

Runnymede Borough CouncilENGLEFIELD GREEN COMMITTEE16 February 2016 at 7.00 pm

Members of the Committee present Councillors N H Prescot (Chairman) Miss M N Heath, M T Kusneraitis, H W V Meares, P I Roberts and Miss J K Sohi

Residents' Representatives: Mr A Panter (Vice-Chairman), Mr N Band

Members of the Committee absent: None

492. MINUTES

The Committee reviewed the Minutes of the meeting of the Committee held on 3 November 2016.

The Minutes were approved and signed as a correct record subject to the substitution of paragraph 4 of the minute on 'Parking on the Green' with the following:- 'Councillor Kusneraitis had called for a named vote in accordance with Standing Order 39.2. This was not carried out in accordance with the formalities set out in Standing Order 39.2 but a vote by a show of hands was taken under Standing Order 39.1 and only Councillor Kusneraitis abstained and no Members voted against'.

493. DECLARATIONS OF INTERESTS

Mr Band (Residents Representative) informed the Committee that he did not need to declare an interest on the item 'Parking on the Green'.

494. CABLING WORKS ON THE GREEN

In June 2013 the Committee considered a report setting out the proposals put forward by Scottish & Southern Energy Power Distribution (SSEPD) to improve the security of power supply in the Englefield Green area by renewing an existing underground cable between substations in Ridgemoor Road and Castle Hill Road. At the June 2013 meeting this Committee resolved that 'consent be given for the works on the Green proposed by SSEPD and to grant any easement or wayleave as required by the Crown Estate, subject to the route of the cable being in Castle Hill Road and the Green was reinstated to the satisfaction of the Council after the works had been completed'. In December representatives of SSEPD made it known they were looking to schedule this work into their programme and invited Officers and the Crown Estate's Deputy Ranger, to a site meeting to discuss the details. The proposal was to install a new cable using a combination of trench excavation (where no tree roots were at risk) and mole drilling at a depth of three metres along Castle Hill Road. Access pits would be required to facilitate the mole drilling, but these would be in agreed locations which would minimise the risk of tree root damage. Officers were satisfied that the proposed methods would allow this work to be completed whilst minimising damage to the Green and in particular to tree roots. The

Committee was advised that these works were due to start on or about 1 March 2016 and were expected to take 4-5 weeks to complete.

The Committee was advised that in addition SSEPD were also looking to improve the security of the electricity supply to the new development off Coopers Hill Lane (the Brunel development) by linking using underground cabling, the Ridgemean substation and the existing 11KV cable at the entrance to the Brunel development. SSEPD were proposing to lay the cable, where possible, within the carriageway of the highway.

SSEPD had advised that as all the cabling works were in the carriageway they would be using the open cut trench technique which involved excavating a trench approximately 300mm wide by 850mm deep. Sand would be placed around the cable to protect it from sharp objects before backfilling and reinstating. In the vicinity of tree roots the trench would be hand dug. A site visit would be arranged to which a representative from the Council and the Crown Estate would be invited to attend. SSEPD were hoping to carry on with these cabling works immediately after the cabling works in Castle Hill were completed.

SSEPD had already contacted the Crown Estate for agreement. Consent had been given by the Crown for the works to be undertaken subject to a tri-part easement between, SSEPD, Runnymede Borough Council and the Crown Estate. SSEPD would be responsible for all parties legal and surveyor's costs in this matter.

RESOLVED that –

the Committee give consent to SSEPD to carry out all the cabling works in the area of the Green consecutively subject to (1) the route of the cable being in the carriageway of Coopers Hill Lane: (2) all practical steps are taken to protect any tree roots within the route and (3) reinstatement to the satisfaction of the Council

495. LEGISLATION AND USE OF THE GREEN AND USE OF THE GREEN BY SPELTHORNE VOLLEYBALL CLUB

At the meeting of this Committee on 3 November 2015 the Committee requested that Officers advise the Committee on definition of lawful sports and pastimes and generally on the use of the Green.

The Green was created by the Egham Inclosure Act 1814 and registered as a town and village green under the Commons Act 1965. It was managed by Runnymede Borough Council under a lease from the Crown dated 20 April 1954. In considering the use of the Green and the definition of lawful sports and pastimes the Committee was advised that three legal matters needed to be considered:

- Egham Inclosure Act 1814 (the Inclosure Act)
The Inclosure Act stated that the Green was to 'remain open and unenclosed for the pleasure of the inhabitants and ornament of their residences on the said Green'. 'Pleasure of the inhabitants' was interpreted to mean recreational use of the Green. 'Ornament' could be interpreted to mean a pleasing aesthetic setting for the houses adjoining the Green.
- Lease dated 20 April 1954 (the Lease)
The Lease was subject to the Inclosure Act and thus the uses permitted by the

Inclosure Act were incorporated into the Lease. In addition under the Lease the Council covenants at clause II. 3 (which was the user clause in the Lease) 'to uphold maintain and keep the said Green in good and neat order and condition for the purposes expressed in the above recited Inclosure Act ' and not to remove gravel or sand or cut turf or break up the surface of the Green without the Crown's consent. The Council must not permit any waste spoil or destruction of the Green and must take measures to prevent fires.

- Registered Town and Village Green (TVG)
One of the primary criteria to be registered as a TVG was that the land had been used for lawful sports and pastimes. This concept in English law was very wide and based on centuries of case law. Generally lawful sports and pastimes were recreational uses which could be informal or structured. From a random sample of the case law the definition of lawful sports and pastimes could include maypole celebrations; cricket, football, rounders both informal and formal; children playing; picnicking; walking; and picking blackberries. Lawful sports and pastimes changed over the years as habits and customs changed.

The definition of lawful sports and pastimes could be very wide but it must not constitute a public nuisance by being an inappropriate activity for the area. Ultimately whether an activity was a lawful sport or pastime would be decided by the courts.

With regard to the use of the Green by Spelthorne Volleyball Club Officers had written to the Club asking them to desist from using the Green.

Spelthorne Volleyball Club had subsequently contacted legal Officers with several queries relating to enforcement of the use of the Green. It was noted that an organised club's use at any of the Borough's Parks would be charged and regulated. Whilst no damage or anti-social behaviour in relation to the Club's use of the Green had been noted, continued regular use would have a detrimental effect and the remit of this Committee was to manage and preserve the Green. The Green was not suitable for an unregulated number of organised sports and even if lawful the Committee was not obliged to allow their use of the Green.

RESOLVED that –

Officers respond to the Volleyball Club's queries regarding enforcement against its use of the Green

496. MANAGEMENT AND MAINTENANCE OF THE GREEN

Regulation Signs

The Committee was advised that the new regulations signs, which replaced the old Byelaws signs, had been installed. It was requested that the draft guidance notes be circulated to all Members of the Committee in addition to the Wardens.

497. EVENTS ON THE GREEN

The Committee was advised that the Englefield Green Village Residents Association had asked for permission to hold the Englefield Green Village Fair on the Green again this year. The proposed date was Saturday 18 June, with set up starting on the Friday.

Carters Steam Fair had also submitted an application for their use of the Green on the weekend of 1 and 2 October. They would arrive on 27 September and leave on 4 October.

RESOLVED that –

- i) **Englefield Green Village Residents Association be granted permission to use the Green; and**
- ii) **Carters Steam Fair be granted permission to use the Green.**

498. PARKING ON THE GREEN

At the meeting on 3 November the Committee discussed parking on the verges around the Green and in particular on the grass triangle to the front of Crown House. Stone boulders were put forward as a preferable and cost effective method of discouraging such parking and thus preventing possible damage to the Green. Officers were asked to consider the number, siting and cost of stone boulders and liaise with the Residents Representative Mr Band.

The Committee was advised that Officers had met with Mr Band the Residents Representative, on site and ascertained that by placing 7 stones at strategic points and relocating an existing sign on the grass triangle to the front of Crown House most drivers would be deterred from parking on the verge.

With regard to the cost it was ascertained that stone boulders were sold by weight and, being a natural material, varied very hugely in shape, size and weight. This made it difficult for Officers to obtain an accurate price until specific stones had been selected. However, based on information from the supplier, the estimated cost to deliver and position 7 glacial boulders and relocate the sign would be around £350-£450. The boulders chosen had a maximum dimension of 600mm, as these would not be unnecessarily large, but large enough to be effective and heavy enough not to be easily removed.

Mr Band Resident's Representative had contacted Members and Officers and stated that he assumed that the boulders would in fact be concrete globes in white similar to those already in place outside Crown House. The concrete globes currently in place were 450mm diameter and were sunk into the ground.

To assist the Committee, Officers had researched this option and had been unable to source an exact match to the concrete globes outside Crown House. However, similar sized concrete globes of varying weights had been located. Prices quoted individual concrete globes ranged from £600 to £3,000. Additionally, with some of the concrete globes it was recommended that a matching concrete base was purchased to prevent the globes rolling away. The additional cost for these bases was £1,927.87.

Members reviewed the plan provided which indicated the proposed positioning and the re-location of the 'No Parking on the Verges' sign. It was noted that the boulders/concrete globes would be placed on low points with the two middle boulders in place to emphasize the informal path.

Some Members supported the wardens' view that there was no need for any additional protection for the verges on this part of the Green. Whilst some Members were content to support the recommendation to erect a barrier in stone or concrete, it was felt that the glacial boulders would be a more natural option and given the cost implications of the

concrete globes could not support that option. The Committee felt a budget not exceeding £500 should be spent on the boulders or concrete globes and re-positioning of the sign. The Committee gave Officers the authority to source boulders or concrete globes within that budget. The number could also be reduced if Officers considered it appropriate.

In accordance with Standing Order 39.2 and at the request of Councillor Kusneraitis a named vote was taken on the motion and the voting was as follows:-

For: 5 Councillors Prescott, Meares, Roberts, Mr A Panter and Mr N Band
Against: 3 Councillors Miss Heath, Kusneraitis and Miss Sohi

RESOLVED that –

the Committee approve

- i) the placing on the Green of boulders or concrete globes to discourage parking on the Green; and**
- ii) the siting plan in Appendix 'B' and the re-location of the 'No Parking on Verges' sign; and**
- iii) A budget not exceeding £500 be set to cover the cost of providing the boulders or concrete globes and re-location of the sign; and**
- iv) Members of the Committee, Wardens and Officers to provide a 'Wish List' of their priorities for the wider budget for discussion at the next Committee meeting in June.**

Chairman

(The meeting ended at 8.13pm)