



Hartley Parish Council
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Subject to Delegated Authority

Dear Councillors

Re: Commons registration Act 1965 - Application to register land Hartley Woods as a new Village Green

We note that Hartley Parish Council intend to proceed with the Inquiry that was proposed by Kent County Council ("KCC") at the meeting of the Panel of the Regulation Committee on the 21st February 2008.

In line with the recommendation by one of the County Councillors on the panel, Southwark Council would still prefer to settle this matter by agreement between the parties.

When we met with Hartley Parish Council members on the 4th February at Hartley we agreed that as the KCC panel was intending to hear the application and make a decision there was little point in seeking a resolution by agreement.

The Regulation Committee Panel considered the case made by Southwark's Counsel George Lawrence QC (probably the leading expert on Village Green case law) and the report from KCC officers. The Panel having referred the matter to an Inspector, there is a further opportunity to avoid this expense to the public purse by seeking a rational and equitable settlement

You are aware from the proceedings on the 21st February and the KCC officers report that Southwark oppose the application to register the Village Green on a number of grounds, including :

1. That the use of the land has not been as of right throughout the 20 year period (1985-2005) and that Southwark gave permission for members of the public to use the woods. This is evidenced by the leaflet confirmed to have been sent out and received in fact by two attendees at the Regulation committee panel meeting and at least two local residents.

2. Use has not been, as required by the residents of a defined locality, as the Hartley Parish boundaries were changed in the early part of the required 20 year period.
3. That the use of the Southwark owned wood has not been predominately by residents of the locality as the leaflet was circulated in SE London and people from that area will have visited the claimed land as a result of the invitation contained in the leaflet. Residents from Longfield, New Barn, New Ash Green have also used the wood in the 20 year claim period.
4. That a letter from Hartley Parish Council in 1993 to residents describes the Southwark owned wood and its paths as being overgrown and inaccessible This contradicts and discredits the assertions that the use of the Southwark owned woodland has been continuous and without interruption, a crucial requirement for establishing a village green claim. Hartley Parish Council now claim that this letter from them of 15 years ago was incorrect.

The London Borough of Southwark has already incurred significant costs in taking legal advice on this application. It would rather reach an accommodation with Hartley Parish Council to enable the public to continue their use and enjoyment of the woodland it owns, than spend considerably further sums of public money fighting an application that it believes to be unjustified, legally wrong and onerous in its potential obligations.

Southwark only owns part of the woodland area to the East of Hartley. The privately owned half of the wood closest to Hartley is not the subject of a village Green application even though Hartley residents have to cross it to reach Southwark's land. This has always seemed inconsistent.

Furthermore, Southwark Council holds its land on behalf of the residents of Southwark who have no vote or political influence in Hartley, Sevenoaks or the County of Kent but are being asked to maintain an official woodland park for Hartley residents.

Southwark has recently received a financial settlement from central government that requires it to make cuts of £38 million pounds in its budget. A major historic museum has been closed already and many public services and facilities are likely to be axed.

If Southwark has to defend this matter at Public Inquiry it will do so but the costs will most likely have to be met by selling the woodland at auction irrespective of the Inspectors decision.

The consequence of this is that, if Southwark is successful in having the Village green application rejected (and it appears that the chances are good), the situation that has existed in the past in relation to public access to the wood is unlikely to continue under different ownership.

Even if the Village Green application was to be confirmed by the Inspector, the woodland would be less valuable but it would no doubt still sell to someone to enable Southwark to recoup some costs.

Hartley Parish Council may indeed wish to purchase the woodland themselves for the benefit of the general public but raising the money following the expense of legal representation at the Public Inquiry may not be possible.

However if Hartley Parish Council were to agree to withdraw its application, then Southwark Council is prepared to offer the general public access over the routes within its wood off the public footpath which bounds the site. It would erect signs to that effect and to work with Hartley Parish Council on a management plan for the Southwark owned part of the wood.

In addition it will consider allowing a public access route, running along the northern boundary of the infill site, (keeping off the main contaminated tipped land) towards Hartley Bottom road and a route from the wood across the former campsite to the public footpath, providing signage at both ends. This will not be achieved through the Village Green application.

I am happy to come down again and meet you to discuss the practicalities and detail of this proposal and I hope that you can give this offer serious consideration to avoid the unnecessary costs in time and money to the tax payers of Hartley, Kent and Southwark.