

**MINUTES OF THE SPECIAL MEETING OF THE
AMENITIES AND OPEN SPACES COMMITTEE
HELD ON 26th APRIL 2006 AT 8.00 p.m. AT HARTLEY LIBRARY**

Present: Cllr Mr A Barnett (Chairman)
Cllr Mr J Gaywood
Cllr Mr V Sewell
Cllr Mrs M Solman
Cllr Mr A Tremain

In Attendance: Mrs J Hoad (Clerk)
4 members of the public

1. Apologies for absence

Apologies for absence had been received from Cllr Mrs A Oxtoby and Cllr Mr C Ward.

2. Declarations of Interest

Cllr Mr A Tremain declared a personal interest under minute item 4 in respect of matters relating to Hartley Wood, as he regularly walks in Hartley Wood.

Cllr Mrs M Solman declared a personal interest under minute item 4 in respect of matters relating to Hartley Wood, as she regularly walks in Hartley Wood.

3. Minutes of previous meetings

RESOLVED: That, the minutes of the meeting of the Amenities and Open Spaces Committee held on 4th April 2006 be approved and signed by the Chairman as a correct record.

4. Hartley Wood

The Committee considered a verbal report on action taken by the London Borough of Southwark to prevent access by members of the public to areas of woodland owned by Southwark within Hartley Wood, as set out below.

The trees bordering the public right of way SD 215 had been daubed with red paint, and fence posts and barbed wire had been brought into the woodland. The steel bollards located at the entrance to the land fill site off Hartley Bottom Road had been cut down to allow access for the contractor's vehicles to deliver the fencing materials and subsequently replaced with a beam to prevent access by any unauthorised vehicles. Contractors employed by the London Borough of Southwark had attempted to erect fencing in the woodland along the side of footpath SD215, but all the fence posts had since been removed and some had been graffitied. Warning notices put up in the wood informing members of the public that the wood was privately owned and that the public had no rights of access without the specific permission of the landowner had been removed. The rolls of barbed wire had also been removed from the woods.

Notices had been erected at the entrance to the landfill site off Hartley Bottom Road warning that guard dogs were patrolling the area. It was confirmed that a patrolman and a dog had been employed by the London Borough of Southwark to patrol the landfill site between the hours of 4.00 p.m. and 6.00 a.m., to deter fly tipping, stop any vandalism and stop motorbikes.

The hedges and shrubs adjacent to Hartley Bottom Road had been cut down by the Electricity Company to clear growth from the overhead cables and as a result had severely weakened the boundary, making the site vulnerable to fly tipping and unauthorised access.

The Committee expressed its concern and surprise over the aggressive action taken by Southwark to prevent public access to the area of woodland within its ownership. A number of questions were raised in relation to the action taken by the Council prior to the submission of its application to the registration authority (Kent County Council) and whether the Council should have sought legal advice on the matter beforehand.

It was explained that the Parish Council had decided to seek the designation of the land as a village green after negotiations for the woodland to be taken over by the Woodland Trust had collapsed, due to Southwark's insistence that the Woodland Trust indemnify Southwark against any future claim or action over contamination of the land from the adjoining land fill site. After the collapse of the negotiations, the Council at that time had been concerned the wood would be sold to a private individual, which could have threatened public access to woodland. It was explained that it had later transpired that Southwark had not been in a position to impose such a requirement, as a landowner/s could not absolve themselves of any responsibilities regarding contamination of land.

The Committee considered information published by the Open Spaces Society relating to a case known as the Trap Grounds case, (*Oxfordshire County Council v Oxford City Council and Catherine Mary Robinson*). The Committee was disappointed with the ruling of the Court of Appeal, which effectively weakened the rights of the public to seek village green designation, as the judgement had ruled that if a landowner challenged the public's use of the land at any time before it was registered, the application would automatically fail. It was reported that the case had been granted leave to appeal and that the appeal had been heard by the House of Lords at the end of March 2006. Information received from the County Councillor confirmed that the outcome of the House of Lords ruling could be expected within the next two months.

The Committee was satisfied that the Council's application submitted last year had met the criteria of the Commons Registration Act, inasmuch as the public had used the area of woodland for recreational purposes in excess of 20 years without obstruction, permission, secrecy or force and that evidence forms and sworn affidavits had been completed on this basis.

The meeting was adjourned at 8.35 p.m. to allow members of the public present at the meeting to express their views and concerns on the matter.

The meeting resumed at 8.50 p.m.

The Committee was informed that a meeting had been arranged with representatives from the London Borough of Southwark to be held on 24th May 2006 and that a report on the meeting would be put before the Council for consideration.

The Committee considered at some length what action, if any, the Council should take in respect of Southwark's action to prevent public access to part of Hartley Wood within its ownership and to the Council's application for this woodland to be designated as a village green currently lodged with Kent County Council.

It was suggested that the Clerk should endeavour to reassure members of the public that the Parish Council was doing all that it could to resolve the matter with the London Borough of Southwark and to keep residents informed of any further developments by;

- placing notices in strategic points in Hartley Wood,
- publishing an article on the Council's website,
- preparing an information leaflet for distribution through the local libraries in Hartley, New Ash Green and Longfield, Hartley Post Office and the Parish Office
- preparation of a press release for circulation to the Town and Country Post and the Hart,
- informing Ash-cum-Ridley and Longfield and New Barn Parish Council about the Parish Council's application to designate the part of Hartley Wood owned by the London Borough of Southwark as a village green.

RECOMMENDED: That,

- (1) the Council await the judgement from the House of Lords in respect of the Trap Grounds case with interest,
- (2) as no response had been received by the Parish Council to its previous requests for a Tree Preservation Order to be placed on the whole of Hartley Wood, further representations be made to Sevenoaks District Council
- (3) the actions of the Clerk to reassure residents, as set out, above be confirmed
- (4) further advice be sought from the Open Spaces Society in relation to the Council's application to seek woodland owned by the London Borough of Southwark in Hartley Wood be designated as a village green.

5. Date of next meeting

Monday 15th May 2006 at 7.30 p.m.

The meeting closed at 9.40 p.m.

Signed:.....

Date:.....

