

APPENDIX D:

Letter from Dymchurch Parish clerk dated 11 December 2017 and attached copy extracts of relevant Parish Council Minutes etc.



DYMCHURCH PARISH COUNCIL
13 ORGARSWICK AVENUE, DYMCHURCH, KENT, TN29 0SQ

01303 872708

dymchurchparishcouncil@btconnect.com

www.dymchurch.org

Mr C. Wade
Public Protection
Kent County Council
Invicta House
County Hall
Maidstone
Kent, ME14 1XX

Ref:PROW/VGA673

11th December, 2017

Dear Mr Wade,

Commons Act 2006: Section 15

Application to register land known as Dymchurch Recreation Ground as a Village Green.

Further to Mrs McNeir's letter dated 9th October, 2017, and our subsequent telephone conversation, I am now in a position to respond with clarification on the matters raised in the letter and I would like to take this opportunity to thank you for extending the time frame for a response.

Whilst I am unable to provide details of the legal powers that were exercised to introduce a recreation ground, I have been able to research and provide evidence on how the ground was acquired and its use.

On November 22, 1927, It was reported at the parish council meeting that 6 acres of land had been offered as a gift to the parish council to be used for sport and recreation in the village, on the understanding that the parish council undertook the future maintenance and cost of laying out the field in a condition fit for sports. (See Appendix 1).

13th December, 1927: A parish meeting was called and acceptance of the gift as a public recreation ground was agreed. It should be mentioned here, that the cost of maintaining a recreation ground was contentious and subsequently led to costs being referred to in the 1929 conveyance at the Second Schedule (c) *to use the council's utmost endeavours to secure that the property shall be so administered as*

to be self-supporting. (I shall refer to this point later in the communication).
(Appendix 2 and 1929 conveyance).

25th September 1928: A group named 'the playing field committee' formally offered the land to the parish council subject to approval of the terms of the conveyance (Appendix 3).

4th March, 1929: The conveyance was signed and completed. Since 4th March 1929, Dymchurch recreation ground has been open 24 x 7 to sports clubs and members of the public to use the land 'by right'. Bye laws were introduced and I attach a copy of the original bye-laws which are still used today. (Appendix 4).

25 July, 1933: Minutes refer to a small plot of land being purchased (the 1934 conveyance refers) to provide improved public access to the recreation ground. (Appendix 5).

22 August, 1933: Minutes make reference to difficult situations arising regarding access to the recreation ground (Appendix 5 & 6).

1 March 1937: Concern expressed over the cost of maintaining the recreation ground. (Appendix 7).

13th September, 1976: The Parish Council purchased additional land to extend the recreation ground. Additional land provided greater space for sports and recreation. The public have been granted access to this land 'by right' since its purchase. A loan was taken out via the Public Works Loan Board for the purchase. Title no. K448333 refers. (Appendix 8).

Background information:

In 1929, the recreation immediately became the home ground of Dymchurch Cricket Club and I have copied an extract from their centenary book '100 Not Out' that identifies the recreation ground being available for sport and recreation and the terms and conditions that a pavilion was agreed upon.

As mentioned before, the cost of maintaining the recreation ground was a concern and as such reference is made in the 1929 conveyance that *the council use its utmost endeavours to ensure the ground shall be so administered as to be self-supporting.* It is also clearly documented, in Dymchurch Cricket Club Memoirs '100 not out' that the pavilion was not to be a burden on the rate-payer. (Appendix 9).

Dymchurch recreation ground has attracted in the past, cricket clubs, football clubs, hockey club, bowls club, tennis club and numerous sporting events. It has always been open to members of the public and some six years ago new play equipment was installed, courtesy of Roger de Haan Charitable Trust, at a cost in excess of £120,000.

In 2015 Newchurch football club ceased to operate and The Ocean Football Club ceased a year before. In 2016 Dymchurch Cricket Club vacated the recreation ground and pavilion and merged with another cricket club on Romney Marsh. There have been no clubs or teams using the recreation ground since this date.

The parish council has tried several times to obtain funding for a new pavilion and has been unsuccessful. (I will address this in more detail later in the communication.) The parish council is now tasked with addressing what to do with a decaying structure of a pavilion that was built nearly 90 years ago and has lacked investment over the years. Also the recreation ground lacks use largely because the neighbouring town of New Romney has much improved facilities and is being made into a 'hub' for sport and activities on Romney Marsh and is attracting vast investment from national funding bodies.

The parish council has other assets and acquisitions in the village; a car park and council offices, both have lacked investment in the past and these together with the recreation ground and pavilion require parishioner consultation. The parish council has been carrying out feasibility studies on what could be achieved at all its sites and parishioner consultation in the form of an options report will be delivered to all households to ask for their views and how they wish the parish council to act. The options report is due to be hand-delivered in the New Year and the outcome will be announced at the next annual parish meeting that will be held between 31st March – 1st June 2018.

One of the feasibility studies has involved making contact with the local planning authority and Kent Highways to seek their views on the possibility of small housing developments at the recreation ground (approx. 2 acres) and car park (approx. half acre) and to obtain land values. With regard to the recreation ground land value has been identified at a seven-figure sum, which would clearly provide for improved facilities at the recreation ground and within the village. Development at the car park is less attractive. Parishioners will be informed of these options, in the options report, and it will be for parishioners to inform the council if these are favourable options or not.

The parish council has no pre-determined view on any option, it will be guided by its parishioner's views. It is not in the parish council's interest to act against the wishes of its parishioners, but it has a duty to provide them with viable options to consider, particularly as the recreation ground was specifically acquired with the understanding it would be self-supporting and the pavilion must not be a burden to the rate-payer.

Regardless of the outcome of the consultation on the options report, whether the recreation ground remains at 11.5 acres or is reduced in size to 9 acres, it will remain open to the public, by right.

I hope the above has clarified how the recreation ground was acquired and that members of the public have use of the land 'by right' and will continue to do so.

I would like to apologise for the condition of the appendices, but you will appreciate minutes were once hand-written and some minutes are held in a locked folder and without the key, it has been difficult to photocopy the documents.

Applicants Response:

With regards to Mrs Coker's response, there are some issues that should be clarified:-

- 1) The recreation ground was gifted to the parish council in 1929 and was taken on under the condition it would be so administered as to be self-supporting (as identified in Schedule 2 (c) of the 1929 conveyance). The recreation ground has never been self-supporting and the parish council has been researching options that could make it viable and will put these options to parishioners for consideration.
- 2) The pavilion was built also on the understanding it would not be a burden to the rate-payer (as identified in Dymchurch Cricket Club's memoirs). For this reason the cricket club undertook general maintenance, but the cricket club has now vacated the pavilion and the parish council has been left with a decaying structure. Subsequently, parishioners will be asked how they wish the parish council to act on this situation.
- 3) The parish council engaged a professional bid writer in 2013 to write a business plan, development brief and make applications to funding bodies. (See Appendix 10). Applications were made to Kent County Cricket Board, Kent FA, SDC, Roger de Haan, Sport England/Big Lottery. The bids were not successful but the amounts applied for are identified at Appendix 11. The quote to repair the pavilion mentioned in Mrs Coker's letter was part of the evidence needed to accompany our bidding documentation. There is also evidence on file that a Dymchurch Sports Association was formed in 1996 (Appendix 12) with the main objective to apply for grants and other funding, specifically from the National Lottery to totally upgrade and provide new facilities at the recreation ground, but the application was not successful.
- 4) With regards to the survey Mrs Coker initiated, the council can give no credence to the results. Only two people who responded had the courtesy to provide their names and addresses that can be cross-referenced with the Electoral Register to identify they are parishioners. One person being Terry Preston, (former chairman of the parish council) and Mrs Holmes, (former clerk to the parish council). Both parishioners addressed the financial implications of introducing the 'wish list of facilities' listed in the survey.

The comments raised by both Mr Preston and Mrs Holmes actually takes this matter full-circle to 1929 and the financial implications of the recreation ground that must be self-supporting and pavilion that must not be a burden to the rate-payer. Lack of investment over the years, is the sole reason the parish council is now looking at viable options to provide improved facilities.

With regards to the other responses Mrs Coker has supplied, they could have been completed by anyone and from anywhere particularly those received via social media. The future of the recreation ground, pavilion and indeed, car park and council offices, are a parish matter and unless comments can be cross-referenced with the Electoral Register to identify they have been completed by rate-payers, the parish council is unable to accept the content.

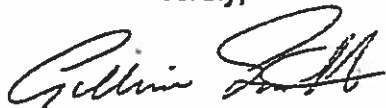
The parish council is an elected body, with discretionary powers and rights laid down by Parliament to represent their communities and provide services for them. There are approximately 4000 residents in the parish and once the parish council has consulted with all its parishioners, via an options paper, and it is satisfied all households have had the opportunity to comment on all parish council assets and acquisitions, the council will act in accordance to parishioner's wishes.

At the parish council's Asset and Amenities working group meeting on 16th June 2016 it was agreed that the parish council should deliver a ten-year plan for improvements in the village. The projects identified are; improvements to the parish council car park within three years, the council offices within five years, and the recreation ground within ten years. The parish council is satisfied it is on target for working towards these timescales.

I hope I have been able to clarify the points raised in Mrs McNeir's letter and indeed Mrs Coker's, but if there are any further matters that require further clarification, please do not hesitate to contact me.

Kind regards

Yours sincerely,



Gillian H. Smith
Clerk to Dymchurch Parish Council

Enc.

