

from Virginia Knowles

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Steve Weaver
Planning & Development
Havant Borough Council
Public Service Plaza
Civic Centre Road
HAVANT
Hants PO9 2AX

18 December 2015



Dear Mr. Weaver,

BELLWAYS/HALYARD DEVELOPMENT IN HAYLING ISLAND –
Planning Application APP/15/00685 agreed 5 November 2015

I am aware that this planning application has now been decided and apologise for writing about it now. Unfortunately I was unable to send comments at the correct time as I was pre-occupied with a private family matter. In addition, I have only very recently heard back from the Land Registry who have moved to Cardiff from Portsmouth where I had sent my original letter, causing a further delay.

I am concerned that none of the letters or consultee responses amongst the APP/15/00685 documents that refer to hedgerow protection and enhancement have touched on the position of Bellway's south eastern boundary line, shown in red on the enclosed copy of your own Amended Landscape Proposal 5 of 5, (with extra colours added by me, explained below).

As elsewhere in this development, the areas of tight criss-cross hatching that show the detailed new native hedgerow and mixes that Bellways are obliged to plant in due course, and extra infill areas requested by Chichester Harbour Conservancy, are all *inside* the Bellway boundary line.

Whereas the much larger and more significant area shown in diagonal cross hatch is mostly, on Plan 5, *outside* Bellway's red boundary line, and includes a substantial length of the crucial ditch next to the public footpath that transports all of Bellway's surface water away from the development site before it turns eastwards and travels through my family's land to the creek in My Lord's Pond. The vegetation here consists of well established shrubs, hedges and mature trees, including ash and hawthorn. As everyone has commented, this forms a vitally important green buffer zone, both now while the development is under way, and during the long years ahead before Bellway's future plantings have grown to a sufficient size and height to be of any use shielding the five unsightly, overly tall houses built in the south eastern corner right on the edge of the AONB, in direct defiance of the restrictive covenant on the matter. The Legend accompanying the Plan proposes that this existing vegetation should be "*retained* and

enhanced with additional native planting mixes”, but, very lamentably, fails to state who, expressly, should be doing this, bearing in mind that, according to Amended Landscape Plan 5 of 5, it is not Bellways’ vegetation, nor is it Bellway’s land.

To make the ownership issues more obvious, I have coloured those strips of land that fall *outside* the Bellway boundary line in green and yellow, the ditch in blue, and the very small section *inside* Bellway’s boundary line has been left uncoloured. The footpath remains orange as in the original. I have now established, following written confirmation from the Land Registry, that none of the coloured area is part of anyone’s legal title, neither Bellway’s, nor my family’s, nor Graham Phillips. The land is unregistered and has never changed hands, and most likely has no living proprietor due to an odd glitch in 1926 involving the then highway authority, which I discovered whilst checking all the original pre-registration deeds back to before 1900. My family’s property starts to the right and east of the public footpath, opposite the green, unowned, land on the west side, and on the northern side of the ditch that travels eastwards to the creek.

Presumably, the green/yellow coloured land is also *not* subject to any of the conditions imposed by the Planning Inspector on Bellways specifically, or by Havant Borough Council in approving APP/15/0685, as Bellways can simply argue that it does not belong to them if they feel so inclined, and that their responsibilities end at their red line and not an inch beyond. The County Council’s responsibility for maintenance appears to be strictly limited to the footpath surface and trimming the immediate vegetation either side, and nothing else in between, and certainly not the ditch. In law therefore, anyone could come along and chop down all the trees and hedges if they felt like it, including future owners of the 5 mega-sized houses 127 to 131, or deliberately fill the ditches with rubbish. No one would be able to object or sue, as no one has any formal or legal claim to them. More realistically, even without malicious activity of this sort, the mature trees will eventually fall down and/or need expensive tree surgery, and after decades of experience, I know full well that the County Council will refuse to pay for any of the work required.

The Land Registry admits the boundary lines on their title plans are only approximate at the best of times, but in this case, the inaccuracy of the underlying OS map has made matters much worse. The footpath is shown as a completely straight line on its western side, whereas in real life there is a significant eastwards curve of the footpath before it proceeds northwards beyond our Registered Riders gate. Bellways have simply copied the dead straight line shown between Points A, B and C on their title plan (see copy enclosed), rather than choosing the western edge of the footpath, also shown between Points A, B and C on their title plan. I asked the Land Registry whether Bellways could be made to re-draw their boundary line here, thus ensuring Bellways own everything on “their” side of the footpath, but was told that where they chose to put their boundary line was entirely up to them, and any changes they might make entirely voluntary, however logical they might appear to be.

You may think that worrying about such a scenario is far fetched, but given Bellway’s cavalier approach to most of the conditions imposed on them so far, I think not. To date Harry Long (ground engineer, Bellways) has been very helpful in clearing and keeping the ditch outside their red boundary line operational, but Bellways currently have a vested interest in showing they can dispose of all their brand new, excessive surface water easily and quickly. I fear that once the development is complete and Bellways leave, handing over to their new management company, the very bare minimum will be done, including refusing to do any sort of work or

maintenance “outside their boundary”. The degree of overlooking into the AONB and our own property by enormous roofs and first floor windows is bad enough already without it becoming even worse if any of the unowned, unprotected vegetation in the green/yellow areas were to be lost as a result of neglect, disinterest, buck-passing, refusal or deliberate destruction. We already have an ongoing problem with the soil structure of the western bank of the ditch being washed away (between B and C), exposing and de-stablising the hedgerow roots, every time the southern attenuation basin overflows and water pours over the grass straight into the ditch. This will continue until the proper connection and hydrobrake is installed.

For the avoidance of doubt as to where my property boundary and responsibilities end relative to theirs, I would have liked to write to Bellways myself to clarify the position, but would be powerless to ask them to take on anything against their will. On the other hand, it would be much more effective if a request or demand came from you - the relevant planning authority who have approved APP/15/0685 with all its caveats about protecting the existing hedgerow and vegetation in this particular area - asking that Bellways should re-draw their south eastern boundary line to where it ought to be: along the western edge of the public footpath as shown on their title plan, and to take full responsibility for the future management and protection of all existing and future vegetation between A and C. It would also be eminently logical if Bellways were to take on formal responsibility for the short east-west running section of the ditch and vegetation on the dog-leg between Bellways headwall and where it turns south at C, rather than this too remaining unowned, and unmanaged for the rest of time. If they were to refuse to co-operate, I wonder whether Hampshire County Council might consider asking the Land Registry whether they could be awarded title to the land themselves, thus ensuring its ownership and protection forever, rather than leaving everything to random chance?

I do hope you will give this matter serious consideration – it is far too important in terms of the local biodiversity, amenity, harbour views and ecology simply to leave it as it is without any solid, dependable guarantees for its immediate or long term future.

I look forward to hearing from you in due course.

Yours sincerely,

A large black rectangular box redacting the signature of Virginia Knowles.

Virginia Knowles

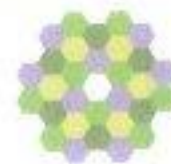
HAVANT BOROUGH
COUNCIL

21 DEC 2015

RECEIVED

Land Registry
Official copy of
title plan

Title number **HP115698**
Ordnance Survey map reference **SZ7299NE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Hampshire : Havant**



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