed to monitoring how its customers travel to and from the facility and to be actively involved in any surveys that might be required in the future to examine and identify remedies to any traffic issues that might, from time to time arise. The Council too recognises the concerns expressed and confirms that it will work with TFC, local residents and others to minimise any impact
- 11.1.4 All of these methods are considered to be both reasonable and realistic given the facility's proximity to regular and reliable Underground, National Rail, and bus services and the belief that the majority of potential customers will live within 15 minutes' walk of the facility, based on experience gained at the other centres.
- 11.1.5 The survey for the *London Parks Benchmarking Research Project (Tooting Common) 2008* report (Core Document 12: page 11) found that between 72 and 80% of visitors to the Common travelled by foot whilst between 6% and 11% travelled by car. These figures were repeated in the survey conducted for the *Wandsworth Open Space Report 2021* (Core Document 7: page 20 – table 3.1.4) which found that 82% of visitors to the common travelled by foot, 11% by bicycle and 4% by car.
- 11.1.6 The Council's view is that the use of the car to visit the Common, for any purpose, will remain low. The Council notes that the total number of private cars registered in London, and the number of new registrations each year (in London) fell every year between 2016 and 2020. In 2020 there were 2,648,000 cars registered in London, down from 2,668,000 in 2016 with 107,300 new registrations down from 173,100 in 2016. The Council's current targets to 2041 for increasing sustainable modes of travel, and for reducing car ownership and car use are as set out in section 3.8 of its Local Implementation Plan, as approved by the Mayor of London/Transport for London. Other London councils also have targets for increasing sustainable travel. The Local Implementation Plan is subject to change depending upon any Mayoral instructions.

11.2 Access to and availability of the proposed facilities

11.2.1 A significant number of respondents expressed concerns that the proposed outdoor sports pitches and associated indoor facilities will be for the sole, or predominant, use of one football club, to the implied disadvantage/detriment of many/any other potential users with many asserting that an agreement has already been reached between the football club, Balham FC and TFC to achieve this.

The Council reiterates its previous responses to these concerns noting that Chris Warren, the founder and Managing Director of TFC Leisure Ltd. is and has been quite clear in his responses to these assertions publicly stating that:

- *“We have not entered into any commercial agreements with any sporting organisations and do not intend to enter into any exclusive arrangements”*
- *“We will be operating the same system as we operate at our centres in the London Boroughs of Hammersmith and Fulham, Richmond and Hounslow where we have an online booking system available to all”.*

- 11.2.2 TFC also confirm that the sports opportunities available at the facility and that will be incorporated into their Sports Programme, will be very much demand led and will include football, netball, mini-tennis, mini-cricket, hockey and tag rugby, all in line with the opportunities provided at the other centres that it operates.
- 11.2.3 In addition, TFC has confirmed that to date it has been approached by Balham FC, Balham Foxes, and FC Battersea, all of whom are expressing interest in making use of the facilities if and when they are available. In all cases the enquiries relate to the running of sessions for boys and girls of all ages as well as for adults and seniors, thereby answering another frequently expressed concern that the proposed facilities are designed primarily for adult males for football. TFC also confirm its stated principles as *“sport for everyone and open for all”*.
- 11.2.4 Respondents have also expressed concerns that access to the facilities will be dependent on an individuals or organisations ability to pay.
- 11.2.5 TFC refers to the Rocks Lane Sports Trust which provides support, in the form of subsidised fees or free entry, for individuals and families suffering financial hardship and confirms that they will introduce their 1 in 10 programme which they run at the existing centres in partnership with local schools and charities.
- 11.2.6 This programme has the sole aim of providing sporting opportunities to those children with fewer opportunities to participate in sport by providing 1 free place for every 10 children attending their school sports programme and providing Schools Sports Partnership competitions free of charge. Free and subsidised sessions are evaluated in conjunction with the schools and pupils entitled to free school meals are prioritised for inclusion in the programme.
- 11.2.7 In addition to positively supporting those in need to enjoy and benefit from healthy outdoor activity the sports facilities will be available free of charge during all term time weekdays to local state schools.
- 11.2.8 TFC’s statements are endorsed as appropriate by the Council particularly as regards to the 1:10 programme as the Council looks to build social value on the site.
- 11.2.9 Included under this general “Access and Availability” heading are relatively frequently expressed concerns that the proposed facilities are biased towards male users, based in part on a misconception that the sports pitches will provide opportunities for football only, and an apparently widely held misconception that football is a “man’s game”.
- 11.2.10 In addition to TFC’s confirmation, on its web site, and noted above, or the range of sports that will be provided for all three of the clubs that have already expressed interest in using the proposed facilities make it clear that they provide football and general fitness/wellbeing opportunities for males and females of all ages.
- 11.2.11 Refer also to the Proof of Evidence on the development, operation and management of the proposed facilities provided by Chris Warren of TFC Leisure Ltd.

11.3 Potentially detrimental effect of noise.

11.3.1 A number of respondents have expressed concerns about the potentially detrimental effect of noise on the peaceful and tranquil nature of the surrounding area due to excessive noise generated by activities at the proposed facility.

11.3.2 TFC and the Council recognise that use of the proposed facilities will generate some noise arising from two distinct but linked sources:

- Noise generated by groups of players calling to each other on the pitch (during games) and when meeting, prior to play, and dispersing, after play: TFC confirm that customer behaviour will be monitored at all times and that appropriate actions will be taken in instances where individuals and/or groups ignore advice and warnings about their behaviour. TFC will also investigate any and all reports of excessive (and or offensive) noise submitted by local residents and users of the common and will, as appropriate, take similar actions.
- Noise generated by activity on the pitches, in particular by balls hitting the side/enclosure fences: As a provider of similar facilities elsewhere in south west London are well aware of such concerns and mindful of doing all that can be reasonably done to keep such disturbance to the minimum. One particular source of noise, namely balls hitting the enclosure fencing, can be minimised by ensuring that the fencing is securely clamped with resilient fixings so as to avoid vibration, in accordance with Sport England guidance. This will be done as part of the installation of the fencing and through on-going maintenance. Given the separation between the site and the nearest residential property, and the intervening presence of the railway lines, it is not considered that any unacceptable adverse impacts will arise in terms of noise. Additionally, the site and the Common more generally is already a well-used recreational area, thereby generating noise normally associated with such activity now. The Local Planning Authority, when deciding to grant planning permission, did not consider the impact in terms of noise and disturbance to be unacceptable.

- 11.3.3 Many of the respondents express the view that the Triangle field is a “quiet and peaceful” haven, and other similar descriptions. In great part this is due to the “remoteness” from roads (and traffic) separated as it is by railway embankments and generally some 200 metres or more of common land between the embankments and the nearest roads – The Council notes that the proposed facilities do not change this element in any way.
- 11.3.4 Whilst the larger part of the Triangle field might be relatively peaceful and tranquil the Council believes that this does not apply to the specific area which is the site of the proposed facilities and the immediate surrounds to this area, a belief which it feels is supported by many of the respondents who state that the area, in particular the current redgra surfaced area is extremely popular and well used by many people for a variety of sport and recreation activities.
- 11.3.5 In addition to this there is the popular and well used children’s playground immediately adjacent to the site and the location of the site close to two railway embankments with associated existing significant ambient railway noise as confirmed in Michael Lowndes Proof of Evidence.
- 11.3.6 Whilst it recognises that there will be some level of noise resulting from the use of the proposed facilities the Council believes that such noise will not be significantly different to, nor worse than, current levels of noise. The Council, and TFC further believe that the active monitoring of the behaviour of customers while playing and congregating before and after play will ensure that noise levels are kept to acceptable levels at all times.
- 11.3.7 A copy of the draft Heads of Terms for the proposed lease, with commercially sensitive information redacted (Core Document 14), and copies of the initial tender documents (draft Contract) (Core Document 15) and draft Specification (Core Document 16) are provided for information in response to further questions asking if requirements in respect of the monitoring and control of “behaviour” are specified in the terms and conditions of the draft lease and or draft (Service) Contract .
- 11.3.8 The Council points out that the draft Contract documents referred to at paragraph 11.3.7 above relate to the initial/original proposals and that there have been a number of changes since then, including a revised brief to restrict proposals for the outdoor playing/sports pitch area to the existing footprint and the inclusion of the former One O’Clock centre buildings and enclosed outside area in the development proposals.
- 11.3.9 The Council confirms that processes and procedures for dealing with behaviours that are detrimental to neighbours and the neighbourhood will be identified, agreed, and adopted, in the Service Contract noting that TFC have established protocols regarding acceptable behaviour and customer complaints and comments procedures.

12 Summary and Conclusions

12.1 Summary

- 12.1.1 **(paragraph 1)** I have compiled my Proof of Evidence referring to relevant Council documents and documents from other sources which are provided as Core Documents to the four Proofs of Evidence submitted in this case and using my more than forty years of experience, understanding and knowledge of the Council's parks and open spaces, in particular Tooting Bec Common and the application site and the diverse views and expectations and sometimes conflicting demands of the users of these green spaces.
- 12.1.2 **General Description and layout of Tooting commons (paragraph 2 and 3):** Tooting Bec Common forms the larger part of the open space known as Tooting Commons which has been owned and managed by public bodies since the early /mid 1870s successively by the MBW, the LCC, the GLC and currently by WBC since 1971
- 12.1.3 A number of facilities have been built on the Commons since the late 1890s, including, on Tooting Bec Common the refreshment room/café (late 1890s), Tooting Bec Lido (1906), Tennis Courts within a perimeter fence/enclosure, Sports changing facilities and adjacent public toilets, the original buildings on the application site (between 1947 and 1951) and the building currently occupied by the Balham Amateur Boxing Club (1985)
- 12.1.4 **The proposed facilities – background (paragraph 4):** The Council first sought expressions of interest from groups and organisations interested in the future improvement, operation and maintenance of the redgra sports pitch and the premises currently occupied by the Balham Amateur Boxing Club in 2012 (Core Document 2)
- 12.1.5 Subsequently, in 2016, the Council approved the award of a draft contract to TFC Leisure Ltd. subject to their obtaining all necessary consents for the proposed improvements and consultation, by advertisement, on the Council's intention to dispose, by means of a 25 year lease, of the redgra sports pitch, the premises occupied by the Boxing Club, and the former one 'clock centre premises and associated garden area, to TFC Leisure Ltd. for the development of facilities outlined in its tender and also approved the granting of a lease subject to responses to the advertised disposal intention and, at a later date to submit an application to the Planning Inspectorate for consent for works on Tooting Bec Common. (Core Document 3)
- 12.1.6 In November 2018 having considered the responses to the advertised intention to dispose the Council approved the granting of an agreement to lease, a lease, and completion of a Service contract with TFC all subject to the necessary permissions being granted. (Core Document 4)

- 12.1.7 TFC submitted a planning application to construct small extensions on two sides of the building occupied by the Boxing Club, refurbish/replace the roofs of both buildings, install new windows and access doors, together with access ramps for the disabled, construct new changing rooms, showers and toilets, improved facilities for the Boxing Club, indoor play space, a refreshment area and publicly accessible toilets, all within the existing buildings and proposed extensions, together with the installation of a third generation (3G) artificial grass surfaced sports pitch area, replacing the existing redgra surface, replacing the existing floodlights with more efficient LED lights mounted on shorter columns and reinstating a perimeter fence that had enclosed the playing area until the late 1980s/early 1990s when 3 sides of the enclosure were removed due to the poor and potentially dangerous condition of the steel uprights.
- 12.1.8 Planning consent, with conditions, was granted in May 2020 (Core Documents 5 and 6)
- 12.1.9 Subsequently, in November 2020 the Council submitted the application for consent to carry out works on common land in accordance with Article 12 of the Greater London Parks and Open Spaces Order 1967 which is the subject of this Inquiry (Core Document 20 – Item 4)
- 12.1.10 **The Council’s objectives for the facilities (paragraph 5):** the Council’s objectives include recognising the role of open space provision as a resource that contributes to general health, well-being, cultural heritage, education, climate change mitigation and biodiversity (Core Document 7) and to retain and develop/improve existing playing pitches to meet ever growing demand for facilities (Core Document 8) with minimal detrimental impact on either the amount, biodiversity or accessibility of open grass, planted and woodland areas.
- 12.1.11 The Council’s view is that the proposed improvements to the already existing facilities would make a significant contribution to achieving its objectives and addressing the deficit in a way that setting out additional pitches on open grass areas, either on Tooting Bec Common, or on any other council owned open space cannot do., meeting the demand
- 12.1.12 **The current facilities (paragraph 6):** The current buildings consist of one formerly used as a children’s One O’Clock centre and (latterly) as a Children’s Centre, built between 1947 and 1951 and a second currently occupied by the Balham Amateur Boxing Club, built in 1985. The redgra surfaced sports pitch area is believed to have been constructed in the late 1950s/early 1960s.
- 12.1.13 Whilst both buildings are considered to be structurally sound both are in poor condition both internally and externally. The roof of the Boxing Club building and the changing area, toilets and showers attached to it are in particularly poor condition and fall far below the standards expected for such facilities.

- 12.1.14 The sports pitch surface is difficult to maintain to an acceptable and safe standard due mainly to its age and the difficulty of obtaining appropriate materials for routine maintenance and renovation. The floodlights, whilst in working condition, are outdated and inefficient and the majority of the fencing that originally enclosed the playing area was removed in the late 1980s/early 1990s due to poor and potentially unsafe condition of the steel uprights.
- 12.1.15 The Council's view is that the proposed development of the facilities, buildings and sports pitch area represents the most cost effective, and in current circumstances only, way of providing much needed improved facilities for people of all ages and abilities to have the opportunity to actively participate in sport and physical exercise in a safe and secure environment that meets 21st century expectations.
- 12.1.16 **Common Land consents policy – assessment criteria (paragraph 7)**
- 12.1.17 Information/evidence that accords with the assessment criteria set out in the Department for the Environment Food and Rural Affairs Common Land consents policy is provided in paragraphs 8: *The interest of persons having rights in relation to, or occupying the land (and in particular persons exercising rights of common over it)*; 9 *The interest of the neighbourhood*, and 10: *The public interest*, of my Proof of Evidence.
- 12.1.18 In summary the Council has confirmed that:
- 12.1.19 there are no registered rights for Tooting Bec Common and that, as such the proposed works will/can have no effect on the "exercise of rights",
- 12.1.20 there are three leaseholders with rights, under the terms of the leases, with rights of access over the land. Their facilities are located on the western part of the Common with identified access routes away from the application site.
- 12.1.21 The proposed works will not cause any financial loss to the three leaseholders,
- 12.1.22 The proposed re-introduced and improved facilities would make a significant contribution to addressing the ever increasing demand for pitches and to reducing the over use of grass pitches without loss of open and freely accessible grass and woodland, benefitting both sports people and the wider population who use the Common and other open spaces primarily for general recreation and relaxation and value the relative tranquillity of such spaces.
- 12.1.23 The total area of the application site equates to approximately 5% of the total area of the Triangle field on which the site is located, approximately 0.6% of the area of Tooting Bec Common and approximately 0.4% of the total area of Tooting Commons. The Council's view is that the proposed development does not unfairly restrict the space available to the public for recreation in the open air in any open space nor will it have any impact on those wishing to use the wider common.
- 12.1.24 Separate Proofs of Evidence are provided by Ms Valerie Selby and Mr Michael Lowndes that address Nature Conservation and Impact on Townscape/Landscape

- 12.1.25 Historic England conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest
- 12.1.26 On the matter of Local Heritage the Council contends that through the greater part of the 20th century and continuing into the 21st century Tooting Commons serves a primarily recreational and ecological function that evolved from a wide range of functions that were relevant to their times. The proposed re-provision of the facilities seeks to continue that evolution in a sensitive manner by improving existing facilities to re-provide indoor and outdoor facilities for sport and recreation appropriate to 21st century demand and expectation with no loss of open green space and little or no impact on the environmental and ecological value of the wider green space. The proposals are therefore in accordance with the historic and current character and function of the Commons and in particular the Tooting Triangle part of the Commons.
- 12.1.27 **Other Issues (paragraph 11)**
- 12.1.28 **Impact of additional traffic:** TFC has produced a Green Transport Plan which formed part of its planning application and which was accepted by the Council in May 2020. Indeed, neither WBC, acting as the local highway authority, nor Transport for London, nor the adjoining Lambeth (LBL) local highway authority advanced any objection to the planning application on the basis of unacceptable traffic or parking impacts.
- 12.1.29 The Plan sets out TFCs approach to actively encouraging users and staff to journey to and from the site on foot, by bicycle or by public transport and is backed up by TFCs commitment to monitoring how its customers and staff travel to and from the site and taking appropriate actions if and when the need arises. The Council too has committed to working with TFC, local residents and others to minimise any impact should the need arise.
- 12.1.30 It is noted that surveys carried out in 2002 and 2021 found that between 72% and 82% of respondents travelled to the common on foot whilst between 4% and 11% travelled by car.
- 12.1.31 **Access to and availability of the proposed facilities:** responding to concerns that the proposed facilities will be for the sole or predominant use of one football club to the disadvantage of many potential users TFC have confirmed that it has not, nor does it intend to, entered into any commercial agreements with any sporting organisations and that it will be operating the same on-line booking system currently used at its other centres, that will be open/accessible to all potential customers
- 12.1.32 TFC has further confirmed that wide range of sports and other recreational opportunities will be provided for at the proposed facilities and that actual use will depend very much on customer demand and preferences.
- 12.1.33 It has provided information on its programmes and initiatives to assist people suffering financial hardship with free or subsidised access and confirms its stated principle of “sport for everyone and open for all”
- 12.1.34 Refer to TFCs Proof of Evidence for more information on plans and proposals for the development, management and maintenance of the proposed facilities.

- 12.1.35 **Potentially detrimental effect of noise:** responding to concerns about the potentially detrimental effect of noise on the peaceful and tranquil nature of the surrounding area due to excessive noise generated by activities at the proposed facility TFC and the Council recognise that some noise will arise from two distinct but linked sources: noise derived from the voices of players on the pitches and when arriving at, and departing from the site and noise derived from balls hitting the surrounds to the pitches and other fixtures.
- 12.1.36 TFC have confirmed that they will monitor customers behaviour at all times as they already do at their other facilities and take appropriate action in cases where individuals and/or groups ignore advice and warnings about their behaviour. They will also investigate all /any reports of excessive and/or offensive noise submitted by local residents and users of the common and take appropriate action.
- 12.1.37 TFC have also confirmed that the project plans have been designed and that the proposed development will be carried out in accordance with the "Artificial Grass Pitches (AGP) Acoustics Planning Implications" guidance and advice produced and published by Sport England.
- 12.1.38 The Council refers to the fact that TFC have established protocols regarding acceptable behaviour and customer complaints and comments procedures that will apply at the proposed facility and has confirmed that processes and procedures for dealing with behaviours that are detrimental to neighbours and the neighbourhood will be included in the Service Contract.
- 12.1.39 The Council notes that while the larger part off the Triangle field might be relatively peaceful and tranquil it does not believe that this is not the case for the application site and its immediate surrounds given the proximity of the very popular and well used open access children's play area, two busy railway routes and general activity on the redgra pitch and to and from the Boxing Club.
- 12.2 In my Proof of Evidence I have sought to address the main points of concern that have been raised by members of the public in particular the suitability or not of the proposed facilities in the particular location on Tooting Bec Common, the concerns that the proposed facilities and future use of the facilities will have a detrimental effect on the adjacent open grassland and woodland areas which many of the respondents refer to as peaceful, tranquil and special, and concerns at the potential negative impacts on the neighbouring residential areas due to an increase in visitors and associated traffic.
- 12.3 I believe that I have demonstrated that the Council has considered all of the concerns expressed by members of the public by ensuring that the proposed development does not encroach onto currently undeveloped areas of the common and that it is retained entirely within the current footprint and that robust arrangements to minimise noise, encourage sustainable travel and ensure the good/appropriate behaviour of users of the proposed facilities will be included in the Service Contract with TFC Leisure Ltd.

12.4 I further believe that the Council has taken full account of the legislation that determines what is permitted and what is not permitted by way of any “development” proposals for the common and has ensured that the proposed development is in accord with the legislation

12.5 Conclusion

In Conclusion I believe that the Council has taken a consistent and considered approach to providing improved facilities for people of all ages and all abilities to engage in sport and physical activities in a safe, secure and welcoming environment appropriate to 21st century expectations since 2012.

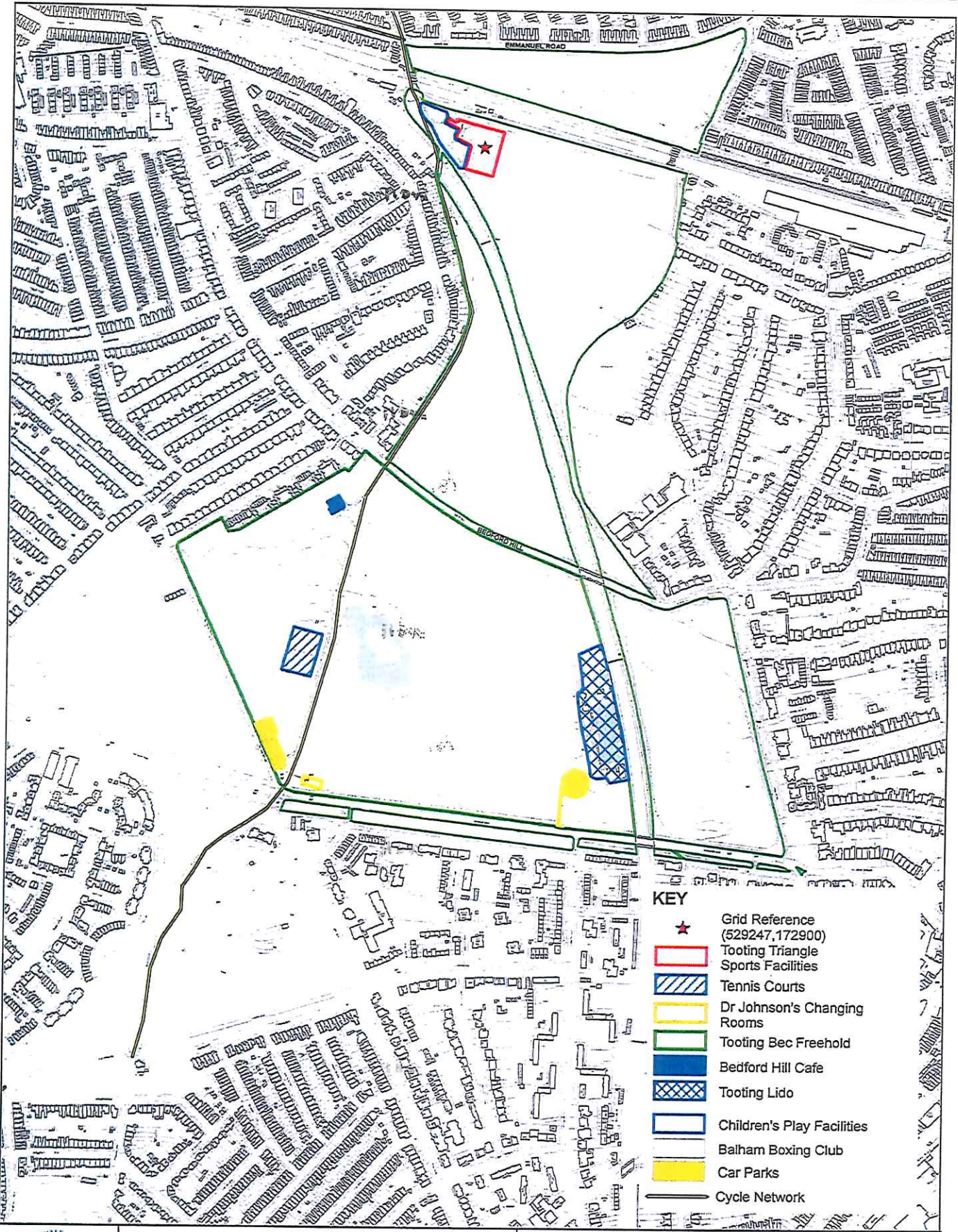
It has recognised the ever increasing demand for the sort of high quality and professionally managed/operated facilities that are the subject of this application and believes that the proposed development of existing facilities is a most appropriate way of meeting some of that demand without the loss of any open part of the open grass area.

It has taken account of the concerns expressed to aspects of the planning application when it considered, the application and granted approval.

The Council believes that if Consent is granted, the proposed facilities will prove to be successful and generally well received both by users of the facilities and by users of the wider common and neighbours.

Tooting Bec Common - Locations of Facilities

Appendix A



KEY

- ★ Grid Reference (529247, 172900)
- (Red outline) Tooting Triangle
- ▨ (Blue hatched) Sports Facilities
- ▨ (Blue diagonal lines) Tennis Courts
- (Yellow) Dr Johnson's Changing Rooms
- ▭ (Green outline) Tooting Bec Freehold
- (Blue solid) Bedford Hill Cafe
- ▨ (Blue cross-hatched) Tooting Lido
- ▭ (Blue outline) Children's Play Facilities
- ▭ (White outline) Balham Boxing Club
- (Yellow) Car Parks
- (Black line) Cycle Network



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



File Location - \naclac\051\MM\AI Maps\Play & Community Services\Play Space Consultation

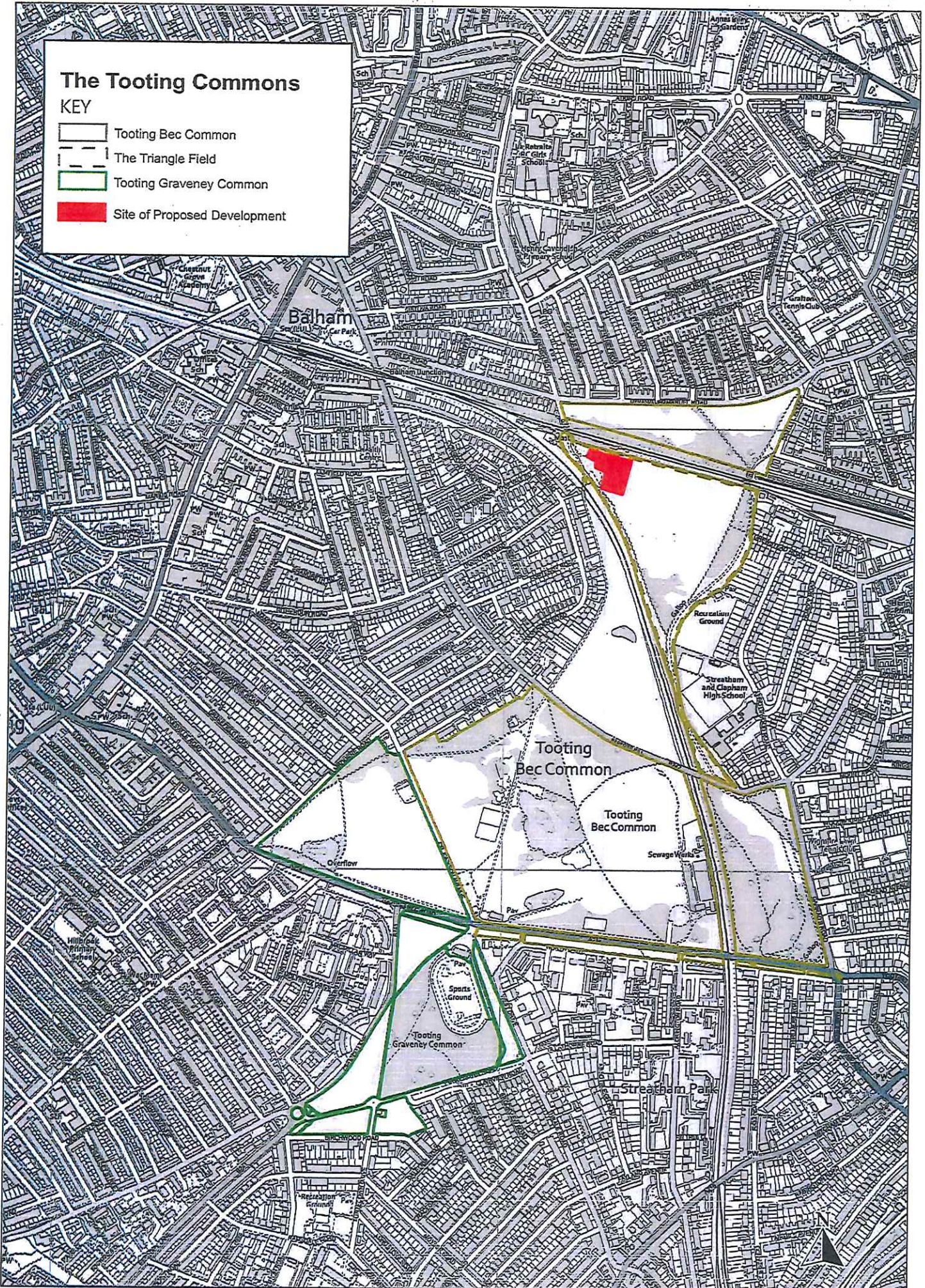
Date: 09/09/2020
Scale: 1:7500

Produced by IT, GIS



The Tooting Commons
KEY

-  Tooting Bec Common
-  The Triangle Field
-  Tooting Graveney Common
-  Site of Proposed Development





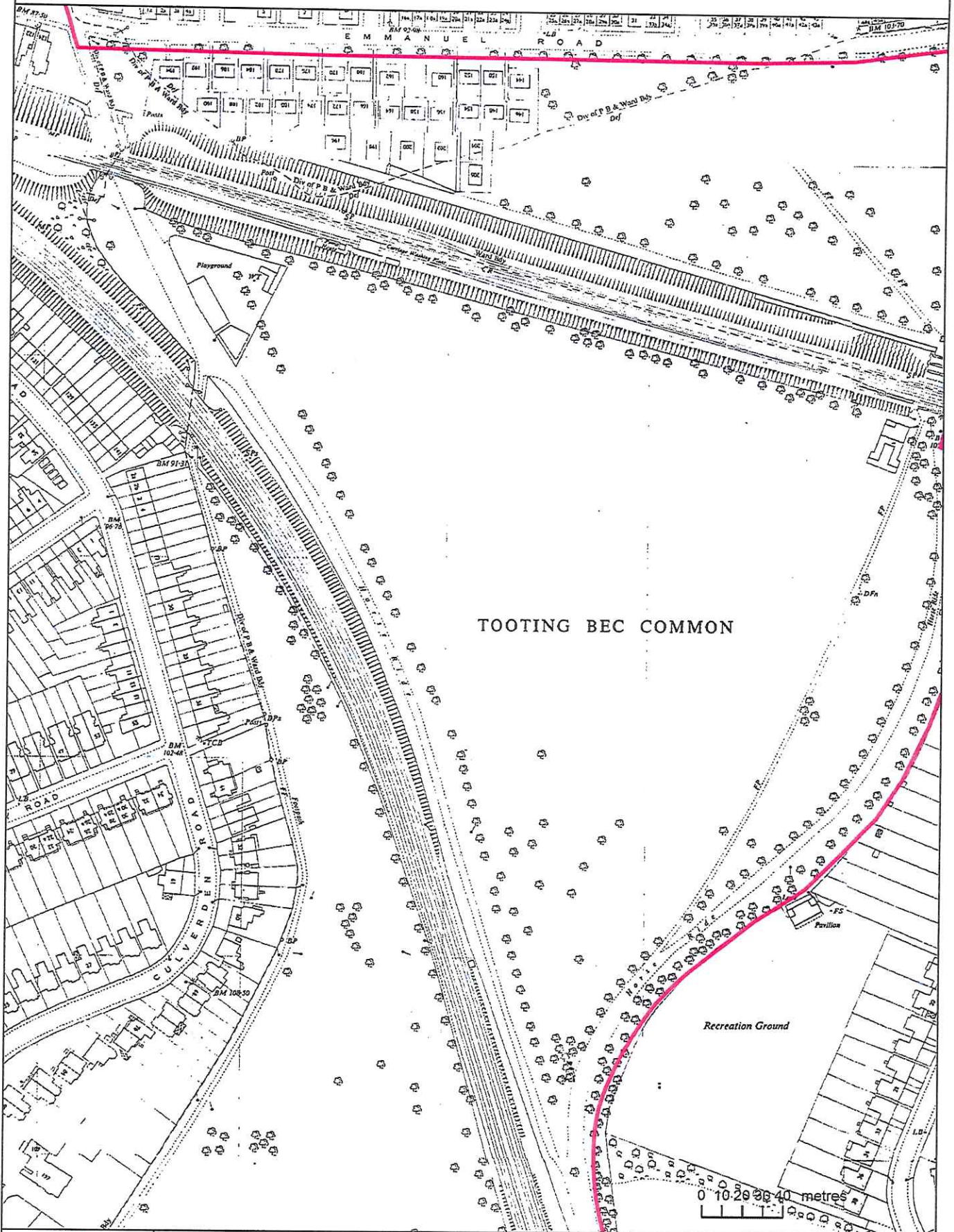
Tooting Triangle – biodiversity map



KEY

- a = Triangle Wood – favoured foraging area for bats also with commuting and roosting area
- b = The Woodfield Pavilion – roosting in the vicinity of the pavilion
- c = Oak Tree Grove – commuting and foraging area for bats
- d = two parcels = railway line side tree line – favoured bat commuting route to offsite forage and roosting
- e = area for additional tree planting to provide biodiversity gain following the implementation of planning conditions to meet DMO4b
- f = Central area – less favoured bat foraging area which we hope will become more useable by bats following the implementation of planning conditions to meet DMO4b

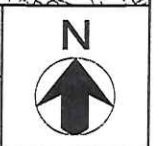
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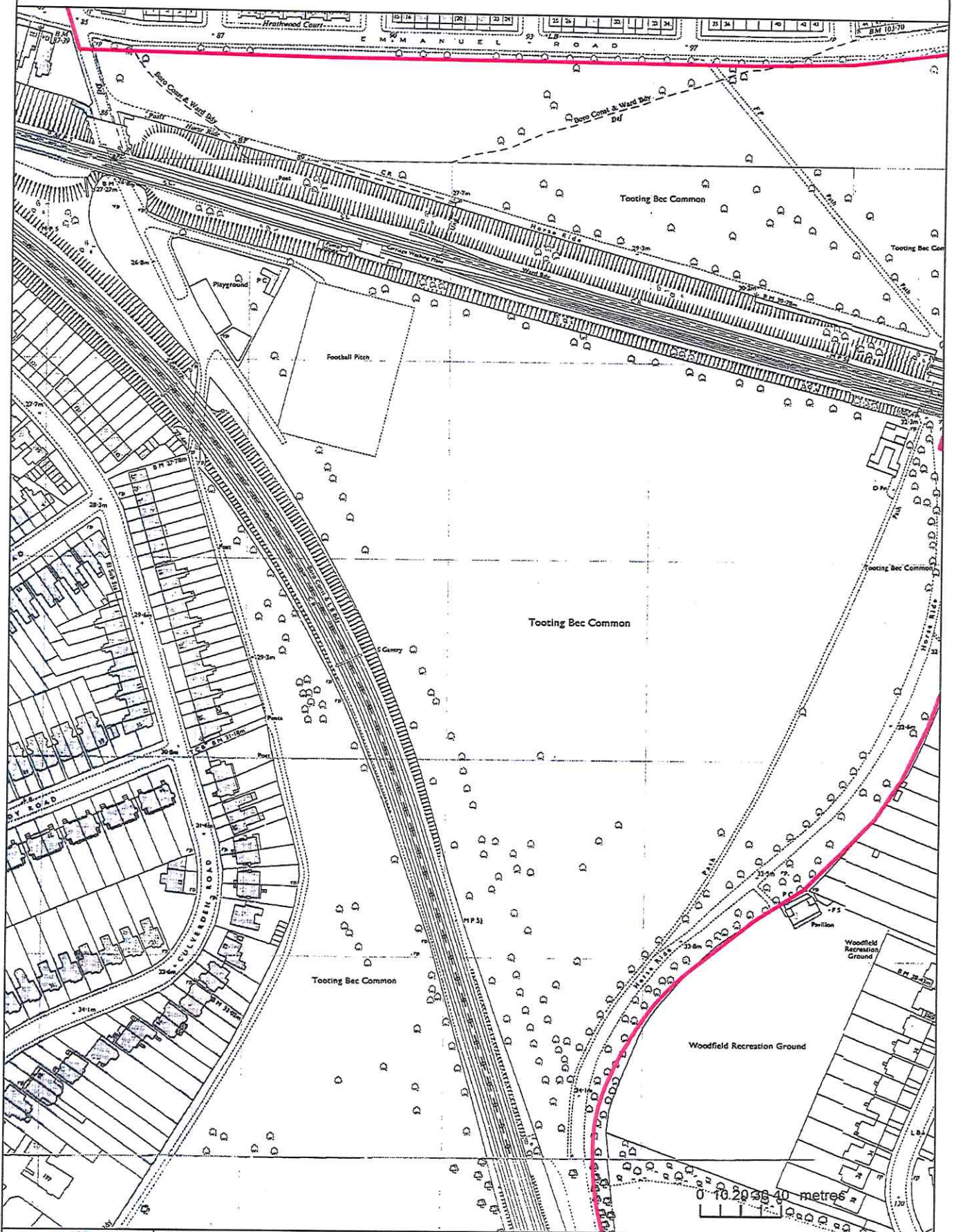
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The Planning Inspectorate
FAO: Mrs Margoum
Commons Team
3A Temple Quay House
Temple Quay
Bristol
BS1 6PN

sent by email to
commonlandcasework@planninginspectorate.gov.uk

Dear Mrs Margoum,

Proposed Works on Tooting Bec Common COM/3263104

Thank you for your email of 18 January 2021 in reference to the Council's application for consent to improve the buildings and outdoor sports pitch area at Tooting Triangle, Tooting Bec Common, SW12 under Article 12 of the Schedule to the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 (MHLG 1967).

Thank you also for the attachments containing the emails that you received in response to the Council's Notice of Intention to seek this consent.

Having read every one of the (approximately) 750 representations, I have as far as possible, identified common themes/concerns to assist me in putting together a full and informed response.

Before seeking to address the concerns expressed by the respondents, I set out below a brief history of this proposed development of the existing facilities at Tooting Triangle. Wandsworth is a borough of playing pitch deficit and under considerable pressure to provide more facilities to meet the ever-growing demand for both matches and training. The proposed improvement of the facilities at Tooting Triangle would make a significant contribution to addressing the deficit in a way that setting out additional pitches on open grass areas, either on Tooting Common or other open spaces cannot do.

In 2007/2008, the Council proposed the development of a facility that would have provided between 10 and 12 five-a-side football pitches on an enclosed and floodlit area with an artificial grass playing surface. The proposal was to develop this facility on the Triangle Field, with new build changing facilities on the site of the current building and

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Email:
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Web: www.wandsworth.gov.uk

Our ref: ECS/
Your ref:
Date: 19th March 2021

Director of Environment and Community Services: Paul Chadwick

the outdoor playing area based on and extended from the current 'redgra' playing surface.

The proposals attracted significant numbers of objections from local residents, and from farther afield, in particular objecting to the enclosure, of what was seen to be a significant portion of the Triangle Field which, it was claimed, would unfairly restrict the space available to the public for recreation in the open air in any open space. After due consideration of the objections received the Council withdrew the proposal later in 2008.

In 2012, the Council's Executive approved a recommendation to seek expressions of interest from groups or organisations interested in the future improvement, operation and maintenance of the 'redgra' sports pitch and former youth centre premises at Tooting Triangle. This was in response to a campaign by a local resident (Paper No. 12-572).

The Council received a number of expressions of interest and invited 7 of the interested organisations to submit tenders to redevelop the outdoor sports pitch and the adjacent built premises to provide an improved facility with publicly accessible toilets and a cafeteria.

Paper No. 16-451 reports on the responses to the Council's advertisement for expressions of interest, on the two tenders that were received and, subsequently two revised tenders and the Council's decision to award a draft contract to TFC Leisure Ltd. subject to their obtaining all necessary consents for the proposed improvements/works.

The report notes that tenders were initially submitted based on extending the size/footprint of the redgra surfaced outdoor sports area to support a 9 versus 9 Football Association compliant junior football pitch.

Following evaluation of tenders and consideration of locally expressed concerns at the proposed extension of sports pitch area/footprint, the Council invited both organisations to submit further tenders based on a revised brief which limited proposals for the improvement of the outdoor sports pitch to its current area/footprint. Both organisations submitted new tenders in March 2016 and the decision to award a draft contract was in respect of the revised tenders.

This report also approved that the Council's intention to dispose, by means of a 25 year lease, the redgra sports pitch and the former youth centre (premises occupied by Balham Amateur Boxing Club), to TFC Leisure Ltd. for the development of the facilities as outlined in its tender be advertised and further approved the conclusion of a lease subject to responses to the advertised intention and, at a later date to submit an application to the Planning Inspectorate for Secretary of State consent.

In November 2018, the Council's Finance and Corporate Resources Overview and Scrutiny Committee considered Paper No. 18-432 which recommended the Council's Executive to:

- (a) consider the objections received to the proposed disposal, by means of a lease for a period of 25 years, of the outdoor sports pitch and the premises currently occupied by the BABC, at Tooting Triangle, SW12 (Bedford);

- (b) approve the Director of Children's Services' declaration that the former Triangle One O'clock Centre premises are surplus to the Service's operational requirements and the recommendation that the premises be incorporated into the proposed development and lease;
- (c) having considered the objections, that the principle of disposal is acceptable, and the proposed incorporation of the former One O'clock Centre into the proposed development (paragraph 3(b) above), to approve entering into an agreement for lease and the grant of a lease for a term of 25 years to TFC Leisure Ltd., to develop and operate improved sports and leisure facilities at Tooting Triangle, subject to the necessary planning consents being granted and completion of a contract for service delivery of recreational services from the premises; and
- (d) subject to the approval of (c) above, to authorise the Assistant Director (Property Services), in consultation with the Director of Environment and Community Services and the Head of the SLLP, to agree the terms for the agreement for lease, the lease and the contract with TFC Leisure Ltd.

After the approval of the recommendations of this report, TFC Leisure Ltd. submitted its planning application that received approval in May 2020.

By providing this history of the Tooting Triangle project, the Council seeks to demonstrate its long standing commitment to providing improved facilities and opportunities for sport and other recreation in an appropriate and sustainable way and that since 2012 it has considered options and opportunities through an open democratic process, contrary to a number of concerns expressed in the representations including lack of consultation and lack of transparency and in particular "hiding" the identity of the operator of the proposed facilities, TFC Leisure Ltd.

In relation to the assertions and accusations of a lack of consultation, in particular relating to residents of Lambeth, the Council notes that on the two occasions during the process when it was required to publicly advertise its intentions: its intention to dispose of the land etc. by means of a lease (to TFC Leisure Ltd.) in 2016 and the Notice of Intention to apply for consent under Article 12 of MHLG 1967 to carry out works at Tooting Triangle, the Council placed the public notices in editions of the South London Press instead of its usual newspaper outlet; the Wandsworth Times. The Council used the South London Press following advice that its coverage into Lambeth was, and is, far better than the Wandsworth Times' coverage.

There are a number of matters of note that became apparent during my scrutiny of the representations in particular that a significant number of them appear, unfortunately, to have been influenced somewhat by misinformation that has circulated on social media sites and has, therefore, potentially caused misunderstandings of aspects of the scheme.

I have brought these together under a number of headings which I believe reasonably describe the particular concerns most frequently referred to in the representations and provide the Council's response to these, under the headings, in the following paragraphs.

1 Common Land:

Includes concerns at loss of common land and what is, and is not, permitted in terms of development, enclosure, charging for use of facilities etc. and loss of grassland and loss of freely accessible open space. Such concerns are expressed in a significant proportion of the representations.

In accordance with the provisions of the MHLG 1967 when making an application under Article 12 of the MHLG 1967 the Council must first satisfy itself that the proposed works (subject of the application) are within the scope of Article 7.

In support of it's application the Council cites the following (sub) sections of **Article 7:**

(1) A local authority may in any open space - (a) provide and maintain - (ii) golf courses and grounds, tracks, lawns, courts, greens and such other open air facilities as the local authority think fit for any form of recreation whatsoever, and sub-paragraph (g) set apart or enclose in connection with any of the matters referred to in this article any part of the open space and preclude any person from entering that part so set apart or enclosed other than a person to whom access is permitted by the local authority or (where the right of so setting apart or enclosing is granted to any person by the local authority under the powers of this Part of this order) by such person - all provided that (vi) in exercising their powers under heads (v) and (vi) of sub-paragraph (a) of this paragraph a local authority shall satisfy themselves that they have not unfairly restricted the space available to the public for recreation in the open air in any open space.

The total area that would be "enclosed" and so subject to restricted access amounts to less than 5000m² (approximately 4825m²) made up of the existing buildings plus the proposed extension: 475m², the existing enclosed rear garden to the building previously occupied by the children's One O'clock Centre; 770m² and the outdoor sports pitch area; 3580m² (previously enclosed but currently not, so considered for these purposes a "new" enclosure")

The newly enclosed areas created by the proposed works equate to approximately ^{7%} 5% of the total area of the Triangle field area of Tooting Bec Common (approximately 69,000m²) - approximately ^{0.8%} 0.8% of Tooting Bec Common (approximately 63 hectares) and approximately 0.5% of the total areas of the Tooting Commons (approximately 89 hectares) ^{0.8%, 1.2%} 58

On this basis the Council considers that it has paid due attention to the provisions and intentions of Article 7 and that the proposed works and resulting enclosure of open space do not "unfairly restrict the space available to the public for recreation in the open air in any open space" - all the more so as the Council notes that the public will continue to be able to access the facilities once the proposed development/improvements are completed; free of charge access to the proposed toilets and refreshment facility and access, generally but not exclusively, by payment of the relevant fee to the outdoor sports pitches. Access arrangements to the Balham Amateur Boxing Club, that will continue to operate from the (extended) built facility, will continue in the same or a similar form to current arrangements.

Regarding the Council's intention to lease or licence the proposed facilities to TFC Leisure Ltd., the Council refers to **Article 8** - summarised as: "*Licences to provide facilities and lettings of land and buildings for public recreation*" and to its intention to approve charges for use of the proposed facilities the Council refers to **Article 10** - summarised as: "*Charges in respect of user of open spaces*".

The Council further notes that its intention is that any/all charges set by TFC Leisure Ltd. shall be in line with fees and charges levied by the Council for use of similar facilities in the Borough and that this intention is set out in the draft Contract with TFC Leisure Ltd.

2 Access to and availability of the proposed facilities

In addition to concerns at the perceived loss of open space and loss of free access to open space are a significant number of incorrect assertions that the proposed outdoor sports pitches and associated indoor facilities will be for the sole, or predominant use, of one football club to the implied disadvantage/detriment of many/any other potential users.

Indeed, such assertions/allegations are frequently supported by assertions that an agreement has already been reached between the football club, Balham Blazers FC and TFC Leisure Ltd. to achieve this.

My first response to these assertions is to direct respondents, and the Planning Inspector/s, to TFC Leisure Ltd's web site at www.tootingtriangle.com. This site contains much background information both about the company and the proposals for the facilities at the Tooting Triangle all of which is updated regularly and is designed to be used by anyone who is interested in what is being proposed whether supportive or not of the proposals.

The following information/responses are taken from this web site:

- Chris Warren, the founder and Managing Director of TFC Leisure Ltd. is quite clear in his response to these assertions: "*We have not entered into any commercial agreements with any sporting organisations and do not intend to enter into any exclusive arrangements*"
- TFC goes on to say that "*We will be operating the same system as we operate at our centres in the London Boroughs of Hammersmith and Fulham, Richmond and Hounslow where we have an online booking system available to all*".
- TFC also confirm that the sports opportunities available at the facility will be very much demand led and will include football, netball, mini-tennis, mini-cricket and tag rugby, all in line with the opportunities provided at the other centres that it operates.

In addition, TFC Leisure Ltd. has confirmed that to date it has been approached by Balham Blazers, Balham Foxes, and FC Battersea, all of whom are expressing interest in making use of the facilities if and when they are available. In all cases the enquiries relate to the running of sessions for boys and girls of all ages; juniors, adults and seniors answering another frequently expressed concern that the proposed facilities are designed primarily for adult males for football. TFC also confirm its stated principles as "sport for everyone and open for all".

Regarding concerns that have been expressed that access to the facilities will be dependant on an individuals or organisations ability to pay, TFC Leisure Ltd. refers to the Rocks Lane Sports Trust which was established some time ago and which provides support, in the form of subsidised fees or free entry, for individuals and families suffering financial hardship.

In addition to positively supporting those in need to enjoy and benefit from healthy outdoor activity the sports facilities will be available free of charge during all term time weekdays to local state schools.

Included under this general "Access and Availability" heading are relatively frequently expressed concerns that the proposed facilities are biased towards male users, based in part on a misconception that the sports pitches will provide opportunities for football only, and an apparently widely held misconception that football is a "man's game". Apart from the fact that the TFC Leisure Ltd.'s web site refers to a number of sports that will be offered, and notes that others might well be offered subject to demand all three of the clubs that have already expressed interest in using the proposed facilities make it clear that they provide football and general fitness/wellbeing opportunities for males and females of all ages.

An apparent mismatch in the proportion of changing, shower, and toilet facilities to be provided for males and females, according to the plans submitted as part of the planning application is cited as further evidence of this alleged bias. TFC Leisure Ltd. has reiterated/confirmed previous confirmation that the changing rooms and associated facilities shown on the building plans are flexible spaces both by "label" and layout with the space/s being adjustable according to the particular use at any time in accordance with Sport England's "flexible designs for changing facilities" guidance. The proposed design is based on the design and construction already in use, successfully, at TFC Leisure Ltd.'s centre in Chiswick. By way of further confirmation of TFC Leisure Ltd.'s commitment to providing opportunities for male and female users it is noted that the centre in Chiswick is an accredited FA Wildcats football centre (for girls) and that TFC Leisure Ltd. has already stated its commitment to gain relevant accreditations to recognise the quality of their sports delivery and operations, including FA Wildcats and Quest (UK Quality Scheme for Sport and Leisure), for the proposed facility at Tooting Triangle.

3 Loss of Greenspace:

Together with concerns about potential loss of habitat and potentially detrimental effects on the biodiversity, flora and fauna of the common these concerns also account for a significant proportion of the representations.

The National Planning Policy Framework (NPPF) defines open space as: *'All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity'*.

- This proposal for the Tooting Triangle area does not change the fact that both the current purposes and the future proposals are both in accordance with this definition.

- The current pitch area is a hard surface treatment and has been for many years, the new proposals area also for an alternative hard surface treatment and, as such there is no loss of "green space" or land/surface supporting or providing opportunities for biodiversity, flora and fauna.

4 Concern at potential harm to local ecosystem, no proper consideration of effects of fauna and flora, bats, birds, invertebrates, trees, shrubs etc:

Tooting Common is a Site of Metropolitan Importance (SMI) for biodiversity as determined by the Mayor for London and the local authority in the Local Plan (M124). SMIs contain the best examples of the habitats that are of particular importance within London. They are protected through planning policy at both a London, Regional and National level. Of particular importance on Tooting Common are the priority habitats of acid grassland, secondary woodland, veteran trees, lakes and reedbeds. Priority species known to occur on the common include house sparrow, starling, swift, stag beetle, a wide suite of pollinators and bats.

5 Priority habitats:

The proposals will have no direct or indirect impact on priority habitats on Tooting Common. No acid grassland, veteran trees, lakes or reedbeds occur in the vicinity of the scheme. The pathway to the immediate north of the proposed development footprint is shrouded by individual, often self-set trees of mixed native species and is overhung by trees and scrub encroaching from the adjoining Network Rail land. None of this vegetation has the extent of form or functionality for biodiversity found within the secondary woodland complexes elsewhere on the wider Common. Of particular relevance for comparison would be the secondary woodland parcel (Triangle Wood) to the far east of the triangle field where a mix of native tree species is found together with a range of herbaceous plants, bare ground and ditches which combine to form a habitat of recognised value for biodiversity.

6a Priority species – house sparrow:

The proposals will have no direct or indirect impact on house sparrows. Whilst there is recognised breeding and foraging habitat well used by house sparrows in the scrub habitats to the north of Bedford Field, this will not be impacted in any way by the current proposal, being separated from the area of the proposals by a minimum 300m and a further raised railway line.

6b Priority species – starling:

The proposals will have no direct or indirect impact on starlings. Whilst there is recognised foraging habitat well used by starlings to be found in many parcels of amenity and sport pitch turf across the whole of Tooting Common, this will not be impacted in any way by the current proposal. Starlings nest in holes in trees and buildings; no nesting opportunities will be impacted in any way by the current proposal. The self-set trees to the immediate north of the proposed development are of insufficient size to support hole nesting birds; no signs of nesting activity were identified in any of the ecological surveys that have been undertaken to inform this proposal.

6c Priority species – swift:

The proposals will have no direct or indirect impact on swifts. Swifts nest high up in roof spaces under the eaves of buildings and forage and feed on the wing. No signs of nesting activity were identified in any of the ecological surveys that have been undertaken to inform this proposal.

6d Priority species – stag beetle:

The proposals will have no direct or indirect impact on stag beetles. Stag beetles spend up to seven years as larvae below ground feeding on rotting untreated wood. When they emerge as adults, they are indiscriminate about the habitats they use and can be found across the whole common as flying spring. No dead wood or suitable rotting buried wood to support larvae has been identified during any of the ecological surveys on site undertaken to inform this proposal.

6e Priority species – pollinators:

The proposals will have a negligible effect on pollinators. This broad group includes wild bees, wasps, hoverflies, butterflies, moths, flies and soldierflies who play a significant role contributing to the functionality of heavily vegetated habitats (grassland and woodlands) in particular. The garden habitat associated with the children's centre building as well as the self-set trees to the immediate north provide opportunities for pollinators to overwinter, particularly those that use hollow stems or rolled leaves. Some pollinators overwinter in ground holes in warm sandy soils, the closest area for this habitat is away from these proposals to the south-west of Triangle Field. These species are highly mobile when foraging and seek to use appropriate flower rich habitats favouring those sheltered from breezes and not subject to heavy shading. The garden associated with the children's centre building, whilst sheltered, is not flower rich and is shaded throughout the day as a result of high fences surrounding a comparatively small footprint. The proposals will not bring about significant losses to pollinator habitats within the wider context of Tooting Common where suitable overwintering and summer foraging habitats are found in across a wide area in a mosaic which provides greater resilience for individual species populations.

6f Priority species – bats:

The proposals will bring about a moderate beneficial impact on bats in this part of Tooting Common. Several professional bat studies have identified that 5 species of bat have been recorded using Tooting Common. This includes both species known to favour buildings for roosts and species known to utilise natural habitat features for roosts; of relevance to this issue are that these species have been recorded as roosting in the vicinity of Triangle Wood and The Woodfield Pavilion both a minimum of 300m to the east of the proposals. The data also clearly shows bats recorded both commuting and foraging across areas of Tooting Triangle, most notably again over Triangle Wood and over the canopy of the oak tree grove to the south-west of the Triangle field. The tree line alongside (and on the land associated with) the railway is also favoured by bats for commuting as it provides a comparatively dark corridor and affords good connectivity between off site roosts and favoured foraging areas on the common.

The buildings associated with the proposals in the Tooting Triangle area (currently a children's centre and a boxing club) have been fully internally and externally inspected to inform our understanding of their value to roosting bats. They were assessed as having no bat roosts within or associated with the buildings; the associated garden habitat was assessed as providing limited foraging opportunity with other areas (as above) favoured and the railway lineside to the immediate north was identified as providing commuting habitat however the proposals will have no impact on this feature.

The plans and documents supplied with the proposals to inform the granting of planning permission demonstrate that the proposed changes to lamps and in particular the use of LED lights to replace the existing floodlights will bring about a reduction in light levels and light spill in this part of the Triangle field. When compared, the lux contour plans at 4m height and 8m height (the heights at which artificial lighting can adversely impact bat behaviour) for the existing (currently in situ) metal halide lights and the proposed LED luminaires (to be delivered as part of this proposal), indicated greatly reduced amounts of light spillage to the east and southern areas outside the pitch. The applicant also proposed the addition of further tree planting to "fill gaps" in the existing band of trees immediately abutting the east of the pitch area which will provide a strengthened natural buffer limiting light spill onto the Triangle Field and allowing unaffected ongoing use of areas known to be of value to bats (Triangle Wood, the oak tree grove and the areas around The Woodfield Pavilion). The Lighting Assessment Ecology Report (A Fure 2019) concludes that: the proposals slightly reduce the small amount of spillage onto the northern boundary; greatly reduce the unchecked spillage to the east and south; reduces glare across the pitch in every direction traveling through the wider environment; removes the need for the continuous illumination of an empty pitch; reduces reflectivity in the proposed surface; removes the unwanted UV component of the light.

Conditions were attached to the granted planning permission (ref:2019/4206) to ensure that the scheme can be built in accordance with the submitted plans and places a further obligation on the applicant to prevent harm to biodiversity throughout construction and further still, seeks post construction commitments to ensure that the proposals will have been appropriately delivered to prevent harm to and to actively benefit biodiversity with a focus on the needs of bats:

- Condition 4 requires the submission for approval of a Construction Environment Management Plan (CEMP) to ensure that construction methodologies and on-site staff awareness and training will prevent inadvertent harm to priority species.
- Condition 5 requires the submission for approval of a Post Completion Light Spillage Report demonstrating that the "as built" lighting is in accordance with the submitted plans. This is required to be approved before the facility is operational and is intended to ensure that the improvements to lighting as detailed in the submission are built as intended and achieve the minimised impacts required.
- Condition 5 also requires that at all times "Any and all sports pitch floodlights, should be turned off by no later than 21.00. Any additional external lighting (except emergency lights) should be on a timer and be turned off no later than 22:00 (to allow staff safe egress from the premises) or on a motion sensor activation. Floodlighting may not be used between 15th May and 15th September

each year". These are measures specifically implemented to prevent harm to protected and priority species (in particular bats).

- Conditions 6 require tree protection methods to be in place and approved as satisfactory to prevent harm to trees during construction.
- Condition 7 secures the delivery of the additional tree planting to the east of the pitch area and indeed secures further additional planting in the form of a native species hedge to the north of the buildings to supplement the self-set planting and overhanging vegetation from the railway lineside.

Whilst bats have been found to be foraging and commuting in proximity to the proposals, the measures applied by means of conditions attached to planning permission prevent harm to bats during construction, and the completed scheme will bring about permanent improvements to benefit bats and support their continued presence in this area.

The Council notes the view expressed by the Local Correspondent for the Open spaces Society (OSS) that the Council's position is "completely incoherent" given that it has "strongly opposed the installation of floodlight's on the Streatham and Clapham High School (SCHS) hockey pitch adjacent to the common because of the impact this would have on the common but now proposes to have floodlights on the common itself" In response to this view the Council refers to the information elsewhere in this section of this response that there is clear evidence that bats have been recorded as roosting in the vicinity of Triangle Wood and The Woodfield Pavilion both a minimum of 300m to the east of the application site. The data also clearly shows bats recorded both commuting and foraging across areas of Tooting Triangle, most notably again over Triangle Wood and over the canopy of the oak tree grove to the south-west of the Triangle field.

The Triangle Wood, some 300 metres distant from the application site, runs adjacent to the SCHS whilst the Woodfield Pavilion, also some 300 metres distant from the application site, is within 100m of the SCHS and this area is currently not subject to any floodlighting. Therefore, in response to the known and understood use of this immediate area for bats for roosting, commuting and foraging, the impacts of any proposed new floodlighting at SCHS would have a significant adverse impact unless sufficient suitable mitigation were proposed which, unfortunately has not been the case with their recent planning submissions. This is contrary to the situation that applies to the application site under current consideration where the use by bats is limited to local foraging over the small garden and commuting along the adjacent railway line concurrently with the existing floodlighting provision and where modifications to future lighting and additional planting have both been agreed to provide further mitigation.

7 Loss of trees:

The proposal includes the removal of 4 (T3,T4,T5,T6) trees categorised as "low quality". These trees will be programmed for removal in the medium term regardless of whether the proposed development is approved, or not, due to their self-set nature which has resulted in a poor shape and form which causes them to overhang and interfere with existing buildings in this location, including compromising the security of

the premises by affording relatively easy access into the enclosed grounds and onto the premises roofs. None of the trees is of adequate shape or growth habit to support nesting birds nor do they contribute to the biodiversity of the wider Common in any significant way. The current proposal (Design and Access statement) has committed to planting a group of native trees, in accordance with the Council's policy of planting only

native tree species and whilst the numbers are not yet defined we expect this to amount to a minimum number of 20 new trees (minimum size 12-24) to complete and extend the copse to the immediate east of the proposals. Native tree species suggested as suitable for planting in this area include Oak, Hornbeam, Lime and Thorn. Extending the copse aids delivery of the Wandsworth Biodiversity Strategy through making an existing small woodland habitat parcel bigger. The trees will not be constrained by any buildings and will be able to grow in a form and shape appropriate to support nesting birds whilst the grouping will allow use by a range of other species supported by small copses across the wider Common.

Overall, there will be a measurable net gain in tree provision at this location if the plans proceed.

8 Inadequate consideration of the potential impact of additional traffic on local streets:

A significant number of respondents expressed concerns that the proposed facility will generate significant increases in traffic travelling to and from the area and parking locally with many noting existing congestion and on-street parking problems. TFC Leisure Ltd. has produced a Green Transport Plan which was included in its application for planning permission which was granted in May 2020 as noted elsewhere in this response. The Plan recognises the problems associated with the use of private cars for relatively short distance journeys and sets out TFC Leisure Ltd.'s approach to seeking to reduce such problems by actively encouraging users, and staff to journey to and from the facility on foot, by bicycle or by public transport. All of these methods are considered to be both reasonable and realistic given the facility's proximity to regular and reliable Underground, National Rail, and bus services and the belief that the majority of potential customers will live within 15 minutes' walk of the facility, based on experience gained at the other centres. Notwithstanding the content and intent of its Green Transport Plan TFC Leisure Ltd. recognises and understands the concerns expressed and has committed to monitoring how it's customers travel to and from the facility and to be actively involved in any surveys that might be required in the future to examine and identify remedies to any traffic issues that might, from time to time arise. In considering the possible detrimental impact of traffic locally the intention to extend the current Ultra Low Emission Zone (ULEZ) from mid October 2021 is noted as likely to have a significant impact on the numbers of vehicle journeys undertaken within the Zone (which will be bounded by the South and North Circular roads).

9 Environmental concerns related to the proposed installation of a 3G Artificial Grass playing surface:

A relatively small number/proportion of the respondents referred to reports that the rubber crumb material commonly used as an infill in the artificial grass surface has significant carcinogenic properties and that the artificial grass "carpets" pose a number

of environmental problems including the release of micro plastic particles into the environment (air, soil and water) as the plastic "sward" gradually breaks down through use and issues around the disposal of "carpets" at their end of life; generally 10 or so years.

The Council's view is that these concerns take no account of other, arguably more balanced information on the installation and use of artificial grass surfaces for sports activities nor of widely available information confirming the continuing development of the materials used in the provision and maintenance of these surfaces and their re-use or disposal at the end of life (as sports surfaces) Already, in the relatively short time since the introduction of 3G surfaces a number of alternatives to the use of rubber crumb, using organic materials, have been developed and brought into use as have further uses for the carpets as alternatives to disposal. The Council believes that technology and processes will continue to develop to further enhance the intrinsic benefits of the appropriate and proportionate use of artificial grass surfaces.

The Council notes the comments and concerns submitted by a number of the respondents and draws attention to Sport England's current position statement on 3G pitches issued as a result of a collaboration between key stakeholders in response to question and concerns regarding "third generation" (3G) artificial grass pitches: *"Third generation or 3G artificial grass pitches are recognised as durable, safe, year-round playing surfaces, able to withstand intensive use and all kinds of weather.. They mean more people can benefit from all the associated social and health benefits of physical activity. Concerns have, however been raised about the safety associated with these pitches and their constituent parts, most commonly the presence of rubber crumb. We take these concerns very seriously . We have monitored numerous independent scientific studies on this issue, which have reported a very low/negligible level of concern for human health as a result of 3G pitches and rubber crumb. Indeed, the European Chemicals Agency has recently published its own findings, following an extensive EU-wide study, and has found no reason to advise people against playing sport on 3G pitches with rubber crumb. The Sports and Play Construction Association, the UK trade body for the sports pitch industry, is developing a voluntary industry standard that will provide minimum requirements that go above and beyond what is currently required for rubber crumb under European regulation. Sport England and leading sport governing bodies all support this approach and will continue to work with the industry to provide reassurance that pitches in this country are safe".*

In respect of the specific proposal to install a 3G artificial grass sport surface at Tooting Triangle TFC Leisure Ltd. confirm that they are aware of the conflicting advice and comments on health and environmental aspects of these playing surfaces and their constituent parts, notably the rubber crumb infill material and further confirm that they have recently installed cork based pitches at their facility in Barnes and that when removing carpets they employ pitch removal contractors who re-use the old carpets and associated materials for lining bunkers on golf courses and in horse stable areas so keeping the "old" material out of the disposal chain.

TFC Leisure #ltd. have also confirmed that they are registered with fidra (<https://www.fidra.org.uk/artificial-pitches/pitch-in-pledge-downloads>); an organisation working with the public, industry and governments to deliver pragmatic evidence based solutions for a healthy environment and sustainable communities and signed up to their Pitch in Pledge whereby they pledge to do all that they can to raise awareness of potential pitch pollution and use best practice to avoid damage to the environment.

10 Potentially detrimental effect on the peaceful and tranquil nature of the surrounding area caused by excessive noise generated by activities at the proposed facility:

TFC Leisure Ltd. and the Council recognise that use of the proposed facilities will generate some noise arising from two distinct but linked sources:

- Noise generated by groups of players calling to each other on the pitch (during games) and when meeting, prior to play, and dispersing, after play: TFC Leisure Ltd. confirm that customer behaviour will be monitored at all times and that appropriate actions will be taken in instances where individuals and/or groups ignore advice and warnings about their behaviour. TFC Leisure Ltd. will also investigate any and all reports of excessive (and or offensive) noise submitted by local residents and users of the common and will, as appropriate, take similar actions.
- Noise generated by activity on the pitches, in particular by balls hitting the side/enclosure fences: As a provider of similar facilities elsewhere in south west London TFC Leisure Ltd. are well aware of such concerns and mindful of doing all that can be reasonably done to keep such disturbance to the minimum. TFC Leisure Ltd. refer to the "Artificial Grass Pitches (AGP) Acoustics Planning Implications" guidance and advice published by Sport England and confirm that the project plans have been, and will continue to be, informed by this guidance.

Many of the respondents express the view that the Triangle field is a "quiet and peaceful" haven, and other similar descriptions. In great part this is due to the "remoteness" from roads (and traffic) separated as it is by railway embankments and generally some 200 metres or more of common land between the embankments and the nearest roads – The Council notes that the proposed facilities do not change this element in any way.

Whilst the larger part of the Triangle field might be relatively peaceful and tranquil the Council believes that this does not apply to the specific area which is the site of the proposed facilities and the immediate surrounds to this area, a belief which it feels is supported by many of the respondents who state that the area, in particular the current redgra surfaced area is extremely popular and well used by many people for a variety of sport and recreation activities. In addition to this there is the popular and well used children's playground immediately adjacent to the site. Whilst it recognises that there will be some level of noise resulting from the use of the proposed facilities the Council believes that such noise will not be significantly different to, nor worse than, current levels of noise. The Council, and TFC Leisure Ltd. further believe that the active monitoring of the behaviour of customers while playing and congregating before and after play will ensure that noise levels are kept to acceptable levels at all times.

11 Failure to adequately consult and under reporting of opposition to the proposals:

A number of concerns/issues were raised under this heading, most notably the low number of written notifications of the committee meeting that considered the planning application, the significant under reporting of the numbers of objections to the proposals received and the failure to mention a petition with some 7000 signatories.

Linked, if only by implication, to these concerns are assertions/allegations of improper conduct by the Council's planning committee and most specifically by the Chairman of that committee, Councillor Guy Humphries. The frequently stated allegation is that Councillor Humphries should have declared an interest in the matter under consideration and recused himself from that consideration on account of his role as a member of the Board of Enable Leisure and Culture which company, it is further alleged, stand to gain, in some unspecified way, from the proposed development.

The Council's response is that Councillor Humphries position with Enable Leisure and Culture in no way compromised his position as Chairman of the Planning Committee as Enable Leisure and Culture's sole involvement in the proposals is as the Council's provider of management services for parks and open spaces, amongst other activities. The Council further states that the draft arrangements for the development and ongoing management and maintenance of the facilities that were confirmed in 2018 are for a contract and lease (or licence) between the Council and TFC Leisure Ltd. Enable's involvement is limited to its current and ongoing assistance with the application to the Planning Inspectorate for consent on behalf of the Council. There are no plans or proposals for Enable to be involved with the project as/if it develops save for monitoring how it interacts with, and impacts on, the adjacent common, in its (Enable's) role as the managers of the Council's parks and open spaces.

The Council's further response is that all of the objections, together with the on-line petition were considered by officers and reported, as "Late Items of Correspondence", to the Council's Planning Committee on 19th May 2020 and that the "Late Items of Correspondence" document was included with the Council's application to the Planning Inspectorate.

The Council strongly refutes any suggestion that it has not taken account of views expressed in respect of this matter, neither in their content nor in their numbers. It considered all of the views so expressed and subsequently granted planning permission, with conditions, taking account of the detailed proposals set out in the planning application and all views expressed on many and various aspects of that application.

In addition to concerns highlighted in the preceding paragraphs, generally concerns that were expressed by significant numbers of the respondents, there are other concerns that require/merit the Council's response:

12 Concerns that granting this application will set a precedent for future proposals/developments on the common:

The Council takes the view no precedent would, or could be set if this application were to be granted as each and every proposal to carry out works on common land requires a specific application to the Planning Inspectorate for Secretary of State consent that can only be granted on the specific aspects and merits of the particular application and project. As an active/real example of this view the Council refers to its position on the installation and use of floodlights set out in the section headed **Priority Species – Bats** elsewhere in this response.

13 Concerns that the One o'clock centre will be lost if the application is approved:

The Council's Children's Services Department has confirmed that the one o'clock centre provision, which has not been available during the current pandemic lockdown, has been permanently closed through the democratic process and with the Executive's approval since 2016. The Children's Services Department further confirms that they will not be reinstating any provision if the proposed development project does not proceed for any reason.

14 Concerns that the open access children's playground will be lost if the application is approved:

The Council is pleased to confirm that the open access children's playground is not affected in any way by the proposed development and that it will continue to be available and accessible whether the development scheme is approved, or not. For the avoidance of doubt the open access playground will remain in place, accessible and subject to the regular safety inspection processes undertaken by Enable's Playgrounds Officer.

15 Concerns that the Balham Amateur Boxing Club will close if the application is granted:

The Council together with TFC Leisure Ltd. and the Balham Amateur Boxing Club are pleased to confirm that the Club will continue to operate if consent is granted and the development scheme proceeds. The Boxing Club is working closely with TFC Leisure Ltd. on this project with the intention of continuing to provide development opportunities for all in improved facilities. If consent is not granted and/or for whatever reason the development scheme does not progress the Council's Valuations and Management Service (VAMS) would then recommend that negotiations should begin on regularising the Boxing Club's occupation under a lease rather than by way of a tenancy-at-will.

16 Comments that the area is prone to flooding and concerns that the proposed development will exacerbate this:

TFC Leisure Ltd. are aware that the area is prone to flooding during, and immediately after, periods of heavy/prolonged rainfall and has included a comprehensive drainage scheme in its proposals based on the results of full flood risk assessment that it commissioned. The proposed drainage scheme which forms part of the development proposal has been approved, in principal, by the Thames Water Authority who have also confirmed, in principal that they will grant consent for the proposed system to be connected into the existing main trunk sewer.

17 **In summary**, the Council has now considered all of the many and various views expressed to the Planning Inspectorate and by this response document seeks to address these.

I look forward to hearing from you in due course. If, in the meantime, you have any questions, or require any further information on this matter please contact Simon Cooper-Grundy at scooper-grundy@enablelc.org

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joanna Shearer', written in a cursive style.

Joanna Shearer
Leisure and Culture Contract Manager



The Planning Inspectorate
FAO: Mrs Margoum
Commons Team
3A Temple Quay House
Temple Quay
Bristol
BS1 6PN

sent by email to

commonlandcasework@planninginspectorate.gov.uk

Dear Mrs Margoum,

Proposed Works on Tooting Bec Common COM/3263104

Thank you for your emails of 28th and 29th April 2021 in reference to the Council's application for consent to improve the buildings and outdoor sports pitch area at Tooting Triangle, Tooting Bec Common, SW12 under Article 12 of the Schedule to the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 (MHLG 1967).

Thank you also for the attachments containing the emails and survey questionnaire responses that you received in response to the Council's response to the objections raised earlier in the year in response to the Council's Notice of Intention to seek this consent.

I have read the 27 emails and 120 responses to the survey, including 15 confirming support for the proposed development, and have, as previously and as far as possible, tried to identify common themes/concerns to assist in compiling a full and informed response.

Before seeking to address the concerns expressed by the respondents, I refer back to the brief history of this proposed development of the existing facilities at Tooting Triangle provided in the Council's previous response.

Wandsworth is a borough of playing pitch deficit and under considerable pressure to provide more facilities to meet the ever-growing demand for both matches and training as noted in the Assessment Report to the Playing Pitch Strategy 2014-2024. The Playing Pitch Strategy and the Playing Pitch Assessment can be found at: [Local Plan evidence - Wandsworth Borough Council](#) in the section headed: Green Infrastructure. Amongst the 15 key findings identified for football are:

Director of Environment and Community Services: Paul Chadwick

Wandsworth Council

Environment and Community Services
Tadmore House, Unit 1F
Wandsworth
London SW18 2PU

Please ask for/reply to: J. Shearer
Telephone: 020 8871 6000
Direct Line: 020 8871 6377

Email:

Joanna.shearer@richmondandwandsworth.gov.uk
Web: www.wandsworth.gov.uk

Our ref: ECS/

Your ref:

Date: 14 June 2021

- That 11 sites in the borough are overplayed which is considered to be inevitable given that some of the pitches are on open common land thereby attracting considerable informal use,
- In general a decrease in senior men's football but an increase in youth, girl's and women's football,
- 14 clubs express latent demand for access to more pitches to accommodate current demand and 31 clubs report plans to increase the numbers of teams they could provide,
- Very little actual spare capacity (surplus provision) and where spare capacity is expressed it is likely to be retained as a matter of (good) practice to allow pitches to rest and rotate,
- Modelling ideally suggests a need for an additional 4, full size 3G artificial grass pitches and a 60x40m 3G pitch. It goes on to note that whilst this is supported through consultation with clubs it is recognised that space and public funding is limited, so any move towards achieving this aspiration is only likely through redevelopment of existing sites and private sector funding.

As noted in the previous response the proposed improvement of the facilities at Tooting Triangle would make a significant contribution to addressing the deficit in a way that setting out additional pitches on open grass areas, either on Tooting Common or other open spaces cannot do. Whilst many of the respondents have referred to the "community" being disadvantaged as a result of this proposal they refer in the main, and understandably to the local community. The proposed facility is intended for use by all sectors of the community, including young and old of all genders and all abilities with varying degrees of fitness wishing to keep fit and active. The Council therefore considers it likely that the proposed facility will provide positive improvement opportunities for a sizeable proportion of the local community who are currently disadvantaged as a direct result of insufficient opportunity within the borough currently to participate in sport and physical activity.

A number of the respondents ask why the Council is seeking to provide the proposed facilities through a private company and not providing them directly. The Council's view is that this is the most cost effective and, in current circumstances only, way of providing much needed improved facilities for people of all ages and abilities to have the opportunity to actively participate in sport and physical exercise in a safe and secure environment. As is well known, all Councils including Wandsworth, have had to reduce their budgets significantly in recent years while at the same time having to continue to provide the core, statutory services: social services, education, waste management etc. Councils in general have limited sources of funding/income: local council tax, the rate support grant and income derived from non-statutory services such as parking, sports pitch hire, venue hire, etc. By partnering with a private sector operator, in this case TFC Leisure Ltd. a company which has a long standing and successful record of providing similar facilities in south west London during the last 30 years, the Council will be able, if the proposed development project is approved, to provide for an unmet demand at no cost to the council tax payer and will gain an annual revenue generating a minimum of £295,000 over the 25 years of the proposed term all the time retaining ownership of the improved facilities which will return to the Council at the end of the contract period, or sooner if circumstances cause the contract to be terminated early for any reason.

I reiterate that by providing the brief history of the Tooting Triangle project, the Council seeks to demonstrate its long standing commitment to its residents to provide, through

an open democratic process, improved facilities and opportunities for sport and other recreation in an appropriate and sustainable way. I further reiterate that since 2012 it has considered options and opportunities through the same open democratic process, contrary to a number of concerns expressed in the representations at a lack of consultation, a lack of transparency and in particular "hiding" the identity of TFC Leisure Ltd; the operator of the proposed facilities.

In relation to the assertions and accusations of a lack of consultation and information, in particular relating to residents of Lambeth, the Council notes that on the two occasions during the process when it was required to publicly advertise its intentions:

- its intention to dispose of the land etc. by means of a lease (to TFC Leisure Ltd.) in 2016 and
- the Notice of Intention to apply for consent under Article 12 of MHLG 1967 to carry out works at Tooting Triangle,

The Council placed the public notices in editions of the South London Press instead of its usual newspaper outlet; the Wandsworth Times. The Council used the South London Press following advice that its coverage into Lambeth was, and is, far better than the Wandsworth Times' coverage. In both instances, in addition to the publication of the Notices the Council displayed copies of the Notices at the site and in the case of this application at 3 other locations on the Common, including at the north eastern entrance/access to the Triangle field.

The majority of the most recent responses appear to be confirming the respondents' previously stated objections to the proposed development with additional comments and questions relating to the Council's previous response.

As previously I have endeavoured to bring these together under appropriate headings and provide the Council's response, to add to its' previous response, in the following paragraphs.

1 Common Land:

Includes concerns at loss of common land and what is, and is not, permitted in terms of development, enclosure, charging for use of facilities etc. and loss of grassland and loss of freely accessible open space. Such concerns are expressed in a significant proportion of the representations.

The Council confirms its previously stated views that its proposals for the development and the ongoing management and maintenance of the facilities are in accordance with the provisions of the MHLG 1967 Act and recognises that it is for the Planning Inspectorate/Inspector to grant or deny approval of its application having duly considered the relative benefits and detriments of the proposals.

The Council stands by its previous statement; that it considers that it has paid due attention to the provisions and intentions of Article 7 and that the proposed works and resulting enclosure of open space do not "*unfairly restrict the space available to the public for recreation in the open air in any open space*" – all the more so as the Council notes that the public will continue to be able to access the facilities once the proposed development is completed. I confirm that access to the toilets and refreshment facility, both new facilities to be provided by TFC as an integral part of the proposed development, will be free of charge to all; both users of the facilities and users of/visitors to the wider Commons. Access to the sports facilities and "stay and play" will generally

but not exclusively, be by payment of the relevant fee. TFC's commitment to providing stay and play facilities at the least equivalent (in hours per week) to that most recently provided by the Council will be written into the Service Contract. They have confirmed that in the case of the proposed "stay and play" provision they assess applications for free use dependent on the applicant receiving Universal Credit and that, once the site is approved by Ofsted, they will also accept Child Care vouchers. Access arrangements to the Balham Amateur Boxing Club, that will continue to operate from the (extended) built facility, will continue in the same or a similar form to current arrangements.

The Council's reference to "lease or licence" in its previous response is questioned on the assertion that Article 8 refers only to powers to "licence" or "let" with no mention of "lease" – the Council's legal and property management advice is that letting and leasing are the same process; that you "let" a property by granting a "lease" of it.

Further, the Council's intention to let the facilities to a company which would provide charged for services was challenged by reference to a Judicial Review judgement R (on the application of Muir) v Wandsworth Borough Council 2017. The Council contends that the proposed use of the facilities in that case (Wandsworth Common); nursery provision for a limited and defined number of nursery places, was significantly different to the proposed use of the facilities at Tooting Triangle, provision of indoor and outdoor sporting facilities which, the Council contends, is in accord with "public recreation" which the court ruled had to be the purpose of any proposed "letting", and that the decision in Muir was not based on the fact that the Tenant was a commercial company.

The Council has the power under Article 10 (a) of the MHGL 1967 to make such reasonable charges as they think fit for the use and enjoyment of the facility and under paragraph 10 (b) to authorise any person to whom the facility is let to also make such charges

The reference to whether use of the facility is "Public Recreation"; Article 7 (1) (a) (v) and (vi) empowers the Council to provide and maintain indoor facilities for any form of recreation whatsoever and the use of the facility by clubs societies and organisations of a social recreational and educational character; so the fact that club members use the facility for training does not constitute an exclusion of the public.

2 Access to and availability of the proposed facilities:

Previously expressed concerns/statements that the proposed outdoor sports pitches and associated indoor facilities will be for the sole, or predominant use, of one football club, and that an agreement has already been reached with one club, to the implied disadvantage/detriment of many/any other potential users continue to be made.

The Council refers to and confirms its previous response and TFC's statements that *"We have not entered into any commercial agreements with any sporting organisations and do not intend to enter into any exclusive arrangements"*

"We will be operating the same system as we operate at our centres in the London Boroughs of Hammersmith and Fulham, Richmond and Hounslow where we have an online booking system available to all", and

"the sports opportunities available at the facility will be very much demand led and will include football, netball, mini-tennis, mini-cricket and tag rugby, all in line with the opportunities provided at the other centres that we operate".

Updating, adding to, the previous response TFC confirm that they will introduce their 1 in 10 programme which they run at the existing centres in partnership with local schools and charities.

The programme has the sole aim of providing sporting opportunities to those children with fewer opportunities to participate in sport by providing 1 free place for every 10 children attending their school sports programme and providing Schools Sports Partnership competitions free of charge. Free and subsidised sessions are evaluated in conjunction with the schools and pupils entitled to free school meals are prioritised for inclusion in the programme.

TFC further confirm that sports provided at their centres, for boys and girls, include football, netball, cricket, tennis, padel tennis and hockey all of which they intend to incorporate into their sports programme at the Triangle, and Breakfast clubs, after school clubs, pre-school clubs, and holiday clubs together with their free use for state schools offer will form part of their extensive community sports programme.

TFC's statement is endorsed as appropriate by the Council particularly as regards to the 1:10 programme as the Council looks to build social value on the site.

3 Concern at potential harm to local ecosystem, no proper consideration of effects on fauna and flora, bats, birds, invertebrates, trees, shrubs etc:

The Council refers to, and confirms, its previous responses to concerns expressed about detrimental effects on these matters (the ecosystem) and submits the following paragraphs in response to the most recent responses:

i) Acid Grassland:

The previous response stands as the acid grassland present on the Triangle field is approximately 150 metres from the proposed development (site). This is not considered to be in close enough proximity to result in any direct or indirect impacts on this habitat from the approved works. Additionally, Condition 4 of the planning approval (ref: 2019/4206) requires the further submission, for approval, of a Construction Environment Management Plan (CEMP). This will allow the Council to understand if any proposed details of construction may have any (currently unforeseen) adverse impacts which can then be prevented or mitigated for appropriately to prevent harm to this habitat.

i) Foraging Species:

There is no evidence that any foraging species will be adversely affected by this proposal. The use of this location by bats to forage is discussed elsewhere. The Bat Habitat Assessment report by Furesfen March 2019 makes clear reference to foraging birds in the immediate surrounds. Therefore Condition 4 of planning approval (ref: 2019/4206) requires the further submission for approval of a Construction Environment Management Plan (CEMP). This will allow the Council to understand if any proposed details of construction may have any (currently unforeseen) adverse impacts on foraging birds during construction.

Quite rightly, conditions were attached to the granted planning permission (ref:2019/4206) to ensure that the scheme can be built in accordance with the submitted plans and places a further obligation on the applicant to prevent harm to biodiversity throughout construction and further still, seeks post construction commitments to ensure that the proposals will have been appropriately delivered to prevent harm to and to

actively benefit biodiversity: Condition 4 requires the submission for approval of a Construction Environment Management Plan (CEMP) to ensure that construction methodologies and on-site staff awareness and training will prevent inadvertent harm to priority species. It would be expected to contain a clear approach to timing of works to ensure that any nesting birds will not be adversely impacted. As has been previously explained the loss of the trees and the ivy in this specific location on the Common are not of significance when considered at the site wide level; we do not deny that ivy has a role to play in supporting invertebrates across the whole of Tooting Common but there are significant areas of ivy cover of greater significance elsewhere.

ii) Effects of lighting on insects:

Specific impacts of LED on insects have been studied in mainland Europe but this is not applicable to Tooting Common, where the climatic conditions are different, as are the suite of species to be found on the habitats here. To inform our assessment of the impacts of the submitted plans on this issue, in relation to the granted planning permission (ref:2019/4206) we referred to a range of published documents from specialist organisations. Most notably, Buglife in conjunction with the Institute of Lighting Professionals published a Review of the Impact of Artificial Light on Invertebrates in 2011 which concluded that "further research is required to fully understand the Impacts of artificial lighting on invertebrates" and this remains the case. Without such further published research there is no evidence available to guide the need for any further measures or alternative approaches

iii) Priority species – bats:

The Council refers to, and confirms, its previous responses to concerns expressed about bats and bat related matters and submits the following paragraphs in response to the most recent responses:

a) Failure to take account of the significant increase in the use of floodlights, indicated to be in the order of 38 additional hours per week between September and May:

The Council notes that bats hibernate between November and March so will not be adversely affected during that period unless there are exceptional periods of warm dry weather which may cause them to break hibernation to forage. Between September and November and then March to May are the times when bats might be adversely affected by any increase in artificial light levels; intensity, duration and changes to wavelengths. It is for this reason that Condition 5; attached to the Planning permission (ref:2019/4206) requires at all times that "Any and all sports pitch floodlights, should be turned off by no later than 21.00. Any additional external lighting (except emergency lights) should be on a timer and be turned off no later than 22:00 (to allow staff safe egress from the premises) or on a motion sensor activation. Floodlighting may not be used between 15th May and 15th September each year". These are measures specifically implemented to prevent harm to protected and priority species (in particular bats). The prohibition on use of floodlights between May and September is to ensure that bats can forage and commute unaffected by artificial lighting during the time of the year when they are most active and indeed when sufficient natural light should be available to facilitate safe sports activity.

Further, the Lighting Assessment Ecology Report by Furesfen Dec 2019 states clearly in chapter 2.1 that the existing floodlights were in operation when the survey work to inform this report was undertaken. This allowed the current lighting to be measured, facilitating a comparison with the proposed lighting to be understood. This in turn

informs the understanding of whether the impacts on foraging bats from the proposed (and now permitted ref: 2019/4206) lighting in future situation will be the same, better or worse than currently when the lights are in operation. The impacts of lighting upon bats are immediate so the current levels of use are irrelevant in understanding the matter at hand.

Fundamentally two matters are pertinent:

- i) Are bats present? The information clearly answers that bats are present in the Triangle Field of the Common but that there are no suitable features for bats to use for roosting in or near the proposed development. There is clear evidence that the preferred foraging area for bats on this part of Tooting Common is around Triangle Wood a minimum of 300m to the east of the proposals and over the canopy of the oak tree grove to the south-west of the Triangle field.
- ii) Will changes to lighting adversely impact any bats present (in this case, foraging)? The information clearly answers that the changes to lighting proposed and additionally the Conditions attached to planning permission 2019/4206 will not result in any adverse impacts on bat activity. In fact it is anticipated that bats activity may increase as a direct result of reduced lighting spill onto grass areas, clear regulatory framework on timings during times of the year when bats are active, reduce glare / reflected light, and more responsive lamps.

b) The timing and quality of the bat surveys and bat reports submitted to inform the planning application:

The author of both the reports, Alison Fure, is a full member of the professional body the Chartered Institute of Ecology and Environmental Management CIEEM. She is a Class 2 Bat Licence holder (Natural England licence number 2015-10381-CLS-CLS) and is well-respected authority on bats and in particular on the impacts of lighting on bats, having authored several published papers on this matter. She is a consultant to the authors of the industry best practice document "Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series" published by Bat Conservation Trust and Institution of Lighting Professionals.

"Bat Surveys for Professional Ecologists, Good Practice Guidelines 3rd edition" (Collins 2016) published by Bat Conservation Trust sets out the industry standards for bat surveys including those to inform planning decisions. All survey methods were undertaken in accordance with this guidance and in line with The Bat Worker's Manual (Mitchell-Jones and McLeish 2004)

The Bat Habitat Assessment report by Furesfen March 2019 is stipulated to be valid for one year again in accordance with industry best practice. Chapter 2.5 stipulates the limitations associated with the survey. Given the findings of this survey along with the results of other relevant biodiversity evidence the report was deemed fit for purpose to inform the planning permission (ref: 2019/4206) and this report was valid at the time the planning application was assessed.

Whilst the planning permission decision notice is dated May 2020 the Bat Habitat Assessment report was reviewed and commented on, by Enable's Development and Biodiversity Manager, in November 2019, within the one year time frame.

Enable's Development and Biodiversity Manager, who reviewed and commented on the bat reports has also provided the majority of the information and responses to the various concerns expressed potential damage/detriment to the ecosystem of this part of the Common; its effects on flora and fauna. She is a widely respected professional ecologist who has worked in Wandsworth for more than 23 years during which time she has led/guided developments in the management and maintenance of the council's green spaces to protect and improve biodiversity.

c) Suggestion of a strong likelihood in the Covid lockdown that bats have increased their presence on the Common:

There is no evidence to suggest that the Covid lockdown period has caused bat activity to increase on London's urban greenspaces, indeed the opposite may well be true. Unlike rural areas where the cessation of travel and the restriction to one daily outdoor exercise visit resulted in reduced human activity, this was not the case in urban areas. There was a huge significant increase in human activity as the 327,451 residents of Wandsworth and a significant proportion of the 328,244 residents of Lambeth (those living close to the Common) were only permitted to undertake daily exercise locally, many choosing to use our greenspaces. There have been substantial and well documented adverse impacts to priority habitats across Tooting Common as a direct result of this increased localised human activity, with "knock on" effects anticipated for many species' groups. The erosion of ground flora and the compaction of soils has reduced habitat available to invertebrate communities which in turn is expected to result in reduced feeding opportunities for bats.

d) Further comment on the rejected application for floodlights by the Streatham and Clapham High School, that the Council's previous response failed to address the bat corridors running along the two railway lines on either side of the (proposed) development:

The circumstances in relation to matters at Streatham & Clapham High School (SCHS) are not pertinent to this application. Each proposal is assessed on a case by case basis and using relevant evidence. The SCHS is located some 400m from this site to the south west and is in close proximity to parts of the common where the evidence demonstrates that bats will be adversely affected.

In relation to this proposal under current consideration The Bat Habitat Assessment report by Furesfen March 2019 clearly states that "commuting habitat is present parallel to the railway line to the north" and so it has considered the impact of the proposals on this feature used by bats and this is demonstrated in "table 3" of that report.

e) Potential damaging impact on bat population by noise disturbance:

The most recently published, and relevant DEFRA research on the issue of noise impacts on biodiversity concluded "*the major finding is that a strong evidence base does not exist regarding the potential impact of anthropogenic noise on non-marine UK priority species or species of principle importance*"

iv) General:

Conditions were attached to the granted planning permission (ref:2019/4206) to ensure that the scheme can be built in accordance with the submitted plans and places a further obligation on the applicant to prevent harm to biodiversity throughout construction and further still, seeks post construction commitments to ensure that the proposals will have been appropriately delivered to prevent harm to and to actively

benefit biodiversity: Condition 4 requires the submission for approval of a Construction Environment Management Plan (CEMP) to ensure that construction methodologies and on-site staff awareness and training will prevent inadvertent harm to priority species. The would be expected to contain a clear approach to timing of works to ensure that any nesting birds will not be adversely impacted.

As has been previously explained the loss of the trees and the ivy in this specific location on the Common are not of significance when considered at the site wide level; we do not deny that ivy has a role to play in supporting invertebrates across the whole of Tooting Common but there are significant areas of ivy cover of greater significance elsewhere.

4 Inadequate consideration of the potential impact of additional traffic on local streets:

The Council refers to and confirms its previous responses which, it notes, a number of the respondents describe as naïve, disingenuous or a refusal to acknowledge what, it is claimed, will be a huge problem citing the Council's reference to the extension of the ULEZ later in the year as an indication of the Council's expectation that people are expected to be coming from further afield. The Council's comment that the extension of planned extension of the ULEZ as likely to have a significant impact on the numbers of vehicle journeys undertaken reflects its belief that there will be a further reduction in the numbers of private cars (vehicles) registered in London, noting that the total numbers of cars private cars registered in London, and the number of new registration each year (in London) have fallen every year since 2016. In 2020 there were 2,648,000 cars registered in London, down from 2,668,000 in 2016 with 107,300 new registrations down from 173,100 in 2016. Whilst the pandemic may well have affected the numbers for 2020 it is noted that numbers in both categories have fallen in each of the years since 2016. The Council recognises the concerns expressed and confirms that it will work with TFC, local residents and others to minimise any impact.

5 Potentially detrimental effect on the peaceful and tranquil nature of the surrounding area caused by excessive noise generated by activities at the proposed facility:

Concerns expressed in the previous responses are repeated and the Council's responses as to how such detriment will be minimised are questioned. Referring to the Council's assertions that behaviour, in general, will be monitored and sanctions imposed as and when appropriate a number of respondents ask if the requirement for the operator (TFC) to monitor behaviour in and around the facility and the Council's ability to ensure that effective actions are taken when necessary are specified in the terms and conditions of the draft lease and or draft contract. A copy of the draft Heads of Terms for the proposed lease, with commercially sensitive information redacted, and copies of the initial tender documents are provided for information. The Council points out that the tender documents relate to the initial/original proposals and that there have been a number of changes since then, including a revised brief to restrict proposals for the outdoor playing/sports pitch area to the existing footprint and the inclusion of the former One O'Clock centre buildings and enclosed outside area in the development proposals. The Council confirms its previous responses and notes that TFC have established protocols regarding acceptable behaviour and customer complaints and comments procedures and further confirms that processes and procedures for dealing with

behaviours that are detrimental to neighbours and the neighbourhood will be identified, agreed, and adopted in the Contract Conditions.

6 Further comments on Councillor Humphries' roles as Chairman of the Planning Committee and a member of the Board of Enable Leisure and Culture:

The Council refers to and confirms its previous response and its view that there is no conflict of interest, as suggested. Enable will monitor how the proposed facility interacts with the wider common as the Council's manager of its parks and open spaces and will report/share any concerns it may have with TFC and the Council and neighbours and users of the common.

Ultimately it will be for the Council's Environment and Community Services and Valuation and Management Services Departments to take appropriate actions, including if appropriate recommending the early termination of the contract, in the event of any breaches of the lease or the contract.

7 Comments that the area is prone to flooding and concerns that the proposed development will exacerbate this:

The Council refers to and confirms its previous responses and provides the following, additional information. The 10 Year Management and Maintenance Plan for the Tooting Commons, which can be found at <https://www.wandsworth.gov.uk/leisure-and-culture/parks-and-open-spaces/parks-management-plans/> recognises that there are several key capital projects that may alleviate some aspects of flooding across the Common and work is underway to deliver this action.

Additionally, a suite of localised actions are currently being drafted for delivery from winter 2021 to alleviate more localised incidents of surface water flooding across the Common with a view to ensuring that areas can be returned to use more rapidly after heavy and continuous rainfall

In summary, the Council has now considered all of the many and various views expressed to the Planning Inspectorate and by this response document seeks to address these.

I look forward to hearing from you in due course. If, in the meantime, you have any questions, or require any further information on this matter please contact Simon Cooper-Grundy at scooper-grundy@enablelc.org

Yours sincerely,



Joanna Shearer
Leisure and Culture Contract Manager

Green Transport Plan

TFC Leisure is committed to reducing CO2 emissions by encouraging employees and customers to choose sustainable methods of transport. An effective Green Transport Plan should have positive benefits for all.

We do not provide any car parking spaces at two out of three of our centres and have not experienced any negative feedback from customers as 90% of our customers live within 15 minutes walk of our centres. We provide local sports facilities for local people.

Reducing congestion has led to improved access to our centres, potentially causing staff less stress and improving the health of the work force and our customers; less need for car parking spaces; the environment is also enhanced by having less noise and pollution. There should also be real cost savings benefits for all participants.

Increased prosperity has resulted in increased car ownership that leads to more congestion on roads already heavily used. Motor traffic is a major source of pollution and "greenhouse" gases. Traffic is responsible for 25% of carbon dioxide emissions. Alongside this, nitrogen dioxide, low level ozone and particulates are associated with health problems, particularly respiratory ailments.

We have adopted a package of measures at all of our centres to promote more sustainable modes of travel. The aim is to reduce the number of trips made to our centres by car in favour of sustainable modes. We have increased walking, cycling, scooter and passenger transport use to our centres; and a reduction in the number of single occupancy car journeys undertaken by employees and customers for their journeys to our centre to below 5% of total journeys.

Pedestrians

Walking as the main method of travel is probably best for journeys of less than two miles. The current facilities at Tooting Triangle including the playground and Stay and Play facility are predominantly used by local families with children of pre-school age and they arrive at the site on foot or bicycle. Therefore, cycle racks capable of containing at least 12 bicycles, a covered, secure buggy and scooter park will be provided for our customers.

Walking can be combined with, for example, passenger transport to cover longer distance journeys. There are obvious health benefits for staff and customers, and savings on car running costs, as well as benefits for business in terms of a reduced need for more car parking spaces.

We have introduced the following measures to encourage walking:-

- • Encouraging discussion of the health benefits (less stress/improved fitness)
- • Encouraging staff and customers to walk when travelling less than 2 miles to work
- • Providing shower and storage facilities
-

Cycling

The benefits for cycling are similar to those for walking, with health and cost reduction being the major consideration for users. Again encouraging this mode as led to not requiring car parking spaces.

The following measures will be provided to encourage cycling:-

- • Cycle to Work scheme where the employer finances the purchase of a bike, loans it to the employee for twelve months and then sells it to the employee. The employee saves in the region of 40% on the purchase price due to VAT and tax breaks.
- • Providing bicycle racks in secure areas
- • Providing shower and storage facilities
- • Cycling Club with regular cycling events for fun, competition, fitness and charity
- We provide secure buggy parks at our centres for families with pre-school age children.
-

Tube and Train

The Tooting Triangle site is very well served by Balham underground station, Balham Train Station and Streatham Hill Station which are all within walking distance of the proposed centre.

Our staff and customers will benefit by beating traffic, cost savings, a relaxed journey, meeting up with friends and an environmentally preferred method of transport.

Bus

The Tooting Triangle site is supplied by an extensive bus network including bus numbers: 155, 315, 319, 50 and E3. Using a bus is an ideal way to reduce traffic congestion, significantly more environmentally friendly than journeys undertaken by other transport modes.

Car

We do not provide any car parking spaces at 2 out of 3 of our centres.

We will not provide any car parking spaces at Tooting Triangle and will advertise all the alternative modes of transport in reaching the centre on our website and marketing information including taxi companies and app hailing companies.