

Commons Act 2006: Section 15

Application for the registration of land as a Town or Village Green

Official stamp of registration authority indicating valid date of receipt:

Application number:

Register unit No(s):

VG number allocated at registration:

(CRA to complete only if application is successful)

Applicants are advised to read the 'Guidance Notes for the completion of an Application for the Registration of land as a Town or Village Green' and to note the following:

- All applicants should complete questions 1-6 and 10-11.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete questions 7-8. Section 15(1) enables any person to apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete question 9.

1. Registration Authority

To the

HEREFORDSHIRE COUNCIL

Note 1

Insert name of registration authority.

Note 2

If there is more than one applicant, list all names. Please use a separate sheet if necessary. State the full title of the organisation if a body corporate or unincorporate.

If question 3 is not completed all correspondence and notices will be sent to the first named applicant.

Note 3

This question should be completed if a solicitor is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here.

2. Name and address of the applicant

Name: (A) (B) (C)

Full postal address:

Postcode

Telephone number: (A)
(incl. national dialling code)

Fax number: (A)
(incl. national dialling code)

E-mail address: (A)

3. Name and address of solicitor, if any

Name:

Firm:

Full postal address:

Post code

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

Note 4

For further advice on the criteria and qualifying dates for registration please see section 4 of the Guidance Notes.

** Section 15(6) enables any period of statutory closure where access to the land is denied to be disregarded in determining the 20 year period.*

4. Basis of application for registration and qualifying criteria

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5.

Application made under section 15(8):

If the application is made under section 15(1) of the Act, please **tick one** of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

Section 15(2) applies:

Section 15(3) applies:

Section 15(4) applies:

If section 15(3) or (4) applies please indicate the date on which you consider that use as of right ended.

17th OCTOBER 2002

If section 15(6)* applies please indicate the period of statutory closure (if any) which needs to be disregarded.

5. Description and particulars of the area of land in respect of which application for registration is made

Name by which usually known:

LAND BOUNDED BY AREMILL RISE, PIXLEY WALK, MUIR CLOSE, DUNOON MEAD AND WATERFIELD ROAD
KNOWN LOCALLY BY VARIOUS NAMES EGT "THE GREEN"

Location:

NEWTON FARM, HEREFORD IN THE BELMONT WARD OF HEREFORD CITY PARISH

Shown in colour on the map which is marked and attached to the statutory declaration.

Common land register unit number (if relevant) *

6. Locality or neighbourhood within a locality in respect of which the application is made

Please show the locality or neighbourhood within the locality to which the claimed green relates, either by writing the administrative area or geographical area by name below, or by attaching a map on which the area is clearly marked:

NEWTON FARM ESTATE: THE AREA OF LAND BOUNDED BY THE A465 BELMONT ROAD, THE GREAT WESTERN WAY, THE MARCHES RAILWAY LINE, THE BOUNDARY OF THE BUILT-UP AREA OF THE CITY OF HEREFORD AND THE PARISH OF BELMONT WITHIN THE CIVIL PARISH OF THE CITY OF HEREFORD OR BELMONT WARD.

Tick here if map attached:

Note 5

The accompanying map must be at a scale of at least 1:2,500 and show the land by distinctive colouring to enable it to be clearly identified.

* Only complete if the land is already registered as common land.

Note 6

It may be possible to indicate the locality of the green by reference to an administrative area, such as a parish or electoral ward, or other area sufficiently defined by name (such as a village or street). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly.

7. Justification for application to register the land as a town or village green

Note 7

Applicants should provide a summary of the case for registration here and enclose a separate full statement and all other evidence including any witness statements in support of the application.

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

This application is justified because of the results of a two day public inquiry held at the Three Counties Hotel, Belmont, on Tuesday 31st July and Wednesday 1st August 2007 on behalf of the Herefordshire Council and conducted by Mr Timothy Jones, barrister.

Mr Jones having heard and read a substantial amount of evidence reached conclusions of fact of which he was confident and which were not border-line. The facts were included in a report dated 19th September 2007 to the Council ('the Report') and appended to this application.

Mr Jones reached the firm view that:

1. The number of people using the land in question was sufficient to indicate that their use of the land signified that it had been in general use by the local community for informal recreation: the Report [19] - the significant number of inhabitants requirement.
2. The Newton Farm area as a whole was the obvious area in the civil parish of the City of Hereford or Belmont Ward: the Report [20]-[25] - the neighbourhood within a locality requirement.
3. The bulk of the use of the Application Site was for lawful sports and pastimes: the Report [26] - the lawful sports and pastimes requirement.
4. Such use for lawful sports and pastimes had been throughout the period since it was first brought into use: the Report [17]. The site was first brought into use in or about 1976 [see attached evidence forms - the not less than 20 years requirement.
5. There were no notices that referred to byelaws or activities that were forbidden.
6. There was no question of force or stealth: the Report [30] - two parts of the 'as of right' requirement.
7. Herefordshire Council's use of section 123 of the 1972 Act (to transfer the land on 26th November 2002) defeated a claim to TVG status: the Report [42] - the 'without permission' requirement was not met.

At the public inquiry the applicants (the same as in this one) tendered evidence that since use of the site in this application for informal recreation by the inhabitants there had been no overt acts whatsoever by any of the landowners to bring it to the attention of the said inhabitants that user was by revocable permission or licence.

Thirty (30) evidence forms are attached concerning the length of use and lack of the said overt acts.'

Note 8

Please use a separate sheet if necessary.

Where relevant include reference to title numbers in the register of title held by the Land Registry.

If no one has been identified in this section you should write "none"

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

Note 9

List all such declarations that accompany the application. If none is required, write "none".

This information is not needed if an application is being made to register the land as a green under section 15(1).

Note 10

List all supporting documents and maps accompanying the application. If none, write "none"

Please use a separate sheet if necessary.

8. Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to be a town or village green

HEREFORDSHIRE HOUSING LIMITED
LEGNON WAY
HEREFORD
HR1 1LN

9. Voluntary registration – declarations of consent from 'relevant leaseholder', and of the proprietor of any 'relevant charge' over the land

NONE

10. Supporting documentation

A REPORT INTO THE MATTER OF AN APPLICATION TO REGISTER AS A TOWN GREEN LAND AT ARGILL RISE, HEREFORD - TIMOTHY JONES, INSPECTOR, 19th SEPTEMBER 2007
30 EVIDENCE FORMS
"MAP A" AND "MAP B"

Note 11

If there are any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

Note 12

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

11. Any other information relating to the application

THE DISTRICT COUNCIL OF HEKEROESDALE
AS A PREVIOUS OWNER.

Date:

15th October 2007

Signatures:

KEITH NIXON
JACKY HIRBY
D. S. MILLS

REMINDER TO APPLICANT

You are advised to keep a copy of the application and all associated documentation. Applicants should be aware that signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence. The making of a false statement for the purposes of this application may render the maker liable to prosecution.

Data Protection Act 1998

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

Statutory Declaration In Support

To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, by its solicitor, or by the person who signed the application.

¹ Insert full name
(and address if not
given in the
application form).

I, K. Miller, solemnly and sincerely declare as follows:—

² Delete and adapt
as necessary.

1.² I am (~~the person~~ (one of the persons) who (~~has~~) (have) signed the foregoing application)) (~~the solicitor to (the applicant) (³ one of the applicants))~~).

³ Insert name if
Applicable

2. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 10 and 11 of the application.

3. The map now produced as part of this declaration is the map referred to in part 5 of the application.

⁴ Complete only in
the case of
voluntary
registration (strike
through if this is not
relevant)

4.⁴ I hereby apply under section 15(8) of the Commons Act 2006 to register as a green the land indicated on the map and that is in my ownership. I have provided the following necessary declarations of consent:

- (i) a declaration of ownership of the land;
- (ii) a declaration that all necessary consents from the relevant leaseholder or proprietor of any relevant charge over the land have

Cont/

4 Continued

been received and are exhibited with this declaration; or
(iii) where no such consents are required, a declaration to that effect.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said

KETH MILLER

at

LAMBE CORNER SOLICITORS
36/37 Bridge Street
Hereford

this

16th

day of OCTOBER 2007

K Miller

Signature of Declarant

Before me *

Signature:

Address:

LAMBE CORNER
36/37 BRIDGE STREET
HEREFORD HR4 9DJ

Qualification:

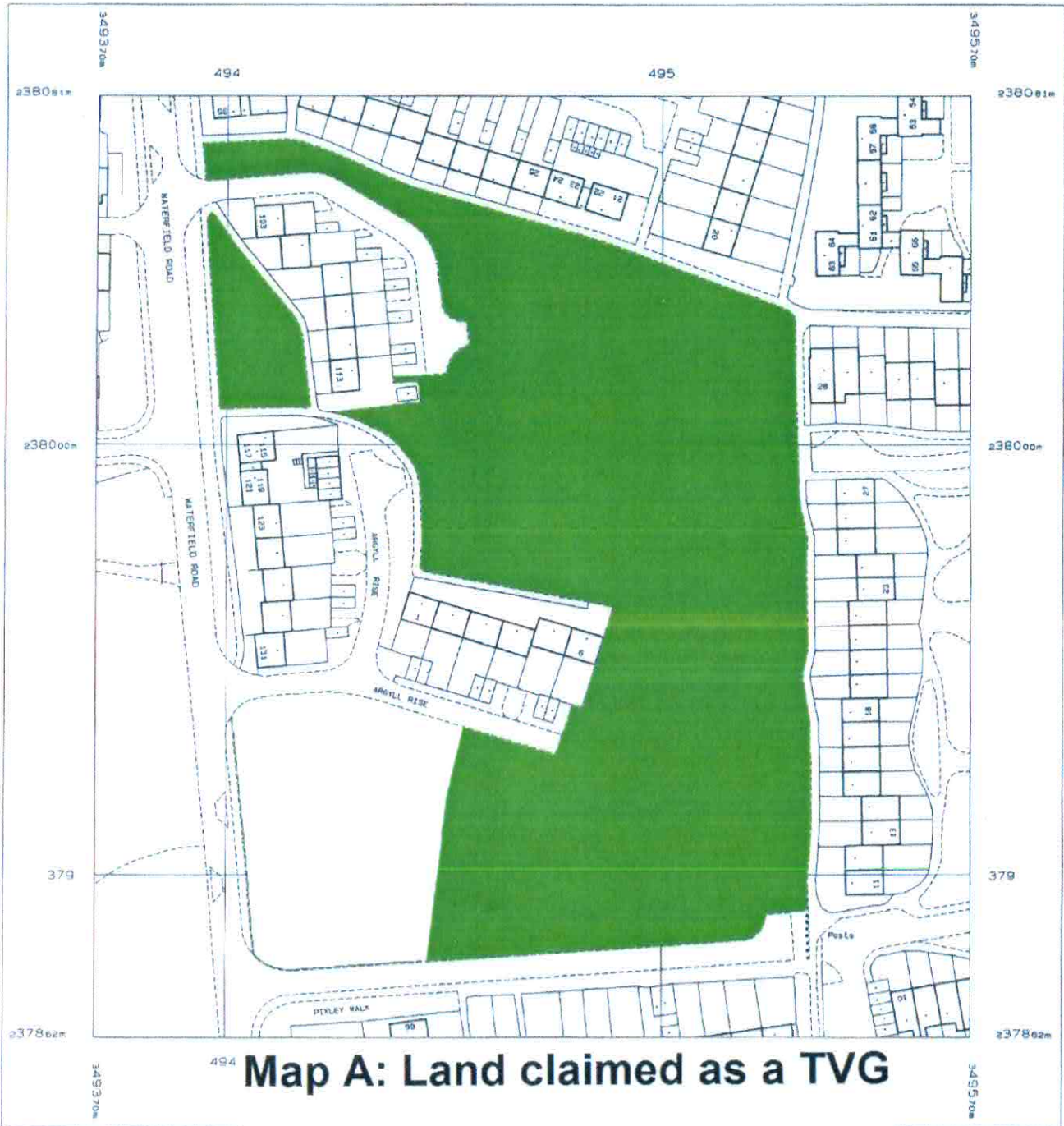
Solicitor

* The statutory declaration must be made before a justice of the peace, practising solicitor, commissioner for oaths or notary public.

Signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence.

REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any map as an exhibit



Produced 28 Jan 2006 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 2006.

Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey, the OS symbol and Superplan are registered trade marks of Ordnance Survey, the national mapping agency of Great Britain.



National Grid sheet reference at centre of this Superplan: S04937NW

The representation of a road, track or path is no evidence of a right of way.

Heights are given in metres above Datum.

The alignment of tunnels is approximate.

Scale 1: 1250



Map B:
The claimed locality