

[REDACTED]
Greenaway Lane
Hackney
Matlock

20/05/2012 [REDACTED]

Dear Sir,

Appropriation of land known as "The
Old Orchard", Hackney Matlock.

I wish to strongly object to the
"Appropriation" of the above land by D.C.C.
The land is a valuable open space in
this district and has been used by the
local inhabitants (of whom I am one) for
many years past for leisure, sports and
other purposes.

A Public Enquiry - to determine whether
it can be classified as a village green -
has only recently concluded, and

No decision has yet been announced.

Therefore, in the interests of local democracy, I would have thought that this "Appropriation" is untimely and premature.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.



25A Bell Street, Henley-on-Thames, Oxon RG9 2BA

tel: 01491 573535 fax: 01491 573051 e-mail: hq@oss.org.uk website: www.oss.org.uk

Mr Paul Peat
Principal Solicitor
Derbyshire County Council
County Hall
Matlock
Derbyshire DE4 3AG



21 May 2012

Dear Mr Peat

Re: Local Government Act 1972 s122(1), (2A) Appropriation of land at Darley Dale Primary School, Darley Dale, Derbyshire

The Open Spaces Society (formally the Commons, Open Spaces and Footpaths Preservation Society) was founded in 1865 and is Britain's oldest national conservation body. It campaigns to protect common land, village greens, open spaces and public paths, and people's right to enjoy them.

The society objects to the appropriation. An appropriation under section 122(1) can only be granted where the land is no longer required for the purpose for which it is held. In addition the appropriation should be subject to the rights of other persons in, or over or in respect of the land concerned.

This land is the subject of a village green application, which is well advanced into the process. A public inquiry concluded, on the 26 April 2012. This notice was issued a week later. It is clear that this appropriation is being promoted to prejudice the village green application, and as such is an abuse of the process.

The village green application was made in 2009 and evidence has been given to the inquiry that local people have over a period in excess of twenty years, established rights to use the land for lawful sports and pastimes. To that extent if the appropriation goes ahead it will be subject to those rights.

It is not accepted that this application is one where the decision in *BDW Trading Ltd v Spooner* [2011] EWHC B7 (QB) applies. In that case, there were a very unique set of circumstances, which included an appropriation being made using compulsory powers, before a village green application was made. That is not the case here.

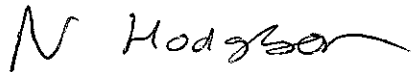
In addition the site is designated as a playing field and in view of section 74 of the National Planning Policy Framework (March 2012), existing open space, including playing fields, should not be built on unless, an assessment has been undertaken showing it to be surplus to requirements, any loss from development would be replaced by equivalent or better provision or the development is for alternative sports and recreation provision.

(registered in England and Wales, limited company number 7846516; registered charity number 1144840)

The Open Spaces Society (formally The Commons, Open Spaces and Footpaths Preservation Society) campaigns to create and conserve common land, village greens, open spaces and rights of public access, in town and country, in England and Wales. Founded in 1865, we are Britain's oldest national conservation body.

The land is clearly not surplus to requirements as it continues to be used, and no exchange land is being provided. The proposals for planning are not for alternative recreation provision.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'N Hodgson', with a stylized flourish at the end.

Nicola Hodgson
Case Officer

rec'd
1.6.12.
✓

[REDACTED]
Darley Dale
[REDACTED]

29th May 2012

Mr. Paul Peat
Principal Solicitor
Derbyshire County Council
County Hall
Matlock
DE4 3AG

Dear Mr. Peat,

Re: Appropriation of 'The Old Orchard' at Darley Dale Primary School.

I object most strongly to the County Council's appropriation of the Old Orchard at Darley Dale Primary School for building development on all the grounds already given to the County Council previously, as well as the following:

This has been a school playing field which until 2009 was open for use by the local people. It is an attractive part of the listed school site. Its development for housing would ruin a lovely recreational area – which it remains even now when the public have been locked out.

The need for affordable housing in Darley Dale is being met by development of more suitable sites with better amenities, so there is no longer a good reason to spoil this rural spot.

The housing development on this site is in contravention of the local plan; it goes directly against the wishes, not only of very local residents, but of a majority of people in Darley Dale and even against the governments new planning rules, which exclude school playing fields from building development.

We do not want our natural heritage spoilt and our children to be deprived of beautiful play space.

Yours sincerely
[REDACTED]

Greenaway Lane Residents Association

Secretary/Treasurer: C. F. Cartwright
Treetops, 16 Greenaway Lane
Hackney
Matlock
Derbyshire
DE4 2QB

1st June 2012

Mr Paul Peat
Principal Solicitor
Derbyshire County Council
County Hall
Matlock
Derbyshire DE4 3AG

Dear Mr Peat

Re: Local Government Act 1972 s122 (1), (2A) Appropriation of land at Darley Dale Primary School, Darley Dale, Derbyshire

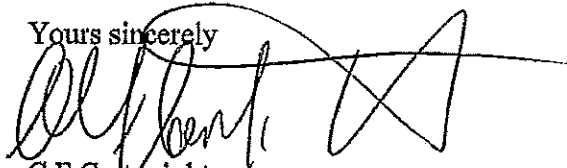
The GLRA currently has seventy one members. Given that individual members have written to the Council(s) on numerous occasions regarding the matter of the development at Darley Dale Primary School, in this instance the membership thought that a single corporate objection to the above appropriation should suffice.

1. In view of the fact that the outcome of the recent public inquiry has yet to be determined we consider it pre-emptive and undemocratic that DCC should seek to appropriate the Old Orchard in this fashion. This current action appears to display a total lack of sincerity when purporting to deal with public concerns in a democratic manner.
2. The GLRA remain resolute in its application for Village Green registration given that it has been used for lawful sports and pastimes for more than the required twenty year period. We believed that the recent Public Inquiry was instigated to clearly establish the future of the sites status, and we are very concerned that DCC clearly have the intention of circumnavigating any outcome that does not favour its ambitions.
3. In a truly democratic and just environment, we firmly believe that DCC should await the Inspectors final report and determination upon this matter before taking any further action.
4. It is clear to us that this attempted appropriation is aimed solely at undermining the Village Green application and as such is prejudicial to the process.
5. The notice of intended appropriation indicates no intention of improving local sports or recreational provision. The current position is that the community of Lower Hackney now have no access whatsoever to open recreational space, which it has enjoyed for decades, prior to its locking off in 2009.

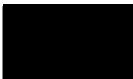

6. The community are deeply alarmed at the prospect of having no access whatsoever to open recreational space in the immediate vicinity of the neighbourhood. The closest such space is some half a mile away at The Whitworth Park. This park is not a public park. It is a private park owned by The Whitworth Trust and, as such it is not within the control of either Derbyshire County Council or Derbyshire Dales District Council. It could be sold should the Trust's financial position dictate. Furthermore, it is impossible for young children from this community to access independently, across the A6, one of Derbyshire's busiest and most dangerous main roads.

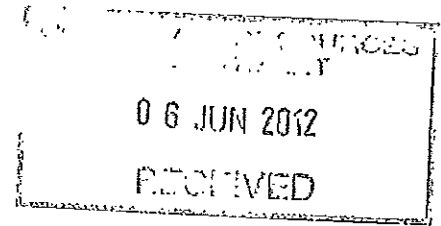
7. Given DCCs claims to be a listening council, its current commitment to localism and its stated aim of improving life for local people we consider this attempted appropriation contradictory and entirely inappropriate.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C F Cartwright', with a large, sweeping flourish extending to the right.

C F Cartwright
Secretary/Treasurer
Greenaway Lane Residents Assn.


Strathallan Close
Darley Dale, Matlock
Derbyshire




Mr Paul Peat
Principal Solicitor
Derbyshire County Council
County Hall
Matlock
Derbyshire DE4 3AG

3 June 2012

Dear Mr Peat

**Re: Local Government Act 1972 Section 122 (2A) Appropriation of land at
Darley Dale Primary School, Darley Dale, Derbyshire**

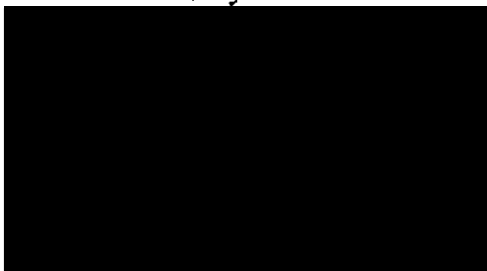
I refer to your recent advertisement in the Matlock Mercury saying that the County Council intends to appropriate a piece of land at Darley Dale School, Greenaway Lane for development.

I wish to register my objection to this proposed appropriation. That piece of land forms part of the school playing field, and the present government has indicated that use of school playing fields for housing or other development will be discouraged.

I also wish to say that I find this attempt to bypass the Village Green Application Public Inquiry that was concluded less than 2 weeks ago as a thoroughly cynical attempt to prejudice the village green application, and as such is an abuse of the process. The decision to act in this underhand manner is highly questionable.

In addition to registering my letter as opposing the County Council's proposed appropriation, will you please be so kind as to forward a copy of it to the County Council's Complaints Department. I wish this to be recorded as an official complaint against the County Council for misuse of power and abuse of proper process.

Yours sincerely



Delivered by hand 6/6/12

[REDACTED]
Greenaway Lane,
Hackney,
Matlock
[REDACTED]

5th June 2012

Mr. Paul Peat,
Principal Solicitor,
Derbyshire County Council,
County Hall,
Matlock,
Derbyshire
DE4 3AG

Dear Mr. Peat,

RE: Local Government Act 1972 s122(1), (2A)
Appropriation of land at Darley Dale Primary School
Greenaway Lane, Derbyshire DE4 2QB

I wish to object to Derbyshire County Council's proposal to appropriate this land, following the notice published on 3rd May 2012 in the Matlock Mercury, on the following grounds:-

- DCC seems to be using the Merton Green case-BDW Trading Ltd. v Spooner [2011] EWHC B7 (QB) as a route which will allow them to over rule the outcome of the Village Green Application . The circumstances here are quite different.
- The outcome of the Village Green Application for "The Old Orchard " site has not yet been decided and it would appear that DCC are trying to influence this decision by trying to appropriate the land.
- The loss of this green space will leave our neighbourhood with no safe playing area for our children and young people and the loss of public land on which they can maintain their health through exercise.
- Our nearest open space then becomes The Whitworth park which is not a public park and is far too dangerous to access for children without an accompanying adult
- The council should not have used public funds to hold a Public Inquiry if they were then simply going to try to over rule the outcome with this piece of legislation. It would appear to show a huge amount of incompetence and carelessness.

Yours sincerely,

[REDACTED]

Delivered by hand 6/6/12

[REDACTED]
Greenaway Lane,
Hackney,
Matlock,
[REDACTED]

5th June 2012

Mr. Paul Peat,
Principal Solicitor,
Derbyshire County Council,
County Hall,
Matlock,
Derbyshire
DE4 3AG

Dear Mr. Peat,

**RE: Local Government Act 1972 s122(1), (2A)
Appropriation of land at Darley Dale Primary School
Greenaway Lane, Derbyshire DE4 2QB**

I wish to object to Derbyshire County Council's proposal to appropriate this land, following the notice published on 3rd May 2012 in the Matlock Mercury, on the following grounds:-

1. It is the declared intention of Derbyshire County Council to build on this land
2. The site is part of the playing fields of Darley Dale Primary School, and in view of section 74 of the National Planning Policy Framework (March 2012), existing open space, including playing fields, should not be built on unless an assessment has been undertaken showing it to be surplus to requirements, any loss from development would be replaced by equivalent or better provision, or the development is for alternative sports and recreation provision
3. The Public Inquiry into VG112 concluded on 26/4/2012 and has not yet been determined by the Inspector
4. The decision in BDW Trading Ltd v Spooner (2011)EWCH (QB) does not apply in the case of VG112
5. The appropriation is being used to prejudice the village green application VG112 presently before the registration authority, which is Derbyshire County Council, and is therefore an abuse of the process.

Yours sincerely,

[REDACTED]

Recd 8/6/12


Hackney Road
Matlock
Derbyshire,


Mr Paul Peat
Principal Solicitor
Derbyshire County Council
County Hall
Matlock
DE4 3AG

04 June 2012

Dear Mr Peat

Re: Appropriation of 'The Old Orchard' at Darley Dale Primary School

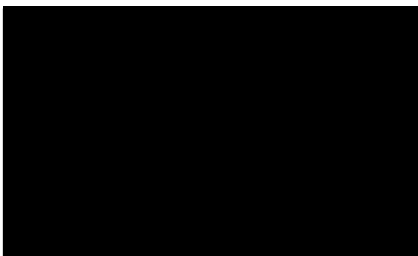
I object most strongly to the County Council's appropriation of the Old Orchard at Darley Dale Primary School for building development on all the grounds already given to the County Council previously, as well as the following:

This has been a school playing field which until 2009 was open for use by the local people. It is an attractive part of the listed school site. Its development for housing would ruin a lovely recreational area- which it remains even now when the public have been locked out.

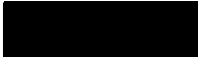
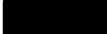
The housing development on this site is in contravention of the local plan; it goes directly against the wishes not only of very local residents, but of a majority of people in Darley Dale and even against the governments new planning rules, which exclude school playing fields from building development.

We do not want our natural heritage spoilt and our children to be deprived of beautiful play space.

Yours faithfully



Recd 8/6/12


Chesterfield Road
Two Dales
Matlock. 

Mr. Paul Peat
Principal Solicitor
Derbyshire County Council
County Hall
Matlock. DE4 3AG

4th June 2012

Dear Mr. Peat,

Appropriation of land known as 'The Old Orchard' in Darley Dale

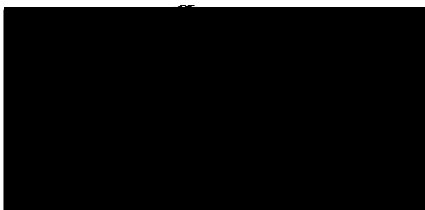
I am very saddened by the way in which the County Council is behaving regarding the Old Orchard at Darley Dale. A public enquiry was put in place to allow for a fair hearing regarding the issue of whether the Old Orchard should have village green status. Local residents and teachers alike gave up their time and came to speak at this enquiry. Funds were raised to pay for this and Council money was also used.

Without waiting for the outcome, the County Council has written a notice to appropriate the land – thus sidestepping this whole process. What an insult to everyone concerned as well as a waste of public and private time and money.

My two children were both at the infant school at Darley Dale and regularly played in the orchard after school (having great fun making dens in the bushes..) – it was a wonderful safe facility and I feel very sad that parents and children alike are no longer able to enjoy the freedom and open space and that they are restricted to narrow pavements close to cars instead. I find it hard to believe that the County Council believes that this is beneficial to children and to our community.

The proposed housing development on this site is in contravention of the local plan and against government planning rules. It is not clear why DCC is so determined to operate totally against the rules as well as the wishes of local people and also wasting peoples' time as well as public money.

Regards



[REDACTED]
Greenaway Lane,
Hackney,
Matlock, Derbyshire [REDACTED]

Dear Mr. Peat,

Re Appropriation of The Old Orchard at Darley Dale Primary School,

We object most strongly to the County Council's appropriation of the above for building development on all the grounds already given to the County Council previously, as well as the following:-

This has been a school playing field which until 2009 was open for use by the local people. It is an attractive part of the listed school site. It's development for housing would ruin a lovely recreational area which it remains even now when the public has been locked out.

The housing development on this site is in contravention of the local plan. It goes directly against the wishes, not only of very local residents, but of a majority of people in Darley Dale and even against the government's new planning rules, which exclude school playing fields from building development.

We do not want our natural heritage spoilt and our children and grandchildren to be deprived of beautiful play space.

Yours sincerely,
[REDACTED]
[REDACTED]

Sent to Mr. Paul Peat,
Principal Solicitor,
Derbyshire County Council,
County Hall,
MATLOCK.



*Received after doing
date for objections -
(11/11/06 June 2012)*

