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For Attn,

Ms C Valliant,

Local Commons Registration Officer,

Surrey County Council

Dear Ms Valliant,

Dear Ms Valliant,

Whilst the application is in my name it is made on behalf of The Hoe Valley Neighbourhood Forum, and as such represents the views of the residents of Elmbridge, Kingfield, and Old Woking.

Referring to the letter of objection submitted by Woking Borough Council, I would make the following observations:-

- a) Under 3 The Commons Act 2006 it does not matter who manages the land. The Act only stipulates who actually owns the land, a fact the council accept as being they as landowners. It makes no mention of any land or properties adjoining or adjacent to the Recreation Ground.
- b) Under item 4, a planning consents granted in 1948 and again in 1964 are now "timed out" and have no relevance as trigger events and as such should be ignored.
- c) Under item 5, The Act makes no mention as to proving how the current landowner obtained the land, or from whom, therefore this matter should be ignored as not being relevant.
- d) Under item 6/7/8, Woking Council accept they are the landowners and that it is maintained for recreational purposes and **NOT** being used for residential purposes. Under The Commons Act of 2006 it matters not who maintains the land or for what purpose. I therefore submit that these items should be ignored
- e) Under item 8, the definition of **As of Right** is that a person has not been given a specific right to use a parcel of land for any purpose. The residents surrounding this recreation ground and those having bought their homes under private purchase agreements have **NEVER** been

given any specific right of use of this land nor been made aware of any statutory right to do so. I therefore submit that they should be classed as having used the land "*as of right*".

- f) Under the Woking Council Site Allocation Development Plan Document there is no mention of this land being classified as SHLAA assessed land. No planning applications are in motion for this site. A previous planning application, (conveniently not referred to by the council), for the demolition of some garages, on land adjoining, but separate from, the recreation ground, was refused planning consent on the grounds that the access roads to the site, and shared by the recreation ground, were too narrow for emergency service and large goods vehicles to access the site. These access roads could not be widened without the need for compulsory purchase of privately owned properties. It was decided that this means of obtaining ownership was not appropriate.
- g) Under sec15(2) of The Commons Act 2006 an application for redesignation of land requires a "significant number of inhabitants of any locality, or of any neighbourhood within a locality have indulged, as of right, in any lawful sports and pastimes on the land for a period of 20 years or more and that they wish to continue as such. You will see from the submissions in the original application that this criteria has been fulfilled. It does not stipulate that each separate signatory has to have used the land continuously for over 20 years. I submit that the 4 signatories claiming use for use 20years shows that the land has been used as such for this period of time. The remaining signatories show a continual and current usage.

Under the Councils "**Grounds for Objection**"

- h) Under item 17, the land has been used, as of right, due to the landowner not having given notice of any statutory right to use the land. There are no signs attached to the land to indicate any, and what, statutory right residents have, if any.
- i) The burden of proof, as laid down under sec 15(2) of the Commons Act 2006 has clearly been shown that all qualifying criteria have been proved.
- j) Under item21, Woking Council have accepted that the number of signatories obtained constitutes a significant number.
- k) Under item 23 Woking Council accept that the area, according to the map previously submitted, from whence the signatures were collected, shows the residents to all be from the local area.
- l) Under item 24, if Woking Council wish to dispute that the signatories are from the local area all they need do is to examine their own records in order to confirm this.
- m) Under items 25/26 Woking Council accept that the sport and/or recreational activities do not have to be organised or to have a communal element and may be informal and solitary such as dog walking are sufficient. It is felt that the council are being too pedantic in demanding to know how often and how much the recreation ground is being used by each individual signatory. Do they expect a statement, under oath or affirmation, from each signatory?
- n) Under item 27, once again we submit that if the council have not given a specific consent, or informed the residents of any statutory right as to what residents can or cannot do on the land then the residents are using the land "as of right".
- o) Under item 28 the council infer there has been a right to use the land for air and exercise with no force, without secrecy and without **written consent**. The council provided a fence around the recreation ground with open access points for the residents to use, thereby providing free and easy access to the land. The residents have had "**open**" access without secrecy.

- p) Under item 29, we submit that the council have not made clear that all residents have statutory permission to use the land, or any restrictions placed on the land, therefore we submit that they have used the land “as of right”.
- q) Under item 30, The Commons Act 200 sec15(2) only specifies that a significant number of residents use the land and that that use has been continuous for a period exceeding 20 years. It does not require evidence of continuous use exceeding 29years by each and all signatories.
- r) Under item 35, it is the opinion of The Hoe Valley Neighbourhood Forum that sufficient evidence of continuous use by a significant number of local residents for air and exercise over a period exceeding 20 years exists.

Conclusion

It is clear, by evidence, that a significant number of local residents use this site on a regular basis for air and exercise on an as of right basis and that those residents wish to continue to do so.

For the above reasons we, The Hoe Valley Neighbourhood Forum, submit that the Registrations Authority consider the matters set out in our response to the letter of objection submitted by Woking Borough Council and invite you to grant our application that the Elmbridge Recreation Ground be reclassified as a Local Village Green.

Yours faithfully

Robert Shatwell

Chair,

Hoe Valley Neighbourhood Forum

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