

Town and Country Planning Act 1990 Appeal in respect of:

Land North of Holt Road , Wrexham, LL13 9EH

Planning Application Ref No: P/2018/0673 - Appeal Ref No: H6955/A/19/3238470

I am the Wrexham County Councillor for Rhosnesni ward which covers the playing field which is the subject of this appeal.

During the course of researching into the background of this piece of land, I have obtained a number of Deeds and Documents etc. concerning this land. However, it appears that there are some documents held relevant to this land which are not available via the Land Registry website. This makes it rather difficult to find the full and true picture of the ownership and rights covering the land subject to this appeal. I have had to resort to FOI requests, which have not always yielded all the information I required.

My research to date is as follows.

The parcel of land subject to this appeal, is a large part of one single field, which is marked on many maps as a "Playing Field"

The family of Lord Kenyon Baron of Gredington originally owned this field.

On 01.04.53: The field was transferred to a Trust "The Wrexham Sports Club" It has not been ascertained if there was a fee involved.

In July 1976: The land was sold to Clwyd County Council for a sum of £237,000.

Wrexham County Borough Council became owners of this land on local government reorganisation in 1996

On 13.02.98: Wrexham County Borough Council transferred A large portion of the land to North East Wales Institute of Higher Education.

It has not been ascertained exactly what the stated purpose of the land was, but it is my belief that it was for "Educational Use". This would appear to be confirmed by the Vice Chancellor of Glyndwr University, Maria Hinfelaar, in an interview she gave to Wrexham.com in which she said, "There was no specific restriction on what the use might be. It was for use of NEWI as an educational institution" The full interview can be read here.

<http://www.wrexham.com/news/dean-road-qa-with-universitys-vice-chancellor-it-was-rejectedin-one-place-we-take-it-to-the-next-place-174992.html>

The Site.

The appeal site is an area of open space adjoining a smaller area of land owned by WCBC. The totality of the two pieces of land generally is referred to as "Dean Road Field". It is marked on many historical maps, policy documents and deeds as a "Playing Field".

There are 2 entrances onto the field. On the west side (via the Council owned land) there is vehicular access from Dean Road (B5100). On the East side there is a gate, which leads onto the pavement alongside Holt Road (A534). These two accesses have allowed the public usage connecting Holt Road and Dean Road for upwards of 60 years. There are also numerous unrestricted gateways onto the field from the rear gardens of private houses built on Denbigh Close and Goulbourne Avenue. Some residents have had unrestricted access on the field for several decades. No signs indicating ownership or limitations of use, were ever placed on the field until 2011. (There is photographic evidence, which can confirm this occurred in the latter part of the year).

Historically the land has been used for various sporting activities and general public recreation. The field could be accessed by the public from both ends.

There is documentary evidence of public events such as Carnivals and Fetes, Sporting activities and general access going back to 1945. There has never been any hindrance to public entry until Glyndwr erected a fence in late 2019 and chained the access gate from Holt Road.

Over the years the whole field has been used for organised sports including Rugby, Hockey and Football. Also squash courts were built on the section of land now in Council ownership. Local residents have accessed the field from gates in their gardens. Also public at large have entered the field from both ends for general exercise and recreational purposes. For many years, children have crossed the field via the 2 entrances and used it as a safe route to two nearby schools, one primary and one secondary, as an alternative to walking along the very busy roads of Holt Road and Dean Road. *Due to the long period of free access and the quantity of usage, there is clearly established a public access to this field for amenity usage.*

In late 2019, a large fence was erected along the width of the field; also the gate on Holt Road was padlocked. Signs were placed on the field denying the public access. This included residents who had gates from their rear gardens into the field.

In their planning application, Glyndwr stated *“A local children's football team have used the land for a number of years to play football and currently have a very poorly marked out pitch in the centre. Our proposal includes a relocation of the facility with a brand new, properly marked pitch, which we will gift to the local community”*

This is an inaccurate statement. Borrass Park Albion have a number of age grade football teams. The land is used both to play matches and also for training sessions. There is indeed a main pitch marked out, but there are frequently several other pitches of various sizes situated on the site. Most years, a football competition lasting 2 days takes place on this land. At the last event in 2018 there were over 70 different teams who took part, there were a number of pitches marked out for this event, the periphery was used for extensive car parking and there were refreshments stalls and vehicles set up to service the event. There are many photographs taken at this event.

Whilst it is true that an aerial photograph is in existence, which shows one football pitch on the land. I have obtained a more recent aerial photograph taken only in the last few years (evidence being a number of solar panels on roofs which are not present on earlier photographs). This photograph clearly shows 7 marked pitches of different sizes. It would have to be an almighty coincidence if the photograph was taken on the one occasion in the year when the tournament took place. This photograph is still available and can be accessed via the internet on a mapping app.



The plan to create a brand new, laid out pitch is not feasible to achieve, as part of the land that is earmarked for this new pitch, is not owned by Glyndwr. I find it difficult to comprehend how they can offer any sort of replacement facility on land that they don't own and apart from access rights have no other legal interest in whatever. The local Community Council has objected to the potential loss of the land as it is heavily used by the community in an area where there is an acknowledged shortfall of such recreational land as identified in the County Borough's various open space surveys. Even if it were possible to achieve an interest in this land, the proposed location would have close proximity to houses on three sides and would no doubt result in numerous complaints from residents and, I am advised, will create a legally actionable nuisance which is likely to further reduce its suitability for the purpose the Appellants intend. As such it can hardly be seen as any sort of replacement for the recreational open space sports facilities, which the proposed development will take away. Also there would be very little of the field free for the public to engage in more informal recreation such as exercising their dogs, as regulations prohibit dogs on marked sports pitches.



Right of way. Access to the land. Highways and Traffic

I am aware that an application for Village Green Status has been submitted concerning this land. Many residents have completed evidence of use of this land over many years.

A Right of Way application has been submitted, evidenced by residents who have had access from their gardens for many years. Also evidenced by members of the public who have walked across this field via the 2 entrances over many years.

Unfortunately due to the present Covid-19 limitations, it has not been possible to revisit many residents to collect this evidence for re-submission here. However the documentation should be in the hands of WCBC if there is the desire to access this information by the Inspectorate.

I myself, have lived in the community all my life. My first memory of attending an event on the field was in the mid 1960s when a large fete took place. I have used the field regularly over the years for walking and general recreation. Often accessing the field from the now locked gate on Holt Road. I recall Rugby and Hockey pitches in the past. More recently I have watched football matches take place. I attended the annual football event there

in September 2018 and took many photographs.

Whilst a traffic report was submitted through the application process. I would like to add the following observations. The two roads bordering the field are very busy during “Rush Hours” particularly the times of school opening and closing. Many parents, who live further away, drive that route whilst picking up and dropping off their children. Many local children who walk to school, used to take the opportunity of walking across the field as a safe and quicker means of accessing their educational needs. Unfortunately since the gate on Holt Road has been padlocked, they now have to negotiate narrow pavements along these extremely busy roads and also the already over capacity roundabout at the junction of Holt Road and Dean Road

Other issues of concern

Whilst flooding risks are not subject of this appeal. From studying documents on the planning portal, it is clear that the Flooding Officer had serious concerns over this site. I feel it would be remiss to ignore the advice of the Flooding Officer and I find it difficult to comprehend why the Planning Officer did not pick up this issue.

The roads around the field, particularly to the South, regularly flood. During a recent bout of heavy rain a number of manhole covers were blown off. The first picture attached at the end of document, shows one such manhole located where the proposed entry road into the field will be. This field presently acts as a natural sponge. The situation will be exacerbated if the land is built on. The second picture is taken from Natural Resource Wales Flooding map, it clearly shows how prone the area is to flooding incidents.

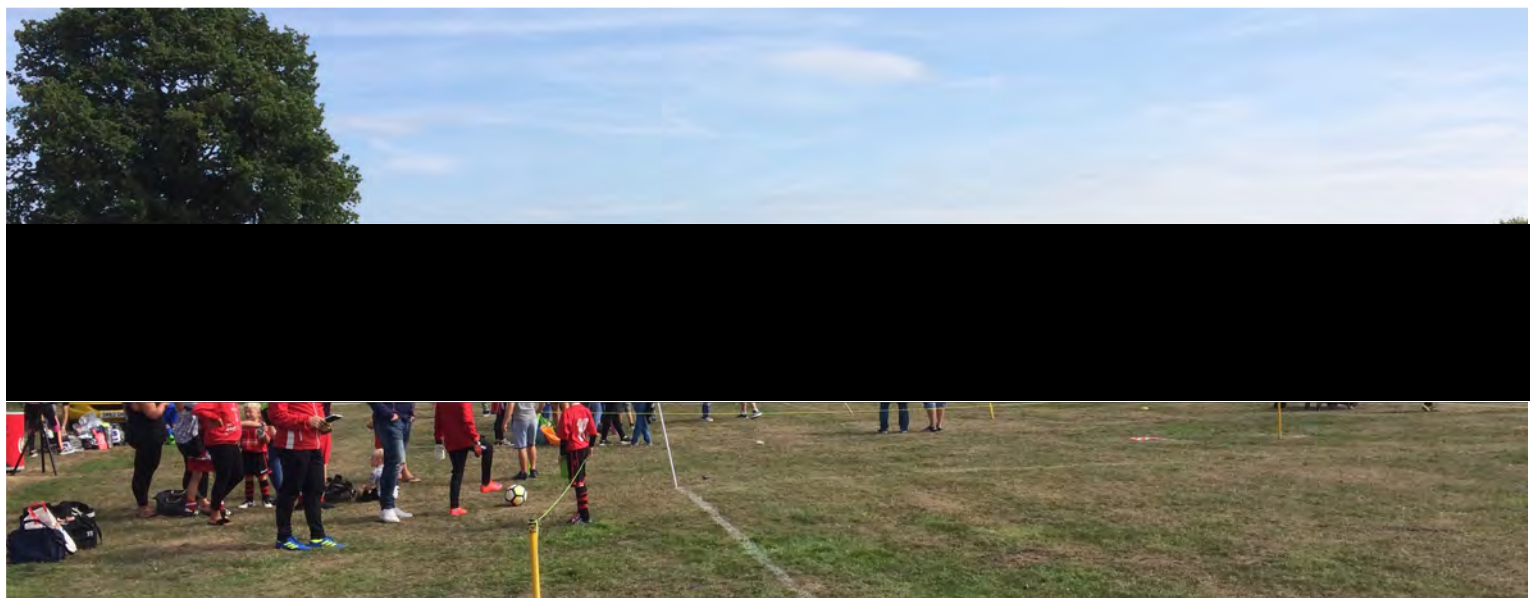
Only recently I was in communication with the Network Manager for Dwr Cymru Welsh Water regarding regular flooding in the very near vicinity, where during recent periods of heavy rain, the drains had overflowed into the foul water sewers, causing raw sewerage to enter people’s property. (Evidence available if required).

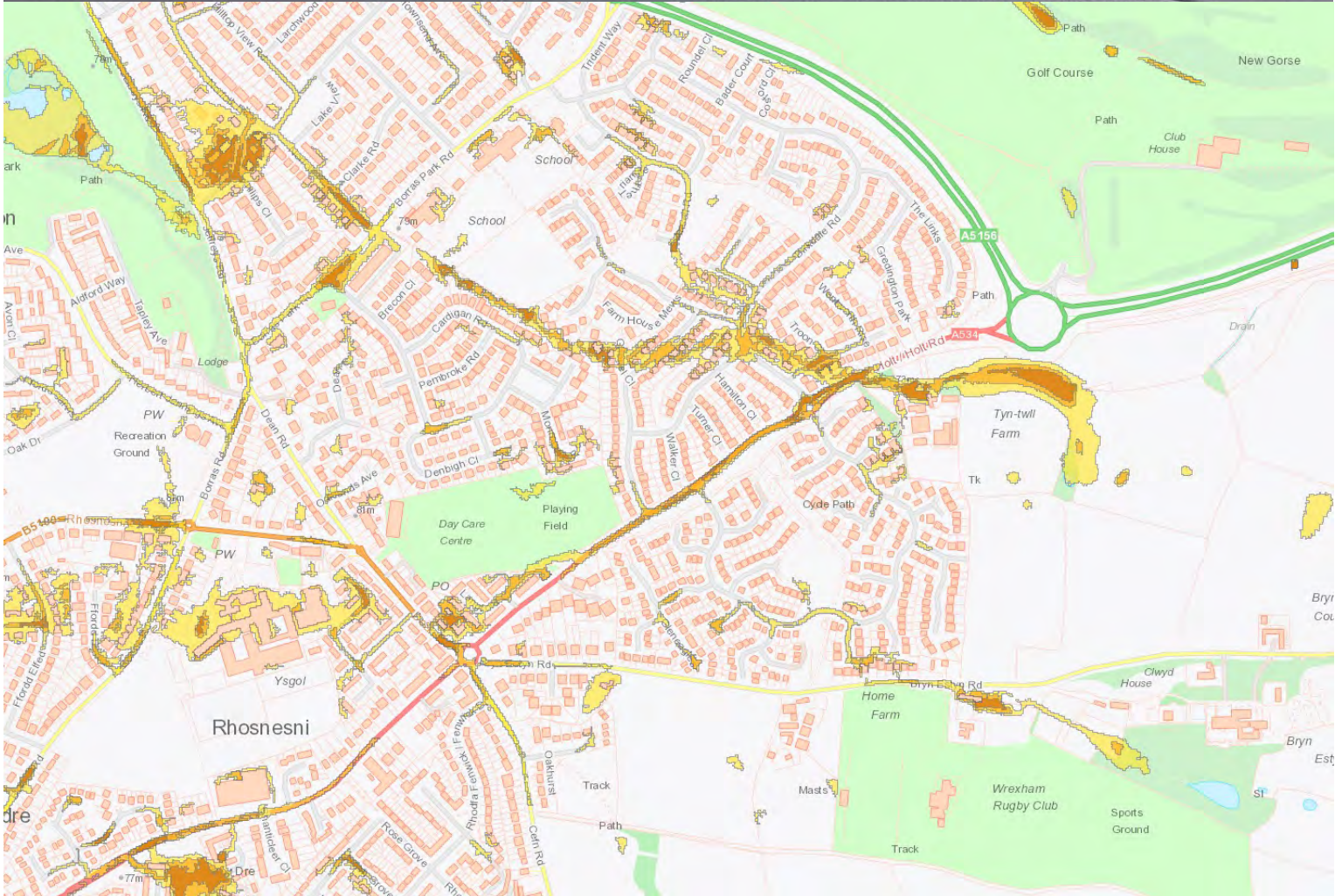
There were also a number of inaccuracies/errors in the application process.

On several occasions it was stated in public documentation prior to application that the field was a “Brownfield” site. I contacted the University and asked them to correct this inaccurate statement. It was only when local media questioned the matter that the claim was withdrawn with the explanation that it was “a mistake”

The inaccurate description of the field as having only “one marked pitch”. Despite photographic evidence to the contrary being revealed prior to the application.

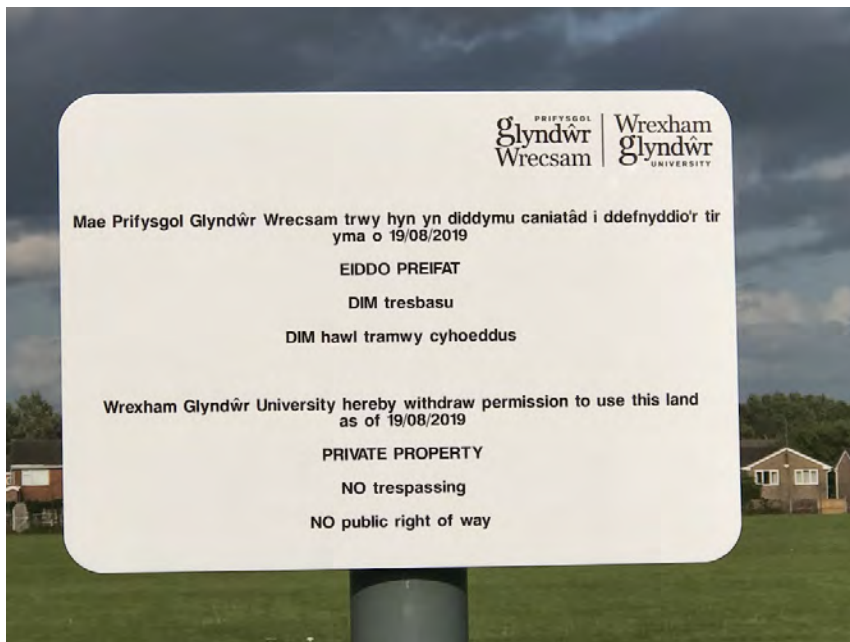
This picture is one of many taken at the annual Football Event on 01.09.18







First sign placed on the field in 2011 – Prior to this date there had not been any signs. (Photographic evidence available if required)



Sign placed on the field in 2019

This concludes my submission.

Michael James Davies – County Councillor for Rhosnesni Ward

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