

**IN THE MATTER OF AN APPLICATION PURSUANT TO SECTION 15(2) OF THE
COMMONS ACT 2006 TO REGISTER LAND AT BEECH GROVE, TROWBRIDGE,
WILTSHIRE AS A TOWN OR VILLAGE GREEN**

OBJECTION

1 OBJECTION

- 1.1 This Objection is made by West Wiltshire District Council ("WWDC") in its capacity as freehold landowner of the land at Beech Grove, Trowbridge ("the Site").

2 THE COMMONS ACT 2006

- 2.1 The Commons Act 2006 (Commencement Number 2, Transitional Provisions and Savings) [England] Order 2007 (SI 2007 456) brings into force Section 15 of the Commons Act 2006 ("the 2006 Act"), together with certain other provisions, on 6 April 2007. The Commons (Registration of Town or Village Greens) [Interim Arrangements] [England] Regulations 2007 (SI 2007 457) also came into force on 6 April 2007.
- 2.2 Registration of greens under the 2006 Act turn on broadly the same criteria as under the Commons Registration Act 1965 but with greater clarity and certainty. In particular, Section 15 replaced and clarified the existing law on the registration of land as a town or village green as if it had been used for local people "as of right" for recreation for at least twenty years.

2.3 Furthermore Section 15 now introduces a modified criteria for registration and provides a period of grace, if used "as of right" is challenged, during which an application to register can still be made.

3 THE FACTS

3.1 The Site is owned by WWDC. The Site was retained at the time of the transfer of housing stock during the mid 1960's with the intention of developing the Site for housing. Whilst development has not as yet taken place this Site is identified in the Local Development Framework as an urban in-fill housing site.

3.2 The estate at Beech Grove was built and completed between 1964 to 1966. The Site which lies adjacent to Number 81 Beech Grove was not built on and was left as waste ground. It is not known why the Site remained undeveloped.

3.3 Mr Feltham claimed that he started tidying up the Site at some point between 1992 and 1995.

3.4 Records detailing matters in relation to the Site start from about 2001 when correspondence between Mr Chris Walters of WWDC and Mr Feltham regarding the granting of a formal licence was entered into.

3.5 A written licence was granted by WWDC in September 2003 although it would appear that Mr Feltham had been previously granted a verbal licence.

3.6 In 2004 the position of Mr Feltham appeared to have moved from a request for the grant of a licence to maintain the Site to a request for a lease for a community garden.

3.7 The Site was formerly a candidate for WWDC's housing development project as a Private Finance Initiative ("PFI") project providing the adjoining land being a car park which is owned by Wiltshire County Council could be used too. The latter area could not be brought forward in the required timescale and the Site was deleted this from the PFI project. Plans that were drawn

up for the PFI project showed that the 750 metre square Site owned by WWDC was suitable for about four houses.

- 3.8 Consideration of Mr Feltham's request for a lease of the Site was delayed as the Site was being considered for part of the PFI. At or around this stage the local residents appear to have perceived the idea that if the Site was not used for the PFI project it could be used as a community garden. There is no record of any officer of WWDC having made any such statement or promise to the local residents.
- 3.9 Under WWDC's constitution any long term disposal of land was a decision to be made by its Cabinet. The Cabinet having decided not to use the Site for the PFI Project the procedure in the constitution had to be followed. The decision to dispose of the Site was referred to the Cabinet, particularly in view of the ascertained value of the land being £125,000.
- 3.10 In June 2007 the Cabinet decided (a) the Site should in principle be sold; and (b) there should be consultation with the community concerning alternative Sites and an offer of grant of £10,000 towards preparing any other alternative Site. Appendix 1
- 3.11 Subsequent to this meeting an application to register the Site as a town or village green was dated 1 July 2007 and received by Wiltshire County Council being the Registration Authority on 2 July 2007 and given reference number 2007/3.
- 3.12 The local community wish to use the Site for a community garden. However, WWDC prior to the submission of the village green application was seeking to determine the best future value for the Site in accordance with its statutory duties

4 THE APPLICATION

- 4.1 The Application was dated 1 July 2007 and received by Wiltshire County Council on 2 July 2007. It was made by Roger Feltham of 77 Beech Grove, Trowbridge, Wiltshire and others ("the

Applicants"). The Application is supported by 34 statements which are said to provide evidence of user in compliance with the requirements of the 2006 Act.

4.2 It is submitted that this Application is not genuine but rather is a last desperate attempt by the Applicant and his supporters to prevent the future development of the Site by WWDC, on the basis that they fully expect the Site to be redeveloped for housing purposes.

4.3 The Application is submitted under Section 15(2) of the 2006 Act. Under Section 15(2) of the 2006 Act an Applicant must demonstrate that a significant number of the inhabitants of the locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years, and continue to do so at the time of the application.

4.4 "As of right" has been defined in case law as meaning openly, without force, and without permission. It is assumed, therefore, that the Applicant is claiming that he and others have, on the balance of possibilities, sought to demonstrate that the local inhabitants have indulged in lawful sports and pastimes since 1 July 1987 and thus 20 years (1 July 1987 - 1 July 2007) has been made out and such use "as of right" continues.

4.5 An analysis of the evidence will seek to demonstrate how, on the balance of probabilities, the Applicant has failed to discharge this burden of proof.

5 ANALYSIS OF THE EVIDENCE

5.1 It is instructive to analyse the evidence produced in support of the Application. A summary of the evidence has been produced (Appendix 2). The evidence of the supporters can be broken down as follows:

5.1.1 Two of those who provided a statement in support of the Application Audrey Hallett and David Galliers did not specify the length of time that they had actually used the Site. It is

submitted therefore that those persons can be discounted. This amounts to 5.8% of those providing evidence.

5.1.2 9 of the 34 individuals providing details of their alleged use of the Site have not used the Site for a continuous 20 year period. This amounts to 26.5% of those providing evidence.

5.1.3 One statement, that of Mr Stewart Rawlings was not signed and this should be discounted from the evidence entirely.

5.1.4 In summary, therefore, as 12 of those giving evidence had either not stated the actual period of use of the Site or had not used the Site for a continuous 20 year period or had not completed the questionnaire properly. Therefore, 35% of the statements can be discounted.

5.1.5 65% or 22 of the original 34 statements submitted have claimed that they have used the Site for the requisite continuous 20 year period.

5.1.6 In order to satisfy the requirements of the 2006 Act the Applicant must prove that the Site has been used:

"for not less than 20 years..."

5.1.7 For the reasons set out in paragraphs 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.5 above, it is submitted that this requirement is not made out.

6 "A SIGNIFICANT NUMBER OF APPLICANTS"

6.1 As 12 of the 34 statements provided either had to be discounted or did not have requisite 20 year period of use it is questionable whether the remaining 22 persons, given the nature and population density of the area can be regarded as a "significant number". It should be remembered that the burden of proof in establishing the tests under the 2006 Act is satisfied rests on the Applicant.

7 **OF ANY LOCALITY, OR ANY NEIGHBOURHOOD WITHIN A LOCALITY"**

7.1 It is accepted that Beech Grove as identified by the Applicant is a locality within the meaning of the 2006 Act. However it is a matter for the Applicant to prove that the area claimed has the character and facilities to enable it to be defined as a neighbourhood as defined within the meaning of the 2006 Act.

8 **"HAVE INDULGED IN LAWFUL SPORTS AND PASTIMES"**

8.1 It is accepted that the activities identified in the evidence questionnaires being primarily picking blackberries and watching wildlife do amount to lawful sports and pastimes within the meaning as described to those terms by the *House of Lords in R.-v-Oxfordshire County Council and Anor ex parte Sunningwell Parish Council [1999] 3WLR 160*.

8.2 It is questionable, however, as to the extent to which these alleged activities have in fact taken place at the Site during the requisite period. This doubt is raised by the description given by a number of individuals (including individuals who have provided evidence in support of the application) which describe the Site as a waste ground. In two letters from Mr David Martin the Town Clerk of Corsham Town Council dated 17 and 24 August 2007 (Appendix 3 and 4) Mr Martin confirmed that he worked for WWDC in the capacity of Technical Assistant, Technical Officer, Parks and Amenities Officer, Parks and Recreation Manager and Contract Services Manager during the period July 1987 to July 2002. One of his responsibilities during this period included the management of the Council's Parks and Open Spaces and Ground Maintenance Contracts. Mr Martin recalled the Site and described it as such:

'It appeared to be neglected and overgrown with piles of rubble and dumped rubbish on it.'

Further comments regarding the purported use of the Site during the requisite period are set out in Paragraph 10 below.

9 "AS OF RIGHT"

- 9.1 It is submitted that the use of the Site as demonstrated by those giving evidence has not been as of right.
- 9.2 Section 15 of the 2006 Act replaces and updates older legislation. It provides for a period of grace after use "as of right" has ended by the landowner, during which an Application to make an application to register the Site as a green can be made.
- 9.3 The Applicant lodged the Application under section 15(2) of the 2006 Act. Sub Section 2 of the 2006 Act applies where land has been used "as of right" for lawful sports and pastimes for twenty years or more before the Application is made and this use continues at the date the Application is made. For this purpose, recreational use "as of right" is deemed to continue if, after twenty years or more of such use, permission is given for the local people to use the land.
- 9.4 WWDC granted Mr Feltham express and written permission by way of a licence to use the Site. This licence was granted on 2 September 2003 and was entered into between WWDC and Mr R D Feltham ("Appendix 5"). The licence authorised Mr Feltham to maintain the Site. It further permitted Mr Feltham to enter the Site and maintain it under a voluntary basis. Under clause 6 of the licence this agreement was to continue until terminated by one month's notice in writing given by either party to the other.
- 9.5 To date, neither WWDC nor Mr Feltham has given the requisite notice in writing to the other to terminate this licence. It is submitted, therefore, that this licence is still in place and remains ongoing.
- 9.6 The licence itself was personal to Mr. Feltham. Clause 8 stated:
- "...no person other than the Licensee and his family may use the land without the written permission of the owner whose discretion in granting such permission will be absolute".*

- 9.7 Thus from 2 September 2003 - 1 July 2007 (and to date) express permission to use the Site by WWDC was granted to the Applicant, Mr. Feltham.
- 9.8 Therefore a period of twenty years continuous use has not been achieved or demonstrated by the Applicant on the balance of probabilities. Although 22 of the individuals who completed questionnaires in support of the Application confirmed that they had used the Site for more than 20 years prior to 2 September 2003 a further analysis of the evidence available suggests that this cannot be possible and thus the requisite 20 years has not been established by the date the licence was granted (i.e. by 2 September 2003). Further the Applicant cannot assert that the use is as of right and falling within the exception set out in section 15(7) of the 2006 Act. Thus the use of this Site by Mr Feltham and others has been with the permission of WWDC and therefore has not been "as of right" the very existence of the licence is fatal to the Application.

10 TWENTY YEARS USE

- 10.1 A letter from Mr Feltham dated 19 January 2004 to Mr C Walters at WWDC states that Mr S Rawlings who lives next door to the Site of the land in question describes the Site as "a waste ground" (Appendix 6). Further, Mr Feltham confirms that so far he has....."*cleared the Site of all rubbish...*". He also mentions cutting back all the brambles on the school side which took two days to clear.
- 10.2 A further letter dated 24 January 2004 from Mr Feltham (Appendix 7) states that he has been working on the Site since 1992 "*clearing dead trees and brambles and all the rubbish*". On the 4 October 2004, a letter from Dr. Andrew Murrison MP to Andrew Pate, chief executive of WWDC confirmed he had visited the Site. (Appendix 8) This letter also confirms that Mr Feltham had put quite a lot of effort into clearing up the space "*....which was previously used as a dumping ground for domestic goods*". It was recognised that he had made "*a good job of turning it into a small nature area with the permission of the Council*".

- 10.3 A further letter from Derek Adams, the chair of the College of State Residents Association dated 4 June 2005 (Appendix 9) states:
- 10.1 *"This waste ground has been tendered for the past ten years by Mr R F Feltham (under licence)."*
- The letter then goes on to say that Mr Feltham has turned the waste area into a community garden. It is purported, therefore, that on or prior to 1992, the Site was unusable for recreational purposes as it was a waste ground. The Site being a waste ground and full of rubbish in the manner described by the letters referred to above conflicts with the Applicants and the residents suggestion that they had used the Site prior to this time for lawful sports and pastimes. It is purported, therefore, that the use of the Site has most probably been used by the local inhabitants since 1991 on an occasional basis and that prior to this date, it is questionable that anybody frequented the Site which was used as a dumping ground and was commonly referred to by the local community as waste ground.
- 10.2 On the balance of probabilities, therefore, the Site has not become a town or village green as the twenty years continuous use has not been established and equally permission to use the land and thus use "as of right" has not been made by the Applicant.
- 10.4 Access to the Site is physically difficult and it always has been. Indeed even at present access other than via the driveway over land belonging to No. 81 Beech Grove is both awkward and hazardous due to the brambles and bushes surrounding the perimeter of the Site. Due to the difficult and inaccessible nature of any purported access it is difficult to see how so many people either could or indeed still do use and access the Site in the manner described. It is noted that a large proportion of individuals who submitted a questionnaire claimed that blackberry picking had taken place at or on the Site for the 20 year period. Blackberry bushes are by their very nature very prickly. As such bushes predominate the perimeter of the Site (alongside other mature and tall vegetation) access onto the Site would be, and still is, very difficult. It is accepted that individuals would have picked blackberries from the bushes whilst walking around the perimeter with the footpaths but high questionable as to what extent, if any, such blackberries were picked

from within the Site. Further, it is highly probable that access onto the Site would have been significantly worse in the 20 year period 1983-2003 before the licence was granted to Mr. Feltham to maintain the Site.

11 CONCLUSION

- 11.1 In conclusion it is submitted that since 2 September 2003 WWDC has given permission to Mr Feltham to use the Site. It is submitted that such use being permitted by WWDC cannot be used "as of right". This is not a case where there has been long term toleration of user that might amount to acquiescence; there has been documentary evidence by WWDC to exert and ensure its control over the Site.
- 11.2 In addition, twenty years use has not been made by the Applicant on the basis that this was interrupted by the issuing of the licence in 2003 and the requisite 20 year period from 1983 - 2003 cannot be said to have been demonstrated by a significant number of inhabitants on the balance of probabilities.
- 11.3 Further, or alternatively, it is questionable as to what level of access individuals would have to the Site given the nature of the brambles surrounding its perimeter. There is no formal gateway or defined access or easy route into the Site either now or in the past. Furthermore, the Site prior to 1991 was regarded as waste ground and a dumping ground for domestic goods. This use is at odds with the purported use of the Site as a safe place for children to go and play and relax and pick blackberries as has been asserted in the Applicant's evidence.
- 11.4 The Registration Authority should, on the basis of the Applicant's failure on the balance of probabilities to demonstrate that it has used the Site as a town or village green for the requisite period in accordance with the Commons Act 2006 should forthwith dismiss the Application as entirely without merit.

DATED THIS

27th

DAY OF SEPTEMBER 2007

Signed *Veale Wasbrough*

**Veale Wasbrough, solicitors and agents on behalf of West Wiltshire District
Council.**

Appendix 1

Agenda item No.

Title: Land at Beech Grove Trowbridge
Portfolio holder:
Reporting officer: John Follows – Property and Estates Service Manager
Key decision: (for cabinet reports only) Yes

Purpose

To brief Cabinet on the options over an area of land at Beech Grove Trowbridge which is no longer required for the Housing PFI project and to obtain a decision over its future use or disposal.

Background

The land in question was retained at the time of the transfer of housing stock with the intention of developing the site for housing. Whilst this development did not take place the site is identified in the Local Development Framework as an urban brownfield housing site.

The site was a candidate for the Council's housing PFI project providing the adjoining land owned by Wiltshire County Council could be used too. This latter area could not be brought forward in the required timescale and the site has been deleted from the project.

Plans drawn up for the PFI project show that the 750m² area owned by the Council is suitable for about four houses.

The community believes that it has been promised the site for a community garden. This appears to stem from a licence granted in September 2003 allowing access to maintain the site on a voluntary basis. It is claimed that one particular individual has maintained the site since 1992.

The issue now is to determine the best future use for the site as there is a community expectation that having rejected it for PFI the Council will transfer or lease the site as a garden.

This poses a problem due to the valuation of the land obtained in January 2006 for the PFI project which is £125,000 compared to £5,000 as a garden.

Therefore a tension exists between the community expectation and financial and asset management issues where a capital receipt could be obtained whilst assisting in delivering in the spotlight area of housing need.

Key issues

There are two main issues:

Reputation: There is an desire to see the land used as a garden for the benefit of local residents, particularly those in sheltered housing nearby. The Council appears to have given mixed messages previously by granting a licence and discussing schemes for the garden. There is also an expectation that the Council should have plans for the sites rejected by PFI.

Financial: To use the site as a community garden writes off £120,000 and does not make best value of assets.

These issues can be weighed against corporate priorities. Marginally improved access to recreation may be achieved through use as a garden however there are potentially greater benefits if the site were developed for housing.

There is no specific reference to a Community Garden in College in the Trowbridge Area Community Plan although under the theme of Culture, including Leisure, Recreation, Heritage and the Arts one of the key actions is to provide or attract funding for development work and facilities in disadvantaged neighbourhoods (this particular area of College Ward is one of the most deprived areas in West Wiltshire). Additionally the creation of a community garden would qualify under "providing well cared for parks, open spaces, playing fields and children's play areas".

Grant aid may be available from Awards for All which is generally fairly easy to secure so there is nothing stopping a grant application being submitted. It is understood that the criteria recently changed which means the maximum grant that can now be applied for is not £5,000 but £10,000.

The locality has been searched for land which is available and the findings are summarised in the table below. A plan of the area is appended as Plan 1 which shows three sites shaded red:

1. Site 1 in the centre is the location of the community garden – area 750m²
2. Site 2 to the west is Beech Grove play area which has recently been installed and has a green area adjacent of 1500m²
3. Site 3 to the east is an area of public open space adjacent to Bradley Road – area 3000m²

A summary of the three sites is shown in the table overleaf:

Site	Advantages	Disadvantages
1	Existing use as garden Meets residents expectations	Quality – not great Requires additional funding to support development Foregoes capital receipt Asset management and best value issues
2	Already used as play area and recreational space Only 300m from garden site Develops multi-use site for different groups Focus resource and attention on central site	Recent investment as play area Changes plans for site which are fairly recent Need to manage reputational issues
3	Already used as play area and recreational space Only 300m from garden site Closer to sheltered housing than site 2 Develops multi-use site for different groups Opportunity to enhance open space which is of moderate standard	Next to busy road, but fenced and already used as open space Need to manage reputational issues

Effect on strategies and codes

Disposal of the site supports the corporate spotlight area of meeting housing need. The supporting principles of sound financial management and the aim of asset management plan to align council landholdings with corporate objectives also lend weight to this option.

It could be seen that there is a marginal reduction in access to recreation but the options below outline the mitigating measures for this.

Risk management Implications

There is risk of losing significant capital receipt if the site is used as a garden. Developing the site, or selling it for development, presents reputational issues which will need to be mitigated. The most effective way of doing this whilst achieving a disposal is to produce workable proposals for a garden on an alternative site.

The community aspiration should be clearly identified and an understanding of what constitutes a community garden developed. A preferred site should be discussed and agreed.

The project could be supported financially either through assistance in grant applications, direct funding from the capital receipt when the site is sold or a mixture of the two.

If the site is not sold then it could be subject to a village green application which would effectively reduce its value to nil. Although the site has not been occupied for long enough yet under the recent Commons Act 2006 it is likely that such an application would succeed if made at the right time.

Finance and performance implications

The housing PFI project obtained a valuation of £125,000 for housing in January 2006. It is likely that more than £125,000 could be obtained on the open market today. Disposal on the open market will achieve the best value for the site.

The site could be sold specifically for affordable housing which would contribute more significantly to corporate objectives. There is a possibility that this would reduce the value of the site but housing associations have paid open market prices for land elsewhere in the area and there is no obvious reason why this could not be achieved here.

Options and Way Forward

Do Nothing: Leave the licence in place and maintain the status quo. Will eventually have to be addressed to avoid occupancy rights being acquired and asset value being lost.

Lease: Is a de facto disposal as it would be unlikely that the Council would remove the plants and structures from the site once mature – severe reputation damage, especially if supported by Council grants, also loses asset value.

Sale: Capital receipt of at least £125,000 (subject to planning permission). Maximises asset value and could be offered initially to housing associations to satisfy affordable housing demand. This would need to be combined with allocation of garden site elsewhere in the vicinity.

Legal and human rights implications

None

Next Steps

The Council is being forced to act in which case the sale option appears to obtain best value whilst providing a community garden at a location within a few hundred metres.

If a decision to dispose of the site and create a community garden elsewhere then Property and Estates should progress the sale and Sustainable Communities should assist the community in obtaining funding to establish and maintain the garden.

Recommendations

Cabinet are asked to note the contents of this report and provide any comments.

It is recommended that the site is brought to the open market and a site for a community garden allocated on one of the alternative sites after consultation with the community.

Cabinet should indicate whether any weighting should be attached to the evaluation of bids for the site to encourage its use for affordable housing.

Cabinet should also indicate whether a proportion of the capital receipt, say £10,000, be identified as a direct contribution to the community garden project.

Key decision box

Statement of reason for key decision	Capital value may have exceed £250,000 at point of sale.
Options considered and rejected	See options section above.
Date of implementation	25 June 2007

Background papers

Background papers are available in Property and Estates Office G38.

APPENDIX 2

Summary of evidence and statements submitted in support of Application to

Register land at Beech Grove, Trowbridge as a Village Green

	<u>Name of Applicant</u>	<u>Address</u>	<u>Period of Use</u>	<u>Use of Land</u>	<u>Any other info</u>
1.	Mrs K Rawlings	81 Beech Grove, Trowbridge Wiltshire BA14 0HQ	1991 to 2007	Picking blackberries (weekly)	
2.	Julie Hallett	51 Beech Grove, Trowbridge Wiltshire BA14 0HQ	1970 to 2007	To watch wild life	She used the Site when she felt down
3.	Robert Hallett	67 Beech Grove, Trowbridge Wiltshire BA14 0HQ	1963 to 2007	'To sit and watch wonderful wildlife'	
4.	Mrs Patricia Ann Galliers	46 Beech Grove, Trowbridge Wiltshire BA14 0HQ	1980 to 2007	Blackberry picking - learning area for children	It is stated that she did photography
5.	Steven Feltham	77 Beech Grove, Trowbridge Wiltshire BA14 0HQ	1992 to 2007	Peace and quiet to sit and read	
6.	Doreen Adams	11 College Road, Trowbridge Wiltshire BA14 0EU	1976 to 2007	Bird watching and playing with children	
7.	Mr W H Symes	73 College Road, Trowbridge Wiltshire BA14 0EY	1964 to 2007	Bird watching and to relax and picking blackberries	
8.	Shane Adams	11 Abdon Close, Trowbridge	1980 to 1992	Blackberry picking, nature studies with	Claims his immediate family use the land. If walking they stop and

<u>Name of Applicant</u>	Address	Period of Use	Use of Land	Any other info
9. G Francis	Wiltshire BA12 0LB 20 Sycamore Grove, Trowbridge, BA14 0AP	1989 to 2007	his children Blackberry picking	take a breather.
10. Paul Ellis	8 Larch Grove, Trowbridge, Wiltshire BA14 0HX; previously of 42 Beech Grove	1970 to 1982 1998 to 2007	Watching wildlife, blackberry picking and recreation	
11. John Harvey	82 College Road, Trowbridge Wiltshire BA14 0EU	1982 to 2007	Blackberry picking and taking children for a walk	
12. P Francis	74 College Road, Trowbridge Wiltshire BA14 0EU	1970 to 2007	Bird watching	
13. Derek Adams	11 College Road, Trowbridge Wiltshire BA14 0EU	1960 to 2007	Adventure playground with son, blackberry picking and bird watching	
14. Sheila Ellis	42 Beech Grove, Trowbridge, Wiltshire BA14 0HQ	1967 to 2007	Leisure, bird watching and blackberry picking	
15. Mrs H Previtt	2 Beech Grove, Trowbridge, Wiltshire BA14 0EU	1978 to 2000 then 2006 to 2007	Nature study trips for children	
16. A Francis	74 College Road, Trowbridge, Wiltshire BA14 0EU	1970 to 2007	Blackberry picking, bird watching and to see slow worms	

Name of Applicant	Address	Period of Use	Use of Land	Any other info
17. William Ockleshaw	13 College Road, Trowbridge, Wiltshire BA14 0ER	1986 to 2007	Bat watching at night and blackberry picking	
18. Mr Bill Ockleshaw	13 College Road, Trowbridge, Wiltshire BA14 0EU	1966 to 2007	Walking and watching birds	
19. Mrs Elizabeth Scott	44 Beech Grove, Trowbridge, Wiltshire BA14 0HQ	1991 to 2000	To go for peace and quiet and to enjoy the wildlife - interesting to use camera	
20. Eileen Annal	11 Cedar Grove, Trowbridge, Wiltshire BA14 0HS	1966 to 2007	To go blackberrying and see the wildlife with children	She is aware that Mr R Feltham holds a licence to maintain the land having spoken with him. Also the Site has been known as the waste land.
21. Linda Adams	11 College Road, Trowbridge, Wiltshire BA14 0EU	1976 to 2007	Nature study for children and bird watching	
22. Mrs Audrey Hallett	67 Beech Grove, Trowbridge, Wiltshire BA14 0HQ	Not stated but land known for 44 years since 1963	Bird watching and children playing. Blackberry picking	
23. Andrew Lawson	9 Cedar Grove, Trowbridge, Wiltshire BA14 0HS	1999 to 2007	To observe animals in near natural habitat.	
24. Fiona Morag Lawson	9 Cedar Grove, Trowbridge, Wiltshire BA14 0HS	1972 to 2007	Playing with children, blackberry picking and nature watching	

<u>Name of Applicant</u>	<u>Address</u>	<u>Period of Use</u>	<u>Use of Land</u>	<u>Any other info</u>
25. David Galliers	46 Beech Grove, Trowbridge, Wiltshire BA14 0HQ	Not stated but has known site from August 1977 to 2007	Photography and peace and quiet	
26. Stewart Rawlings	81 Beech Grove, Trowbridge, Wiltshire BA14 0HQ	1991 to 2007	Picking blackberries and playing with children	Statement unsigned
27. Dorren Ockleshaw	13 College Road, Trowbridge, Wiltshire BA14 0EU	1968 to 2007	Take children there to look at nature and slow worms. Blackberry picking. Played catch.	'Bit of nature, in the middle of an estate'.
28. Anthony John Ellis	42 Beech Grove, Trowbridge, Wiltshire BA14 0HQ	1967 to 2007	Wildlife watching and to see the birds in Spring	
29. D J Meadon	79 Beech Grove, Trowbridge, Wiltshire BA14 0HP	1965 to 2007	To pick blackberries with children and watch the wildlife	
30. M D Meadon	79 Beech Grove, Trowbridge, Wiltshire BA14 0HP	1965 to 2007	Used to pick blackberries with grandchildren and to look at the birds and wildlife	
31. Mr Roger Feltham	77 Beech Grove, Trowbridge, Wiltshire BA14 0HP	1960 to 2007	Used by children and adults for bird watching and wildlife.	Mr Feltham is the Applicant.
32. Stephen Allison	48 Beech Grove, Trowbridge, Wiltshire BA14 0HQ	1995 to 2007	Meet up with neighbours to talk. A gathering point.	

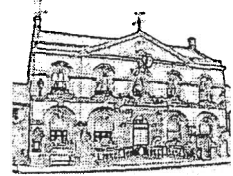
<u>Name of Applicant</u>	Address	Period of Use	Use of Land	Any other info
33. D Francis	74 College Road, Trowbridge, Wiltshire BA14 0EJ	1970 to 2007	Bird watching	
34. Thomas H Annel	11 Cedar Grove, Trowbridge, Wiltshire BA15 0HS	1966 to 2007	Bird watching, blackberry picking.	

Appears

Corsham Town Council

Town Clerk: David J Martin

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SN13 0EZ



R E C E I V E D
21 AUG 2007

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Our Ref: DJM/MAA/C1

Mr Austen-Peters
West Wiltshire District Council
Bradley Road
Trowbridge
BA14 0RD

17 August 2007

Dear Mr Austen-Peters

Land at Beech Grove, Trowbridge

In response to your letter dated 15 August 2007 I do recall the area of land in question from my time at West Wiltshire District Council. It appeared to be neglected and overgrown with piles of rubble and dumped rubbish on it.

I am pretty sure it was not included in any ground maintenance contract. My guess is that it was deemed to be land that had been transferred to West Wiltshire Housing Society.

I am sorry I cannot be of further help.

Yours sincerely



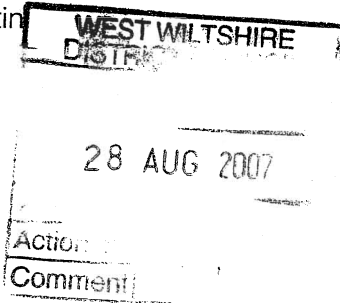
David J Martin
Town Clerk



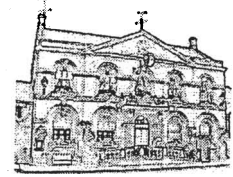
QUALITY
TOWN
COUNCIL

Corsham Town Council

Town Clerk: David J Martin



Town Hall
High Street
Corsham
Wiltshire
SN13 0EZ



☎ 01249 702130

Fax 01249 702149
e-mail: corshamtown@northwilts.gov.uk
website: www.corsham.gov.uk

Our ref: DJM/MAA/C1

A O Austen-Powers
West Wiltshire District Council
Bradley Road
Trowbridge
BA14 0RD

24 August 2007

Dear Mr Austen-Powers

Land at Beech Grove, Trowbridge

In response to your letter dated 21 August 2007 I can confirm that I worked for West Wiltshire District Council from July 1987 to July 2002.

I was employed in various capacities including Technical Assistant, Technical Officer, Parks and Amenities Officer, Parks and Recreation Manager and Contract Services Manager. Amongst other things my responsibilities included the management of the Council's Parks and Open Spaces and Ground Maintenance Contracts.

Please feel free to use the information as you see fit.

Yours sincerely

David J Martin
Town Clerk



DATED

2nd September

2003

WEST WILTSHIRE DISTRICT COUNCIL

to

MR R D FELTHAM

L I C E N C E

To Maintain Land

at

Beech Grove

Trowbridge

Wiltshire

Legal Services
West Wiltshire District Council
Bradley Road
Trowbridge
Wiltshire BA14 ORD

Fax: (01225) 761053
DX 116891
Trowbridge 3

Ref: PROP-GEN/57/EA

THIS LICENCE is made the 2nd day of September 2003
BETWEEN (1) WEST WILTSHIRE DISTRICT COUNCIL of Bradley Road,
Trowbridge, Wiltshire BA14 ORD ("the Owner") and (2) MR R D FELTHAM
of 77 Beech Grove, Trowbridge, Wiltshire ("the Licensee")

NOW IT IS AGREED as follows:

1. **Grant**

The Owner grants to the Licensee permission to enter onto the piece of land at Beech Grove, Trowbridge Wiltshire shown edged red on the plan annexed to this Agreement ("the Land") to voluntarily maintain only, the land on behalf of the Owner but not so as to exclude the Owner who may continue to visit the Land and if so desired permit its use for normal recreation jointly with the Licensee

2. **Payment**

In consideration of the grant of this Licence the Licensee must pay to the Owner if demanded the sum of £1 per annum the first payment to be made on the signing of this Agreement

3. **Obligations**

3.1 The Licensee shall not erect or allow to be erected any buildings or other structures on the Land

3.2 The Licensee shall not create or cause to be created any form of vehicular access to the Land

3.3 The Licensee shall not allow any plant or shrub to grow more than four metres in height

3.4 No additional trees shall be planted on the land without the written permission of the Owner

4. **Nuisance**

The Licensee must not do anything on the Land that may cause a nuisance damage disturbance inconvenience discomfort or annoyance to the Owner or any occupant of any nearby premises

5. **Accident Liability**

The Owner is not to be liable for any accident or loss or damage suffered by the Licensee in using the Land

6.

Determination

This Agreement is to continue until terminated by one months notice in writing given by either party to the other

7.

Relationship

Nothing contained in this Licence is to create the relationship of landlord and tenant

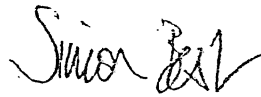
8.

Personal Agreement

This Licence is personal to the Licensee and no person other than the Licensee and his family may use the Land without the written permission of the Owner whose discretion in granting such permission will be absolute.

IN WITNESS whereof the parties have signed this document as their Deed

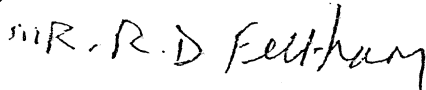
Signed on behalf
of the Owner



Principal Lawyer

Signed by MR R.D. FELTHAM

the Licensee



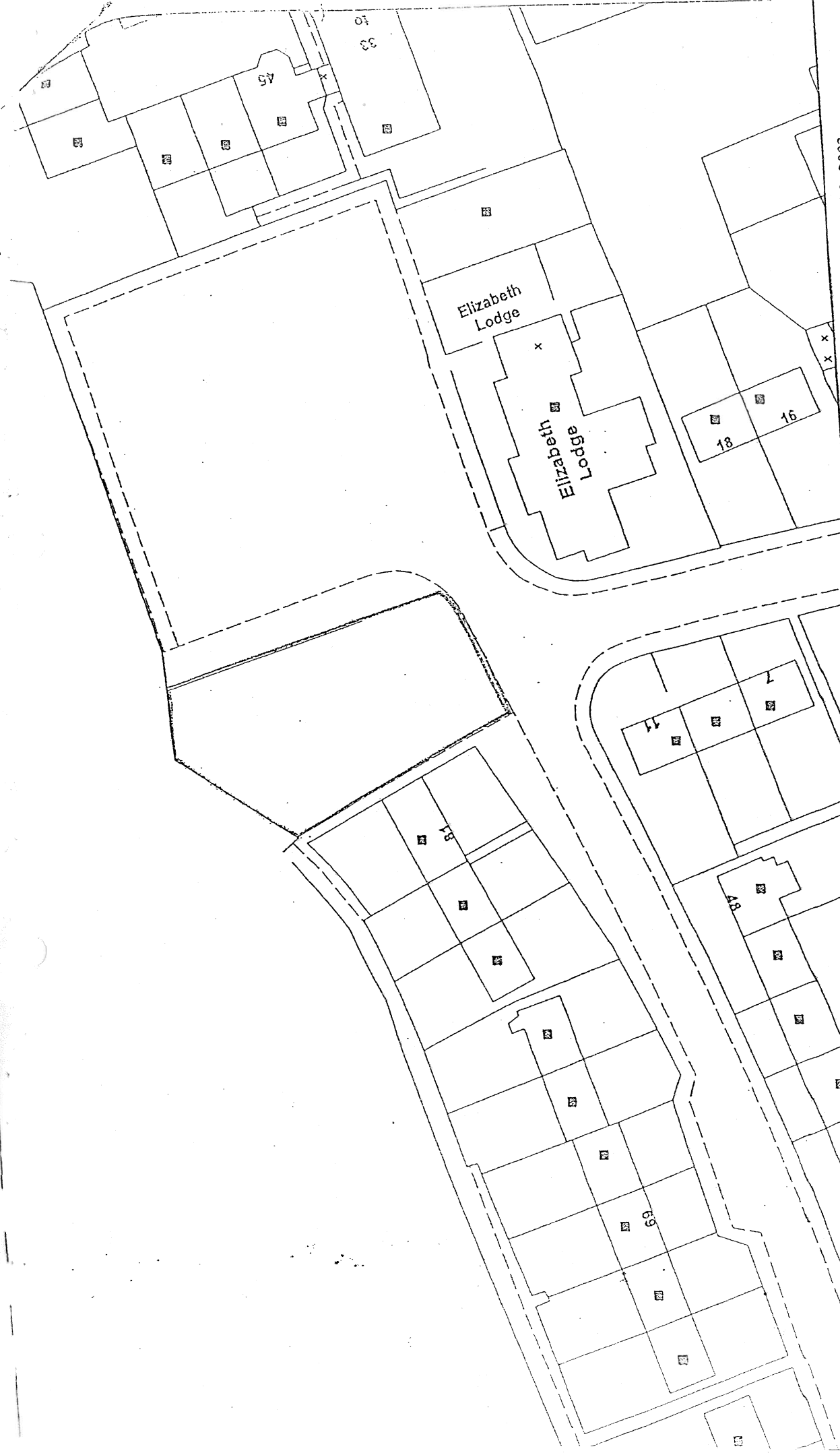
in the presence of:-



J W RAWINGS

81 BEECH GROVE
TROWBRIDGE

HGV MECHANIC
LEX COMMERCIALS

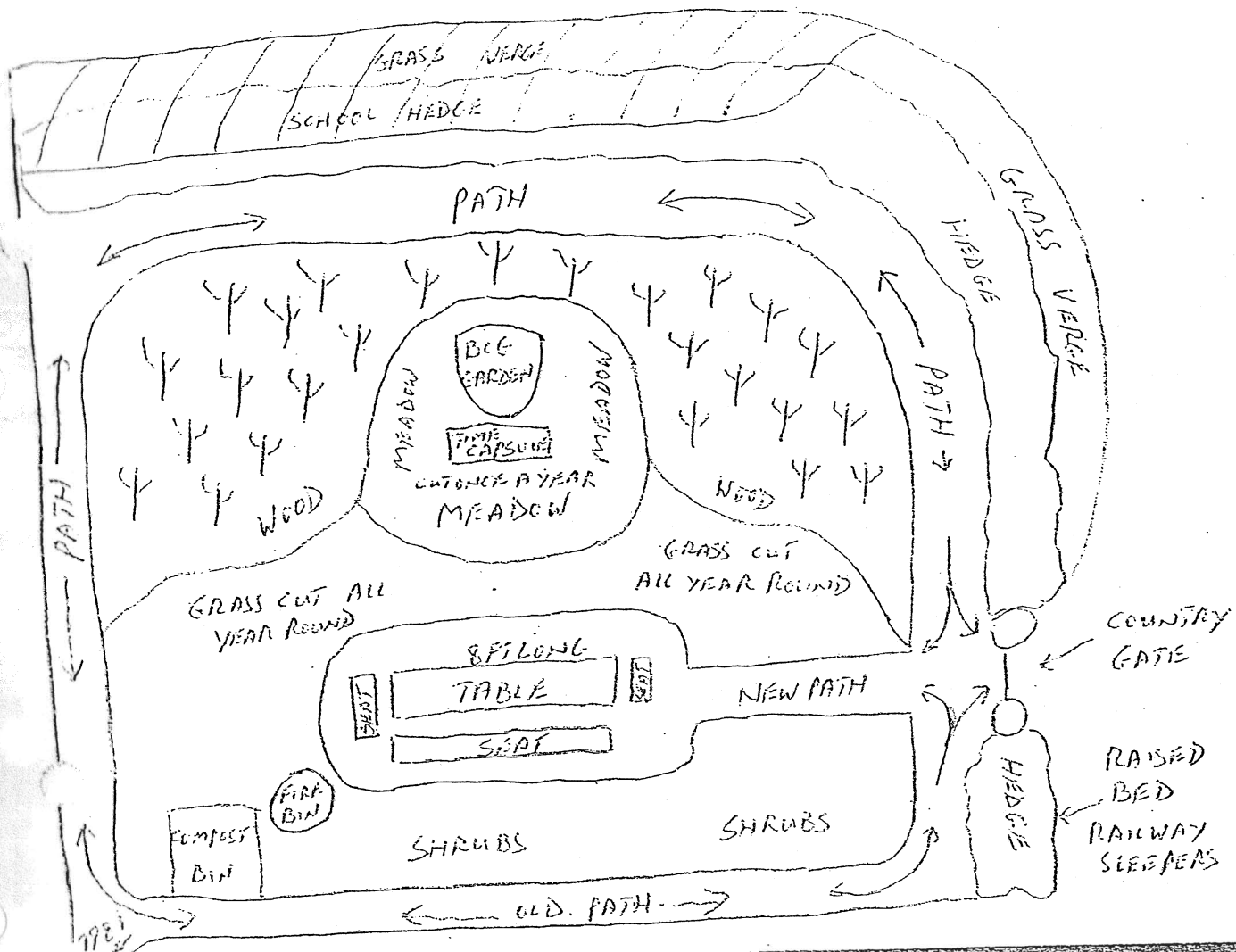


Date: 28 July 2003
SLA: LA 08607X
Scale: 1:625

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ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>



QUESTION

(1) AT THE COLLEGE MEETINGS FOR THE CHANGES TO OUR ESTATE THEY PROMISED THAT THERE WOULD BE MONEY FOR OUR WASTE GROUND ? OR ^{DO} WE ASK MR JEFF OSBORNE FOR THE MONEY

(2) OR CAN WE GET A GRANT FOR THE LAND?

(3) WATER ON SITE (LOCK UP STAND PIPE)

(4) RED AREA WE ARE GOING TO ASK THE SCHOOL TO SEE IF WE CAN LOOK AFTER THIS HEDGE AND REMOVE THE OLD TREES

(5) 4 RUBBISH BIN, THAT WE WILL EMPTY

(6) OLD PATH NEEDS RELAYING

DATED 2nd September

2003

WEST WILTSHIRE DISTRICT COUNCIL

to

MR R D FELTHAM

L I C E N C E

To Maintain Land

at

Beech Grove

Trowbridge

Wiltshire

Legal Services
West Wiltshire District Council
Bradley Road
Trowbridge
Wiltshire BA14 ORD

Fax: (01225) 761053
DX 116891
Trowbridge 3

Ref: PROP-GEN/57/EA

1

2

MR. R. D. FELTHAM

WEST WILTSHIRE DISTRICT COUNCIL	
22 JAN 2004	
Ack.	
Action by	
Comment	

77 BEECH GROVE

TROWBRIDGE

WILTSHIRE

BA14 0HQ

19-1-04

DEAR

TELE 01225 762567

MR. C. WATERS

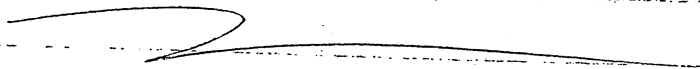
I HAVE HAD TO CHANGE

MY PLAN FOR THE WASTE GROUND BECAUSE MR S. RAWLINGS WHO HOUSE IS NEXT TO THE WASTE GROUND WAS NOT HAPPY WITH THE NEW PATH AND COUNTRY GATE ON THE OLD PLAN SO I ENCLOSED A NEW PLAN WITH THE CHANGES ON IT. SO FAR I HAVE CLEARED THE SITE OF ALL RUBBISH AND THE NEW MEADOW IS NOW GROWING. IN THE NEW PLAN WE ARE GOING TO LEVEL OUT THE CONCRETE PATH NEXT TO NO 81 SO WHEEL CHAIRS CAN GAIN ACCESS TO THE SITE. I WOULD LIKE TO ASK YOU IF THE COUNCIL COULD PROVIDE TWO WASTE BINS WHICH I WILL EMPTY WHEN FULL

AND IF POSSIBLE WHEN YOU CUT DOWN SOME
OLD TREES WITH BARK ON COULD YOU HAVE A
LORRY LOAD DUMPED NEAR OUR SITE AS THE
LOGS WILL HELP MANY SMALLER CREATURES IN THE
WOODLAND. I HAVE PURCHASED THE WOODLAND 'GSE'
WHICH WILL BE PUT UP THIS YEAR AND IN THE
AUTUMN I WILL PURCHASE ALL THE BULBS FOR
THE MEADOW AND WOODLAND. I WILL KEEP YOU
UP TO DATE EACH YEAR WITH A PROGRESS
REPORT. I HAVE ALSO CUT BACK ALL THE BRAMBLES
ON THE SCHOOL SIDE WHICH TOOK ME TWO DAYS
TO CLEAR. I HOPE THIS REPORT IS OK WITH YOU
AND THANK YOU FOR GIVING ME A CHANCE
TO IMPROVE OUR ENVIRONMENT FOR ALL TO ENJOY

FROM

MR. R. D. FULLHAM



Look at the back of
old paper

WEST WILTSHIRE DISTRICT COUNCIL	
27 JAN 2004	
Ack.	
Action by	
Comment	

MR. R. D. FELTHAM
 77 BEECH GROVE
 TROWBRIDGE
 WILTSHIRE
 BA14 0HQ
 24-1-04

DEAR

MR C, WATERS

WHY DO YOU TELL ME
 TO CARRY ON WITH MY PLAN AND GIVE
 ME A LICENCE TO LOOK AFTER THIS GROUND
 I HAVE SPENT A LOT OF TIME EFFORT AND
 MONEY TRYING TO MAKE SOMETHING NICE
 FOR WILDLIFE AND PEOPLE ON THIS ESTATE.
 I HAVE HAD NO HELP FROM THE COUNCIL ON
 THE PROJECT AT ALL ONLY PROBLEMS. I'VE BEEN
 WORKING ON THIS SITE SINCE 1992 CLEARING
 DEAD TREES AND BRAMBLES + ALL THE RUBBISH
 I'VE HAD TO DISPOSE OF OVER THE YEARS. IF
 YOU DO THIS YOU WILL UPSET A LOT OF PEOPLE
 ON THIS ESTATE THE PEOPLE ARE BEHIND ME

IN THIS. AS I HAVE SAID BEFORE NO ONE
WANTS ANYTHING BUILT HERE. I'VE HAD A BAD
MENTAL BREAKDOWN WHICH HAS COST ME MY
JOB I'M NOW ON BENEFIT. BY DOING THIS
VOLUNTARY WORK IS GIVING ME GOOD
THERAPY. I FEEL THAT YOU DON'T WANT TO
LISTEN TO ME AND THE PEOPLE OF THIS ESTATE
WE ARE THE ONES THAT HAVE TO LIVE HERE
NOT YOU. THE LICENCE YOU HAVE GIVEN
ME IS NOT WORTH THE PAPER IT'S WRITTEN ON
YOU HAVE DOUBLE STANDARDS ALL YOU CARE
ABOUT IS MAKING MONEY FROM THIS SITE
THERE'S MORE TO LIFE THAN JUST MONEY.
YES THIS LETTER IS WRITTEN IN ANGER I'VE JUST
SPENT OUT £175.00 ON A COUNTRY GATE
AND I HAD TO SAVE HARD FOR IT WHY? YOU
DO THIS TO ME I'VE GONE THROUGH ALL THE
CHANNELS TO GET PERMISSION TO DO THIS
SCHEME YOU GAVE ME THE LICENCE AND SAID
CARRY ON. IF YOU BUILD ON THIS LAND YOU
WILL TAKE AWAY THE ONLY WILDLIFE AREA

THAT THESE DISABLED PEOPLE OF ELIZABETH
LODGE WILL HAVE TO ENJOY. I AM SO ANGRY
WITH YOU AFTER ALL THAT I TOLD YOU WHAT
I WAS GOING TO DO. DOSE THE COUNCIL WORD
MEAN NOTHING I THROW MY HANDS UP
IN DISPAIR YOU HAVE REALLY UPSET ME ON
THI. MATTER. HERE I AM TRYING MY BEST
TO DO SOMETHING GOOD AND YOU HAVE
HINDERED ME ALL THE WAY. ITS NO WONDER
PEOPLE DONT CARE ABOUT THEIR ENVIRONMENT
WHEN THEY DONT GET THE BACKING THEY SHOULD
DO. I'V PUT MY HEART AND SOUL INTO THIS
PROJECT AND I FEEL YOU HAVE TORN MY HEART
AND SOUL OUT OF ME. I DONT NO WHY I'M
WRITING TO YOU BECAUSE YOU JUST DONT
LISTEN TO ME.

FROM ONE VERY FED UP

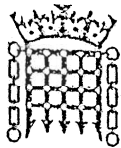
MR. R. D FELLHAM

P.S THANKS FOR NOTHING

Refer Woodcove

DR ANDREW MURRISON MP

Appendix 8 19.



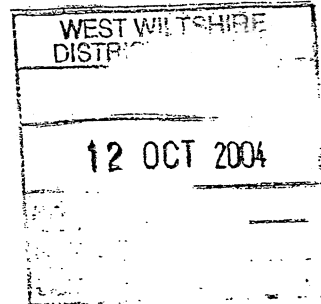
Peter - Can you respond for Andrew please & let me have a copy for file.

Jo.

HOUSE OF COMMONS
LONDON SW1A 0AA

AM/JCP/07/040904

4 October 2004



Mr Andrew Pate
Chief Executive
West Wiltshire District Council
Bradley Road
TROWBRIDGE
BA14 0RD

Dear Mr Pate

I recently went on a walkabout in the College Road area and was taken to see a patch of land at the end of Beech Grove which I understand the District Council owns and plans to develop. Mr Feltham of 77 Beech Grove has put quite a lot of effort into clearing up the space which was previously used as a dumping ground for domestic goods. He has made a good job of turning it into a small nature area with the permission of the council. Although I understand that the land has value and that ultimately is likely to be developed, it would be very useful given all the hard work that Mr Feltham has put in for him to know what timescale you envisage. If you are able to let me know that would be very helpful.

Thank you for your help.

Yours sincerely

GIS MP

SHADOW HEALTH MINISTER

College Estate Residents Association

c/o 11 College Road,
Trowbridge, Wilts BA14OEU

01225 764755

lyn123adaorz@supanet.com

04.06.05

Dear Sir,

We wish to declare an interest in the land on the corner of Beech Grove and Cedar Grove.

This waste ground has been tended, for the past ten years, by Mr Roger Feltham (under licence).

Mr Feltham has turned this waste area into a community garden. As there are very little community areas on the estate, except for the play area, due to be refurbished in September. There is also Clarendon fields, but these are being fenced off in the Summer.

The residents feel that a community garden will be more beneficial to the estate.

Therefore we would like to ask for a long term agreement to continue progressing with the project.

The work carried out so far has benefited the wild life (slow worms etc).

Shaftsbury Court have shown an interest in the development of the project.

I have enclosed some photographs of the work done so far, and plans for the future.

This has been extremely beneficial for Mr Feltham, as he has suffered a breakdown, and this is very therapeutic for his ongoing recovery.

Yours Sincerely

 (Chair)