



**APPENDIX C:  
Copy of letter from Hartley Parish Council**

HARTLEY PARISH COUNCIL  
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19<sup>th</sup> December 2007

Miss M McNeir  
Public Rights of Way Officer (Definition Team)  
Kent County Council  
Environmental and Waste  
Invicta House  
County Hall  
Maidstone  
Kent ME14 1XX

Dear Miss Mcneir

**Application for a Village Green Registration at Hartley Wood, Hartley, Kent**

I am writing on behalf of Hartley Parish Council to respond to two letters dated 21<sup>st</sup> November 2007 and 27<sup>th</sup> November 2007 from solicitors, Field Fisher Waterhouse, acting on behalf of Southwark Council, which were sent to Kent County Council in respect of Hartley Parish Council's application for land at Hartley Wood to be registered as a Village Green.

Field Fisher Waterhouse have raised a number of issues and I will respond to each of them in turn.

**1. Negotiated Settlement**

Whilst the Parish Council welcomes a discussion with Southwark Council about the Application, it is doubtful whether a negotiated settlement could be reached due to Southwark Council's distinct lack of real desire to engage in any discussions with the Parish Council.

Following a meeting with Southwark Council on 24<sup>th</sup> May 2006, the Parish Council agreed to temporarily suspend its Application to allow further discussions to take place on the future of Hartley Wood and the adjoining landfill site. The Parish Council wrote to Southwark Council on 23<sup>rd</sup> August 2006 enquiring whether any developments had taken place since the meeting on 24<sup>th</sup> May and when no response was received, a further enquiry was sent on 13<sup>th</sup> September 2006.

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The Parish Council wrote, once again, to Southwark Council on 18<sup>th</sup> December 2006 giving notice of its intention to resurrect the Application on 31<sup>st</sup> January 2007, unless it heard otherwise from Southwark and that it would be amending the application to confine the area of land within the Application to that owned by Southwark Council in Hartley Wood, therefore excluding an area of scrub land to the south of the land fill site from the Application.

Southwark Council wrote on 9<sup>th</sup> January 2007 suggesting that the two parties should meet sometime during February or March, but when the Parish Council came forward with some proposed dates, Southwark Council informed the Parish Council that due to internal restructuring it did not believe it would be appropriate to meet at these times, although it confirmed a meeting could be arranged at sometime in the future.

Despite the Parish Council's best endeavours Southwark Council has thwarted every attempt to further any meaningful discussion and on 3<sup>rd</sup> April 2007 the Parish Council resolved to proceed with the Application, as amended. Notwithstanding, the Parish Council continued to attempt further discussions with Southwark and more recently a meeting was arranged to be held on 26<sup>th</sup> September 2007, but was cancelled by Southwark two days before the two parties were due to meet.

The Parish Council appreciates that any discussions with Southwark Council will have no effect on the outcome of the Application, which will be determined solely on the evidence presented under the relevant legislation. However at the meeting of the Regulation Committee held on 29<sup>th</sup> November 2007, Southwark's legal advisor stated that he believed there was a strong possibility of a negotiated settlement and that it would not be sensible for the Application to proceed if there was a real chance of a settlement. Since this meeting no further contact has been forthcoming from Southwark Council or their legal advisors and the Parish Council has no confidence that Southwark Council will honour those assurances given to the Panel Members.

## **2. Legal and factual issues**

### **(a) Whether the use of the land has been "as of right".**

From the evidence submitted to Kent County Council, the Parish Council is satisfied that members of the public have used the land at Hartley Wood for the required period and more, without force, secrecy or permission and that Southwark Council has made no attempt to prevent such use or advertised the fact that they had no right to be there.

### **(b) Whether use of the land has been for the purposes of lawful sports and pastimes.**

Hartley Wood is extensively used for recreational walking, dog walking and running as well as more passive recreational activities such as picnicking and bird watching, as may be demonstrated by the number of footpaths that criss-cross the land.

Southwark Council's solicitor refers to a letter from Mr D Waugh in which he states that he and his children exercised a right of way through the woods to and from the school. Mr Waugh makes reference to Strawberry Valley which is an area of woodland to the west of the Application site and does not form part of the Application.

**(c) Whether use has been by a significant number of inhabitants of a particular locality, neighbourhood or neighbourhood within a locality.**

The Parish Council was advised by Kent County Council that at least six affidavits from local people supporting the Application should be submitted and that further evidence should be gathered on questionnaires provided by the Open Spaces Society. The Parish Council has duly complied with these requirements when submitting its Application on 8<sup>th</sup> April 2005.

In response to the Parish Council's Application to register land at Hartley Wood as a Village Green, Southwark Council, in April 2006, attempted to fence off the land, thus preventing access to members of the public. This was met with some resistance and enclosed are a number of letters and e mails from parishioners expressing their objections to Southwark's actions. Three further evidence questionnaires were also sent to the Parish Council which were not submitted with the original Application, but are now enclosed for the Panel's consideration.

**(3) Appointment of an Inspector**

The Parish Council is very concerned at the suggestion made in the correspondence from Southwark's solicitors that there should be an independent inspector appointed to review the merits of the application. Southwark is attempting to delay the application and cast doubt on the independence and professional ability of the County Council to deal with the application fairly.

**Issues raised at the Regulation Committee held on 29<sup>th</sup> November 2007**

**(1) Representations made by a member of the public**

At the meeting of the Regulation Committee, a member of the public spoke in opposition to the Application, stating that Hartley residents had not been consulted on the matter. The Parish Council would like to point out that its intention to submit an Application seeking registration of land at Hartley Wood as a Village Green had been included in two editions of the Council's newsletter, which is published quarterly and delivered to every household in the Parish. Information on the Parish Council's Village Application was also published on the Council's website and has been discussed on many occasions at Council meetings. At no time did the Council receive any objections to the Application.

The present Council who electioneered under the banner of "Putting Hartley First" and who were all duly elected in May 2007, campaigned on a number of local issues, one of which included securing open access to Hartley Wood. The previous Council elected into office in May 2003 also campaigned on this issue. A copy of the 2007 election manifesto is enclosed for Panel Members' information. This demonstrates a clear mandate from the residents of Hartley in support of the Parish Council's action to register the land in Hartley Wood as a Village Green and therefore the Parish Council would request that Panel Members disregard these representations.

**(2) Question raised by a Panel Member**

One of the Panel Members appeared to be under the impression that Hartley Parish

Council had not responded to a question raised about the extent of land included within the Application. The Parish Council wrote to Kent County Council on 10<sup>th</sup> July 2007 explaining that the area of woodland to the west of SD215 had not been included in the application as the land in question was in various ownerships, including the Parish Council and that some of the owners could not be traced. However the Parish Council would be reviewing the matter after the determination of the current Application, with a view to seeking registration of the other areas of land in Hartley Wood, provided this Application was successful.

**(3) Development plans for the land fill site**

At the meeting of the Regulation Committee, Southwark referred to proposals for the future use of the landfill site. When the Parish Council met Southwark Council on 24<sup>th</sup> May 2006, plans were tabled at that meeting for the development of the landfill site as a proposed riding school. Any future plans Southwark may have for the landfill site would not be effected by the designation of the land in Hartley Wood as a Village Green.

The Parish Council started gathering evidence in support of an Application to register land at Hartley Wood as a Village Green in 2002 and formally submitted its Application in April 2005. This has been a long standing issue for the Parish Council and therefore would respectfully request Kent County Council determine the Application in favour of the Parish Council at the earliest opportunity, and so bring the matter to a conclusive resolution.

Yours sincerely



Julie Hoad  
Clerk to the Council

Encs

Cc Mr A Tait, Democratic Services Officer