

APPENDIX F 1

Comment on Trustees Objection to Village Green Application

Only objections were invited by the IWC, not letters of support, many of which would have been forthcoming if known to be allowed.

There are a number of appendices with the objection, but every Village green application is different, so must be judged on its merit.

I have nothing but admiration for the stated aims and objectives of the trustees who have declared at a public meeting that the park is sacrosanct, and I do not wish to undermine their sterling efforts to achieve that.

However those laudable aims and objectives are potentially at odds with the final draft of the New Scheme as submitted to the Charity Commission, which contained two persistent clauses (5.1 of the Scheme and 5(3) of the Articles of Association) which gives the Trustees, who are soon to be Directors of the Trust Company, the authority and power to sell off or otherwise dispose of land. The publication of the draft scheme by the Charity Commission was "unavoidably delayed".

The Charity Commission have now published the draft scheme (Notice C-31260-DHJR)

Para 5.1 remains unchanged.

This paragraph 5.1 was the driver for the V.G. Application, and therefore cannot, I believe, be separated from the application, and must form part of the overall investigation.

I suppose I am lucky to be in a position where as a twice every day Park user I know better than most the activities that regularly take place in the park:-

- Recreation (re-creation) in the joy of being among those beautiful trees and walking around them.
- Family fun – picnics, hide and seek, tag.
- Family fun – ball games (football and cricket)
- Family fun – children playing
- Keep fitters – joggers, and keep fit exercises
- Responsible dog walking.
- Photography - many people take pictures of the views and the trees
- Bird watching and bat watching
- With the park being openly accessible, certainly since the end of the last war, it is most likely that most if not all the above have occurred since then.

Without doubt, the people of Cowes since 1929, and since 2002 the wider public, have enjoyed their right to use the park as gifted. The type of right is legal semantics, and not up to me to try to define, or to question its level of significance in respect of this application. It could be argued that the people of Cowes, and later the wider community acted “as if by right” in their usage of the Park. If the type of right is determined to be of prime significance then so be it.

With respect to Executive Summary (b) it is understood that it was the use of the land rather than the land itself which was dedicated to the public. However the public used the total land as gifted.

Response to Section 28:

- 28a. The drawn plan is precise, omitting those areas where charges have been made for sporting activities: tennis, bowls, pitch and put.
- 28b. The “built environment” at the Baring road entrance is a series of steps and low ledges. Dog walkers use this area, and so do photographers catching the interesting and unique view of the Solent. Children play around the trees and ledges.
- 28c. Similar comments as for 28b, with the exception of children playing on the steps or ledges.
- 28d. The flower beds are well maintained and a joy to behold. They are as much a pleasure of the park as anything else, and therefore form part of the application. No responsible person would wish to walk on the flowers. This objection is nit-picky.
- 28e. Paths are of course those parts of the park which join up the green areas and are therefore used as part of the recreational activities. This objection is nit-picky.
- 28f. This objection is ignored. At best it is nit-picky.
- 28g. If games (lawful sports?) were played around the war memorial then people would soon complain, and it would be irresponsible to allow those games. However many people sit on the adjacent bench seat in quiet contemplation, of nature, of God? (A lawful pastime?).
- 28h. Recreational activities take place around those areas. Children delight in playing in those areas. Partially overgrown is not a sign saying keep out.

- 28i. This could be said about practically the entire park. The trees are the experience that everyone enjoys as stated above, and without doubt have been the central aspect for many recreational activities for a very long time indeed.
- 28j. Since the visitors to Cowes will be indulging in (lawful?) pastimes:- e.g. dog walking, picnicking, playing around and about, sitting in cars or outside of them and generally relaxing after or as a break from the activity in the town itself this objection is self – defeating, particularly so because the park has not been totally closed off as stated, with easy access obtainable from the lower side of the field. There has been no sign which has stated that the area was closed to the public, who were therefore not excluded.
- 28k. The putting green was excluded from the application.
- 28l. The public were never excluded from the land area in question, and the outbuildings were locked and therefore access into those buildings was not possible or desired.
- 28m. The land referred to has been used for certain pastimes like the rest of the park. It does for example contain some fine trees for recreational enjoyment, and occupies a higher position from which a different view may be obtained.
- 30. This is rather typical high-handedness and really quite objectionable in its tone, and therefore unhelpful.


Special consideration must be made regarding the children's playground. This, according to the gardener in the park for many years Mr. Den Chape of 338 Park Road Cowes, was in existence by the end of the last war in 1945 and has been in constant use ever since. **This constitutes continuous lawful pastimes of part of the park since that date.**

Another consideration must be given to the area of land referred to at the front of Park Court. Two or three of the Friends of Northwood House and Park walked over that area every day for many days, with the knowledge of the Park Court management, and the Matron always recorded it in the Medina Housing Day book.

The 2002 Amendment referred to above, apart from widening the scope of the visitors also changed the status of the park to one which "facilitated the house". This was a change of emphasis regarding the park, and it is disappointing to note that

there were no Public Meetings called by either the Town Council or the IW Council at that time. The latest amendment as stated in the published draft develops further that notion of the park facilitating the house. The area that the public may enjoy the use of under the 1929 Deed of Gift becomes ultimately dependent on the wishes of the Trust company directors. This is a further change of emphasis, and still there is no sign of a public meeting being called by either the Town or IW Councils, so the public then are consistently not being given the chance to speak about this.

This Village Green Application is a voice for those who have not been given the opportunity up to now to speak, and is seen as the only guarantee for the preservation of the Green areas of Northwood Park.



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8TH MAY 2012