

Merton Council

Cabinet Agenda

Membership

Councillors:

Stephen Alambritis (Chair)
Mark Allison
Nick Draper
Andrew Judge
Linda Kirby
Edith Macauley
Maxi Martin
Martin Whelton
Judy Saunders

Date: Monday 9 December 2013

Time: 7.15 pm

**Venue: Committee rooms B, C & D - Merton Civic Centre, London Road,
Morden SM4 5DX**

This is a public meeting and attendance by the public is encouraged and welcomed.
For more information about the agenda please contact
democratic.services@merton.gov.uk or telephone [020 8545 3361](tel:02085453361).

All Press contacts: press@merton.gov.uk, 020 8545 3181

Cabinet Agenda

9 December 2013

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It is anticipated that the following reports will also be considered at this meeting –

- Financial Monitoring – October 2013
- Business Plan 2014-18

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

CABINET

11 NOVEMBER 2013

(19.15 - 19.55)

PRESENT Councillors Stephen Alambritis (in the Chair), Mark Allison, Nick Draper, Andrew Judge, Linda Kirby, Edith Macauley, Maxi Martin, Judy Saunders and Martin Whelton

Ged Curran (Chief Executive), Caroline Holland (Director of Corporate Services), Simon Williams (Director of Community and Housin), Chris Lee (Director of Environment and Regeneration), Yvette Stanley (Director of Children, Schools and Families), Tom Procter (Service Manager - Contracts & School Organisation), David Keppler (Head of Revenues and Benefits), Fiona Thomsen (Head of shared legal services) and Colin Millar (Democracy Services)

ALSO PRESENT Councillors Iain Dysart, James Holmes, Oonagh Moulton, Peter Southgate and Peter Walker.

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

None

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

None

3 MINUTES OF THE MEETING HELD ON 21 OCTOBER 2013 (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 21 October 2013 are agreed as a correct record.

4 PROVISION OF SECONDARY SCHOOL PLACES TASK GROUP - FINAL REPORT AND RECOMMENDATIONS (Agenda Item 4)

RESOLVED:

A. That Cabinet endorses the report arising from the scrutiny review of the provision of secondary school places, attached as Appendix 1 to the report.

B. That Cabinet agrees to submit an Executive Response and Action Plan to the Children and Young People Scrutiny Panel at their January 2014 meeting outlining their response to the report and decision taken regarding the recommendations made, including actions to be taken to implement the agreed recommendations.

5 SCHOOL PLACES STRATEGY (Agenda Item 5)

RESOLVED

1. Cabinet notes the current position on demand and supply of school places and agrees the contents of this report as the council's current school places strategy, and specifically:
2. That the council reviews the position on specific supply and demand of primary school places over the next 18 months and beyond before committing to any further expansion in permanent accommodation beyond the 21 forms of entry increase already being progressed
3. That officers progress the direction of travel for secondary and special school expansion outlined in paragraphs 2.26 and 2.30 of the report.

6 HOMELESSNESS CHANGE PROGRAMME - BUILDING IMPROVEMENTS TO 8 WILTON ROAD HOSTEL (Agenda Item 6)

RESOLVED:

4. That Cabinet notes the proposed improvement options for the council-owned homeless hostel at 8 Wilton Road presented in section 2.3 of this report, and agrees to build a new Annexe as part of the hostel improvement project.
5. Cabinet notes the funding options as set out in 2.7 of the report, and agrees to fund the entire improvement project cost of £530,000 from the Section 106 Housing funding pot, but that delegated authority be granted to the Director of Corporate Services, in consultation with the Director of Community and Housing and the Cabinet Member, to approve any amended option using GLA funding should the GLA agree to more reasonable funding conditions.

7 CHANGE TO COUNCIL TAX SUPPORT SCHEME (Agenda Item 7)

RESOLVED

That Cabinet agrees to the uprating changes for the 2014/15 council tax support scheme detailed in the report in order to maintain low council tax charges for those on lower incomes and other vulnerable residents

8 ADOPTION OF MERTON'S COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE (Agenda Item 8)

RESOLVED:

That Cabinet recommends that the Council adopts Merton's Community Infrastructure Levy Charging Schedule and that Merton's CIL is applied to the relevant new developments from 01 April 2014.

9 REFERENCE FROM SUSTAINABLE COMMUNITIES SCRUTINY PANEL - CALL IN OF DECISION TAKEN ON MERTON PRIORY HOMES REGENERATION PROPOSALS (Agenda Item 9)

RESOLVED:

That the Cabinet thanks the Scrutiny panel for their comments and will take this matter forward in accordance with item 10 of this agenda.

10 MERTON PRIORY HOMES ESTATE REGENERATION PROJECT (Agenda Item 10)

The Cabinet noted that a report requiring substantive decisions was expected to be brought in June/July 2014.

11 FINANCIAL MONITORING - SEPTEMBER 2013 (Agenda Item 11)

RESOLVED:

A. That Cabinet notes the financial reporting data relating to revenue budgetary control, showing a forecast underspend at year end of £954k (which is 0.58% of the gross Council Budget) after allowing for a £418k transfer to the Capital Programme

B. That Cabinet notes the four schemes being re-profiled detailed in Appendix 5b and the Current Capital Programme as detailed in Appendix 5a.

C. That Cabinet notes current progress to date on savings.

D. That Cabinet notes the update to the use of reserves

E. That Cabinet notes the update to Customer and Client Receipts

F. That Cabinet notes the Cash Flow Statement

G. That Cabinet notes the Key Strategic Risk Register as at September 2013 and approves the removal of the following four items:

- KSR 51 – Supply Chain Failure - One of Merton's key delivery partners or sponsor goes in to administration – Risk Ranked as 2
- KSR 52 - Data quality of management information - Failure to provide accurate performance data – Risk Ranked as 2
- KSR 57 - Agency staff - Use of agency staff following changes to employment rights – Risk Ranked as 2
- KSR 59 - Business rates - Localism agenda - review of business rates Inc. discretionary reliefs – Risk Ranked as 2

12 BUSINESS PLAN 2014-18 (Agenda Item 12)

RESOLVED

That Cabinet agrees the proposed amendments to savings and incorporates the financial implications into the draft MTFs 2014-18

13 ALLOCATION OF S.106 CONTRIBUTION TO 19TH WIMBLEDON SCOUTS HUT PROJECT (Agenda Item 13)

RESOLVED:

That Cabinet authorises the allocation of a £60,000 S106 contribution to the 19th Wimbledon Scouts Hut project in keeping with the S106 agreement associated with the redevelopment of the Atkinson Morley Hospital site as detailed in the body of this report.

14 EXCLUSION OF THE PUBLIC (Agenda Item 14)

The exempt information was not discussed and the public were not excluded.

(a) ALLOCATION OF S.106 CONTRIBUTION TO 19TH WIMBLEDON SCOUTS HUT PROJECT - EXEMPT APPENDIX (Agenda Item 14a)

The exempt information was not discussed.

Committee: Cabinet

Date: 9 December 2013

Agenda item:

Wards: The recreation ground is located in Dundonald ward

Subject: Dundonald Recreation Ground – Appropriation of land to enable expansion of Dundonald Primary School

Lead officers: Yvette Stanley, Director of Children Schools and Families

Chris Lee, Director of Environment and Regeneration

Lead members: Councillor Martin Whelton, Cabinet Member for Education

Councillor Andrew Judge, Cabinet Member for Environment and Sustainability

Contact officers: Tom Procter, Service Manager, Contracts and School Organisation

Doug Napier, Greenspaces Manager

Recommendations:

- A. For Cabinet to decide, for the purposes of section 122 of the Local Government Act 1972, that the open space shown in appendix 1 forming approximately 2,578 square metres of Dundonald Recreation Ground is no longer required for the purposes for which it is currently held and may be used instead for the following purposes to allow the enlargement of the Dundonald Primary School:
 - B. Approximately 579 square metres (coloured green and blue) for building and outside space to transfer to become permanently part of Dundonald Primary School.
 - C. Approximately 147 square metres (coloured amber) to provide a replacement two storey recreation ground pavilion which will remain under the control of the Greenspaces team for the primary purpose of changing facilities, toilets and a social space for the recreation ground but may at certain times have a more flexible use.
 - D. Approximately 1,852 square metres (coloured yellow) for tennis courts and/or a multi-use sports area which will remain under the control of the Greenspaces team but the school will have exclusive use at set times as set out in a Community Use Agreement that is underpinned by a Unilateral Undertaking.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The expansion of Dundonald Primary School is not feasible on its existing site and the council has for some time proposed a scheme that it considers will provide improved recreation ground facilities as well as the much-needed additional school places.
- 1.2. The main basis of the council's proposal is to provide a two storey building on the recreation ground for a school extension and replacement pavilion facilities, ensuring no more building footprint than is the current position.

- 1.3. Due to the building of a non-leisure facility on the recreation ground, the transfer of 296 square metres of external space to Dundonald Primary School, and the need to clarify for the long-term the arrangements for enlarged tennis courts/multi sports area and the pavilion, it is necessary to follow a legal procedure set out in section 122 of the Local Government Act 1972 known as 'appropriation'.
- 1.4. The report sets out the specific proposal in the council's notice, the representation received, the council's legal comments in relation to this, and its conclusion when taking into account these representations.
- 1.5. Following this procedure it is recommended that appropriation proceeds but there is a need to clearly distinguish between an area of land permanently transferring to Dundonald Primary School, and the area where there is a formalising of use by the school under the overall management of the council's Greenspaces team.
- 1.6. In particular, only 579 square metres (approximately 1% of the recreation ground) is actually being transferred to the school, and when the efficiencies of a two-storey pavilion building is taken into account the only permanent loss of external space to the recreation ground is the 296 square metres (0.66% of the recreation ground) transferred to Dundonald Primary School
- 1.7. Appendix 1 and 2 of the report shows the changes in space proposed in the area of the recreation ground immediately adjacent to Dundonald School.

2 DETAILS

- 2.1. The expansion of Dundonald Primary School was first proposed in autumn 2010 when the council undertook a consultation on its primary school expansion strategy with proposed schools named.
- 2.2. Dundonald School had been proposed as it meets all the key criteria for expansion. It is a popular and successful school. In its most recent Ofsted inspection (2009), it was rated outstanding and performance data since then shows it has maintained this level. The school has been heavily over-subscribed for its 30 places such that the maximum distance for a non-sibling place has decreased to barely 200 metres in recent years. Even with other recent school expansions in the local area such as Wimbledon Chase and Pelham Primary School, there are issues relating to the availability of a local school place for residents in the area around Dundonald Primary School.
- 2.3. The expansion of the school has been delayed by legal processes, but now that the restrictive covenant has been modified to enable the expansion to proceed, and the planning permission decision notice was issued on 28 November 2013, Cabinet can decide on the two remaining legal matters. The school's expansion under the Education and Inspections Act 2006 is a separate report to this Cabinet. This report relates to the Land Appropriation under section 122 of the Local Government Act 1972.
- 2.4. A summary of the scheme and its impact on land on Dundonald Recreation Ground is as follows:

- Provide a two storey new facility largely on the recreation ground, providing new pavilion facilities for the recreation ground and the extra facilities to allow Dundonald Primary School to expand from 210 to 420 statutory school places.
- Use the same amount of building footprint as existing buildings on the recreation ground as both the single storey pavilion building and a storage shed would be removed and returned to open space.
- Change the external spaces in the recreation ground, replacing the bowling green and an adjacent fenced off area which is also poorly utilised and instead provide alternative spaces that could be enjoyed by residents more widely. The bowling green was previously only used by a single bowls club with a small membership where there was capacity to accommodate them elsewhere locally. The alternative spaces include a larger children's public playground, an outside green gym, larger hard courts (three tennis courts instead of two) which will be formally used by the school during set hours only) and other fully accessible newly landscaped external space in the recreation ground. An external area of 296 square metres will be passed to the school for playground and access to the building.

2.5. **Notice published by the council**

- 2.6. To enable this the council published a notice in the Wimbledon Guardian on 3 and 10 October under section 122 of the Local Government Act 1972 with a closing date for any objections to be made in writing to the council's solicitor before 24 October 2013. The notice was also placed on noticeboards in the recreation ground. The notice and plans were advertised on the council's website and this is provided in appendix 3 to this report.
- 2.7. The notice stated the council's intention to appropriate approximately 2,578 square metres of "land lying south-east of, and adjacent to Dundonald Primary School, Dundonald Road, London SW19" on Dundonald recreation Ground for the purposes of the enlargement of Dundonald Primary School. The details of this were stipulated that "approximately 579 square metres thereof is to be appropriated for the exclusive use of the school to provide additional building and facilities. Of the remaining 1,999 square metres, 147 square metres thereof will be appropriated to provide a replacement recreation ground pavilion, and 1,852 square metres for tennis courts and/or a multi-use sports area of which the school will have exclusive use at set times".
- 2.8. **Consultation responses.**
- 2.9. 329 objections and 44 representations in support were received in response to the council's notice.
- 2.10. A summary of all 373 responses is provided in appendix 5 and the actual consultation responses are available to the decision makers. There were levels of misunderstanding with regard to the council's proposal in some of the responses which are addressed in the officers' response. The most extreme was one person who stated "It will be a real shame to lose this beautiful space. I really don't want to see it turned into a block of flats."

Generally, though, the responses indicate that consultees understood the nature of the council's proposals.

- 2.11. The following objections were made regarding the perceived specific impact on the council's appropriation with regard to loss of facilities at the recreation ground:

Comments on Specific loss of facilities:

Tennis courts

- The tennis courts are used on a casual basis each week by many hundreds of people, as well as the 227 members of the Dundonald Rec Tennis Club.
- The tennis courts are packed and everyone has noticed the incredible success of the new Dundonald Tennis Club. Apart from the darkest of winter days, the courts are in almost constant use
- To take away the tennis courts on the back of the Olympics is ridiculous
- This is a significant restriction on what is now available in the area of the courts, playground and bowling green
- The planned replacement courts would be out of bounds for most of the daylight hours during term time so stopping this important activity
- Where will the Dundonald Tennis Club go?

Dundonald Tennis Club provided a detailed response which included a report dated 7 January 2013 "Dundonald Recreation Ground Tennis Courts: How the reduction in public access will affect local demand for tennis". Their response stated that 247 members use the tennis courts during week days and week ends all year round and that more than 1000 children are benefiting from their 'Olympic Legacy' programme and without full access to the courts the programme will have to stop. Their response stated that the courts are used by the club for 53 hours per week, with a breakdown as follows: Monday to Friday (8am to 6pm), coached sessions (18 hours per week), competitive matches (4 hours per week), informal games 10 hours (average). On Saturdays and Sundays they stated it was coached sessions (7 hours per week), competitive matches (6 hours per week), informal games 8 hours (average). They reported a survey of their members stating that 42% play during weekday mornings and 25% play weekday afternoons.

Playground activities

- This is a significant restriction on what is now available for the playground
- The public playground is newly renovated and used by a large number families as it is the only public playground in the immediate area. Any changes to this area will have an enormous impact on the health and well-being of the local community, especially families with young children

Impact on football and cricket matches

- Football and cricket would no longer be possible in the recreation ground

Other impact on general activities in the recreation ground

- cycling including children learning to cycle,
- keep fit including for people who cannot afford gym membership

- picnics and birthday parties
- walking including dog walking, nature walks, walking the baby and toddlers exercise
- Other sports facilities fill up this park e.g. rugby, volleyball, ultimate Frisbee
- personal training sessions and joggers,
- families enjoying the outdoors.
- enjoyment of the peace of the rose garden will be shattered if the playground is moved.

Bowling green

- The bowling green is a facility which has been available for over 100 years and will be a big loss to the community - an important facility for older members of the community will be removed.
- The bowling green has been increasingly used by the new bowling club despite the council no longer maintaining it.

Loss of pavilion facilities

- Loss of the pavilion and replacement with a much smaller facility with inferior facilities and community space on an upper floor requiring lifts and divorced from the playing areas. The pavilion is used for mum and toddler sessions and on Wednesday evenings by an orchestra

General comments

- There is not a blade of grass that is unused, so I cannot see how any part of the park can be appropriated. It is important for the local community to have as much open/green spaces as possible.
- There is no need for the school expansion- the demand for extra places is elsewhere
- Object as it would increase the built up feel of the Rec., impacting on the vista and tranquillity the park offers
- A recent Merton Open Spaces Assessment found that the land 'is not surplus' to requirements in the borough
- What alternative sites are in mind for when the scheme is ruled out? Why not incrementally expand on a smaller scale all the other 15 schools within a 2 mile radius of Dundonald?
- Noise nuisance
- Loss of mature trees
- Impact on conservation areas;
- likelihood of increased parking and traffic congestion will affect many locals
- Concerned that this initial land grab will be followed by further appropriations.
- The Rec is a public amenity that gives pleasure to thousands of people.
- It is used by considerably more people in the local community than the number who may benefit from any proposed school expansion.
- The area is deficient in public open space, some parts being more than 800m from a public park or garden. Many local dwellings are flats or houses with

small gardens. Consequently it should be the last open space to be reduced in size.

- The construction period will be extremely disruptive.
- Currently just enjoy sitting on a bench and contemplating nature/in the summer resting on the grass
- Object as it is a public space and it is not appropriate for the Council to take this land.

The 'Protect the Rec' group stated that there is no evidence that the land is surplus to requirements as all the evidence suggests that the public currently uses the land extensively for recreation. Their response listed evidence from LB Merton's documents including the council's planning committee report, its Open Spaces Strategy and its Sports Pitch strategy, and other sources. They stated that Merton can have no awareness of the level of use of the general use of the park or the courts as there is no mechanism for booking the courts, and suggested they had some evidence that the tennis courts were used extensively. They provided some legal advice which is contained in the legal section of the report.

44 letters of support were provided for the council's notice. Some of these responses questioned some of the claims that had been made in distribution material they had received in opposition to the council's proposal, including claiming that Dundonald Tennis Club had only formed following the council's proposal to expand Dundonald Primary School "as a front to stop the expansion". Specific reasons given for supporting the school expansion were as follows:

- It is needed to expand the school to be able to obtain a local school place
- We would like an extra tennis court that could be free from any club access to allow children in the community to play
- The community will benefit from new facilities such as a new pavilion and a new playground

Officers' comments on the consultation responses

2.12. Offices' comments under the relevant headings are as follows:

Tennis courts

2.13. As a result of the scheme there will be an increase in the number of tennis courts from two to three courts. The courts will remain under the management of the Greenspaces team but, as part of the planning application agreement, a Community Use Agreement underpinned by a Unilateral Undertaking sets out reserved use by the school for the majority of the school day. There has been some disagreement over how this compares with the current use with some members of the community claiming that Dundonald Primary School only use the courts for 1-2 hours per day despite signs having been in the recreation ground for some years stating the courts are only available for the public outside school hours. The split in use in the Community Use Agreement is as follows:

School use shall be term-time on Monday to Friday between the hours of 08:00 and 17:00 hours except for the following times during these hours when it will be available for general public use:

Autumn term (September to December) and Spring term (January to late March/early April): Monday to Friday 09:00-10:00 ; Mondays, Wednesdays & Fridays 15:45-17:00

Summer term (April to July): Mondays, Wednesdays & Fridays 09:00-10:45 and 15:45-17:00; Tuesdays and Thursdays 09:00-10:00 and 13:45-15:15

- 2.14. The scheme offers an additional court for the majority of the hours that the recreation ground is open once daylight hours, evenings in the spring and summer months, school holidays and weekends are taken into account. School days are only 190 of the 365 days in the year and non-school hours are the times when there is most demand
- 2.15. The view of the Greenspaces team is that the demand for tennis courts is far greater at the weekends and in summer evenings, and there is spare capacity for tennis courts during weekdays including at John Innes Park, which is approximately 600 metres from Dundonald Recreation Ground. During the peak times of spring and summer evenings and weekends, the extra court will provide beneficial additional capacity. Some public use hours during the school day have been agreed in the Community Use Agreement to ensure that there can be some clearly advertised public use during the school day, so there can be no doubt when the general public will be able to use the courts.

Bowling green

- 2.16. The bowling green ceased to be maintained in autumn 2012 with the only incumbent club, Wandgas Bowling club, only having 13 members and it was not economic to continue its maintenance. The club members were offered the use of the neighbouring John Innes Park where there is spare capacity. There has been some claim that there has recently been a resurgence of interest in bowling with the establishment of a new 'Dundonald Bowling Club'. However, there is no evidence that there is any interest that is sustainable and the bowling green is no longer needed by the council to provide a viable leisure facility. Any enquiries received by the council for bowling facilities could be directed to other bowling greens in the local area where there is sufficient capacity.

Playground activities

- 2.17. There were some misunderstandings here. For example one person stated "If you remove public access, children won't have a playground." As a result of the scheme the playground is being moved but it will be larger so will provide an improved facility. There were representations that moving it closer to residents' gardens would create more noise but this is a planning consideration, not one for the appropriation procedure.

Impact on football and cricket matches

- 2.18. Some representations claimed that the appropriation would impact adversely on football and cricket matches. For example one person said "I use the Rec to play football on Sundays. If public access were removed we would have to fold the team and stop playing." However, this is a misunderstanding as none of the grass sports field is being removed or changed.

Other impact on general activities in the recreation ground

- 2.19. Some representations implied that a variety of activities would be impacted due to the appropriation. This included cycling, keep fit, picnics, walking including dog walking, general informal sports, and generally enjoying the outdoors including the peace of the rose garden.
- 2.20. The only loss of facility as a result of the proposed change is the loss of the bowling green which has already fallen into disuse and alternative facilities are in any event available close by. The tennis court changes are described in paragraphs 2.13 to 2.15. None of the above activities will be adversely impacted, with the one possible exception that the perimeter of the recreation ground will change with one path closed off, but another will be put into place which will open up a direct route from the rose garden to the rest of the recreation ground rather than be hidden by the existing pavilion. Consequently, there will be some loss of amenity but also some gain.

Loss of pavilion facilities

- 2.21. Some residents stated that the replacement pavilion will be a much smaller facility with inferior facilities and community space on an upper floor requiring lifts and divorced from the playing areas. However, others welcomed a new modern facility that would be more fit-for-purpose.
- 2.22. Although there will be a reduction from six to four changing rooms, plus officials changing area, only four are needed to be economic and the four will be a larger size to accommodate football squads whereas the six current changing rooms cannot. The council has agreed with Sport England that it will provide appropriate lockers/storage to ensure that the three football pitches will continue to have the same quantity of utilisation as now with enlarged changing facilities designed to fit a full football squad available before and after matches.
- 2.23. A social facility will be provided. While it will be on the first floor it will have a fully accessible lift and will have views directly onto the playing field so that the sports activities can be viewed. This will be especially beneficial during inclement weather.
- 2.24. Fully accessible public toilets will be provided in the pavilion facility and they would be specified to be of a robust design, thus reducing the times when they are closed compared to now.
- 2.25. On balance, the proposed replacement pavilion is therefore considered to be an enhancement compared to the current facility.

General comments from residents

- 2.26. The general comments made were development control matters rather than land appropriation. Some respondents recognised the extra facilities as a result of the reconfiguration with a specific picnic area and an outside green fitness gym. The need for the school expansion is covered in another report for this Cabinet meeting
- 2.27. With regard to council documents stated as evidence in the representation from the 'Protect the Rec' group, documents quoted also support the council's proposal :
- the Playing Pitch Strategy states: "There is little latent demand for bowls in the borough.. .."there is little competitive use of the

Dundonald green, and the retention of this green may be difficult to justify in terms of value for money.” (p.113).

- the Playing Pitch Strategy states that the changing rooms at Dundonald are acknowledged by teams to be poor
- The Playing Pitch Strategy states that gym is the overall favourite sport in the borough, thus supporting the changes to provide a free ‘green gym’ for people of all ages to provide a benefit for healthy living.

2.28. Prior to completion of this report, the council received a Petition from Dundonald Rec Sport Committee with over 400 signatures to “Save Dundonald Rec Pavilion and Tennis Courts”. The Petition states “As players of football/cricket /tennis/bowls and/or a user of the pavilion in Dundonald Recreation Ground, we call on Merton Council to abandon its plans to appropriate the sports pavilion, tennis courts and bowling green land. Merton Council is planning to remove 2,578 square metres of land in Dundonald Rec from public use, including the sports pavilion (the changing rooms and toilets) land, the tennis courts and bowling green. The entire area will be transferred to the nearby school, therefore no longer part of the public Recreation Ground. This appropriation would have a detrimental effect on the sporting activities of thousands of sport players. It would particularly endanger the Olympic Legacy programme run by Dundonald Rec tennis club (registered tennis charity) for the benefit of children and young players. Dundonald Rec Sport Committee (DSC) has been formed to represent and protect the interests of all the teams and other users of Dundonald Rec's sporting facilities. DSC aims to ensure that Merton Council delivers a good standard of public sports facilities, fully accessible to all users”.

2.29. Officers’ view is that the statement accompanying the petition does not accurately reflect the proposal from the council including the wording in the published notice. This is because the only area of land that will permanently become part of Dundonald Primary School is approximately 579 square metres as shown coloured green and blue on the plan appended to Appendix 1 of this report, which can be compared with the existing detailed in Appendix 2. It is also considered that some of the details provided in this report will clarify some of the misunderstandings that appear in the wording of the petition.

Legal considerations.

Judicial review

2.30. A judicial review has been brought by the chair of the group Protect Dundonald Rec challenging the council’s decisions “to lock the entrances to the bowling green area and to erect two signs on Dundonald Recreation Ground, on the perimeter of the bowling green area and on the perimeter of the tennis court area”. The council has lodged summary grounds of opposition to the claim and a decision of the Administrative Court is awaited as to whether permission should be granted for the claim to proceed

Legal matters raised in representations

- 2.31. In their response to the council's notice the 'Protect the Rec' campaign group claimed that there is no provision in the Local Government Act for a countervailing factor to allow the Council to consider whether the land is required more for something else. If it is required for its current use then it would be unreasonable to appropriate and such a decision would be challenged in court or through the LGO. They claim that the legal test for appropriation is whether the land is not needed, in the public interest of the locality, as public open space. In other words, it has to be in the community interest for the public open space to be lost: there is no provision for the appropriating authority to consider whether an alternative use is more in the public interest than the proven existing use. Such a consideration would therefore be irrelevant to the decision. They suggested that appropriation cannot be used to over-ride the public rights where the public objects and that Cabinet should therefore be advised that appropriation is not legally permissible.
- 2.32. A procedural complaint from another representation stated that the (land appropriation) consultation started on 3 October, the last day for responses to the previous (education law) consultation on the principle of expanding Dundonald School. This means that the Council had no intention of assessing or publishing the responses to the September consultation. In fact, the council decided that they were separate legal processes that could overlap but to avoid confusion on how to treat representations, the land appropriation consultation started immediately after the education consultation.
- 2.33. A further procedural complaint was that the council notice wasn't sufficiently clear on what was the exact last day for responses. However, all responses were included to ensure there was no doubt.
- Legal officers' advice
- 2.34. The advice of the Head of Legal Services is as follows: Section 122 of the Local Government Act 1972 provides that "the Council may appropriate for any purpose which the Council is authorised by statute to acquire land by agreement any land which belongs to it and is no longer required for the purpose for which it is held immediately before the appropriation".
- 2.35. The key procedural points are;
1. The land must already belong to the Council;
 2. The land must be no longer required for the purpose for which it is currently appropriated; and
 3. The purpose for which the Council is appropriating must be authorised by statute.
- 2.36. The case of *Dowty Boulton Paul v Wolverhampton Corporation* (1973) established that the local authority is the sole judge of whether or not the land in question is not required for the purpose for which it is held immediately before the appropriation and its decision cannot be challenged in the absence of bad faith.
- 2.37. As with most administrative decisions made by public authorities, the decision to appropriate land is subject to challenge by judicial review. If

private rights or alleged town and village green rights are to be overridden the Council must be especially careful. The council must be able to demonstrate the purpose for the appropriation and that it has taken all the relevant considerations into account and not taken any irrelevant considerations into account. In particular, the Council must consider, having regard to the proposed new facilities for park users, and in the light of the representations made following the consultation exercise, whether that part of Dundonald Recreation Ground to which the proposed appropriation relates, is no longer required for the purposes for which it is presently held.

- 2.38. The Council's decision must be based on the available evidence and be rational in the sense that it cannot be said that no reasonable local authority could, on the evidence before it, have arrived at that decision: *Associated Provincial Picture Houses Ltd v Wednesbury Corporation* (1948) 1 KB 223).
- 2.39. The proposal to appropriate must be the subject of a comprehensive report and decision record or minute. The minutes should show that the land is not currently appropriated for planning purposes and the Council intends to formally appropriate the land under s.122 of the Local Government Act 1972 or that the land is currently held for planning purposes and the Council intends to appropriate the land for alternative planning purposes.
- 2.40. As s.122 is being utilised the minutes must record any resolution that the land is no longer required for the purpose for which it is currently appropriated. In addition, the advertisements in accordance with s.122 (A) in respect of open space must give clear information and refer to the intended appropriation, and the Council's minutes must then record that any objections received have been duly considered.

Concluding officers' comments

- 2.41. The representation period demonstrated strong feelings from members of the community against the land appropriation proposal, but also there were, unusually for such a process, a strong minority of people who made representations that the council should pursue its proposal.
- 2.42. The view of the Greenspaces manager was that retaining the bowling green was no longer a reasonable or sustainable use of council funding, hence the decision to cease to maintain the facility from autumn 2012. It is now a poorly used isolated space compared to the recreation ground, and the proposal provides spaces that can be enjoyed by residents more widely. This includes a larger children's public playground, an outside green gym, three instead of two tennis courts (to be used by the school during the majority of school hours only) and other outside external space to enjoy.
- 2.43. As well as the above, the original purpose for the proposal is that the council will be able to offer residents an additional 210 local school places in an area of significant demand at one of its most popular and successful primary schools, rated as 'Outstanding' by Ofsted.
- 2.44. The legal considerations above demonstrate that it is for the council to decide when it is appropriate to decide an area should change its use from open space to other purposes under the appropriation procedure, and

attempts by some members of the local community to demonstrate that the general park is well used is not the sole consideration.

- 2.45. The proportion of space in relation to the recreation ground also needs to be considered. The headline is that this is approximately 2,578 square metres of Dundonald Recreation Ground (the total recreation ground is approximately 45,000 square metres so this is just under 5%. However, the detail of this 2,578 square metres is as follows:
- a) Approximately 579 square metres of footprint for building and outside space to transfer to become permanently part of Dundonald Primary School.
 - b) Approximately 147 square metres of footprint to provide a replacement two storey recreation ground pavilion which will remain under the control of the Greenspaces team for the primary purpose of changing facilities, toilets and a social space for the recreation ground but may at certain times have a more flexible use.
 - c) Approximately 1,852 square metres of footprint for tennis courts and/or a multi-use sports area which will remain under the control of the Greenspaces team but the school will have exclusive use at set times.
- 2.46. Therefore the only area permanently transferring from the management of Greenspaces is 579 square metres (approximately 1%), and it is open to debate regarding whether the remainder is simply formalising current practices. The consultation demonstrated differences of opinion regarding current use of the tennis courts, and whether recent more intensive use by Dundonald Tennis Club in the months leading to the appropriation notice would be sustained.
- 2.47. When the area of the tennis courts is not included, the actual loss of open space is even less than 1% since, because the new pavilion is two storey and more compact, the building footprint on the recreation ground will be no more than it is currently so the only loss is the 296 square metres of external space that is being transferred to the school. This represents just 0.66% of the recreation ground. The improved layout leads officers to conclude that the new position is an enhancement.
- 2.48. There is a need for the council to demonstrate to the local community that the loss is not the entire 2,578 square metres, and to ensure that public use of the tennis courts is protected. For this reason, as part of the planning permission the council is providing a Unilateral Undertaking to ensure sufficient public use of the tennis courts/multi-use sports area and the pavilion is enshrined in a legal agreement.

3 ALTERNATIVE OPTIONS

- 3.1. There is a statutory requirement to provide sufficient school places and the area has been identified as having a shortfall in the provision of places. The alternative is then to expand alternative schools or provide a new school site. Dundonald School was chosen as part of the council's school expansion strategy on the basis of the following criteria: Educational standards, parental preference, smaller schools expand where feasible,

location, physical constraints of existing school sites, value for money and affordability and diversity including balance of faith and non-faith provision

- 3.2. All alternative schools that could be expanded in the local area have already been expanded yet there are still significant issues for residents around Dundonald Primary School to obtain a local school place. Attempts to find a viable site for a new primary school in the local area have not proved possible by either the council or a Free School provider.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. The consultation process is set out in the main body of this report

5 TIMETABLE

- 5.1. The proposal is for Dundonald School to provide 60 reception year places from September 2015, and to commence construction to enable this timetable.
- 5.2. There is a requirement to spend the DfE grant allocated to the project in the 2013/14 and 2014/15 financial years .

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The capital cost of the schemes and funding was agreed by council as part of the capital programme in March 2013 and has been facilitated by a DfE grant of £2.01 million under the Targeted Basic Need Fund.
- 6.2. The revenue impact to operate the larger schools will be funded through the Dedicated Schools Grant, which increases on the basis of additional pupils, although there is a delay in receiving the funding for the additional pupils and it is not retrospective. This is the position whichever school is expanded
- 6.3. The proposal has property management implications that are covered in the main body of the report.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Section 122 of the Local Government Act 1972 provides that the Council may appropriate for any purpose which the Council is authorised by statute to acquire land by agreement any land which belongs to it and is no longer required for the purpose for which it is held immediately before the appropriation.
- 7.2. Full legal and statutory implications of the appropriation of part of Dundonald Recreation Ground and the procedures involved are set out in paragraphs 2.39 – 2.40 of this report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. The Equality Act 2010 introduced a new Public Sector Equality Duty ,which came into effect in April 2011.This covers eight ‘protected characteristics’(age, disability ,gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation). It establishes a general duty on public bodies to have ‘due regard’ in carrying out its functions to the need to:

- eliminate unlawful discrimination, harassment and victimisation:

- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it ;and
- foster good relations between people who share a protected characteristic and those who do not.

8.2. In making any decision the decision maker should have due regard to the above duty.

8.3. An equalities impact assessment is included as appendix 4 to this report

9 CRIME AND DISORDER IMPLICATIONS

9.1. No specific implications

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. Some of the legal issues in relation to this scheme are highlighted in the main body of the report.

10.2. Health and safety would be considered carefully in the development of the project to ensure there will be a clear separation between pupils, teachers, parents, recreational ground users and construction work, while ensuring the school and recreation ground can continue to function appropriately during the works

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1 – Plan of areas showing the proposed appropriation areas
- Appendix 2 – Plan of existing areas
- Appendix 3 – Appropriation notice and accompanying plans published on council’s website
- Appendix 4 – Equalities Impact Assessment
- Appendix 5 - Summary of all 374 responses to the appropriation notice

12 BACKGROUND PAPERS

12.1. The full 374 responses are available to the decision makers

12.2. Cabinet paper 19 September 2011 on Dundonald School expansion

12.3. Cabinet paper 11 November 2013 on School Places Strategy

Appendix 1

Proposed area of appropriation overleaf

Please refer to recommendations to Cabinet report for status of areas

Key:

- 296m² Area transferred to school external space.
- 190m² Foundation Play
- 106m² New Building / MUGA access

283m² Additional School building on Recreation Ground land (566m² over 2 floors).

147m² Replacement Pavilion (284m² over 2 floors).

Note: Total footprint of new building is 430m².

- 1852m² Tennis Courts / Multi Use Sports Area
- School use only during set hours.
- Public use other times.

2576m² Total

- Existing structures to be demolished with 43m² land to become Public Open Space.
- 19m² Storage Sheds
- 412m² Existing Pavilion



Worthing LLP
 1000 SOUTH ROAD, WORTHING, SUSSEX BN1 1JG
 TEL: 01323 810000 FAX: 01323 810001
 WWW.WORTHINGLLP.CO.UK

Client: London Borough of Merton
Job Title: Dunconald Recreation Ground and Primary School
Drawing Title: Land Appropriation Notice dated 3rd October 2013
Detailed Plan of Areas

Drawn:	Checked:	APR:	Date:
001	05	05	20/08/2013
Drawing details information			Scale(s)
Drawing title and description			1:1000
Drawing number			1308/03
Job No/Rev No:	951	0186	



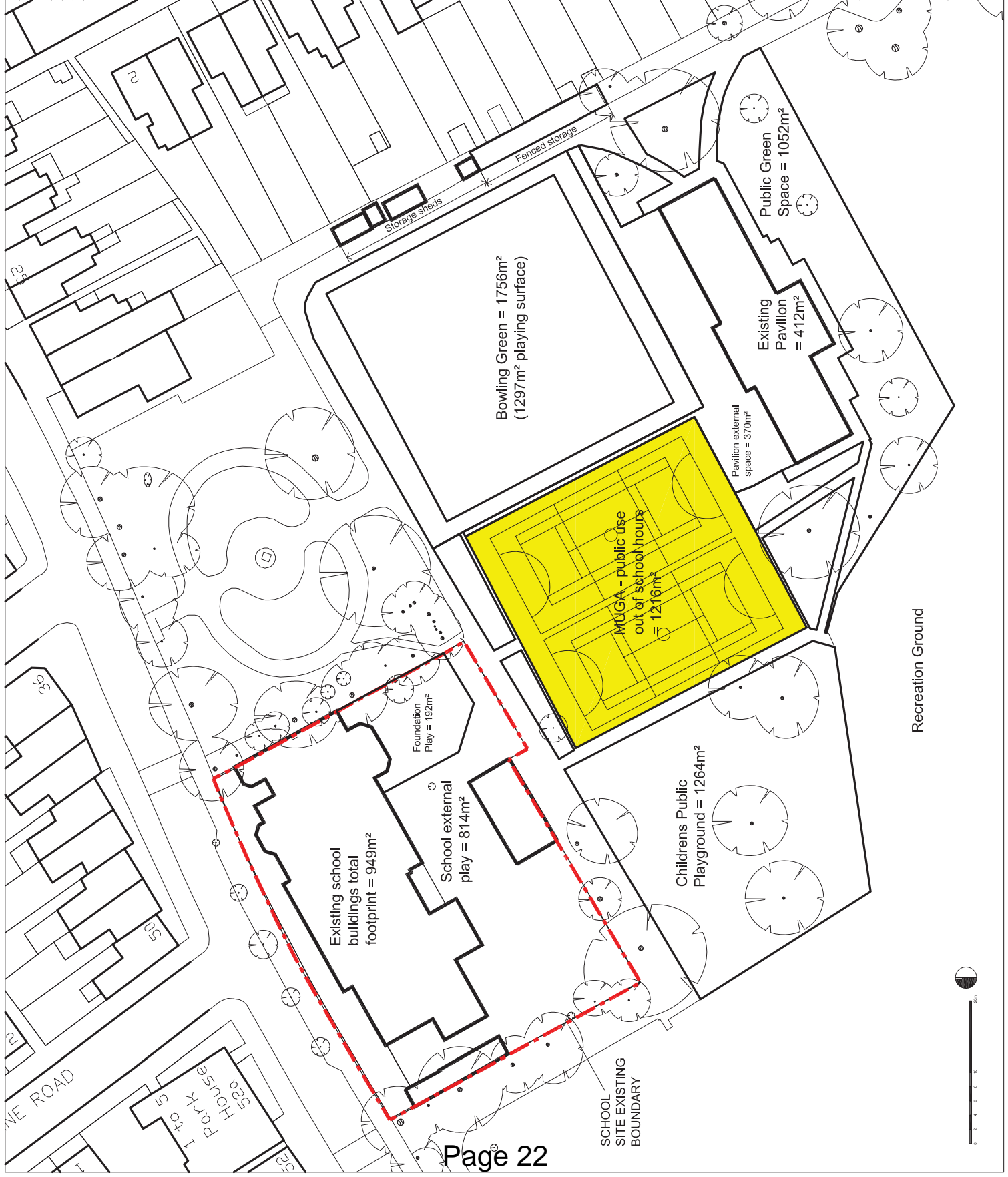
Appendix 2

Existing use of areas

REV	DATE	BY	CHECK	APPR	DESCRIPTION
A	03.06.11	JM	TG	JJ	conversion to CAD
B	08.06.11	WL	TG	JJ	presentation amendments
C	22.11.11	DM	TG	TG	Areas related to top survey, MUGA colour.

Key:

School / public shared MUGA
1216m²



haverstock associates llp
 london borough of merton
 dundonald primary school
 external areas
 existing

JOB NO:	DRAWING NO:	REVISION:	SCALE(S):
951	0056	C	1:500@A3
DRAWN/DM	CHECKED: TG	APPR: JJ	DATE: 03.06.11
DRAWING STATUS: preliminary			
DO NOT SCALE FROM THE DRAWING OR FOR ALL DIMENSIONS OR SITE BEFORE CHECKING			

LONDON BOROUGH OF MERTON

PUBLIC NOTICE

LOCAL GOVERNMENT ACT 1972, SECTION 122 APPROPRIATION OF LAND BY PRINCIPAL COUNCILS

NOTICE IS HEREBY GIVEN that the London Borough of Merton intends to appropriate for the purposes of the enlargement of the Dundonald Primary School, Dundonald Road, London SW19 3QH, and for additional facilities for the sole or shared benefit of that school, an area of land forming part of the Dundonald Recreation Ground, Dundonald Road, London SW19, which includes land used as open space. The area to be appropriated is described in the Schedule to this notice.

A plan identifying the land may be inspected by contacting Contracts and Schools Organisation, Children Schools and Families Department, London Borough of Merton, Merton Civic Centre, London Road, Morden, Surrey SM4 5DX, e-mail schconsult@merton.gov.uk, or by telephoning Marina Bowyer on 020 8545 3289 during office working hours. A copying charge may be payable if copies are required. Alternatively it can be viewed on the council's website <http://www.merton.gov.uk/schoolsconsultations.htm>

Any objections to the proposed appropriation should be made in writing to Susan Sime Merton Richmond Legal Services Gifford House 67c St Helier Avenue Morden SM4 6HY email susan.sime@merton.gov.uk before **24 October 2013**

SCHEDULE

Approximately 2,578 square metres of land laying south-east of, and adjacent to the Dundonald Primary School, Dundonald Road, London SW19. Approximately 579 square metres thereof is to be appropriated for the exclusive use of the school to provide additional building and facilities. Of the remaining 1,999 square metres, 147 metres thereof will be appropriated to provide a replacement recreation ground pavilion, and 1,852 square metres for tennis courts and/or a multi-use sports area of which the school will have exclusive use at set times.

The land had previously been subject to a restrictive covenant, contained in an Indenture dated 16th December 1893. By Order of the Upper Tribunal (Lands Chamber) dated 25th June 2013, the covenant was modified to permit the land to be used additionally for educational purposes (including the erection of buildings for such purposes) for use in connection with the Dundonald Primary School.

A plan of the land is available for inspection through the contact details and website address advertised above.

DATED: 3 OCTOBER 2013

Paul Evans, Assistant Director of Corporate Governance, London Borough of Merton, of Civic Centre, Morden, Surrey SM4 5DX



- = Dundonald Primary School
- = Dundonald Recreation Ground
- = Dundonald Recreation Ground – area of proposed appropriation
- = Dundonald Recreation Ground – remaining area

Dundonald Recreation Ground

Land appropriation notice dated 3 October 2013.
 General Ordnance Survey plan of appropriation area
 (Please also see detailed drawing undertaken from a topographical survey)

This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of HMISO. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil proceedings. London Borough of Merton 100019259. 2012.

Key:

- 296m² Area transferred to school external space, 190m² Foundation Play, 106m² New Building / MUGA access
- 283m² Additional School building on Recreation Ground land (566m² over 2 floors)
- 147m² Replacement Pavilion (284m² over 2 floors)

Note: Total footprint of new building is 430m².

- 1852m² Tennis Courts / Multi Use Sports Area
 - School use only during set hours.
 - Public use other times.

43m² Existing structures to be demolished with land to become Public Open Space.

- 19m² Storage Sheds
- 412m² Existing Pavilion

2576m² Total



Client: London Borough of Merton
Job Title: Dunconald Recreation Ground and Primary School
Drawing Title: Land Appropriation Notice dated 3rd October 2013
Detailed Plan of Areas

Drawn:	Checked:	APR:	Date:
001	05	05	20/08/2013
Drawing details information			
Drawing title: Dunconald Recreation Ground and Primary School			
Drawing date: Land Appropriation Notice dated 3rd October 2013			
Drawing description: Detailed Plan of Areas			
Job No/Rev No:	951	0186	
Drawing status information			
Drawing title: Dunconald Recreation Ground and Primary School			
Drawing date: Land Appropriation Notice dated 3rd October 2013			
Drawing description: Detailed Plan of Areas			



EQUALITIES TEST OF RELEVANCE AND INITIAL SCREENING



This form should be completed in line with the Equality Analysis guidance available on the Intranet	
EA completed by: (Give name and job title)	<i>Tom Procter; Service Manager School Organisation and Contracts</i>
EA to be signed off by: (Give name and job title)	<i>Paul Ballatt; Head of Commissioning, Strategy and Performance</i>
Department/ Division:	<i>Children, Schools and Families Department</i>
Team:	<i>School Organisation</i>
EA completed on:	<i>29/11/2013</i>

Assessing Functions, Policies, Proposed Policies and Procedures for their Relevance (due regard) to the General Duties of the Equality Act 2010.

Relevance Statements – the following statements may help you to determine whether the function/service is relevant to the aims of the Public Sector Equality Duty:

- The outcome(s) of the activity directly and significantly impact on people
- The activity affects some groups of people or communities and not others
- Particular groups of people or communities could be disadvantaged by the function / service
- They activity affects how the services are delivered
- The activity presents a high risk to the Council's public reputation
- The activity relates to an area where there are known inequalities

Protected Characteristics - Key:

Age	A	Race	R
Disability	D	Religion or Belief	RB
Gender Reassignment	GR	Sex	S
Marriage and Civil Partnership	MCP	Sexual Orientation	SO
Pregnancy and Maternity	PM		

Name of Function / Service	Which Protected Characteristic(s) is your function / service relevant to? Tick (✓) all that apply.								Which aims of the Public Sector Equality Duty (PSED) are relevant to your function/service? Can your function/service: Tick (✓) all that apply.			
	A	D	GR	MCP	PM	R	RB	S	SO	Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010?	Advance equality of opportunity between people who share a protected characteristic and those who do not?	Foster good relations between people who share a protected characteristic and those who do not?
School Organisation	x	x			x	x	x	x			x	

If relevance to the Public Sector Equality Duty is established you are required to undertake an Equality Analysis.

Initial Screening

<p>1. What are the aims, objectives, and desired outcomes of your proposals? (Also explain proposals e.g. reduction/removal of service, deletion of posts, changing criteria for eligibility of service etc).</p>	<p>To expand school places provided at Dundonald Primary School. This requires enlargement of accommodation and appropriation of a small area of land used for public recreation and leisure to enable sufficient education accommodation to be provided. The remaining recreation ground and facilities will be enhanced as part of the proposal.</p>			
<p>2. Who are the main people/groups affected by your proposals? (Consider who are the internal and external customers)</p>	<p>Children and their parents/carers Users of Dundonald Recreation Ground Local Residents</p>			
<p>3. What data, information, evidence, research, statistics, surveys, and consultation(s) have you considered to undertake this screening?</p>	<p>School place planning data Information and data derived from statutory consultation processes</p>			
<p>4. Is there evidence to suggest that your proposal(s) could affect some groups of people in different ways?</p>	<p>Yes</p>	<p>x</p>	<p>Explain the reason for your decision</p>	<p>Proposal will provide additional school places for children who need them. The appropriation of land for educational purposes will affect users of the recreation ground including those from one or more protected groups.</p>
	<p>No</p>			

Assessing Impact

Please indicate how the proposals affect the Protected Characteristics listed below:

If you have identified potential negative impact(s) above, then it is necessary to complete an Equality Analysis. If there is no negative impact you do not need to complete an Equality Analysis.

	Positive Impact	Negative Impact	Neither	Reason / Comment / Evidence
Age	x	x		More school age children will be able to access a local school place. Older users of the recreation ground will have slightly reduced access to recreation/leisure facilities on the site but will have access to similar facilities locally and the remaining recreation, leisure and lavatory facilities at Dundonald Recreation Ground will be enhanced.
Disability	x	x		Disabled users of the recreation ground will have slightly reduced access to recreation/leisure facilities on the site but overall enhancements planned, including better accessible lavatory facilities, should outweigh this impact.
Gender Reassignment				
Marriage and Civic Partnership				
Pregnancy and Maternity	x			Parents will have more access to local school places for their children. The enlarged children's play area planned will add to this positive impact.
Race				
Religion or Belief				
Sex				
Sexual Orientation				
Outcome of screening	Equality Analysis is required			
Lead Officer	Tom Procter			
Director/Head of Service	Paul Ballatt			

Signed	
Dated	29/11/2013

Equality Analysis



Please refer to the guidance for carrying out an [Equality Analysis](#).
Text in blue is intended to provide guidance – you can delete this from your final version.

What are the proposals being assessed?	Expansion of Dundonald Primary School
Which Department/ Division has the responsibility for this?	Children, Schools and Families Department

Stage 1: Overview	
Name and job title of lead officer	Tom Procter; Service Manager, School Organisation and Contracts
1. What are the aims, objectives and desired outcomes of your proposal? (Also explain proposals e.g. reduction/removal of service, deletion of posts, changing criteria etc)	To expand school places provided at Dundonald Primary School. This requires enlargement of accommodation and appropriation of a small area of land used for public recreation and leisure to enable sufficient education accommodation to be provided. The remaining recreation ground and facilities will be enhanced as part of the proposal.
2. How does this contribute to the council's corporate priorities?	This proposal is part of a major programme of primary school expansion required to fulfil statutory responsibilities. Enhancements to recreation and leisure facilities support the council's commitment to promoting the wellbeing of its residents.
3. Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc.	Children and their parents/carers. Users of Dundonald Recreation Ground. Local residents.
4. Is the responsibility shared with another department, authority or organisation? If so, who are the partners and who has overall responsibility?	This proposal is led by Children, Schools and Families Department but has required full engagement of officers in the council's Environment and Regeneration Department.

Stage 2: Collecting evidence/ data

5. What evidence have you considered as part of this assessment?

Provide details of the information you have reviewed to determine the impact your proposal would have on the protected characteristics (equality groups).

Pupil place planning data supports the need to provide additional school places at Dundonald School
 Data on use of existing recreation facilities at Dundonald Recreation Ground – specifically relating to use of a bowling green which would be removed if the proposal is agreed and tennis courts which would improve in quality and increase in number if proposal is agreed.

Stage 3: Assessing impact and analysis

6. From the evidence you have considered, what areas of concern have you identified regarding the potential negative and positive impact on one or more protected characteristics (equality groups)?

Protected characteristic (equality group)	Tick which applies		Tick which applies		Reason Briefly explain what positive or negative impact has been identified
	Positive impact		Potential negative impact		
	Yes	No	Yes	No	
Age	x		x		Ending of access to specific bowling facility but improving access to overall recreation and leisure and lavatory facilities
Disability	x		x		Ending of access to specific bowling facility but improving access to overall recreation and leisure and lavatory facilities
Gender Reassignment					
Marriage and Civil Partnership					
Pregnancy and Maternity	x				Increasing access to local school places and enhancements of local recreation and leisure offer
Race					
Religion/ belief					
Sex (Gender)					
Sexual orientation					
Socio-economic status					

7. If you have identified a negative impact, how do you plan to mitigate it?

The previous users of the bowling green at Dundonald Recreation Ground have been offered guaranteed access to similar facilities at John Innes Park, which is a matter of 5 minutes' walk away. Older and disabled users of tennis facilities will have access (albeit at slightly reduced times) to improved quality provision and more tennis courts. In addition to general enhancement of landscape and horticulture, all users of the Recreation Ground including those from protected groups will have access to a new 'green gym', improved changing room facilities, and an improved, fully accessible, lavatory will also be provided.

Stage 4: Conclusion of the Equality Analysis

8. Which of the following statements best describe the outcome of the EA (Tick one box only)

Please refer to the guidance for carrying out Equality Impact Assessments is available on the intranet for further information about these outcomes and what they mean for your proposal

Outcome 1 – The EA has not identified any potential for discrimination or negative impact and all opportunities to promote equality are being addressed. **No changes are required.**

Outcome 2 – The EA has identified adjustments to remove negative impact or to better promote equality. **Actions you propose to take to do this should be included in the Action Plan.**

Outcome 3 – The EA has identified some potential for negative impact or some missed opportunities to promote equality and it may not be possible to mitigate this fully. **If you propose to continue with proposals you must include the justification for this in Section 10 below, and include actions you propose to take to remove negative impact or to better promote equality in the Action Plan. You must ensure that your proposed action is in line with the PSED to have 'due regard' and you are advised to seek Legal Advice.**

Outcome 4 – The EA shows actual or potential unlawful discrimination. **Stop and rethink your proposals.**

Stage 5: Improvement Action Plan

9. Equality Analysis Improvement Action Plan template – Making adjustments for negative impact

This action plan should be completed after the analysis and should outline action(s) to be taken to mitigate the potential negative impact identified (expanding on information provided in Section 7 above).

Negative impact/ gap in information identified in the Equality Analysis	Action required to mitigate	How will you know this is achieved? e.g. performance measure/ target)	By when	Existing or additional resources?	Lead Officer	Action added to divisional/ team plan?
Loss of bowling green	Provide access to similar local facility	Already offered to small group of members of existing club	Immediate	Existing	Doug Napier	no
Loss of small area of recreation land, reduction in changing room size and constrained time for access to tennis/muga facilities	Improvement/increase in tennis courts and MUGA; community use agreement (CUA) to be put in place; Improvement in changing facilities; creation of new 'green gym'; improved and fully accessible lavatory facilities	Specified in construction contract and CUA published	Tbc once contract is let	Already built into capital programme	Tom Procter	yes

Note that the full impact of the decision may only be known after the proposals have been implemented; therefore it is important the effective monitoring is in place to assess the impact.

Stage 6: Reporting outcomes

10. Summary of the equality analysis

This section can also be used in your decision making reports (CMT/Cabinet/etc) but you must also attach the assessment to the report, or provide a hyperlink

This assessment concludes that the proposal has potential negative impact on one or more protected groups but mitigations either already made (relocation of bowling club) or to be put in place if the proposal is delivered are likely, in officers' view, to outweigh negative impact and, in fact, provide elements of positive impact. Officers recommend the proposal proceeds on that basis.

Stage 7: Sign off by Director/ Head of Service			
Assessment completed by	Tom Procter	Signature:	Date: 29/11/2013
Improvement action plan signed off by Director/ Head of Service	Paul Ballatt	Signature:	Date:29/11/2013

Dundonald Land Appropriation Responses

Objections received by e-mail

- 1 Concerned precious open space is to be built on. Have chronic fatigue so access to the park has been my life-line. It is incredibly well-used by sports groups, families, children, dog owners and local people.
- 2 Methods used by council are contemptuous, unfair and unjustifiable. London areas already lack leisure and recreational grounds. The council are destroying this for the many frequent users.
- 3 Appalled that part of park will be sold off as it is surplus to requirements. It is very well used by local residents for a range of activities throughout the week.
- 4 Often walk in the rec which is used by many other people. It is a rare and important open public space in this part of Merton and its sporting facilities are of benefit to many people. Not convinced by the council's case that the expansion is needed. Concerned this land grab will be debased by multiple building projects.
- 5 Now live in Merton Park and not Dundonald Ward but still include the park in my daily 'constitutional' as it is a wonderful space. Object for a number of reasons: the council is ignoring planning policies; visual impact and loss of mature trees will be detrimental; provides well used sporting facilities; and the indoor gym is no substitute for the closure of the bowling green. The green space and local facilities will be destroyed adversely affecting a conservation area with a modern building and increased traffic.
- 6 Proposal is in breach of Section 122(1) of the Local Government Act 1972 as the council have already stated that the land is not surplus to requirements. The tennis courts are used on a casual basis each week by many hundreds of people, as well as the 227 members of the Dundonald Rec Tennis Club.
- 7 Jog and exercise in the Rec regularly. It would be horrible to lose the land.
- 8 Have used the grounds for 10 years. Exercise there every morning and during the weekends we have social events from church and meet in the grounds. Use the park daily for walks, football and the children's playground. Support the tennis coaching on Saturdays when we have the chance. The rec is also used by Mum's and Todd's groups, Wimbledon Chase Primary School and local nurseries. My husband plays cricket during the weekend, we often cycle here as a family and have plenty of picnics and quality family time in the summer months. My daughter and I also enjoy dog training on the field in the mornings.
- 9 Council's own report states this space is not surplus to requirements. The land was left for community use. I walk through it every day and can see how well it is used by tennis players, sports teams, joggers, exercisers, dog walkers, sunbathers and as a children's play area.

10 The land is not surplus to requirements. I and my family regularly use routes that take us through the Rec as it is one of the very few green areas in this part of the Borough. Very sad the bowling green closed will be closed as I was planning to join next season.

11 The public will be deprived of access to the tennis courts and bowling green which are well-used and valued local amenities used by the wider community.

12 The land is public land and not surplus to requirements and well used for cricket, football, rugby, tennis, running, keep fit, cycling, play, walking, picnics, etc. It is well used by the public including all members of my family on a regular basis.

13 It is public land that is enjoyed by the community, by people of all ages and a space that makes this area a great place to live. It is one of the reasons we moved here and the tennis courts in particular have been of huge enjoyment and a great place to meet people. It is a key place for me to unwind and I jog around it most days. I enjoy watching the tennis club helping to keep everyone fit and active and parents teaching their kids to play tennis. The Rec also wouldn't be the same without the green space of the bowling green.

14 It is an immoral sequestration of the public land currently used for the tennis courts. I have used the park with my children for years. We enjoy playing tennis there as do many other local residents. The bowling green could be a community asset that should pay for itself many times over.

15 It is well-used public land. It will result in the loss of a valuable local community facility, including well-used tennis courts which I have used myself. Sport England's continued objection is ample evidence of the Council's unwillingness to ensure adequate substitute facilities.

16 It is very popular and in constant use by members of the community of all ages for walking, exercise, tennis, football, cricket, running, playing in the playground. Schools and nurseries also use it for sports and sports days. It is not surplus to requirements. It will be detrimental to the health and wellbeing of local residents.

17 All the park's facilities are intensely used by local residents and various sports teams and there is no surplus area available for new developments. I use the park every day for walks and often for a game of tennis. I also take my grandchildren regularly to the playground or for a game in the park.

17a No evidence that appropriation is necessary and the land is not surplus to requirements. My family and I make full use of the tennis courts throughout the year; not just in summer. Like many in the Dundonald ward community, I have a home office and so can make excellent use of the tennis facilities any time: weather permitting.

18 Have used the tennis courts for years, as well as the surrounding grounds to play in. Families play in the park on a daily basis.

19 It is a very well used piece of public land. Myself and my family have used the park, including the tennis courts, many times of the years. I used to take my daughter regularly, and now often take my grandchildren. In particular, I have practiced tennis with my grandson which has helped him improve. This is a free facility and families should not be pushed to other public tennis courts which will inevitably become more overcrowded if the Dundonald courts close. The lovely open and safe atmosphere for children will be reduced significantly.

20 It is well-used public land, including the tennis courts. I use the Rec on a very regular (almost daily) basis and see many other members of the community who do the same. The efforts of the new tennis club have increased the number of people who use the courts and they are often in full use whenever I pass them.

21 I have lived in the area for 10 years and enjoyed the use of the free courts (especially this year).

22 The area is well used by all age groups and if turned over to solely private use would affect the community and its entire spirit.

23 The Rec is used throughout the day by sports people and families walking and playing. When I worked at the school there was no need to prevent public access to any area. The school managed then as it does not to use the Rec as it was intended - for recreational activities for as many local people as possible.

23a I am an active daily user of the Rec on many levels - I use the tennis courts as a member of the club, bowling green (until it closed) and for walking. It is used by a large community, both local and far for cricket, football, rugby, volleyball, ultimate Frisbee, school sports, tennis, lawn bowls, personal training sessions, joggers, dog walkers, children learning to cycle, walkers, families enjoying the outdoors. The pavilion is used for a playgroup and local community groups, including a band.

24 The land is vital to me and my family. You are depriving hundreds of children and other people the right to have fun at their local park.

25 I walk my dog and play bowls on a Saturday afternoon. Sport England does not support the council. The notices the council have put up restricting the use of the tennis courts (227 members have joined the tennis club) are illegal.

26 I live locally and strongly believe in full public access to the at risk facilities.

27 I use the Rec for tennis, relaxation and exercise and my friends do too.

28 I use the Rec to walk, to run and play cricket. I also see how popular the park is for other activities such as football, Frisbee, touch rugby, and especially tennis. The orchestra also practise in the pavilion.

- 29 I have lived locally all my life and have used the park continually. As a family we still use it regularly for exercise including running and tennis, and my visiting nieces and nephews love going there. My husband and I walk through the park every week and enjoy watching games of cricket and football. In summer it can seem that every square meter is being used. The tennis courts are much loved by locals, the bowling green has been an essential part of the recreational facilities as too the pavilion for sports people and bands. The loss of the tennis courts during the week would be an especially hard blow for my family as working shifts and in retail means that they are not always free to exercise on the weekend or evenings.
- 30 My family use the land regularly for relaxation, to meet friends, for picnics, games and to get away from the streets as a place to walk and enjoy the fresh air, the lush trees and the changing seasons. The Rec is used regularly by local cricket, football and rugby teams; and draws in away teams from all over the country. Every weekend in the summer there seems to be one or more sports team playing. Groups of local people and families are actively engaged in developing the land by planting bulbs, bushes and trees.
- 31 It would be a calamity if local youngsters were denied the opportunity to emulate the success of British tennis players through the closure of the public courts.
- 32 I regularly visit the park and enjoy watching the various sports events being held there. The local people enjoy entertaining their children in the playground and many people play cricket and football with their sports clubs. The school and youth groups organise sports days and fun runs and other activities within the park and there is an active tennis club using the tennis courts.
- 33 I use the ground on a daily basis. None of this pleasant and well used oasis is surplus to requirements.
- 34 Am a semi-professional tennis player who currently studies and trains full time in Loughborough University. When I'm back home in Wimbledon I personally use them to train on and even bring other players of my standard to the park. I personally like to think of the park as my back garden as I don't have one. My family also very frequently use the tennis courts to play.
- 35 I have lived next to or close to Dundonald Park for 55 years. My children and grandchildren live in the area and continue to use the park on a regular basis, both tennis courts and the green spaces. I am an indoors bowls member locally and have been part of the campaign to reinstate the bowls pitch. I am an active member of the tennis club, use it twice a week and enjoy the physical activity and health maintenance it gives me.
- 36 When my children were younger I regularly used to take them to the rec. Over the years we, as a family, have used the rec, sometimes meeting with other families. The bowling green will be sorely missed by the many senior citizens who don't have a similar amenity nearby.
- 37 I use the park regularly and my teenage children frequent the tennis courts with their friends. As I get older and less able to take part in aerobic exercise I would like to think that the bowls ground will be around.
- 38 All the members of my family (including 3 children) have been regular users of the tennis courts for some time.

39 I use the Rec regularly both during weekdays and weekends. The land is not surplus. I am a keen runner and use the Rec for training runs on average twice a week, as I find the outer path to be one of the few flat, traffic free places to run safely near my home. As a very recreational standard tennis player, I find the court in the Rec to be the best place locally for an informal game. The biggest challenge can be finding a time when the courts are not already being used and local residents established a grass roots tennis club there last year. I have also played football at the Rec. The pavilion proposals are not an adequate, long term, guaranteed replacement facility.

40 I use the tennis courts and playground.

41 We are grandparents of children who live locally and regularly take them and their friends to the Rec. It is also used by the whole family to learn and play tennis and take other forms of exercise: friends play cricket and football. It also provides a green 'buffer' for the adjacent common land and woods protecting our wildlife.

42 I have lived in Merton for eighty years. Open spaces are precious and essential. The ground was given to us not the school.

43 Duplicate of 47a

44 Object.

45 Disappointed that the tennis courts and bowling green are going to be destroyed. These areas give a real community feel to the area and definitely get used by the local inhabitants.

46 I am a member of Dundonald Rec Tennis Club. We have been playing tennis several times a week since springtime and I feel that it brings a local community together and makes people fitter. These tennis courts and bowling green are very important to us and we are all going to be affected by loss of access to them.

47 Dundonald Rec is the only green space we have in our area and is enjoyed by everybody from the bowling green to the tennis courts. There will be no improvement on the sports facilities and the school will end up with less space per pupil.

47a The proposal is completely unacceptable to the majority of residents who have contacted their Conservative Councillors in Dundonald Ward. Locals and people from further afield make full use of the tennis courts and would use the bowling green if it had not been closed. The children's playground is extremely popular. In fact, it is the most popular park in Merton with an intense use across all of the land. The land is not surplus to requirements. In conclusion, the Dundonald Conservatives have collated views from more than 500 residents and can confirm that the bowling green, tennis courts and playground are extensively used. Dundonald Councillors specifically use both tennis courts and playground and have done for more than 15 years.

Have used the park on a daily basis for over 10 years. Over the years, my husband and I often exercised, relaxed and had picnics in the park, played tennis and watched bowls on the green. Since having children we are in the park even more often and use the playground daily as well as riding bikes or playing games. Both of my children attend Dundonald Primary School and when it is not raining they spend hours after school playing with friends in the playground, football on the field and tennis in the courts. The playground is extremely well used and busy - the next closest is on Haydon's Road. Local residents with no or small gardens have picnics, relax, play ball games and the like in the Rec. Have used the pavilion as it provided a soft play group, a space for local groups to meet and a convenient place to hold birthday parties. It is convenient as it has a sizeable room with a kitchen plus it has step-free access for pushchairs, the elderly and less able bodied people. The tennis courts are very popular and we often have to queue up to use them. We have played tennis at least 3 times a week over the last three and a half months. There was also a period when there were no nets so children used the courts to ride their bikes and scooters.

My family and I have used the park for over 40 years with our children and now grandchildren enjoying the whole aspect of the area. Since retiring my husband was looking forward to joining the bowling club but this has all but disappeared. The tennis courts are used by all ages and the pavilion provides facilities for sports.

The rec has been my link with the local community since I moved to Wimbleton. Without the tennis courts, and all the people I have meet there I would still feel a stranger. My friend also had a similar experience thanks to the football clubs using the Rec at the weekends.

My partner and I use the Rec virtually every day. We walk and run through it and also use the tennis courts. It is not surplus and in extremely high demand.

I use the space and would be prevented from enjoying the freedom of access I currently enjoy when walking and running around the park. I have seen local residents make use of the space, with the tennis courts and bowling green particularly popular with the general public.

I have grown up taking walks in this park, using it for dog walking, relaxation, sports and keeping fit. Why can't the pavilion stay open for use by the local community? My girlfriend's son plays tennis on the courts.

It will have a detrimental effect on me and my family and our health and well-being. We use the Rec many times a week. I play tennis on the free, public tennis courts every Saturday and have done for several years. I also play tennis on a Monday morning with a group of ladies. I also play in the evenings during the summer months and use the toilet facilities in the pavilion when they are open. My children play in the playground and play tennis on a Saturday and at least one other day during the week. Until all my children reached school age, this September, we also used the tennis courts during 'school hours'. It was important that we could be spontaneous and just 'turn up and play' with no cost or booking. I used to bring my children to Teddies Soft play in the pavilion until it was stopped by the council. We also used to watch bowls until that too was stopped by the council. At the moment, neither I or my family play cricket or football but we watch many people who do.

55 It is well used and not surplus. I use the Rec for my training especially the tennis courts and bowling green. My trainer plays football there and uses the pavilion. My brother plays cricket there.

56 It is one of the most widely used parks in Merton (as seen from my bedroom window and as stated in the My Merton magazine). The tennis courts are constantly in use by locals (myself and family included), the wider community the tennis club. The bowling green was well used by the bowls club, the locals were ready to sign up and play and then it was suddenly no longer maintained. In the meantime locals have been playing rounders and family cricket on the green and it is also used for recreation by children. Often a necessary area as sometimes the rec is so full of visiting teams that there is nowhere else for people to play. The children's play area is very well used. My children and I go most days and the proposed area is not so good.

57 It is a very busy rec and at time it is so well used we need even more space not less. My family have used the Rec for more than 25 years and continue to use it today for walking, running, dog walking, friendly cricket, rounders, tennis and general socialising. It is a focal point for the whole community where we can meet friends and enjoy the rec together. All of it is extensively used and we cannot afford to have any of the land taken away from public use. The tennis courts are very busy and it is fantastic they are available to everyone all day long. At times there are queues and not just in summer.

58 Dundonald Park is a hugely popular local park and I thoroughly and regularly enjoy using it.

59 My 3 children have grown up playing there and continue to use it as a safe recreational space. I regularly run in the park and seen many other people enjoying the space.

60 It is well-use by all types of people doing many different things. The openness is integral to its character. Every corner of the park is used by people all the time. There are sports matches all year round. Supporters have picnics in the summer making it a real social occasion. People jog, walk their dogs, they chat and interact. Parents teach children to ride bicycles or scoot on the pathways. The playground is well-equipped and always overflowing with parents and children. The bowling club was a wonderful spot where people could exercise and socialise.

61 The development of the Dundonald Rec Tennis Club has been a great initiative and given many people in the local community a really great opportunity to do sport at a very affordable rate.

62 My children enjoyed the wide open space and playground which was beneficial to their development.

63 My family and I are using the Rec on a daily basis and our area wouldn't be the same if we were to lose a big area (including mature trees) of our little green oasis. We already find it difficult to find a sufficiently big area to play football in the summer when two cricket matches are being played at the same time. Use the tennis courts on average twice a week.

64 I use the land almost every day. My two children attend Dundonald School so we visit the park regularly after school. My wife and I enjoy playing tennis during the week during school hours when we both have a free day and I also play touch rugby every Thursday evening and Saturday morning. The park currently has a great running/cycling track that flows in a great circuit making it easy to see your children when they do laps.

65 The entire rec is intensively used by local people and various sports teams. Whenever I visit it is always full of children and young people playing games, older people walking and enjoying fresh air and people of all ages using the tennis courts. Now I am older it is an important place to walk and take exercise.

66 I have used the park regularly since 1988. I currently visit in the morning for a run and some days work out with a trainer. There are always people there as soon as it is light. There are a number of dog walker, runners, personal trainers and their clients each morning as well as people walking through to get to the station. I also use the tennis courts from time to time and used to enjoy seeing the bowls in action. At weekends it is used for football, cricket and people relaxing.

67 The land is used for exercise and relaxation and should not be part of the school.

68 We use the rec extensively throughout the year for running, cycling, playing football, and the children's playground. We also enjoy the tennis courts and rose garden. We find it extremely popular and busy especially in the summer months.

69 As my family was growing up we used it every day; my children played their first tennis there; played in the playground, and watched adults playing team games.

70 The community use it extensively. I have spent a lot of time in the Rec - I walk in the park and also enjoy simply sitting and enjoying the atmosphere, watching tennis, cricket or other sport, relaxing in the rose garden. I love watching all other people from babies to the elderly using the park for games, tennis, bowls, running, walking, playing or just sunning themselves. Was an early member of the Dundonald Rec Tennis Club. None of the rec, especially the tennis courts is surplus to requirements. The community tennis players would be left with no courts at all and would forever ruin the diversity of sport played there.

71 Object to the school expansion as per the plans.

72 My family and I use the Rec on a daily basis in various ways. We are all members of both Dundonald Tennis club and Friends of Dundonald Rec. We meet family and friends in the Rec, exercise, cycle, walk, relax and enjoy nature. It is a valuable community asset and used by people of all ages for football, tennis, cricket, rugby, cycling, exercise, organised fitness and martial arts sessions, dog walking, meeting up and children playing in the playground. Bowls used to be played until the Council closed the bowling green. The land is very well used at all times in both summer and winter. It is vitally important to the whole community for leisure use. If the public are barred from the tennis courts it will affect our family and many other people of all ages who regularly play tennis in the rec.

73 It is not a spare piece of underutilised land but a highly valued local resource for local people. I use it to run and walk in and when my mother was alive to push her in her wheelchair.

74 I use the tennis courts most weeks when the weather allows. The playground was constantly buzzing and busy this summer. Both the playground and tennis courts encourage safe play for children away from cars and other dangers.

75 I am 16 and hang out in the Rec with friends from school and drama classes throughout the year and have lunch on the field where the school is expected to expand. I am very positive that the current land use is very high. I am a tennis player and have been for the past 10 years and both I and many members of the public would be greatly disappointed and frustrated if the tennis courts were given to the school as they are used by the public to their maximum capability. Although I do not play bowls, I know quite a few locals who would love to have the opportunity to try it out.

76 I regularly use the Rec for tennis (I am a member of the Dundonald Rec Tennis Club), for cycling and for jogging. I also watch football and cricket matches and in the summer meet up with family and friends. I find it more relaxing to sit in the Rec than my own garden reading notes required for my job. The tennis courts are always well used by many people of all ages and very unhappy that the bowling green has closed.

77 Space is used by great numbers of people and cannot be regarded as surplus to requirements.

78 I know and love the rec and walk my dog and meet my friends there every day and consider it a valuable integral part of my community. With a growing population of elderly and obese people, the tennis courts and bowling green are a facility that should be available to the community within the opening hours of the Rec.

79 Object.

80 I know and love the rec, visit it nearly every day, run in it every week and consider it a valuable integral part of my community. Was looking forward to using the tennis courts and bowling green when I retire. With a growing population of elderly and obese people, the tennis courts and bowling green are a facility that should be available to the community within the opening hours of the Rec.

81 I have frequently used the facilities, especially the tennis courts, since the summer and found them to be extremely popular with the public of all ages. The plans will be a disservice to the public, cutting off many people's access to outdoors and sports facilities.

82 Duplication of no. 66

83 I use the Rec regularly both during weekdays and weekends. The land is not surplus. I am a keen runner and use the Rec for training runs on average twice a week, as I find the outer path to be one of the few flat, traffic free places to run safely near my home. I regularly walk a friend's dog at the Rec. As a very recreational standard tennis player, I find the court in the Rec to be the best place locally for an informal game. The biggest challenge can be finding a time when the courts are not already being used and local residents established a grass roots tennis club there last year.

84 I ran Dundonald Chase FC for 17 years. As a kid I played football and tennis with my friends and still play tennis their now.

- 85 The land is a much used and vital part of the area, every bit enjoyed in a multitude of ways by people of every age, class, race and interest from both the immediate vicinity and further afield. The tennis club is immensely popular and the courts in constant use; football and cricket matches take place virtually every week; parents and children flock to the playground; dogs can be walked and let off their leads safely; the calm of the rose garden and bowling green are the perfect contrast to the livelier areas; the field and perimeter path are popular with joggers and other exercises; the pavilion is an essential focus for all Rec users. Could even do with more space as it is frequently impossible to get a tennis court or the playground is choc-a-bloc. My family and I have used every part of the Rec in the ways mentioned previously.
- 86 Use the park on a weekly basis - walk around it regularly and use the tennis courts weather permitting. Often watched bowling on the green. It is a valuable space used by the local community.
- 87 Object.
- 88 Am 13 years old and have spent many of my days in the Rec. I learnt to ride my bike here, often play tennis and am a leading member of the Dundonald Tennis club. You are putting the health and wellbeing of those in the surrounding area at risk by removing any part of the Rec.
- 89 It is one of the most widely used parks in the borough (over 250,000 visitors annually). My whole family and I are members of the tennis club and have hired the pavilion in the past for children's art events. No part of the Rec is surplus to requirements. It is used by football and cricket teams, runners and fitness groups, dog walkers and elderly people. A traditional Maori stick dance group practice every weekend, along with hundreds of children playing football and using the play equipment.
- 90 I belong to a thriving tennis club which uses the courts on a regular basis and there are no other local alternatives.
- 91 We walk regularly round the park along with many others, some of whom jog or run. The Rec is used in both summer and winter by both football and cricket teams and children having football or cricket coaching. We do not play tennis ourselves but know that the tennis club is a great success. Our children spent many happy years in the Rec whilst growing up and especially loved the tennis courts. On fine summer days many families have picnics and play in the playground. Concerned about loss of pavilion use, especially the toilets and increased noise in their own garden.
- 92 Object as need to protect our green spaces.
- 93 Object.
- 94 Object
- 95 It is a small park with sports facilities (particularly football and cricket) used by people from a wide area. The general public are able to use the facilities while these activities are going on but there is very little total space when the cricket or football fields are in use. Reducing the size of the park will significantly reduce the amenity. Sports facilities such as tennis should also be supported and encouraged. I have used the park over many years when my children were small and still use it for running and walking.

I am a keen tennis player and have spent many hours (at times almost daily) playing tennis with my son in the courts. Loss of the courts would have a great impact on our life. Currently Dundonald tennis club run sessions during the day for all ages, some are free, others very affordable. They are extremely popular and a great way to keep fit and meet other people.

Object

I use the Rec everyday - I run there and my partner comes to rugby training. We both use the tennis courts at the weekend after the tennis club classes have finished. When I am looking after my cousins we walk and cycle there and race each other across the grass. It is always busy and full of people enjoying using the space.

Have used the year for 30 years and walk their virtually every day and until recently played bowls with the bowling club. I have been a supporter and committee member of the Friends of Dundonald for several years through which I have donated and helped plant, water and maintain new trees, plants and bulbs etc. The new playgrounds will seriously harm enjoyment of the peaceful rose garden. I am also a supporter of the new tennis club. In my experience the Rec has never been used so intensively before and by so many people with different sporting and recreational interests.

The Rec is used by people of all ages from all walks of life taking gentle exercise, socialising, playing tennis and other sport, and children playing feely and safely.

Every day the park is busy with adults and children and at weekends every bit of land is in use, people even using the trees.

As a family we use the Rec on a near daily basis. There are many tennis players who use the courts and if the children's playground was reduced in size it would be seriously detrimental for future families with young children.

I use the Rec for jogging and have used the tennis courts with my children.

Have lived nearby for 29 years and have regularly walked across the space concerned, often twice daily during the years when all my children attended Dundonald Primary School. Throughout that time it has always been well used by people walking, supervising children, playing tennis or bowls. It is clearly not surplus to requirements.

As a family we use the playground, tennis courts, fields and open space several times a week. It is a happy space for the local community to spend their time outdoors. Taking it away will surely be detrimental and the local community adversely affected.

It is used for public open space and recreation and always very popular and heavily used by local residents and people further afield. Over the years my family have frequently used the playground facilities and the tennis courts and now they are older my children use the park for jogging and exercise.

I run in the Rec every day and pass many regulars of all ages using the rec for running, tai chi, sprinting with personal trainers, dog walking, children and groups of young people who have brought a ball or Frisbee. I often pop over to the tennis courts on a Sunday. Where will the tennis club that has been an inspiration go? My grown up daughter has moved back home and uses the Rec regularly.

108 I have lived here for over 25 years and use the Rec regularly for jogging and have played tennis with my children.
109 Land is used not only by the public but is heavily used and relied upon for exercise and leisure by a broad selection of the local
community. As a family we play tennis, ride bikes, play in the swing park, etc and have done for over a decade. My children and
their friends spend a lot of time in the park playing football, riding bikes , climbing trees and playing tennis. My children do not
go to Dundonald and have an extra 6-8 weeks holiday a year - during these weeks they would not be able to play tennis or use
the space that will be appropriated.

110 Concerned that the removal of this land would deprive residents of sports facilities that have been enjoyed for many years, in
particular tennis.

111 Object

112 The land is highly valued by local people and used by many people for football, cricket, tennis, exercising, dog-walking, children's
play, picnics and general leisure facilities. Concerned that public access to the tennis courts will be reduced.

113 The Rec has 250,000 users a year who pursue a wide range of recreational sports and pastimes, not leas using the tennis courts
and bowling green which would be badly affected by this scheme.

114 The Rec has been a constant feature in my family's life for 25 years, first as a playground for its swings and roundabouts, then as
a sports facility. The loss of basic amenities: tennis courts, bowling green, memorial garden etc, would all be missed.

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By closing the bowling green and appropriating the tennis courts the Council are depriving use of two of our major resources for
exercise and recreation. The tennis courts are used by all local children and adults. It is also a green lung for local residents,
especially those with miniscule gardens. Parents take children to play there, older residents can engage with other people and
we can all get a breath of fresh air on hot summer days.

116 I have used the park continually for 18 years spending many happy hours with my children playing cricket, rugby, football, tennis,
building snowmen, picnics, running etc. As a family we still use the park regularly for exercise including running and tennis. My
wife and I walk through the park every week and enjoy watching games of cricket and football. In the summer it can seem that
every square metre is used. The tennis courts are much loved by locals and the bowling green has been an essential part of the
recreational facilities for the senior members of our community.

117 I am a regular user of the tennis courts and take good advantage of the coaching and practice sessions available and the
recreation ground. In this heavily built-up area it is vital that the local residents have adequate green space. The grounds are
well used by all sections of the community and its loss will affect the lives of all in the locality.

118 At present the land is very well used by residents and visitors to the area and is a valuable open space for people to enjoy leisure
and a variety of sports activities. Any reduction would severely affect the wellbeing of the area and beyond.

119 Support the idea of expanding the school but not at the cost of losing a great public Recreation Ground. The tennis courts are always full (when it doesn't rain), especially in weekends. Residents and young families enjoy this rec 100% so removing public access would hurt the way people see the Dundonald area. I myself practice that sport every week with my wife and friends and hope my 2 year will be able to join soon.

120 We walk regularly round the park along with many others, some of whom jog or run. The Rec is used in both summer and winter by both football and cricket teams and children having football or cricket coaching. We do not play tennis ourselves but know that the tennis club is a great success. Our children spent many happy years in the Rec whilst growing up and especially loved the tennis courts. On fine summer days many families have picnics and play in the playground. Concerned about loss of pavilion use, especially the toilets and increased noise in their own garden.

121 Object

122 In responding to a resident, stated own concerns that the school will be cramped and that the project is having a negative impact on the community.

123 Object

124 I am a regular user of the tennis courts and we would be lost if they were no more. The tennis courts are always busy, particularly at the weekend and during the summer months late into the evenings and the children's playground is always busy. The pavilion and playing fields are used regularly by the cricket and football teams.

125

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I enjoy walking through the park and would not like construction works in the area or the size of the park reduced. It is clear the schoolchildren use the park and play area facilities wholeheartedly without any objection from the surrounding community and this community-style usage should continue.

126 We are local residents who often use the recreation ground and object to the appropriation.

127 I am a regular user of the park and object to the appropriation.

128 We are the Friends of Dundonald Park who are a group of people who mainly live locally and use and value the Rec. It is one of the most intensively used parks in the borough providing a range of facilities for people of all ages. We have worked alongside the Council to improve the park and maintain its facilities. The public use of the tennis courts has recently been far heavier than the sporadic school use and would be lost if pupil numbers double. By no stretch of the imagination can the Rec be considered surplus to requirements. The Friends include people who play a wide variety of team and competitive sports as well as walking dogs, jogging and other healthy activities. Some will be very hard-hit by the appropriation, for example the tennis players. The bowling club tried to play on after the green was locked until lack of mowing became too great a problem. Others enjoy the peace of the rose garden which will be shattered if the children's play area is moved to the rear of the Fairlawn and Dundonald Road houses and the school playgrounds are extended. Sports and community facilities will be further hit by the loss of the pavilion and its replacement with a much smaller facility with inferior facilities and community space on an upper floor requiring lifts and divorced from the playing areas.

129 I use the Rec everyday. I walk my dog 3 times a day and use the tennis courts twice weekly. I play with my 9 month old in the playground and when friends visit we often go and sit in the Park to watch the football and cricket, and in the summer we enjoy resting on the grass. The land is not underused. The tennis courts have a club that provides free (or almost) lessons/coaching which has invigorated them. Many of my friends travel from afar to make use of this facility and it provides weekly exercise for individuals including myself. The illegally closed bowling green brought a community feeling to the Park.

130 The land is not surplus. I am a keen runner and use the Rec for training runs on average twice a week. The path is one of the few flat, traffic free places to run safely near my home. The tennis courts are the best place locally for an informal game. The biggest challenge can be finding a time when the courts are not already being used.

131 It is well-used public land and not surplus. Myself and my family use it for its sports facilities as well as its green spaces.

132 It is well-used public land and not surplus. We are a football team and use it for its sports facilities and it is constantly visited by large numbers of the wider public for its green space.

133 It is well-used public land and not surplus. My son and other members of my family use it for both its sports facilities as well as its green space.

134 It is well-used public land and not surplus. Myself and my family use it for its sports facilities as well as its green spaces.

135 My house backs onto the rec so I have seen for myself how popular this open space is. Weekends are very busy with a wide range of local activity taking place and then during the week, although quieter, there is a constant footfall of local residents using the open space for sport and relaxation. Loss of the land would deprive current and future residents of a peaceful open area that should be preserved for all to use.

136 The Rec is used extensively by the public at all times of the day and is no space is surplus to requirements.

137 I am a long-term user of the Rec and the tennis courts, and the advantage of these facilities is that they are available whenever people want to use them as opposed to only outside of school hours. Over the years I have often seen tennis players on the courts during the week. The land is not surplus and the community would be negatively impacted with reduced public access.

138 This land is used by me and my friends every week, as our football team and many others across the local area require the use of this land at the weekend for sport and leisure.

139 Object

140 Object

141 The land is required for recreational use by the local community including myself and my family who regularly use the park for sports and recreation.

142 Object

- 143 Object
- 144 I have lived near the park all my life and now I often go jogging, play with friends and get full use of the tennis courts through the club and in my own free time throughout the day when I am not at university. In the summer months the park is often completely full and through the tennis season the courts are always being used.
- 145 We see the Rec being used so frequently by various members of the public every single day, including myself and my neighbours, along with the large catchment area for other residents and therefore, any changes would affect many people in our area, not for the better. We can see the use of the tennis courts and the open spaces. Residents and public walk, run, exercise, and mums meet up with other mums.
- 146 The land is used extensively by local residents. I walk my dog every day shortly after 9am and in the early evening and I can testify besides myself there are many other dog walkers using the area. Most mornings and evenings in the summer I regularly see people using the tennis courts either for practise or tournaments. The bowling green was also used frequently before its closure.
- 147 The land is used extensively by local residents. I walk my dog every day shortly after 9am and in the early evening and I can testify besides myself there are many other dog walkers using the area. Most mornings and evenings in the summer I regularly see people using the tennis courts either for practise or tournaments. The bowling green was also used frequently before its forcible closure.
- 148 I am a local resident who has spent many a happy hour playing with my children in, or jogging round, the park. The Rec is used extensively by members of the public throughout the week as well as weekends. Even taking a small section of the park will squeeze the other users into a space that will limit their ability to use and enjoy the park. There is currently room for a cricket match, tag rugby game and children playing football all at the same time. Building on this land will be damaging to the whole community. It has been lovely to see so many people playing tennis since the nets went up. I was also planning to join the bowls club on my retirement.
- 149 The park is highly populated by local residents throughout the year. My husband and I regularly use the park for walking, jogging, exercise sessions and general enjoyment of the tennis courts as well as taking friends and family to the children's play area. The tennis courts are well used by the public (Tennis Club as well as private users). The Rec is well used all summer with cricket and football matches, people walking dogs, picnicking and playing with their children. The bowls club was both well populated and well loved. The land is not surplus.
- 150 Have used the tennis courts extensively for recreational use for the past 20 years. They are a great way to meet local people and build a community.
- 151 It will have a great negative impact on residents in the area. Over the last 10 years I've regularly used and enjoyed the park for playing sport, dog walking, meeting friends and jogging.

152 We are frequent visitors to the children's playground. The Rec is very heavily used. The children's playground is swarming in the summer months, with children often having to wait in turn on the play equipment; the football and cricket pitches are often used for adult matches at weekends, so we tend to use the tennis courts as an enclosed play area and for tennis; children can cycle and scoot in safety; and it is a valuable space for families without gardens.

153 We are a local football team who have been playing at Dundonald for years. If the plans go-ahead we will have to re-locate midway through the season which could mean we have to forfeit the season or even fold as a team.

154 Over the years I have played football there, enjoyed running through the park and many other social occasions.

155 As a member of the Dundonald rec tennis club I use the area on a regular basis, playing tennis myself and with my young daughter. Loss of full public access will have a negative affect on the community and area.

156 I am a member of the tennis club whose membership has increased substantially. The Rec is well used not only by tennis players, but football, rugby, cricket teams and many, many more members of the public like myself. Over the years as a family we have used the children's play area, the tennis courts, to walk, run and exercise, and recently to recuperate from operations and illnesses.

157 This is public land used widely by local residents. The bowling green was used before the Council removed the groundsman, and the tennis courts are more widely used than ever. Footballers, cricketers, dog walker, runners and tennis players use the area daily. I personally use it for running, playing tennis and playing football with my Godson.

The Rec provides valuable tennis and outdoor bowling facilities for those living in the area; particularly children starting to play tennis and the elderly who enjoy bowls; and is a welcome green space in the area.

Upset about loss of this vital leisure space. My family and I have used the park regularly. My children, and now my grandchildren used the playground almost daily, learned to ride their bikes, jogged around the perimeter path and also used the tennis courts. Nice to see a thriving tennis club with such a wide range of age and abilities. My husband used to play there when he was younger. In the winter, when the field was too wet to play on, my children and grandchildren used to play on the courts up to about 2009 when the school started using it for ball games and asked us to leave. I think for mental health and well-being we all need green open spaces.

160 I walk past the tennis courts and bowling green every day and I know who well used these facilities are. It would be a great loss to current and future residents.

161 The land is well-used public land and its appropriation will result in the loss of a valuable local community facility. The tennis courts are used more by the public than the school - both young and old during club coaching sessions and outside these hours. The Dundonald Tennis Club, of which I am a member, provides an affordable way for people to play the sport. The park is regularly used by runners (including myself and my daughter) and the tennis courts for other sports too as the hard surface can be used when the field is waterlogged. My daughters have also practised netball skills (despite no netball net) and my son learnt to skateboard here. It also provides my needed green space for people with small gardens and I have regularly met up with friends for picnics here. My children regularly meet old friends here as it is a safe environment.

162 I am a daily user of the Rec. It is well used by the community near and far and therefore no surplus.
163 This land is well used by local residents and visitors alike and is not surplus. It is a popular area with dog walker, families, elderly people and several sports teams and clubs. Its loss will be detrimental to the community.

164 Duplicate of no. 85

165 The Rec is used by many and is a nice space.

166 The Rec is well used by many people from first thing in the morning until dark and is not surplus land. It is great on many levels for organised sport, relaxation, play, walking dogs, socialising, and many fitness trainers also use it. There is tennis and there was bowls until the council closed it. There is also the peaceful rose garden for those who want to sit quietly. I myself along with many other people use the pavilion to run a local community playgroup. The Merton band use the pavilion to practice and both would find it difficult to find another venue. There would also be a loss of many beautiful mature trees.

167 My family regularly visit the park to use the tennis courts and children's playground on a weekly basis. We feel that these areas are extremely well used.

168 The land is not surplus to requirements. It is used constantly by hundreds of people for leisure, recreation and sport. The bowling club has already been relocated. The tennis courts are always in use and the children's playground can have over 00 people in it on any one time on sunny days. As a family we use the park for playing, relaxing and cycling.

169 I have enjoyed walking in the Rec for 25 years. In my experience it has never been used so intensively before and by so many people with different sporting and recreational interests. The tennis courts are used regularly by members of the public as was the bowling green until it became impossible due to lack of maintenance. There is no part of the Rec that is surplus to requirements.

170 I moved to the area in January and walk through the park regularly. I am a member of the Dundonald tennis club and have lessons. Removal of the courts would be bad for the community.

171 My family use the park most days - the play area, the big grass space for running wild and kicking a ball, cycle & scoot safely and play tennis. It is a great meeting point after school. The football coaching on the weekend is great and is well used - the Rec is always busy and buzzing with local families on Saturday morning. My husband plays ultimate Frisbee with his mate at least once a week and we love the fact we can host our church annual picnic on the Rec as well as the annual pot in the park competition. We have also attended a few parties in the pavilion. I also love seeing local dogs being exercised and enjoy sitting on the grass watching the birds with my young son.

172 I am a frequent user of the Rec and believe strongly that the local community would be adversely affected by this appropriation. The land is well use and not surplus.

173 The Rec is central to the community and Wimbledon. My son uses the playground everyday with his nanny, and many other nannies who come from all over Merton to use the park. We have friends who live all over London who have enjoyed this space. There was a lovely sense of community when we had the bowling green. I have met many friends in the park through walking my dog and have since been involved in helping to plant tree and plants etc. The park benefits many people including the footballers, cricketers, children, and personal trainers.

174 The land is not surplus to requirements. It is much cherished and intensively used.

175 It has varied and consistent use by all sections of the community: football teams, children riding bikes, people exercising and running, walking dogs, ball games etc. It is always packed at weekends. None of the space in the plan is surplus. My family, including our grandchildren and disabled son, use the park at least once a week. My son is learning to walk again and the park provides a comparatively safe surface for him. Most of us have very small gardens so we need the park as it is so that children and adults can play and exercise.

176 I have spent a lot of my time growing up cycling around the park, playing in the playground, playing tennis and enjoying general use of the park as a whole. It offers residents of Dundonald and the surrounding are a great addition to the quality of life.

177 One of the few pleasures of living where we do is our close proximity to Dundonald Rec, to be able to share the communal pleasure that the land gives to the disparate people who use it. Every day we see people using the entire area - bowling green, tennis courts, playground, pitches and pathways; it is now the sole local communal outdoor area that everyone can share as we enjoy the peace, fresh air and facilities it offers. The space is certainly not surplus.

178 Object

179 The 'Protect the Rec' group stated that there is no evidence that the land is surplus to requirements as all the evidence suggests that the public currently uses the land extensively for recreation. Their response listed evidence from LB Merton's documents including the council's planning committee report, its Open Spaces Strategy and its Sports Pitch strategy, and other sources. They stated that Merton can have no awareness of the level of use of the general use of the park or the courts as there is no mechanism for booking the courts, and suggested they had some evidence that the tennis courts were used extensively. They provided some legal advice that there is no provision in the Local Government Act for a countervailing factor to allow the Council

to consider whether the land is required more for something else. If it is required for its current use then it would be unreasonable to appropriate and such a decision would be challenged in court or through the LGO. They claim that the legal test for appropriation is whether the land is not needed, in the public interest of the locality, as public open space. In other words, it has to be in the community interest for the public open space to be lost: there is no provision for the appropriating authority to consider whether an alternative use is more in the public interest than the proven existing use. Such a consideration would therefore be irrelevant to the decision. They suggested that appropriation cannot be used to over-ride the public rights where the public objects and that Cabinet should therefore be advised that appropriation is not legally permissible.

180

It is a well-used open space and public land and the public need it for recreational purposes. I use the area regularly myself when running around the Rec to keep fit. When out and about I notice families and residents use the tennis courts very often. The tennis lessons are also very popular with children and adults. The sports facilities and the open space are designed for all generations and support local community cohesion.

181

It is a vital local amenity and green space, valued by many people. Many people use this amenity currently, and should be able to do so in the future.

182 Template

We cycle, walk and run around the part. We play tennis on the courts during the weekend when they are available. Seems absolutely stupid that the local community will lose access to this land over the weekend/evenings in particular.

183

Object. Green space is precious.

184

Overwhelming evidence that this part of the Rec is exceedingly well used for its present purpose, viz a public recreation ground. The council have estimated about 250,000 people use the Rec every year and that lettings of the sports facilities bring in some £30K p.a. There are also over 200 pitch hiring's p.a. by teams which use the pavilion. The timetable of the school's existing usage of the tennis courts is blatantly false - my home office has an excellent view of the 'appropriation space', and I can categorically state that the tennis courts are not used for more than about 1 to 2 hours per day by the school, and then only in good weather, mainly for recreation and softball, because the nets are of course too high for young children. I have never seen primary school children use the tennis courts for tennis. I am also able to observe that the tennis courts are in frequent use during school hours by members of the public, even in inclement weather. About 50% of the appropriation area includes footpaths, playground and other parts now set out for specific sports use. These areas are in almost constant use by the public during daylight hours, from dawn (joggers) until dusk, in all weathers. The bowling green was in use until June when the Council stopped cutting the grass.

185

The land is not surplus to recreational need. It is abundantly clear that it is heavily used by all members of the immediate community and beyond. The tennis courts are extremely well used generally by the public, as was the bowling green until the Council took it out of commission.

186

My family are regular users of the tennis courts and playground. The playground is a popular safe space where kids can explore, climb and play and families can socialise.

187 I and my family have been using the tennis courts regularly since moving into the Ward 7 years ago. The tennis courts, as well as the bowling green and the sports pavilion are a great asset to the area. The tennis courts in particular are very busy at times. The courts are used by individuals as well as the tennis club. They are certainly not 'surplus'.

188 It is a much loved and much used facility for all members of my family. We regularly use the play park, tennis courts and playing fields and see them fully occupied by other residents.

189 There is a clear local demand for this space and no basis for suggesting it is surplus. There has been a massive growth in residential property in the area since the covenant in 1893, especially in recent years and most people have small or no gardens. It is obvious that these developments increase the need for local recreational space. I am a regular user of the Rec and it is one of the reasons I have stayed in this area. It is a well-loved, extremely well-used amenity for all age groups, and is at the heart of the local community. I have met a huge number of residents through walking my dog. I use the Rec most days, 3 times a day when I work from home, walking my dog and notice how much the Rec is used by different age groups at all times of day. Amenities such as the bowling green are crucial. Anyone who walks past the tennis courts on any day of the week can see there is clearly a huge local demand for these facilities. It is crucial that the rose garden and other areas of the Rec remain integrated and easily accessible.

190 I and my family (with sons aged 5 and 3) regularly play tennis on Monday, Tuesday, Thursday evening, Friday evening, Saturday morning and Sunday morning. We also use the tennis courts more during the school holidays. We would be very sad if they were taken away from public use.

191 It is well used by a broad cross-section of the community from all age groups and forms a breathing space in a built-up area. The frequent loss of use of the pavilion will also mean the loss of toilet facilities.

192 The level of court use is extremely high - my family have played tennis there constantly since moving here 2 years ago. We are members of the tennis club and this is of massive benefit. Our 3 children play more than once a week and have received free coaching.

193 I am actively involved in the tennis club and object to our tennis courts being taken away from the hundreds of members who use them every single day. They are not surplus to requirements. Many people are severely and detrimentally affected by the closure of the bowling green. The Rec is used by thousands of people every month, including myself, my family and my friends, both within the UK as well as outside the UK. The community needs this space.

194 The proposed expansion would negatively impact on the use of the Rec for our families.

195 Object.

196 My family have lived in the Ward for 30 years and use the park several times a week. We have regularly used the tennis courts and attended community events in the pavilion. Some of the tennis courts are busy throughout the week. It has been a pleasure over the years watching the bowls before the Council closed it down. Without the activity of local volunteers, the park would go to ruin. The land is precious and should not be taken away from the hard working local community.

197 It is the best recreational ground I have every been in and I have very fond memories there. It is vital that such spaces are preserved and not taken away from the local community.

198 I am a member of the tennis club and attend coaching sessions at least twice a week. I also regularly use the courts to play tennis after work and at the weekend and have met new friends. It is an important community asset which is well used by members of the public as well as members of the tennis club. The tennis courts, bowling green and pavilion are well used especially at weekends and during school holidays and a key community focal point. However I do feel members of the tennis club should get priority over the tennis courts when coaching sessions are taking place. If the tennis courts were removed I would have to travel further to play tennis nor would I be able to attend weekly coaching sessions or play tennis socially with my friends in the evenings or at weekends. I would not be able to afford to play sport as often.

199 Dundonald Tennis Club provided a detailed response which included a report dated 7 January 2013 "Dundonald Recreation Ground Tennis Courts: How the reduction in public access will affect local demand for tennis". Their response stated that 247 members use the tennis courts during week days and week ends all year round and that more than 1000 children are benefiting from their 'Olympic Legacy' programme and without full access to the courts the programme will have to stop. Their response stated that the courts are used by the club for 53 hours per week, with a breakdown as follows: Monday to Friday (8am to 6pm), coached sessions (18 hours per week), competitive matches (4 hours per week), informal games 10 hours (average). On Saturdays and Sundays they stated it was coached sessions (7 hours per week), competitive matches (6 hours per week), informal games 8 hours (average). They reported a survey of their members stating that 42% play during weekday mornings and 25% play weekday afternoons

200 Object

201 It is not surplus to requirements - it is well used by the local community. I am a member of the tennis club.

202 Template My family would often go to the tennis courts to play a game with each other or with friends. This is a good place to make new friends in the community. Removal of public access would take away opportunities of a friendly, united community.

203 I have been walking my dog there for many years, meeting up with many friends living in the area for a chat. It is an incredible space to exercise a good distance around without fear of traffic, accidents and crowds. I have recently been advised to take up a high impact sport (e.g. tennis), so the reduction in tennis courts will be a blow to my future health and wellbeing as clubs cost too much.

204 My 6 year old son has enjoyed using the courts over the past years. He enjoys it because he goes to St Mary's where outdoor sports facilities are extremely limited, if not non-existent.

205 I use the Rec in a number of ways - for walks with my newborn daughter, to play sports with my nephew and for jogging. The appropriation would reduce the space for walking and jogging. I also intend my daughter to play tennis at the local club in a couple of years. The tennis courts are constantly in use.

206 I play tennis for the club. I use the courts two nights a week and on the weekend.
207 Object to the loss of amenities to local residents.
208 I use the Rec on a daily basis and I consider it a key part of my daily life and well being. The tennis courts go a great way to continue the London Olympic legacy and this is critical to maintain a healthy and happy society in this area.
209 Object as per objection to Lands tribunal. There is substantial benefit and advantage in the park. My family and countless others use the park frequently.
210 For the local community this ground is one of the very few where so many different sports are supported.
211 Object - am a frequent tennis player there.
212 The land is used on a regular basis by local residents so cannot properly be described as surplus to requirements.
213 Over the last year I have begun to use the area especially the tennis courts at least twice per week which has had a big impact on my fitness, health and general well-being as well as expanding my social network. The removal of the ability to use the area during the day would have a severe impact on this for both myself as well as a number of others in the community who are unable to use the courts in the evenings due to carer responsibilities.

214 The tennis courts in particular are used by the community on a regular basis. My children who went to Dundonald School, used them during school hours but also after school.

215 The Rec is used by all and sundry for all types of physical exercise, or walking dogs, or just admiring the view, enjoying the peace and taking in fresh air. The Council seems hell-bent on denying people like me the chance to play tennis or bowls without going much further afield to more crowded facilities.

216 I have been playing tennis at the Rec for a few years now. I am in my 60's and playing tennis gives me a healthy lifestyle and meeting people has been my lifeline. Although I live in Wandsworth may of my friends in Merton play tennis there.

217 Part of the reason my partner and I moved here was due to the many local activities and facilities available to the residents particularly in this locality. The tennis courts have provided local residents of all ages an affordable and enjoyable means of social exercise which can only be of benefit to the community. Many of my friends and people I regularly see playing tennis would have part of their life taken from them.

218 I want to continue playing on the tennis courts without problems. I play with a lot of people. It is good to be connected to the local community.

219 The appropriation would affect a large number of people. The park must be one of the most popular parks in Wimbledon. It serves a significant population and is used by people of all ages for a wide variety of recreational activities during all the daylight hours. I walk through the park at least once a day and the use is increasing all the time.

220 The land is well-loved and well used. I walk through the Rec most days and exercise my dog there. It always seems full. I would like to be able to play tennis and bowls in the future.

221 Duplicate of no. 204

222 It is a well-loved and well-used park and of immeasurable value to the local community. Each day of the week there are clubs, teams, school groups and individuals using and enjoying this wonderful facility. It is a hub of activity and relaxation, and contributes enormously to the overall appeal and character of the local area. The area for appropriation is the most intensively used area. Hundreds of families will miss using the tennis courts.

223 We often use the courts for casual tennis on an ad hoc basis. It would be devastating to lose this as they provide a welcome social and sporting hub for my family and the community at large.

224 The park is used by many people every day and is the most beautiful green spot for where people can exercise, walk their dogs, play cricket, tennis and take children to the playground. It adds to people's quality of life in the most profound way.

225 I regularly use the park for exercising my granddaughter who also loves the playarea, regular exercise around the ground and having family 'sports days', and playing tennis with my sons in suitable weather - any bar would be most unwelcome. Others use the ground for exercising their dogs and children and the play area is always well attended. It is also a popular sporting venue with organised football and cricket matches which are well supported from local areas. It is a priceless asset for the immediate residents and the wider community.

226 **Object**

227 It is a special, lovely green space well used by families with children, dog walker and people who go there to relax perhaps with a newspaper or book. Its so lovely to go there to have peace and quiet, though it can also be noisy from the football etc! Its sports facilities would be dearly missed. Most of us have tiny gardens so we can enjoy the green space here.

228 We use the park regularly for exercise and recreation. When our sons were younger they used the play area daily, then learnt to play tennis when they were older. They now play in weekend leagues which use the park every weekend for football. We use the park for other exercise and consider the land to be well used by all kinds of people on a daily basis for leisure activities. We used to enjoy watching the bowls - the absence of this facility will affect a lot of older people. The tennis courts are still well used and needed by the tennis club.

Objections received by post

Template

- 1 Oppose as risk of overprovision of permanent accommodation. Also noise nuisance; inadequacy of the proposed pavilion and community facilities; loss of mature trees and impact on conservation areas; likelihood of increased parking and traffic congestion; and implementation issues.

- 2 As a local resident I often walk in there and see how much it is used by other people. It is a rare and important open public space in this part of Merton and its sporting facilities are of benefit to many people. Very concerned that this initial land grab will be followed by further appropriations.
- 3 Object as the Rec is a public amenity that gives pleasure to thousands of people.
- 4 Object due to the overwhelming public opposition to any building other than for recreational purposes; the Rec is the defining feature of Dundonald Ward; and it is used by considerably more people in the local community than the number who may benefit from any proposed school expansion.
- 5 Object as by the Council's own admission in its report to the Planning Applications Committee, the proposed expansion of Dundonald Primary School would involve "some loss of public open space within the Dundonald Recreation Ground which is not surplus to requirements"; the proposed appropriation of land would therefore be in breach of the legislation; the facilities have been enjoyed by the public "by right" for over 100 years; and the tennis courts are used on a casual basis each week by many hundreds of people, as well as the 227 members of the Dundonald Rec Tennis Club.
- 6 Object as the park's activities have been a great joy to me and to many other elderly or lonely people who spend time there. Often there are three football or cricket matches going on at the same time. Cricket, football, bowls (until the council banned this), the playground activities, tennis, cycling, keep fit, picnics, birthday parties, dog walking, toddlers exercise and other sports facilities fill up this park with good, healthy, sociable (non-delinquent) life.
- 7 Object as it is a public space and it is not appropriate for the Council to take this land.
- 8 Object as I use the tennis courts as a member of the Dundonald Tennis Club and the Rec for walking. Used to use the bowling green until the council closed it. The Rec is well used for cricket, football, rugby, volleyball, ultimate Frisbee, school sports, tennis, lawn bowls, personal training sessions, joggers, dog walkers, children learning to cycle, walkers, families enjoying the outdoors.
- 9 Object as it would increase the built up feel of the Rec. I also enjoy sport of all sorts being played. I regularly see trainers lugging great containers of tennis balls for tennis lessons on the courts. The planned replacement courts would be out of bounds for most of the daylight hours during term time so stopping this important activity. A recent Merton Open Spaces Assessment found that the land 'is not surplus' to requirements in the borough.
- 10 Object as we personally have had active involvement with the Dundonald tennis club. Also the bowling green is a facility which has been available for over 100 years and will be a big loss to the community.
- 11 Object as I walk through the Rec most days. It saddens me to think you can appropriate land that is well used in the form of tennis and lawn bowls.
- 12 Object as there is not a blade of grass that is unused, so I cannot see how any part of the park can be appropriated.
- 13 Object because it is well-used public land; the community needs this green space and sports facilities to continue to be available; it is unique in what it offers (tennis courts, bowling green, football & cricket pitches) which are all much used throughout the year.

- 14 Object as it is premature to appropriate any of the public land for the development at this time until the planning application has been approved. The Rec is an important local resource and the section the Council proposes to appropriate is especially well used by local children and adult sportspeople. It is quite unjustifiable and irresponsible to grab the land unless and until it is finally authorised for use in the school development.
- 15 Object due to the net loss of land for the community. Also concerned about increase in school vehicle traffic and increased noise and disruption which will affect many locals. The public playground is newly renovated and used by an incredibly large number of families as it is the only public playground in the immediate area. Any changes to this area will have an enormous impact on the health and well-being of the local community, especially families with young children.
- 16 Object as it is Public Open Space and is well used by both my family and many others. The bowling green which is an important facility for older members of the community will be removed, the public won't be allowed to use the tennis courts until darkness in the autumn and winter months, and the traffic will increase.
- 17 Template Family enjoys the park and is installations on a daily basis.
- 18 Strongly object due to the loss of public open space and it is detrimental to the local community. The new school building will be constructed on land which is currently Public Open Space. Also, the demand for extra places is elsewhere.
- 19 Object. The tennis courts are packed and everyone has noticed the incredible success of the new Dundonald Tennis Club. The bowling green would be used too - except the Council has deliberately stopped maintaining it. What happens when the school says we need to take a little bit more land for x? What alternative sites are in mind for when the scheme is ruled out?
- 20 Strongly opposed as our whole family has enjoyed using the rec space, including the public tennis courts, playground and other facilities, on a regular basis. Surely appropriation of public land is not what the legacy of the London Olympics 2012s was all about? Asks why not incrementally expand on a smaller scale all the other 15 schools within a 2 mile radius of Dundonald?
- 21 Template We enjoy a friendly game of football every week which is a very sociable event.
- 22 Object as removing public use of these facilities is unacceptable.
- 23 Template Use tennis courts every week and play football on Sundays.
- 24 Template I use the tennis courts and it is important for the local community to have as much open/green spaces as possible.
- 25 Template Constantly use the tennis courts and playing fields. Taking green space away from a community is always detrimental.
- 26 Template Use the Rec for jogging, tennis, walking the baby, playground, watching cricket, picnics and football. It will be a terrible loss to local people.
- 27 Template Use the Rec for walking, keep fit, nature walks with children and the playground. The community would lose a wonderful asset of huge value to some many people.
- 28 Template Use the Rec for dog walking and watching football and cricket. Removal of the facilities will be detrimental to the health of residents in Merton.

- 29 Dismayed at proposals as a current dog walker as I get great pleasure from strolling around the Rec and meeting numerous other kindred spirited souls who appreciate the vista and tranquillity the park offers. Why must this oasis be destroyed for good?
- 30 Object strongly. Use the park regularly to walk grandson and for exercise - the whole space is invaluable. My daughter uses the tennis courts which are now used every day by various groups taking advantage of the tennis club! The playground is so special and busy all the time. Also, the bowling green and its surrounds is also a very special space - it is one of the most tranquil special places in the park.
- 31 Template Use the tennis courts and the grass continuously. Since I was young the Park has been a place for sport (mainly football and tennis) and also as a place for leisure in the warmer months.
- 32 Object as the park is very well used public land. It is not surplus land! I personally use it everyday to walk, run and walk my baby in his pram. We also use the tennis courts which are now used every day by various groups taking advantage of the tennis club! The playground is so special and busy all the time. It is a hub for meeting other mums and for children to play. The bowling green and its surrounds are also special.
- 33 Object as the park is very well used public land. It is not surplus land! I personally it everyday to walk my son in his pram. The whole space is invaluable. It has been so nice to see the tennis courts being used every day as various groups taking advantage of the tennis clubs recently, this is so important for our community and children. The playground is a fantastic place for meeting other parents and children. The bowling green and its surrounds are also special.
- 34 Template Use the park every Sunday to play games such as tennis and football as well as socialising with friends.
- 35 Template Use the Rec for dog walking and exercise.
- 36 Object due to serious procedural issues raised by the consultation. The current consultation started on 3 October, the last day for responses to the previous consultation on the principle of expanding Dundonald School. This means that the Council had no intention of assessing or publishing the responses to the September consultation before proceeding with appropriation and had clearly made up its mind to go ahead whatever the options. There is no need for the school expansion. Some users will be very hard-hit by the appropriation, eg the tennis players who have a massively rejuvenated organisation, the bowls players now the bowling green has closed; and other users who's enjoyment of the peace of the rose garden will be shattered if the playground is moved. Other sports and community facilities will be further hit by the loss of the pavilion and replacement with a much smaller facility with inferior facilities and community space on an upper floor requiring lifts and divorced from the playing areas. MOSS 2010/11 highlights the importance of Dundonald Rec which is a part of the borough which is poorly provided with public open space and around its immediate catchment is an area deficient in public open space, some parts being more than 800m from a public park or garden. Many local dwellings are flats or houses with small gardens. Consequently it should be the last open space to be reduced in size.
- 37 Template Children use the swings. Play football in the park. Walk in the park to relax.

- 38 Object. The tennis courts are very well used and what a joy it is to see the young people being coached to play tennis. The pavilion is used for mum and toddler sessions and on Wednesday evenings by an orchestra.
- 39 Template Use the Rec to play football on Sundays. If public access were removed we would have to fold the team and stop playing.
- 40 Template Children use the swings. Play football and cricket. Changing rooms and toilets are needed for playing football and children playing in the park.
- 41 Object as I want my grandchildren to enjoy the benefits of the Rec, as I myself did. I see no reason as to why the community should sit back and allow the Council to appropriate land that has belonged to the local community for the last 100 years.
- 42 Strongly object and hope that my voice, as no doubt many others, will be considered and listened to. The Rec belongs to the local community and not the council so keep your hands off it!!
- 43 I wish to object most strongly to the appropriation of any open space but especially that on the Dundonald Rec. Personally, I now use the grounds for relaxation and interest in the great variety of people I meet. In the past I have been active and participated in both tennis and bowls and have actually played as a member of a competitive cricket team. When my family was young they were constantly in the park and today it is well used by family groups - and proves to be a safe area. The pavilion is an essential part of the open space. The use of the whole of the ground pitches, tennis courts, bowling green, children's playground, garden, sitting out and picnicking areas, walking facilities, current exercising etc etc should be treasured and preserved for present and future residents, as it has been in the past.
- 44 Template Whilst visiting the Rec I found out that it offers free tennis facilities. I have been using the tennis courts during the weekdays and the weekends.
- 45 Template Use the ground every Sunday as our football home ground. Our team and others won't be able to get pitches and will to stop football.
- 46 Template I have used the park for its sporting facilities with friends and family. I grew up in the area and have used the park for over 20 years. I learnt to ride a bike in the park and years later taught my nephew the same here. The park is used by many people in the local area for many different purposes. It is important for local people to have an area which is shared and used as a community.
- 47 Template No comments
- 48 Template The Rec is much needed green space, fresh air and exercise. It was a lifesaver when my children were young. We need public open space now as much as we did when the covenant was made for the health of all the community.
- 49 Template I have been joining my partner to come to play tennis at the Rec which has become part of my fitness regime. I also use the children's playground to play with my niece and have a good time in a nice green park. I would no longer have access to free exercise facilities and I believe that is very important for the local community to stay healthy and fit.
- 50 Strongly object. As a freelancer I'm able to use the courts during the day, which I do once a week at least. The land couldn't be less 'surplus', apart from the darkest of winter days, the courts are in almost constant use.

- 51 Object. I run in the Rec everyday. I'm in my mid 50s and cannot afford gym membership. I pass many regulars, my own age, older and younger, using the Rec for running, tai chi, sprinting and with personal trainers. I often pop over to the tennis courts on a Sunday. Where else could I take a little exercise free, in the open air, and meet new people. Where will the Dundonald Tennis Club go?
- 52 Object. By closing the bowling green and appropriating the tennis courts solely for the use of the school the Council are depriving us of two of our major resources for exercise and recreation. The tennis courts are used by all local children and adults, whilst the bowling green has been used by the older generation.
- 53 Template My family regularly uses the playground and we practise in the tennis courts on Saturday and Sunday mornings. If you remove public access, children won't have a playground.
- 54 Oppose plans. I currently use the courts about twice a week Monday to Friday usually mid-morning as a result of work commitments and find this a time to relax and yet exercise at the same time without the expense of using privately owned facilities which I would not be able to afford.
- 55 Template I visit my friends in Cochran Road and we walk the dogs in this space over the weekend. We also picnic and bring the children there over summer. It will be a real shame to lose this beautiful space. I really don't want to see it turned into a block of flats.
- 56 Oppose proposal. It is not credible to suggest that this land is not required as recreational space. All the space of the park is public space open for recreation, none of it is surplus to the requirements of the local community. Whenever I pass the children's play area I think it would be a fair description to say that it's heaving with activity, parents and children. I enjoyed bowling this summer until notices prohibiting public access were erected. When I walk past the tennis courts I see people playing and they've not been school classes. Dundonald Park is not suitable or large enough to accommodate the development of Dundonald Primary School. Local demand for school places in this part of the borough have been met.
- 57 Object strongly. My own children visit the park daily with myself and their grandparents socially as well as for participating in the Saturday football club and tennis lessons. During holidays we meet friends, ride bikes and play cricket with family and friends. I cannot understand why the use of the tennis courts, pavilion and bowling green are being barred.
- 58 Object. The land is used daily for exercise and recreation, including organised sport, by large numbers of local residents, including me and members of my family. The loss of the historic bowling green and access to the tennis courts is particularly inappropriate. There is a risk, should local demand for school places drops as it is likely to do in future, that the Council will be able to use the land as it wishes, including to dispose of it for housing or other development.
- 59 Template I often visit the Rec to meet up with family and have done for years. It would be a true travesty to remove public access to this area because not only is it a fabulous green space it serves a much needed and loved sports facility.
- 60 Template No comments

- 61 Template I use this space to spend time with my family. Removal of public access to this space will infringe on my involvement in the community and sense of belonging to the area as this is where I meet my neighbours and friends.
- 62 Template I use this land everyday to walk my dog, and on weekends I meet friends with their children in the play area. Privatising this area would have an extremely adverse affect on the community who use this area daily and in turn this will have a negative affect on our children who use this as a recreational area.
- 63 Template. I visit my friend and walk our dogs.
- 64 Template. No comments
- 65 Strongly object. The Council have already closed the bowling green - a disastrously short sighted action, in view of the importance of exercise for our ageing population. The tennis courts are used at all times of the day by an ever growing cross section of the local community with all age ranges well represented. The Rec is busy at all times with people jogging, playing cricket, football, tennis, dog walking, and children in the playground. These physical exercises are vital especially for those living in flats with small or no gardens. We take regular walks there, often with our grandchildren. It is an extremely well used local amenity and cannot be considered surplus. The proposed loss of pavilion facilities is also unacceptable as a reduction in sports facilities and inadequate numbers of toilets will result. The proposed large, modern two story building will be horribly visually intrusive. Future pupils for the expanded school will not come from the local area. The construction period will be extremely disruptive. One elderly lady told me she just enjoys sitting on a bench and contemplating nature.
- 66 Template Often come to walk the dog and enjoy the surroundings. In summertime we use the tennis courts. It would be a great loss to both the immediate community and those who come to visit family and friends. Loss of access to this space would have a great impact on the families, especially the young children who enjoy the park so much.
- 67 Template Me and my friends play football here every weekend. By removing this from the public it will make it more difficult for people to find somewhere to go and relax, socialise with friends and walk their dogs. Also, by removing the playground it will rob the children of somewhere to go and have fun and exercise.
- 68 Template No comments
- 69 Template My family use this space on a more or less daily basis. It is such a blessing to have space such as this on our doorstep. We use the space to walk, meet friends, and primarily to give the children a decent run-out given the size of our garden! The community would lose a common space to gather and interact. It would be a huge loss for dog walkers, tennis players and most importantly the growing number of young families.
- 70 Template We always visit the park when visiting friends and family. My daughter loves the playground, we dog walk, jog and picnic in the park. I've played tennis with friends many times throughout the summer. To lose the land would be a big loss to the community. It is a way of socialising and getting neighbours together. To take away the tennis courts on the back of the Olympics is ridiculous, as all councils are promoting exercise and encouraging children to play tennis, and as its free it helps all family budgets.

- 71 Template Working life in London is such a well-documented stressful weekly chore and there is no better way to remedy this than a relaxing stroll in the beautiful surroundings of the park. This area is well used by the various groups of population/residents in Wimbledon and it will be a great loss if public access to this area is denied.
- 72 Template I use the land to keep fit. I meet my personal trainer here twice a week and it is the perfect (not to mention aesthetically) area for our regimes. I think the community would be affected greatly by the removal of the land judging by the numbers of dog walkers, picnics, families on walks seen here daily.
- 73 Template This green space is so heavily utilised by the local community that it would be a disaster for it to be taken away from us. I take my young child here almost daily and meet other mums. Where do you expect young children to play?
- 74 Template We take our son to play outdoor games and to the playground. Many others use this space for exercise and dog walking/children's play. Removal of public access would result in more use of public transport to find somewhere. Precious time taken up with travel.
- 75 Template I meet friends here to play tennis and football regularly with their children. Loss of communal green space would be a real shame and a less appealing place to live and visit.
- 76 Template Use it for walks, recreation and exercise. Would be a shame to lose another bit of green space to more development. The loss of outdoor recreational space would be a disappointing setback for the local community.
- 77 Template Myself and my kids visit family in the area, and use the grounds for the children to get together and play. Where will young children and teenagers play without this space? It is a chilled out space with multi-purposes. We rely on the space throughout spring and summer to play, picnic, relax and meet up with family and friends. We can't go without it.
- 78 Template No comments
- 79 I use the Rec constantly. I walk my dogs, have enjoyed playing bowls which would no longer be possible if the proposal goes ahead. The tennis courts are continually in use by the general public.
- 80 Template I have friends who take their children and dogs there. I personally run a couple of times a week in the area as it feels safer than running on the streets. It is always important to have green space for families.
- 81 We benefit with the view of the Rec from our back garden and our above back rooms and strongly feel that a large building and any changes done to the Rec will have an undesirables and negative impact on our view. I regularly jog around the park and my wife uses it for her regular walks. My grandchildren use the park quite often to play tennis and football. Feel disturbed by the noise of pupils during playtime which will increase.
- 82 For over 16 years have visited my daughter in the area and as a family have used every aspect of the park from pram pushing, the playground, picnics, kite flying, bike riding, sitting quietly in the Rose Garden, watching the grandchildren playing tennis, just sitting with an ice-cream or reading the papers.
- 83 Want the park to stay as it is for the community to play football, tennis and bowls and to walk dogs.

- 84 Template Played sport there when young. Had to stop recently due to illness but am about to resume. As some friends now have some very young children it really has hit home to me how important this space is for future generations. Any green space will never be replaced. Why take away a valuable asset for the community when there are alternatives that would actually improve the area.
- 85 Enjoy the park for sport, walking, relaxing, playing and picnicking. It is central to the community, almost like a village green. I have no confidence in the statement that some facilities which will be included in the school plans will still be available for the general community outside school hours. This is a significant restriction on what is now available in the area of the courts, playground and bowling green.
- 86 Template The Rec is an important part of our lives. It is nice to sit in the Rose Garden, walk around the Rec. It is good for exercise. Neighbours children are always riding bikes, playing football and cricket, running and taking interest in the trees and plants. The appropriation will be the downfall once the council get approval, in years to come the whole Rec will be built upon.
- 87 Strongly object as it is well-used public land with hundreds of individuals of all ages using the space every week; the green space and sports facilities need to continue to be available to members of the whole community, now and for future generations. I play tennis on the courts with friends and with other members of the community as much as I can.
- 88 I have lived in Wimbledon for a number of years and have young children. We use the park a lot and now that my boys are old enough to play tennis it has been great to have the courts available at Dundonald.
- 89 Template No comments
- 90 We are aware that we do not need to notify you of our house easement, as it de-facto exists. However, we feel our right should be placed before Merton Council. The wall belongs to the property.
- 91 I write as someone who makes regular use of the tennis courts in the Dundonald Rec and even though I moved to Copse Hill the Dundonald Rec tennis courts are my courts of choice in the area. I work shifts so play during the day in the working week. Apart from mid-winter the courts are in almost constant use. In fact, more people than ever make use of them at all times of the day.

- 92 Opposed. I am a committee chair for Friends of Dundonald Park and enjoy being involved in the organised planting of trees/shrubs and flowers for all the visitors to enjoy. We help maintain the park through watering programmes and cleaning litter where we can. As a Dundonald community resident I use the Rec everyday. I walk my dog 3 times a day, use the tennis courts twice a week and play with my 9 month son in the playground. I invite my friends to visit and we often sit in the Park to watch the football and cricket, or in the summer resting on the grass. The tennis courts have a club that provides free (or almost) free lessons/coaching which has invigorated them. Many of my friends travel from afar to make use of this facility, and it provides weekly exercise for individuals, including myself who might not otherwise have the opportunity. Moreover, the Bowling Green which was (illegally) closed by the council was up to that point used by the local bowlers for their leisure and brought a community feeling to the Park. You as a council know that your claim that the Land is underused is complete rubbish.
- 93 Template As a local nanny I use the park everyday to walk the baby and to play in the playground. I have recently enrolled with Dundonald Tennis Club. The Park is used by lots of local residents and to take away the designated area would reduce the attendance.
- 94 Template I often use the tennis courts and have had many picnics there with my sister and niece. There will be less outdoor space and places to exercise and less space to spend time with people without having to pay to get in.
- 95 Template I use the Rec to walk my dogs as well as regularly using the tennis courts. These sorts of spaces are vital for the health and wellbeing of people in built up areas.
- 96 Template Use the park for exercise/running, walking dog, picnicking and tennis. The Park is well utilised and busy every time I go.
- 97 Template Regularly walk dog and socialise with other dog walkers. It would be a big loss as it would mean that we couldn't get together and enjoy the walks as we do now.
- 98 Template My husband and I want to object in full to the removal of land from public use for education. Both sons used the Rec and now bring their own children to play.
- 99 Oppose proposal. Over the last year I have begun to use the area especially the tennis courts at least twice a week, getting involved in the Olympic Legacy programmes, which have had a big impact on my fitness, health and general well-being as well as expanding my social network. Any changes, especially the removal of the ability to use the area during the day would severely impact on this.
- 100 In my opinion the council has already broken the law by preventing public access to the tennis courts and bowling green, both of which have been in constant and frequent use by the public in the past.
- 101 I have lived next to this park for 37 years and played football for various football teams in the park on good football pitches and walked my dogs. I have also passed the bowling green and seen the smile on the players on sunny days, keeping them fit in their latter years. Now you see people playing tennis in the early mornings in the summer before school starts.

Supporter of the scheme e-mails

- 1 It will be beneficial to the local community and provide much needed school places.
- 2 Sympathise with the importance of protecting our recreation grounds I feel priority must be given to working parents who cannot logistically drop off/pick up their children from schools too far away from home. Working parents don't have a choice - users of the rec do have a choice where to spend their leisure time e.g. Wimbledon Common, Morden Hall Park, South Park Gardens and indeed the new facilities at Dundonald Rec.
- 3 I support the expansion plans.
- 4 I support the proposal. We live in the immediate area but will continue to struggle for a school place without the expansion. We love the Rec and do not feel the extension plans cause us any concerns - our children attending a local school and being part of the local community would make a huge difference.
- 5 My family and I use Dundonald park almost daily. My children attend the school which is in need of improvement both building wise and in improved opportunities for teachers. We also look forward to an improved pavilion. The Dundonald tennis club occupies the courts almost 100% of the time as if they own them and my husband and children can never get space on the court after school or at weekends. We would like to have a court free from any club access to allow children in the community to play with friends and families.
- 6 Dundonald is a vibrant, welcoming, inclusive neighbourhood, in my opinion largely as a result of the strong community spirit facilitated by the two local state schools. Expanding Dundonald can only enhance this spirit. I also feel the impact on the park will be positive.
- 7 Frustrated by protect the rec campaign. Live nearby but child will not get into either Dundonald or Wimbledon Chase. I believe the proposals made are taking into consideration all factors to ensure that the whole community benefits in the long term. The tennis club has only been in existence for the duration of the campaign - it is a great idea and I hope that it will continue but also recognise the needs of the full community including children of school age. My own school had the same school/pavilion facilities as proposed here and it was an excellent way of achieving a balance for the community. I fully support the expansion. I do not condone expansion more widely into the park than the current proposals.
- 8 I support the expansion plans.
- 9 I support the expansion plans.
- 10 We support the expansion plans.
- 11 I support the expansion plans and believe it will have a positive impact on the local community and the site lends itself to expansion.
- 12 I support the expansion plans. The nearby Common more than compensates for the reduction in green space.
- 13 I support the expansion plans.
- 14 As a regular user of the Park I accept that there is some sacrifice in the use of the land however it is very large and in the grand scheme of things I don't think the proposal would seriously curtail any of the regular activities of the park given there would still be room for more than 3 soccer pitches. I think the needs of young people's education has to rank above those regretting the

15 loss of a bowling green and a couple of tennis courts (it's not like there is a severe shortage of tennis options in the vicinity).
16 I support the expansion.
17 I support the expansion. I learned to ride a bike in the park and the space was indeed very useful. However I would have still
18 learnt to ride a bike even if the park was a bit smaller or a different configuration, whereas the opportunity to attend an
19 excellent school is not so easily replaced. I am more than willing to accept whatever changes are required to the rec to give
20 more children the opportunity to attend the school.
21 We support the expansion plans.
22 I support the expansion plans. The Rec is quite large and will remain so even with the expansion - children must take the priority
23 in this instance.
24 I support the expansion plans.
25 It is clearly in the neighbourhood's interest to expand if possible.
26 If our children don't get into the school one of us will have to reduce the hours worked and severely impact our incomes and
27 ability to stay in the area. I think the expansion of the leisure facilities will be a great addition.
28 Support the expansion and concerned by intimidating tactics of the anti-expansionists and their poster campaign on trees in the
29 park.
30 I support the expansion.
31 We are in favour of the expansion and concerned about the aggressive anti-school campaign. I think if the proposals are well
32 planned and managed the overall community will benefit significantly as a result.
33 The expansion will give the school better facilities and, more importantly, scope for succession planning to help to retain the
34 best teachers. Given that the bowling club is no longer in use and the pavilion is clearly in need of a refresh, I believe the
35 proposed plans are sympathetic to the much loved Rec. The community will benefit from a new pavilion, new playground, a
36 nature reserve and much needed new tennis court.
37 We are in favour of the proposal.
38
39 I offer my sincere support of the expansion as more children would be able to enjoy better education near their homes and am
40 happy to accept that part of the expansion will be on the Rec.
41 I am in favour of the proposal. Quality of education and family life are the top priorities of any community and we cannot have a
42 status quo where unless you live on the right side of a park and literally next door to the school your children will not gain a
43 place. The expansion will help build a stronger, more inclusive community in the future and in the process will have no effect on
44 the green space and will improve the recreational facilities on offer.
45 I am in favour as I consider the enlarged school facilities to be very much needed in this area and do not consider this to have a
46 detrimental effect on the facilities available at the Rec.

- 31 I think it is a fantastic idea. Many small children in the area may not get a local school place without it.
- 32 An expanded school will benefit the whole community and simultaneous investment in recreational activities will enhance the park, whose buildings are at present scattered and unkempt. I think it is essential that landscaping forms an integral part of the development.
- 33 We support the expansion which will help our children in admissions and also give more facilities.
- 34 We support the expansion and it will be of great benefit to us.
- 35/36 We are in favour of the expansion for the following reasons: increase in pupil numbers; Dundonald is rated 'outstanding' by Ofsted; the enhancement of the facilities both at the school and the park; support by the Labour administration. We understand the expansion means potential loss of some green space, but expanding the school is not just providing education but about nurturing and giving another generation the best opportunities in life.
- 37 I support the expansion as the area desperately needs good school places and bowling green's etc must surely come a very distant second to that.
- 38/39 We support the expansion as the places are needed and the park will be improved by the new facilities.
- 40 I support the proposed expansion as it is required and will not only secure primary places for our children at a school in our immediate local area but also provide additional tennis court space and a larger outdoor playground.
- 41/42 Raised concerns regarding the 'gross mis-representation' of key facts from the protect the rec group also suggesting that Dundonald tennis club is 'only a front to stop them expanding the school'.
- 43 Please expand the Rec – the protect the rec group have blown the utilisation out of proportion – they only started the tennis lessons a few months ago to counter the expansion for their own selfish reasons. The courts are hardly used in weekday time – we need more school places.
- 44 I support the development plans.

Committee: Cabinet

Date: 9 December 2013

Agenda item:

Wards: Dundonald Primary School is located in Dundonald ward

Subject: Approval of statutory proposal under the Education and Inspection Act 2006 to permanently expand Dundonald Primary School

Lead officer: Yvette Stanley

Lead member: Cllr Martin Whelton

Contact Officer: Tom Procter – Service Manager, Contracts and School Organisation

Recommendations:

- A.** To approve the proposal for a prescribed alteration to expand Dundonald Primary School from 210 places plus nursery to 420 places plus nursery with a permanent admission number of 60 per year from September 2015.
 - B.** That the reason for this decision is to provide basic need school places in the local area and the expansion of Dundonald Primary School provides extra places in an area of demand at a successful and popular school. The council's Head of Education is satisfied that the leadership of the school has the management capacity to continue to raise standards while the school expands.
 - C.** To note that a report on appropriation of land from Dundonald Recreation Ground is being made to this Cabinet meeting and would need to be agreed before this prescribed alteration can be approved.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report concerns proposals for the expansion of Dundonald School under the Education and Inspections Act 2006 and related statutory guidance. It is distinct from the report also being submitted to this Cabinet regarding appropriation of land needed for the expansion of the school,
- 1.2 Since 2008/09 the council has needed to implement unprecedented increases in the capacity of primary schools to meet demand. Forecast from the GLA is that the rise in demand will continue to 2016/17 and much of it will then be sustained.
- 1.3 In addition to other legal processes the council has been progressing the process required for the significant enlargement of Dundonald Primary School under the education related law. This has involved lengthy and

complex work with many stakeholders. Due to the time gap from the original statutory consultation undertaken in 2011 an additional consultation was undertaken in September 2013 in line with the statutory guidance and the council subsequently published a statutory notice on 31 October 2013 giving a further four week period for comments and objections to be made prior to final decision.

- 1.4 The statutory notice period expired on 28 November 2013 and it is now for the council to decide whether to agree to the expansion of Dundonald Primary School. As statutory decision maker, the council must also state the reason for the decision. The decision must be made within 2 months of the expiry of the statutory notice period, i.e. by 28 January 2013.
- 1.5 Capital resources are approved in the council's Capital Programme for the expansion scheme, aided by a DfE grant of £2.01 million.

2 DETAILS

- 2.1. The London Borough of Merton has a legal obligation to secure the provision of sufficient school places for its area. There is a significant increase in demand for school places in Merton, with more children reaching school age, fuelled by the increase in the number of live births in the last ten years. Full details on the current supply and demand of school places were reported to Cabinet on 11 November 2013.
- 2.2. The expansion of Dundonald Primary School was first proposed in autumn 2010 when the council undertook a consultation on its primary school expansion strategy with proposed schools named.
- 2.3. Dundonald School was proposed as it meets all the key criteria for expansion agreed by the administration in autumn 2010. It is a popular and successful school. In its most recent Ofsted inspection (2009), it was rated outstanding and performance data since then shows it has maintained this level. The school has been heavily over-subscribed for its 30 places such that the maximum distance for a non-sibling place has decreased to barely 200 metres in recent years. Even with other recent school expansions in the local area such as Wimbledon Chase and Pelham Primary School, there are issues relating to the availability of a local school place for residents in the area around Dundonald Primary School.
Statutory consultation
- 2.4. Following agreement to the overall strategy including Dundonald Primary School the council commenced a specific consultation on 18 May 2011. The council consulted on two related matters:
 - The principle of expanding Dundonald School to be 2-forms of entry i.e. expand from its current capacity of 210 permanent places (plus nursery) to 420 places
 - Early design options for expanding the school and the potential impact on the recreation ground

- 2.5. The consultation was a statutory consultation under Education Acts and the related government guidance, to decide whether the council should go to the next stage of publishing a statutory proposal for expanding the school. However, it was also intended to be a wider consultation with the public given the impact on the recreation ground should the school expand. Specifically, the proposal required building school facilities and a replacement recreation ground pavilion on the equivalent footprint to the existing pavilion, with other changes in use of external recreation ground space. Therefore, the consultation was wider than all previous school expansion consultations, with over 4,500 leaflets distributed to local residents in addition to parents of children currently attending the school.
- 2.6. The consultation showed a balance in the views of current parents at Dundonald School, a significant majority of parents with pre-school children supporting the council's proposal, but a significant majority of local residents against the proposal.
- 2.7. Having carefully considered all the factors Cabinet decided to progress the expansion which as well as planning permission, required two additional processes due to the impact on the recreation ground.
- apply to the Upper Tribunal (Lands Chamber) for a modification to the existing restrictive covenant on Dundonald Recreation Ground
 - to proceed with the appropriation of the area of land required for the school expansion from Leisure Services to Education for the use of Dundonald School.
- 2.8. The modification of the restrictive covenant was agreed in June 2013 and as a result the council commenced the legal process on the appropriation of the land, which is also being considered by Cabinet at this meeting. Planning permission has now also been formally agreed with the decision notice issued on 28 November 2013.
- 2.9. While Cabinet in September 2011 provided authority to publish a statutory proposal subject to the covenant modification being agreed, the statutory guidance for the expansion of schools states "Proposals should be published within a reasonable timeframe following consultation so that the proposals are informed by up-to-date feedback. Proposals should therefore be published within 12 months of consultation being concluded"
- 2.10. In view of the lapse of time since the previous consultation in 2011, the council decided to hold an additional consultation by contacting interested parties as required under the statutory guidance since there may have been additional people who could be affected by the proposal. The consultation commenced on 4 September 2013 with a closing date of 3 October 2013. To comply with the requirements of the Education and Inspections Act 2006 and associated regulations and guidance, the following were directly contacted:
- Governing body – Dundonald Primary School
 - All families, teachers and other staff – Dundonald Primary School
 - Governing body, teachers and other staff – all LB Merton primary schools
 - Diocese of Southwark

- Archdiocese of Southwark
- Trade Union Representatives
- Stephen Hammond MP
- All early years providers and childminders in local area
- All LB Merton councillors
- Friends of Dundonald Park
- Protect Dundonald Rec

2.11. Unlike the original consultation, which served a wider purpose, a leaflet was not put out to the general public although the 'Friends of Dundonald Park' and the 'Protect the Rec' campaign group were contacted, and the consultation was placed on the council's website. Therefore some residents who were not parents of primary school pupils or pre-school children did reply. Nevertheless some of the responses from residents, including that from the Friends of Dundonald Rec and 'Save the rec', questioned why the consultation was not wider.

2.12. The repeated consultation concentrated on the issue of school expansion because this was its purpose, and residents' views in relation to impact on the recreation ground were specifically given due attention in two further legal processes associated with the proposals. Firstly, the planning application process in 2012 and secondly the statutory process in relation to the land appropriation. The land appropriation is being considered at this Cabinet meeting.

2.13. Following the statutory notice a key decision report was presented to the Director of Children's, School and Families who agreed that the council should publish a statutory notice.

Statutory notice

2.14. A statutory notice regarding LB Merton's intention to make a prescribed alteration to Dundonald Primary School was published on 31 October 2013 in the local Guardian newspaper, posted in the local library, posted on the school gates, on the recreation ground gate adjacent to the school, and placed on the council's website. As required in the regulations, four weeks were provided for any person to object to or make comments on the proposal, which expired on 28 November 2013. Appendix 2 provides a copy of the statutory notice together with the full prescribed information posted on the council's website.

2.15. The consultation section of this report outlines the results of the consultation and statutory notice period and officers' response.

3 ALTERNATIVE OPTIONS

3.1. There is a statutory requirement to provide sufficient school places and the area has been identified as having a shortfall in the provision of places. The alternative is then to expand alternative schools or provide a new school site. Dundonald School was chosen as part of the council's school expansion strategy on the basis of the following criteria: Educational standards, parental preference, smaller schools expand where feasible, location, physical constraints of existing school sites, value for money and affordability and diversity including balance of faith and non-faith provision

- 3.2. All alternative schools that could be expanded in the local area have already been expanded yet there are still significant issues for residents around Dundonald Primary School to obtain a local school place. Attempts to find a viable site for a new primary school in the local area have not proved possible by either the council or a Free School provider.

4 SUMMARY OF THE CONSULTATION RESPONSES

Statutory Consultation

- 4.1. The Cabinet paper in September 2011 provides a detailed analysis of the consultation undertaken in summer 2011.
- 4.2. Appendix 2 provides a summary of all the responses to the September 2013 consultation. The full responses to the consultation and to the statutory notice have been made available to members.
- 4.3. For the September 2013 consultation a total of 16 responses were received, 6 from parents of children at Dundonald Primary School or with pre-school children, 7 residents who did not indicate any affiliation to the school or a pre-school child, and 3 from representative groups
- 4.4. All 6 parents of school children/pre-school children supported the expansion of the school for the following reasons.
- Obvious need for additional places and current school intake is inadequate and inappropriate for local needs.
 - Too few schools for the density of the population. Local schools build local communities
 - The proposed new building will be an asset to both the school and the whole neighbourhood
- 4.5. 6 of the 7 residents objected to the expansion for the following reasons.
- Questions whether there is a demographic need for the expansion
 - Concerns about the design of the building including small playground
 - Should build new schools instead
 - Covenant should not be broken.
 - Playground will still be too small.
 - Extra traffic and impact on parking.
 - Increased noise
 - Residents will be unable to use certain parts during school hours and community groups will not be able to use the pavilion.
 - Suitability of school building
 - The new development plus the re-modelled 'old' school building will be inadequate, overcrowded and too small. Question whether the detailed plans will comply with building regs, especially Approved Document B plus the Government Fire Risk Assessment Guides for Education. If not, the school will be both unusable and unsuitable.
 - Demand for places - questions the birth data and projections used to calculate the number of primary school places needed in certain planning areas in Merton. Concerned about overprovision in some planning areas

whereas other areas with increased birth rates have had no expansions. Suggests Beecholme as an alternative option. The proposal for a 'free school' serving the Raynes Park area should also be considered. Concludes that there may be demand for an additional form of entry but not in this ward or central Wimbledon. Council should urgently reassess primary school provision.

- Opposed to the expansion as do not want to lose the childminder drop-in at the pavilion. Bowling green has been neglected. Concerned about state of Rec during the building works and fear it will never be the same again. Concerned about children's safety due to increased traffic
- 4.6. One resident supported the expansion stating the small size of intake is causing ridiculous efforts to obtain a place and cannot see any reasonable ground for objection.
- 4.7. The Friends of Dundonald Park opposed the expansion for the following reasons:
- The latest data shows the basis for projecting pupil numbers has resulted in an overestimate.
 - The council's estimates could be met without building on highly value open space e.g. Beecholme instead
 - Suitable school sites were identified in the Council's Capita Symonds report
 - Free Schools could provide for the increase
 - A comparison of births and recent /proposed provision shows there is no shortfall of primary provision in the Wimbledon area.
 - Excessive noise to local residents
 - Inadequacy of pavilion and community facilities
 - Loss of mature trees and impact on conservation areas
 - Traffic and parking
 - Implementation issues
- 4.8. The 'Protect Dundonald Rec' group recognised that all previous comments would be taken into account so commented on two aspects
- Suitability of school building - both the new development plus the re-modelled 'old' school building will be inadequate, overcrowded and too small. Question whether the detailed plans will comply with building regs, especially Approved Document B plus the Government Fire Risk Assessment Guides for Education. If not, the school will be both unusable and unsuitable and
 - Demand for places – refers to the council's scrutiny paper on 17 September 2013. Queries the GLA figures on an increased demand for school places and whether the demand is really in Wimbledon given that Merton's council's data shows a 50% increase in provision in Wimbledon within a one mile radius of Dundonald and the expansion in planning areas 1, 2 and 3 (the west of the borough) has already exceeded the increase in births. The number of birth reduced in Merton in 2012. 5 tables provided to demonstrate the case. Concerned about overprovision in some planning areas whereas

other areas with increased birth rates have had no expansions. Suggests Beecholme as an alternative option to meet local need. Concludes as follows “The Council’s data may be used to build a case for an additional 21 FoE but it does not build a case for the expansion of Dundonald School. The recent and on-going increase in provision of primary school places may be required but there is no evidence in the Council’s data or in anything from the GLA to demonstrate that demand had not already been met in Dundonald ward and central Wimbledon. We therefore consider that the Council should undertake a complete reassessment of primary school provision as a matter of urgency, taking into consideration the above factors.”

- 4.9. Southwark Diocese supported the strategy of expanding Dundonald School but raised concerns regarding the possible impact on pupil numbers at All Saints Primary School (South Wimbledon/Colliers Wood area
- 4.10. Representations during statutory notice period.
- 4.11. 28 responses were received to the statutory notice, of which 26 were objections and 2 of support.
- Impact on recreation ground including sport and leisure when there is a lack of green space
 - Need to expand the school not demonstrated, nor alternatives considered properly. Considerable detail provided in paper from ‘Protect the Rec’ group and council hasn’t considered the fall in numbers locally from birth to school and to the independent sector. The GLA schools atlas provides additional information.
 - The school building/site is too small so the expansion does not meet current guidelines for new buildings, with the school split between two buildings
 - The school is excellent as it is and the unique character of the school will be lost
 - Congestion of cars and people at school time and lack of parking for staff
 - Expansion could impact on attainment, standards, and pupil behaviour at the school
 - Can’t understand the combined access of the new pavilion
 - The expansion will widen the gap between the east and west of the borough by pumping resources into the west and children will have to travel further from the east of the borough to the east to obtain a school place.
 - It is expensive.
 - Expansion jeopardizes the school’s relationship with the local community
- 4.12. In support:
- We need additional places at a good school

- Expansion essential - I am 200 metres from the school but my child won't get a place unless the school is expanded

4.13. The 'Protect Dundonald Rec' campaign group provided a detailed response stating that local residents and users of Dundonald rec are strongly opposed the school expansion onto the public open space, and the views of the current users of the land have to be taken into account and given at least equal weight to those of parents around the borough who may want their children to have places at the school.

4.14. The response stated that there is no evidence that Dundonald School needs to expand to meet local need, with the following statement in bold "All of the

state-educated primary school aged children who live within 400m of

Dundonald School attend either Dundonald or other nearby schools: Wimbledon Chase, Pelham, Holy Trinity or St Marys. All of these schools have expanded, and now offer 80% more places: local demand is met by local provision".

4.15. The response provided some data from the Office for national statistics and the GLA stating that there are relatively few four year olds in Dundonald ward and the recent increase had only been small so Dundonald had a surplus, yet the deficit was areas to the east of the borough e.g. Graveney ward. They state that "distance offered" is a poor measure of local need as it varies massively from year to year for every school depending on the number of sibling places offered, and the fall at Dundonald is directly related to the rise in sibling places offered. It also offered the former 'Manoplastics site', (Kingston Road SW20) as an alternative. It claimed that the expansion, "far from increasing parental choice, promotes and reinforces inequality between the wealthy and the deprived areas of the borough as parents in wealthy parts of the borough have greater choice; it states educational standards won't be improved as a result of the expansion as all schools within 1 mile of Dundonald are 'Good' or 'Outstanding'. Lastly it was questioned whether the land, premises and capital to implement the proposals is available when the planning permission had not been resolved and the land was not available (i.e. the appropriation viability was questioned)

4.16. Dundonald Tennis Club stated that it represents many hundreds of Merton residents who use Dundonald Rec tennis courts including school children that do not attend Dundonald Primary School, and raised concerns regarding the loss of sports facilities and "the dubious claim that more school places are needed in Dundonald ward." It references a petition that had received more than 340 responses against the appropriation of the public land for education purposes.

OFFICERS' COMMENTS ON THE CONSULTATION AND STATUTORY PROPOSAL RESPONSES

- 4.17. The statutory consultation responses were consistent with those in the consultation in summer 2011, showing strong support from parents with pre-school children and other parents to expand the school to provide local school places, but a significant number of objections from local residents without a direct interest in obtaining a school place. These are mostly for reasons relating to the impact on the recreation ground. These have been considered through the analysis in the September 2011 cabinet paper and the planning application process. They are now being considered as part of the Land Appropriation paper which is also being considered at this Cabinet meeting. They not factors that are considerations in the statutory guidance related to the Education and Inspection Act 2006.
- 4.18. Most of the responses to the statutory notice were against the proposal. There were no responses from parents of pre-school children to the notice but some parents had already made representations as part of the land appropriation procedure. The education statutory consultation, education statutory notice, and land appropriation notice all being consulted upon within a three month period.
- 4.19. From the statutory consultation and statutory notice period the following issues require further analysis:
Whether the land is available for the decision maker to make a decision:
- 4.20. A planning approval decision notice was issued on 28 November 2013 so the decision does not need to be conditional on the granting of such permission. However, the expansion cannot be implemented unless the land appropriation is agreed so Cabinet is advised to make a final decision on the expansion once they have decided on the land appropriation.
- 4.21. Accommodation: The construction scheme has been developed with highly experienced professionals in school design and will meet all statutory requirements including the school premises regulations. There is no longer specific guidance on school accommodation but the most appropriate sources for determining a suitable primary school building is 'Building Bulletin 99' published by the previous government in 2006 and design guidance relating to the 'Priority School Building Programme' which is less generous in accommodation quantity. Both provide guidance on entirely new schools rather than extensions, but the principles of this guidance were used in developing the project. The scheme was developed in close consultation with the senior leadership of this Ofsted rated 'Outstanding' school and will meet all the requirements expected of a 2 form of entry school – 14 classrooms of a suitable size (the new classrooms to the ideal size, the existing classrooms are not changing, a main hall and supplementary hall and other supplementary spaces required to meet the curriculum and all safety requirements). The school site is exceptionally small, but with the proposed formalising of the arrangement for the enlarged tennis courts/multi use sports area for use by the school during specific hours during the school day, there is sufficient outdoor space for the school pupils
- 4.22. Size of school: The Head of Education considers that while some parents support the principle of a small school there is no empirical evidence that small schools provide improved standards. A two-form entry school is generally considered to be more financially stable than a one-form entry

school and can offer improved opportunities from there being more than one class in a year group. The leadership of Dundonald Primary School is strong and is highly capable of effectively managing the transition from a one to two forms of entry school.

Demographic need to expand the school:

4.23. The Cabinet on 11 November 2013 provided the latest overview of demand for school places in the borough. It recognised the definite need for 21 forms of entry expansion (compared to 2007) and that while the GLA (Greater London Authority) pupil forecasts suggest more growth equivalent of needing 28 to 29 forms of entry (and more if their 'alternate model' is used) with the greatest pressure in the Wimbledon and central Mitcham/Colliers Wood area, the council was not at this stage planning expansion beyond that already planned including Dundonald.

4.24. The distance that Dundonald has offered for distance-based places in the past 4 years is as follows:

Year	Siblings and special cases criteria	Distance
2013	21	105 metres
2012	10	217 metres
2011	13	303 metres*
2010	13	212 metres

* First 30 places only – temporary 30 places also provided

4.25. It is accepted that the distance offered was particularly low in 2013 due to the larger number of siblings but the above data supports the extremely small distance that places can be offered for Dundonald Primary School, despite the substantial increase in provision at other local schools to keep up with demand.

4.26. Appendix 4 shows the maximum distance offered on offer day 2013 for the local schools mentioned in the representation from the Protect the Rec group. This shows areas where, except for residents with a church affiliation due to the distances offered a place at their most local schools cannot be provided.

4.27. In the consultation Southwark Diocese raised some concern regarding impact on All Saints CE school. However, there are 12 schools closer to Dundonald than these schools (1. Wimbledon Chase Primary School, 2 St Mary's Catholic Primary School, 3 Pelham Primary School, 4 Merton Park Primary School, 5 Holy Trinity CofE Primary School, 6 Bishop Gilpin CofE Primary School, 7 Joseph Hood Primary School, 8 Merton Abbey Primary School, 9 The Priory CofE School, 10 Poplar Primary School, 11 Hollymount School, and 12 Garfield Primary School). Although All Saints CE is only 1.1 miles from Dundonald 'as the crow flies', with transport links and actual road travel, it is a considerable distance and therefore serves a very different area.

- 4.28. Dundonald Primary School had more preference applications (435 on-time for reception year) than any other Merton primary school last year.
- 4.29. While, as acknowledged in the council's November 2013 Cabinet report, there is some evidence that the GLA's forecast additional 28-29FE could be an over forecast, the trend still appears upwards, and there is undoubted current pressure on Dundonald School as a highly popular successful school, as well as the surrounding area.
- 4.30. Some representations pointed out that the live birth figure in Merton had gone down in the 2012 calendar year. While there was a very modest fall, cohorts with higher birth figures are still to reach school age (see table below) and the case for expanding Dundonald Primary School to meet the need for local school places is still clear:

Academic year born	2008/09	2009/10	2010/11	2011/12
Academic year for reception year	2013/14	2014/15	2015/16	2016/17
Live births for cohort	3387	3485	3536	3496 *

* 2011/12 is ⅓ ONS published 2011 calendar year, and ⅔ ONS published 2012 calendar year

- 4.31. Previous expansions have been more weighted towards Wimbledon as the starting off point in 2007 prior to the increase in demand across the borough was that the east had surplus places and the Wimbledon area had little surplus, hence the increase in demand required immediate expansions in Wimbledon while in the east of the borough schools were able to be full for the first time in many years before expansion was necessary. As shown in table 2 of the 11 November 2013 Cabinet report the latest GLA population forecasts for children age four shows that the largest increases in population over the next four years will be in the Wimbledon (planning area 3) and Mitcham/Colliers Wood (planning area 5) areas
- 4.32. The 'Protect the Rec' group suggested the council should be expanding a school in Mitcham instead of Dundonald. The council has already expanded several schools in this area to the east of the borough to meet local demand and may implement further expansion if and when required. Singlegate Primary School in Colliers Wood will be providing a further 30 reception places from September 2014, therefore admitting 90 places per year. There is no substance that there is any inequality in provision as Mitcham residents can currently obtain places at local schools and the council will expand further if and when it is needed.
- 4.33. In conclusion, the fresh consultation and statutory notice provided some limited additional evidence but does not weaken the case that Dundonald is the most oversubscribed school in the borough, provides an 'Outstanding' education, and is in an area of high demand that appears to still be growing. The Department for Education recognised the benefit of expanding Dundonald School in providing a specific grant to the school's expansion in

July 2013, prioritising it from bids across the country to provide additional high quality school places where they are needed.

Alternative sites

- 4.34. The Capita report on site searches did not show a viable alternative option in the local area, and this includes the one option suggested by the 'Protect the Rec' group in their response. Specifically, the council has been in contact with the landowner of the former Manuplastics site, Kingston Road SW20 who has made it clear he has an existing planning permission for development, which does not involve a school, that he intends to implement shortly.

5 TIMETABLE

- 5.1. The proposal is for Dundonald School to provide 60 reception year places from September 2015.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The capital cost of the schemes and funding was agreed by council as part of the capital programme in March 2013 and has been facilitated by a DfE grant of £2.01 million under the Targeted Basic Need Fund.
- 6.2. The revenue impact to operate the larger schools will be funded through the Dedicated Schools Grant, which increases on the basis of additional pupils, although there is a delay in receiving the funding for the additional pupils and it is not retrospective. This is the position whichever school is expanded
- 6.3. There are implications from the expansion in relation to the adjacent Dundonald Recreation Ground, which is the subject of an appropriation notice and will be considered prior to any final decision on the school's expansion.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The council has a duty under section 14 of the Education Act 1996 to secure that sufficient schools are available for its area. The council must exercise its education functions with a view to securing diversity of provision and increasing opportunities for parental choice and with a view to promoting high educational standards, ensuring fair access to educational opportunity and promoting the fulfilment of every child's learning potential.
- 7.2. Proposals for prescribed alterations to schools must be made in accordance with statutory procedures set out in the Education and Inspections Act 2006, and associated regulations and having regard to statutory guidance published by the Secretary of State. Prescribed alterations include the enlargement of the premises of a school which would increase the physical

- capacity of the school by more than 30 pupils and by 25% or 200 pupils (whichever is the lesser).
- 7.3. Under current regulations, the authority is the decision-maker for these proposals. In making its decision, it must have regard to the statutory guidance for decision makers contained in 'Expanding a Maintained Mainstream School or Adding a Sixth Form'. The relevant sections are contained in appendix 1 to this report.
- 7.4. There are four key issues to be considered before considering the merits of the proposals:
- (1) Is all relevant information provided? The full proposals follow the template provided by the DfE and therefore give all the information required by the regulations.
 - (2) Does the published notice comply with statutory requirements? The notices were drafted by the council's legal section to meet all statutory requirements. They have been published in the local paper, at the school site and distributed to public libraries in Merton to meet publication requirements, as well as on the council's website.
 - (3) Have the statutory consultations been carried out prior to the publication of the notice? Details of the consultations, which met the statutory requirements, are included in the full proposals.
 - (4) Are the proposals linked or related to other proposals? The proposals for Dundonald are not linked to any other Education Act proposals.
- 7.5 In deciding whether or not statutory proposals should be approved, all proposals must be considered on their individual merits. The Guidance requires consideration of the effect on standards and school improvement, school characteristics, the need for places, funding and land, and any other relevant issues, including the views of all those affected by the proposals or who have an interest in them.
- 7.6 The decision maker should be satisfied that any land, premises or capital required to implement the proposals will be available. The proposed expansion requires use of land currently within Dundonald Recreation Ground. Cabinet will need to agree the appropriation of the land required for school use if the proposals are to be approved, including the transfer of an area of land to become permanently part of Dundonald School and agreement to the appropriation of land for (a) a replacement two-storey pavilion for the primary purpose of changing facilities and a social space for the recreation grounds but which may at certain times have a more flexible use and (b) tennis courts/multi use sports area of which the school will have exclusive use at set times as set out in a Community Use Agreement.
- 7.7 Paragraph 6 above confirms that sufficient funding has been agreed by the council to fund the scheme.
- 7.8 The Decision Maker also needs to be satisfied that the admissions arrangements meet the provisions of the School Admissions Code. This is the view of officers. Dundonald Primary School is a community school included in the admission arrangements applying generally to Merton community schools. The admissions policy for the school will remain unchanged following expansion.

- 7.9 There is a presumption that proposals for the expansion of popular and successful schools will be approved. There is no definition of a successful and popular school in the legislation or guidance; this is for the decision maker to decide having regard to the school's performance and the number of applications for places and any other relevant evidence.

The Local Authority feels that Dundonald Primary School would be considered under the presumption for the expansion of successful and popular schools. The school was rated in their last Ofsted as 'outstanding' and is one of the most oversubscribed schools in the borough on its current admission numbers

- 7.10 The regulations require that a decision on the proposals be made within two months of the end of the representations period, or the proposals must be referred to the Schools Adjudicator.. The governors of the school that is subject to the proposal, the local Church of England Diocese, and the bishop of the local Roman Catholic diocese each have the right to appeal against the authority's decision to the Schools Adjudicator. Any such appeal must be made within four weeks of the local authority's decision.
- 7.11 If proposals are approved, the council will be under a statutory duty to implement them.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 All recent LB Merton school expansions are implemented to meet the basic need of children to receive an education, and this can be in conflict with other residents' desire not to have the impact of development in their neighbourhood. The expansion of Dundonald School does mean the loss of a bowling green, a sport for which older people are more likely to play, but there is an opportunity for the council, in its role as leisure provider, to consider the best use of space in the recreation ground for the future. The council ceased to maintain the bowling green in September 2012 due to its cost in relation to the low number of members using it
- 8.2 Paragraph 4.32 and admissions information generally does not support any view that there is a lack equality of sufficient school provision to the less wealthy east of the borough compared to the west and there is no case that Dundonald Primary School is being expanded instead of a school to the east of the borough.
- 8.2 The Equality Act 2010 introduced a new Public Sector Equality Duty ,which came into effect in April 2011.This covers eight 'protected characteristics'(age, disability ,gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation). It establishes a general duty on public bodies to have 'due regard' in carrying out its functions to the need to:
- a. eliminate unlawful discrimination, harassment and victimisation:
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it ;and
 - c. foster good relations between people who share a protected characteristic and those who do not.

In making any decision the decision maker should have due regard to the above duty.

9.0 CRIME AND DISORDER IMPLICATIONS

9.1 There are no specific crime and disorder implications

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1 Some of the legal issues in relation to this scheme are highlighted in the main body of the report.

10.2 Health and safety would be considered carefully in the development of the project to ensure there will be a clear separation between pupils, teachers, parents, recreational ground users and construction work, while ensuring the school and recreation ground can continue to function appropriately during the works.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

Appendix 1 - Statutory Guidance: Factors to be considered by Decision Makers

Appendix 2 - Copy of the statutory notice incorporating the full prescribed information with summary of the consultation responses for the September 2013 statutory consultation

Appendix 3 – Summary of all representations to the statutory notice (original copies of responses available to the decision maker).

Appendix 4 – Map showing maximum distance offered for Dundonald and other local school for distance-based admissions

12 BACKGROUND PAPERS

12.1 Cabinet paper September 2011 on Dundonald School expansion

12.2 Key decision report to publish a statutory proposal to expand Dundonald Primary School - October 2013

12.3 The full 'prescribed information' detail for the statutory notice can be viewed on-line on <http://www.merton.gov.uk/schoolsconsultations.htm> or by request to Contracts and Schools Organisation at the council civic offices.

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Statutory Guidance – Factors to be Considered by Decision Makers (Paragraphs 4.15-4.16)

4.15 Regulation 8 of The Regulations provides that both the LA and schools adjudicator **must** have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 4.17 to 4.73 below contain the statutory guidance.

4.16 The following factors **should not** be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals **should** be considered on their individual merits.

EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT

A System Shaped by Parents (Paragraphs 4.17-4.18)

4.17 The Government's aim, as set out in the Five Year Strategy for Education and Learners and the Schools White Paper Higher Standards, Better Schools For All, is to create a schools system shaped by parents which delivers excellence and equity. In particular, the Government wishes to see a dynamic system in which:

- weak schools that need to be closed are closed quickly and replaced by new ones where necessary; and
- the best schools are able to expand and spread their ethos and success.

4.18 The EIA 2006 amends the Education Act 1996 to place duties on LAs to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, LAs are under a specific duty to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker **should** take into account the extent to which the proposals are consistent with the new duties on LAs.

Standards (Paragraphs 4.19-4.20)

4.19 The Government wishes to encourage changes to local school provision which will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes.

4.20 Decision Makers **should** be satisfied that proposals for a school expansion will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They **should** pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

Diversity (Paragraphs 4.21-4.23)

4.21 Decision Makers **should** be satisfied that when proposals lead to children (who attend provision recognised by the LA as being reserved for pupils with special educational needs) being displaced, any alternative provision will meet the statutory SEN improvement test (see paragraphs 4.69-4.72).

4.22 The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision.

4.23 Decision Makers **should** consider how proposals will contribute to local diversity. They **should** consider the range of schools in the relevant area of the LA and whether the expansion of the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.

Every Child Matters (Paragraph 4.24)

4.24 The Decision Maker **should** consider how proposals will help every child and young person achieve their potential in accordance with “Every Child Matters” principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This **should** include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

SCHOOL CHARACTERISTICS

Equal Opportunity Issues (Paragraphs 4.27)

4.27 The Decision Maker **should** consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example, that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

NEED FOR PLACES

Creating Additional Places (Paragraphs 4.28-4.30)

4.28 The Decision Maker **should** consider whether there is a need for the expansion and **should** consider the evidence presented for the expansion such as planned housing development or demand for provision. The Decision Maker **should** take into account not only the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for places in the school proposed for expansion. The existence of surplus capacity in neighbouring less popular or successful schools **should not** in itself prevent the addition of new places.

4.29 Where the school has a religious character, or follows a particular philosophy, the Decision Maker **should** be satisfied that there is satisfactory evidence of sufficient demand for places for the expanded school to be sustainable.

4.30 Where proposals will add to surplus capacity but there is a strong case for approval on parental preference and standards grounds, the presumption **should** be for approval. The LA in these cases will need to consider parallel action to remove the surplus capacity thereby created.

Expansion of Successful and Popular Schools (Paragraph 4.31-4.34)

4.31 The Government is committed to ensuring that every parent can choose an excellent school for their child. We have made clear that the wishes of parents **should** be taken into account in planning and managing school estates. Places **should** be allocated where parents want them, and as such, it **should** be easier for successful and popular primary and secondary schools to grow to meet parental demand. For the purposes of this guidance, the Secretary of State is not proposing any single definition of a successful and popular school. It is for the Decision Maker to decide whether a school is successful and popular, however, the following indicators **should** all be taken into account:

a. the school's performance;

- i. in terms of absolute results in key stage assessments and public examinations;
- ii. by comparison with other schools in similar circumstances (both in the same LA and other LAs);
- iii. in terms of value added;
- iv. in terms of improvement over time in key stage results and public examinations.

b. the numbers of applications for places;

- i. the Decision Maker should also take account of any other relevant evidence put forward by schools.

4.32 The strong presumption is that proposals to expand successful and popular schools **should** be approved. In line with the Government's long standing policy that there **should** be no increase in selection by academic ability, this presumption does not apply to grammar schools or to proposals for the expansion of selective places at partially selective schools.

4.33 The existence of surplus capacity in neighbouring less popular schools **should not** in itself be sufficient to prevent this expansion, but if appropriate, in the light of local concerns, the Decision Maker **should** ask the LA how they plan to tackle any consequences for other schools. The Decision Maker **should** only turn down proposals for successful and popular schools to expand if there is compelling objective evidence that expansion would have a damaging effect on standards overall in an area, which cannot be avoided by LA action.

4.34 Before approving proposals the Decision Maker **should** confirm that the admission arrangements of schools proposed for expansion fully meet the provisions of the School Admissions Code. Although the Decision Maker may not modify proposed admission arrangements, the proposer **should** be informed that proposals with unsatisfactory admission arrangements are unlikely to be approved, and given the opportunity to revise them in line with the Code of Practice. Where the LA, rather than the governing body, is the admissions authority, we will expect the authority to take action to bring the admission arrangements in to line with the School Admissions Code.

Travel and Accessibility for All (Paragraphs 4.35-4.36)

4.35 In considering proposals for the reorganisation of schools, Decision Makers **should** satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes **should not** adversely impact on disadvantaged groups.

4.36 In deciding statutory proposals, the Decision Maker **should** bear in mind that proposals **should not** have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups – see Home to School Travel and Transport Guidance ref 00373 – 2007BKT-EN at www.teachernet.gov.uk/publications. Proposals **should** also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

FUNDING AND LAND

Capital (Paragraphs 4.57-4.59)

4.57 The Decision Maker **should** be satisfied that any land, premises or capital required to implement the proposals will be available. Normally, this will be some form of written confirmation from the source of funding on which the promoters rely (e.g. the LA, DCSF, or LSC). In the case of an LA, this **should** be from an authorised person within the LA, and provide detailed information on the funding, provision of land and premises etc.

4.58 Where proposers are relying on DCSF as a source of capital funding, there can be no assumption that the approval of proposals will trigger the release of capital funds from the Department, unless the Department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposals **should** be rejected, or consideration of them deferred until it is clear that the capital necessary to implement the proposals will be provided.

4.59 Proposals **should not** be approved conditionally upon funding being made available, subject to the following specific exceptions: For proposals being funded under the Private Finance Initiative (PFI) or through the BSF programme, the Decision Maker **should** be satisfied that funding has been agreed 'in principle', but the proposals **should** be approved conditionally on the entering into of the necessary agreements and the release of funding. A conditional approval will protect proposers

so that they are not under a statutory duty to implement the proposals until the relevant contracts have been signed and/or funding is finally released.

OTHER ISSUES

Views of Interested Parties (Paragraphs 4.73)

4.73 The Decision Maker **should** consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker **should not** simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker **should** give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

Expansion of Dundonald Primary School

Published notice and prescribed information

Published notice

EXPANSION OF DUNDONALD PRIMARY SCHOOL

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that London Borough of Merton intends to make a prescribed alteration to Dundonald Primary School (community primary school) Dundonald Road, London, SW19 3QH from 1 September 2015 .

The London Borough of Merton intends to increase the capacity of the school to permanently expand the school from one form of entry to two forms of entry.

Excluding the nursery class the current permanent capacity of the school is 210 and the proposed capacity will be 420. The current number of pupils registered at the school is 238. The current published admission number for the school is 30 and the proposed admission number will be 60.

This Notice is an extract from the complete proposals. Copies of the complete proposals can be obtained from: Contracts and School Organisation, London Borough of Merton, Civic Centre Morden SM4 5DX or accessed at <http://www.merton.gov.uk/schoolsconsultations.htm>

Within four weeks from the date of publication of these proposals, any person may object to or make comments on the proposals by sending them to:

Director of Children Schools and Families
London Borough of Merton
Civic Centre,
Morden,
SM4 5DX.

Signed: Yvette Stanley, Director of Children, Schools and Families
Publication Date: 31 October 2013

Explanatory Notes

The expansion of Dundonald Primary School would be implemented gradually by an increase in the size of the reception year. As an exception the school made 60 pupil places available in reception year in September 2011. The Council is proposing to increase the admission number permanently to 60 from September 2015.

PROPOSALS FOR PRESCRIBED ALTERATIONS OTHER THAN FOUNDATION PROPOSALS: Information to be included in or provided in relation to proposals

Insert the information asked for in the expandable box below each section.

In respect of an LEA Proposal: School and local education authority details

1. The name, address and category of the school and a contact address for the local education authority that is publishing the proposals.

School: Dundonald Primary School (community), Dundonald Road, London, SW19 3QH
Local Authority: Contracts and School Organisation, Children Schools and Families Department, London Borough of Merton, Civic Centre, Morden, SM4 5DX

Implementation and any proposed stages for implementation

2. The date on which the proposals are planned to be implemented, and if they are to be implemented in stages, a description of what is planned for each stage, and the number of stages intended and the dates of each stage.

1 September 2015

Objections and comments

3. A statement explaining the procedure for making representations, including—
- (a) the date by which objections or comments should be sent to the local education authority; and
 - (b) the address of the authority to which objections or comments should be sent.

Objections or comments should be sent on or before 28 November 2013 to Director of Children Schools and Families, London Borough of Merton, Civic Centre, Morden, SM4 5DX or by e-mail to schconsult@merton.gov.uk

Alteration description

4. A description of the proposed alteration and in the case of special school proposals, a description of the current special needs provision.

The London Borough of Merton intends to expand Dundonald Primary School from one form of entry to two forms of entry.

Excluding the nursery class the current capacity of the school is 210 and the proposed capacity will be 420. The current admission number for the school is 30 and the proposed admission number will be 60.

The expansion of Dundonald Primary School would be implemented gradually by an increase in the size of the reception year.

School capacity

5.—(1) Where the alteration is an alteration falling within any of paragraphs 1 to 4, 8, 9 and 12-14 of Schedule 2 or paragraphs 1-4, 7, 8, 18, 19 and 21 of Schedule 4 to The School Organisation

(Prescribed Alterations to Maintained Schools) (England) Regulations 2007, the proposals must also include—

- (a) details of the current capacity of the school and where the proposals will alter the capacity of the school, the proposed capacity of the school after the alteration;

Excluding the nursery class the current permanent capacity of the school is 210 and the proposed capacity after the alteration will be 420

- (b) details of the current number of pupils admitted to the school in each relevant age group, and where this number is to change, the proposed number of pupils to be admitted in each relevant age group in the first school year in which the proposals will have been implemented;

The school admits 30 pupils per year group. As an exception the school made 60 pupil places available in reception year in September 2011 but further increases cannot be made until additional accommodation is made available through a permanent expansion. The Council is proposing to increase the admission number permanently to 60 as part of this proposal from September 2015.

- (c) where it is intended that proposals should be implemented in stages, the number of pupils to be admitted to the school in the first school year in which each stage will have been implemented;

Not applicable

- (d) where the number of pupils in any relevant age group is lower than the indicated admission number for that relevant age group a statement to this effect and details of the indicated admission number in question.

Not applicable

(2) Where the alteration is an alteration falling within any of paragraphs 1, 2, 9, 12 and 13 to 4, and 7 and 8 of Schedule 2 or paragraphs 1, 2, 8, 18 and 19 of Schedule 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 a statement of the number of pupils at the school at the time of the publication of the proposals.

The expansion falls within paragraphs 1 and 2 of Schedule 4. (increase in capacity and increase in numbers).

The current number of pupils registered at the school is 238 according to the latest official school census information in May 2013. This excludes the nursery class.

Additional Site

6.—(1) A statement as to whether any new or additional site will be required if proposals are implemented and if so the location of the site if the school is to occupy a split site.

The boundary of the school site will be increased into the adjacent Dundonald Recreation Ground to allow the new school building, access to the new building, and an Early Years play area. In addition the recreation ground tennis courts/multi use sports area, an area currently enjoyed by the school for play and PE by many years, will be enlarged and made more formally available for the school to use at set times to enable play and PE.

Objectives

7. The objectives of the proposals.

The objective of the proposal is to provide additional 'basic need' primary school places in the local area to meet rising demand, expanding an Ofsted rated "Outstanding" school which is the most over-subscribed primary school in Merton (on the basis of applications to number of places currently available in 2013), to facilitate the overall strategy of continuing to raise education standards.

The proposed expansion of Dundonald Primary School is part of an overall programme of school expansion in Merton, with twenty one schools, including Dundonald, having permanently expanded or in the process of doing so since 2008 to ensure sufficient places are provided. According to GLA (Greater London Authority) population projections for the London Borough of Merton further expansion will be required to meet further need up to 2017.

Consultation

8. Evidence of the consultation before the proposals were published including—

The council consulted on the proposal in summer 2011. However, the implementation of the scheme required other legal processes, most notably the modification of a restrictive covenant on the adjacent recreation ground (see section 6 above on "additional site"). Therefore there was a significant time delay before the council felt able to publish a statutory proposal and due to this an additional consultation was held in September/October 2013.

(a) a list of persons who were consulted;

The following were consulted in September 2013:

- The Governing body – Dundonald Primary School
- All families, teachers and other staff – Dundonald Primary School
- Governing body, teachers and other staff – all LB Merton primary schools
- Diocese of Southwark
- Archdiocese of Southwark
- Trade Union Representatives
- Stephen Hammond MP
- All early years providers and childminders in local area
- All LB Merton councillors
- Friends of Dundonald Park

For the 2011 consultation, the consultation leaflet was also distributed to approximately 4,500 dwellings surrounding Dundonald School, as it was also a consultation on the impact on the recreation ground.

(b) minutes of all public consultation meetings; Appendix 2 provides minutes of consultation meetings in 2011. A consultation meeting was not held for the additional consultation in 2013

(c) the views of the persons consulted; Appendix 1 provides this for both consultations.

(d) a statement to the effect that all applicable statutory requirements in relation to the proposals to consult were complied with;

The council's legal services team has been consulted and confirm that all applicable statutory requirements in relation to the proposals to consult were complied with.

(e) copies of all consultation documents and a statement on how these documents were made available

Appendix 3 provides the document for both consultations

For the 2011 consultation a hard copy of the document was sent to all the parties listed above, as well as making the document available on the Council's website. The

document was sent to Dundonald School parents via the parents' email distribution system. Other parties were posted the document. For the 2013 consultation all parties listed in 8a above were either emailed the document or it was posted to them.

Project costs

9. A statement of the estimated total capital cost of the proposals and the breakdown of the costs that are to be met by the governing body, the local education authority, and any other party.

The finance will be provided by the local authority, as part of the Children, Schools and Families capital programme, aided in part by Department for Education capital grant. The project has funding from the DfE's targeted basic need programme, which funds priority projects that provide additional basic need places at good and outstanding schools.

The cost of the project from 2013/14 financial year are contained in Appendix 4.

10. A copy of confirmation from the Secretary of State, local education authority and the Learning and Skills Council for England (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

Appendix 4 – contains the relevant extract from the council's capital programme, confirming agreement to funding by the council on 6 March 2013.

Need or demand for additional places

11. If the proposals involve adding places—

- (a) a statement and supporting evidence of the need or demand for the particular places in the area;

There is a significant increase in demand for school places in Merton, with more children reaching school age, fuelled by an unprecedented increase in the number of live births since 2002 and exacerbated by other factors. The most recent GLA population projections based on the 2011 census shows the rise in children aged 4 (school reception year) over the past five years and how, after a plateau/modest drop in 2013, it will rise again until 2017

"2012 ROUND" GLA POPULATION PROJECTIONS FOR LB MERTON (2011 CENSUS BASED)

Year	"SHLAA" model persons 4 years	"Trend-based" model persons 4 years
2007	2,276	2,276
2008	2,420	2,420
2009	2,499	2,499
2010	2,543	2,543
2011	2,790	2,790
2012	2,786	2,806
2013	2,746	2,788
2014	2,922	2,995
2015	2,926	3,027
2016	3,062	3,188
2017	3,061	3,229

'SHLAA' is the GLA population projection model which is linked to development trajectories from the Strategic Housing Land Availability Assessment (SHLAA).

The "Trend-based" projection doesn't take dwellings into account but considers births, population (by single year of age), migration (outflows and inflows), total fertility rates, and life expectancy at birth.

The GLA previously only provided the 'SHLAA" model, but found in recent years that it severely under estimated the growth in child population as it did not take account of the rising child per dwelling ratio. The "trend based" is an alternative model produced by the GLA for the first time; the GLA feel it may be more accurate for councils without significant new build.

While the council has some evidence that the growth may not be quite as high as forecast by the GLA, including a modest fall in the number of live births in 2012 calendar year compared to 2011, cohorts with higher birth figures are still to reach school age (see table below) and the case for expanding Dundonald Primary School to meet the need for local school places is still clear.

Academic year born	2008/09	2009/10	2010/11	2011/12
Academic year for reception year	2013/14	2014/15	2015/16	2016/17
Live births for cohort	3387	3485	3536	3496 *

* 2011/12 is 1/3 ONS published 2011 calendar year, and 2/3 ONS published 2012 calendar year

The distance that Dundonald has offered for distance-based places in the past 4 years is as follows:

Year	Siblings and special cases criteria	Distance
2013	21	105 metres
2012	10	217 metres
2011	13	303 metres*
2010	13	212 metres

* First 30 places only – temporary 30 places also provided

Therefore, despite the substantial increase in provision at other local schools, the distance offered for Dundonald has reduced over the past 3 years (although there was a greater number of siblings in 2013 due to the 2011 bulge, explaining the substantial decrease to 105 metres in 2013).

The six schools nearest Dundonald are as follows:

1. Wimbledon Chase Primary School Approximate distance: 0.3 miles ("as the crow flies")
2. St Mary's Catholic Primary School Approximate distance: 0.3 miles
3. Pelham Primary School Approximate distance: 0.5 miles
4. Merton Park Primary School Approximate distance: 0.6 miles
5. Holy Trinity CofE Primary School Approximate distance: 0.7 miles
6. Bishop Gilpin CofE Primary School Approximate distance: 0.7 miles

However, except for pupils with the appropriate church affiliation, none of these schools are available to residents immediately to the east of Dundonald School, with Wimbledon Chase offering to 477 metres and Pelham 423 metres, even with their extra places offered within the last five and two years respectively.

There are some schools further than the above 6 that have some spare places, but collectively the spare capacity is well below the advised level to support minimum parental choice.

Dundonald Primary School had more preference applications (435 on-time for reception year) than any other Merton primary school last year.

The proposed expansion of Dundonald Primary School is part of an overall programme of school expansion in Merton to provide an additional 21 forms of entry in permanent accommodation.

LB Merton sets criteria for selecting schools to expand. This is outlined below stating how

Dundonald Primary School meets this criteria:

- Educational standards:- The school was given an 'Outstanding' rating by Ofsted at its last inspection in 2009. The 2012 'Raise on Line' demonstrated pupil achievement was significantly above the national average.
- Parental preference The school is the most oversubscribed school in the borough with places only able to be offered to a very small area - in the last two years this has been between only 106 and 218 metres
- Smaller schools expand where feasible: The school is only 1FE so the smallest size of LB Merton Primary schools
- Location: Admissions data outlined above shows it will meet demand within a very local area.
- Physical constraints of existing school sites: Planning expansion of this school has been extremely complicated. However, it meets the key criteria above and there are no other local alternatives
- Sustainable and will ensure a school continues to be popular and successful: By a careful design in partnership with the council's greenspaces team the scheme proposed will ensure the school continues to provide high standards
- Value for money and affordability: As outlined above the scheme is expensive but within the context of limited alternative options it is value for money and also provides more modern sustainable recreation ground facilities.
- Diversity including balance of faith and non-faith provision: Meets the need for non-faith places

- (b) where the school adheres to a particular philosophy, evidence of the demand for education in accordance with the philosophy in question and any associated change to the admission arrangements for the school.

NA – the school is a community school

Expansion of successful and popular schools

25A. (1) Proposals must include a statement of whether the proposer considers that the presumption for the expansion of successful and popular schools should apply, and where the governing body consider the presumption applies, evidence to support this.

The Local Authority feels that Dundonald Primary School would be considered under the presumption for the expansion of successful and popular schools. As stated in the section above, the school was given an 'Outstanding' rating by Ofsted at its last inspection in 2009. The 2012 'Raise on Line' demonstrated pupil achievement was significantly above the national average. The school is the most oversubscribed school in the borough with places only able to be offered to a very small area - in the last two years this has been between only 106 and 218 metres.

List of Appendices

Appendix 1 - Summary of the views of the persons consulted from 2011 and 2013;

Appendix 2 - Minutes of the two public consultation meetings in 2011

Appendix 3 - Copies of consultation documents from May 2011 and September 2013

Appendix 4 – Council report 6 March 2013 – inclusion of school expansion capital finance

**Dundonald Primary School Proposed Expansion
Consultation Responses September and October 2013**

Responses: **3 x Pre-school parent**
 2 x Parent
 1 x Parent & pre-school parent (=6 total)
 6 x Resident/others
 3 x Representative bodies

Pre-school parent

1. Support the expansion. Obvious need for additional places and current school intake is inadequate and inappropriate for local needs. Concerns about increased traffic are overstated.
2. Strongly in favour of expansion. Will also reduce the pressure on other primary schools in Wimbledon.
3. Feel strongly that the expansion should go ahead. Shame about building on the Rec but it is absolutely necessary. No vested interest as own child will get into Wimbledon Chase under the sibling policy. Most vocal opponents are those with children already in the school.

Parent

1. Delighted school will be expanded. There is a clear need in the area – too few schools for the density of the population. Local schools build local communities
2. Support the expansion. The proposed new building will be an asset to both the school and the whole neighbourhood.

Parent & Pre-School Parent

1. Strongly in favour for a number of reasons: additional places are necessary; school will get better facilities (bigger playground & hall); better facilities for local children (playground); and the financial benefits of a two form entry school including the attraction and retention of better teachers.

Resident

1. Vehemently against the plan to extend into the Rec. Wonder at council projections that you will need more places than this? Please consider a new build and design it with overriding curriculum imperatives in mind.

2. Against the expansion. The answer to the chronic shortage is to build new schools. Wrong for the council to try and get round the covenant on a legal technicality. Sport England has withdrawn its support. Local residents should not suffer as a result of inadequate school provision.
3. Opposed to the scheme. Comments include: exclusion of residents and lack of publicity of current consultation; demographic case for Dundonald's expansion has not been made (there was even a surplus of primary school places in Merton last year); Sport England's objections have not been mentioned; Council need to find a legal solution to planning approval issues; investigation of Merton by Local Government Ombudsman; and would like to know how much money has been spent on the scheme so far?
4. Covenant should not be broken. Playground will still be too small. No parking. Residents will be unable to use certain parts during school hours and community groups will not be able to use the pavilion.
5. (Also a childminder). Against the expansion. Concerned about danger of extra traffic; loss of the Rec (building site for a couple of years); increased noise; loss of pavilion use. A new school is a better option – could have built one by now?
6. Strongly support the expansion. Only live 2 mins walk away and child did not get in so have resorted to a private school. Intake size is so small that parents are going to ridiculous efforts to gain a place, e.g. renting very close to the school just until their child gets a place then moving away. Opposing the plans are shortsighted. Can see no reasonable grounds for objectors regarding the tennis courts – infact they should be welcoming the additional facilities. Opposers campaign is cynical and selfish.
7. Opposed to the expansion as do not want to lose the childminder drop-in at the pavilion. Bowling green has been neglected. Concerned about state of Rec during the building works and fear it will never be the same again. Concerned about children's safety due to increased traffic (Local resident and childminder).

Representative bodies

1. **Protect Dundonald Rec** - Disappointed that residents and park users have not been consulted. Also issues preventing the school expansion have not been mentioned e.g. Sport England's objection. Understand all previous comments will be taken into account so only commenting on educational issues. 2 main aspects – suitability of school building and demand for places. Firstly, both the new development plus the re-modelled 'old' school building

will be inadequate, overcrowded and too small. Question whether the detailed plans will comply with building regs, especially Approved Document B plus the Government Fire Risk Assessment Guides for Education. If not, the school will be both unusable and unsuitable. Secondly, questions the birth data and projections used to calculate the number of primary school places needed in certain planning areas in Merton. Concerned about overprovision in some planning areas whereas other areas with increased birth rates have had no expansions. Suggests Beecholme as an alternative option. The proposal for a 'free school' serving the Raynes Park area should also be considered. Concludes that there may be demand for an additional form of entry but not in this ward or central Wimbledon. Council should urgently reassess primary school provision.

2. **Southwark Diocese** – Supports the long term strategy of expansion however concerned about impact on pupil numbers at All Saints Primary School. Support a delay in expanding at this stage.

3. **Friends of Dundonald Park** – Puzzled that residents and users of the Rec have not be included in this consultation. Concerned that 'Green Flag' status of Rec plus recent improvements have and will be jeopardized. Puzzled Opposed to the expansion due to: overestimate of future pupil numbers; suggest other sites which are more suitable such as those identified in Capita report, Beecholme Primary or free schools; data shows no shortfall of primary provision in the Wimbledon area unlike other areas; excessive noise from relocated and enlarged playground and MUGA; inadequacy of proposed pavilion; loss of trees and impact on conservation area; increased traffic and parking; and lack of logistics plan.

DUNDONALD PRIMARY SCHOOL CONSULTATION 2011

CONSULTATION PROCESS AND MEETINGS

The consultation started on 18 May 2011. The original closing date was 28 June but this was extended to 11 July 2011.

The consultation was advertised with a leaflet distributed to 4,500 residents, all parents of children attending Dundonald School, neighbouring schools and Local Authorities, diocesan authorities, all local councillors and MPs.

A public meeting was held on 8 June at Dundonald School. Unfortunately demand exceeded capacity of the hall so a further public meeting was held on 22 June at St. Andrews Church Hall. The first meeting was attended by approximately 130 and the second meeting by approximately 200 people.

Notes of all the points raised at the two meetings are included as appendix 2. Responses to all of these points are contained in a questionnaire and answer sheet which was updated during the consultation. This is available on the council's website <http://www.merton.gov.uk/schoolsconsultations.htm>

Two "drop in" sessions were organised to discuss the design – on 23 May and 8 June 2011.

SUMMARY OF WRITTEN RESPONSES

Overall summary

The consultation document requested responses in two parts:

1. On the principle of expanding Dundonald School. Respondents were asked to "provide comments on the principle of expanding Dundonald Primary School to 2 forms of entry (60 pupils per year), including any specific concerns you may have that the Local Authority and school could address". No specific yes/no question was asked as the council wished to encourage detail on concerns and suggestions rather than implying we were holding a referendum.
2. The preferred design out of the three options put to consultation and "any comments and whether there are there any high or low priorities for the scheme or facilities you would like to see in the park as part of the scheme".

Lastly respondents were asked whether they were a parent with a pupil currently at Dundonald Primary School, a parent with pre-school children, a member of staff, a local resident without a direct interest in the school's education, or other e.g. representing an institution.

There were 386 written responses to the questionnaire or letters received during the consultation that did not appear to be a duplicate of the consultation questionnaire so were also included as a response to the consultation.

Respondents were asked to categorise themselves and the breakdown is listed below.

Parents of current pupils at Dundonald	55
Parents with pre-school children	64
Local residents including interested groups/not stated	267

Total	386

A summary of all 386 responses is posted on the council's website <http://www.merton.gov.uk/schoolsconsultations.htm>

To obtain a direct view of the competing views from four respondents that have appeared to have taken time to consider the consultation carefully, it is recommended that the following are viewed in full:

Positive: responses 329 and 335

Negative: responses 31 and 356

Part 1 - Principle of expanding Dundonald School

The consultation form did not specifically ask a closed questionnaire on whether people supported the principle of expanding Dundonald School or not. However, in analysing the responses the administrator was asked to view whether the response was generally positive, negative, or neutral/unclear. While there can be no exact interpretation – and there is no need as it is not a referendum and the detail of responses are most important – it does give a general view of the response. The breakdown of positive and negative by category is below.

Parents of current pupils at Dundonald	55	24 Positive, 24 negative, 7 other
Parents with pre-school children	64	42 Positive, 12 negative, 10 other
Local residents including interested groups/not stated	267	55 Positive, 186 negative, 26 other

Total	386	121 Positive, 222 negative, 43 other

In summary, there was an exact balance of view of current parents at Dundonald School, a significant majority of local residents were negative towards the proposal, but a significant majority of parents with pre-school children were positive.

Some respondents queried the validity of the consultation process. However, council officers do not accept that this had any material impact on the consultation responses, and the council has provided detailed responses to residents that wrote to the council in regard to this.

A summary of the main issues and objections that came from part one of the consultation is below:

<p>Main issues & objections</p>
<p>1. Negative Impact on the recreation ground</p> <p>General comments:</p> <ul style="list-style-type: none"> a) Encroachment/detrimental impact on the rec/ reduction of local amenities b) Council must not breach the covenant c) Breaching the covenant would set a dangerous precedent d) Character of rec will change e) Should only be rec buildings in the rec f) worried dogs will be banned from the rec. g) If expanding the school/impacting on the park the council is ignoring the wishes of the local community <p>Specific negative impacts</p> <ul style="list-style-type: none"> h) Impact on footpaths/reduced accessibility to Rose Garden and Holocaust memorial; i) Loss of open space; j) Loss of mature trees k) Loss of bowling green (unfair on elderly people) l) The building will harm the appearance and diminish the value of the rec m) MUGA (hard court “Multi use games area”) will destroy the peaceful ambience of the Rose Garden and lead to more tarmac on the rec n) Space for leisure is smaller in the proposed new building/ don't want to lose use of pavilion. o) Dual use access seems unfeasible so diminishment of the tennis courts p) Particular disruption to facilities during the construction period
<p>2. There is no need to expand Dundonald School to provide local places:</p> <ul style="list-style-type: none"> a) Demand is not in this area b) Uncertainty over future demand c) Lots of children currently at the school are not local and this will increase d) How can there be a need when there are vacancies elsewhere e.g. at Joseph Hood, Hatfeild & Hillcross e) There is no demographic need – LB Merton is just 'cherry picking' of outstanding schools which will take away places from other school f) Previous expansions should have covered increase in the birth rate g) Demand is in the Gap Road area h) The council has failed to demonstrate that there are no other options
<p>3. Negative impact on Dundonald School including standards and ethos</p> <ul style="list-style-type: none"> a) Could change school's character & atmosphere/ethos; b) Expansion will adversely affect the school's achievements/quality c) Cherish small schools. No guarantee standards will remain once expanded/ could affect the school's 'outstanding' rating. d) Increased catchments will result in children being driven to school and damage the 'local' aspect of school life e) Insufficient play space/ sub optimal school facilities f) Dundonald will become more cramped as no additional facilities (e.g. larger hall, music room or library) are planned g) Concerned over disruption to pupils from construction works
<p>4. Increase traffic & congestion</p> <ul style="list-style-type: none"> a) Increase congestion and noise from traffic b) Increased parking problems, c) Increased pollution d) Detrimental to the ambience of the neighbourhood e) Illegal fly-parking by parents.

f) Increased noise of children

5. Suggestions on mitigation:

- a) Agree new Covenant/ legal agreement to prevent further building work
- b) Building sympathetic design to the green space
- c) Any hard surface 'dual use' areas are suitably screened and landscaped
- d) No mature trees lost
- e) Support facilities for players to be the same or better than now.
- f) Ensure an appropriate traffic assessment is carried out and the school agrees a Travel Plan to mitigate any congestion
- g) Why not build within the existing boundaries and have the public space accessible after school hours?
- h) Build into the Rose Garden instead/ building along Dundonald Road
- i) Ensure building is same architecture of school & houses
- j) Consider additional entrance to school from the Rec. Retain two paths from Rose Garden
- k) Involve local residents throughout the consultation process

6. Suggested alternatives to expanding Dundonald School

- a) Expand elsewhere (location not suggested)
- b) Build a new school (e.g. empty buildings, brown field sites - location not suggested)
- c) Use old Wimbledon House School, Dorset Road e.g. as a satellite site
- d) Expand Wimbledon Chase further
- e) New school on Wimbledon Common
- f) Expand Bishop Gilpin/ former Park House Middle site
- g) Look at the sibling rule which will prevent the need for expansion to provide local places
- h) Build a new school to the north/east where it is needed e.g. Gap Road

7. Positive comments

- a) Accept the demand for and duty to provide additional places
- b) Places are clearly needed "Vitaly necessary". All options are sympathetic to the rec
- c) Desperate shortage of places in the area - current catchment is too tight
- d) In total agreement for local school places
- e) Surely John Innes would have welcome proposal as he was heavily involved in education e.g. leading figure in the 1895 erection of Rutlish School
- f) the current 'eyesore', shabby and dilapidated pavilion will benefit from being replaced
- g) 2FE schools offer more opportunities. Expansions spread across existing good schools is ideal solution
- h) Support proposal in the absence of any alternatives
- i) Expanding outstanding schools makes sense economically

8. Comments on an Admissions Priority Area ("APA") (Note – consultation document confirmed that we were not consulting on an APA but may do so in the future)

- a) Not in favour of catchment area beyond the closest school criteria
- b) Would like an APA favouring roads to the east/north east e.g. to include Raymond & Malcolm Roads to the north and Graham Road to the east

9. Criticism of consultation process

- a) failure to mention Covenant;
- b) failure to include feasibility drawings with the document;
- c) inadequacy of drawings e.g. no elevations so can't see the impact
- d) lack of clarity regarding impact on the rec & capacity of the school/Merton Council's long term agenda
- e) vague and misleading statements
- f) failure to provide any explanation for the 'profile' questions at the end of the document

10. Criticisms of past decisions made by the council/on-going related decisions

- a) The council should restrict number of homes being converted to multi-occupancy.
- b) This is the fault of the council for selling off of school sites in the past

- c) The council shouldn't give planning permission for housing when there are no school places
- d) The council could have uses the old B&Q site in Alexandra Road

Part 2 – Design options

A number of people, especially those against the Council's general proposal, did not wish to support any of the options and a preference was not given for one of the council's 3 options.

The results by category was as follows:

Parents of current pupils at Dundonald	55	18 for option C, 3 for A
Parents with pre-school children	64	32 for Option C, 4 for A
Local residents including interested groups/not stated	267	28 for option C , 4 for A

Total	386	78 for option C, 11 for A

Therefore of the 386 responses, only 89 gave a preference for an option. Of those, the vast majority preferred option C.

A summary of all the comments is below:

1. Comments on priorities for the design:

- a) As few trees as possible removed.
- b) Enhance the pavilion
- c) Maintain present sports facilities
- d) Changing rooms essential
- e) Hall available to public during school hours
- f) Decent rooms for local residents to use including a kitchen (Friends could sell refreshments)
- g) Coffee bar/cafeteria provided
- h) Keep the bowling green
- i) No need for bowling green
- j) Larger children's playground,
- k) Better apparatus for younger children to use
- l) More climbing equipment for older children and/or adults
- m) Improved facilities for older children, e.g. Skateboard area, zip wire, 5-a-side football facilities
- n) Playground provision maintained during the construction period.
- o) Picnic benches near playground
- p) Tennis courts with nets provided again
- q) Tennis courts available during school hours
- r) Pleasant garden for sitting in (replace Rose Garden away from the road).
- s) New pavilion with access from Dundonald Road would be a major asset for the community.
- t) Access to school halls 'out of hours'
- u) Improved public buildings to support local community activities (e.g. music

- rehearsal); Maintain a perimeter path
- v) Keeping both playground areas together
 - w) Community hall large enough for function hire
 - x) Do not increase tarmac in park
 - y) Look at alternative option e.g. building on Rose Garden and within existing footprint
 - z) Do not build on the Rose Garden

NOTES OF PUBLIC MEETINGS HELD ON 8 JUNE AND 22 JUNE 2011

Notes of Consultation on Proposed Expansion of Dundonald Primary School Wednesday 8 June 2011, 7.30pm

Introduction to the meeting

Sandy Adamson introduced himself as an independent chair and was not an employee of the council but has worked in the Department for Education and in Local Government. He is currently the chair of governors of St. Teresa's School, which is a Voluntary Aided School in Merton.

The meeting was attended by approximately 130 parents, staff, governors, local councilors, and residents. The school hall was not large enough to accommodate the large number of interested parties that wanted to attend the meeting so only residents that arrived by 7.15pm were in attendance. After deliberation, following the chair's decision that no filming should be allowed, the meeting started.

The following speeches/presentations were given:-

Lorraine Maries – (Chair of “Protect Dundonald Rec”) presented to the meeting explaining that they are not a political group who have come together because of our concerns for the Rec.

The full transcript is appendix 1 to these notes

Councillor Peter Walker (LB Merton Cabinet Lead member for Education) explained the reasons behind the proposal including the increase in the number of children, the Council's legal duty to educate children of 4 years old in classes of 30 pupils, and stating that the proposal will not ruin the rec.

Tom Procter (Manager of School Organisation, LB Merton) provided detail on the legal issues, the design, and the catchment of the school.

The powerpoint presentations from Peter Walker and Tom Procter are posted on the council's website <http://www.merton.gov.uk/schoolsconsultations.htm>

Fiona Duffy (Headteacher, Dundonald Primary School) explained her commitment to a local school for local children. The recreation ground enhances the education value to children.

Questions & Comments

Overall, a majority of those present had concerns about, and some strongly opposed - mainly over the encroachment on the present boundaries of Dundonald Park, both regarding its legality and the practical consequences for existing facilities, but also in relation to Dundonald School doubling in size.

The following were the particular questions recorded. Initial responses were provided on the evening, and **all additional questions with answers have been added to the council's Q&A on the website to ensure there is an official council position provided on each question asked at the meeting:**

The council's Q&A on the website

<http://www.merton.gov.uk/schoolsconsultations.htm>

Initial questions and comments

1. It is disappointing that there are people outside that cannot attend the consultation meeting.
2. The chair cannot be independent if he has been appointed by the Council.

The Covenant

3. It is not clear whether you are going to deal with the covenant? Will the council go to an independent body?
4. Is there any protection for the park?
5. Who are the beneficiaries?
6. Has anyone asked who has a legal benefit of the covenant?
7. An application for a variation will be required. What legal documents can be put in place to prevent further expansion on the park?
10. Have the LB Merton planners commented on the development thus far?
11. Is there any covenant on the school area?

Recreation Facilities

12. What will happen to the bowling green? It takes years to build a bowling green. We will be lucky if we get the bowling green. How many members belong to the bowling club? A local facility like that is required so that we are not a drag on the NHS
13. In the Q&A document you state under moral trust issue that there is expected to be a cut on the revenue budget and that this is the case whether the bowling green is kept or not?
14. The tennis courts will not be available during the daytime and Wimbledon is known for its tennis.

Why Dundonald Primary School Expansion and other issues

15. Why Dundonald? Are Wimbledon Chase, Joseph Hood and all other schools in the area full?

- 16 Joseph Hood Primary School and Wimbledon Chase Primary School take children from further afield such as Morden and Mitcham. Will Dundonald take children from further afield?
- 17 People would be upset if local people are ignored and people from outside get places. What procedures are in place to check eligibility? I am concerned that people are abusing the system. I am of the opinion that there are sufficient places at Wimbledon Chase and other schools.
- 18 How many applied for admission to this school for the next academic year? How far do they live from the school? We do not want children that do not live local to the school.
- 19 Why does the council not build a new school? Why did the Council not develop the Gap Road site. The Council could have made a compulsory purchase order for the Gap Road property? Money was set aside. Luckily the new government has a policy of free schools which could provide new schools
- 20 What would be the period of expansion for the Dundonald expansion?
- 21 The problem is that the Council sold off many school sites in the past.
- 22 No one is speaking in support of the expansion. At the Wimbledon Chase consultation for expansion 100 parents spoke out against the Wimbledon Chase Primary School expansion. This was not recorded. The notes said that there was no objection against the expansion. This is a steamroller exercise by the Council and one sided.
- 23 What happens after 2013? How does expansion here help provide places for children that live in Wimbledon Village where the need is?
- 24 Schools cannot continue to expand indefinitely. At some point it is not going to be possible to continue to expand.
- 25 Surely there are other places where people need places.
- 26 Why has Wimbledon House School site (in Dorset Road) not been considered or the Emma Hamilton pub site (Kingston Road)?
- 27 Why were so many usable sites sold off by the council and what happened to the money from the sales of these properties?
- 28 Isn't your policy to expand outstanding schools wrong as it will just undermine any school elsewhere?
- 29 Dundonald school is doing well because it is a 1 FE school.
- 30 Isn't it the council's fault that we have an increase in children? Ordinary homes have been split into flats. Major developments have been approved. Children need green space now even more.

- 31 You will cut down on space available during construction. What would be the impact on the park? How would the construction vehicles get onto the site?
- 32 In the Q&A document you state under moral trust issue that there is expected to be a cut on the revenue budget and that this is the case whether the bowling green is kept or not?
- 33 It is not a park but a recreation ground. Do not take this away from people.
- 34 People would be upset if local people are ignored and people from outside get places. What procedures are in place to check eligibility? I am concerned that people are abusing the system. I am of the opinion that there are sufficient places at Wimbledon Chase and other schools.
- 35 The consultation document is misleading – It has ignored a tree that is on the existing site. Option B & C do involve loss of trees.
- 36 We need to understand that the council needs pupil places, but what is your understanding of the views of local residents?
- 37 No one is speaking in support of the expansion.
- 38 When is the next consultation meeting?
- 39 Some people have said to me that they were unaware of what they were signing for on the petition and that they believed that flats were being built on the park.
- 40 What is Miss Duffy's view on the expansion of the school? Everyone keeps interrupting. We are failing in this meeting.
- 41 I am the promoter of the proposed free school in Dorset Road but also I am a governor at Dundonald School. I came along to this meeting because I was unsure of my views. Cllr P Walker has told me why I should be in favour of the expansion and the Save the Rec have told me why I should be against it. I am shocked at the behaviour of the people here. People are shouting. I have not had the opportunity to hear what the effect would be on the park. I want to know whether this will be an opportunity to improve the park. The pavilion is dreadful. People are closing their eyes against this. There is a big demand for expansion. A Free school is not a substitute. It is a necessary addition.

Appendix 1 (to 8 June meeting)

Presentation by Lorraine Maries speaking on behalf of the Protect Dundonald Rec. Campaign group, Wednesday 8th June 2011 at Dundonald School

The following facts and figures are taken from the Council's own documents, sources and plans.

1. Why listen to 'Protect Dundonald Rec.'?

We are a non-political group of local residents who have come together because of our concerns for the Rec. Non-political – that is important. Too many people have sought to ambush this consultation and treat it as an opportunity for political posturing. We're

trying to consider what is right for the local community and that means everyone, not just one group.

In Dundonald ward just 19% of households have dependent children (aged under 19). There are more households with single people (26%) and couples without children (23%). Then there are elderly people, students and mixed households. Everyone, including the children, benefits from the Rec. We want to see it preserved for future generations to enjoy.

2. Why are we concerned?

Dundonald Rec is central to this community. It was set out before many of the houses to the south had been built. The land was sold to what is now Merton Council by John and James Innes in 1893. A legally binding covenant was entered into then to ensure that the land would be forever used as a Public Pleasure Ground. This is fact.

Building on the Rec would break the covenant which also states that "no building or other erection not reasonably required for use in connection with a pleasure ground shall at any time be erected or made on the said ... land". A school is not a building which is "reasonably required for use in connection with a pleasure ground" therefore a school building cannot legally be built on the Rec. The Rec has survived two world wars and a periods of economic hardship yet the covenant has been respected for 118 years.

The Council have finally publicly acknowledged the existence of this covenant, but have said they will ignore it. Will the Council also ignore the will of 1,475 residents and park users (who have signed our petition in the past month) who feel that this promise should be respected? Merton Council needs to respect our heritage, and our green environment. The Council's own objectives, published in their Core planning strategy this summer, include "Improving access to leisure facilities including opportunities for sport, play and relaxation" and "Conserving and enhancing Merton's green character and historic environment".

The health and wellbeing benefits of green spaces is well recognized in local and national policy. A recent Government White paper has moved environmental considerations in planning to the top of the agenda. But more than ever in the current economic climate we need to be vigilant to protect our green spaces. The covenant protects the Rec. To breach it sets a dangerous precedent.

3. What about education?

Many of us are parents, and understand how difficult it is to ensure that our children have the best education available. Getting into the right school is a major worry. But here are the facts:

There are ten primary schools within a one mile radius of Dundonald. Six of these have expanded between 2008 and 2011. This is a 43% increase in the number of places for five year olds. Compare this with an increase in the birth rate of 30% (from 2003 to 2007).

There is already plenty of provision for local children in schools near to their homes. If places are not available at Dundonald for local children it is not due to lack of places,

but to the admissions policy. This places the sibling rule and parental choice higher than proximity to the school. Many parents want this, but in reality this means that some lose out in the resulting lottery.

An expanded school would bring children in from as far away as 1,000 metres. Are these really 'local' children' or are they children who actually live nearer to other local schools?

Nearly every household in the borough lives within 500m of a primary school. Other options include the possibility of expanding other schools which Merton Council has identified as having suitable sites, or building new schools in areas of high demand. Merton Council wants to follow a policy of expanding excellent schools. Shouldn't its policy be to ensure that all schools are excellent – and offer parents a real choice?

4. What we could lose

Dundonald School is by far the smallest site in the borough - 2,094 sq m. To double the number of pupils the Council's own plans show that they will have to annex an additional 2,000 sq m of the rec. The Council claims that this is alright because they will use the old pavilion. But the pavilion does not belong to the school. It is a public facility, and it is being taken away.

The new building has a footprint which is half the size of the current school. How can it accommodate an additional 210 children, plus community facilities. Is it a Tardis?

The Council say they will provide improved community facilities. The plans show:

Fewer changing rooms

A smaller kitchen

The loss of the bowling green

The Rose Garden – the only Holocaust memorial garden in the borough - will be isolated from the rest of the Rec. by double height fences around the school playground.

The school is regularly occupied by children from around 8 am to 6 pm. The indoor "shared use" facilities will therefore not be available to the public during these hours (which means not at all for about 6 months of the year).

5. What we will get:

Within seven years there will be 1,050 children, plus nursery, and some 100 staff, all coming to two schools within 350m of each other. That's a 66% increase in the number of children.

There'll be increased traffic (especially if children come from further away)

We'll get a hard play area which will only be available outside of school hours

We'll get major disruption of the playground, the pavilion and other facilities while the building work is on-going.

We'll get a broken promise – and a reduced recreation ground which the council will be able to develop further at any time for educational or other use.

If you are against building on Dundonald Rec. please say NO to Q1 of the consultation document, and protect this valuable green space.

Notes of Consultation on Proposed Expansion of Dundonald Primary School

Wednesday 22 June 2011, 7.00pm

at St Andrew's Church, Herbert Road, SW19

Introduction to the meeting

Rev Canon Stephen Coulson introduced himself as an independent chair and was not an employee of the council. He is vicar at St Mark's Church, Mitcham, and is currently a school governor in Merton.

The meeting was attended by approximately 200 parents, staff, governors, local councilors, and residents. An apology was received from Stephen Hammond, MP who was voting in the House of Commons.

The following speeches/presentations were given:-

Lorraine Maries – (Chair of “Protect Dundonald Rec”) presented to the meeting explaining that they are not a political group who have come together because of our concerns for the Rec.

The full transcript is appendix 1 to these notes

Councillor Peter Walker (LB Merton Cabinet Lead member for Education) explained the reasons behind the proposal including the increase in the number of children, the Council's legal duty to educate children of 4 years old in classes of 30 pupils, and stating that the proposal will not ruin the rec.

Tom Procter (Manager of School Organisation, LB Merton) provided detail on the legal issues, the design, and the catchment of the school.

The powerpoint presentations from Peter Walker and Tom Procter are posted on the council's website <http://www.merton.gov.uk/schoolsconsultations.htm>

Fiona Duffy (Headteacher, Dundonald Primary School) explained her commitment to a local school for local children. The recreation ground enhances the education value to children.

Questions & Comments

The following are all the particular questions and comments recorded at the meeting. Initial responses were provided on the evening, and all additional questions with answers have been added to the council's Q&A on the website to ensure there is an official council position provided on each question asked at the meeting.

1. Support very much the proposal in providing local schools in the local area. Own road held a street party celebrating the Royal Wedding and I was amazed at the number of children that lived in my road – there are a huge number of children in the area. Yes, there are problems with the Rec and we are concerned with the reduction in open spaces generally, but this proposal makes

sense – not taking land away, respect the Rec and enhance the space.

2. Would want my fellow residents to go to a successful school. Astounded that the pavilion has become elevated to Taj Mahal status. Only now that own children are older that they confess what sort of things used to go on behind it. Would like to congratulate the Council – proposing a secure and attractive use of facilities. An excellent scheme. Saddened by the literature being sent out – it is dishonest.
Regarding the catchment area – it doesn't matter if it is 1km or 700m, parents should walk and not drive. In future, I would like fairness from both sides. It is a good scheme and I compliment the Council.
3. Does the bulge year class mean the expansion is a fait accompli? What happens next year?
4. We have had exceptional increases – what will happen with the secondary schools?
5. Flabbergasted at what the fuss is about. I live 150m from Merton Park Primary School and my child might not get in. Families are moving into all the houses sold in my road. It is a great place to live. Congratulate the Council because I am worried about the shortage of places. Proposals are sensible for now and the future. There is empty ground – please think about us with young children who need good quality state funded schools.
6. Neighbours have to drive to Pelham – it is outrageous and nimbyism of the worst kind.
7. Used to be a governor at Dundonald. Disturbed about this nonsense – where is it coming from? It is wrong that children at the school can't use the park. At first, I thought half the park was being taken up by the building. Vitriolic. Shame on colleagues who have had children at Dundonald and have signed the petition. People are desperate to get in as it is a fine school. Minimal change is being proposed – it is not a travesty but a minor infringement. People should think beyond their own gardens. Facilitate it as fast as we can.
8. Extra children could be accommodated on the current site by knocking down the dining hall and building there, and taking the roof off and adding another storey.
9. What about the empty building at the end of Dorset Road that used to be a school? Why not knock it down and build a new school?
10. I have owned my house for 10 years and I can see the school from my house but my child would not have got in the school last year as they live 13m too far away (still only 225m). They won't get in next year if there is no expansion.
11. The vitriol and nimbyism is embarrassing. I live only 285m away and my son didn't get into the school – he was 17th on the waiting list. Any change requires give and take. Live here and enjoy it. Proposal is a fair compromise – not to recognise this is a shock. It is disgusting and people should be ashamed.

12. I am a local resident, governor and chairman of free school campaign to provide a new school in Dorset Road. We have looked at demand and it is there and in addition to Dundonald expanding. We wouldn't be looking if there was no demand. The Council only let them into the site two weeks ago to see it. We are currently looking into it and we should not take it for granted that it is not suitable for a (one-form entry state funded) school. As a resident, I am concerned about the covenant and would want something else in its place.
13. I understand it is a good school and it is a shame children can't get in, but people supporting the Rec are not attacking parents with children and many people like it as a small school – It is not vitriol – we are passionate as well.
14. What about educational issues? Expansion is never beneficial. 1FE is ideal size. Don't understand the Council's policy. Need two new small schools. Expansion could harm educational excellence.
15. I live 300m from the school. If Dundonald doesn't expand, where will child my go?
16. Fully support the expansion – it is unfair for local children who should be able to get in. Have concerns over the size of the playground as it will be less than twice the current size which already feels small. Do not want an APA – catchment should stay the same.
17. Respect the need for places but also want people to respect the Rec. What about the old Emma Hamilton pub site or Dorset Road site?
18. Support scheme as the reasons are very apparent. There is minimal infringement but do understand the attachment to the Rec.
19. It was due to the generosity of previous landowners who gave us such spaces so there must be cast iron legal reassurances against any further building on the rec. Can't quite understand the hostility.
20. Looking at the information, why have the proposals for restricted hours in the playground been removed in Options A & B?
21. Have you applied to overturn the covenant? You don't think anyone will benefit – what about all those people who signed the petition?
22. What about a new school on the old Park House site? It will take the pressure off this area - if Dundonald is expanded there will be 1050 children attending two schools in this area.
23. Currently, apart from the pavilion, the 360° view from Dundonald Rec is Victorian or Edwardian buildings. What will the new building look like?
24. Am a supporter of 'Save our Rec' campaign – not sure why we have been portrayed as vitriolic and not dog walkers. I believe every parent should have that right – basic issue is that it is not yours to take – you can't take it if you can use it better than someone else. It belongs to the people as a Recreation

- ground.
25. You talked about alternatives – you don't have to set it up as a single site. There are operational challenges but these can be overcome.
 26. I hope the Planning Dept will block any future developments of flats, as we can't provide enough places now.
 27. No-one has mentioned why the Rose Garden remains untouched. It can be relocated – why is it sacrosanct? Why not build on it?
 28. Have taught at a dual-site and it is not beneficial for the children – cohesion, etc.
 29. Key thing is getting a new covenant – don't waste money on lawyers. Focus energy on design and accept it will happen.
 30. (Confirming from the presentation slide that the blue circle shows a 780m catchment with the bulge) What will be the catchment for the expansion?
 31. I Support the scheme. For those against it – is it because they think it is the thin edge of wedge?
 32. I have spoken to Holocaust Trust and Jewish Care and they have no objection to relocating the Rose Garden.
 33. Rev Andrew Wakefield – there is no Holocaust memorial. He was part of the group who planted one rose bush on Holocaust Memorial Day. One was also planted in John Innes Park.
 34. The pavilion has been in decline for the last 15 years and there is always the excuse there is no money for improvements. Concern is over the years promises made (e.g. tennis courts) – no comeback. Wimbledon Chase told they had to accept expansion because Dundonald couldn't expand due to the covenant. What will it look like? There will be no protection once the covenant is broken. Who will have control of the budget – parks or education? Know promises today won't be tomorrow.
 35. Concerned regarding aesthetics – will high standards be applied?
 36. Quotes legal position from the powerpoint slide. No good if I play bowls. How can I use the pavilion during school hours?
 37. Will there be a bowling green?
 38. I think the Council have acted but too quickly. The schools is already too squashed. Why are we limited to three options – we need longer to do it properly and sensibly.
 39. It is a good school and any increase would benefit the community.

40. Don't ruin the Rose Garden – it is a beautiful part of the Rec. What about building the other side?
41. Delighted to see the pavilion go – it is a blot on the landscape. I support Option C. There is a lot to gain from the school increasing to 2FE. Already have good extra-curricular activities.
42. What will be the construction time?
43. Bishop Gilpin governors vetoed their expansion. What is the Dundonald governor's mood? Son goes to the playgroup in the pavilion, how is this affected?
44. Don't object to the school expansion but oppose building on open area. With regard to the public playground – you state it will be larger in all 3 options, however this is not the case it is smaller in Option B. Option C it is bigger but how will it cope with double the number of children playing in it after school – the current one is already packed. Will we be without a playground during the construction?
45. My children didn't get into Dundonald but survived. The land was given to the people. This is thin end of the wedge. In future landowners will be reluctant to give their land to the Council. Will current users still have access during the day to the pavilion?

Appendix 1 (to 22 June meeting)

Presentation by Lorraine Maries speaking on behalf of the Protect Dundonald Rec. Campaign group

The Protect Dundonald Rec. Campaign Group is a non-political group of local residents who have come together to oppose building on Dundonald Rec. We **are** opposed to building on the recreation ground, **NOT** the expansion of Dundonald School.

There is a Restrictive Covenant on Dundonald Recreation Ground. This legally binding agreement was made between what is now Merton Council and John & James Innes in 1893 when the land was transferred. The promise made was to preserve the Rec in perpetuity as a 'public pleasure ground' and that "no building or other erection not reasonably required for use in connection with a pleasure ground shall at any time be erected or made on the said ... land". A school is not a building which is "reasonably required for use in connection with a pleasure ground" therefore a school building cannot legally be built on the Rec.

Lets look at Open Space and the planning process:

Dundonald School is by far the smallest site in the borough - 2,094 sq m. To double the number of pupils the Council's own plans show that they will have to annex an additional 2,000 sq m of the rec. The Council claims the school extension will not be built on 'open space' because it will be using the footprint of the existing pavilion and only 0.21% will be lost. This is not true the actual amount will be over 4%. Open Space is a **planning designation** and all of Dundonald Rec., including the pavilion, is designated Public Open Space in the borough's plans. Appropriating the pavilion

footprint and additional land for educational use means it will no longer be 'open space'.

At the last meeting Cllr Judge assured us of the independence of the planning department. He referred to Merton Council's Core Planning strategy which specifically supports the "protection and enhancement of open spaces".

Under the Covenant Dundonald Rec. has that protection now, a protection which has lasted for 118 years, not the 15 years offered by the planning department.

What about education – isn't that more important?

The Council claim that Dundonald school must expand because the demand is local and cannot be met through other means.

Is demand really local?

In Nov 2010 when trying to persuade Bishop Gilpin school to expand, the Council said that demand was in the north of the borough and local to that school. The Governors refused to take more than 1 bulge year. Just six months later the Council tells us that demand is around Dundonald School.

These are the facts: there are ten primary schools within a one mile radius of Dundonald. Six of these have expanded between 2007 and 2011. This is a 43% increase in the number of places for five year olds. Compare this with an increase in the birth rate of 30%. Doesn't this demonstrate that local demand has already been met?

The expansion of the catchment area to 780m for the bulge year is an admission of this. (Look at the Council's slide which shows a circle five times the size of the present catchment area). An expanded school would bring children in from as far away as 1,000 metres. These children are not really local to Dundonald school - they actually live nearer to other local schools - nearly every household in the borough is within 500m of a primary school.

But we also need to consider the two or three families a year who live in Herbert Road and Graham Road and who are refused a place at Dundonald despite it being their nearest school. Surely this is an argument for expansion – well, no. At the last meeting the Council admitted that there are 4 children from among the first 30 places offered who were admitted under the sibling rule but live over 1km away. The problem is caused by placing the sibling rule and parental choice higher than proximity. Many parents want this, but in reality this means that some lose out in the resulting lottery.

So why does the Council continue to insist there is 'demand'? It is because they are deliberately using 'demand' to mean the number of children whose parents **want** them to come to the school rather than the number who **need** to come to the school because it is nearest.

There are other options:

Dundonald has already agreed to take a 'bulge year' in 2011, a challenging situation for staff and pupils, but which parents have been assured will not impact on the quality of schooling. There are other options for meeting the need for additional school places. What about a 'rotating bulge year' where the burden is shared across several schools? Or finding a satellite site for Dundonald? Or building a new school on a brownfield site? Or expanding other schools with larger sites in areas of real need?

What about the new community amenities which the Council is promising?

The Council claims that the community will gain from the new amenities in the school building. But do we need them? The Government's Extended Schools initiative already encourages schools to extend opening hours to offer community facilities on-site in their existing buildings, for example hiring the school hall.

Particularly worrying is the Council's suggestion that we will be accessing money from the education budget to fund the new community facilities. Is this acceptable when we are told that the education budget is already inadequate and savings need to be made? Why not raise funds for Dundonald Rec. from other sources, of which there are many. Why not fix the disabled toilets and put a coat of paint on the pavilion instead of pulling it down?

We will be losing open space and losing community amenities – the new building does not have enough changing rooms for football or cricket teams to have separate secure facilities, there is no storage for regular users of the hall, the new hall is smaller. In all options the bowling green will go – and when it goes, so too will the full-time park keeper as he will have less to do. We will have an occasional visiting groundsman instead. Tasks such as cleaning and maintenance of the new building will fall to the school – their cleaners will have to clean the community toilets and changing rooms, for example.

And can we trust the council to deliver on promises? Their assurances over the provision of a new community hall in Wimbledon Park have still not been met after more than seven years leading to the Council being found guilty of Maladministration by the Local Government Ombudsman, and forced to pay a fine to Wimbledon Park Residents Association. Is that what we want here?

The idea of expanding Dundonald School onto the Rec. is simply not practical.

The Council is unable to answer many questions put to them regarding the details of this plan. It is apparent that this hasn't been thought through.

The site is tiny - how can twice the number of pupils be educated in a school building that is only 50% bigger than the present one?

During the construction, which will take at least a year, would additional children have to be accommodated in Portacabins in the middle of a building site?

The children's playground and a large section of the Rec will be out of commission during the building work.

What about the increase in traffic caused by more pupils and teachers? Assurances which the Council gave about the expansion of Wimbledon Chase have already been shown to be false – and we will suffer more extreme problems because this site is much smaller with no parking facilities.

This is not just about short-term problems, it's about the long term. Another site can be found for a school building, but building on the rec. will show that Council have no regard for the law or the wishes of local residents. We want this valuable green space to be preserved for the majority of local residents and children in years to come. If you agree with us please say no to building on Dundonald Rec.

Dundonald Primary School

Proposed permanent expansion of
school from 1 to 2 forms of entry
(30 to 60 pupil places per year)

Additional consultation to comply with statutory procedures set
out in the Education and Inspections Act 2006 and associated
regulations and guidance

Responses to be returned by Thursday 3 October 2013

Introduction to this consultation and the legal purpose

The significant enlargement of a Local Authority maintained school requires a set process to comply with statutory procedures set out in the Education and Inspections Act 2006 and associated regulations and guidance. This requires a two stage process, the first of which is known as a statutory consultation. Following the consultation the proposer (the council in this case) should decide whether to submit a formal statutory proposal, a further four-week period for anyone to make further comment or raise an objection.

The council undertook a statutory consultation for the expansion of Dundonald Primary School in summer 2011 and the results were reported to the council's Cabinet in September 2011. The report and minutes can be viewed from this link

http://www.merton.gov.uk/council/decision-making/committee.htm?view=event&event_id=3574

Cabinet agreed the council should go to the next stage of publishing a statutory notice, as well as the other necessary legal processes required for the expansion of the school due to the nature of the expansion scheme:

- applying to the Upper Tribunal (Lands Tribunal) for a modification of the restrictive covenant on the recreation ground
- submitting a planning application
- to proceed with the appropriation of the area of land required for the school expansion from Leisure Services to Education for the use of Dundonald School

The Upper Tribunal has agreed to the modification of the restrictive covenant and the Greater London Authority and Secretary of State have confirmed that they will not overturn the conditional decision of LB Merton's planning applications committee to approve the council's planning application.

However, due to the time required to modify the restrictive covenant the council has not published the statutory notice. The statutory guidance says: "Proposals should be published within a reasonable timeframe following consultation so that the proposals are informed by up-to-date feedback. Proposals should therefore be published within 12 months of consultation being concluded. "

In view of this time lapse the council is contacting interested parties as required under the statutory guidance since there may now be additional people who could be affected by the proposal.

It should be noted that the original consultation also served as a pre-planning application consultation for residents that may have felt affected by the proposal for reasons of residential amenity and impact on the recreation ground. These have now been tested through the planning application process so the audience for this additional consultation is narrower to comply with the requirements of the Education and Inspections Act 2006 and associated regulations and guidance.

Residents concerned regarding the impact on the recreation ground will still have an opportunity to comment as part of the separate statutory land appropriation procedure regarding a transfer of a small area of the recreation ground to the school, which will be advertised in the local press shortly with its separate statutory process.

Summary of the council's proposal

Dundonald Primary School is currently a one-form entry (1FE) school, admitting up to 30 pupils in one class per year, 210 pupils across the school excluding the nursery. Following a request from the council the school provided an extra class in reception year in September 2011 within the school's existing accommodation but does not have the capacity for further classes without additional buildings.

The council wishes to permanently expand the school to be a two-form entry (2FE) school, admitting up to 60 pupils per year in two classes. This means it would eventually have up to 420 pupils on roll excluding the nursery. It is proposed that this is formally commenced from September 2015 but expansion of the school places would be gradual until reaching all year groups by 2021/22.

The London Borough of Merton has a legal obligation to provide school places for all the children needing education and the latest demographic information from the Greater London Authority, based on the 2011 census, confirms that there is a continued increase in demand for school places in the Wimbledon area.

LB Merton's aim in meeting the need to provide additional primary school places is to increase the number of high quality local primary school places to meet demand, thereby raising standards and increasing the percentage of parents receiving their first and top three preferences.

Dundonald Primary school was given an 'Outstanding' rating by Ofsted at its last inspection in 2009, and pupil achievement continues to be significantly above the national average. The school is the most oversubscribed school in the borough with non-sibling places only able to be offered to a very small area - in the last two years this has been between only 106 and 218 metres.

To enable the expansion of the school it is necessary to re-configure the current boundaries of the school site and the adjacent Dundonald Recreation Ground. This was set out in full detail in the council's planning application.

Further details

The expansion of Dundonald Primary School has been the subject of a number of consultations since being part of the council's overall proposals in autumn 2010. Significant documentation has been provided as part of these processes, which have been available on the council's website. These can be viewed via this link, which also provides a link to the council's planning application.

<http://www.merton.gov.uk/council/getinvolved/schoolsconsultations/dundonald-school-consultation.htm>

Response Form

Please provide comments below on a separate sheet by **Thursday 3 October 2013**

Post to: Contracts and School Organisation, Children, Schools and Families Department, London Borough of Merton, Merton Civic Centre, London Road, Morden SM4 5DX

Or: Completed responses can be given by hand to the main office at Dundonald Primary School, Dundonald Road, Wimbledon, SW19 3QH and these will be forwarded to the Council

Responses can also be e-mailed to: schconsult@merton.gov.uk

Comments on the proposed expansion of Dundonald Primary School to provide 420 places

(You may continue on a separate sheet)

Are you:

A parent with a pupil currently at Dundonald Primary School

A parent with pre-school children

A member of Dundonald Primary staff or governor

A local resident (not in one of the above three categories)

Other e.g. representing an institution please state

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—
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Signed

Date

Responses to be returned by: Thursday 3 October 2013

Dundonald Primary School and Dundonald Park

Consultation on proposed permanent expansion of school from 1FE to 2FE (30 to 60 pupil places per year) and impact on Dundonald Park

Responses to be returned by Tue 28 June 2011
Consultation meeting Wed 8 June 7.30pm
'Drop in' design session Mon 23 May 3.30 to 7.30pm or
Wed 8 June 5.00pm 7.30pm

Summary of the consultation

The London Borough of Merton has a legal obligation to provide school places for all the children needing education. The demand for places in the borough is increasing substantially and wherever possible we wish to expand our best schools which parents wish to access.

Dundonald Primary School is currently a one-form entry (1FE) school, admitting up to 30 pupils in one class per year, 210 pupils across the school excluding the nursery. Following a request from the council the school is taking an extra class in reception year in September 2011 within the school's existing accommodation.

The council is considering options to permanently expand the school from September 2012 to be a two-form entry (2FE) school, admitting up to 60 pupils per year in two classes. This will mean it would eventually have up to 420 pupils on roll excluding the nursery, but expansion of the school places would be gradual until reaching all year groups in 2017/18.

To enable the expansion of the school it is necessary to re-configure the current boundaries of the school site and the adjacent Dundonald Park. The school already uses the park's games court during all play times.

The council is therefore consulting on two related matters:

- The principle of expanding Dundonald School to be 2-forms of entry
- Design options for expanding the school and how this could be an opportunity to improve the parks facilities for the future

Public consultation evening and 'drop in' design discussions

A consultation evening will be held at Dundonald Primary School, Dundonald Road, SW19 3QH **on Wednesday 8 June 2011 at 7.30pm**. Parents and other interested parties such as park users are invited to attend to discuss the educational merits of the school's expansion, options for expanding the school, and the potential benefits for the park and its users.

For parents and residents wishing to have a more informal, detailed discussion on the design with the architects, two 'drop in' sessions have been arranged for residents to attend to discuss the plans at **any time between 3.30pm and 7.30pm on Monday 23 May, or before the public meeting between 5.00pm and 7.30pm on Wednesday 8 June 2011**.

Wider background to expansion of Dundonald Primary School

There is a significant increase in demand for school places in Merton, with more children entering school age, fuelled by a birth rate that has risen by over 30% in the last six years. Our population forecasts indicate that much of this rise will be sustained.

The proposed expansion of Dundonald School is part of an overall programme of school expansion in Merton. From 2008 to 2010 nine schools provided additional reception classes. In the autumn Merton also consulted on nine further school expansions required in reception year for 2011/12 and 2012/13. The consultation and the decision document from the Council's Cabinet is available on the council's website

<http://www.merton.gov.uk/council/getinvolved/consultation/schoolsconsultations.htm>
or can be requested from the address stated on the response form.

Even this significant expansion has proved insufficient in the Wimbledon area for this September so, following a request from the council, the school governors agreed to take an extra class on the basis that there is no presumption that permanent expansion will follow.

Dundonald is a popular and successful school. In its most recent Ofsted inspection (2009), it was rated outstanding. The school has been heavily over subscribed for its 30 places such that children have in recent years needed to reside within approximately 200 to 300 metres from the school to obtain a place. With the general increase in demand for school places there are no longer alternative local schools without further expansion.

Design options for the school expansion and impact on the park

Dundonald School is on a small site and it is not possible to double its intake without making more space available. However, the council has undertaken detailed feasibility work on design options and by considering the school and park areas more flexibly it is possible for the scheme to meet the following aims:

- To provide Dundonald School with sufficient indoor and outdoor space for a 420 place (plus 26 full time equivalent place nursery) primary school, which will ensure that more of the local community have access to a local school.
- To demolish the current poor quality and ageing park pavilion building and replace with a high quality two storey building on a similar footprint that provides the necessary current pavilion facilities as well as those required for the expanded school.
- To ensure the park facilities can be protected, while acknowledging through consultation that there is an opportunity to review the future facilities that may be of most benefit to the local community.

3 options for expanding the school and for the park

Following feasibility work there are 3 viable options to put to consultation, all of which wrap-around the school's two-storey annex building which is adjacent to the park. There will be separate access for school and park users.

All options will ensure the children's public playground is at least as large as at present, no loss of football/cricket playing pitch, and a larger dual use hard court games/tennis court area.

Drawings of the 3 schemes are available on the council's website <http://www.merton.gov.uk/council/getinvolved/consultation/schoolsconsultations.htm> and on display on the park's noticeboards and on the pavilion. The 'drop in' sessions will allow the architects to go through the scheme with parents and residents.

It should be noted that these are early feasibility drawings, and subject to this consultation, one option would be developed in more detail. In summary the differences between the three schemes are as follows:

Option A - Provides a clear open children's public playground with two dividable areas, and 3 hall spaces in one building available to the public outside school hours, one of which is during school hours. However, it would mean loss of some mature trees, and due to the retention of the school's early years classrooms in their current position all school children need to walk through a narrow 'corridor' to access their main play area.

Option B - Provides a longer narrow building thus ensuring no loss of mature trees. Although it has a slightly smaller footprint than option A, due to its shape, it would provide a greater perception of protruding into the park. It also has 3 hall spaces in one building available to the public outside school hours, one of which is during school hours. However, the public playground has only a narrow connection 'corridor' between toddler's and older children's play, unless a decision was made to locate it in the current pavilion area.

Option C - Ensures no loss of mature trees but the building is less long and narrow than option B, thus ensuring a mainly clear open children's public playground with two dividable areas. It has the advantage of new purpose built early years classrooms for the school with direct access to play, which also ensures other school children have easier access to their play areas. One of the key differences is that the community hall for day-time use will be in the current school building with a separate access. This will be an advantage in making access easier for community activities when the park is closed but they will be split from the other 2 hall spaces in the new building available to the public outside school hours.

School admissions

Dundonald School currently admits children on LB Merton's standard admissions policy, which after giving first priority to children in public care, exceptional needs cases and siblings, gives priority on the basis of straight line distance from the school. The expansion of the school is intended to enable children to gain entry from a wider area, though still local. Dundonald School is approximately 400 metres from Wimbledon Chase school to the south west giving a choice of two local schools in this area, but there are areas to the east of Dundonald School where it is challenging to obtain any local school place.

When Wimbledon Chase School expanded, an Admissions Priority Area (APA) was developed which gives greater priority to residents in a defined area. An Admissions Priority Area may be suitable for Dundonald. However, this needs to be done in partnership with other schools in the area. Therefore we are not, at this stage, consulting on a specific APA, but may do so in the future. In any case, an APA would not extend more than 1000 metres from the school, ensuring the school remained a local school that children can walk to.

Next steps

The council is following the process defined by statute for the significant enlargement of a school. This is the statutory consultation, to close on 28 June 2011. Following this consultation the council will decide whether to submit a formal statutory proposal. This would be a further four-week period for anyone to comment or raise an objection. At this stage we will also undertake any legal processes relating to the park, the requirements for which the council has assessed before commencing this consultation.

If the council decides to follow the next stage of the school expansion it will also develop one of the design options in more detail before submitting a planning application. Both approval to the planning application and the education statutory proposal is required before any decision on additional places is made for September 2012. It is aimed that this will be resolved by December 2011 before parents submit their school admissions application for 2012.

Response Form

Please provide comments in the box below or a separate sheet by **Tuesday 28 June 2011** to:

**Contracts and School Organisation, Children, Schools and Families Department,
London Borough of Merton, Merton Civic Centre, London Road, Morden SM4 5DX
E-mail: schconsult@merton.gov.uk.**

Alternatively they can be given by hand to the office at Dundonald Primary School, who will forward them to the council.

1. Please provide comments on the principle of expanding Dundonald Primary School to 2 forms of entry (60 pupils per year), including any specific concerns you may have that the Local Authority and school could address.

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.....(please continue overleaf as necessary)

2. What is your preferred design option in expanding the school (please tick)

Option A or Option B or Option C

Please provide any comments and whether there are there any high or low priorities for the scheme or facilities you would like to see in the park as part of the scheme

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.....(please continue overleaf as necessary)

Are you:

- A parent with a pupil currently at Dundonald Primary School
- A parent with pre-school children
- A member of staff
- A local resident without a direct interest in the school's education
- Other e.g. representing an institution please state _____

SIGNED..... **DATE**

APPENDIX 4

FUNDING OF PROJECT IN COUNCIL'S CAPITAL PROGRAMME

Committee: Council

Date: 6 March 2013

Agenda item: 5
Wards: All
Subject: Business Plan 2013-17

Lead officer: Caroline Holland, Director of Corporate Services

Lead member: Councillor Mark Allison, Cabinet Member for Finance

Key Decision Reference Number: This report is written and any decisions taken are within the Budget and Policy Framework Procedure Rules as laid out in Part 4-C of the Constitution.

Contact officer: Paul Dale

Recommendations:

1. That the Council agrees the Business Plan 2013-17 including:-
 - the General Fund Budget;
 - the Council Tax Strategy for 2013/14 equating to a Band D Council Tax of £1,102.55, which means that Merton qualifies for Council Tax Freeze Grant;
 - the Medium Term Financial Strategy (MTFS) for 2013-2017;
 - the Capital Investment Programme (as detailed in Annex 1 to the Capital Strategy);
 - the Capital Strategy (Section 1: Part A of the Business Plan)
 - the Treasury Management Strategy (Section 1: Part A of the Business Plan), including the detailed recommendations in that Section , incorporating the Prudential Indicators

as set out in this report, and agrees the formal resolutions as set out in Appendix 1 to this report.

1. **Purpose of report and Executive Summary**
 - 1.1 At its meeting on 18 February 2013, Cabinet considered two reports which concerned the detailed structure and scrutiny of the Council's Business Plan for 2013-17, including the Budget and Council Tax for 2013/14, the MTFS for 2013-17 and the Capital Strategy and Investment Programme for 2013-17.

Children, Schools and Families	Scrutiny Panel *	2013/14	2014/15	2015/16	2016/17
		£000s	£000s	£000s	£000s
Aragon Expansion	CYP	0	0	0	0
Benedict Expansion	CYP	0	0	0	0
Cranmer Expansion	CYP	4,001	0	0	0
Hollymount Permanent expansion	CYP	0	0	0	0
Joseph Hood Permanent expansion	CYP	199	0	0	0
St Mary's expansion	CYP	2,267	1,100	100	0
Pupil Growth - Unallocated (Split)	CYP	0	0	0	0
Gorrington Park expansion	CYP	962	150	0	0
Hillcross School Expansion	CYP	2,528	1,700	250	0
Merton Abbey Temp Accommodation	CYP	2,018	1,700	200	0
Pelham School Expansion	CYP	1,121	2,849	1,226	0
Cricket Grn Exp-Chapel Orchard	CYP	60	0	0	0
Beecholme 2 Temp. classrooms	CYP	545	2,775	1,575	0
23 FE School to be Confirmed	CYP	225	1,575	1,575	1,600
24 FE School to be Confirmed	CYP	0	300	1,575	1,600
25 FE School to be Confirmed	CYP	0	300	1,575	1,600
26FE Temporary Solution for Sept. 2015	CYP	0	0	325	0
27FE Temporary Solution for Sept. 2016	CYP	0	0	0	300
28FE Temporary Solution for Sept. 2016	CYP	0	0	0	300
Dundonald expansion	CYP	4,762	728	0	0
Poplar Permanent Expansion	CYP	588	3,113	1,739	0
Liberty expansion	CYP	0	0	0	0
Singlegate expansion	CYP	4,246	380	0	0
Wimbledon Park expansion	CYP	2,127	170	0	0
Holy Trinity Expansion	CYP	224	0	0	0
Primary School Expansions		25,873	16,840	10,140	5,400
Garden PCP	CYP	248	0	0	0
Schools Capital Maintenance and Accessibility	CYP	400	400	400	400
Liberty Primary School	CYP	4	0	0	0
Primary school autism unit	CYP	612	0	0	0
Brightwell	CYP	100	0	0	0
Youth & Community centres reprovion	CYP	139	0	0	0
Secondary School expansion	CYP	0	400	1,150	22,150
Raynes Park Sports Pavilion	CYP	80	0	0	0
Ursuline Loan	CYP	600	0	0	0
Schools Equipment Loans	CYP	373	0	0	0
Other		2,556	800	1,550	22,550
Total		28,429	17,640	11,690	27,950

* OSC= Overview and Scrutiny Commission, CYP = Children and Young People, HCOP = Healthier Communities and Older People SC = Sustainable Communities,

Responses to statutory notice

1	Stephen Rothwell	Object as the expansion will endanger the academic standing of an existing institution and jeopardizes the relationship with the local community.
2	Geoffrey Chapman	Objects due to the following: it will change the nature of the Rec by being more built up visually and there will be a significant loss of open space; the need for expansion has not been demonstrated; alternative sites that do not involved loss of open space have not been adequately explored; the expansion does not meet current guidelines for school buildings.
3	Deborah Chapman	Object due to the following; local need has not been demonstrated; alternative sites have not been adequately explored; the expansion does not meet current guidelines for school buildings; and the detriment it would have on the wider community.
4	Rita Pagnoni	Object due to the expanding onto the rec. We need to ensure all open space is maintained for everyone to use.
5	Barbara Julien	Object due to: inadequate size of proposed classrooms; effect on local area would be disastrous both during the building period and with the final proposed number of 420 pupils and have a negative impact on local resident's lives (increased traffic, noise, etc); and have no confidence that the sports facilities would be safeguarded.
6	Anton Chateau	Object as the demographic case for expansion is weak and modification of the Covenant has set a precedent for further unopposed modification of the open space.
7	Theresa Long	Do not feel it will improved standards at the school and may enable the council to take over the rest of the park.
8	Letty Lai	The expansion is a brilliant idea as it has been extremely stressful for parents in Wimbledon to find a good school for their children. I am a regular user of the Rec over the weekend. If it is not available after the expansion Merton Park is only one stop away on the tram (20 second ride) and if you want exercise you can walk there.
9	Paul Lee	Please go ahead – we are expecting a baby soon and although we live only 200m away are out of the catchment area. I am a regular user of the Rec and courts at the weekends, but there are plenty of others not too far away and the Rec will still be big enough to accommodate sport of all kinds.
10	Mr & Mrs Okker	We object as we do not think the Council should be entitled or indeed able to remove a large chunk of the Rec. The Rec is always in use by people of all ages enjoying a variety of sports and leisure activities. We are also concerned about our entitlement to the quiet use and enjoyment of our own garden due to increased noise from the expanded school (Human Rights Act 1998). Why not build a new school on a more suitable site?
11	Jenny Nyiri	Object to expanding onto the park. Suggests using one of the other suitable sites. The park is often crowded with different activities.
12	Antoinette Wynne	Object due to: the unique character of the school will be lost; the land to be lost is used extensively by children's clubs, sports clubs, families etc; children need more space to play not less; the park will be ruined; the covenant should not be broken.
13	Mrs A Dawson	Object as the local need has not been demonstrated; planning permission has not been gained yet; the school will be too small; the removal of public open space.
14	Monica	Object due to: smallness of site; loss of the space in the park; additional traffic; and the children will lose the sense

	Jimenez	of group due to having two buildings and my daughters who attend the school won't be able to meet their siblings as usual during the day.
15	RM & FM Bower	Object due to: detrimental effect on school standards; lack of green space in the Ward; negative effect on the well-being of residents; more suitable alternative sites; concerns about 'combined access' to the new building; increased traffic and danger; and size of new classrooms.
16	Maureen Ahad	Object due to: the reduction of choice for parents in terms of educational environment; lack of space that the expanded school would offer each child; reduction in playing and relaxing space available to all children outside school hours; and an expansion will not in itself affect the success of the school or the attainment of its pupils.
17	Tehri Manuel-Garner	Object due to: larger school is not appropriate to the area and community; appropriation of land from the Rec; school will be even more cramped; increased traffic, parking, pollution and noise.
18	Louis Garner	Object as I think the school will lose something special if it expands; additional traffic; loss of open space to the school.
19	Paul Garner	Object as the school will be too small and unfit to cope with additional children; it will not improve standards; loss of facilities in the park; additional traffic, parking and congestion.
20	Ulla Manuel	Object due to impact on the Rec and negative impact on mine and my family's life; it will not improve school standards; increased parking and traffic.
21	George Manuel	Object due to impact on the Rec and negative impact on mine and my family's life; it will not improve school standards; increased parking and traffic.
22	Dundonald Rec Tennis Club	Object on behalf of the many hundreds of Merton residents who use the tennis courts due to: detrimental effect on Dundonald pupils; loss of availability of the tennis courts during the school day; question the need for additional places; negative effect on local children by excluding them from the use of vital areas dedicated to sport; small size of the expanded school; the replacement is totally inadequate as described by Sport England. Have organised a petition with over 340 local signatures against the appropriation of 2,578m ² of open space.
23	Protect Dundonald Rec	Local residents and users of the Rec strongly object to the loss of public open space, and the views of the current users of the land have to be taken into account and given at least equal weight to those of parents around the borough who may want their children to have places at the school. There is no evidence that Dundonald School needs to expand to meet local need. "All of the state-educated primary school aged children who live within 400m of Dundonald School attend either Dundonald or other nearby schools: Wimbledon Chase, Pelham, Holy Trinity or St Marys. All of these schools have expanded, and now offer 80% more places: local demand is met by local provision". Data from the Office for National statistics and the GLA state that there are relatively few four year olds in Dundonald ward and the recent increase had only been small so Dundonald had a surplus, yet the deficit was areas to the east of the borough e.g. Graveney ward. "Distance offered" is a poor measure of local need as it varies

		<p>massively from year to year for every school depending on the number of sibling places offered, and the fall at Dundonald is directly related to the rise in sibling places offered. The Manuplastics site is an alternative. The expansion, far from increasing parental choice, promotes and reinforces inequality between the wealthy and the deprived areas of the borough as parents in wealthy parts of the borough have greater choice; educational standards won't be improved as a result of the expansion as all schools within 1 mile of Dundonald are 'Good' or 'Outstanding'. Questioned whether the land, premises and capital to implement the proposals is available when the planning permission had not been resolved and the land was not available.</p>
24	Anthony Fairclough	<p>Object as there will be less space per child than at present and worry that the Council will want to encroach even further onto the Rec.</p>
25	Paul Gibson	<p>Need to expand the school not demonstrated, nor alternatives considered properly. Considerable detail provided in paper from 'Protect the Rec' group and council hasn't considered the fall in numbers locally from birth to school and to the independent sector. The GLA schools atlas provides additional information.</p> <p>Disruption to children and staff, land taken out of open spaces is 5% not 1% impacting on a park that attracts a quarter of a million visits per year., beautiful trees felled, children's playground dug up.</p>
	Tina Dunkin	<p>Object due to loss of green space; there is no real need for expansion in this area; increased traffic problems; and the effect on the whole ethos and feeling of the school.</p>



Indicative maximum distance offered for Reception places in April 2013 for
 Dundonald, Holy Trinity, Pelham & Wimbledon Chase

London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX



Committee: Cabinet

Date: 09 December 2013

Agenda item:

Wards: Figges Marsh/ Lavender Fields / Ravensbury

Subject: Allocation of S.106 monies to Mitcham Town Centre

Lead officer: James McGinlay

Lead member: Andrew Judge

Contact officer: Richard Lancaster (Mitcham Town Centre request) Ross Mitchell (One Mitcham Business Support), Tim Catley (S.106 Monitoring)

Recommendations:

- A. That members agree that the requested S106 contributions as detailed be allocated to the Mitcham Town Centre project in accordance with the S.106 Spend Parameters set out in paragraph 1.2.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1. Member Authority is sought to allocate the Section 106 contributions detailed in Table 1 towards business enhancement and public realm / transport improvement activities in Mitcham Town Centre as part of the wider Rediscover Mitcham and One Mitcham initiatives.

1.2. **Table 1**

Reference	Development Address (Funder)	Amount	S.106 Spend Parameters
383/9	Roan Industrial Estate, Mortimer Road, Mitcham, CR4 3HS	£87,751.59	Initiatives in pursuit of the Councils Economic Development Strategy and/or to facilitate the acquisition, development, improvement of land or premises for employment or business purposes
205/6	Tooting & Mitcham Football Ground	£5,000	the provision or procurement of improvements to all or any of the following, public transport services, infrastructure including street furniture, traffic measures, parking control, facilities for pedestrians and cyclists within the ward and Figges Marsh and the Mitcham Urban Village Boundary as defined by the LBM UDP
514/6	Part of Former Segas site, 49 Western Road,	£65,000.00	First instalment. a) works to improve the Miles Road/Church Rd Junction; b) design administrative and physical

	Mitcham		works to alter or extend parking management schemes in the vicinity of the site; c) monitoring the travel plan required by condition; d) sustainable transport measures in the vicinity of the site as defined in the agreement
514/7	Part of Former Segas site, 49 Western Road, Mitcham	£36,000	Second installment. a) works to improve the Miles Road/Church Rd Junction; b) design administrative and physical works to alter or extend parking management schemes in the vicinity of the site; c) monitoring the travel plan required by condition; d) sustainable transport measures in the vicinity of the site as defined in the agreement
476/5	Land of the North West side of Batsworth Road	£7,000	Sustainable Transport initiatives, meaning initiatives and measures to improve public and community transport initiatives for pedestrians and or cyclists (including (but not limited) to the provision of traffic calming and or traffic reduction measures and or access facilities for people with disabilities and or improved walk links
435A/15	Former Rowan School Site, Rowan Road	£15,000	Towards the costs of Mitcham Town Centre Regeneration including development of its role as an Energy Action Area
435A/8	Former Rowan School Site, Rowan Road	£45,687.50	Towards the provision of sustainable transport initiatives in the vicinity of the site including the monitoring of Green Travel Plans
435A/9	Former Rowan School Site, Rowan Road	£45,687.50	Towards the provision of sustainable transport initiatives in the vicinity of the site including the monitoring of Green Travel Plans
	GRAND TOTAL	£307,126.59	

2 DETAILS

General S.106 Considerations

- 2.1. S.106 of the Town & Country Planning Act 1990 (as amended) permits Local Planning Authorities to enter into agreements with applicants for planning

permission to regulate the use and development of land. This may involve the payment of a financial contribution for off site works.

- 2.2. The Community Infrastructure Regulations 2010 require that a planning obligation must be
- Necessary to make the development acceptable in planning terms
 - Directly related to the proposed development
 - Fairly and reasonably related in scale and kind to the proposed development
- 2.3. It is Council practice that allocation of £50,000 or more S.106 funding to any specific scheme is authorised by decision of Cabinet.

Allocation of monies towards Mitcham Town Centre

- 2.4. It is proposed to allocate the funds included in Table 1 (for reference 383/9, 205/6, 514/6, 514/7, 476/5, 435A/15, 435A/8 and 435A/9) for business and public realm accessibility enhancements in Mitcham Town Centre. These funds will be spent in the context of the wider Rediscover Mitcham public realm scheme and One Mitcham business enhancement scheme which together represent a £6m investment in regenerating Mitcham
- 2.5. The key aspects of the wider scheme for which agreements 205/6, 514/6, 514/7, 476/5, 435A/15, 435A/8 and 435A/9 will contribute are
- The enhancement of multi modal access into the Fair Green including pedestrian crossing improvements at key locations, enhanced cycling facilities, short term parking provision, improved signage
 - The creation of a number of 'public realm' enhancements such as improved street furniture, public toilet, water feature, seating and lighting
- A new bus street through the current pedestrian area in London Road and the consequent increase in pedestrian footfall
- A range of business support activities included shop front enhancements, improved market facilities, business mentoring and special events

For agreement 383/9 the specific S106 monies would be spent on business improvement activities to consolidate the benefits of the wider scheme.

- Further roll out of fully / part funded shop front improvements
- Upgrading the design of the Orange Café to provide windows
- Supporting the installation of a fixed market canopy (already part funded through the Mayors Outer London Fund)
- A programme of events to attract footfall into the town centre
- Further roll out of shop front improvements
- Upgrading the design of the Orange Café to provide windows

- Supporting the installation of a fixed market canopy (already part funded through the Mayors Outer London Fund)

Therefore it is considered that the proposed scheme satisfies the S106 parameters for the contribution.

- 2.6. The proposed works will take place in Mitcham Town Centre which is 0.6 miles from the site in agreement 383/9.
- 2.7. Mitcham Town Centre is 0.5 miles from the site in agreement 514/6, 514/7
- 2.8. Mitcham Town Centre is 1.2 miles from the site in agreement 205/6
- 2.9. Mitcham Town Centre is 1.2 miles from the site in agreement in 476\5
- 2.10. Mitcham Town Centre is 1.5 miles from the site in agreements 435A\15, 8 & 9
- 2.11. In each case the town centre is the nearest key shopping / leisure and amenity area to the development sites. The town centre is within walking distance of each site. As the works will benefit the site directly through the creation of improved local facilities to the benefit of residents living at the development and should of-set the loss of employment land in Mitcham by increasing the attractiveness of Mitcham Town Centre to new or expanded businesses
- 2.12. The funds noted under reference 383/9, £87,751.59 will be ring fenced to the provision of measures in Mitcham town centre for business development and improvement activities in order to accord with the terms of the S.106 agreement.
- 2.13. The funds in agreements 205/6, 514/6, 476/5, 435A/15, 435A/8 and 435A/9 will be ring fenced for transport and accessibility improvements within the boundaries of the Rediscover Mitcham public realm scheme.
- 2.14. Given the range of issues associated with delivering a successful scheme in the area and the strong focus on quality, based on budget availability there is an imperative to work collectively and to pool funding.
- 2.15. The following table summarises the expected outcomes of this project in sustainable communities terms:

Table 2		
Outcome	Relevant Proposal	Impact
Access for All	Any provision of shop and transport improvements will ensure maximum accessibility where this is relevant	Proposals will retain or increase existing levels of accessibility
Community and Partnerships	Working with local businesses and the local community to identify specific improvement opportunities for transport and business improvements	Project will engage with range of businesses and stakeholders and build partnerships focusing on

		developing and maintaining better business facilities
Environment	Upgrade to shop fronts and public realm	The overall environmental quality of the area will be enhanced with visual benefits due to improved shop fronts and a generally upgraded public realm
Equality	Overall amenity enhancements	General benefits will be across all people accessing the area, however disabled persons and other people with mobility barriers may particularly benefit from better local shopping and accessibility opportunities
Health Lifestyle	Encouraging walking to local destination	Encouraging use of active modes overall improvement in local facilities

3 ALTERNATIVE OPTIONS

- 3.1. Cabinet could decide not to approve the allocation of the S.106 funds towards the projects, however this would result in a lost opportunity to spend the S.106 funds in accordance with the S.106 agreement from which it was secured and the council may miss out on realising the substantial community benefits offered by the proposal

4 CONSULTATION UNDERTAKEN OR PROPOSED

Mitcham Town Centre

- 4.1. A significant amount of consultation has taken place in Mitcham to establish key priorities for local people and to identify specific improvements. Over the 2 consultation held in 2012 and 2013, approximately 2500 responded. These consultations demonstrated strong support for the councils strategy of focusing on retail revival to encourage more activity in the town centre

5 TIMETABLE

Mitcham Town Centre

- 5.1. Phase 1 of the wider Rediscover Mitcham works have been approved and are due for implementation in January to August 2014.
- 5.2. It would be intended to carry out the business improvements works in agreement 383/9 funded by this bid if successful during this phase of works
- 5.3. Wider works within agreements 205/6, 514/6, 514/7 476/5, 435A/15, 435A/8 and 435A/9 would be implemented between September 2014 and December 2015

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The S.106 funds referred to in this report have been received by London Borough of Merton and are available to be spent in the manner agreed by Cabinet, subject to any restrictions contained in the agreements
- 6.2. In terms of the wider Rediscover Mitcham project the overall funding requirement for the project is estimated at approx.£ 6m. The funding contributions are as follows

Table 3		
Amount	Funding sources	Status
£858k	Transport for London LIP	Agreed
£1.5m	Merton Capital	Agreed
£2.9m	TfL Major Schemes	Development funding agreed
£370k	S106 for transport improvements	Partly agreed
£500k	Mayor’s Outer London fund	Agreed

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. As stated in the body of the report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. The planning applications were considered in the light of the Human Rights Act. S.106 contributions are secured and allocated towards community benefits such as school improvement projects, open spaces, sustainable transport and community safety. As a consequence, equalities and community cohesion implications are taken into account

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. This report is for information. Specific schemes may have relevant implications

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. For a minority of contributions there are deadlines for which they have to be spent. The risk is minimised by undertaking the monitoring of these contributions

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

None.

12 BACKGROUND PAPERS

12.1.1 None.

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Committee: Cabinet

Date: 9 December 2013

Agenda item:

Wards:

Subject: Reference from the Overview and Scrutiny Commission – pre decision scrutiny of the Business Plan 2014-18

Lead officer: Julia Regan, Head of Democracy Services

Lead member: Councillor Peter Southgate, Chair of the Overview and Scrutiny Commission

Contact officer: Julia Regan; Julia.regan@merton.gov.uk; 020 8545 3864

Recommendations:

- A. That Cabinet, in taking decisions relating to the Business Plan 2014-18, takes into account the comments and recommendations made by the Overview and Scrutiny Commission (including the minutes of the financial monitoring scrutiny task group) and the outcomes of consideration by the Overview and Scrutiny Panels.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To inform Cabinet of the recommendations and comments resulting from pre decision scrutiny of the Business Plan 2014-18 by the Overview and Scrutiny Commission and Overview and Scrutiny Panels at their November 2013 meetings.

2 DETAILS

- 2.1. Each of the Overview and Scrutiny Panels has examined the budget and business plan proposals relating to the service areas within their remit. The Overview and Scrutiny Commission has received the findings of the Panels as well as minutes of the financial monitoring scrutiny task group's meeting on 29 October 2013..
- 2.2. The Overview and Scrutiny Commission met on 26 November 2013 and agreed to forward to Cabinet the comments and recommendations made by the Overview and Scrutiny Panels and by the financial monitoring task group. These are set out in Appendices 1 and 2.
- 2.3. The Commission agreed to express its concern to Cabinet that the service plans would not be available as contextual information for the final round of budget scrutiny meetings in January. Members asked whether draft service plans could be made available to those meetings (on existing or revised dates to accommodate this).
- 2.4. The Commission also agreed to draw Cabinet's attention to particular comments and recommendations made at its meeting on 26 November:

- A member raised concerns about the increase in the Housing Benefits budget and asked that a report be provided to give more detail on this, including the financial implications for the Council and information on tenant numbers by housing tenure.
- A member asked that the Commission be provided with information about the funding arrangements relating to Free Schools.

2.5. The Commission requested that Cabinet take account of pertinent points made by the financial monitoring task group:

- the task group recommended that councillors' needs should be taken into account in the provision of any document management solution (Document Management and Customer Contact Programme). Cabinet to note that the Director of Corporate Services had agreed to consult with councillors and Councillor Diane Neil Mills volunteered to take part
- the task group suggested that the appointment of an asbestos compliance officer be brought forward (item KSR45/CG03 in the risk register)
- the task group remarked that the capital programme overall is still quite large in comparison with actual spend in previous years

3 ALTERNATIVE OPTIONS

3.1. Cabinet is required under the terms of the constitution to receive, consider and respond to recommendations from Overview and Scrutiny.

4 CONSULTATION UNDERTAKEN OR PROPOSED.

4.1. The Constitution outlines the requirements for consulting scrutiny on the budget.

5 TIMETABLE

5.1. Round one of scrutiny of the 2014-18 Business Plan was undertaken as follows:-

- Children & Young People Overview & Scrutiny Panel: 6 November 2013
- Healthier Communities & Older People Scrutiny Panel: 13 November
- Sustainable Communities Overview & Scrutiny Panel: 12 November
- Overview and Scrutiny Commission: 26 November 2013

5.2. Comments and recommendations from round one will be reported to Cabinet on 9 December 2013.

5.3. Round two of scrutiny of the Business Plan is planned as follows:-

- Sustainable Communities Overview & Scrutiny Panel: 9 January 2014
- Children & Young People Overview & Scrutiny Panel: 14 January 2014
- Healthier Communities & Older People Scrutiny Panel: 15 January 2014
- Overview and Scrutiny Commission: 30 January 2014

- 5.4. The responses from round two will be presented to Cabinet on 17 February 2014. A meeting of full Council will then take place on 5 March 2014.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. These are detailed in the substantive reports elsewhere on this agenda.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The process for developing the budget and business plan is set out in Part 4C of the Council's Constitution. The role of the Overview and Scrutiny Commission and panels with regard to the development of the budget and business plan is set out in Part 4E of the Constitution.

- 7.2. The legal and statutory implications relating to the budget and business plan are contained in the reports elsewhere on this agenda.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. It is a fundamental aim of the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engagement.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. These were examined by the Commission and were taken into account in making their recommendations to Cabinet.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None for the purposes of this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1 – Comments and recommendations made by the Overview and Scrutiny Panels at meetings in November 2013
- Appendix 2 – minutes of financial monitoring scrutiny task group 29 October 2013 - extract relating to the Business Plan plus responses to additional information requested by the task group

12 BACKGROUND PAPERS

- 12.1. None

References/Comments from Scrutiny Panels to the Overview & Scrutiny Commission 26 November 2013

Scrutiny of the Business Plan 2014-2018

Children and Young People Overview and Scrutiny Panel: 6 November 2013

Councillor Agatha Akyigyina asked about the controlled expenditure. Caroline Holland explained that this is direct expenditure, of which, the schools grant did not form a part. This included salaries and running expenses. CSF has a lower income in comparison to other departments. There is a lower savings Weighting for CSF.

Councillor Oonagh Moulton enquired about the savings targets. Caroline Holland explained that the base savings for 2014/15 and 2015/16 in the base budget had been rolled forward and would only come back to the Panel if changes were being proposed.

Councillor Peter Walker asked about gearing in comparison with other departments. Caroline Holland explained that for CSF it stood at 0.5, C&H stood at 0.75, and CS stood at 1.5. This is based on expenditure as CSF needs to find fewer saving than other departments. The weightings are designed around the programmes we would like to protect first.

Councillor Peter Walker stated that this should be clear in the report to emphasise the values of the administration. Councillor Maxi Martin stated her commitment to this and noted that this has always been communicated.

Councillor Oonagh Moulton asked what changes there were in the capital programme in relation to primary school expansion and with regard to secondary schools from 2014 onwards, how realistic are these targets.

Caroline Holland explained that this was based on outturn from 2012/13 and regular monitoring was undertaken. In 2013/14 certain schemes have been re-profiled. Budget managers are being asked to regularly review how they are performing.

Paul Ballatt explained that there had been some slippage in some schemes and that the future projected expansion is indicative at this stage. Regular monitoring is undertaken to challenge assumptions. 21 additional permanent forms of entry are being planned for. The Children and Young People Scrutiny Panel agreed the direction of travel for secondary school expansion when consulted. However, a programme based on certainty has not yet been established. The council has written to all secondary schools requesting them to agree to expansion and to indicate their preferred timing. The figures on page 73 represent filling up surplus, expansion, academies and the provision of additional forms of entry in community schools. The council are also looking at new provision and also an element of expansion in faith schools, where there is demand particularly from Merton residents. The council may need further new secondary provision hence the uncertainty at this stage.

Councillor Oonagh Moulton asked how the interest and intake for faith school provision had been established. Paul Ballatt explained that work was underway looking at the pattern of demand for faith schools and a matter of affordability.

Councillor Peter Walker asked what percentage of children are at Wimbledon and Ursuline schools now. Paul Ballatt explained that this data could be circulated after it has been analysed.

Councillor Peter Walker asked when the contract for Dundonald was expected to go ahead. Paul Ballatt explained that this was a decision to be taken by Cabinet in December – alongside decision-making about the land appropriation recently consulted on. Officers are also optimistic that the very long-running issues regarding Sport England's position on the Dundonald proposal may be resolved finally shortly. Were there to be a subsequent JR on the decision-making, the council would need to take a view on either pausing plans for the development or proceeding following a risk assessment.

Councillor James Holmes asked if faith schools were oversubscribed. Paul Ballatt explained that Wimbledon and Ursuline were oversubscribed and that Merton will have to make a decision regarding investment in provision that may be used by children living in other authority boundaries.

Councillor James Holmes enquired about further new school provision. Paul Ballatt explained that 2 new schools may be required with 20-30 additional forms of entry required in the secondary sector. Expansion therefore has to be at the core of the strategy.

Councillor James Holmes asked what time scales were in place to determine what provision would be taken forward. Paul Ballatt explained that it was not easy to state at this point and that there were other factors to consider.

Caroline Holland explained that school expansion proposals would need to be considered when further information was available to determine revenue impact and longer term planning could be undertaken.

Councillor Peter Walker added that we should be learning from primary school expansion which was cheaper and consider expansion and split site provision.

Paul Ballatt offered reassurance that the core values of the expansion strategy are to build upon the existing estate. There is a commitment not to expand beyond 10 forms of entry and all factors are being considered.

RESOLVED: Councillor Jeff Hanna thanked the officers and agreed with the Panel that these comments be forwarded to the Overview and Scrutiny Commission and expressed the Panels desire to see more accurate costs as soon as they can be achieved.

SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL: 12 NOVEMBER 2013

Councillor John Sargeant queried the context of the indicative Capital Programme, what was significant and what assumptions had been made in the longer term planning. Should the Panel take a view on these assumptions?

Caroline Holland explained that there was an ongoing call on the revenue programme and that the Capital Programme was dominated by school expansion, primary in the first instance and secondary schools later. Highways, Footways and the Street Lighting Replacement Programme would remain as is.

Regeneration programmes are not planned as far in advance as major schemes and are dependent on funding from others, for example, TfL. For example, the Mini Holland Bid to improve our cycling provision.

Councillor Ian Munn asked for clarity on the settlement funding assessment: RSG and Business Rates and the latest central Government funding projections following the 2013 spending review. Caroline Holland explained that refinements are ongoing and that DCLG had undertaken more work in relation to the Council Tax freeze grant and how this would feed into assumptions and impact on the funds available. The settlement is expected from DCLG early/mid December 2013.

Councillor Samantha George asked about the use of reserves to eliminate the budget gap and what cabinet had agreed, and if there was an easier way to show capital and revenue changes from last year's budget. Caroline Holland explained that no new additional savings for 2014/15 had to be found and that there was a savings target of £1.7 million for 2015/16. This is a significant improvement over other boroughs. Revenue monitoring is undertaken on the Capital programme and schemes are being profiled into later years. Each monitoring report shows profiling each year. There are likely, however, to be some slippages into later years, particularly in CSF. The department are keeping this as up to date as possible. Chris Lee added that changes are made clear in the monitoring reports received by Cabinet and the Scrutiny Financial Monitoring Task Group on a quarterly basis.

Councillor John Sargeant felt that it was important for the Panel to take an annual look at the figures and the key changes to enable the Panel's discussion to be more focused. Comparison year on year would be helpful. Furthermore, could the recommendations from last year's budget scrutiny be built into the January report to determine how these have been taken forward?

Councillor Samantha George enquired about the new savings identified for 2016/17 and 2017/18 in the MTFS (page 78 of the report) and when the Panel could have further detail on this. Caroline Holland explained that these new savings were built in to address the budget gap and that these proposals would be brought to December Cabinet and January Scrutiny Panel meetings. In 2014/15 there are no new savings to be found but £1.6 million in savings needs to be found in 2015/16.

Councillor Samantha George asked about leisure centres and savings. Chris Lee explained that there was a £1 million budget for 2014/15 and a substantial budget in 2015/16 available. The department are working to this timetable for the Morden Park Pool scheme and developments will begin in 2015/16.

Councillor Samantha George enquired about the reason for profiling the street lighting replacement programme and enhancement and also about town centre investment. Chris Lee informed the Panel that this should be treated with caution. Regeneration programmes are match funded and the figures outlined are markers to ensure that funds are available to deliver the scheme. The Mitcham Regeneration scheme is largely dependent upon match funding from TfL. The councils input into is outlined in the capital programme but this can be brought forward or slip to make the best use of alternative funding sources. This applies to all schemes.

Cormac Stokes explained that there were pressures in terms of the standard of street lighting and that replacement was required. There is a fairly urgent street lighting replacement programme over the next year and this is why the monthly figures seem higher. There will be investments in terms of energy efficiency which have been front loaded.

Councillor Miles Windsor asked if new items required for renewable energy in this area were being brought into this budget. Cormac Stokes confirmed this was the case.

Councillor Stan Anderson enquired if there were any plans to reduce street lighting for certain periods. Cormac Stokes confirmed that this wasn't the case. Councillor Russell Makin reminded the Panel that they were due to consider street lighting at a future panel meeting.

Councillor Samantha George asked about equipment for parking and why there was a reduction in 2013/14 in DFG. Chris Lee explained that there was a small budget for parking and display machines and that all other parking is captured as revenue. The DFG is under scrutiny from outside of the council. Demand for this grant has increased. Last year there were 110 applications and this year there are a projected 230 applications. There is therefore a pressure on this grant/budget.

RESOLVED: Panel noted the report.

Healthier Communities and Older People O&S Panel: 13 November 2013

The Healthier Communities and Older People Overview and Scrutiny Panel commented that as there is a significant increase in the over eighty age group many of whom will have long term conditions, the care for this vulnerable group should be reflected in the budget. The Council should also be aware that domiciliary care needs to be well resourced to avoid the significant additional costs associated with residential care.

Financial monitoring task group – extract from minutes of meeting held on 29 October, plus additional information requested by the meeting

Business Plan Update 2014-18

The Chair said that this report would be presented to the November meetings of the Overview and Scrutiny Commission and the three Panels. He advised the task group to focus comments on the corporate services aspects of the capital programme and as well as considering progress made against the 2013/14 corporate services savings (set out in the financial monitoring report on this agenda). The Director of Corporate Services added that some alternative and new savings would be taken to Cabinet in December and subsequently to the scrutiny meetings in January.

Medium Term Financial Strategy

Caroline Holland, Director of Corporate Services, and Paul Dale, Assistant Director of Resources, provided additional information in response to questions:

- The departmental savings targets for 2015/16 onwards (paragraph 2.3) are based on weighted controllable expenditure. Weightings are 0.5 for Children, Schools and Families, 0.75 for Community and Housing, 1.5 for Environment and Regeneration, 1.5 for Corporate Services
- The Minimum Revenue Provision (MRP) will be taken into the reserves and used to pay external debt when it becomes due for payment (Paragraph 2.5.1). ACTION: Director of Corporate Services to provide the assumed interest rates for asset life of 5 and 50 years

Table 2.6.1

- Inflation assumptions for pay are 1% in 2014/15 and 2015/16, 1.5% in 2016/17 and 2017/18
- Price inflation assumption is around 1.5% overall, higher for some specific areas such as energy process
- Additional fees and charges assumed 1.5% growth
- Growth item refers to the adult social care growth that has been approved previously
- Other corporate items includes the pension fund additional contributions, level of contingency, items relating to disaster recovery, payments for precepts and levies and other adjustments (more detail in September report to Cabinet)
- Collection Fund items for 2014/15 are for bad debt from 2013/14. This will be subsumed into base budget in future.

Capital programme

A task group member said that it would be helpful to have a short description of each of the items in the capital programme. In response to questions, Caroline Holland and

Paul Dale provided further detail on some of the items in the corporate services capital programme:

- The Acquisitions Budget for 2013/14 has been used for the purchase of a piece of land by the High Path Estate
- The Capital Bidding Fund is used to provide match funding should any suitable schemes funded by the Greater London Authority or English National Heritage become available
- Where there are zero items at present, these may change. Also, monies that aren't used may be moved to future years or removed from the capital programme.
- The Document Management and Customer Contact Programme items are estimated figures at present. Tender documents were sent out last week setting out an ideal "to be" system and asked bidders to come back with proposed solutions. The task group RECOMMENDED that councillors' needs are taken into account in any document management solution. ACTION: Director of Corporate Services to consult with councillors – Councillor Diane Neil Mills volunteered to take part.
- Asbestos safety works item for 2016/17 relates to corporate buildings. The task group suggested that the appointment of an asbestos compliance officer (item KSR45/CG03 in the risk register – page 89 of the agenda) be brought forward
- The IT Strategy-unallocated item relates to monies set aside for the implementation of the strategy that have not yet been used – may be spent, carried forward or removed from capital programme
- Paul Dale undertook to find out why the Invest to save items have zero predicted spend in 2015/16 ACTION: Assistant Director of Resources

Another member said that the capital programme overall was still quite large compared to spend in previous years. Caroline Holland and Paul Dale said that they were working with officers to predict likely spend more accurately and that the programme from 2014/15 onwards is closer to actual spend than previously. The task group agreed that it would be helpful to have a breakdown of 2013/14 spend to date on individual capital projects.

In response to a comment about the level of capital spend on maintenance of the borough's roads, Caroline Holland said that recent road condition surveys had shown sustained improvement in both major and minor roads.

The Task Group AGREED that it would be useful for each of the Overview and Scrutiny Panels to examine the capital programme within their remit.

Financial monitoring report – quarter 2

The task group examined progress made on the 2013/14 corporate services savings. Caroline Holland said that the position on the shared bailiff service was unlikely to change in 2013/14 but options are being explored to increase the number of cases in future and to make it easier to find people who haven't paid (for example through automatic number plate recognition software, a joint piece of work with the Police).

In response to a question about the rationale behind vacant posts, Caroline Holland said that the reasons for this varied and that each vacant post was kept under review.

Paul Dale undertook to provide a breakdown of the Transfer Payments (page 41) to explain the variation between the current budget and the full year forecast.

Councillor Grocott had a number of questions on reserves and cash flow that she said she would raise separately with the Director.

Caroline Holland noted that the 0.58% of gross Council Budget figure given in Recommendation A of the report is misleading as it should relate to net expenditure.

Additional information requested by the financial monitoring task group

Medium Term Financial Strategy

Requested - The Minimum Revenue Provision - provide the assumed interest rates for asset life of 5 and 50 years

Response:

For 2013 to 2016 interest rates are internal assumed at 0.75%

For 2016/17 interest rates are internal assumed at 1%

For 2017 onwards any internal borrowing assumed at 1.25%

The MTFFS does not break down interest rates over 5 or 50 years as Merton is not likely to borrow for either of these periods. For 2017 onwards any external borrowing is assumed at an average rate of 4.9%

Current PWLB maturity rates are 2.6% for 5 years and 4.52% for 50 years

Capital programme – corporate services items

Requested - Paul Dale undertook to find out why the Invest to save items have zero predicted spend in 2015/16

Response – “There are several sources of funding for these energy management works split between capital and revenue and CS and E&R departments , at this stage it is assumed that the revenue budgets will be spent but that the capital ones may not be. A meeting is to be held to gain a more accurate picture of likely spend in the current year.”

Financial monitoring report (quarter 2)

Requested - Paul Dale undertook to provide a breakdown of the Transfer Payments (page 41) to explain the variation between the current budget and the full year forecast.

Response – see spreadsheet overleaf

Period 6 subjective analysis

	Original Budget 2013/14	Current Budget 2013/14	Year to Date Budget (Sep)	Year to Date Actual (Sep)	Full Year Forecast (Sep)	Forecast Variance at year end (Sep)
Expenditure	£	£000	£000	£000	£000	£000
Employees	85,766	90,894	44,714	43,786	91,767	873
Premises Related Expenditure	8,153	9,709	5,788	3,370	9,061	(648)
Transport Related Expenditure	10,617	13,171	6,372	5,419	12,495	(676)
Supplies and Services	163,012	161,751	81,314	71,059	162,112	361
Third Party Payments	83,137	87,650	41,541	33,740	87,080	(570)
Transfer Payments	98,995	95,946	4,981	4,870	108,568	12,622
Support Services	34,317	32,417	40	2	32,417	(0)
Depreciation and Impairment Losses	13,990	13,783	(104)	0	13,783	0
Corporate Provisions	13,770	11,799	3,888	673	10,985	(814)
GROSS EXPENDITURE	511,757	517,119	188,535	162,918	528,267	11,148
Income						
Government Grants	(237,082)	(242,551)	(4,607)	(6,535)	(255,342)	(12,791)
Other Grants, Reimbursements and Contribs	(17,646)	(18,584)	(6,418)	(2,116)	(18,822)	(238)
Customer and Client Receipts	(55,695)	(53,654)	(24,086)	(24,065)	(52,749)	905
Interest	(44)	(44)	(22)	0	(24)	20
Recharges	(36,047)	(34,296)	0	(578)	(34,295)	1
Balances	(980)	(3,729)	(1,969)	(2,023)	(3,729)	0
GROSS INCOME	(347,494)	(352,857)	(37,102)	(35,317)	(364,960)	(12,103)
NET EXPENDITURE	164,262	164,262	151,435	127,601	163,307	(954)

Analysis of transfer payments	Current Budget 2013/14	Full Year Forecast (Sep)	Forecast Variance at year end (Sep)	Notes
	£000	£000	£000	
<u>Corporate services</u>				
Housing Benefits	85,556	98,323	12,767	forecast based on DWP mid year estimate offset by government grant Welfare fund number of claims lower than anticipated
Local welfare support	366	100	(266)	
Adult Social Care				
Concessionary Fares	8,614	8,580	(34)	
Taxicard Scheme	165	194	29	
ICES -Contribution to pooled budget	341	341	0	
Property adapt-PD	37	44	7	
Housing				
Homelessness Prevention	430	429	(1)	
CSF				
Section 17, no recourse to public funds	195	305	110	
Adoption allowances	238	238	0	
Other	4	15	11	
Transfer Payments	95,946	108,568	12,622	