

Dear Shropshire Council,

I present the following evidence to support the VGA application.

As of the start of the legal challenge mounted by the residents of Greenfields against Shrewsbury Town Council, the boundary and true extent of the park is ambiguous. This, in turn, creates a key issue for the Town Council who are presenting the application as by right. Without knowing the full extent and true boundary of the park, they cannot in turn claim that all of the park has right by right. As expressed, the current court case identifies land within the recreation ground which does not fall under the by right category. This specific part of the park has not been maintained, nor does the council even acknowledge that the land could form part of the park. Whilst this issue does not present a trigger, as the application for VGA was made before the court case and seeks a completely different outcome, it does share a relationship with said event. Should the residents of Greenfields be successful in the case, again, it means that part of the land is most certainly as of right and not by right. The court case which is ongoing highlights that the council may have attempted to sell this land off by not acknowledging that the land is actually part of the recreational ground. This letter and supporting evidence seeks not to confirm nor deny that; it simply emphasises that no current judgement can be made about the true extent of by and as of right until said matter is resolved. Should Shropshire council attempt the rule in favour of the council so far as to agree that the park is by right, rather than as of right, it could amount to negligence, as the proper course of action would be to wait until the true extent of the park's recreational boundary has been established. Otherwise, the Council's ruling may not be correct. Should the court case rule in favour of the residents, the Shrewsbury Town Council will be unable to prove that all of the land in the recreation ground was used by right. The park, as you know, has a public right of way and therefore by selling off part of the land the council will have stopped our community, and the individuals it encompasses, from the freedom of engaging in lawful pastimes within the boundaries of the park.

Therefore, the council cannot prove in turn, that they have given the public full use of the land and therefore cannot claim use "by right". The VGA should, therefore, conclude that whilst some parts of the land are by right, others are as of right. The council should seek to protect the current land and give it VGA status to ensure all rights are given.

For further evidence, please see the attachments from Dr Peter Day.

Kind regards

Village Green Application October 2019

Greenfields Recreation Ground

This land, now titled Greenfields Recreation Ground 1926 and the Park (and the Meadows) pre dating Greenfields Recreation Ground are situated on the same site as per the Historical Assessment for Base Architecture on behalf of Shrewsbury Town Council 2011 by historical archivist Michael Eaton who states that:

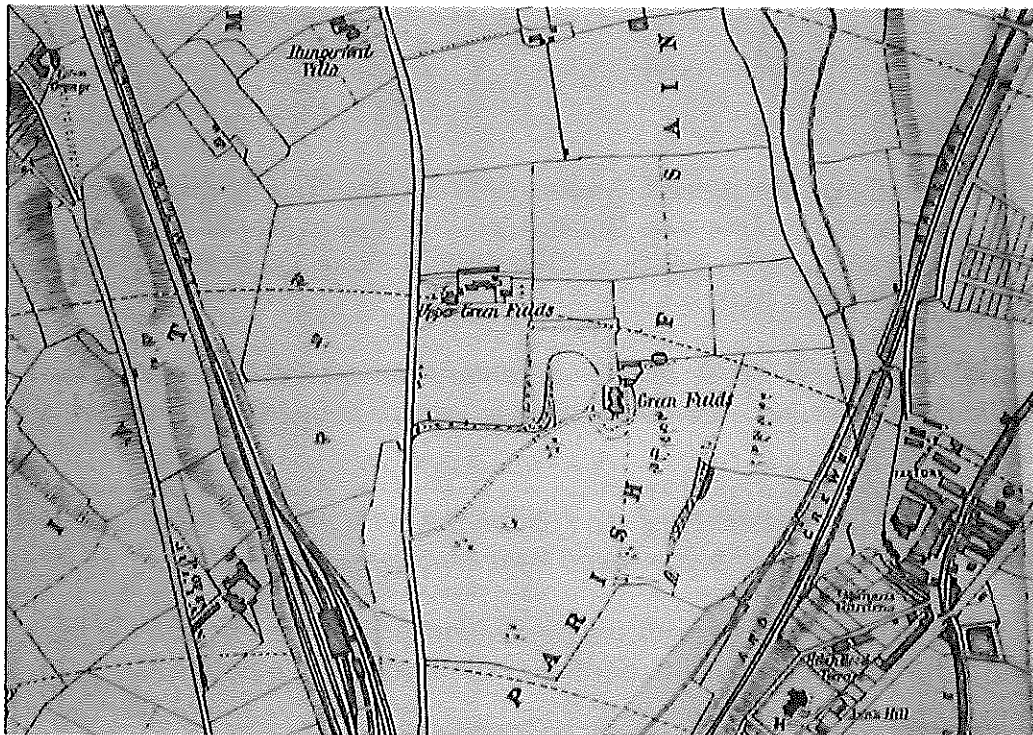
It is important to note that in 1849, and for a century afterwards, the current site (Greenfields Recreation Ground – Barker Deed) was part of the park, and was not a distinct enclosure.

It is clear that this site (Greenfields Recreation Ground) is a fragment of a former park. There is no evidence to suggest that this dated from much earlier than 1800.

It is suffice to say that this land (now *Greenfields Recreation Ground*) has been used by the local residents **‘as of right’ for generations of Greenfields residents and electors.**

The 1875 Tisdale Map shows a footpath, a right of way and a PROW (Public Right of Way) that PROW is clearly shown on the 1910 Land Tax Map below accessing a line around the fields and under the railway bridge. This access is used ‘as of right’ - in accordance with s15(2) The Commons Act 2006 by the community of Greenfields, Shrewsbury. At no time did the then Land Owners William Patchett or John Barker; Shrewsbury Town Council or any other Council before it not grant permission to use the footpath or land for recreation purposes.

The outline of the fields and park that went up to make up Greenfields Recreation Ground are clear on both these maps, as was the usage by the local communities. The Park has been used as a cut through under the railway line to Ditherington and beyond or to Lower Fish Pond Field, where a fish pond was located for recreation purposes for more than 100 years.



TISDALE MAP 1875

The Village Green Application is for the whole of the remaining land, Greenfields Recreation Ground, including the excluded sliver at application. The Greenfields Community Groups position is clear and that is that the whole of this land (set out in Title Deeds, Deed Maps, Maps, Land Registry and Council Documents) is a park 'as of right' for the Greenfields Community. This land has been used for recreation, play, walking and cycling by this community for over 100 years, and since 1926 until the present day October 2019 as a recreational space under the management of various councils. This includes the access and entrance to the Park, the land sold and the total land set out in the maps and deeds enclosed.

'As of Right'

(2) This subsection applies where— (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and (b) they continue to do so at the time of the application.

This 'As of Right' access to the Greenfields Recreation Ground, Shrewsbury is proven by the following Council documents and Land Registry Documents which Est. Greenfields Recreation Ground 1926 as a 'Pleasure Ground' by the purchasing of Barker and Capper lands and detailed map 1926 of Greenfields Recreation Ground; detailing that the original park's design (at no stage

did it include a car park) and the land is one piece of land and Pleasure Ground to include land recently sold unlawfully by Shrewsbury Town Council.

It is worth noting that **HIS HONOUR JUDGE WORSTER** stated that **Thursday, 14 March 2019** in granting JR permission

- 3 *There is no dispute but that it (Greenfields Recreation Ground) forms part of what is referred to in the papers as the Barker land. It is called the Barker land because it was purchased by the statutory predecessor to the town council in 1925 from a Mr Barker. Mr Goodman referred me to the minutes of the Estates Committee which refer to the desire of the council to consider the possibility of purchasing a recreation ground for the Greenfields district, and that they had been in negotiation with Mr John Barker. That minute suggests that the purchase of this land was that it would be a recreation ground, and we know that the land next to the land that is subject to this application is indeed a recreation ground.*

His Honour Judge Worster in granting the JR accepted that land sold by Shrewsbury Town Council had indeed formed part of Greenfields Recreation Ground In contradiction to the statements made by the Town Clerk and Council (see appendix Helen Ball email 18 May 2018 and Shrewsbury Town Councils Defence Statement **17th July 2019**).

Shrewsbury Town Councils Defence Statement **17th July 2019**

Shrewsbury Town Councils states that access to this land by the Community is 'as of right' and refutes that it is held as a 'by right' recreation ground:

3. Factual Background

3.1 The Defendant accepts that there is evidence of an ambition of the predecessor to the Town Council of purchasing the Site for a recreation ground in 1925. However, at no stage is there any discussion of what power was intended to be relied upon for this purchase, nor is there any mention of open space.

1.6 Furthermore, it is worth noting the following preliminary points:

The Site has never been recognised as open space, held in trust or as such in any development plan, title deed, public document or otherwise by the Town Council.

The Town Council is being counterintuitive in its arguments stating that this land now Greenfields Recreation Ground has 'never been part of' a park and so no legally binding laws of trust apply so that it can dispose of the land, and therefore any access is 'as of right' whilst suggesting that as this is indeed a Recreation Ground then access is 'by right' under statutory rights and so by license of the owner. The Council needs to decide which it is and not conveniently describe the

land as either. The Council has misdirected itself by focusing too much on this question of recent user rather than the powers under which the land was acquired and held.

Our argument is to both that access has been 'as of right' predating the establishment of the park and 'as of right' in accessing the Public Rights of Way that now sit on the Definitive Map for two footpaths as PROWS and one incorrectly described onto the highways map, are as 'as of right'. However the easements are by right and there are a number of easements negotiated by the Council that allow vehicle access along these Public Rights of Way. These easements were not advertised or negotiated with the community and are directing vehicle traffic across and along two Public Rights of Way, this is not acceptable as it endangers the community.

Section 34(1) of the Road Traffic Act 1988 (RTA 1988) provides that anyone driving a mechanically propelled vehicle, for example a motor car, on a road that is a footpath, bridleway or restricted byway is guilty of an offence unless it can be shown that there is a private right in place for people to use the accessway to gain vehicular access to their property.

The Rights of Way Act 2000 - allows a right of **way** on foot, horseback, cycle, horse-drawn carts, carriages and any other **vehicle** that is not mechanically propelled. Thus **cars**, quod bikes, scramblers are not allowed.

- NB: One of these Public Rights of Way has recently been blocked 2019 and our Village Green application would apply to access this PROW as of right. Currently an application to the Secretary of State is pending on the PROW matters. The management of the access to these PROWs is a key part of the Village Green Application as the community believes that these PROWS are being improperly managed and the lives of residents are being endangered.
- The plan to build on this PROW and access point to the park further endangers the children of Greenfields and hinders their 'as of right' access to the Park and beyond, a Primary School.

The Greenfields Community Group (more than 300 electors) would regard the council's actions as being unlawful as they have no right to change the designed nature of the park without asking its residents, electors and local inhabitants all of whom support the application for the Green. Nor do they have a right of disposal for the same reason. The Council have singularly failed to protect this Recreation Ground and manage it as it was set out as a park for recreation; pleasure and play.

Town council minutes and documents **establishing Greenfields Recreation Ground 1925 acquired by the Council as a *Pleasure Ground***.

This land Greenfields Recreation Ground has been known locally as '**the Meadows**' prior to the establishment of the Recreation Ground 1925 and to this day is still called this. 'As of right access' pre dates the establishment of the Greenfields Recreation Ground and a Public Right of Way can be seen in the **1910 Land Tax Map** below. Running from Falstaff St to the railway bridge along the RHS of plot 9999 and is still there.

- **The Meadows:** 1800 onwards. Parkland. Access 'as of Right'. 1910 Tax Map showing park land.
- Original Barker Deeds, (Land Registry Title SL171557 – dated 1926 Est Greenfields Recreation Ground)
- 1926 Greenfields Recreation Ground: Land believed to be held in **Trust** for the Community and 'by right access', Shrewsbury Town Council are currently fighting a legal case and Judicial Review at which it states that this land is **NOT** held in **TRUST** and has **NEVER** been designated a Recreation Ground; see Appendix email Helen Ball Town Clerk. This statement has also been supported by Peter Nutting; Mayor – Town Council Arbiter and Council Leader.
- Therefore all following details and documents are expressed 'as of Right'.
- **Deed Map** establishing Greenfields Recreation Ground 1926;
- **Vesting Order Documents** for Greenfields Recreation Ground 24 March 2009 - Shropshire Council Council to Shrewsbury Town Council
- **Estates minutes** – recreation hut proposal – resolve to refer back to the Highways and Planning committee **19 Nov 1945**. Document relates to the status of Greenfields Recreation Ground as

'a piece of land for recreation purposes'

- **Highways and Planning committee 2 Jan 1946 reconsider the proposed recreation hut**

Document relates to the status of Greenfields Recreation Ground as 'this recreation ground'

- **The Appendix to the Estates Committee minutes 2 Jan 1946 :** States that Greenfields Recreation Ground states that

*'The Town Clerk has advised that Greenfields Recreation Ground was acquired by the Council as a **Pleasure Ground**'.*

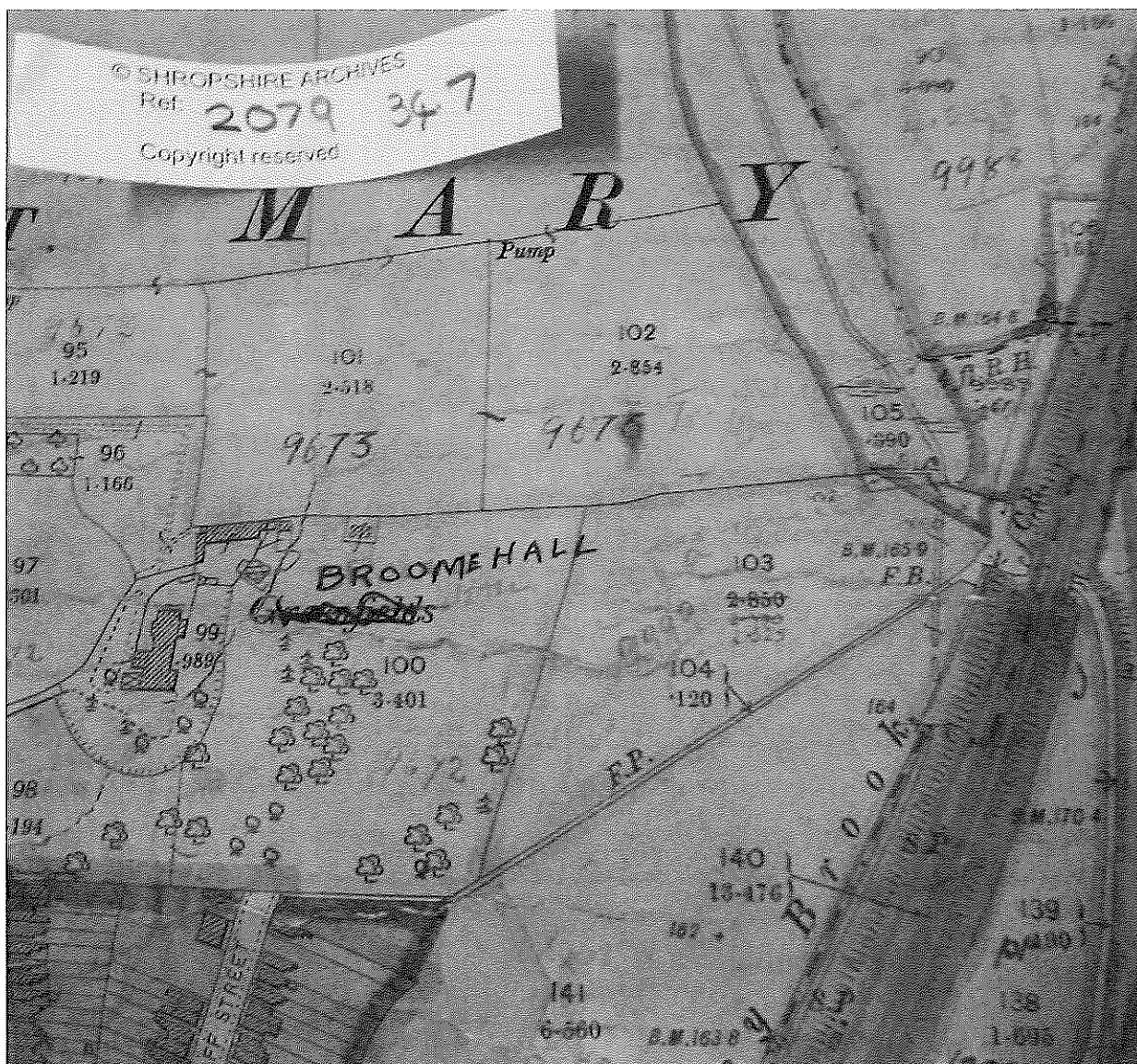
- **The Appendix to the Estates Committee minutes 2 Jan 1946:** This document articulates the restrictions for any development, building or structure on this site as Greenfields Recreation Ground as it is defined here as a Recreation Ground
- Greenfields Recreation Ground Transfer of **Title Document AP1** – 14 September 2010
Land Registry SL171557 Shrewsbury Town Council. Land titled Greenfields Recreation Ground
- Greenfields Recreation Ground Transfer of **Title Document Map AP1** - 14 September 2010
Land Registry SL171557 Shrewsbury Town Council.
Land registered and Titled as '*Greenfields Recreation Ground*', including a map as laid out by the Vesting Order 24 March 2009
- Car Parking Minutes 1979
- PROW – Public Right of Way ONS 1954

The Meadows (Historical Park) as shown on the 1910 Tax Map.

Pre the Est Greenfields Recreation Ground and 'as of right' access pre 1925

Land Valuation Map 1910. Showing Public Right of Way 1910 and access 'as of Right'.

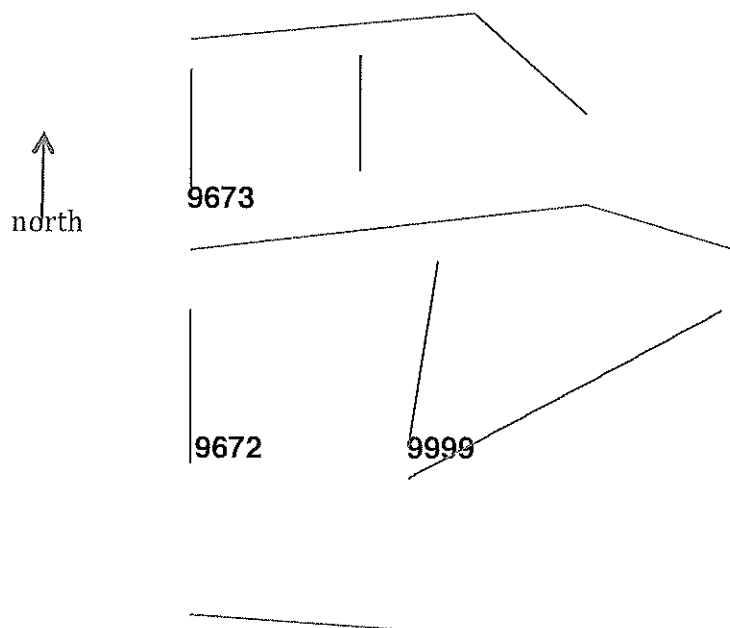
Section 9672 is laid out as a Park with tress and used by the Greenfields Residents.



- Plot 9999 belonging to Mr Capper being occupied by the Borough Council.

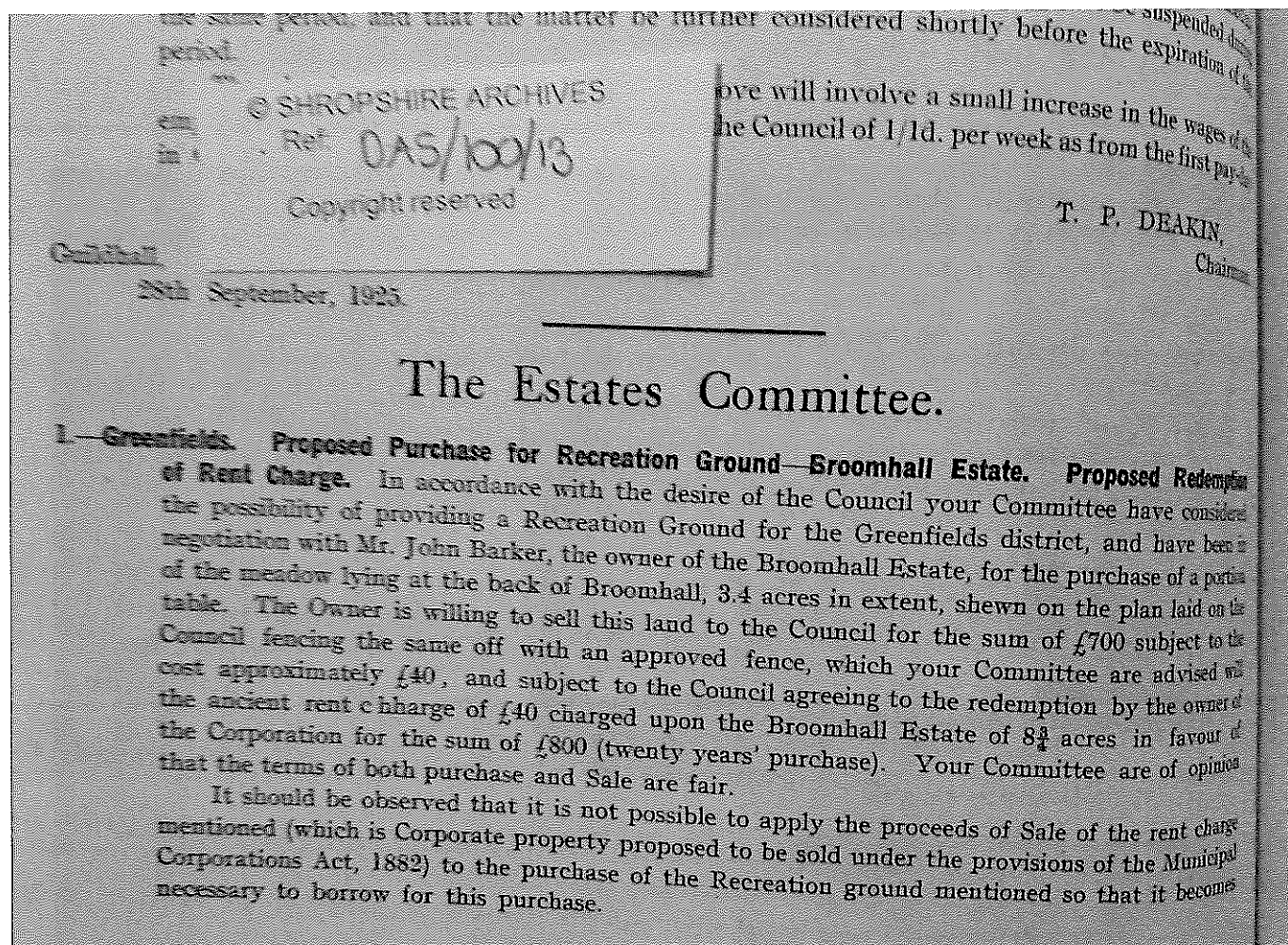
- Plot 9672 belonging to Patchett, W Gordon this plot extends around Broome Hall.
- Plot 9673 belonging to John Barker

This Land has designated above has always been referred to as ‘the Meadows’ by the local inhabitants of Greenfields.



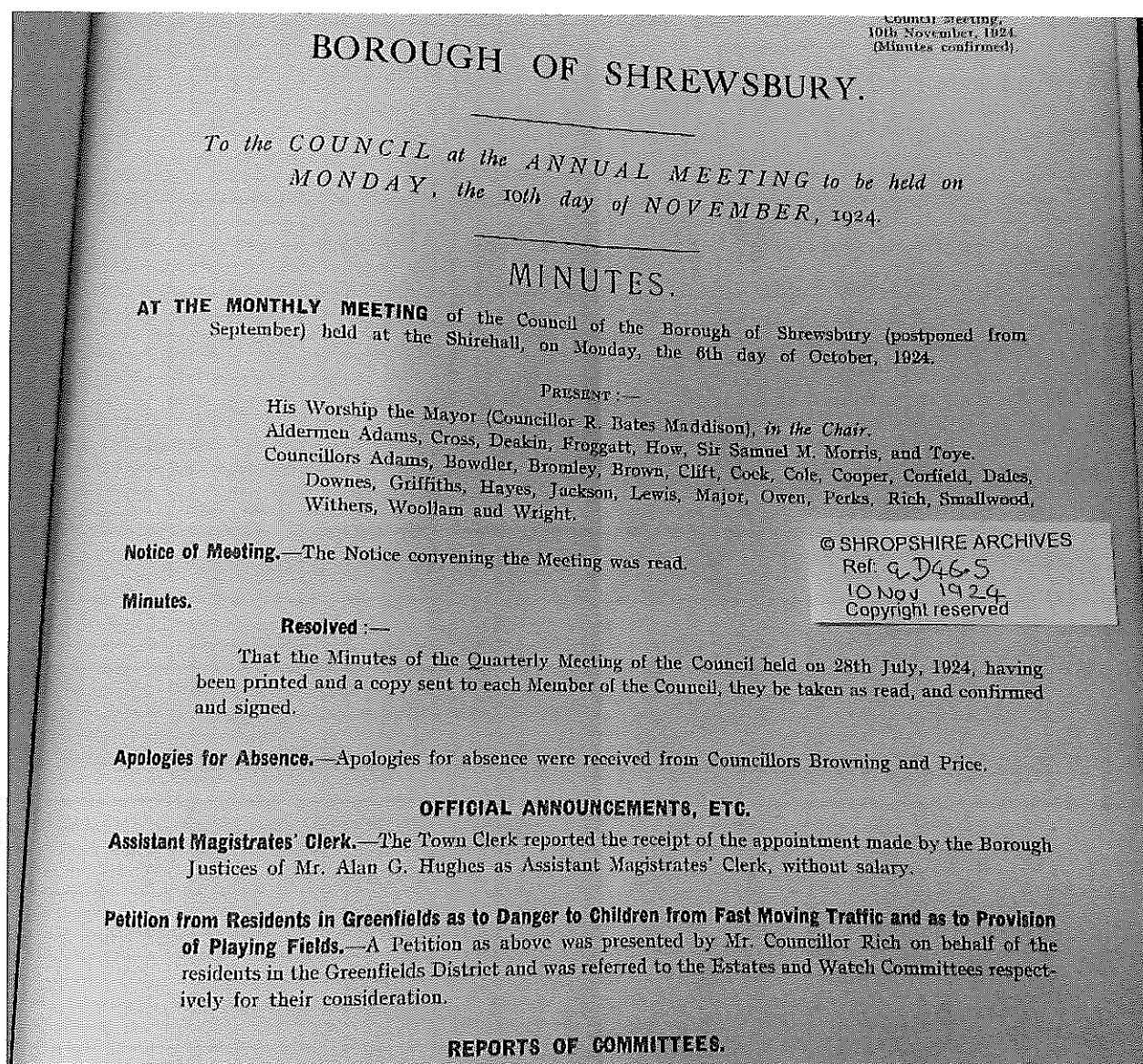
Est Greenfields Recreation Ground 1925 – held in Trust for the Residents of Greenfields.

28 Sep 1925 Shrewsbury Borough Council minutes q D 46.5 (library copy) and DA5/100/13 signed copy



Greenfields Recreation Ground - The Provision of a Playing Field 1924

the Estates Committee (ref q D46.5 and DA5/100/13) 10 Nov 1924 – **The Provision of a Playing Field.** This provision is **the Meadows** and parkland used 'as of right' by the residents of Greenfields.



Minutes of 12 Oct 1925 (ref q D 46.5 and DA5/100/13) show that the recommendation of the committee was adopted.

the Ministry of Health, approving the appointment of Dr. A. D. Symons as Medical Officer of
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 Ref. q D 46.5
 12 Oct 1925
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REPORTS OF COMMITTEES.

Upon the motion of, and seconding by, the several Members set opposite the respective Committees, it was—

Resolved :—

That the reports of the undermentioned Committees be received and adopted, viz. :—

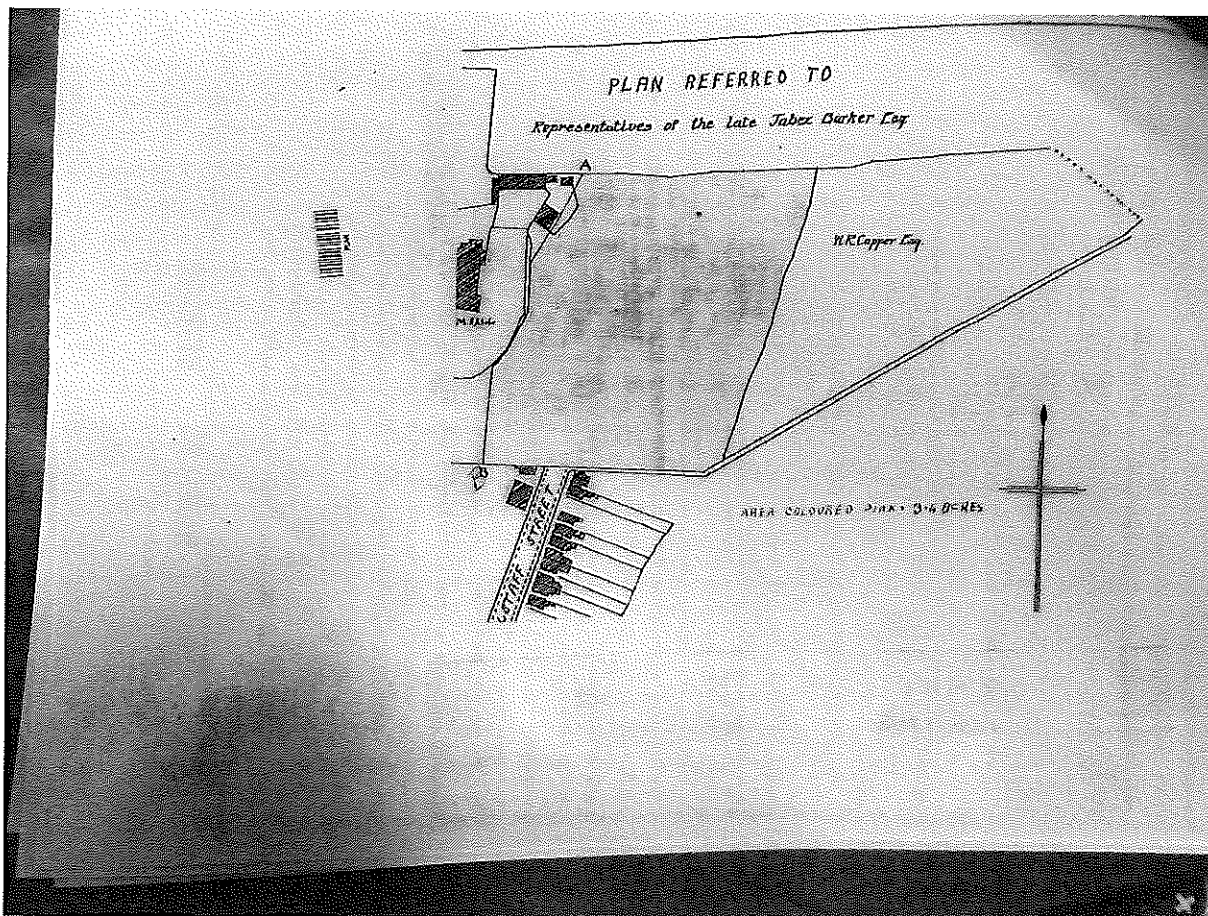
COMMITTEE.	MOVER.	SECONDER.
* (1) Finance, General Purposes and Parliamentary	(See below)	
(2) Estates	Mr. Alderman Toye	Mr. Alderman Davies
(3) Watch	Mr. Councillor Withers	" " Cross
(4) Improvement	" " Bromley	Mr. Councillor Cooper
(5) Water	" " Griffiths	" " Corfield
(6) Public Health	Mr. Alderman Adams	" " Jackson
(7) Markets and Fairs	Mr. Alderman Davies	Mr. Alderman Toye
(8) Free Library	" " Cross	Mr. Councillor Rich
(9) Lighting	" " Froggatt	" " Downes
(10) Cemetery	Mr. Councillor Jackson	" " Glover
(11) Education	Mr. Alderman How	Mr. Alderman Cross
(12) Baths	Mr. Councillor Withers	" " Froggatt
(13) Housing Acts	Mr. Alderman Deakin	Mr. Councillor Glover.
(14) Officers' Salaries (Special) Committee	" " "	" " Corfield

Greenfields Recreation Ground Land Registry Title SL171557 - **Land for recreation purposes 1926**

The Barker Deed Map 1926 showing the land acquired for Greenfields Recreation Ground.

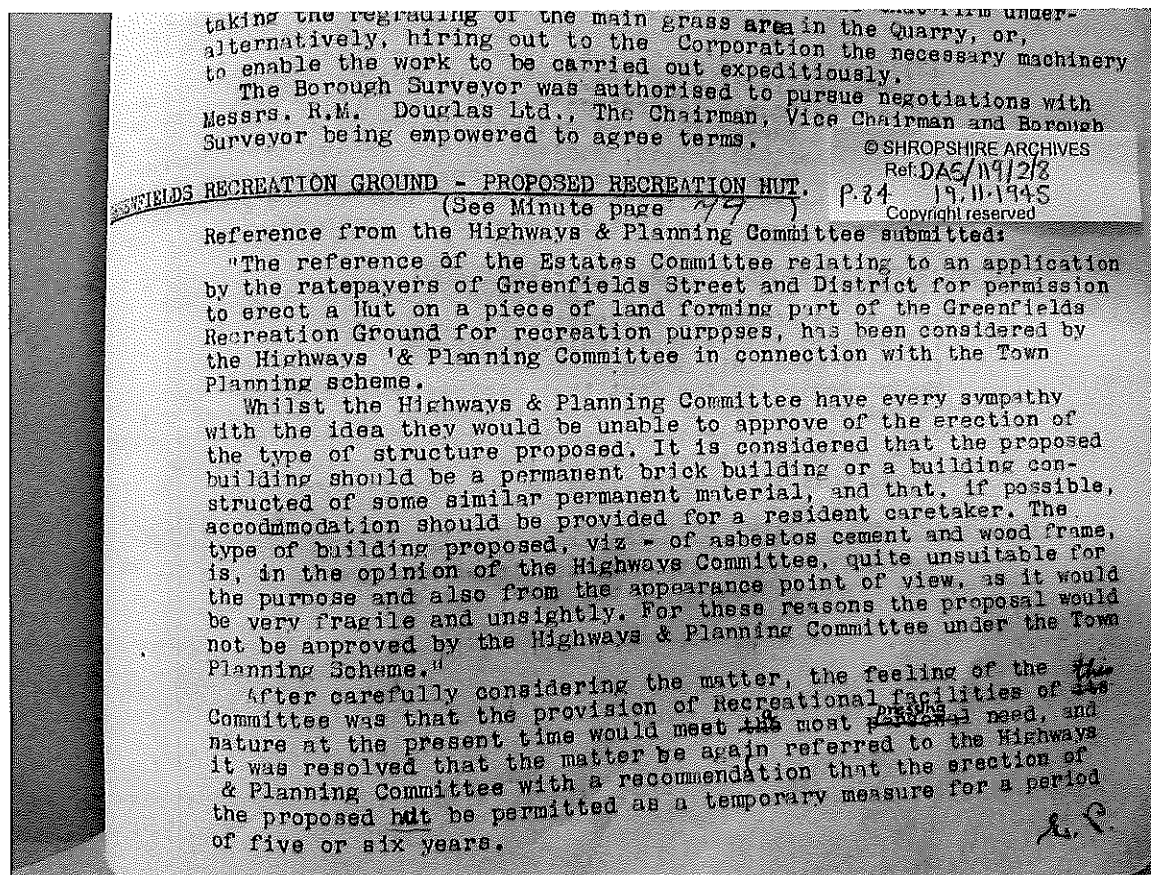
This Map (Deeds and Map) was vested to Shrewsbury Town Council 24 March 2009 and used for the transfer of title AP1 **Greenfields Recreation Ground** in **September 2010 Land Registry SL171557**. This map is attached to the Barker Deed at the Land Registry and submitted by the Town Council. The Town Council in 2010 knew the extent of the Greenfields Recreation Ground and what land constituted Greenfields Recreation Ground as vested to them.

This Deed Map 1926 clearly shows the footpath leading from Falstaff St east to the railway line and Ditherington.



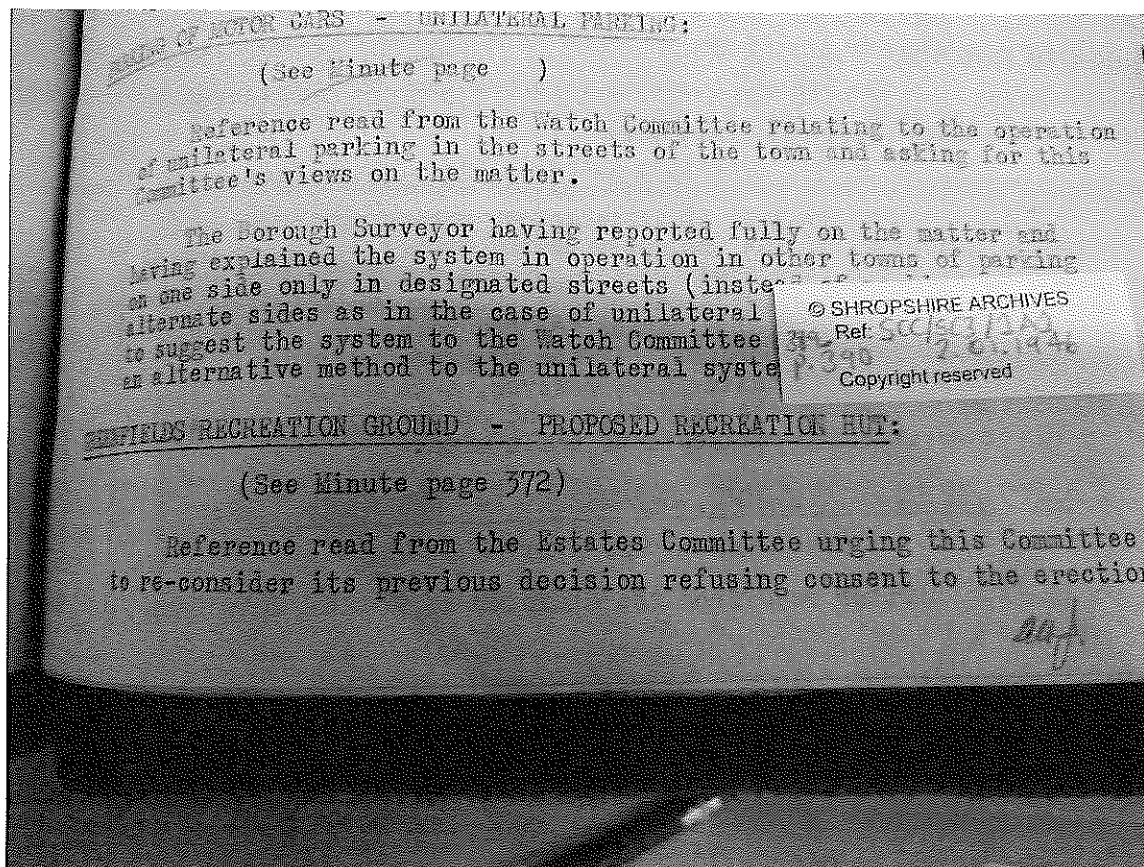
Greenfields Recreation Ground - Land for recreation purposes 1945

Estates minutes 19 Nov 1945 – recreation hut proposal – resolve to refer back to the Highways and Planning committee 19 Nov 1945. Document relates to the status of Greenfields Recreation Ground as a piece of **land for recreation purposes**



Greenfields Recreation Ground - for recreation purposes 1946

- **Highways and Planning committee 2 Jan 1946 reconsider the proposed recreation hut -**
Document relates to the status of Greenfields Recreation Ground as **this recreation ground**



2nd January, 1946.

of a recreation hut on this recreation ground in view of the need for the provision of Community Centres in Shrewsbury. The Estates Committee suggested that permission might be given for a limited period in this case.

Reported that the Borough Surveyor was at present actively engaged in exploring the question of suitable sites in the Borough for Community Centres.

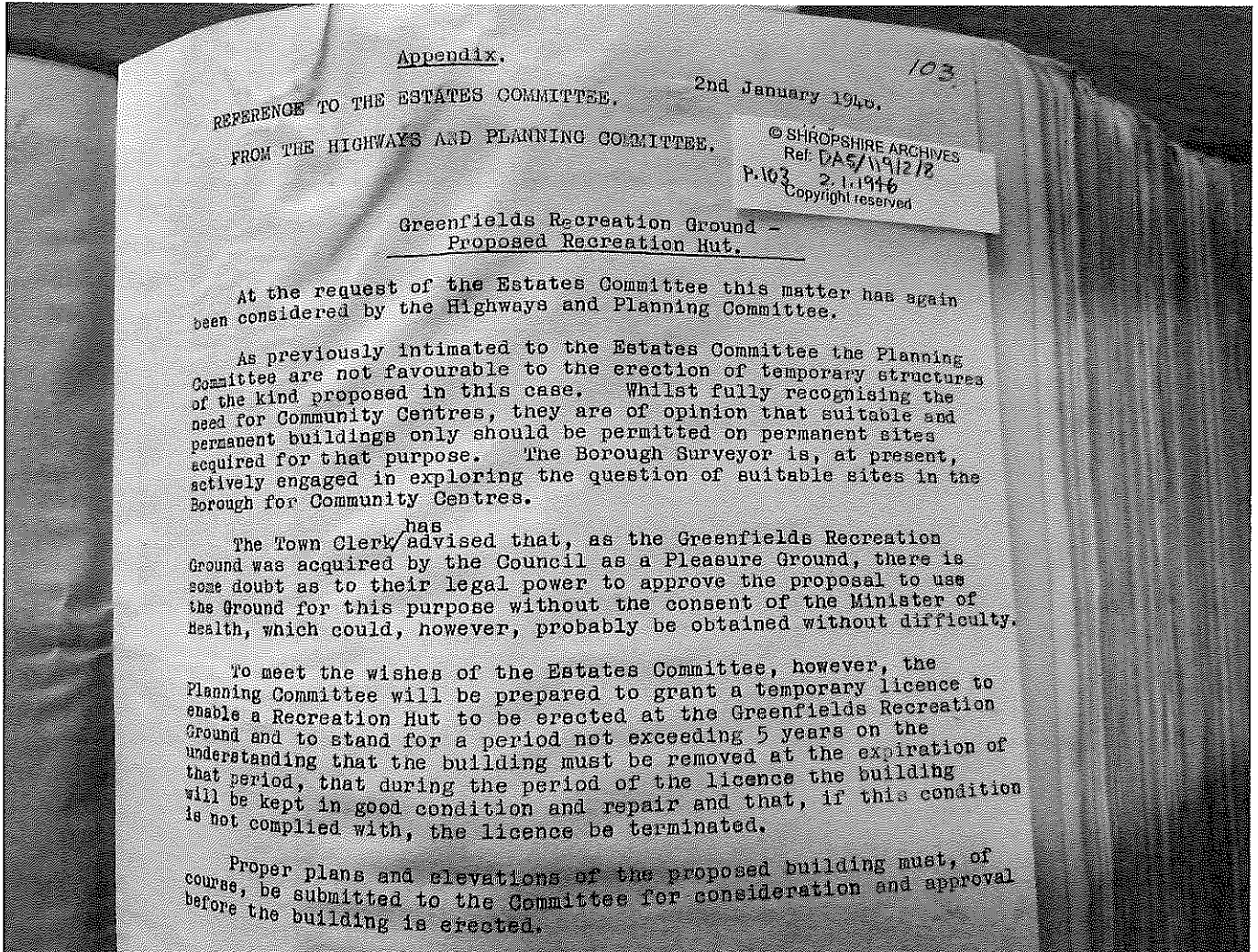
After discussion the Committee were of opinion that suitable buildings of a permanent character only should be erected on permanent sites acquired for that purpose. To meet the wishes of the Estates Committee, however, the Committee would be prepared to grant a temporary licence to enable a recreation hut to be erected on this recreation ground and to stand for a period not exceeding 5 years subject to the submission of proper plans and elevations of the proposed building and on the understanding that the building must be removed at the expiration of that period.

HARLESCOTT RECREATION GROUND - PROPOSED RECREATION HUT:

Reference from the Estates Committee asking for the views of the Planning Committee regarding an application made by the Boys' Club for permission to erect a building on the recreation ground at Harlescott for the purpose of a recreation hut.

Greenfields Recreation Ground - a **Pleasure Ground** 1946

- The Appendix to the Estates Committee minutes 2 Jan 1946 : States that Greenfields Recreation Ground states that 'The Town Clerk has advised that Greenfields Recreation Ground was acquired by the Council as a **Pleasure Ground**'.



Vesting Order 2009 - Greenfields Recreation Ground – Schedule 2 Recreation Grounds and Play Areas

Vesting Order Greenfields Recreation Ground Schedule 2 **Recreation Grounds and Play Areas**
- 24 March 2009 - Shropshire Council to Shrewsbury Town Council

cc Any other business
To consider any other business of which five days prior notice has been given of the specific items to be considered.

SCHEDULE 2

article 8

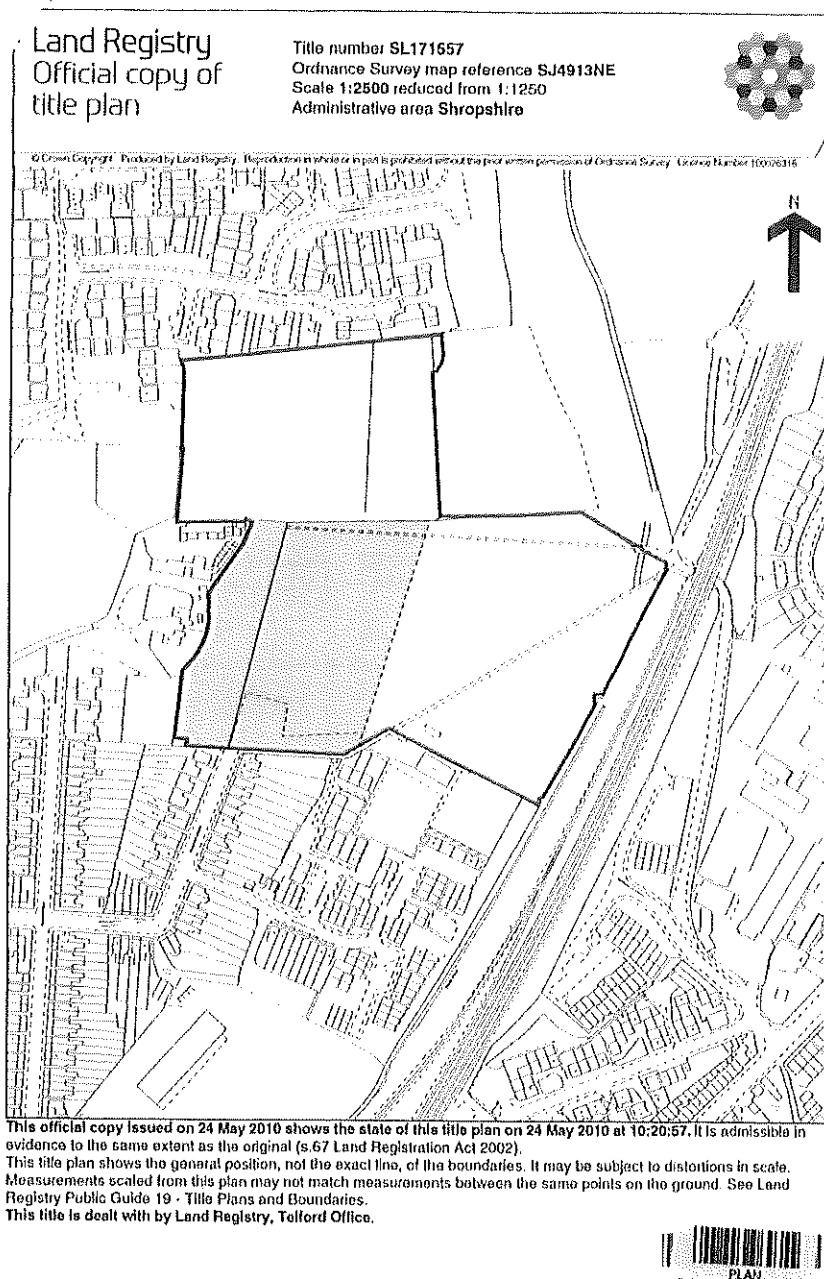
LAND AND PROPERTY TO BE TRANSFERRED

<i>Description</i>	<i>Details</i>
RECREATION GROUNDS AND PLAY AREAS	County Ground
<p>These facilities may comprise of childrens play area, multi sports area, sports turf – comprising of football, tennis, bowls, and amenity open space.</p> <p>Such interest as is held will be vested in the Council for the Parish of Shrewsbury.</p>	Springfield Recreation Ground
	Silks Meadow Recreation Ground and Play Area
	All Saints Recreation Ground & Multi sports Area
	St Michaels Recreation Ground & Play Area
	Greenacres Recreational Ground – Waincott
	Harlescott Grange Recreation Ground
	Rocke Street Recreation Ground
	Church Road Recreation Ground
	Oxon Recreation Ground
	Upton Lane Recreation Ground
	Raby Crescent Recreation Ground
	Greenfields Recreation Ground
	Stanley Lane Recreation Ground
	Radbrook Road Recreation Ground
	White Hart Play Area & Open Space
	Dark Lane Recreation Ground & Play Area
	Tilstock Crescent Play Area
	Meole Rise Recreation Ground & Play Area
	Oak Lane Play Area

AP1 Greenfields Recreation Ground

Land Registry **AP1 Greenfields Recreation Ground. AP1 Map showing land registered as Greenfields Recreation Ground, Shrewsbury Town Council.**

Greenfields Recreation Ground Transfer of **Title Document AP1** – 14 September 2010 Land Registry SL171557 Shrewsbury Town Council. Land titled Greenfields Recreation Ground. Clearly showing the extent of Greenfields Recreation Ground and land as set out by the Barker (and William Capper) Deeds and Map 1926 Est Greenfields Recreation Ground



Car Park 1978-79 (Approx)

The Car Park is built without consultation or the appropriate planning legislation. It is built across a Public Right of Way 1800 onwards Tidsdale Map and access to the Meadows and latterly Greenfields Recreation Ground. The Village Green protects this 'as of right' access for the residents of Greenfields.

The Village Green Application because various Councils has changed and continue to change the nature of the Park without consultation or asking its residents, Car Park 1978 and Development Land 2012. This is symptomatic of haphazard and poor management of the Councils of Greenfields Recreation Ground. This is in regards of the minutes and management of the park; a vision and its development for the health and well being of the community of Greenfields. The Councils have singularly failed to protect this asset for the Community.

The Village Green seeks to restore this access 'as of right' and maintain and secure the longer term future of the Park, its footpaths and users.

Below Minutes for Est Car Park 1979 articulating the accidental manner in which at first a turning area was provided and latterly a surfaced area. Both without consultation and design or relevant permissions.

It is important to note that this 'car park' area is across a Public Right of Way that begins central Greenfields Recreation Ground entrance and stretches to the far corner. This access is 'as of right' since 1800 onwards.

This PROW was not added to the Definitive Map but allocated to Highways. There are no records of this addition in 2012. This shows that the management of Park and the PROWS is not being managed.

Shrewsbury Borough Council minutes 1979 - Car Park

Shrewsbury Planning Officer
Chief Environmental Health Officer
The Building Surveyor

1000/A/78/79/0/1

Councillor P. Doshan,
The Cables,
The Green Road,
The Green,
Shrewsbury.

Councillor Doshan,

Greenfields Recreation Ground

I refer to your letter of the 28th July.

The latest development about tipping near the Bagley Brook is that I understand the County Council will be taking planning enforcement action.

The relevant history of the Recreation Ground car park started when the contractors who built the new sewerage system in Greenfields in 1978/79 used the area as their site compound. When that use ceased it seemed appropriate that the hardcore which had been put down should be left in order to provide the useful facility of a car park. There never was any intention of providing tarmac and indeed at the time I was approached with specific requests to make sure that there would be no tarmac and I believe that that is a view held quite strongly by a number of people even today.

I understand that the Parks Department have quite recently carried out some maintenance on the car park but the present budget provision would go nowhere near the cost of providing a tarmac surface and if this is what is wanted then it will be a matter for consideration at Estimates time. It will be expensive but if you intend promoting the idea perhaps you would let me know and I can have an estimate prepared for consideration by Committee when they go through their estimates at the turn of the year.

I am not sure that sleeping policemen would have much effect upon the speeds which are involved and they do have a major disadvantage of the noise which is created by vehicles bumping over them, something which can become quite irritating for the residents living near by.

Perhaps you will let me know if you want the estimate prepared.

Yours sincerely,

AW
CV

Director of Technical Services

Shrewsbury Borough Council minutes 1990 – traffic calming measures due to the risk to pedestrians and specifically children using Greenfields Recreation Ground

The Council is here attempting to mitigate the extra danger to people cycling and walking. This access is as of right to Greenfields Recreation Ground.

The unlawful introduction of a car park and traffic to Greenfields Recreation Ground has placed local residents at risk, as have the further easements for traffic access for allotment holders and the Bowling Green. The Village Green application challenges these and any further dangerous and unlawful easements that place this Community at risk.

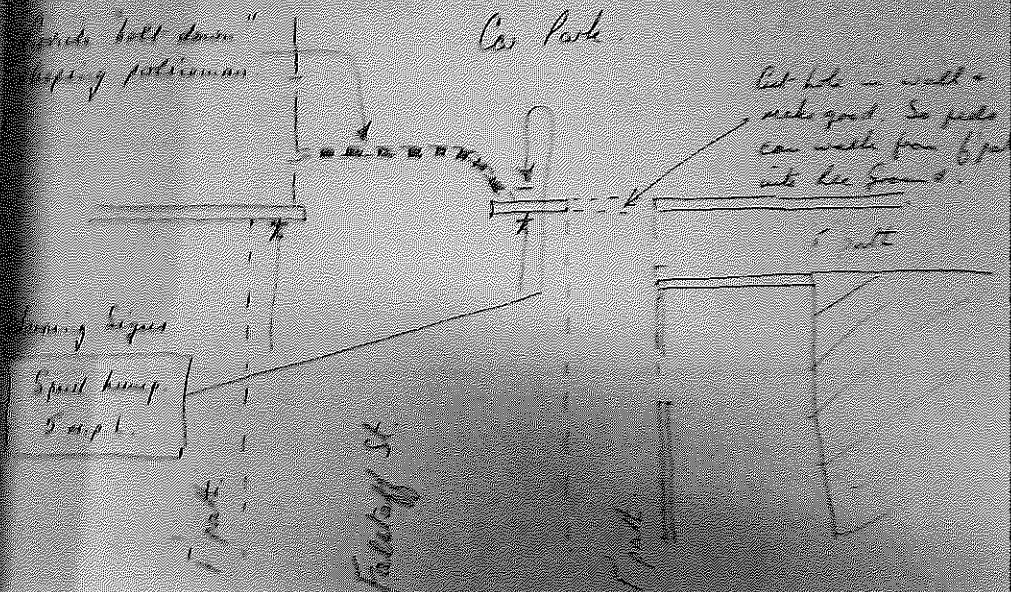
The Village Green allows and demands access 'as of right' that needs to be maintained as from the 1800 onwards, unopposed and without danger for children via Falstaff St to the Park and now beyond to Greenfields Primary School a primary route for children to school via the Park.

File

504/22/6/1
19 4/50

Greenfield Recreation Ground

Following the meeting on date with Mr. Foss, Mr. Durrant and Mr. Harrison they decided the entrance should be improved as shown below.



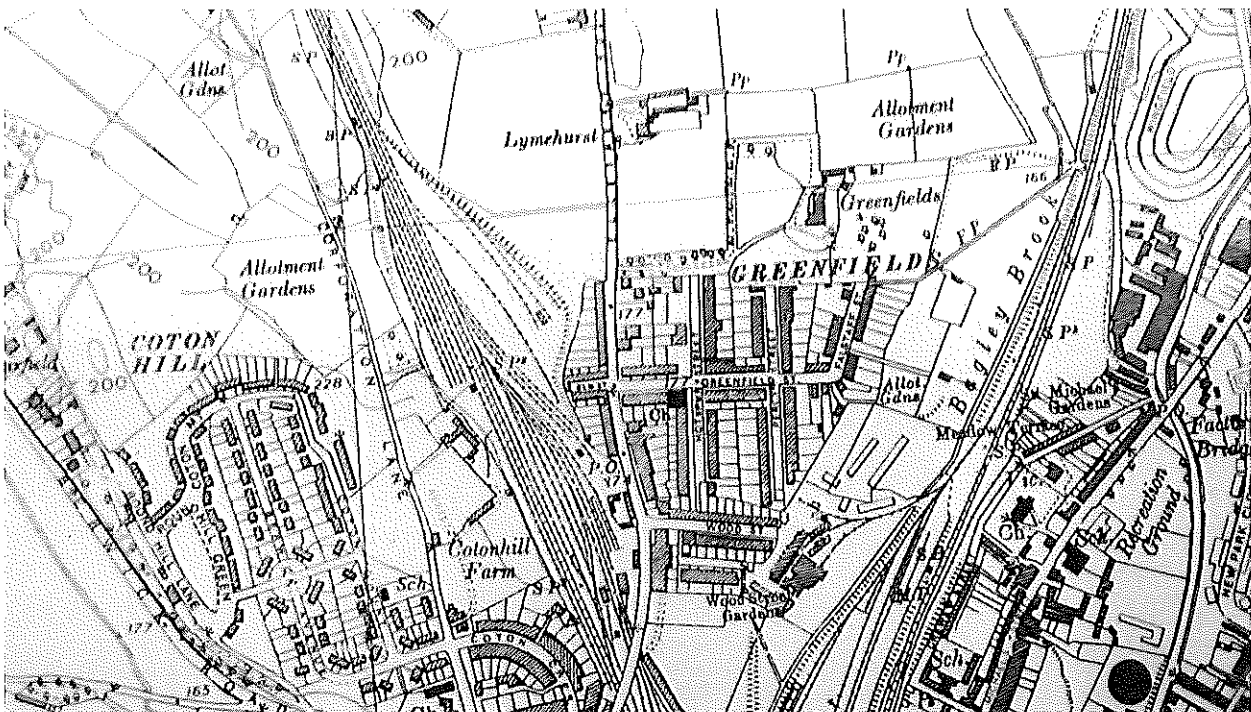
Please arrange as part of the car park improvement works.

PROW – Public Right of Way

The Tax Map 1910 and ONS Map 1903 (below) clearly articulates the PROW over which the car park is constructed and over which easement rights have been granted without community consultation or legal obligation to the provision of access 'as of right'. This oversight by the Councils has put the general public and children in danger from vehicular traffic. The Village Green application is as of right for this footpath provision 1800 to the present day October 2019.

There has been continual access to this land for more than 100 years as a PROW via the end of Falstaff St and what is now the entrance to Greenfields Recreation Ground.

1903 ONS – showing footpath and Meadows



The access has been used by Greenfields Bowling Club for 100 years

Attached is the 1903 ONS map clearly showing the Public Footpath and Right of Way that we wish to protect in our Village Green Application, as well as the entrance and exit through which the footpath enters and exits the current Greenfields Recreation Ground and the original Park predating the 1926 purchase, which will become our Village Green.

The Village Green challenges all changes past, present and future across this access. It is 'as of right'.

All proposed vehicular changes and access are across this Right of Way and an endangerment to this community. N.B The Councils are trying to apply different principles and laws to the same

piece of land, Open Space and it is held under the Open Spaces Act 1906 and as such any change of use requires consultation.

Traffic Survey May 2018

In May 2018 the Greenfields Community Group conducted a Traffic Survey. The easements provided by the Council are provided without consultation with the community and local residents and park users.

All motor vehicular access to Greenfields Recreation Ground has been indicated to cut across several existing sustainable and public Rights of Way including the 1954 ONS Public Right(s) of Way and in addition

- the entrance and exit to Greenfields Recreation Ground;
- a number of footpaths and Right of Way; other PROWS
- a cycleway on Greenfields Cycleway;
- land currently owned by Shrewsbury Town Council

The Town Council regarding a change of use to Greenfields Recreation Ground, the provision of easements, has presented no formal discussion or representations at any stage.

Traffic survey measures were used to achieve our figures in the first two weeks of May 2018. Times taken – 2.45-3.45PM Greenfields Recreation Ground and 7AM – 9AM Greenfields Street. Its findings were that 'as of right':

- A measured 200 daily jounries were made by Greenfields Primary School children along the 1954 ONS Public Right of Way to Greenfields Primary School.
- Between 2.45-3.45 PM, one hour, more than 200 jounries on average were made by adults through the park
- Sustrans produced data in 2017 that showed Greenfields Cycleway is an overwhelming success and it recorded 600 unique cycle jounries per week on Greenfields Cycleway.

The managemnet of the PROWS is indicative of the confused and inappropriate mangement of Greenfields Reacreation Ground. In 2019 another part of one of the PROWS has been lost and in spite of emials to Shona Butter Shropshire Council no action or fromal wearning has been issued. These and ther Park are Public Assests and need to be managed professionally.

Part of the Public Right of Way seen in the **1910 Land Tax Map** has been lost in the last year 2019. Running from Falstaff St to the railway bridge along the RHS of plot 9999. The council is failing to portect the footpaths, rights of access and safety of Greenfields Recreation Ground users. This loss needs action.

By granting easement rights and not consulting the public, it cannot be concluded that no interference would take place. If the Council are claiming the car park is part of the land (which it is) then they owe a duty of care to ensure that the public do not consider these easement rights a nuisance or endangerment to their lives.

The Council by its own design and accidental building of a car park highlights the dangers of vehicular traffic to users of Greenfields Recreation Ground. These actions undertaken by the

council therefore cannot be considered legal, as they are without notice to residents or planning regulations on Recreational Land. Its minutes state that as this land was

'purchased as a Pleasure Ground there are some doubts' about its ability to approve any building on this land.

Its management of access and car park rights contravenes this status. (**The Appendix to the Estates Committee minutes 2 Jan 1946**).

The Council has singularly failed to meet its obligations to the Greenfields Community and manage this Recreation Ground in accordance with the law and in its commitment to this community to provide a Pleasure Ground for the purposes of play and Recreation. The council raises arguments suggesting its management of the park in previous years has been adequate however this is a view not shared by the residents of Greenfields when more than 300 electors opposed the Council's plans and its management of Greenfields Recreation Ground.

It needs further protection. Ironically from the very people trusted with its protection.

In continuing to insist that this Recreation Ground has 'never been a Recreation Ground' the Council brings itself into disrepute by its own records and documents. This is a fake narrative and a confection, a deceit, that is not borne out by the Land Registry Title Register (SL171557); Vesting Documents; Deeds and Deed Maps Establishing the Greenfields Recreation Ground as a Pleasure ground.

Appendix

From: Helen Ball
Date: Friday, 18 May 2018 13:15
To: Peter Day
Cc: Jane Raymond, Alex Phillips
<[REDACTED]>
"Peter Nutting (SC Address)" <[REDACTED]>
Subject: RE: Land Off Greenfields Recreation Ground, Falstaff Street, Shrewsbury - Previous Planning reference :12/00620/OUT

Dr Day

I appreciate you are trying to stop this application, but as I have said on numerous occasions this has never been part of the Greenfields Recreation Ground and the fact that our minute title refers to the Recreation Ground is for ease of understanding. As the title of your email refers, it has always been known as Land off Greenfields Recreation Ground. We have undertaken consultation both pre-outline submission, as part of the outline planning process and the sale was publicised in the papers and by way of a 5'x4' board on site. Our solicitor undertook legal due diligence regarding our statutory powers to dispose of and grant easements across retained land in accordance with s127 Local Government Act 1972.

This is no longer our land therefore my attendance at your community meetings is fruitless as I or the Town no longer have any influence over its use.

Regards

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Please note I now have a new email address helen.ball@shrewsburytowncouncil.gov.uk

Village Green in Summary

In summary I simply state that the Councils have a contrary and counterintuitive legal and subjective view of this land. Little of this opinion is based on their own records; documents and deeds registered with the Land Registry. I move that they, the Councils, are not fit and proper trustees of this Park and have made numerous changes without due diligence, consultation or advertisement. These are decisions made in spite of the community, who have opposed these changes vocally, visually and show the haphazard way in which the Park is being 'managed'. The Community has offered alternative solutions that have for decades been ignored.

This Park is part of the fabric of the history of Greenfields; a local amenity and landscape. A local landmark and space for the health and well being of its inhabitants. It requires a vision like the Village Green and not more years of decisions that have taken away the rights of the electors of Greenfields and poorly managed the land – it takes more to attract people to a park than just cutting the grass. It is a green space – an environmental lung; a children friendly space; a learning space and a playing space.

Furthermore the decisions made by the Councils have endangered the Public. Who for more than 100 years have as of right access to the Park, the Meadows. The council should seek to protect the current land and give it VGA status to ensure all rights are given.