

Mr. Richard Amy
Madryn, Hillcrest,
Aberhafesp,
Newtown,
Powys SY16 3HL

16th March 2017

Ref: Village Green Application 16-001VG

Dear Sir/Madam,

I have read DF and GPP Davies objections to the application for a Village Green at Hillcrest. I would like to reply in two parts because their objections seem to largely consist of matters unconnected with the central green at Hillcrest and Section 15 of the Commons Act 2006, and are therefore irrelevant to the application. I am certainly not a legal expert but I believe this application is about whether a significant number of people have used the central green at Hillcrest for legitimate sports and pastimes "as of right" for a period exceeding 20 years, and nothing else.

I will however also respond to their irrelevant objections in the second part of my reply out of courtesy, and just in case a hearing gives them any consideration or weight in this matter.

I have also included a letter from Hillcrest residents Teresa Burrows and her mother Patricia Brabin, as they invited me to send it along with my own reply.

I have included a letter from Lynn Jones, the Hillcrest resident who actually maintained the green for years.

Where my statements conflict with the claims made by the Davies Bros. I have asked other Hillcrest residents to complete a simple form to corroborate or contradict my claims, and sign them. I have included their signed statements (17 households).

I have included documents relating to a different Planning Application in Aberhafesp as I believe they could have some relevance to this matter.

I have included a print of an email sent from Peter Blanchard to Lembit Opik in May 2005

As far as the Davies Bros. objections to the application are concerned, the only relevant part of their response was:

"We have never allowed anyone to use any of these plots, the grass was cut once a year until 2007. Since then we cut the grass with a tractor mower every two weeks".

None of this is true. The Davies Bros. have not prevented residents from using the central green, they have not fenced the green off, erected signs to advise residents not to use the green, or told residents not to use the green. This is a photograph taken from my house on the 15th March 2017 showing Frank Davies personally cutting the grass whilst residents Brett and George play football on it.



The claim that they have cut the grass on the green once a fortnight since 2007 is not true. Please refer to Lynn Jones' letter about maintaining the green, and also the Statements from Hillcrest residents included with this response. Also the following are quotes taken from the Residents' letters I included with the original application, written before the Davies Bros. made this claim about fortnightly mowing since 2007:

Briarlea - Peggy Bound

I have lived on Hillcrest since 1980

During that time the Davies Bros have hardly been seen on the estate.

When I first moved here the grass was so long as it was never cut by the Davies Bros.

In fact at a later date, two of the residents actually paid somebody to come and cut it regularly with no reimbursement from the owners.

Ballengeoch - Shirley Blanchard

The grass has been lovingly mowed and looked after for years by Lynn, a Hillcrest resident.

Draenen Wen - Margaret & Robin Jones

We have witnessed Mr. Michael and Mr. Lyn Jones mowing the grass on the green many, many years keeping the area tidy for the children to play and for it to be respectable for the community.

Nant-y-Coed - John and Diane Law

...with it being maintained by one of the residents cutting the grass on a regular basis.

No. 8 - Teresa Burrows

The Green area had been maintained by Lyn Jones, and this has been continuous from at least 2000.

Bid and I had paid a local tractor driver to cut the grass. Lyn organised this and then took on the maintenance himself.

Madryn - Richard Amy

The landowners did not maintain the green for most of the 28 years that I have lived here, they only started cutting the grass this year since their Planning Application. In the decades before the Planning Application was submitted the only time we saw the landowners was when they were delivering their annual sewage charge bills. For the previous decades the green has been voluntarily maintained by the residents, primarily and admirably by Lynn Jones (No. 11 Hillcrest) and to a lesser but significant extent by Michael Jones (No. 2 Hillcrest) when he and his family lived here.

Similar comments can be found in the various comments/objections to planning application P/2016/0131 which pre-date the Village Green application.

Summary

The fact is that the central green at Hillcrest has been used by residents "as of right" for all of the 28 years I have lived here, and even before then. The green was never built on and was maintained by some of the residents. The planning consent for the plots on the green had lapsed by 1994 because of the Davies Bros. failure to deal with the serious shortcomings of the sewage system they had installed to serve the estate. This system polluted the adjacent farmland with pools of surface effluent (see supplied photos in next section) which is why further development was forbidden. So from 1994 up to June 2016 this green was not even land with Outline Planning Consent, just land that could not be developed. If they had addressed the sewage problems then perhaps the green would not have reached the necessary

20 year qualification period for use "as of right", but they failed to do so with the result that the green HAS been used "as of right" by the residents for far in excess of the 20 year qualification period.

I understand the Davies Bros. resistance to the loss of revenue that a successful Village Green application would mean, but they would still have Plot 12 to build on. A further possibility for some compensation for them could perhaps be from an adjacent planning application P/2016/0567 "Land to the rear of Beechcroft, Aberhafesp, Newtown SY16 3HL" which has outline permission and which seems very likely to proceed. This application is now granted subject to S106, which obliges the developer to provide a pedestrian link to Hillcrest. From that document are these two sections:

- 8. Prior to any works on site detailed engineering drawings for the footway to be constructed along the B4568 between the new development and Hill-Crest development along the improved forward visibility shall be submitted to and approved in writing by the Local Planning Authority.*
- 9. Prior to the occupation of any dwelling the new footway along the B4568 shall be fully completed and operational.*

So the new estate will have a safe pedestrian connection to Hillcrest, but despite consisting of 10 properties contains no childrens play area of its own. Please refer to the attached letter from Stephen Gealy (CSP - Outdoor Recreation) concerning this situation for that application.

It would seem logical that as a pedestrian footway is a compulsory part of this new development, it would make sense for the central green at Hillcrest to serve as a shared play area for children of Hillcrest and the new estate. If the Village Green application is granted this will clearly happen anyway as the children will naturally migrate from the new estate which lacks a recreation area, to the nearest available space. Perhaps the developers of the new estate could make compensatory payments to the Davies Bros. as a way of satisfying their own responsibilities for providing play space.

It is clear that the central green at Hillcrest has been functioning as a Village Green for many decades and is highly valued by the residents. In a small town the children can always use pavements to safely travel to other areas to see friends and play. On Hillcrest that is not possible so the central green has become an important part of this community particularly for children, but also for adults. I am therefore hoping that the message at the bottom of communications to me from Powys County Council "**Strong communities in the green heart of Wales**" proves to be a genuine Council philosophy and not just a slogan.

Recent pictures of the green in use.





Signed:



Richard Amy

Date:

16/03/2017