



Application Decision

Inquiry opened on 15 December 2009

By **Helen Slade MA FIPROW**

An Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

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Decision date: 9 April 2010

Application Ref: COM65

Location: Englefield Village Green, Egham, Surrey

Register Unit: VG4

Registration Authority: Surrey County Council

The application, dated 13 January 2009, is made under section 38 of the Commons Act 2006 ('the 2006 Act') for consent to construct works on common land.

The works comprise:

- The erection of three items of play equipment for children aged 7-12 years, with associated surfacing, fencing and planting, and the re-positioning of a surfaced footpath.

Summary of Decision: The application is refused.

Preliminary Matters

1. Section 38 of the 2006 Act provides that a person may apply for consent to carry out restricted works on land registered as common land under the Commons Registration Act 1965 ('the 1965 Act'). Restricted works are any that prevent or impede access to or over the land. They include fencing, buildings, structures, ditches, trenches, embankments and other works, where the effect of those works is to prevent or impede access. They also include, in every case, new solid surfaces.
 2. The application is made by Runnymede Borough Council, Runnymede Civic Centre, Station Road, Addlestone, Surrey, KT15 2AH ('RBC' or 'the Council').
 3. The application affects a small area of land in the south west of Englefield Green ('the Green') adjacent to an existing cricket pavilion and shed, a small car parking area and an existing fenced children's play area. The application concerns an extension to the existing play area, effectively doubling it in size, and the consequent extension of the fencing. The new fencing would amount to a length of approximately 47 metres, and the existing gate would be taken out and replaced by two new ones facing the tarmac path. Three new pieces of equipment are proposed: a large spinning roundabout; a set of flat swings; and a multi play unit comprising a slide, monkey bars, two climbing elements, a fireman's pole and a tunnel, all contained within the extended fenced site. The extended area, within the new fencing, would amount to 136 square metres, 104 square metres of which would be surfaced with continuous safer surfacing material, and 32 square metres of tarmac. A further 12 square metres of tarmac would be required to re-align the footpath around the outside perimeter
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of the new fencing. An existing planted area of small trees and shrubs to the south west of the play area would be extended by some 32 square metres, and five additional silver birch trees would be planted on the northern side to supplement the existing hedge at that point. The current play area caters for children between the ages of 1 and 7. The proposed play area would cater for older children up to the age of 12.

4. Following the advertisement of the proposals¹, a large response drew 249 letters of support and 35 letters of objection. I therefore held a public inquiry into the application which opened on Tuesday 15 December 2009. At the end of the third day it was necessary to adjourn the inquiry due to lack of time, and I resumed the inquiry for a further two full days on Monday and Tuesday, 11 and 12 January 2010. I carried out an unaccompanied inspection of the area – visiting not only the application site but also a substantial part of the surrounding area – on Monday 14 December 2009, when I also viewed the recreation ground at Kings Lane and the locations of the local schools. Due to adverse weather conditions, the accompanied site visit, which I had planned to undertake on the 13 January 2010, was delayed until the following week. I held the formal site visit at 1 pm on 20 January 2010, in the absence of some of the parties but with their agreement. I was accompanied on that occasion by representatives from RBC (Mr Godfrey and Ms Lunn), by representatives of the supporters (Mrs Berry, Dr and Mrs Taylor), and by representatives of the objectors (Mr Hambridge, Mr and Mrs D Clark, Mr and Mrs Waldron). I received requests from Mrs C Lewis and from Mr A Telford, neither of whom could attend the site visit, to look at the site from various vantage points, and this I did in the company of those who were there. Mrs Lewis and Mr Telford are also objectors to the proposal.
5. The Green is not registered as common land. It is registered under the 1965 Act as a Village Green, but no common rights are registered. However it is governed by a Scheme of Management² under the Commons Act 1899 ('the 1899 Act') and is therefore subject to the consent provisions contained within the 2006 Act. The Green is owned by The Crown Estate Commissioners and extends in total to an area of 14.5 hectares. It is dissected by a number of roads, principally St Judes Road and Bishopsgate Road. The northern part of the Green consists of woodland, and the southern part, within which lies the application site, is largely open in character. It is unimproved grassland for the most part, although part of it is laid out and managed as a cricket pitch.
6. RBC stated in the application that the public had a right of access to Englefield Green for air and exercise under Section 193 of the Law of Property Act 1925 ('the 1925 Act'). Subsequently this claim was withdrawn following correspondence with the Planning Inspectorate. However, at the inquiry it was made clear that the Green formerly fell within the area of Egham Urban District Council and that common rights had been exercisable (although not currently registered) by virtue of the local Inclosure Act and Award³. I am therefore satisfied that Section 193 of the 1925 Act does apply to the Green and the public has a right of access to the whole area.

¹ A notice published in the Staines and Egham News on 21 January 2009

² Approved by Order of the Ministry of Agriculture Fisheries and Food on 28 June 1955

³ Egham Inclosure Act 1814 and Award of 1817

7. Nevertheless, by virtue of Section 193(1)(a) the rights of access are subject to any scheme which may exist for the regulation of the land. In this case, therefore, the rights of the public are subject to the provisions contained in the Scheme of Management drawn up in 1955, and also by Byelaws which were made in pursuance of the Scheme in 1958, and amended on subsequent occasions.⁴

Reasons

The applicant (RBC) states as follows:

8. The Council currently provides two outdoor play areas within the village of Englefield Green: one at Kings Lane which caters for children over twelve years old, and the existing one on the Green which caters for one to seven year olds. There are very few facilities within the village which cater for seven to twelve year olds and this proposal seeks to address this.
9. A sequential test was carried out for the purpose of assessing all the open spaces within the village which showed that there are nineteen in total, of which only six are owned by the local authority. Only two of those six are considered potentially suitable for the type of proposal for which consent is being requested: Kings Lane and the Green. The rest of the sites are either too far from the centre of the village or too close to housing. The Six Acre Standard⁵ states that play areas designed for the target age group should be within a fifteen minute walk (or 600m straight line radius) of their home. Circles drawn on that basis show that the Green site encompasses a larger proportion of the village than the Kings Lane site. Furthermore, the Green is easier to reach, particularly for those living in the northern and eastern areas of the village, and it has the advantage of being a well used and popular area for sport and recreation. The Green is therefore the preferred site.
10. It is important that the lack of play facilities within the village is addressed and it is difficult to achieve with so few suitable open spaces available. It is not considered likely that local schools would want to have publicly accessible play areas on their land.
11. The proposal evolved from a public petition which was received by RBC in March 2006 and was signed by 63 children and 114 adults. The average age of the children at that time was six, and they will therefore now be eight years old.⁶ There is clearly a strong desire for play facilities in the area for the target age range, and they are therefore likely to be well used. The petitioners requested the extension of the existing site, as opposed to one of the other sites in the village.
12. The Council has sought to minimise the impact of the proposal by using equipment and fencing which are in keeping with the existing structures, and which will be painted in colours which will blend in to the surroundings as far as is practicable. The overall shape of the equipment would be of an open structure and would not form a solid barrier. New areas of trees and shrubs

⁴ 1975/6 and 1980

⁵ The minimum standards for outdoor playing space

⁶ At the time of the application

are proposed to reduce the impact of the play area on near-by properties. However it is important to maintain as much natural surveillance as possible.

13. The main reason for including fencing in the proposal is the need to cater for the health and safety of the children who will be using the play area. There is a small car park and a road nearby and it is important to ensure that children cannot run out of the play facility into these areas. The fencing would also prevent animals, particularly dogs, from accessing and fouling the area. The existing facility is fenced and the proposed fencing would be of a similar style of bow-topped metal, constructed to current European design standards for playgrounds (EN1176). It would be painted in the same dark green colour as the existing fencing. The length of the proposed new fencing has been kept to the minimum whilst ensuring compliance with European standards on space and distance requirements between equipment and other objects. The two new gates would both be compliant with the requirements of the Disability Discrimination Act.
14. The Council asks that it be noted that the play area will remain a publicly accessible facility although it is intended to restrict that access to children up to the age of twelve and their guardians. No part of the proposal will result in part of the Green being sectioned off for private use.

Main Issues

15. I am required by section 39 of the 2006 Act to have regard to the following in determining this application;
 - (a) the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
 - (b) the interests of the neighbourhood;
 - (c) the public interest;
 - (d) any other matter considered to be relevant.
16. Section 39(2) of the 2006 Act provides that the public interest includes the public interest in: nature conservation; the conservation of the landscape; the protection of public rights of access to any area of land; and the protection of archaeological remains and features of historic interest.
17. Village Greens are protected by two main pieces of legislation: Section 12 of the Inclosure Act 1857 and Section 29 of the Commons Act 1876.
18. Section 12 of the Inclosure Act 1857 ('the 1857 Act') makes it a criminal offence, among other things to:
 - Wilfully lay any manure, soil, ashes, rubbish or other material on a green;
 - Undertake any act which interrupts the use or enjoyment of a green as a place of exercise and recreation (e.g. fencing of a green so as to prevent access).
19. Section 29 of the Commons Act 1876 ('the 1876 Act') makes it a public nuisance to:

- Encroach on a green (e.g. extend the boundary of an abutting property so as to exclude people from that area);
 - Inclose a green (i.e. by fencing it in, whether or not the effect is to exclude the public);
 - Erect any structure other than for the purpose of the better enjoyment of the green;
 - Disturb, occupy or interfere with the soil of the green other than for the purposes of the better enjoyment of the green.
20. In considering this application I have taken account of the terms of the Scheme of Management and I have also had regard to the advice contained in various policy guidance issued by Defra, including Common Land Consents Policy Guidance (July 2009) and Management and protection of registered town and village greens – Frequently asked questions (January 2010).

Assessment

Background issues

21. This is the second application involving the same site. The first application was made in February 2008, in conjunction with a planning application which included the provision of closed-circuit television ('CCTV') and lighting for the play area. The inclusion of CCTV and lighting was prompted by concerns which had been expressed with regard to anti-social behaviour. Objections to the proposals for cameras and lighting prompted RBC to withdraw both applications (i.e. the planning application and the application for consent under Section 38 of the 2006 Act). The current application was submitted in January 2009, and is for a proposal which excludes the CCTV and lighting aspects.
22. RBC are of the view that the proposal as it stands does not require planning permission as it falls within the limits of permitted development. Some of the objectors contest this view, and furthermore consider that the existing playground is unlawful as there is no extant planning permission for it, nor was any consent sought under earlier commons consent regimes. There is also some concern that if the proposal is given consent, cameras and lighting will be introduced without further permission.
23. I accept, and this was not challenged by RBC, that there is no record of any previous consent relating to the existing play area. However, it is a matter for the courts and not for me to determine whether or not the earlier works were lawfully constructed. Although it is possible to apply retrospectively under Section 38 for works already carried out, they must have been constructed on or after 1 October 2007. RBC claims that the existing facilities have remained largely unchanged for the last 10 years (i.e. since 1999) and thus would not qualify for retrospective consent. My decision must relate to the application site and to the current proposal and be made in accordance with the criteria contained in Section 38 of the 2006 Act.
24. For the avoidance of any doubt, my decision is completely separate from, and unconnected with, any permission that may be required under planning legislation. It is not my role to determine whether or not planning consent is required for this application, or any proposals related to it.

Interests of those occupying or having rights over the land

25. The Crown Estates Commissioners, as landowners, have not provided unconditional consent for the proposal, preferring to await the outcome of the public inquiry. They have not indicated that their rights would be adversely affected, but merely expressed reservations owing to the number of objections which have been made to the proposals. A letter was submitted late in the proceedings in which the Crown Estates Commissioners stated that permission would be given, provided that consent to this application was granted. I do not consider that this letter has significantly altered their position which is that Section 38 consent is a prerequisite to their agreement.
26. The Green was leased to RBC in 1955 for a period of 99 years. The lease requires that the management and control of the Green is vested in The Englefield Green Committee ('EGC') which is made up of the elected members of RBC who represent wards in Englefield Green village, and two other persons who are appointed from amongst the immediate residents of the area surrounding the Green itself. I understand that the composition of the Committee has changed over the years due to the alterations to ward boundaries and numbers. It was alleged by some objectors that this has resulted in an imbalance in the relationship between the residents surrounding the Green and the general inhabitants of Englefield Green village as envisaged in the lease. However, there was no evidence that the terms of the lease itself were being violated in any way, nor that I should therefore be influenced by that in coming to my decision.
27. The lease requires the lessees to uphold, maintain and keep the Green in good and neat order and condition for the purposes expressed in the Inclosure Act of 1814 in terms of rights of common, rights of way or other rights and privileges or easements. As a committee of the lessees, this duty is devolved to the EGC.
28. The Inclosure Act of 1814 ('the 1814 Act') provided, in summary, that the common or waste lands called Englefield Green should remain open and uninclosed for the pleasure of the inhabitants and the ornament of their residences on the Green itself, and that rights of pasturage should be awarded to the various owners and proprietors of the estates adjoining it, as the Commissioners saw fit. The associated 1817 Award provided for the awarding of pasturage rights on the unenclosed part of Englefield Green to various parties, listed by name and with the number or head of sheep allowed to each.
29. There are currently no registered rights of common exercisable over the Green and no-one has presented any evidence to support a claim to any rights of pasturage.
30. There are no recorded rights of way, public or private, across the application site itself, although there is a surfaced path running from the adjacent minor road (rather confusingly called The Green) towards the existing play area. The access to the existing car park is also the access to private property, over which the residents apparently have a right of access. It was confirmed at the inquiry that this track is not and never has been registered or recognised as a highway.

31. Although a number of the potential users of the extended play area may walk to the site, I consider that it is reasonable to assume that others will drive to it, and may therefore be using the access track and the car park. The car park was clearly provided for a purpose and was apparently provided at the same time as the original play area. It must therefore have been considered by the Council at the time to be a necessary adjunct to the provision of the play equipment. The continued use of the car park for this purpose (in connection with the extended site) should not impinge on the rights of access to the adjacent properties, although its presence and use in other respects may produce some unwanted side effects which I deal with later in this decision.
32. Since the Green is leased by RBC, I consider that it is technically occupied by that body. The proposed works would enable (and thus be of benefit to) RBC (as the occupier) to provide play equipment which is deemed to be lacking at present.
33. The situation regarding Englefield Green Cricket Club ('the Cricket Club') is less clear. I do not consider that the present licensing arrangement, which appears to have lapsed for the time being and is being re-negotiated, gives the Cricket Club any current rights as occupiers. In view of this ambiguity I deal with their interests below.

Interests of the Neighbourhood

34. It was argued strongly by Mr Telford that the 1814 Act gave the immediate residents of the Green a right to an open aspect 'for the ornament of their residences'. The construction of the extended play area would interfere with that right. On behalf of RBC, Miss Colquhoun appeared to argue that the 1814 Act did not 'inclose' the green and therefore had no legally binding effect on it in terms of the process of enclosure. In other words, the Green was not 'set out' and 'inclosed' in the Award in any way other than the allotting of pasture rights, and was therefore not subject to the provisions of the Act or Award.
35. I do not think it is correct to say that the open area of the Green is not subject to the provisions of the Act or Award. I consider that the Act made clear that the Green was to be left open, and I am consequently more persuaded by Mr Telford's arguments; although I would not necessarily describe the adjacent residents as having a 'right' to the open aspect. Nevertheless, the wording of the 1814 Act does use the words 'shall remain open and unenclosed for the pleasure of the inhabitants and the ornament of their residences on the Green' (*my emphasis*) which implies a direction, clearly indicating that it was the intention of the process for the Green itself to remain open for both those purposes. The lease requires the lessees to uphold the purposes of the Act, and thus there seems to me to be a need to comply with it.
36. Whether or not the physical construction of the existing or proposed play area is illegal in this context is not a matter for me to determine, but rather for the courts. I would agree with the view of Mr Milton that the correspondence relied upon by RBC to show permission had been granted for the original site merely served to advise the Council (at that time) that they needed to decide themselves whether or not an application was required. No evidence of such a decision process has been submitted. However, it seems clear to me that it was the intention of the 1814 Act that the Green should remain open, rather

- than inclosed or otherwise divided up into allotments, and that it should form an attractive setting for the surrounding properties. The 1955 lease, in seeking to uphold the purposes of the 1814 Act, requires the lessees to take into account this aspect of its provisions and thus the general attractiveness of the area ought to be a consideration in anything which they propose.
37. Councillor Mears, who is a member of the EGC, acknowledged that the committee had received no training on the management of Village Greens, and that although he had requested a copy of the 1814 Act, he had not been able to see one by the time of the inquiry. All legal matters were referred to the Council's legal department, from whom they took their advice.
 38. Mr Godfrey accepted at the inquiry that had he known about the constraints and problems that the status of the application land presents, he would probably not have proceeded with the project.
 39. I do find it slightly surprising that RBC did not carry out a consultation exercise with those people who live immediately adjacent to the application site, nor with the owners of the properties specifically identified in the lease as having a particular interest in the management of the Green.
 40. Some of the objections to the application have been made by those residents whose properties immediately surround the Green as a whole, and to whom the visual aspect is important. Furthermore Mr Telford, on behalf of himself and some of the other residents and objectors, was very concerned by the opportunities for misuse that would be provided by the play area. He gave graphic examples of the use to which the existing area and car park is currently put by various members of the community. These include drug-taking; abusive behaviour towards the residents; general noise and anti-social behaviour; the deposit and use of undesirable reading material; and vandalism of various types.
 41. RBC sought to minimise or even dismiss much of this activity, claiming that Mr Telford was the only person who had complained about it, whilst acknowledging that he had been a regular complainant over a period of several years. Witnesses were produced from the local police force to support their arguments, but in fact appeared to me to lend more support to Mr Telford's claims. P C Howells admitted that he did not have personal knowledge of the area and had not seen the design of the scheme when he gave his advice to RBC. He was not directly involved in policing the area. His evidence is therefore of limited value. P C Scott, although acknowledging the e-mail complaints made by Mr Telford, stated that they were not responded to until the next day, when clearly the miscreants would be unlikely to be present. He did however confirm that there ought to be an immediate response to telephone complaints and that on at least one occasion he had turned youths away and disposed of alcohol on the premises. However he claimed that the incidents to which he had responded were related to the car park, and not to the play area. Nevertheless he conceded that there may have been incidents which occurred when he was not on duty.
 42. Inspector Neild described the systems available for reporting problems, and particularly in respect of anti-social behaviour ('ASB'). It was clear that ASB

was intended to be routinely reported through a web-based system.⁷ This was partly to protect the identity of the complainants who may fear victimisation. He nevertheless did not consider that the reports indicated that the area of the green or the playground in particular was a crime 'hot spot'. ASB is not classed as a crime, and therefore receives a lower priority in policing terms. He acknowledged that he received his information from P C Scott, and his knowledge of the law in relation to the rights of the public or village greens was clearly limited. He was therefore not able to give a clear idea of how the area would be policed in the future if the proposal went ahead.

43. This seems to me to demonstrate that there is a confusing system in place for reporting incidents in general, and that many people may have been put off from doing so by the lack of reaction to incidents of ASB. Further confusion is also caused by the definition of what is a crime, and what is considered by the police to be ASB. Only the more determined complainants, like Mr Telford, may persist in trying to battle with the system. Mr Telford lives in one of a group of properties which lie immediately adjacent to the car park and which are the nearest to the play area, so it is not surprising that he was the most frequent and possibly the main complainant. Furthermore, one person who complains may, in effect, be representing a number of people. The 34 letters of objection, almost without exception, make clear reference to problems of ASB. It is therefore not the case that only Mr Telford is concerned about the issue.
44. In fact, the Englefield Green Village Residents' Association ('EGVRA') itself had concerns about such behaviour and was originally a supporter of the installation of cameras and lighting because of this. However, Mr Fone stated at the inquiry that EGVRA had changed its mind in this respect as it seemed it would 'smooth' the path to the approval of the extended playground.
45. Mr Telford, in producing his own expert witnesses, seemed to establish the presence of evidence supporting his claims. Mr McPartlan, an experienced Crime Prevention Officer and Crime Prevention Design Officer, identified a number of issues with the site which would lend itself to anti-social behaviour, including the limited natural surveillance, and found evidence of such activities. He reported finding equipment which is commonly used for the purpose of drug use, and sexually explicit magazines. He also identified that the description of ASB is often mis-used, or mis-applied to activities which ought properly to be recorded as criminal (e.g. vandalism). He reported on various visible measures which had been taken by both local residents, the Cricket Club and RBC itself which suggested an unacceptable level of criminal or anti-social behaviour: metal grills on the pavilion and toilet windows; secure metal doors on the public lavatories; bollards to prevent vehicular incursion onto the green, some of which had clearly been replaced at times having suffered damage; and a CCTV camera on one of the private dwellings. He did, however, comment that the existing play area itself appeared to be well maintained and in a good state of repair. There was nevertheless a small amount of graffiti on the equipment, some of which was also sexually explicit.
46. Inspector Neild acknowledged under questioning that he was not aware of the presence in the area of equipment suggesting hard drug use as identified by Mr

⁷ Referred to at the inquiry as the 'Safer Runnymede' site

McPartlan. He also acknowledged that the initial response to Mr Telford's inquiries to the police, provided by Mr Chilcott, was an official police response. Mr Chilcott was, at the time, the Force's Crime Prevention Design Advisor, although he has since left Surrey Police. Mr Chilcott's report expresses grave concerns about the location and design of the existing play area, and considered that the extension to it would make a bad location worse. He acknowledged the reports made by Mr Telford in relation to ASB, although he did not witness any incidents himself.

47. In his evidence, Mr Telford repeatedly referred to the efforts that he (and others) had made to keep the area clean and free from litter and other deposited material, but it seemed to me that RBC either did not believe him, or were suggesting that he had exaggerated the problems he claimed to experience (or worse, that the 'problem' was being 'manufactured' in some way). The impression given to me was that RBC considered Mr Telford to be over-reacting.
48. I found this rather unfair, particularly given that Mr Telford was not the only objector, nor the only one who had referred to such problems. Indeed even the photographs taken by RBC show evidence of paraphernalia which is not connected with appropriate use of children's playgrounds, such as beer cans and bottle tops, discarded cigarette paper packets etc. I do not consider it suspicious that residents who suffer from such problems may take to cleaning it up themselves. It is not unreasonable to wish to keep your immediate environment clean and tidy. Furthermore, it is common sense to remove broken glass from an area if you would otherwise have to drive your car over it. Mr Telford and a number of his neighbours have a right of access over the track behind the play area, car park and pavilion.
49. It seemed to me that Mr Telford was in a rather invidious position: RBC denied that there were any problems of mis-use of the area as there was no evidence; Mr Telford made serious attempts to provide the evidence and is then considered by the Council to be a nuisance himself.
50. It was clear to me that Mr Telford was extremely concerned about the whole issue, and had gone to almost extraordinary lengths to present his case, producing large volumes of paperwork in the process. Much of this is not directly relevant to my consideration of the issues, but nevertheless the effort put in by Mr Telford and his family, and on the documented behalf of several other residents, clearly demonstrates that this matter is very important to them and the people that he was representing. I think it is important to remember that they are not the only objectors. Thirty five objections is quite a high number of objections, and concern about the number has certainly caused the landowners to withhold unconditional agreement to the application. Most of the objections refer amongst other things to the ASB and other unsuitable activities which occur in the vicinity of the playground, car park and pavilion.
51. Mr de Ville confirmed the extent of the vandalism suffered by the cricket pavilion and the associated shed, and stated that prior to the construction of the original playground, vandalism incidents at the club had been virtually non-existent. Since the existing equipment had been in existence, the number and severity of incidents had increased dramatically, leading to a conclusion that the existence of the playground was a contributory factor. Although I accept

- that vandalism to the cricket club premises *may* not be directly attributable to, or exacerbated by, the presence of the existing or proposed play area, I do not think it unreasonable to consider that there is likely to be a link. Mr McPartlan stated in his evidence that playgrounds in other areas had been shown to be magnets for anti-social behaviour, and his considerable experience should not be dismissed lightly. A letter dating from 1999 (from Mr John Lewis) regarding the Cricket Club refers to the play area being a magnet for local hooligans. Clearly the problems have been going on for many years. I think it would be unreasonable of me to disregard them.
52. I am satisfied that unacceptable and inappropriate behaviour has been experienced by residents and others in the neighbourhood over a period of many years, and that it is reasonable to conclude that it can be attributed in part to the attraction provided by the presence of the existing play equipment. Extending the area will not reduce this activity but is likely to provide even more opportunity for miscreants.
53. The existing play area has been screened to some extent by rather un-natural planting. It is proposed to extend the screening in relation to the application site. Mr Godfrey conceded that the extension to the play area would inevitably be a visible intrusion into the landscape and that the planting was intended to mitigate that fact. Unfortunately, it is the very planting which helps to provide the cover for the nefarious activities reported by Mr Telford and others. The planting has resulted in screening the car park from general public view and screening the play area from natural surveillance by the surrounding properties, thus providing the necessary seclusion. If the existing play area was not there, it is unlikely that the car park would have been screened in the same way, if it had been provided at all. Nevertheless, the provision of extended planting in connection with the extension to the play ground can only serve to exacerbate the situation. It is thus likely to be even more attractive to undesirables, and thus lead to an increase in the problems currently being experienced in the immediate neighbourhood.
54. Mr de Ville also referred to the detrimental effect on the cricket club of the proposed extension to the playground. The history of the club is long and distinguished but it has recently suffered due to the building of the existing playground, which was partially instrumental in the forced removal of the pitch from its original location to a location a few hundred metres to the north. This has resulted in the pavilion no longer being orientated to face the batting crease. In Mr de Ville's opinion, the extension of the play ground will impinge on the area outside the pavilion on which spectators and players now have to sit in order to watch the game. Mr de Ville also harbours a desire to return the wicket to the original position, but I cannot take this into account since there is no evidence that the proposal is being actively pursued at present.
55. I do accept, however, that it seems slightly perverse, having moved the cricket pitch already, to then design a play area which would bring the children using it nearer to the current batting square than is currently the case. I can understand why the cricket club might feel threatened particularly when this is coupled with the fact that the lease is currently being re-negotiated.
56. In contrast to the detrimental effects on the neighbourhood, I must balance the perceived positive benefits. The petition in support of the extension to the

playground cannot be dismissed, since RBC certainly took it seriously. However, I must treat it with a large degree of caution because very few of the signatories either attended the inquiry or gave evidence in support of the proposal. It was also clear, by her own admission, that Mrs Berry had put a tremendous amount of effort into the campaign herself, acknowledging that she hoped to make it as easy as possible for people to make their views known.

57. The survey information produced by RBC into play provision in the area identifies that there is an apparent shortage, and particularly a shortage for the age group to which the proposal relates. There was no significant disagreement on that issue between the parties and indeed suitable play provision was seen by all to be desirable and necessary. The principal difference of opinion being that the objectors felt that its location ought to be elsewhere, nearer the bulk of potential users. The Council believed that the application site met this criterion.
58. Unfortunately the majority of the letters which were received expressing support for the proposal were clearly drafted by Mrs Berry for signature by other people. She stated at the inquiry that it had been her intention to make it 'as easy for people as possible' to get involved. Although the number of responses was impressive, I must reduce the weight I can give to the views expressed on the basis that they were not given entirely independently. Mrs Berry not only handed out the letters in many cases, but attended the local schools to do so, and to collect them back afterwards, submitting them herself. By contrast, the letters of objection were individually written and submitted. This is not to criticize the zeal shown by Mrs Berry but merely to demonstrate the value I can place on the evidence and the consequent weight which I can accord it.
59. The objectors pointed out children can play on the Green regardless of their age or the lack of equipment. Reference was also made to the forthcoming provision of play equipment for the identified age group in two new developments within the village envelope; one of them at the Brunel site immediately adjacent to the Green. Furthermore, there was general agreement that the Forest Estate was an area which would provide many of the potential users of any such equipment. The objectors considered that there was a more convenient site for them (at Kings Lane) which would be more suitable.
60. Thus in terms of the neighbourhood in general, I accept that there is a demonstrable desire for the provision of play equipment for 7-12 year olds, which is currently considered to be lacking in Englefield Green village. However, I agree with the objectors that the petition itself ought not to be relied upon to show such an overwhelming 'need' as is being promoted by RBC. I accept that it is good policy to provide recreational facilities for all, but it seems that some steps are being taken to address the perceived short fall through the planning process. There are thus alternative ways in which this policy can be fulfilled.
61. Having regard therefore to the interests of the neighbourhood of the Green itself, I conclude that the extended playground would have a detrimental impact in visual terms, which would need to be mitigated to some extent by

planting, which in itself is inconsistent with the generally open aspect of the southern part of the Green. In order to provide effective screening, the proposed planting would not be consistent with the natural species. The open nature of the green is an attribute which RBC as the lessees are bound by the terms of the lease to uphold. I consider that the evidence shows that the artificially introduced planting to screen the existing play area and car park provides opportunities for undesirable activity, and the proposed extension would continue to provide a focus for a variety of anti-social or criminal behaviour, either in itself or because of the facilities being screened by its associated planting. The provision of the play area without the planting, whilst providing better security for children using it through greater visibility, would not remove the existing problems of visual intrusion. Furthermore, the detrimental impact on the appearance of the village green which is already presented by the existing play area would be exacerbated.

62. On the positive side there would be the provision of additional facilities to cater for the needs of some of the residents of Englefield Green who would like to have access to play equipment for 7-12 year olds.

The public interest

Nature Conservation

63. Neither the application site nor the Green itself are known to have any specific nature conservation value although the the Green has been identified by RBC as a potential suitable alternative natural green space ('SANGS') in respect of the Thames Basin Heath Special Protection Area. However RBC has not yet made a decision on whether to adopt Natural England's Delivery Plan as the basis for Supplementary Planning Guidance, and thus the identification of SANGS is not confirmed policy.
64. Some concerns were expressed by objectors that the extended site would threaten some nearby trees; in particular an oak tree planted as a memorial for a local woman. RBC provided details of measures which would be taken to protect the root zones of the trees concerned.
65. I consider that the proximity of the proposed fencing to the tree roots has been acknowledged by RBC and that some steps are envisaged to protect those trees. However, I consider that there is still a risk and that damage may be done which might not become apparent for some time. Nevertheless, the affected trees are not 'natural' in that they have all been specifically planted. This does not remove all nature conservation value that they may have, but it reduces the weight I would place on it.
66. Thus although I do not consider that there are any nature conservation issues which I need to take into account, I do consider that there is a risk to one or possibly two of the existing trees, neither of which exist as the result of natural regeneration.

Conservation of the landscape

67. I have already considered some of the visual aspects when examining the interests of the neighbourhood. However there are some specific landscape issues which I feel I should examine under this heading.

68. The application site lies within Green Belt land, and also within Englefield Green Conservation Area, which was designated in February 1970 and extended in August 1978. The original Conservation Area only included the buildings and land immediately adjoining the principal open area of the Green because it was considered that this portion of the Green, with the properties immediately fronting onto it, had the greatest visual impact. The wooded area to the north was included when the area was extended. Mr Godfrey himself, on behalf of RBC, described the Green as rural in its aspect and feel.
69. At the time of the original designation, the cricket pavilion was already in position, and it must therefore have been considered an acceptable feature within the generally rural landscape of the village green. Cricket pavilions in general are considered to be appropriate structures on village greens because they are often intrinsically related to the enjoyment of the area.⁸
70. RBC argue that the purpose of the provision of play equipment is also to improve the enjoyment of the area for recreational purposes, and that the application is therefore in line with the purpose of the Green in providing recreation for the inhabitants of the district neighbourhood.
71. I acknowledge that the Scheme of Management does provide for the local inhabitants to have a right of free access to every part of the common⁹ for the privilege of playing games and of enjoying other species of recreation¹⁰. It also provides for the Council to set apart for games any portion or portions of the common as they may consider expedient for games such as tennis, cricket, football, and bowls, and may allow such areas to be temporarily fenced to keep cattle and horses from entering them¹¹. However, RBC stated that no consideration had been given to whether or not the fencing of the application site ought to be temporary and thus it, and the play equipment, are presumably considered to be permanent features of the landscape.
72. The design of the play equipment for the application site is proposed to match that which is already on the adjoining site, and it is further proposed that it will be painted to harmonise with the surroundings; the proposed fencing likewise.
73. The objectors consider that the play equipment which is already in place is an inappropriate feature in the landscape, and that the proposed extension will exacerbate the situation. Several objectors refer to the 'urban' nature of the existing playground, and the proposal to extend it is seen as increasing that impression.
74. Mr Godfrey provided a history of the development of the current playground from which it is apparent that the appearance of the site has given cause for concern on numerous occasions since the first equipment was erected. Several steps have been taken to try to reduce the impact over the years, including the repainting of previously erected equipment, and the current fencing.
75. I have only had the opportunity to view the site during winter months when the vegetative screening is not at its best, and the equipment is thus perhaps more visible than at other times of the year. I note that the current play equipment

⁸ Common Land Consents Policy Guidance Version 1.2 July 2009 (DEFRA)

⁹ Meaning in this case the village green

¹⁰ Paragraph 5

¹¹ Paragraph 7

is not painted to harmonise in any way with the surroundings. The planting is not natural, but contrived to try to screen the play area from the surrounding properties and the car park. Furthermore, although the equipment and fencing are painted in dark colours for the most part, both they and the stylised planting are clearly an urbanising intrusion into a largely open area; and area which was valued sufficiently for that very quality of openness for which it was designated a conservation area.

76. I consider that the landscape of this part of the Green has already been compromised, and that the application will make the situation worse. Further urbanisation of this essentially rural aspect will inevitably result from the erection of equipment and fencing which is out of character with the Green as a whole, and with its designation as a Conservation Area. The presence of the existing equipment should not be taken as justification for exacerbating the situation.
77. With respect to its position within the Green Belt, this is a planning designation which again promotes the open aspect and envisages only minimal appropriate development. Given the existence of so many designations covering the application land, it does seem surprising that RBC has come to the conclusion that the application does not require any form of planning permission.
78. The incremental encroachment which would be continued as a result of this application is inconsistent with the policy of government to protect, conserve and enhance the stock of commons and greens. The proposals fail to enhance or conserve the Green and will have a lasting impact on the landscape; a landscape protected by having been designated as part of the Green Belt and as a Conservation Area.
79. I have not dwelt on the effect of the surfacing of the play area or the footpath, both of which are matters which require consent in their own right. In my view these aspects form part of the adverse effect on the landscape and thus add to the detrimental effects which I have identified.

The protection of public rights of access

80. I have already discussed briefly (in paragraph 6 above) that the Green was formerly located in an Urban District Council area. As such the public would have had a public right of access to it for air and exercise by virtue of section 193 of the 1925 Act¹² subject to any scheme or other regulation of the land.
81. However, under the provisions of the 1965 Act the area was registered as a Village Green with no recorded common rights. The common rights were therefore extinguished at that time unless the rights had been registered under the Land Registration Act 1925.¹³ I have received no evidence that the rights have been so registered.
82. Section 193(1)(d) of the 1925 Act provides that any public rights of access to such a common cease to apply to any land over which commonable rights are extinguished under any statutory provision. However, Section 21(1) of the 1965 Act provided that the access provisions of Section 193 of the 1925 Act

¹² The Law of Property Act 1925

¹³ Section 1(2)(b) of the 1965 Act

- were to be saved. Thus the public in general still benefits from a right of access to the Green for air and recreation.
83. Under the 1955 Scheme, the inhabitants of the district and neighbourhood benefit to a right of free access to every part of the common and to the privilege of playing games on the green, subject to any bye-laws. Restrictions in the bye-laws in connection with recreational use relate to the use of horses on part of the green (bounded by St Jude's Road, Bishop's Gate Road, Barley Mow Road and the highway adjacent to the cricket pavilion);¹⁴ the use of the land for golf practice;¹⁵ the use of the land with vehicles;¹⁶ and camping and lighting fires.¹⁷
84. Whilst I agree with RBC that public rights of access may be modified by the provisions of a Scheme of Management, I disagree with Ms Colquhoun that the provisions of a Scheme necessarily over-ride the provisions of Section 193 of the 1925 Act. In this particular case I consider that they provide the local inhabitants with an *additional* right to play games on all parts of the Green; a right not necessarily encompassed by the general access provisions of Section 193. There is no reference to the removal of, or any restriction to, the rights of the general public.
85. Mr Godfrey stated at the inquiry that the playground area, including the application land, would be fenced and that notices would restrict access to children of the target group and adults accompanying them. Thus although the application land might physically be accessible by other people, their use of it would be discouraged by signage.
86. The confusion that this might cause was amply demonstrated by the cross-examination of the police witnesses, who were clearly not familiar with the extent of the right of public access which applies to the Green. Looking at the situation objectively, the fencing would prevent a large proportion of those members of the public who benefit from a right of free access to the whole area of the Green from using the application area for any form of recreation. For example, equestrians would be precluded from using part of the area of the Green to which they are permitted access, although I accept that the frequency with which this right is currently exercised may be limited. The fencing would also restrict the area that could be utilised by members of the public, local or not, who were attending or taking part in any cricket matches and who might wish to sit in a convenient place to watch or picnic (recreation does not, in my view, have to be active). Since the cricket square was moved, it has been necessary to sit outside the pavilion to obtain a comfortable view of a match.
87. On the other hand, the area concerned is quite small, and it was argued by some supporters of the scheme that the cricket spectators or players may have family members with them who would benefit from the extension to the play area. I accept that this might very well be the case. It is also the case that a large number of local residents, many of them parents of young children, would appear to support the construction of the play area in this location. However, since most of those signing either the petition or the standardised letters of

¹⁴ Bye-law 11A added 26 Nov 1975

¹⁵ Bye-law 11B added 26 Nov 1975

¹⁶ Bye-law 11C added 10 Feb 1976

¹⁷ Bye-law 11D and 11E added 15 Jan 1980

- support did not appear at the inquiry to give evidence, it has not been possible for me to test that level of written support and translate it into the likely level of actual use of the equipment.
88. Mr Fone, on behalf of EGVRA, claimed that the majority of the residents supported the application. RBC claimed that the EGVRA had 600 members but Mr Fone accepted that this figure was inaccurate. Out of a local population of about 11,000 only about 486 were paying 'members'. When an item appeared in the newsletter seeking views on the application, only two of them had written to EGVRA in support of it. Mr Fone stated that he had taken the lack of any response as indicating support for the proposal.
89. I think it would be unsafe for me to take the same view without supporting evidence, and I therefore agree with the objectors (some of whom are members of the EGVRA themselves) that the Association cannot safely be taken as being representative of the local community in this matter.
90. It is Mr Telford's view, along with some of the other objectors, that the existing play area is under-utilised, and that there is no need for the extension to it. However, he acknowledged that the use of the existing facilities does at times result in a degree of noise (from children playing), although he did not object to that type of noise. There must therefore be sufficient use of the area at times by sufficient numbers of children to result in normal playground noise.
91. RBC carried out a survey of the use of the current playground equipment over a two week period at the end of October 2009. Each observation was carried out over a period of a few hours, varying from day to day, and longer at the three weekends which the survey included. One of the weeks was a term-time week, and the second was the half-term holiday. The survey indicated that there was higher usage at weekends, which might be expected, but there appears to have been reasonably consistent use throughout the week, depending on the weather to some extent. Most usage was by residents of the village, and most of them walked to the area, using the play ground as part of a longer recreational activity, including using the rest of the open space. As might be expected, the majority of the children were under 7 years old, and those who were older were generally accompanying groups containing younger children. On weekdays there was some usage by parents with children going home from school, in addition to use more generally during the school holiday. Usage appears to be greater in the afternoons with fewer people in the morning and a dip at lunchtime.
92. Given the time of year that the survey was undertaken, I take the view that the figures are likely to be conservative and that during the spring and summer usage might be much higher. Usage would also be likely to continue until later in the evening, given the longer daylight hours. However, no figures were provided with regard to use of other facilities elsewhere which might have served as a comparison to demonstrate whether the usage was average, below average or greater than average. No indication was given to me as to whether the public was aware that a survey was being undertaken but since it was clearly a structured exercise (shift patterns were organised) and it took place over a period of two weeks, apparently by officers in high-visibility jackets, it seems to me possible that the results may not be quite as random as presented. Since the results are clearly at odds with the anecdotal evidence of

Mr Telford and other immediate residents, it may be that an awareness of the survey has resulted in patterns of usage that were not the norm. Nevertheless, I place little weight on the figures given the lack of comparators.

93. It is also the view of some of the objectors, including Mr Telford and the Open Spaces Society, that the proposed works would be contrary to Section 12 of the 1857 Act (see paragraph 18 above) and Section 29 of the 1876 Act (see paragraph 19 above). RBC contends, however, that the extension to the playground is for the better enjoyment of the green and thus would not constitute a public nuisance; and that the fencing would not prevent access and would not therefore be unlawful.
94. Guidance produced by Defra¹⁸ indicates that it is not possible to give consent for illegal works to be undertaken on a town or village green, and considers that works proposed by a local authority on a green will generally not give rise to any conflict of this sort. If such a conflict did arise, or any works contravened either the 1857 or the 1876 Act, it might be possible to seek to de-register the land concerned.
95. I consider that the extension to the playground proposed by RBC is a genuine attempt on their part to provide facilities which are deemed to be desirable by at least a section of the local inhabitants, and that the proposal is seen by them and many other people to be a way of facilitating better enjoyment of the green. I see no obvious bar to issuing consent in terms of the two 19th century Acts concerned, although I accept that this legislation has never been tested in the courts.
96. However, it cannot be denied that the structures to be erected (i.e. the fencing and the play equipment) will physically prevent or deter access by the public and other local inhabitants who have a right of access to the whole area of the Green; a right which has been partially compromised by the existing area. The extension envisaged by the proposal will increase the affected area. There is some benefit to be gained by a small section of the local population, but those people already benefit from a right of access to the land concerned. Thus the majority of the public as whole will be deterred or prevented from using part of the Green to which they have a right of access, for the benefit of a small proportion of predominantly local children.

The protection of archaeological remains and features of historic interest

97. My attention was directed to a history of the village and in particular the origins of the Green itself. I am sure that from its location, and its proximity to other famous sites (Runnymede, Windsor Great Park etc), there is likely to be a long and interesting history associated with the area. However no particular features in relation to the application site were brought to my attention and I do not consider that there are any matters which I need to address in this regard.

Other relevant matters

98. In applying the criteria I must look at the application not only as it stands, but must also consider whether or not what the application proposes is the best

¹⁸ Management and Protection of registered town and village greens: Frequently asked questions (January 2010)

possible outcome. It may be that the objectives could be achieved by adopting a different approach. Defra guidance indicates¹⁹ that if the evidence suggests that the works would have a reduced adverse impact by being implemented in a different way, or in a different location, it is open to me to either impose conditions, or to refuse the application, provided that there are good grounds for doing so.

99. There was extensive exploration by the objectors at the inquiry into whether or not alternative sites were in fact available on which to provide the additional play equipment more suitably. Two sites in particular were mentioned. Prior to the inquiry the focus was on the Kings Lane site (where some existing equipment for 12 year olds and upwards is sited), but during the inquiry the question of using land either within or adjacent to one of the local primary schools was raised.²⁰ Council policies supporting dual-use of recreational facilities were drawn to my attention.
100. RBC contended that there were problems with both sites: Kings Lane is considered to be rather inaccessible and topographically unsuitable; and the head-teacher of the school referred to has expressed some concern about the security of the school after hours if children are allowed to unrestricted access.
101. In his statement, Mr Godfrey accepted that prior to the inquiry the Council considered that the choice of location for the proposed play area lay between Kings Lane and the Green. Neither site fitted the standard criteria for such sites, including distance from the population, but that the Green was, in their opinion, closer to the centre of the village itself and would serve a larger population.
102. This view was challenged by Mr Telford and Mr Michnowicz in particular, who pointed out that the Kings Lane site was immediately adjacent to a large residential area of Englefield Green village with a high proportion of disadvantaged children. RBC acknowledged in its own statement that there was more room for the equipment at the Kings Lane site, and indeed it was pointed out that suitable equipment for the target age group which had previously existed on the site had been removed some time ago. The introduction of the possible dual-use of the play equipment at St Jude's School was not explored in any depth until the inquiry, and no-one from the school itself was present to comment on the situation. Thus, although the Council has policies to support such schemes, the reality is less certain.
103. It is clear that RBC has given some consideration to other sites, but I consider that it is likely that the evaluation of the locations was hampered by the fact that the full impact of the status of the Green was not appreciated by either the Officers or the EGC. I have already mentioned (paragraph 38 above) that Mr Godfrey conceded (rather ruefully) at the inquiry that, had he been aware of all the implications, he would probably not have pursued the proposal. Furthermore, the various criteria quoted for the design and location of play equipment have, in my view, been very selectively applied by RBC, due in part to none of the sites really fitting the purpose.

¹⁹ Paragraph 3.6 *et seq* Common Land Consents Policy Guidance

²⁰ St Jude's Primary School

104. Whilst I do not consider that it is open to me to suggest a different site for the proposal, it is apparent that there are possible alternative sites where the adverse effects that I have identified (on the neighbourhood, the landscape, and public access) might be reduced, and which would not suffer the same difficulties. The status of the application land as village green carries with it constraints which I do not consider RBC to have adequately appreciated. There is no mention of its status, for example, in the table of sites compared for the sequential review. Furthermore, the duty contained in the Scheme of Management for the Committee to have regard to the purpose of the 1814 Act in terms of maintaining the open character of the green, places considerable restraints on the application site which appear to have been disregarded or dismissed by the Council.

Other Matters

105. Mr Milton, on behalf of the Open Spaces Society, claimed that the Scheme of Management for the Green was invalid because the necessary criteria are not satisfied. He consequently argued that the consent regime under Section 38 of the 2006 Act cannot apply. Mr Telford took the same view.

106. No evidence of a successful legal challenge to the validity of the Scheme was presented to me, and I have therefore determined the matter on the basis that the Scheme is valid. The provisions of the Scheme prevent a variety of activities taking place without consent being obtained. I am satisfied that the application I am considering is a matter which requires consent, and that the appropriate consent regime is now contained in Section 38 of the 2006 Act.

107. There was some question about the potential highway status of the footpath and the access track. This is a separate matter which would require separate permissions if appropriate, and does not affect my conclusions in anyway.

Conclusion

108. I have taken into account all the matters raised both at the inquiry and in the written representations, whether or not I have directly referred to them in this decision. Looking at the proposal in its entirety, and considering it against the criteria which I must apply, I consider that the adverse effects of the proposal on the neighbourhood, on the landscape and on the wider rights of access outweigh the benefit to the limited number of local residents who might benefit in terms of play provision. My view is reinforced by the fact that there appear to be other sites where the adverse effects could be reduced.

Formal Decision

109. Accordingly, in exercise of the powers conferred by section 38 of the 2006 Act, and of all other enabling powers, the application is refused.

Helen Slade
Inspector

APPEARANCES

For the applicant:

Ms C Colquhoun	Counsel, instructed by Runnymede Borough Council
Who called:	
Mr M Godfrey	Technical Officer, Parks Department, RBC
P C Mark Howells	Crime Prevention Adviser (Surrey Police Force)
Insp. Roger Neild	Neighbourhood Inspector (Surrey Police Force)
P C Scott	Local Police Officer

In support of the application:

Mrs A Berry	Local resident
Miss Amelia Berry	Local resident
Mr W Bissett	Local resident
Ms H Brice	Local resident
Mr A W Fone	Chair of Englefield Green Village Residents' Association
Mrs S Andrews	Local resident
Cllr H Mears	Local resident and Councillor

In opposition to the application:

Mr A Telford	Local resident
Who called:	
Mr J McPartlan	Environmental Audit Consultant
Miss J Telford	Local resident
Mr A Power	Local resident
Mr P Callcutt	Local resident
Mr D de Ville	Chairman, Englefield Green Cricket Club
Mr S Michnowicz	Local resident and Labour Party representative
Mr B Milton	Open Spaces Society

DOCUMENT LIST

DOCUMENT NO.	CONTENTS	SUBMITTED BY
1	Planning Inspectorate office file (Green) containing original submission and administrative papers	PLANNING INSPECTORATE
2	Blue string and washer wallet containing original responses to statutory consultation: supporters and objectors (indexed)	PLANNING INSPECTORATE
3	Buff pocket containing papers from RBC including: <ul style="list-style-type: none"> a. Opening Statement b. Proof of evidence Matthew Godfrey c. Risk Assessment for play area d. Plan of Lower Super Output areas for Englefield Green e. Plan and description of Conservation Area f. Letter from Crown Estate 22 January 2009 g. SPG on Thames Basin Heath SPA h. Copy of legal advice to Englefield Green Committee i. Rebuttal statement regarding playground design, by Matthew Godfrey j. Statement of Mr A Hill, Conservation Consultant k. Risk Assessment, Lambert Fenchurch, July 1999 l. History of consents relating to site 	RUNNYMEDE BOROUGH COUNCIL
4	Buff wallet containing supporters witness statements: <ul style="list-style-type: none"> a. Mrs Alison Berry b. Supplementary statement, Mrs Berry c. Miss Amelia Berry d. Mr Will Bissett e. Mr Alan Fone f. Letter dated 12 Jan 2010, Mr Fone g. Councillor Hugh Mears 	SUPPORTING WITNESSES
5	Clear wallet containing proofs and statements from Mr Bob Milton: <ul style="list-style-type: none"> a. Original proof b. First revised proof c. Second revised proof d. Extracts from Enclosure Award e. Ordnance Survey Maps and photograph of site 	OPEN SPACES SOCIETY

6	<p>Blue wallet containing objectors statements/proofs:</p> <ul style="list-style-type: none"> a. Mr John McPartlan (with environmental audit) b. Mr Chris Dixon c. Mr A Power d. Mr S Michnowicz (with letter of authorisation) e. Mr D de Ville f. Letter dated 8 January 2010, Miss J Telford g. Mr P Callcutt 	<p>OBJECTING WITNESSES (Excluding Mr Telford)</p>
7	<p>Six files submitted by Mr Telford:</p> <ul style="list-style-type: none"> a. Black file containing representation dated 17 Jan 2009 b. Green lever-arch file containing indexed appendices to representation/objection c. Red file containing summary and full statement d. Red lever-arch file containing indexed appendices e. Green lever-arch file containing indexed appendices f. Blue lever-arch file containing further indexed appendices 	<p>MR A TELFORD</p>
8	<p>Black lever arch file containing supplementary statement of evidence and appendices</p>	<p>MR A TELFORD</p>
9	<p>Clear wallet containing:</p> <ul style="list-style-type: none"> a. Copy of Village Plan for Englefield Green b. Local Plan map showing conservation area c. Copies of email correspondence with local Police d. Further reports of ASB – December 2009 e. Copy of Lambert Fenchurch Risk Assessment 	<p>MR A TELFORD</p>
10	<p>Green wallet containing bundle of Closing Submissions</p> <ul style="list-style-type: none"> a. Mr P Callcutt b. Mr B Milton c. Mr A Telford d. Mr A Fone e. Mrs A Berry f. Miss C Colquhoun g. Summary of Statutory and legal context 	<p>Objector Objector Objector Supporter Supporter Applicant Applicant</p>
11	<p>Site visit requests from witnesses unable to attend:</p> <ul style="list-style-type: none"> a. Mrs C Lewis b. Mr A Telford 	<p>PLANNING INSPECTORATE</p>