

CHARITY PLANT SALE

It's that time of the year again and despite the strange weather the sale must go on.

I have cosmos, salvias, fuchsias and hydrangeas for sale to name but a few.

The public sale will be held on 24th July but you are invited to attend a private sale to avoid the rush and buy in comfort.

This will be held daily from 10:00 am until 07:00pm ending on Friday, 23rd July. 30 minute slots will be available on a first-come-first served basis, maximum 4 people per slot.

To request a slot please email polly.sgra@gmail.com. Let me have 3 alternative times you would like to come or, if you are flexible, just give me a day or days and I'll try to fit you in. I'll confirm back to you.

If you are driving there is a CPZ in operation but you are welcome to park in my drive.

As before all funds will be donated to Our Barn www.ourbarn.org.uk

Thanking you in anticipation and I hope to see you soon at 75 The Drive, TW7 4AA.



'THE GREEN' UPDATE

Well, it has been a long time coming but, thanks to the assistance from and persistence of Cllr Unsa Chaudri, we have finally received a response from London Borough of Hounslow.

The Petition asked, "Can the green area on Spencer Road, Isleworth, be converted to the Village Green?"

The Petition, which received some 320 signatures, was organised and presented to the Council by Pauline El-Grew in September 2020. It then disappeared into a black hole.

SGRA finally received the attached email on 16 June 2022 after continual pressure from Cllr Chaudri.

The content of this email is set out below:

Please find attached response to your Petition, received to the Council firstly in September 2020. Due to a formal legal process to follow, as this asked if the petition can be accepted as an application for a Village Green, it was not formally logged as a petition until February 2021. My service received the petition in March 2021 and a response was issued in May 2021. Normally Petition responses are sent to Area Forums but as Area Forums were very irregular over the last two years since the beginning of the Pandemic in March 2020, I understand this unfortunately did not find its way to you at that time or since.

Nevertheless, our formal full response is attached.

Thank you

With Regards,



LONDON BOROUGH OF HOUNSLOW RESPONSE:

The Council has sought legal advice on this question, and the information below incorporates the advice provided.

As the land in question is Adopted Highway this area cannot be registered as a Village Green. The land has been Adopted Highway since August 1977 when it was formally accepted by the London Borough of Hounslow as Public Highway.

The definition of Adopted Highway is land that has been adopted by the Local Authority as Public Highway to be maintained at public expense as per the Highways Act 1980.

There is case law [Somerford Parish Council v Cheshire East Borough Council & Anor [2016]] to confirm that a public highway cannot be registered as a village green, as the public using it do so 'by right' and not 'as of right'.

'As of right' means that use has been carried out without force, without secrecy and with permission. When an area is public highway, it is open to the public and the use would be 'with permission'.

The petition included Declarations from residents providing claim and testimony of general use of the grass area over several years. Most of these uses mentioned are uses that are tolerated on the highway and highway verges.

For the benefit of any doubt, adopted public highway maintained at public expense can be privately owned, but this does not afford any rights to the landowner to use or obstruct the area as the area is highway. In doing such actions, the landowner could be Notified as being in Breach of the Highways Act.

This area is maintained by our current Service Provider Hounslow Highways, and the by the Council before the PFI contract began in 2013. As adopted highway, no landowner or developer can use this land for private or future development purposes without asking for permission to use the land and to 'stop up' as public highway.

This area is inspected once a year under the Road Safety Inspection regime by Hounslow Highways (the last one occurred in January 2022), and the grass and trees are maintained under the parameters of the contract.

In conclusion, if the land is incontrovertibly part of the public highway, it cannot be registered as a village green as the use would have been 'by right' and not 'as of right', as required by section 15 of the Commons Act.

REPORT ENDS

We believe this means the area which we will now refer to as 'The Green' cannot be built on and can continue to be used for the benefit of the public.

It has been suggested that vigilance is required to maintain The Green. To this end Pauline El-Grew has offered to form a 'Friends of The Green' group. Anyone interested in joining should contact Pauline at pauline.elgrew@icloud.com for details.

We held a very successful Jubilee picnic on The Green and propose to use it for similar social events in the future.

Our heart felt thanks to Pauline for all the work she has done to secure this area.

You have received this newsletter as a member/former member of Spring Grove Residents' Association. Should you no longer wish to receive this please contact any member of the committee.