

[II] Evidence of 30 April 2022 to the statement of facts of 29 April 2022

by: birgit waiswa, a woman

for the public inquiry meeting COM/3263104

in regard to Tooting Common (the "Common" or the "Triangle")

at Wandsworth Townhall Wandsworth High Street, London SW18 2PU starting 7 June 2022

30 April 2022

[a] i: a woman, birgit waiswa, give this evidence to the statement of facts of i, of 29 April 2022:

i, ask questions;

i, require evidence for statements which the woman, Joanna Shearer, the man, Simon Cooper-Grundy and the woman, Valerie Selby make in their correspondence, statement of case and proof of evidence;

i, use logic to find what is true;

[b] i, state i, hereby give this evidence to witness:

[i] The absence of a response to each question i, did ask in 2021;

[ii] The absence of evidence for and the lack of logic of certain statements the woman, **Joanna Shearer** makes in her correspondence of 19 March 2021 and of 14 June 2021;

[ii] The absence of evidence for and the lack of logic of certain statements which the man, **Simon Cooper-Grundy** makes in his statement of case for the applicant of 12 April 2022 and his proof of evidence of 11 April 2022, both of which largely repeat the statements Joanna Shearer makes in 2021;

[iv] The absence of evidence for and the lack of logic of certain statements the woman, **Valerie Selby** makes in her proof of evidence of 6 April 2022, which largely repeat the statements Joanna Shearer makes in 2021;

[c] i, state by way of this evidence

i, repeat and where i, consider appropriate, refine, each question i, require a response to since the correspondence of i, of 2021;

i, repeat and where i, consider appropriate, refine, the evidence i, require for a statement which Joanna Shearer, Simon Cooper-Grundy and or Valerie Selby make in their said correspondence:

[1] How many of we, of mankind do not consent to commercial pitches

i, ask since you, did start the planning application process for the Council, what is the **total number of comments** you, did receive by we, of mankind in regard to the commercial football pitches you, plan build on the common land known as the Triangle; of said total number of comments, **how many** of we, of mankind **do consent** and **how many do not consent** to commercial pitches;

[2] Quality of access to common land

i, ask with said large commercial development on the Triangle where i, a woman recreate by way of enjoyment of the Triangle's peace and quiet, at times during dusk and evenings to enjoy one of few remaining London dark-sky areas above the Triangle and at times together with others of we, of mankind who enjoy the same peace and quiet: how do you, plan to protect the public interest to conserve the same quality of nature and the public interest to conserve the same quality of public rights of access to any area of land;

[3] Open, transparent and democratic process

[3.1] i, ask how do you, and the men and women whom we, elect to the Council to guard the property of we, of mankind, justify to ignore the will of more than 5,000 of we, of mankind who did make known to you by May 2020 that we, do not support the proposal and justify to grant planning permission on 21 May 2020 regardless;

i, state i, enclose in the statement of facts "Thousands sign to stop commercial pitches" of 16 May 2020;

[3.2] i, ask how do you, justify to favour the preference of a few who prefer structured recreation and who support the proposal over the public interest of we, thousands of mankind to conserve and recreate in nature, the public interest in conservation of the landscape and in public rights of access to the common land, the three of which include the dark sky at night above the Triangle;

[3.3] In regard to a transparent, open and democratic fashion you, state that you, commit to consult with and have regard for the interests of we, of mankind and that men and women who act as Council officers did consider all objections including the thousands of we, of mankind who did object online as "late items of Correspondence":

i, ask how is the online objection late when it was known to the officers prior to the planning application committee's meeting;

i, ask how come you, allow the planning permission process to continue at a time that for

months on end during 2020 and 2021 the two main direct communication channels in form of meetings and telephone calls not being available to we, of mankind who wish to talk with men and women council officers; can you empathise that as a consequence, we, perceive said process as not so open, transparent and democratic as you, state you, intend it to be;

[3.4] i, ask when even the man, Hector Denfield who at times acts as councillor and solicitor claims the commercialisation of the Tooting Triangle is a "done deal" at a time that i, did expect to receive a response from Naoual Margoum for the planning inspectorate and a year on from when the men and women who act for the planning application committee ignore that thousands of we, of mankind do not consent to the project, are you able to relate to the concerns that i, and we, of mankind raise with regard to due process;

i, state, i, enclose in the statement of facts the correspondence that i, did send to the man George Eustice who at times acts as Secretary of State for Environment, Food and Rural Affairs so that you, might empathise for the concern i, have in regard to the extent with which the men and women who work at any government level apply openness, transparency and democratic principles to the processes they follow in reality, in their daily work;

[3.5] i, ask do you, know what makes government lawful; what do the Commons Act 2006, the Commons Registration Act 1965 and section 12 of the Schedule to the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 have in common;

[4] Dark Sky

[4.1] i, state, on 28 June 2021 i, did hear expert Megan Eaves from the International Dark-Sky Association speak at the annual general meeting of the Tooting Common Management Advisory Committee;

i, state i, enclose in the statement of facts the TCMAC minutes of 28 June 2021;

[4.2] i, say i, and others of we, of mankind have a different perception to what Simon Cooper-Grundy states in number 6.15 of his proof of evidence about the frequency "**the Thursday booking is an evening fixture and includes the use of flood lights**";

i, say i, do not witness this;

i, ask, in reality during the last decade, how many evenings a year are the existing flood lights not only booked but in use and **for how many hours per evening a year**;

i, require evidence that one of the last dark sky areas over London is not destroyed by flood lights on the Triangle that you, propose to be in use from dusk to nine o'clock every evening for

the eight months of the year with early dusk: autumn, winter and spring;

[4.3] i, require evidence for the statement Joanna Shearer makes that the **development has "negligable effect on pollinators and insects"** in number 6e of her 19 March 2021 correspondence and in number 3 ii) of her 14 June 2021 correspondence;

i, state an increase in the use of flood lights from currently 10 to 30 evenings a year to approximately 240 evenings a year, in case the man or woman who acts as planning inspector approves the Council's application, causes **an 800 to 2,400 per cent increase in the use of artificial lighting on the otherwise dark Triangle**;

i, state evidence for the detrimental effect artificial light has on insects is for example on page 8 of the Bat Conservations Trust's Guidance Notes 08/18 "Bats and artificial lighting in the UK":

"Many night-flying species of insect are attracted to light, especially those light sources that emit an ultraviolet component or have a high blue spectral content. This is particularly a problem if it is a single light source in a dark area."

Source:

<https://cdn.bats.org.uk/uploads/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?v=1542109349>

[4.4] i, require evidence for the statement Joanna Shearer makes in number 3 (ii) of her correspondence of 14 June 2021, a statement which Valerie Selby reproduces in number 42 of her proof of evidence of 6 April 2022 **in regard to research on the effects of lighting on insects**:

"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 in 2011 [core document 28] which concluded that .. there is no evidence available to guide the need for any further measures or alternative approaches"

[4.5] i, state said statement of Joanna and Valerie **is not true and is a misinterpretation of the conclusion Buglife** in conjunction with the Institute of Lighting did publish;

[A] i, state in conclusion number 5 of the executive summary of core document 28 of Simon Cooper-Grundy of April 2022, the authors state that although further research is required, their research results prompt to a call for action already in 2011:

"A Review of the Impacts of Artificial Lights on Invertebrates", Buglife, The Invertebrates

Conservation Trust, 2011 by Charlotte Bruce-White and Matt Shardlow, an excerpt of which reads: "Action to reduce artificial light impacts is necessary and justified now. Although further research is required to fully understand the impacts artificial light on invertebrates and the environment as a whole, the precautionary principle applies and enough is known to take action now.";

[B] i, state i, enclose in the statement of facts the relevant two pages of core document 28;

[C] i, state further evidence is available since before the time the men and women who act for the Council's planning applications committee in 2019 did assess and in 2020 did grant planning permission reference 2019/4206;

[D] i, state in the correspondence of i, of 14 December 2020, i, did give evidence in the form of said "further research" that Joanna and Valerie state does not exist;

[E] i, state that already by 2019, since before the time the men and women who act for the Wandsworth planning applications committee did grant planning permission with reference 2019/4206, said further research is available:
"scientists concluded after assessing more than 150 studies that artificial light at night is another important – but often overlooked – bringer of the insect apocalypse";

[F] i, state i, enclose in the statement of facts said evidence, the article "Light pollution is key 'bringer of insect apocalypse'" by David Carrington, Environment Editor, the Guardian, 22 November 2019, excerpts of which read:
"Light pollution is a significant but overlooked driver of the rapid decline of insect populations, according to the most comprehensive review of the scientific evidence to date. ...
"We strongly believe artificial light at night – in combination with habitat loss, chemical pollution, invasive species, and climate change – is driving insect declines," the scientists concluded after assessing more than 150 studies. "We posit here that artificial light at night is another important – but often overlooked – bringer of the insect apocalypse. ...
"The evidence that light pollution has profound and serious impacts on ecosystems is overwhelmingly strong," said Matt Shardlow, the chief executive of the conservation charity Buglife. "It is imperative that society now takes substantial steps to make the environment safer for insects."

Source:

[G] i, state i, enclose in the statement of facts further evidence for the

detrimental effect artificial light has on mankind and animals, the article "The argument for switching off lights at night" by Laura Paddison, BBC Future, 20 July 2021 , excerpts of which read:

"The Sun is basically like a clock, says Brett Seymoure a behavioural ecologist at Washington University in St Louis. The reliable rhythm of night and day gives plants and animals signals for natural cycles of feeding, mating, migrating and navigating. Humans are altering this natural rhythm by flooding the world with artificial light. ...

But the light that beams from skyscrapers, office blocks, streetlights and homes doesn't just light what we need – it spills into the habitats of animals and it scatters into the atmosphere, creating a sky glow that can [extend around 150 miles](#) (241km) from large towns and cities.

In 2019, Seymoure co-authored a [study](#) that found artificial light – from street lamps and car lights to enormous gas flares from oil extraction – was a key driver of the "[insect apocalypse](#)" – the alarming decline of insect populations around the world. ...

"Every single creature that has been studied in terms of the relationship between light and those creatures' habits has found detrimental impacts," says Ruskin Hartley, executive director of the International Dark-Sky Association (IDA), the world's leading authority on light pollution. ...

That includes us. Humans may create light pollution, but we don't [escape its harmful effects](#). Artificial light affects our melatonin levels, altering our natural circadian rhythm and putting sleep patterns out of whack. Exposure to artificial light at night has also been linked to [diabetes](#), [mood disorders](#) and an [increased risk](#) of breast, prostate, and [other cancers](#).

"There are also huge intangible costs," said Paul Bogard, author of The End of Night: Searching for Natural Darkness in an Age of Artificial Light. "What do we lose when we can't walk out and come face to face with the universe?"

Source: <https://www.bbc.com/future/article/20210719-why-light-pollution-is-harming-our-wildlife>

[H] Conclusion

i, require the man or woman who at times acts as planning inspector for the appropriate national authority in determining the Council's application for consent in relation to the proposed works on common land to have regard to the public interest which includes the interest in nature conservation and which Joanna Shearer, Simon Cooper-Grundy and Valerie Selby - wilfully or negligently - disregard by way of:

[i] Misleading presentation of the fact that the proposed increase in the use of flood lights from currently ten to thirty evenings to approximately 240 evenings a year amounts to an 800 to 2,400 per cent increase in artificial light us at night on the otherwise dark-sky Triangle;

[ii] Lack of and or misrepresentation of evidence, for example in regard to conclusion number 5 of the executive summary of core document 28 of 2011 in which the authors state that although further research is required their research results prompt already in 2011 to a call for action; in addition, further evidence is available since before the time the men and women who act for the Council's planning applications committee in 2019 did assess and in 2020 did grant planning permission reference 2019/4206;

[iii] **i, state and give evidence herein that misleading presentation of facts and and lack of and misrepresentation of evidence lead to a statement that is not true;**

[iv] **i, require the man or woman who at times acts as planning inspector** to have regard for said lack of and misrepresentation of evidence and facts for the statements which Joanna Shearer, Simon Cooper-Grundy and Valerie Selby make for the Council in support of the Council's application for consent to the Planning Inspectorate;

[5] No harm from artificial turf

i, require evidence for the statement Joanna and Simon make that no harm from artificial grass comes to neither i, a woman who uses the Triangle almost every day, nor to others of mankind, nor to animals of any kind that live on the Triangle, nor to Earth's soil and plants that form the Triangle and surroundings; said evidence is to prove either that no transport of artificial turf off potential football pitches takes place by wind, rain, those of mankind who play football or in other ways and or said evidence is to prove that no harm comes to i, others of mankind, wildlife and or Earth by way of said transport of artificial grass to common land that surrounds the Tooting Triangle;

i, state i, enclose in the statement of facts a document with two articles entitled "3G Pitches: Is the UK sleepwalking into a public health crisis? and "Why 3G pitches are being ripped up in Holland over health fears";

[6] Protected wildlife, bats, insects

i, require evidence for the statement Joanna Shearer makes with regard to bats in number 6f of her correspondence of 19 March 2021, a statement which Valerie Selby repeats in 26 b vi

of her proof of evidence of 6 April 2022:

[6.1] i, ask where is the logic in Joanna's statement that the proposal would "bring about a moderately beneficial impact on bats in this part of the Common" while, at the same time she contends that one bat commuting corridor is located alongside the railway line, which is approximately five to ten meters narrow, immediately next to the buildings along the north side of the proposed development where the felling of the trees is proposed and which goes on to stretch immediately next alongside the pitch with the new proposed flood lights; and **thus, the proposed new lights as well as the drastic increase in use of said lights can only lead to the conclusion that bats would be negatively affected in case the man or woman who acts as planning inspector allows the development to go ahead;**

[6.2] i, ask where is the logic in Valeries statement around "further tree planting to "fill gaps" in the existing band of trees immediately.. east of the pitch.. 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"; when new trees are necessary to prevent light spillage to the wider Triangle, do you agree that this means, regardless of the specification of any new flood lights, without new trees the proposed flood lights spill light onto the wider Triangle and thus do negatively affect bats, insects, other animals and the dark sky of the Triangle; in this context, why do you propose to cut the canopies of existing trees along the East side of the pitch in the first place;

[6.3] i, ask where is the logic in conditions for a planning proposal, in this instance condition 5 to switch off flood lights at 9 o'clock in the evening, as Joanna states to mitigate the adverse effects the proposed development is recognised to have on mankind, fauna and nature, **when said condition can create a limited mitigation effect only for the 9 o'clock late switch off artificially mimicks short summer nights in autumn, winter and spring with respect to bats' feeding cycles that start at dusk** which occurs in the relevant darker months between 4 and 7 o'clock given bats do not hibernate fully;

[6.4] i, state the evidence for bat emergence and hibernation habit is on pages 13 and 14 of Stone, E.L. (2013) Bats and lighting: Overview of current evidence and mitigation: **"The timing of the emergence from the roost is critical as delayed emergence will reduce the amount of time available to forage at the time when the abundance of**

crepuscular insects is at its greatest. In the summer, which has short nights, any delays in feeding can reduce the opportunity to find enough food."

"Bats don't hibernate right through the winter but may wake up and go out to feed and drink on mild evenings when insects are active (Altringham 1996)."

Page 17:

"Local Planning Authorities in Scotland, England and Wales have a duty to ensure that protected species issues are taken into account as a material consideration when determining planning applications."

Source: Stone, E.L. (2013) Bats and lighting: Overview of current evidence and mitigation

https://cdn.bats.org.uk/uploads/pdf/Bats_and_Lighting_-_Overview_of_evidence_and_mitigation_-_2014_UPDATE.pdf?v=1541085191

[6.5] Conclusion

i, state, the statements that Joanna and Valerie make that "the proposals will bring about a moderate beneficial impact on bats" and that "nature conservation interests will be improved... will remain unaffected" **are not true for said statements lack evidence, logic and coherence and are hence, ambiguous;** in case the man or woman who acts for the appropriate national planning authority consents to the Council's application, i, require said evidence and that he or she has regard to the public interest in nature conservation as i, hereby state and give evidence in regard to:

The bat commuting corridor to the north of the proposed pitches will be affected;

The new flood lights will spill light to the wider Triangle area;

The new flood lights will contribute to insect decline, and in an area where bats forage;

[7] Evidence for no harm by noise

i, require evidence that commercial football pitches do not emit noise that can cause harm by stress or otherwise adversely affect neither we, of mankind who use the Common and or live in its neighbourhood nor animals of any shape or form in regard to the statements, among others, which Joanna makes in number 10 of her correspondence of 19 March 2021 and Simon makes in number 11 of his proof of evidence of 11 April 2022:

[7.1] "TFC confirm that customer behaviour will be monitored at all times and that appropriate action will be taken...TFC will also investigate an 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."

i, ask is this a threat; do you, anticipate noise levels from the commercial pitches to be so high that "local residents and users of the common" will get so stressed that we, of mankind display offensive behaviour towards users of the proposed facility;

[7.2] i, ask how is "what the Council believes and feels" relevant for a man or woman who acts as planning inspector and considers the proposal, among other factors, with regard to the noise impact the proposal would have seven days and evenings a week all year around on the Common's neighbours, users and its fauna;

i, ask where is the logic in making the statement without providing evidence around what "the Council believes and ...feels" in regard to the "relatively peaceful and tranquil" nature of the larger part of the Triangle:

i, ask how can a Council believe and feel anything;

i, ask where is the evidence that constant noise brings no harm to we, of mankind and the fauna on the common land; how about one of the main reasons that the Triangle is of said peaceful and tranquil nature is the absence of a fourteen-hour a day, seven days a week sports facility;

[7.3] Joanna Shearer states "The most recently published, and relevant DEFRA research on the issue of noise impacts on biodiversity concludes "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 "":

i, ask who writes this report, when is it published and what is the author's affiliation; is it possible that - similar to the industry-conform statements the European Chemicals Agency makes that artificial turf causes no harm to we, of mankind nor fauna and flora - that mister or missus report writer receives funding by the industry they write reports for; thus, is it possible that they experiences a conflict of interests between striving to enable commercial developments for those of mankind who wish to monetise Earth's resources for corporate gain, and striving to preserve nature for those of mankind who wish to uphold the "public interest in nature conservation";

[7.4] Simon Cooper-Grundy states that the expected noise from the proposed commercial sports facility will not be different nor worse than existing noise levels from the playing children;

i, ask what is the difference between the noise emitted by playing young school children supervised by their parents and that of sports enthusiasts who play team sports;

i, ask how is noise from trains passing infrequently comparable to noise from a fourteen-hour

a day seven days a week commercial sports facility;

i, ask how many of we, of mankind make known to appreciate the fact that the Triangle is one of the few spaces in London where no noise from cars is heard;

[7.5] Conclusion

i, state, the statements that Simon makes in number 14 and 15 of his statement of case that "the interest of the neighbourhood and therefore the most likely users of the facility and the Common more generally will be significantly enhanced... The Applicant submit that the works proposed as a whole and specifically for those for which consent under Art.12 is sought will deliver considerable benefits to the neighbourhood and to the public interest. No harm will arise" **are not true for said statements lack evidence, logic and definition and are hence, ambiguous**; in case the man or woman who acts for the appropriate national planning authority consents to the Council's application, i, require said evidence and that he or she has regard to the interests of the neighbourhood, the public interest, and the public interest in nature conservation:

i, ask in regard to Simon's statement of "No harm will arise": to whom will no harm arise;

i, require evidence that no harm comes from noise a fourteen-hour a day seven days a week semi-professional sports facility emits to those of mankind who use the common land for recreation and enjoyment of peace and quiet and those who live in the vicinity of said facility;

i, require evidence that no harm comes to we, of mankind, to fauna and flora from flood lights proposed to make nights shorter by spilling light to the wider Triangle area for three quarters of evenings a year instead of only a few and thus, make it difficult or impossible for protected species such as bats and for invertebrates to feed, reproduce and survive as shown in the evidence of i;

[8] Funding to improve existing facilities

[8.1] i, state, in the correspondence of i, of 14 December 2020 i, require the man or woman who acts for the Planning Inspectorate to direct those of mankind who act for Wandsworth to make post-due improvements fast to the Tooting Triangle area by way of draining the recurrent floodings and by refurbishing the Balham Boxing and Youth Club;

Joanna Shearer states on the second page of her correspondence of 14 June 2021 that "the Council's view is [to provide the proposed facilities through a private company as] most cost effective, and in current circumstances only, way of providing much needed improved facilities";

i, state i, enclose in the statement of facts the Dun & Bradstreet Wandsworth Borough Council Company profile which evidences that Wandsworth Council is a parent company with

an annual revenue of United States Dollar 1.04 billion; several subsidiary companies have two figure million annual revenues such as for example Wandsworth Adult Social Services with \$38.84 million and Her Majesty's Prisons H M P Wandsworth with \$23.62 million; i, state all can be found on www.dnb.com ;

[8.2] i, state, the Council collects council tax from we, of mankind who live on the land where we, allow the men and women who act for the Council to "set up tent" by way of buildings and a governance structure,

i, ask, seen the annual revenue of Wandsworth group companies, what does Joanna mean when she states that "in current circumstances" the only way is through a private company to provide much needed improved facilities such as to build public toilets, a cafe, refurbish some buildings inside and out and work together with Thames Water to solve the flooding problems around the Triangle area since decades;

i, ask where does the money go, the billions of annual revenue Wandsworth generates;

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