

**OBJECTION TO THE PROPOSED DEVELOPMENT ON THE TOOTING COMMON TRIANGLE
For the Public Inquiry on 7th June 2022
(Proposed Works on Tooting Bec Common Com/3263104)**

Witness Statement

I object to the above development for many reasons but above all because I do not believe that any Common Land, however small, should be enclosed and privatised within its boundaries.

The overall strategy for Tooting Common, as outlined in the Tooting Common Management and Maintenance Plan (2015) is to:

“Retain, enhance and de-urbanise the Common to conserve the essential character of the Common. Restore the historic and natural heritage of the Common whilst integrating recreation and landscape conservation. Restore biodiversity and habitats, heritage features, improving access and the visitor experience. Increase the levels of awareness, learning and engagement reconnecting people with the heritage of the Common so they understand its special qualities and character as a Common as opposed to a park.”

Common Land

The antonym of Common Land is Enclosure. The history of Metropolitan Commons is rich with protests against enclosing land and Tooting Common is no exception, culminating with fences torn down in 1868 and enclosures made illegal in 1870. The Common was purchased for the public five years later. This, of course, has not historically prevented modern forms of enclosure, as evidenced by the building of the Tooting Bec Lido and the fencing of the running track by Graveney Woods. Nor did it prevent considerable opposition such as this from Mr GF Clucas in March 1936: “Assuming the London City Council has a legal right to enclose a common or a part of a common, there remains the indubitable fact that the Council holds the ground in trust by virtue of its position, and that the moral duties regarding any trust are stronger than the legal. The moral duty in this case was to protect the common land of the common people and keep it open as it was when it came into their hands.”

More recently, the tennis courts have been handed over to the management of All Star Tennis and are now locked all year round and only accessible to members. (I have a personal interest in this – I taught my son how to play tennis there from when he was about 7 years old and we had free access for the first few years until membership was introduced. Happily, the courts remained unlocked and accessible off-season and were much used by us and others – until they were effectively privatised when All Star Tennis won the tender.) The Triangle proposal above is a continuation of Common Land being made inaccessible and, in my opinion, must be stopped. Otherwise, the tennis courts and this development may well be used as precedents for further encroachment. The Council cites cuts to local government budgets and seek to counter such cuts by renting Common Land to businesses for sport, festivals and corporate events, with temporary and permanent no-go areas. This is wholly against the principle of Common Land and access to all parts of it.

In DEFRA’s Common Land Consents Policy, there is an emphasis on the importance recreationally and culturally of protecting Common Land. It states that there should be enjoyment of the landscape by visitors and tourists, that the public have a right to walk on

the Commons and that open spaces for communities should be provided. It also “celebrates the value of open, unenclosed common land and greens as a communal resource, providing a sense of belonging.” This development is a reversal of this policy. Indeed, in section 3 it states that the 2006 Commons Act enables governing parties to “ensure that the special qualities of common land, including its open and unenclosed nature, are properly protected.” In section 5 it states that the Secretary of State’s policy is “not to allow our stock of common land and greens to diminish”.

In the two rebuttal letters to the Planning Inspectorate from Jo Shearer, dated 19th March 2021 and 14th June 2021, the Leisure and Culture Contract Manager argues 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*” which had been accepted in 2012 when the previous development plans were withdrawn. But this new development does restrict the public use of this space. Ms Shearer also indicates that she regards the small percentage losses to the Triangle (5%) and to the Tooting Commons (0.5%) as fair losses. I do not accept that a smaller loss of Common Land (as opposed to that proposed in 2008) is in some way now acceptable ten years on in 2022. The principle of Common Land loss remains the same.

To sum up – this proposal removes public access to an area of Common Land; it encloses an area of Common Land; it urbanizes and commercialises an area of Common Land. The deterioration of the pitch (cited as a spur for this privatisation) has been caused by the Council’s negligence. The users and neighbours of the Common should not have to pay for this negligence by losing access to this small, much-used area of Common Land.

Two quotes to finish with.

Firstly, from ‘The Book of Trespass’ by Nick Hayes: “The watchword of Tudor enclosure was ‘improvement’, a euphemism for privatisation that councils and building contractors use to this day. It contains the idea that unowned space was a waste of potential profit and that society at large could be bettered by the private regulation of land.”

Secondly, from ‘The Mores’ by the poet John Clare:

“Unbounded freedom ruled the wandering scene
Nor fence of ownership crept in between
To hide the prospect of the following eye”

If this development goes ahead, a walker/visitor will enter the Common via Emmanuel Road or via Dragmire Lane, walk past the children’s playground and the immediate “prospect of the following eye”, i.e. the Triangle and the several Oaks hard by the redgra pitch, will be hidden by the many-layered fencing of this ‘improvement’.

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30.04.22