

Licensing Sub-Committee

**Thursday 25 September 2014 at 10.00
am**

**To be held at the Town Hall, Pinstone
Street, Sheffield, S1 2HH**

The Press and Public are Welcome to Attend

Membership

**Councillors Geoff Smith (Chair), Josie Paszek and Vickie Priestley
Anne Murphy (Reserve)**

PUBLIC ACCESS TO THE MEETING

The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

As a lot of the work of this Committee deals with individual cases, some meetings may not be open to members of the public.

Whilst recording is allowed at Committee meetings under the direction of the Chair of the meeting, Licensing Sub-Committee meetings may not be suitable for recording due to the nature of some of the evidence to be given, and the Chair will use discretion to decide if recording is allowed. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday.

You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

If you require any further information please contact Harry Clarke on 0114 273 6183 or email harry.clarke@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**LICENSING SUB-COMMITTEE AGENDA
25 SEPTEMBER 2014**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting
- 5. Commons Act 2006 - Application to Register "Smithy Wood" as a Town or Village Green**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Interim Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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SHEFFIELD CITY COUNCIL

Committee Report

| | |
|----------------------------|--|
| Report of: | Chief Licensing Officer, Head of Licensing |
| Date: | Thursday 25 th September to Friday 26 th September 2014 at 10:00 am |
| Subject: | Commons Act 2006 Application to register land known as 'Smithy Wood', as a Town or Village Green |
| Author of Report: | Shimla Finch - 2734264 |
| Summary: | To consider an application made under the Commons Act 2006 for land known as 'Smithy Wood', Sheffield to be registered as a Town or Village Green. |
| Recommendations: | Members are requested to consider all relevant evidence and apply the statutory criteria to that evidence in determining the application. |
| Background Papers: | Attached to this report (Any further background papers relating to this report can be inspected by contacting the report writer). |
| Category of Report: | OPEN |

REPORT OF THE CHIEF LICENSING OFFICER, HEAD OF LICENSING TO THE LICENSING COMMITTEE (COMMONS REGISTRATION)

Ref: 92/14

COMMONS ACT 2006

Application to register land known as 'Smithy Wood adjacent to M1 at Junction 35 with Cowley Hill', Sheffield as a Town or Village Green

1.0 Purpose of the report

- 1.1 To consider an application made under the Commons Act 2006 for land known as 'Smithy Wood', Sheffield to be registered as a Town or Village Green.

2.0 The Legislation

- 2.1 Section 4(1) of the Act provides that applications for registering land as "town or village greens" must be made to Sheffield City Council, who is the Commons Registration Authority (CRA) for any land in their area.

- 2.2 Section 15(1) of the Act states that 'any person may apply to the CRA to register land as a "town or village green" provided they can establish one of the following tests, namely:

- that Section 15(2) applies if the land has been used 'as of right' for lawful sports and pastimes for 20 years or more before the date the application is made, and this use continues at the date of the application; or
- that Section 15(3) applies where the land has been used for recreational use 'as of right' for 20 years or more, where the use ended no more than two years before the date of the application, or
- that Section 15(4) applies which makes a special transitional provision where recreational use 'as of right' for 20 years or more ended before 6 April 2007. In such a case, the application must be made within five years of the date the use 'as of right' ended.

- 2.3 Whether the application is made under Sections 15(2), 15(3) or 15(4) the application must show that a significant number of local people have indulged in lawful sports or pastimes 'as of right' (i.e. without permission, force or secrecy) on the land for at least 20 years, rather than 'by right' (i.e. in exercise of a legal right to do so). These requirements reflect the ancient law of custom, where long use 'as of right' created a presumption that the local inhabitants had established recreational rights over the land in question.

- 2.4 Section 15(6) of the Act makes it clear that in determining the 20 year period, there is to be disregarded any period during which access to the land was prohibited to members of the public by reason of any enactment.

- 2.5 Furthermore, Section 15(7) of the Act states that –

- (a) where persons indulged as of right in lawful sports and pastimes immediately before access to the land is prohibited (as specified in subsection 6 above), those persons are to be regarded as continuing so to indulge; and
 - (b) where permission is granted in respect of use of the land for the purposes of lawful sports and pastimes, the permission is to be disregarded in determining whether persons continue to indulge in lawful sports and pastimes on the land “as of right”.
- 2.6 The application seeks the registration of the Land by virtue of the operation of section 15(2) of the 2006 Act. Under that provision, land is to be registered as a town or village green where:-
- “(a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and
 - (b) they continue to do so at the time of the application.”

Therefore, for the application to succeed, it must be established that:-

- (i) the Application Land comprises “land” within the meaning of the 2006 Act;
 - (ii) the Land has been used for lawful sports and pastimes;
 - (iii) such use has been for a period of not less than 20 years;
 - (iv) such use has been as of right;
 - (v) such use has been by a significant number of the inhabitants of a locality or of a neighbourhood within a locality; and
 - (vi) such use continued at the time of the Application.
- 2.7 In order for an application to be successful each aspect of the requirements of section 15(2) must be strictly proven and the burden of proof in this regard is firmly upon the Applicant. The standard of proof to be applied is ‘on the balance of probabilities’. Therefore, the Applicant must demonstrate that all the elements contained in the definition of a Village Green in section 15(2) of the Commons Act 2006 have been satisfied.

3.0 Background - Application and Submissions

- 3.1 The Council received an application to register land known as ‘Smithy Wood’, Sheffield as a town/village green on the 14th November 2013. A copy of the application and supporting documentation is attached to this report as Appendix ‘A’.
- 3.2 Further supporting documentation with a revised locality map was submitted on the 9th December 2013 which is attached at Appendix ‘A 1’.
- 3.3 A plan showing the Land is attached as Appendix ‘B’ with the application Land outlined in red; the revised locality plan is also attached within this appendix for ease.
- 3.4 The application was submitted by Cowley Residents Action Group, Chair, Mrs Jean M Howe who is a local resident of 31, Glenwood Crescent, Chapelton, Sheffield. The application relies on the criteria contained in section 15(2) as stated above.
- 3.5 The application initially included the submission of 15 evidence questionnaire (and 11 letters or emails of support), further questionnaires were submitted (Appendix A 1). A snap shot of the evidence has been displayed on a table devised by the Clerk of the

Registration Authority at Appendix 'C'. Members are advised to read the questionnaires fully before determining the application.

3.6 The application site comprises of an irregular parcel of land located adjacent to the M1 at Junction 35 with Cowley Hill.

3.7 The site extends to approximately 8 hectares.

4.0 Ownership

4.1 Title checks have been carried out on the application site which has indicated registered Titles:

- Secretary of State for Transport SYK560448
- Axis 1 Limited SYK568153
St Pauls Development PLC

5.0 Public Notices

5.1 As required by the regulations, public notice of the application was given in the Sheffield Telegraph and a copy was placed on deposit. Formal notice of the application was also given to those believed to have an interest in the land and notices placed on the application land.

6.0 Objections

6.1 Objection(s) to the town/village green application has been lodged by Axis 1 Limited and St Paul's Development PLC dated 26 March 2014. The objection(s) is attached at Appendix 'D'.

6.2 A further objection was lodged by Mr John Black and is attached at Appendix 'D'.

6.3 In accordance with due process the objections were forwarded to the Applicant for comment, a response is attached at Appendix 'E'.

7.0 Statutory Criteria – The Legal Framework

7.1 The Land

7.1.1 Any land that is registered as a village green must be clearly defined so that it is clear what area of land is subject to the rights that flow from village green registration.

7.1.2 However, it was stated by way of obiter dictum by the majority of the House of Lords in Oxfordshire County Council v. Oxford City Council¹ that there is no requirement that a piece of land must have any particular characteristics consistent with the concept of a village green in order to be registered.

7.1.3 The land is a parcel including a wooded area, with some undulating terrain and varying gradients.

7.2 Relevant 20 Year Period

¹ [2006] 2 AC 674 per Lord Hoffmann at paragraphs 17-19

- 7.2.1 The qualifying use for lawful sports and pastimes must be continuous throughout the relevant 20 year period: *Hollins v. Verney*.²
- 7.2.2 The relevant 20 year period for the purposes of section 15(2) of the 2006 Act, the qualifying use must continue up until “the time of the Application”. Hence, the relevant 20 year period is the period of 20 years which ends at the date of the Application. The use must be continuous in the sense that it has not been interrupted for any significant period of time.
- 7.2.3 For this application, the relevant 20 year period is 14th November 1993 to 14th November 2013 of use by the inhabitants of the locality. The application was signed and dated on the 14th November 2013 and received by the Registration Authority on the 14 November 2013.
- 7.2.4 The continuous use is disputed by the Landowner(s)/objector(s).

7.3 Use of Land for Lawful Sports and Pastimes

- 7.3.1 “Lawful sports and pastimes” is a composite expression and so it is sufficient for a use to be either a lawful sport or a lawful pastime. Moreover, it includes present day sports and pastimes and the activities can be informal in nature. Hence, it includes recreational walking, with or without dogs, and children’s play.
- 7.3.2 However, that element does not include walking of such a character as would give rise to a presumption of dedication as a public right of way.
- 7.3.3 Further, the use has to be of such a nature and frequency as to show the landowner that a right is being asserted and it must be more than sporadic intrusion onto the land. It must give the landowner the appearance that rights of a continuous nature are being asserted. The fundamental issue is to assess how the matters would have appeared to the landowner: *R. (on the application of Lewis) v. Redcar and Cleveland Borough Council*.³
- 7.3.4 The various recreational activities identified in the application have been reproduced in tabular format for ease of reference and is attached at Appendix ‘C’.

7.4 Locality or Neighbourhood within a Locality

- 7.4.1 The applicant must prove that the application land has been used for lawful sports and pastimes by a “significant number of inhabitants of any locality, or of any neighbourhood within a locality”.
- 7.4.2 A “neighbourhood” need not be a recognised administrative unit but an area chosen such as a housing estate.
- 7.4.3 A “locality” must be a division of the County known to the law, such as a borough, parish or manor. An ecclesiastical parish can be a “locality” but a locality cannot be created simply by drawing a line on a plan
- 7.4.4 In considering what constitutes ‘a neighbourhood’ for the purposes of section 15(2) the courts have ruled that:

² (1884) 13 QBD 304.

³ [2010] UKSC 11 at paragraph 36.

“a Registration Authority has to be satisfied that the area alleged to be a neighbourhood has a sufficient degree of cohesiveness”

7.4.5 Therefore a neighbourhood should be recognisable as a community in its own right. It is not required to be formally designated an administrative area.

7.4.6 The claimed locality is disputed by the Landowner(s)/objector(s).

7.5 Use “As of Right”

7.5.1 The expression "as of right" means without force, stealth (secrecy) or permission.

7.5.2 Use is not “as of right” if users have a statutory right or other legal right to use the land.

7.5.3 Where the claimants have been permitted to be on the claimed land then their use will have been ‘by right’ instead of ‘as of right’.

7.5.4 In order to satisfy this criteria, Members must find that the evidence on the balance of probabilities that the use has been demonstrated to have been ‘as of right’ throughout the relevant 20 year period.

7.5.5 The Landowner(s)/objector(s) contest the use “as of right”.

7.6 Sufficiency of Use

7.6.1 “*Significant*” does not mean considerable or substantial. What matters is that the number of people using the land in question has to be sufficient to indicate that their use of the land signifies that it is in general use by the local community for informal recreation, rather than occasional use by individuals as trespassers: *R. (McAlpine) v. Staffordshire County Council*.⁴

7.6.2 The requirement is that the users include a significant number of inhabitants of the claimed locality or neighbourhood, so as to establish a clear link between the locality or neighbourhood and the proposed town or village green.

7.6.3 In reviewing the evidence, Members are to exclude the recreational uses of the Land referred to in the evidence prior to 14th November 1993 and post 14th November 2013 and look at the relevant 20 year period as referred to above in section 7.2.3.

7.6.4 Members are also minded to discount the use of land that was more akin to the exercise of a public right of way than to the exercise of recreational rights over a village green.

7.6.5 The Registration Authority has looked into whether the land has any claimed footpath across the land, and has been advised that there is not.

7.6.6 The use of any of those routes to walk along, whether with or without a dog, and to carry out other activities on that are ancillary to the exercise of the rights of way are uses that are more akin to the exercise of a public right of way. Such use including using the land as a shortcut to get from point A to point B is a use that is more akin to the exercise of a right of way rather than the exercise of a recreational right and

⁴ [2002] EWHC 76 (Admin) at paragraph 71.

cannot itself be relied upon in support of the registration of a town or village green and must accordingly be discounted from the qualifying use.

7.7 Use by a Significant Number of the Inhabitants of the Neighbourhood

7.7.1 The relevant use must be used by a significant number of the inhabitants of the neighbourhood. The evidence of use where it has not been established that the user was an inhabitant of the neighbourhood relied upon in the application at the time of his or her use of the Land should be discounted.

7.8 Continuation of Use

7.8.1 The final element of the statutory criteria is whether the qualifying use continued up until the date of the application, 14 November 2013.

8.0 Decision Making

8.1 Determination of the application rests with Sheffield City Council in its role as Registration Authority.

8.2 The Registration Authority is required to either accept or reject the application for the land to be registered solely on the facts. Any other issues, including those of desirability or community needs, are not legally relevant and cannot be taken into consideration. Under the current law, land can only have the legal status of a Town or Village Green upon registration.

8.3 The Council must determine the application in accordance with the statutory criteria and in accordance with the legislation.

9.0 The Statutory Requirements:

9.1 The provisions of Section 15 (2) apply in circumstances where:

(a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful pastimes on the land for a period of at least 20 years;

and

(b) they continue to do so at the time of the application.

9.2 The burden of proof is the normal, civil standard, namely, the balance of probabilities.

9.3 This is a quasi-judicial process and consequently Members must consider whether they have an interest which would prevent them from taking part in the decision making process.

9.4 Registration of the village green does not place the Council under any duty to maintain it.

9.5 In the event that Members are unable or unwilling to reach a decision based solely on the information included in this report, the application will need to be considered by an independent person (usually a barrister specialising in village green legislation). A public inquiry would then be arranged and a formal site visit conducted. The independent person would then report back to the authority and make

recommendations. Members would then need to consider whether or not to follow the recommendations made and make a final decision.

10.0 Risk Management

10.1 The law does not lay down a statutory process for determining these applications. This means it is up to the city council to decide what process to follow. It is essential that this process is fair to both applicants and objectors. Any appeal against the Council's decision by interested parties could be by way of public law challenge by applying for Judicial Review on limited grounds. A failure to determine the application in accordance with the law or at all will leave the Council exposed to Judicial Review or a claim of maladministration by the Local Government Ombudsman.

11.0 Financial Implications

11.1 There is no power to require a fee or payment from an applicant. Any decision to hold a non-statutory inquiry means that the Council will carry the costs of that inquiry.

11.2 Members should note that if an interested party does challenge the decision significant legal costs are likely to be incurred by the Council

12.0 Recommendation

12.1 Members are requested to consider all relevant evidence, apply the statutory criteria to that evidence and either

- Decide that there is sufficient evidence to satisfy **ALL** the statutory criteria and register the land as a town or village green or
- Decide that there is insufficient evidence to satisfy the statutory criteria and reject the application.

13.0 Options Open to the Commons Registration Board

13.1 Following the meeting and having had the opportunity to examine the written evidence provided and to hear oral evidence presented, you are required to reach one of the following 3 options:

1. Register the land as a town or village green if all the statutory criteria has been met.
2. Refuse to register the land as a town or village green if one or more of the statutory criteria have not been met.
3. If there is a significant dispute and the Council is of a view that the evidence is unclear, Members can request the application be heard at a non-statutory public inquiry.

Stephen Lonnia,
Chief Licensing Officer
Head of Licensing
Registration Authority
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot
Sheffield, S9 3HD.

Appendix 'A'

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Appendix 'A'



SCHEDULE

Forms

Form 44

Commons Act 2006: Section 15

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

| | |
|---|--|
| <p>Official stamp: COMMONS ACT 2006 SHEFFIELD CITY COUNCIL COMMONS REGISTRATION AUTHORITY</p> | <p>Application number: LC/2013/VG02</p> <p>Register unit Not(s): <input type="text"/></p> <p>VG number allocated at registration: <input type="text"/></p> <p>(CRA to complete only if application is successful)</p> |
| <p>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:</p> <ul style="list-style-type: none"> All applicants should complete questions 1 to 6 and 10 and 11. Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete questions 7 and 8 as appropriate. 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 the voluntary registration under section 15(8) should, in addition, complete question 9. | |
| <p>Note 1 Insert name of registration authority.</p> | <p>1. Registration Authority</p> <p>To the</p> <p>Sheffield City Council Licensing Section Block C, Staniforth Road Depot S93HD</p> |

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 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:

Full postal address:

Postcode

Telephone number:
(incl. national dialling code)

Fax Number:
(incl. national dialling code)

E-mail address:

3. Name and address of solicitor, if any

Name:

Firm:

Full postal address:
Postcode

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.

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

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 that of a community or town council, 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.

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

Name by which usually known:

SMITHY WOOD

Location:

Adjacent to M1 at Junction 35 with Cowley Hill.

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:

See map 2.
Cowley View Estate, Chapelton, Sheffield

Tick here if map attached:

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).

Refer to page 1 of Application letter.

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

We believe the land belongs to a property company called St. Paul's Developments.

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

10. Supporting documentation

Map 1 - Smithy Wood
Map 2 - locality
10 photographs of Woodland
15 Questionnaires
11 letters or emails

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.

11. Any other information relating to the application

The owner may challenge the application and EXTRA also have an interest in the land.

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.

Date:

14. 11. 13.

Signatures:

Jean M. Howe
(Chair of CRAG).

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 the applicant's or applicants' solicitor, or, if the applicant is a body corporate or unincorporated, by its solicitor, or by the person who signed the application.

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

.....¹ solemnly and sincerely declare as follows:

² *Delete and adapt as necessary.*

1.² I am ((the person (~~one of the persons~~) who (has) (~~has~~) signed the foregoing application)) ((~~the solicitor to~~ (the applicant) (~~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'

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

JEAN MARY HOWE)
at 102 (112 BUNCOB) RD)
CANTON)
this 14th day of November 2011)

Jean M. Howe.
Signature of Declarant

Before me*

Signature:


SPAWN TITURWGS

Address :

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

Letters of evidence of recreational use 'as of right' from members of the community local to Smithy Wood, Sheffield - all originals are in the possession of the Cowley Residents Action Group (CRAG) unless stated otherwise.

Plate 1 Copy of the original letter sent electronically as a Microsoft word document -- not signed electronically

Mr Andrew Hetherington
1 Oak Court
Fairfield Manor
Sprotbrough
DN5 7NH
Date 30 October 2013

To whom it may concern,

I would like to support the application for Smithy Wood to become a protected community asset to be enjoyed by local people for many years to come. I spent hours and hours on my bike there with my friends and was also taken there by my parents for nature trails etc. This experience will stay in my memory for ever.

I now have a son of my own and when visiting my parents often take him to the place where I enjoyed playing, Smithy Wood. I spent my childhood living in Chapeltown, going to school in the area and enjoy telling my son how we climbed the trees, built dens and looked for the buzzards which circled overhead. This woodland is a magical place. It is close to the motorway, but when deep in the woods it is so quiet and peaceful.

Yours sincerely

Andrew Hetherington

Plate 2 Copy of the original letter sent electronically as a Microsoft Word Document - not signed electronically.

Mrs J. Hetherington
61 Glenwood Cres
Chapelton
Sheffield
S35 1YU
Date 1st Nov 2013-11-05

To whom it may concern,

I have lived in Chapelton now since 1982 and have had the pleasure of enjoying walking through Smithy Woods with my children and more recently my grandchildren.

It is Ancient Woodland and Green Belt and these areas should be preserved for our future generations to enjoy, so that there will be no loss of wildlife and places to take our children to enjoy their local habitat, which is what I did with my children when they were growing up. We all have many memories of walking through this woodland looking for leaves, birds, and enjoying what an ancient woodland can bring to a child and their education in caring for our wildlife. My children grew up knowing what protecting our environment means and the reason we still have woodlands we can visit on our doorstep and green belt areas that we can enjoy.

I end my letter by saying please can Smithy Wood be protected so that no more trees have to be cut down unnecessarily like the adjacent Hesley Wood where thousands of trees have already been destroyed. This legacy needs to be left for our grandchildren and their grandchildren

Yours sincerely

Jenny Hetherington (Mrs)

31 Glenwood Crescent

Chapeltown

Sheffield

S35 1YU

To whom it may concern

My husband and I have lived on the Cowley Estate close to Smithy Wood for 29 years of our married life. I also lived in Chapeltown as a child. We visited Smithy Wood regularly with my son and his friends when he was young and we now take my 5 year old granddaughter and 3 year old grandson there frequently.

It is an amazing place once you go further into the woodland. You would never know that you were so close to the motorway. It is a great place to go to relax and unwind with my Labrador. There is a beech coppice there unlike any other. Its growth seems to have been stunted maybe because of pollution from the coking plant in the past. When the plant was working I know that workers used to go in the woodland in their breaks in order to unwind. In more recent years since the business park has been developed I have seen people from those offices enjoying the woodland in their lunch breaks. Many local residents also use the woodland for walking, alone or with their dogs.

It is even more precious now since the adjacent site of Hesley Woods is to be opencast mined to retrieve the coke. We vehemently opposed this planning application because the site had gone to nature for over 40 years since the coking plant at Smithy Wood closed in 1972. Tens of thousands of trees have been destroyed to make way for the 'development'. The wildlife that lived there we were told by the planners would move to adjacent woodland so it is imperative that we protect that woodland, Smithy Wood.

There are many birds which can be seen there such as chaffinches, bramblings, flycatchers, tree creepers and nuthatches. I have seen bluetits and great tits, jays, magpies, crows, robins, wrens and chaffinches and heard the woodpeckers in Springtime. Kestrels and buzzards which used to hover over Hesley Woods can now be seen flying over Smithy Woods. There are foxes, shrews, hedgehogs, numerous rabbits and squirrels and there was a badgers den there previously (I'm not sure now). Bats can often be seen at dusk in the summer and there is also a diverse population of butterflies. I also believe there are adders living on the site.

Children have enjoyed playing in the woods for years. My son and his friends built a den there, played tracking and hide and seek, went on bug hunts and climbed the trees. It is particularly magical in winter time when the leaves have fallen and there is fresh snow on the ground and you can follow the fresh animal trails left in the snow. What better way to learn about nature. My grandchildren love to come with us to take the dog for a walk through the woods and unlike most things today it is free and educational.

Horse riders also use the woods as do local walking groups. The woodland runs alongside the Pennine Trail which is just being extended. We cannot afford to lose yet another woodland. This woodland of Smithy Wood dates back to at least 1200 AD. We really must protect it for future generations, so that they can see nature as it is, and so that we don't lose any more species of wildlife. I'm afraid that Hesley Wood will never be the same as it was, even when the spoil heap has been removed and it has been 'landscaped'. Please help us protect our Ancient Woodland.

Yours sincerely,

Jean and Dennis Howe

Mrs Z King
5 Chambers Drive
Chapelton
Sheffield
S35 2TA
Date 31 October 2013

To whom it may concern,

I have spent many happy hours as a child in Smithy Wood Ancient Woodland. I feel that this area of Green Belt needs to be protected so that local residents can enjoy its pleasures for many years to come. We need to protect the local wildlife which inhabits these woodlands where I used to go to see many species of birds, animals and bugs.

We enjoyed being able to run through the leaves in autumn, collect conkers and berries. We rode our bikes, played hide and seek and went on bug hunts in the summer and looked for animal tracks in the snow in winter.

I learned from my parents how important it is to maintain these areas for our future. Please let us preserve this piece of Ancient Woodland. I want to be able to show my son where my parents took me as a child.

Yours sincerely,

Zoë King

Plate 5 Copy of the original letter sent electronically as a Microsoft Word Document - not signed electronically.

28a Hesley Bar,
Thorpe Hesley,
Rotherham,
S61 2PW

My personal memories of Smithy Wood are from when I was young. My brothers who were young teenagers at the time used to go in the woods quite often to play around. They would make 'Tarzan swings' with ropes and branches and play for hours. Once they made a terrific underground den which they had dug out by hand. It was quite big and they used to spend time in there with their mates. I remember my brother taking me in the wood to look at it and I thought it was amazing, I think it even had an old armchair in it.

I know a friend of mine used to walk his dog in there regularly before he fell ill. I remember speaking to him when he had been in the woods once and someone had dumped three lovely kittens in a box. He told me about it and me and my little nieces rushed excitedly to Smithy Wood. When we got there the box was empty and we had to look around for the kittens. We managed to catch them all in the end and I found a home for one but I kept the other two and they grew up into beautiful cats.

That's just a couple of fond memories of the wood that I have.

Regards,

Tracy Ward

Plate 6 Copy of the original letter sent electronically as a Microsoft Word Document - not signed electronically.

Hesley Grove
Chapelton
Sheffield
S35 1TX

TO WHOM IT MAY CONCERN

I have been walking in Smithy Woods for over 20 years. I am a keen birdwatcher and found these woods the ideal place, with the lovely old trees come a variety of birds and wildlife. My daughter spent her younger years playing in and around the woods and now takes a keen interest in the environment, which I believe stems from her time exploring the woods.

I regularly take my dog into the woods; it is the ideal place for him to have a run and play, as it is away from the dangers of the busy road.

Whilst out walking in and around the woodland area, I have got to know a number of local residents who, like me, are enjoying the surroundings.

There has never been any fencing or boundary line around the woods, nor have there been any notices advising this is private land and I have never been asked to leave.

This is just a lovely, peaceful, safe place to walk and enjoy nature; which is on the door-step for use by everyone.

Gary Lambert

Plate 7 Copy of the original letter - original signed by hand.

We have used Smithy Wood for recreational facilities for a long time, particularly for walking and taking visitors around to make them feel the 'greenness' of the environment full of birds and other natural species. Being members of Chapeltown 50 plus club we have often had group walks through Smithy Wood and members participating have rated these walks as one of the best.

We would like to register our protest at any kind of development in this area which would lead to the destruction of Smithy Wood with all its greenery and wild life. The development in this area will not only deprive the people of recreational facilities but will also destroy extremely pleasant environment close to Chapeltown and the City of Sheffield.

We strongly oppose any kind of development in this area.

Mr A. Davda.....*A. Davda*..... Date.....*21/10/2013*.....

Mrs M. Davda.....*M. Davda*..... Date.....*21/10/2013*.....

Address:
36 Glenwood Crescent
Chapeltown
Sheffield S35 1YX

Plate 8 Copy of the original letter sent electronically as a Microsoft Word Document - not signed electronically.

46, Glenwood Crescent,
Chapelton,
Sheffield.
S35 1YX
1st November 2013

To whom it may concern,

The intended site is a popular and well used place for many people, including myself, to walk and exercise their dogs whilst enjoying all the woodland has to offer, particularly now since the loss of the re-generated (it took 40 years) Hesley Wood spoil tip opposite.

It is pleasurable to observe the diverse selection of wildlife, it is a haven for birds where you can see chaffinches, bramblings, flycatchers, tree creepers, nuthatches as well as blue, great, long tailed willow and coal tits, jays, magpies, crows, robins, wrens, dunnocks and the occasional thrush, kestrels and sometimes a buzzard flying overhead. Larks and peewits nest on land between the office blocks adjacent, the sound of a skylark's song is immediately recognisable and one of the great joys of early summer.

Smithy Wood ancient woodland is a very peaceful location that has existed for hundreds of years and is irreplaceable. There are many species of flora and fauna which have probably become a replacement habitat for all the displaced species following the mass destruction of the trees on the disused Hesley wood spoil tip opposite.

It would be extremely worrying to think that there could be even more loss of woodland turning the Chapelton area, which was a leafy suburb, into a very polluted village, as the trees make a very good buffer against the air and noise pollution from the M1.

To be able to walk amongst the native trees of England is a wonderful experience and bearing in mind the great loss of our magnificent elm trees and the current threat of Ash die back, please help us to keep this large section of Smithy Wood which could never be replaced.

In this day and age people need somewhere to relax, unwind and appreciate what we have (and are in danger of losing) some place of peace and quiet away from the humdrum of modern life, and, where they can take their children to learn about and see nature, our heritage, something so precious. Yes I know we have a park but parks are manicured and it is essential to be able to see nature as it is, natural.

It is fun and exciting to take the children on a picnic in the woods in the summer and to spot animal tracks in the snow in winter. The land concerned is green belt as well as ancient woodland and should be preserved for local people to continue using and enjoying, young and old, for leisure pursuits for many years to come.

Yours Faithfully,

Mrs Carole Ann Eccles.

15 Colebrook Rd,
Chapel Hill
27514
March 21, 1973

Dear Sir,
I am writing to bring to
your attention a few things that I
feel are local issues that need

I have lived in this area for 12 years
and have watched as these changes
over the time, both with my children and
my dog.

One issue that I feel needs to be
addressed is the fact that the
area is becoming more and more
to be used for things that I do not
like.

It seems to me that a lot of the
area has been lost to the people who
live in the area. I feel that the
local people who live in the area
are being treated as if they are
not important and that the area
is being used for things that I do not
like.

The people who live in the area
are being treated as if they are
not important and that the area
is being used for things that I do not
like.

I think that the TFR will
be a good thing for the area and
that it will help to make the area
a better place to live in.

Yours truly,
Carl Gibson

14 GLENWOOD CIRCLE
CHICHESTER
SHEFFIELD
S35 1YX
6 11 2013

DEAR SIR/MADAM

I WANT TO CONTINUE
WORKING THE 'SMITHY WOOD' SITE, WHICH IS ONE
OF THE WOODS WITH A NATURAL OR WITH
THE DIRT (OR MANY MORE) TREES TO GROW AND
ENJOY THE WOOD LIFE ON THE SITE.

I ALSO WANT TO SEE THE TREES IN SUMMER
WOOD LEFT ALONE TO HELP AS A BARRIER
BETWEEN THE MORTON WOOD (OR ANY LARGE BUSH,
PLANT, TREE, OR SHrub) WITH THE AIR QUALITY
BUT ALSO HELP TO REDUCE THE NOISE LEVELS
FROM THE MORTON WOOD.

I DO NOT WANT TO BE A BURDEN ON THE
OF THE LAND AND I WOULD BE VERY HAPPY
TO BE A SAVING TO THE LAND AS WELL
AS TO HAVE THE TREES AND THE BUSHES
AND THE LAND AS WELL.

Yours faithfully
D. G. G. G.

Plate 11 Copy of an email received and forwarded electronically from Oliver Newham at the Woodland Trust,
Grantham - original in his possession.

From: WILSON, Steve [mailto:WILSONST@parliament.uk]
Sent: 04 November 2013 12:24
To: Oliver Newham
Cc: SMITH, Angela C
Subject: RE: Smithy Wood - Village Green Status

Oliver

One of my main memories as a youngster, growing up in Chadestown was exploring the areas around Smithy and Hesley Wood. Whether it be playing soldiers in the old WW2 gun placements around Hesley Wood or just being adventurous in Smithy Wood it was for me all about being young and enjoying life.

Now as one of the Local Councillors for the area I want to make sure those woods, especially Smithy Wood is there for the next generation of youngsters as it has been for last 20 generations and therefore would be heartily support this application to make Smith Wood a Village Green.



Steven Wilson

Senior Parliamentary Researcher Assistant
Angela Smith MP
Paritime & Skills/Inkpe Constituency
Tel: constituency: 0111 4511114
Westminster: 011 451 4504
Mobile: 071 451 1870
www.parliament.uk
0111 451 1870
Parliament House, London WC2A 0AR
Tel: 0111 451 1870

Plate 12 Copy of an email received and forwarded electronically from Oliver Newham at the Woodland Trust - part
of their own campaign for Smithy Wood. Used with permission from original respondent.

From: annem@uwclub.net [mailto:annem@uwclub.net]
Sent: 09 November 2013 13:35
To: campaigning@woodlandtrust.org.uk
Subject: Why Smithy Wood's worth saving

Dear Oliver,

My memory of Smithy Wood is...

Smithy Woods was a peaceful haven and somewhere to walk alone without feeling isolated & vulnerable the day after my Mother passed away. The time alone give me time space to think about my future . Pls stop destroying little pockets of unspoilt natural habitat for profiteering & junk food outlets.

**Photographs of Smithy Wood - the originals are in the possession of Cowley Residents
Action Group.**

Plate 13



Plate 14



Plate 15



Plate 16



Plate 17



Plate 18



Plate 19



Plate 20



Plate 21



Plate 22



Plate 6 The gatepost



Plate 7 Broken fencing

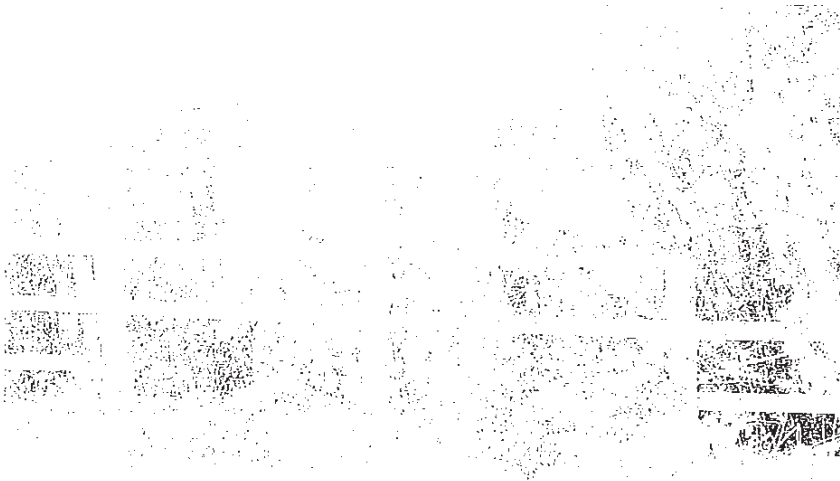


Plate 8 The gate post



Plate 9 showing one of the paths



EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: CAROLE ECCLES (MRS)
ADDRESS: 46 GLENWOOD CRESCENT, CHAPELTOWN
SHEFFIELD S. YORKS
POST CODE S35 1YX TELEPHONE NUMBER: 0114 2468241

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

SMITHY WOOD

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

LOCAL SHOPS

SPORTS FACILITY

DOCTOR'S SURGERY

CHURCH OR PLACE OF WORSHIP

COMMUNITY CENTRE

SCOUT HUT

CATCHMENT AREA FOR LOCAL SCHOOL

COMMUNITY ACTIVITIES

A CENTRAL FEATURE

CHILDREN'S PLAYGROUND

NEIGHBOURHOOD WATCH

RESIDENT'S ASSOCIATION

AREA POLICEMAN

OTHER (please state)

 **LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE** 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND?

YES NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

WALK

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

NO

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

NO

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____ NO

13. IF YES, WHEN AND FOR WHAT REASON?

N/A

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____ NO

15. IF YES, WHEN AND FOR WHAT REASON?

N/A

18. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

NO

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR?
(please list as many as you like, and continue on a separate sheet if you need to)

WALKING, BIRDWATCHING, IDENTIFYING + TEACHING GRAND CHILDREN (AND MY OWN IN THE PAST) THE VARIOUS TYPES OF TREES, FLOWERS, BUTTERFLIES + THE OCCASIONAL FOX, HEDGEHOG, GRASS SNAKE ETC. ALSO IDENTIFYING ANIMAL TRACKS IN THE SNOW.

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

AS ABOVE

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

YES TO BOTH QUESTIONS

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

NO

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM?

YES _____ NO

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

DOG WALKING

WALKING

DEN BUILDING

PHOTOGRAPHY

DRAWING OR PAINTING

PICNICS

KITE FLYING

POND/STREAM DIPPING FOR CREATURES

BONFIRE PARTIES

HORSE RIDING

SEED/CONKER COLLECTING

PEOPLE ON LUNCH BREAKS

BIRD WATCHING

BICYCLE RIDING

CHILDREN PLAYING

WILDLIFE SPOTTING

FOOTBALL

BERRY PICKING

TEAM GAMES

COMMUNITY CELEBRATIONS

TREE CLIMBING

MEDITATION/CONTEMPLATION

GROUP ACTIVITIES

OTHER (please state)

 **20 YEARS OF USE** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 1980 TO: 2013

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 **USE CONTINUING AT THE DATE OF APPLICATION** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES NO

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

 **OTHER EVIDENCE** 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM? YES _____ NO _____

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES NO _____

 STATEMENT 

I HAVE CARRIED ON THE ACTIVITIES REFERRED TO IN THIS QUESTIONNAIRE WITHOUT ANYBODY TRYING TO STOP ME AND I BELIEVE THE ACTIVITY SHOULD BE TREATED AS HAVING A LAWFUL ORIGIN

I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED W.A. Eads DATED 10.10.2013

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.

MAP A



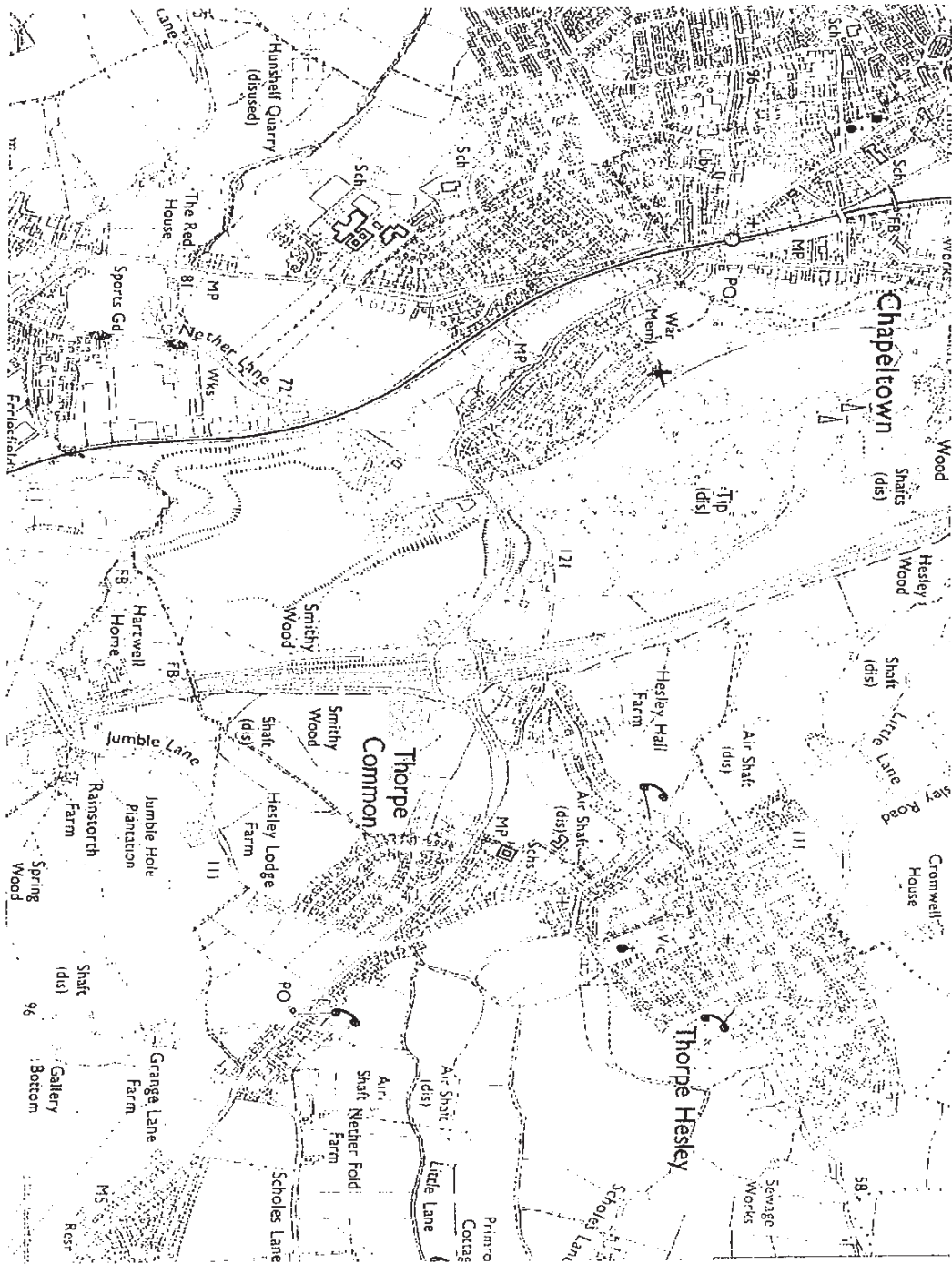
OSMAP © Crown Copyright. All rights reserved. OS Licence 1000027807. OSN Licence 1463 20 2. Geomatics plc

(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED Paul Eccles

Please mark the map with an → at the point/s where you access the land.
Please mark the map with 'N' at the point where you saw any notices
Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

MAP B



Please mark the location of your home on this map with 'X'

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: Paul Yeandle
ADDRESS: 26 Cowslip Drive
Chapelton Smeeth
POST CODE EB5 1SW TELEPHONE NUMBER: 0114 2452910

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

SMITHY WOOD

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

NOT THAT I AM AWARE

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP ~~B~~ C

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP ~~B~~ WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

- | | |
|---|--|
| <input checked="" type="checkbox"/> LOCAL SHOPS | <input type="checkbox"/> SPORTS FACILITY |
| <input type="checkbox"/> DOCTOR'S SURGERY | <input checked="" type="checkbox"/> CHURCH OR PLACE OF WORSHIP |
| <input type="checkbox"/> COMMUNITY CENTRE | <input checked="" type="checkbox"/> SCOUT HUT |
| <input checked="" type="checkbox"/> CATCHMENT AREA FOR LOCAL SCHOOL | <input type="checkbox"/> COMMUNITY ACTIVITIES |
| <input type="checkbox"/> A CENTRAL FEATURE | <input checked="" type="checkbox"/> CHILDREN'S PLAYGROUND |
| <input checked="" type="checkbox"/> NEIGHBOURHOOD WATCH | <input type="checkbox"/> RESIDENT'S ASSOCIATION |
| <input type="checkbox"/> AREA POLICEMAN | <input type="checkbox"/> OTHER (please state) |
-
-

 **LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE** 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND?

YES _____ NO _____

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

WALK

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

NO

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

NO

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

NO

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____

NO

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____

NO

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like, and continue on a separate sheet if you need to)

WALKING, CYCLING

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

WALKING, CYCLING

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

..... YES

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

.....
.....
.....
.....

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM? YES _____ NO _____

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)
.....
.....

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)
.....
.....

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

- | | |
|--|---|
| <input checked="" type="checkbox"/> DOG WALKING | <input checked="" type="checkbox"/> BIRD WATCHING |
| <input checked="" type="checkbox"/> WALKING | <input checked="" type="checkbox"/> BICYCLE RIDING |
| <input checked="" type="checkbox"/> DEN BUILDING | <input checked="" type="checkbox"/> CHILDREN PLAYING |
| <input checked="" type="checkbox"/> PHOTOGRAPHY | <input checked="" type="checkbox"/> WILDLIFE SPOTTING |
| <input type="checkbox"/> DRAWING OR PAINTING | <input type="checkbox"/> FOOTBALL |
| <input checked="" type="checkbox"/> PICNICS | <input checked="" type="checkbox"/> BERRY PICKING |
| <input type="checkbox"/> KITE FLYING | <input type="checkbox"/> TEAM GAMES |
| <input type="checkbox"/> POND/STREAM DIPPING FOR CREATURES | <input type="checkbox"/> COMMUNITY CELEBRATIONS |
| <input type="checkbox"/> BONFIRE PARTIES | <input type="checkbox"/> TREE CLIMBING |
| <input type="checkbox"/> HORSE RIDING | <input type="checkbox"/> MEDITATION/CONTEMPLATION |
| <input checked="" type="checkbox"/> SEED/CONKER COLLECTING | <input type="checkbox"/> GROUP ACTIVITIES |
| <input type="checkbox"/> PEOPLE ON LUNCH BREAKS | <input type="checkbox"/> OTHER (please state) |

 **20 YEARS OF USE** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 1977 TO: Present

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 **USE CONTINUING AT THE DATE OF APPLICATION** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES NO

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

 **OTHER EVIDENCE** 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM?

YES _____ NO _____

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES NO _____

🌿 STATEMENT 🌿

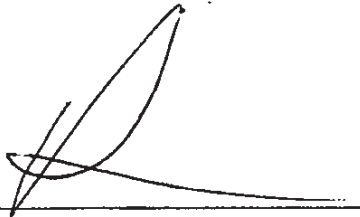
I HAVE CARRIED ON THE ACTIVITIES REFERRED TO IN THIS QUESTIONNAIRE WITHOUT ANYBODY TRYING TO STOP ME AND I BELIEVE THE ACTIVITY SHOULD BE TREATED AS HAVING A LAWFUL ORIGIN

I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED  DATED 05/11/2012

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.

MAP A



GISNO Crown Copyright. All rights reserved OS Licence 100021807 OSN Licence 1453 2013 Geomatics plc

(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED _____

Please mark the map with an → at the point/s where you access the land.
Please mark the map with 'N' at the point where you saw any notices
Please mark the map with 'G' or 'S' at the point where any gate or stile exists.



EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: CHRIS SUMNER

ADDRESS: 57 WOODBURN DRIVE,
CHAPELTOWN, SHEFFIELD

POST CODE S35 1YT TELEPHONE NUMBER: 0114 2463388

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

SMITHEY WOOD

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

LOCAL SHOPS

SPORTS FACILITY

DOCTOR'S SURGERY

CHURCH OR PLACE OF WORSHIP

COMMUNITY CENTRE

SCOUT HUT

CATCHMENT AREA FOR LOCAL SCHOOL

COMMUNITY ACTIVITIES

A CENTRAL FEATURE

CHILDREN'S PLAYGROUND

NEIGHBOURHOOD WATCH

RESIDENT'S ASSOCIATION

AREA POLICEMAN

OTHER (please state)

 **LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE** 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND?

YES NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

WALK AND RUN.

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

NO

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

NO ?

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

NO

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____ NO

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____ NO

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like, and continue on a separate sheet if you need to)

WALKING, BIRD SPOTTING, RUNNING.

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

WALKING WITH THE CHILDREN.

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

YES, ~~BY~~ NEIGHBOURS.

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM?

YES _____ NO _____

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

A LOCAL RUNNING CLUB USE THE WOODS
ON SOME SUMMER RUNS

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

DOG WALKING

WALKING

DEN BUILDING

PHOTOGRAPHY

DRAWING OR PAINTING

PICNICS

KITE FLYING

POND/STREAM DIPPING FOR CREATURES

BONFIRE PARTIES

HORSE RIDING

SEED/CONKER COLLECTING

PEOPLE ON LUNCH BREAKS

BIRD WATCHING

BICYCLE RIDING

CHILDREN PLAYING

WILDLIFE SPOTTING

FOOTBALL

BERRY PICKING

TEAM GAMES

COMMUNITY CELEBRATIONS

TREE CLIMBING

MEDITATION/CONTEMPLATION

GROUP ACTIVITIES

OTHER (please state)

Running.

 **20 YEARS OF USE** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 1985 TO: 2013

DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 **USE CONTINUING AT THE DATE OF APPLICATION** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES NO _____

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

THE LAND IS NOT TOTALLY ENCLOSED

 **OTHER EVIDENCE** 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM?

YES _____ NO

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES _____ NO

STATEMENT

I HAVE CARRIED ON THE ACTIVITIES REFERRED TO IN THIS QUESTIONNAIRE WITHOUT ANYBODY TRYING TO STOP ME AND I BELIEVE THE ACTIVITY SHOULD BE TREATED AS HAVING A LAWFUL ORIGIN

I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED E. Sumner DATED 5/11/2013

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.

MAP A



(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED _____

E. Sumner

Please mark the map with an → at the point/s where you access the land.
Please mark the map with 'N' at the point where you saw any notices
Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

7

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: MICHAEL HARRISON

ADDRESS: 34 COWLEY DRIVE
CHAPELTOWN

POST CODE S30 1SW TELEPHONE NUMBER: 0114-2467200

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

SMITTY WOOD

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

- | | |
|---|--|
| <input checked="" type="checkbox"/> LOCAL SHOPS | <input checked="" type="checkbox"/> SPORTS FACILITY |
| <input checked="" type="checkbox"/> DOCTOR'S SURGERY | <input checked="" type="checkbox"/> CHURCH OR PLACE OF WORSHIP |
| <input checked="" type="checkbox"/> COMMUNITY CENTRE | <input checked="" type="checkbox"/> SCOUT HUT |
| <input checked="" type="checkbox"/> CATCHMENT AREA FOR LOCAL SCHOOL | <input checked="" type="checkbox"/> COMMUNITY ACTIVITIES |
| <input checked="" type="checkbox"/> A CENTRAL FEATURE | <input checked="" type="checkbox"/> CHILDREN'S PLAYGROUND |
| <input checked="" type="checkbox"/> NEIGHBOURHOOD WATCH | <input checked="" type="checkbox"/> RESIDENT'S ASSOCIATION |
| <input checked="" type="checkbox"/> AREA POLICEMAN | <input type="checkbox"/> OTHER (please state) |
-
-

 **LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE** 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND? YES NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

WALK AND CYCLE

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

No

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

No

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____

NO

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____

NO

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

FENCING BETWEEN MOTORWAY AND WOODLAND
BUT NO OTHER PLACE

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like, and continue on a separate sheet if you need to)

NATURE WALKS WITH GRANDMOTHER, BIRD WATCHING
WALKING WITH FAMILY, CYCLING

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

AS ABOVE

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

... YES, USUALLY LOCAL PEOPLE ...

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM?

YES _____ NO _____

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

DOG WALKING

WALKING

DEN BUILDING

PHOTOGRAPHY

DRAWING OR PAINTING

PICNICS

KITE FLYING

POND/STREAM DIPPING FOR CREATURES

BONFIRE PARTIES

HORSE RIDING

SEED/CONKER COLLECTING

PEOPLE ON LUNCH BREAKS

BIRD WATCHING

BICYCLE RIDING

CHILDREN PLAYING

WILDLIFE SPOTTING

FOOTBALL

BERRY PICKING

TEAM GAMES

COMMUNITY CELEBRATIONS

TREE CLIMBING

MEDITATION/CONTEMPLATION

GROUP ACTIVITIES

OTHER (please state)

 **20 YEARS OF USE** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 1960 TO: 2013

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 **USE CONTINUING AT THE DATE OF APPLICATION** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU **CURRENTLY** USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES NO _____

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

 **OTHER EVIDENCE** 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM?

YES _____ NO _____

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES NO _____

 STATEMENT 

I HAVE CARRIED ON THE ACTIVITIES REFERRED TO IN THIS QUESTIONNAIRE WITHOUT ANYBODY TRYING TO STOP ME AND I BELIEVE THE ACTIVITY SHOULD BE TREATED AS HAVING A LAWFUL ORIGIN

I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED

M. Harrison

DATED

4-11-13

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

*31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD
S35 1YU.*

MAP A



(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED

M. J. J. J. J.

Please mark the map with an → at the point/s where you access the land.
Please mark the map with 'N' at the point where you saw any notices
Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

M. Hattis

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME:

JOHN BRISCOE

ADDRESS:

24, GLENWOOD CRESCENT,

CHAPELTOWN, SHEFFIELD

POST CODE

S35 14X

TELEPHONE NUMBER:

0114 246 4690

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

SMITHY WOOD

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

FAR WOOD

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

- | | |
|---|--|
| <input checked="" type="checkbox"/> LOCAL SHOPS | <input type="checkbox"/> SPORTS FACILITY |
| <input checked="" type="checkbox"/> DOCTOR'S SURGERY | <input checked="" type="checkbox"/> CHURCH OR PLACE OF WORSHIP |
| <input type="checkbox"/> COMMUNITY CENTRE | <input checked="" type="checkbox"/> SCOUT HUT |
| <input checked="" type="checkbox"/> CATCHMENT AREA FOR LOCAL SCHOOL | <input type="checkbox"/> COMMUNITY ACTIVITIES |
| <input type="checkbox"/> A CENTRAL FEATURE | <input checked="" type="checkbox"/> CHILDREN'S PLAYGROUND |
| <input checked="" type="checkbox"/> NEIGHBOURHOOD WATCH | <input checked="" type="checkbox"/> RESIDENT'S ASSOCIATION |
| <input type="checkbox"/> AREA POLICEMAN | <input type="checkbox"/> OTHER (please state) |

 **LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE** 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND? YES NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

WALK

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

NO

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

NO

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

NO

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____ NO

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____

NO

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

No
PARTIALLY FENCED

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like, and continue on a separate sheet if you need to)

WALKING, ~~BIKE RIDING~~ BIRD WATCHING, WILDLIFE
PEACE + QUIET

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

BIKE RIDING, DEN MAKING, HIDE + SEEK, TRACKING -
WHEN I WAS YOUNG NOW I TAKE MY GRANDCHILDREN +
I ALSO TOOK MY CHILDREN.

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

..... YES

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

..... CUBS 1950's

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM?

YES NO

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

..... RAMBLERS + RUNNING CLUBS

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

..... GATHERING BERRIES + BIRD WATCHING, CONKER PICKING

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

DOG WALKING

WALKING

DEN BUILDING

PHOTOGRAPHY

DRAWING OR PAINTING

PICNICS

KITE FLYING

IN PAST. POND/STREAM DIPPING FOR CREATURES

BONFIRE PARTIES

HORSE RIDING

SEED/CONKER COLLECTING

PEOPLE ON LUNCH BREAKS

BIRD WATCHING

BICYCLE RIDING

CHILDREN PLAYING

WILDLIFE SPOTTING

FOOTBALL

BERRY PICKING

TEAM GAMES

COMMUNITY CELEBRATIONS

TREE CLIMBING

MEDITATION/CONTEMPLATION

GROUP ACTIVITIES

OTHER (please state)

 **20 YEARS OF USE** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 1955 TO: PRESENT

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 **USE CONTINUING AT THE DATE OF APPLICATION** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES NO

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

PARTIALLY FENCED. GATEPOSTS BUT NO GATES.

 **OTHER EVIDENCE** 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM?

YES _____ NO _____

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES _____ NO

STATEMENT

I HAVE CARRIED ON THE ACTIVITIES REFERRED TO IN THIS QUESTIONNAIRE WITHOUT ANYBODY TRYING TO STOP ME AND I BELIEVE THE ACTIVITY SHOULD BE TREATED AS HAVING A LAWFUL ORIGIN

I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED



DATED

5. 11. 13.

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.

MAP A



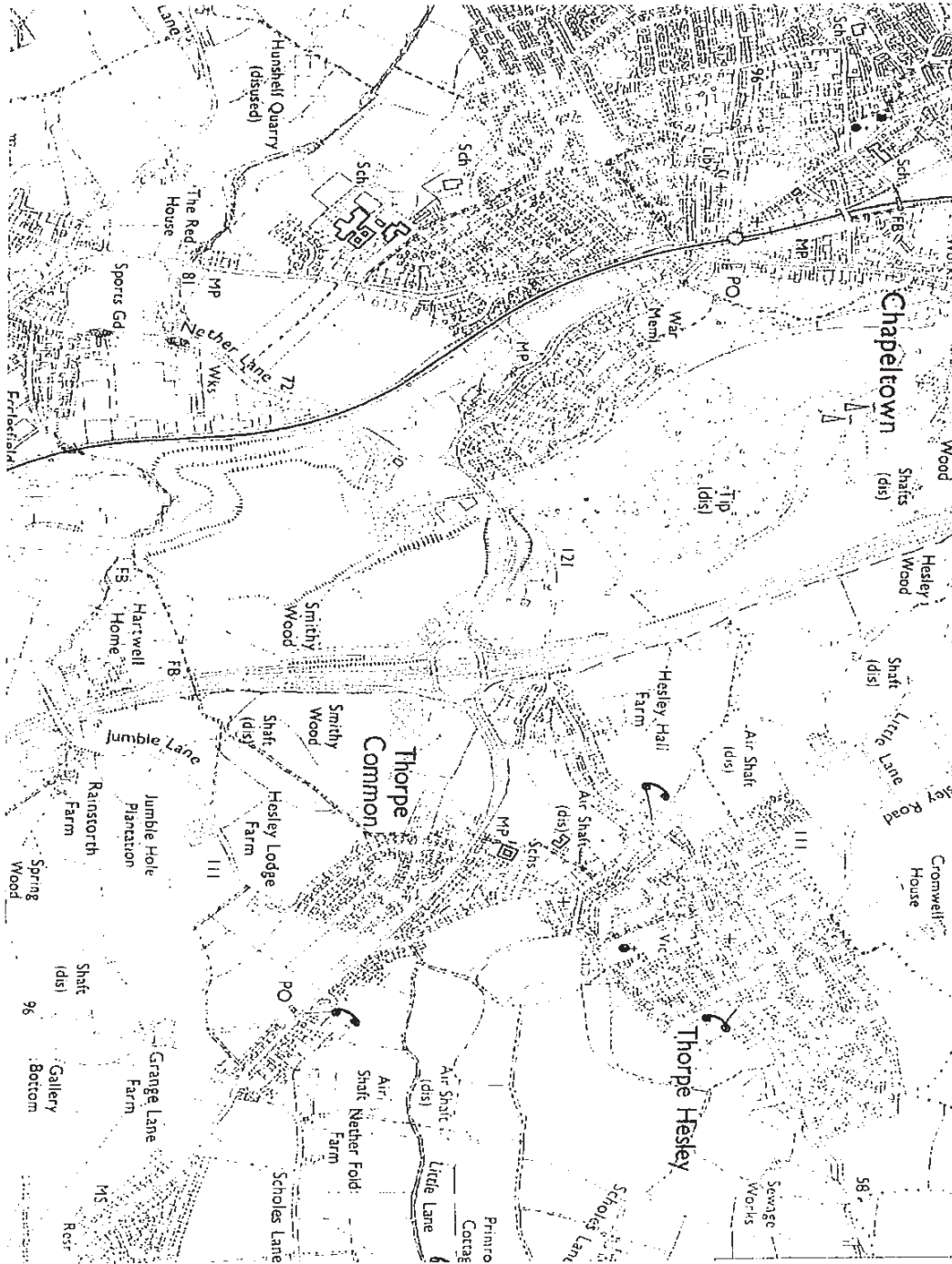
GISMO (Crown Copyright) All rights reserved OS Licence 1000271807 OSN Licence 1453 2011 Gaeilgeann pte

(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED 

Please mark the map with an → at the point/s where you access the land.
Please mark the map with 'N' at the point where you saw any notices
Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

MAP B



Please mark the location of your home on this map with 'X'

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: MR G. DRIVER
ADDRESS: 32 CONLEY DRIVE CHARLTON
SHEFFIELD
POST CODE S35 1SW TELEPHONE NUMBER: 01142468843

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)
670 UPPER WORTLEY RD THORPE HEBBLY
ROTTERHAM S61

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

FAR WOOD

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

- | | |
|---|--|
| <input checked="" type="checkbox"/> LOCAL SHOPS | <input type="checkbox"/> SPORTS FACILITY |
| <input checked="" type="checkbox"/> DOCTOR'S SURGERY | <input checked="" type="checkbox"/> CHURCH OR PLACE OF WORSHIP |
| <input type="checkbox"/> COMMUNITY CENTRE | <input checked="" type="checkbox"/> SCOUT HUT |
| <input checked="" type="checkbox"/> CATCHMENT AREA FOR LOCAL SCHOOL | <input type="checkbox"/> COMMUNITY ACTIVITIES |
| <input type="checkbox"/> A CENTRAL FEATURE | <input checked="" type="checkbox"/> CHILDREN'S PLAYGROUND |
| <input checked="" type="checkbox"/> NEIGHBOURHOOD WATCH | <input checked="" type="checkbox"/> RESIDENT'S ASSOCIATION |
| <input type="checkbox"/> AREA POLICEMAN | <input type="checkbox"/> OTHER (please state) |
-
-

 **LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE** 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND?

YES NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

WALK

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

?

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

No

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

No

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____

NO

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____

NO

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

No

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like) and continue on a separate sheet if you need to)

WALKING BIRD WATCHING

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

OFTEN TOOK CHILDREN WALKING TO
SHOW WHAT I COULD HE. BIRDS, WILD ANIMALS,
TREES, WILD FLOWERS, CAUGHT STICKLEBACKS
TAD POLES ETC TO SHOW THEM FROM THE
POND AS WAS. BEFORE BEING SPOILED,
BY SO CALLED IMPROVEMENTS

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

YES

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

WOLF CUBS LATE 40^S EARLY 50^S

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM?

YES

NO

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

?

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

GATHERING FUNGUS

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

DOG WALKING

WALKING

DEN BUILDING

PHOTOGRAPHY

DRAWING OR PAINTING

PICNICS

KITE FLYING

POND/STREAM DIPPING FOR CREATURES

BONFIRE PARTIES

HORSE RIDING

SEED/CONKER COLLECTING

PEOPLE ON LUNCH BREAKS

BIRD WATCHING

BICYCLE RIDING

CHILDREN PLAYING

WILDLIFE SPOTTING

FOOTBALL

BERRY PICKING

TEAM GAMES

COMMUNITY CELEBRATIONS

TREE CLIMBING

MEDITATION/CONTEMPLATION

GROUP ACTIVITIES

OTHER (please state)

 **20 YEARS OF USE** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 1953 TO: 2013

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 **USE CONTINUING AT THE DATE OF APPLICATION** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES NO

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

 **OTHER EVIDENCE** 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM? YES _____ NO

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES NO _____

STATEMENT

I HAVE CARRIED ON THE ACTIVITIES REFERRED TO IN THIS QUESTIONNAIRE WITHOUT ANYBODY TRYING TO STOP ME AND I BELIEVE THE ACTIVITY SHOULD BE TREATED AS HAVING A LAWFUL ORIGIN

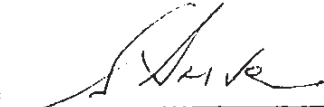
I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED



DATED

4-11-13

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.

MAP A



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(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED

Please mark the map with an → at the point/s where you access the land.
Please mark the map with 'N' at the point where you saw any notices
Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: IAN NEWTON - SMITH
ADDRESS: 51, COWLEY DRIVE
CHAPELTOWN
POST CODE S 35 1SW TELEPHONE NUMBER: 01142465694

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

SMITHY WOOD

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

- | | |
|---|--|
| <input checked="" type="checkbox"/> LOCAL SHOPS | <input type="checkbox"/> SPORTS FACILITY |
| <input checked="" type="checkbox"/> DOCTOR'S SURGERY | <input checked="" type="checkbox"/> CHURCH OR PLACE OF WORSHIP |
| <input type="checkbox"/> COMMUNITY CENTRE | <input checked="" type="checkbox"/> SCOUT HUT |
| <input checked="" type="checkbox"/> CATCHMENT AREA FOR LOCAL SCHOOL | <input type="checkbox"/> COMMUNITY ACTIVITIES |
| <input type="checkbox"/> A CENTRAL FEATURE | <input checked="" type="checkbox"/> CHILDREN'S PLAYGROUND |
| <input checked="" type="checkbox"/> NEIGHBOURHOOD WATCH | <input checked="" type="checkbox"/> RESIDENT'S ASSOCIATION |
| <input type="checkbox"/> AREA POLICEMAN | <input type="checkbox"/> OTHER (please state) |
-
-

 **LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE** 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND?
YES NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

WALK

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

NO

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

NO

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

NO

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____ NO No

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____ NO No

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

No

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like, and continue on a separate sheet if you need to)

WALKING AND BIRD WATCHING

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

YES WE MOVED TO THIS AREA
IN THE 1980'S AND MY FAMILY
HAVE HAD REGULAR WALKS ON
THE SITE TO DATE

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

I HAVE SEEN NEIGHBOURS THERE

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM?

YES _____ NO _____

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

DOG WALKING

WALKING

DEN BUILDING

PHOTOGRAPHY

DRAWING OR PAINTING

PICNICS

KITE FLYING

POND/STREAM DIPPING FOR CREATURES

BONFIRE PARTIES

HORSE RIDING

SEED/CONKER COLLECTING

PEOPLE ON LUNCH BREAKS

BIRD WATCHING

BICYCLE RIDING

CHILDREN PLAYING

WILDLIFE SPOTTING

FOOTBALL

BERRY PICKING

TEAM GAMES

COMMUNITY CELEBRATIONS

TREE CLIMBING

MEDITATION/CONTEMPLATION

GROUP ACTIVITIES

OTHER (please state)

 20 YEARS OF USE 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 1989 TO: DATE (2013)

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 USE CONTINUING AT THE DATE OF APPLICATION 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES NO

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

THE LAND IS NOT ENCLOSED

 OTHER EVIDENCE 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM?

YES _____ NO _____

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES NO _____

 STATEMENT 

I HAVE CARRIED ON THE ACTIVITIES REFERRED TO IN THIS QUESTIONNAIRE WITHOUT ANYBODY TRYING TO STOP ME AND I BELIEVE THE ACTIVITY SHOULD BE TREATED AS HAVING A LAWFUL ORIGIN

I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED lan Newton-Smith DATED 7/11/2013

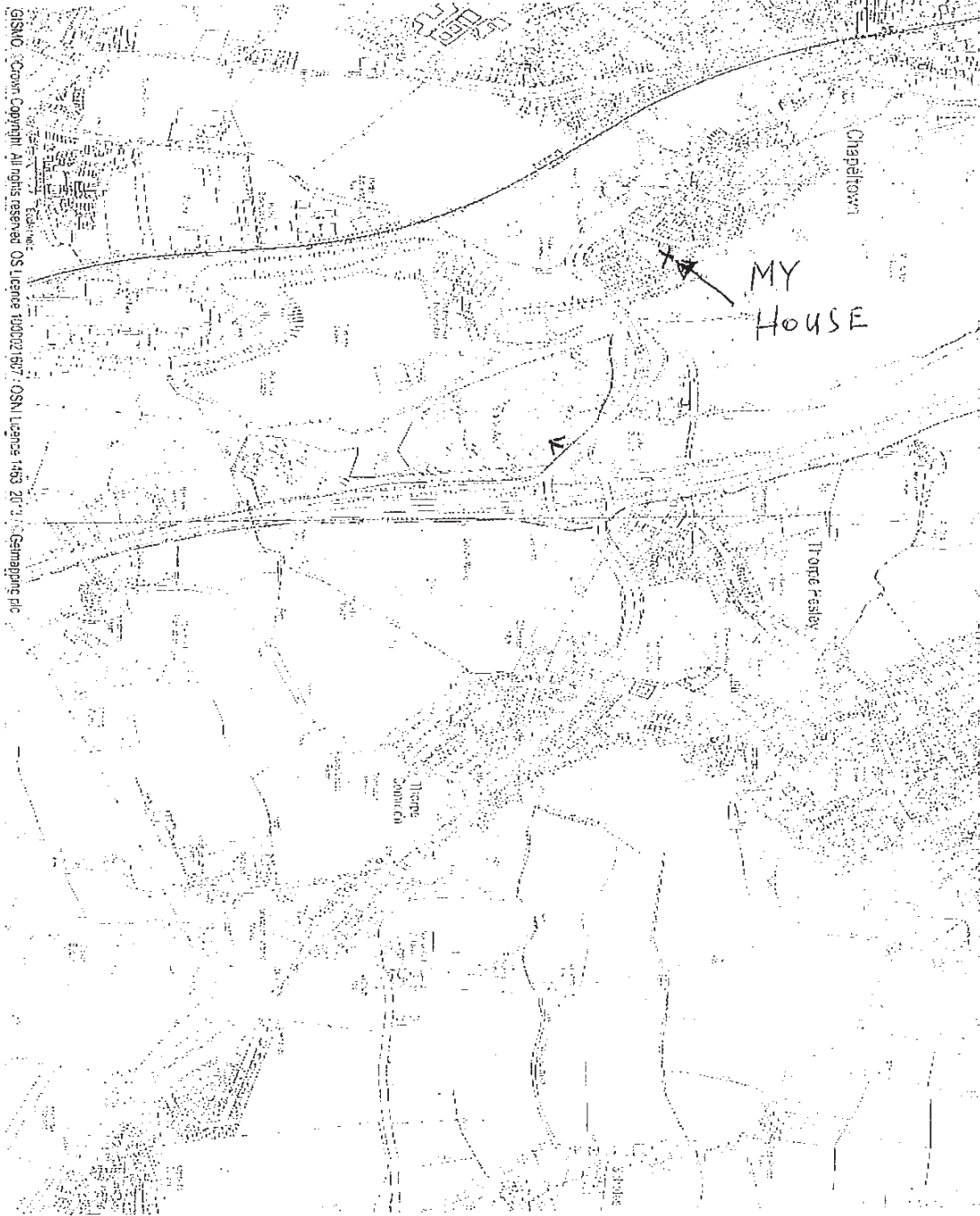
IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.

MAP A



OSM© Crown Copyright. All rights reserved. OS Licence 100021507. OSN Licence 1463 2014. Geonaping plc

(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED Ian Newton - L.H

Please mark the map with an → at the point/s where you access the land.
Please mark the map with 'N' at the point where you saw any notices
Please mark the map with 'G' or 'S' at the point where any gate or style exists.

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: BARRE GLOSSOP

ADDRESS: 64 GLENWOOD CRESCENT CHAPELTOWN
SHEFFIELD S

POST CODE S35 1YX TELEPHONE NUMBER: 0114 2461760

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

SMITHY WOOD

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

No.

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

LOCAL SHOPS

SPORTS FACILITY

DOCTOR'S SURGERY

CHURCH OR PLACE OF WORSHIP

COMMUNITY CENTRE

SCOUT HUT

CATCHMENT AREA FOR LOCAL SCHOOL

COMMUNITY ACTIVITIES

A CENTRAL FEATURE

CHILDREN'S PLAYGROUND

NEIGHBOURHOOD WATCH

RESIDENT'S ASSOCIATION

AREA POLICEMAN

OTHER (please state)

 **LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE** 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND?

YES

NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

WALK.

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

ST PAULS.

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

Na. ?

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

No.

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____ NO

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____ NO

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

PART FENCE

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like, and continue on a separate sheet if you need to)

GENERAL WALKING FOR EXERCISE &
NATURE WATCHING

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

MY FAMILY HAVE USED THE LAND FOR
WALKING IN THE PAST

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

YES. FROM THE LOCALITY & NEIGHBOURHOOD

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

NO.

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM?

YES _____ NO

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

DONT KNOW. ?

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

DONT KNOW.

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

DOG WALKING

WALKING

DEN BUILDING

PHOTOGRAPHY

DRAWING OR PAINTING

PICNICS

KITE FLYING

POND/STREAM DIPPING FOR CREATURES

BONFIRE PARTIES

HORSE RIDING

SEED/CONKER COLLECTING

PEOPLE ON LUNCH BREAKS

BIRD WATCHING

BICYCLE RIDING

CHILDREN PLAYING

WILDLIFE SPOTTING

FOOTBALL

BERRY PICKING

TEAM GAMES

COMMUNITY CELEBRATIONS

TREE CLIMBING

MEDITATION/CONTEMPLATION

GROUP ACTIVITIES

OTHER (please state)

 **20 YEARS OF USE** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 1995 TO: 2013

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 **USE CONTINUING AT THE DATE OF APPLICATION** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES NO

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

YES

 **OTHER EVIDENCE** 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM?

YES _____ NO

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES _____ NO

STATEMENT

I HAVE CARRIED ON THE ACTIVITIES REFERRED TO IN THIS QUESTIONNAIRE WITHOUT ANYBODY TRYING TO STOP ME AND I BELIEVE THE ACTIVITY SHOULD BE TREATED AS HAVING A LAWFUL ORIGIN

I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED D. Gosse DATED 7.11.13.

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD
S35 1YU.

MAP A



(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED B Glossop

Please mark the map with an → at the point/s where you access the land.
Please mark the map with 'N' at the point where you saw any notices
Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: RONALD HARDY

ADDRESS: 35 GLENWOOD CRESCENT
CHAPELTOWN SHEFFIELD

POST CODE S35 1YU TELEPHONE NUMBER: 0114 2463590

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

HESLEY WOOD.

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

LOCAL SHOPS

SPORTS FACILITY

DOCTOR'S SURGERY

CHURCH OR PLACE OF WORSHIP

COMMUNITY CENTRE

SCOUT HUT

CATCHMENT AREA FOR LOCAL SCHOOL

COMMUNITY ACTIVITIES

A CENTRAL FEATURE

CHILDREN'S PLAYGROUND

NEIGHBOURHOOD WATCH

RESIDENT'S ASSOCIATION

AREA POLICEMAN

OTHER (please state)

 **LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE** 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND?

YES NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

WALK

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

No

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

No

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

No

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____

NO

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____

NO

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

NO

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like, and continue on a separate sheet if you need to)

WALKS AND NATURE WATCHING

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

SON USED TO WHEN A BOY

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

SOMETIMES AND FROM LOCALITY

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM?

YES

NO



22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

DOG WALKING

WALKING

DEN BUILDING

PHOTOGRAPHY

DRAWING OR PAINTING

PICNICS

KITE FLYING

POND/STREAM DIPPING FOR CREATURES

BONFIRE PARTIES

HORSE RIDING

SEED/CONKER COLLECTING

PEOPLE ON LUNCH BREAKS

BIRD WATCHING

BICYCLE RIDING

CHILDREN PLAYING

WILDLIFE SPOTTING

FOOTBALL

BERRY PICKING

TEAM GAMES

COMMUNITY CELEBRATIONS

TREE CLIMBING

MEDITATION/CONTEMPLATION

GROUP ACTIVITIES

OTHER (please state)

 **20 YEARS OF USE** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 1966 TO: PRESENT DAY

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 **USE CONTINUING AT THE DATE OF APPLICATION** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES NO _____

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

 **OTHER EVIDENCE** 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO _____

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM? YES _____ NO _____

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES _____ NO _____

STATEMENT

I HAVE CARRIED ON THE ACTIVITIES REFERRED TO IN THIS QUESTIONNAIRE WITHOUT ANYBODY TRYING TO STOP ME AND I BELIEVE THE ACTIVITY SHOULD BE TREATED AS HAVING A LAWFUL ORIGIN

I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED

R. A. dy

DATED

5-11-13.

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.

MAP A



(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED

R. J. O'Leary

Please mark the map with an → at the point/s where you access the land.
Please mark the map with 'N' at the point where you saw any notices
Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: A.H. GOODINSON

ADDRESS: 59 GREENWOOD CRESCENT

POST CODE S35 1YU TELEPHONE NUMBER: _____

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

695 WORDSWORTH AVE ECCLESFIELD

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

SMITHYWOOD

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

No

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

- | | |
|---|--|
| <input checked="" type="checkbox"/> LOCAL SHOPS | <input checked="" type="checkbox"/> SPORTS FACILITY |
| <input checked="" type="checkbox"/> DOCTOR'S SURGERY | <input type="checkbox"/> CHURCH OR PLACE OF WORSHIP |
| <input type="checkbox"/> COMMUNITY CENTRE | <input type="checkbox"/> SCOUT HUT |
| <input checked="" type="checkbox"/> CATCHMENT AREA FOR LOCAL SCHOOL | <input checked="" type="checkbox"/> COMMUNITY ACTIVITIES |
| <input checked="" type="checkbox"/> A CENTRAL FEATURE | <input checked="" type="checkbox"/> CHILDREN'S PLAYGROUND |
| <input type="checkbox"/> NEIGHBOURHOOD WATCH | <input checked="" type="checkbox"/> RESIDENT'S ASSOCIATION |
| <input checked="" type="checkbox"/> AREA POLICEMAN | <input type="checkbox"/> OTHER (please state) |
-
-

 **LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE** 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND? YES NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

WALK - TRAVELLERS

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

No

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

No

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

No

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____ NO

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____ NO

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

No

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR?
(please list as many as you like, and continue on a separate sheet if you need to)

WALKING

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

YES - NEIGHBOURHOOD PLUS OTHERS

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

No

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM?

YES _____ NO

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

No

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

- | | |
|--|--|
| <input checked="" type="checkbox"/> DOG WALKING | <input checked="" type="checkbox"/> BIRD WATCHING |
| <input checked="" type="checkbox"/> WALKING | <input checked="" type="checkbox"/> BICYCLE RIDING |
| <input type="checkbox"/> DEN BUILDING | <input type="checkbox"/> CHILDREN PLAYING |
| <input type="checkbox"/> PHOTOGRAPHY | <input type="checkbox"/> WILDLIFE SPOTTING |
| <input type="checkbox"/> DRAWING OR PAINTING | <input type="checkbox"/> FOOTBALL |
| <input type="checkbox"/> PICNICS | <input type="checkbox"/> BERRY PICKING |
| <input type="checkbox"/> KITE FLYING | <input type="checkbox"/> TEAM GAMES |
| <input type="checkbox"/> POND/STREAM DIPPING FOR CREATURES | <input type="checkbox"/> COMMUNITY CELEBRATIONS |
| <input type="checkbox"/> BONFIRE PARTIES | <input type="checkbox"/> TREE CLIMBING |
| <input checked="" type="checkbox"/> HORSE RIDING | <input type="checkbox"/> MEDITATION/CONTEMPLATION |
| <input type="checkbox"/> SEED/CONKER COLLECTING | <input type="checkbox"/> GROUP ACTIVITIES |
| <input type="checkbox"/> PEOPLE ON LUNCH BREAKS | <input type="checkbox"/> OTHER (please state) |

 **20 YEARS OF USE** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 1953 TO: TO DATE

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 **USE CONTINUING AT THE DATE OF APPLICATION** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?
YES NO

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

 **OTHER EVIDENCE** 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS?
YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM?
YES _____ NO _____

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY?
YES _____ NO

STATEMENT

I HAVE CARRIED ON THE ACTIVITIES REFERRED TO IN THIS QUESTIONNAIRE WITHOUT ANYBODY TRYING TO STOP ME AND I BELIEVE THE ACTIVITY SHOULD BE TREATED AS HAVING A LAWFUL ORIGIN

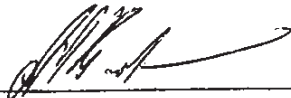
I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED



DATED

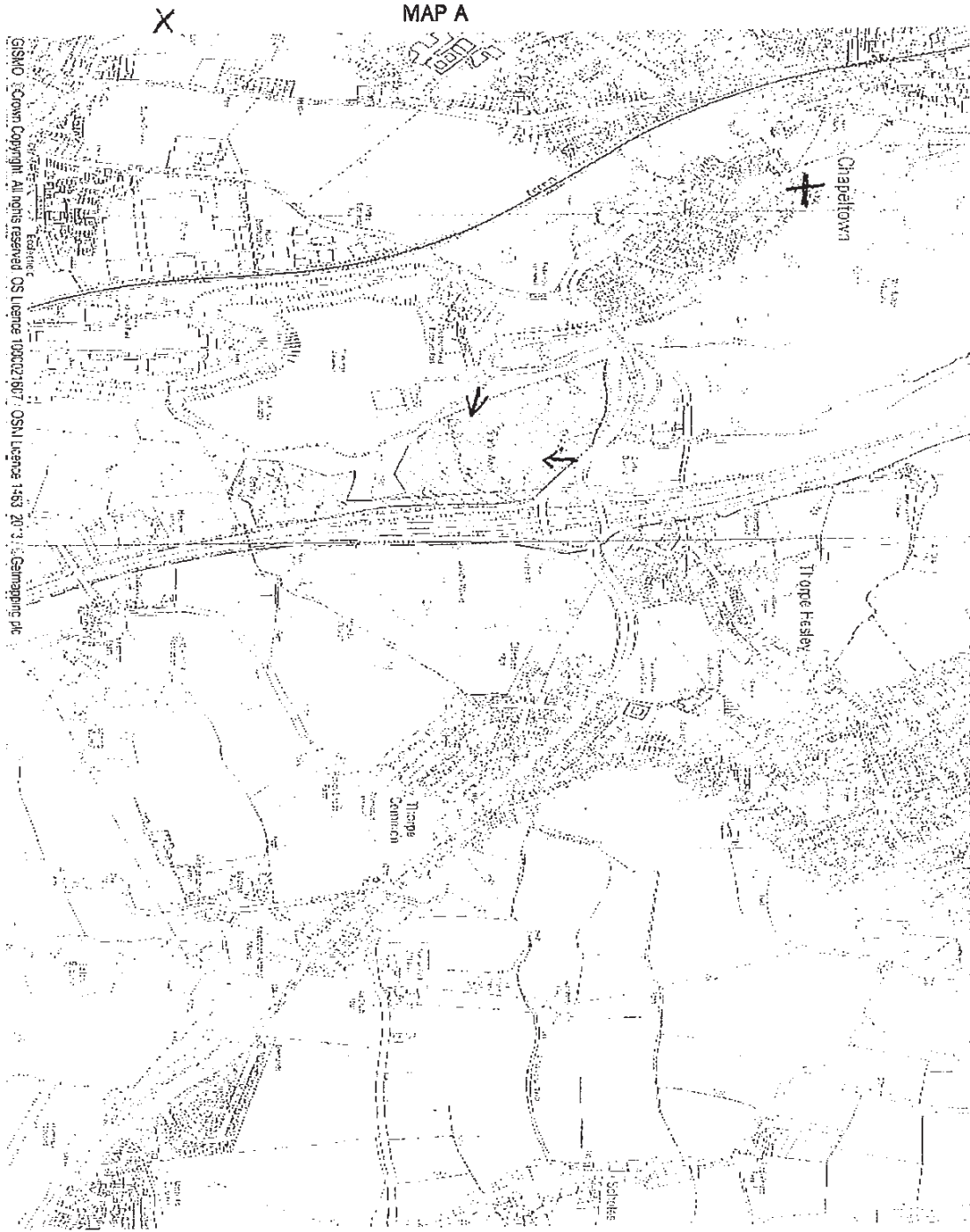
10 Nov 2013

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

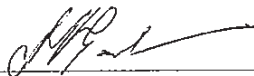
IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.

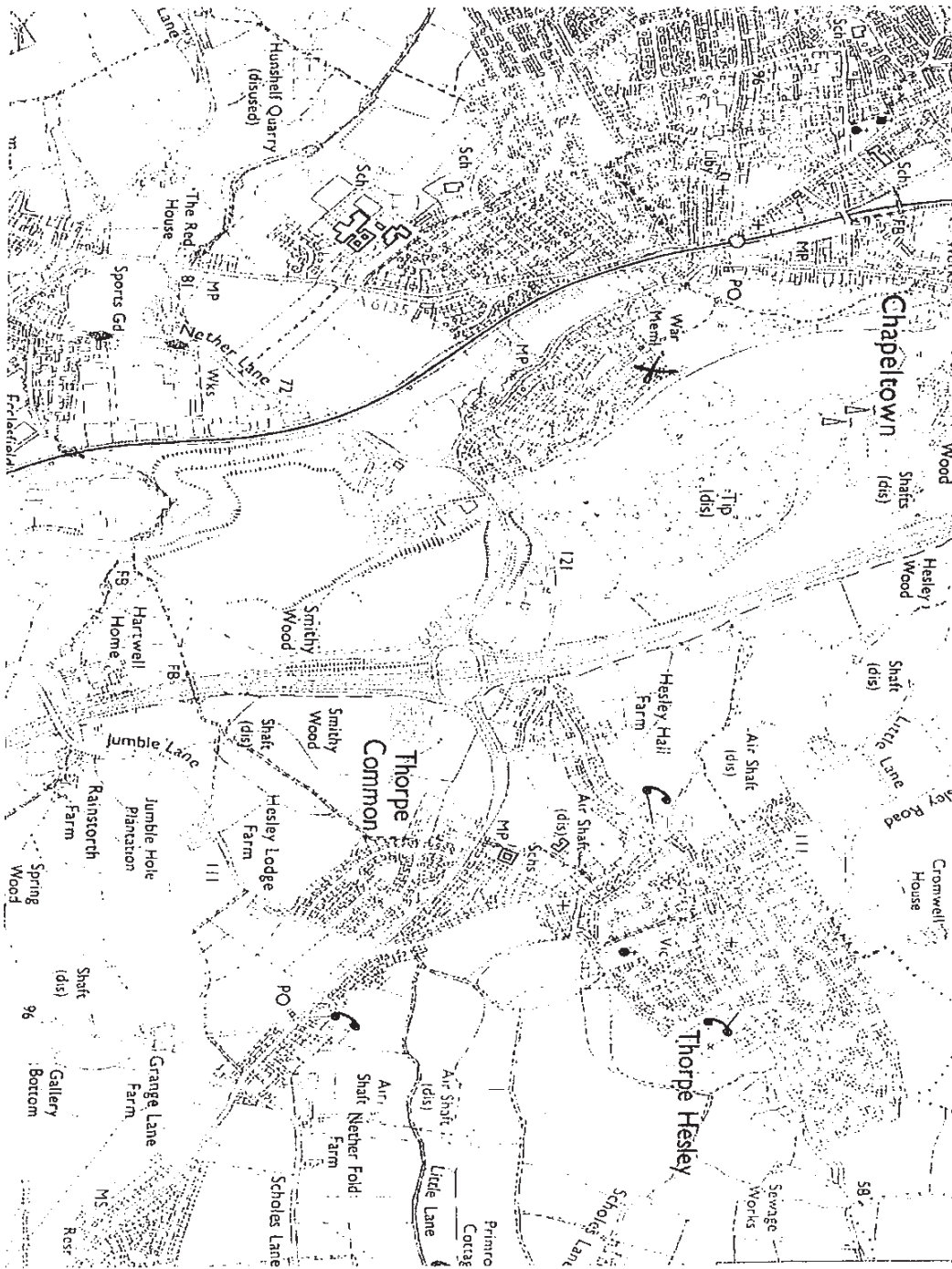


(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED 

Please mark the map with an → at the point/s where you access the land.
Please mark the map with 'N' at the point where you saw any notices
Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

MAP B



Please mark the location of your home on this map with 'X'

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME:

Carol Gibson

ADDRESS:

125, Glenwood Crescent

POST CODE

S35 1YU

TELEPHONE NUMBER:

01787131550

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

As Above

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

Smithy Wood

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

Some people call it 'Fay Wood' -
if you lived in Thorne Hesley

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

- LOCAL SHOPS
- DOCTOR'S SURGERY
- COMMUNITY CENTRE
- CATCHMENT AREA FOR LOCAL SCHOOL
- A CENTRAL FEATURE
- NEIGHBOURHOOD WATCH
- AREA POLICEMAN
- SPORTS FACILITY
- CHURCH OR PLACE OF WORSHIP
- SCOUT HUT
- COMMUNITY ACTIVITIES
- CHILDREN'S PLAYGROUND
- RESIDENT'S ASSOCIATION
- OTHER (please state)

LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND? YES _____ NO _____

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)
walk

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)
NO

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?
NO

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?
NO

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____

NO _____

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____

NO _____

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

NO -

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like, and continue on a separate sheet if you need to)

walking dog.
Bird watching
Blackberry Picking

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

Yes
walking - Picking - Bird watching
Blackberry Picking

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

Yes

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

No

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM?

YES _____

NO

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

No

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

?

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

- | | |
|--|---|
| <input checked="" type="checkbox"/> DOG WALKING | <input checked="" type="checkbox"/> BIRD WATCHING |
| <input checked="" type="checkbox"/> WALKING | <input checked="" type="checkbox"/> BICYCLE RIDING |
| <input checked="" type="checkbox"/> DEN BUILDING | <input checked="" type="checkbox"/> CHILDREN PLAYING |
| <input checked="" type="checkbox"/> PHOTOGRAPHY | <input checked="" type="checkbox"/> WILDLIFE SPOTTING |
| <input type="checkbox"/> DRAWING OR PAINTING | <input type="checkbox"/> FOOTBALL |
| <input type="checkbox"/> PICNICS | <input checked="" type="checkbox"/> BERRY PICKING |
| <input type="checkbox"/> KITE FLYING | <input type="checkbox"/> TEAM GAMES |
| <input type="checkbox"/> POND/STREAM DIPPING FOR CREATURES | <input type="checkbox"/> COMMUNITY CELEBRATIONS |
| <input type="checkbox"/> BONFIRE PARTIES | <input checked="" type="checkbox"/> TREE CLIMBING |
| <input checked="" type="checkbox"/> HORSE RIDING | <input type="checkbox"/> MEDITATION/CONTEMPLATION |
| <input checked="" type="checkbox"/> SEED/CONKER COLLECTING | <input type="checkbox"/> GROUP ACTIVITIES |
| <input type="checkbox"/> PEOPLE ON LUNCH BREAKS | <input type="checkbox"/> OTHER (please state) |

 **20 YEARS OF USE** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 1999. TO: current day

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 **USE CONTINUING AT THE DATE OF APPLICATION** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES _____ NO _____

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

 **OTHER EVIDENCE** 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO _____

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM? YES _____ NO _____

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES _____ NO _____

STATEMENT

I HAVE CARRIED ON THE ACTIVITIES REFERRED TO IN THIS QUESTIONNAIRE WITHOUT ANYBODY TRYING TO STOP ME AND I BELIEVE THE ACTIVITY SHOULD BE TREATED AS HAVING A LAWFUL ORIGIN

I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED C Culson DATED 5/11/2013

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.

MAP A



(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED _____
Clayson

- Please mark the map with an → at the point/s where you access the land.
- Please mark the map with 'N' at the point where you saw any notices
- Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

Olson

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: MR ERIC GREEN
ADDRESS: 33 GLENWOOD CRESCENT
CHAPELTOWN SHEFFIELD
POST CODE S35 1YU TELEPHONE NUMBER: 0114 2400 890

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

SMITH WOOD

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

NO

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

- | | |
|---|--|
| <input checked="" type="checkbox"/> LOCAL SHOPS | <input checked="" type="checkbox"/> SPORTS FACILITY |
| <input checked="" type="checkbox"/> DOCTOR'S SURGERY | <input checked="" type="checkbox"/> CHURCH OR PLACE OF WORSHIP |
| <input checked="" type="checkbox"/> COMMUNITY CENTRE | <input checked="" type="checkbox"/> SCOUT HUT |
| <input checked="" type="checkbox"/> CATCHMENT AREA FOR LOCAL SCHOOL | <input checked="" type="checkbox"/> COMMUNITY ACTIVITIES |
| <input type="checkbox"/> A CENTRAL FEATURE | <input checked="" type="checkbox"/> CHILDREN'S PLAYGROUND |
| <input type="checkbox"/> NEIGHBOURHOOD WATCH | <input checked="" type="checkbox"/> RESIDENT'S ASSOCIATION |
| <input type="checkbox"/> AREA POLICEMAN | <input type="checkbox"/> OTHER (please state) |
-
-

 **LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE** 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND? YES NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

WALKING

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

No

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

No

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

No

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____

NO

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____

NO

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

NO

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like, and continue on a separate sheet if you need to)

WALKING

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

NO

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

Yes

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

No

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM?

YES

NO

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

DO NOT KNOW

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

DO NOT KNOW

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

DOG WALKING

WALKING

DEN BUILDING

PHOTOGRAPHY

DRAWING OR PAINTING

PICNICS

KITE FLYING

POND/STREAM DIPPING FOR CREATURES

BONFIRE PARTIES

HORSE RIDING

SEED/CONKER COLLECTING

PEOPLE ON LUNCH BREAKS

BIRD WATCHING

BICYCLE RIDING

CHILDREN PLAYING

WILDLIFE SPOTTING

FOOTBALL

BERRY PICKING

TEAM GAMES

COMMUNITY CELEBRATIONS

TREE CLIMBING

MEDITATION/CONTEMPLATION

GROUP ACTIVITIES

OTHER (please state)

 **20 YEARS OF USE** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 2003 TO: PRESENT TIME

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 **USE CONTINUING AT THE DATE OF APPLICATION** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES NO _____

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

No

 **OTHER EVIDENCE** 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM?

YES _____ NO _____

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES _____ NO

STATEMENT

I HAVE CARRIED ON THE ACTIVITIES REFERRED TO IN THIS QUESTIONNAIRE WITHOUT ANYBODY TRYING TO STOP ME AND I BELIEVE THE ACTIVITY SHOULD BE TREATED AS HAVING A LAWFUL ORIGIN

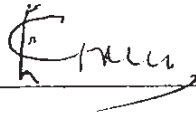
I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED



DATED 6.11.2013

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD
S35 1YU.

MAP A



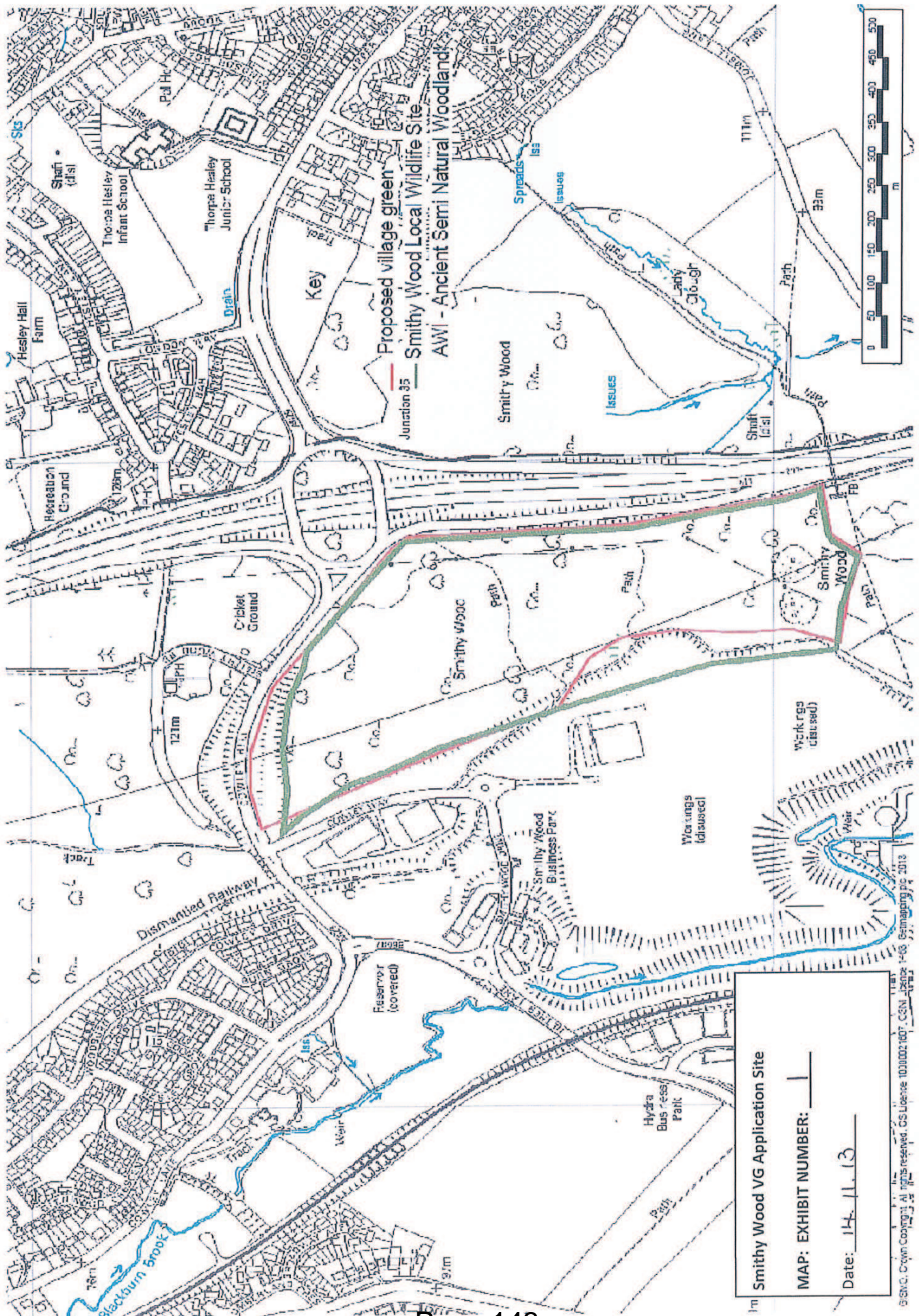
OSN10 Crown Copyright All rights reserved OS Licence 100021807 OSN Licence 1453 20 3 © Ordnance Survey

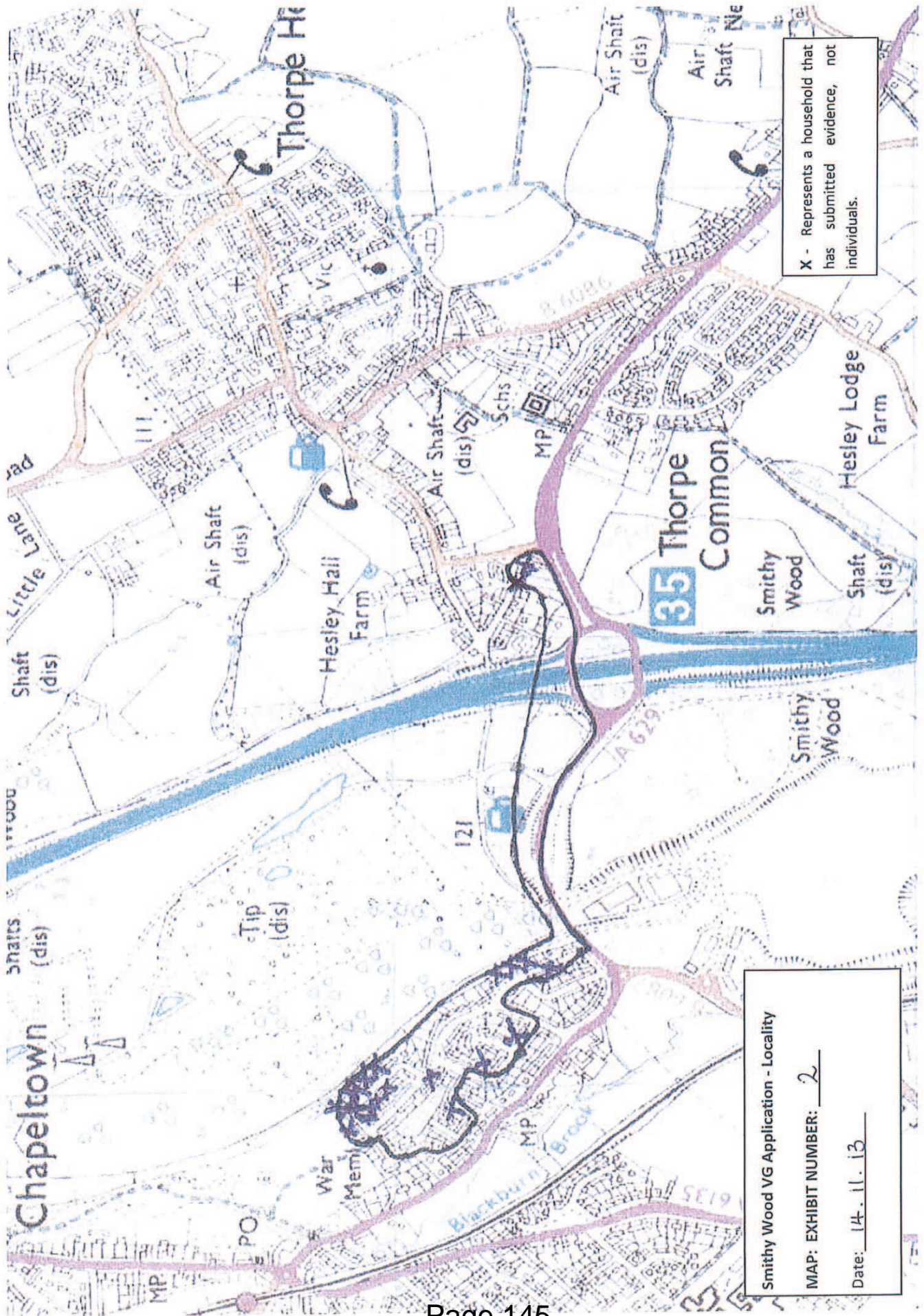
(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED _____

E. Meun

Please mark the map with an → at the point/s where you access the land.
Please mark the map with 'N' at the point where you saw any notices
Please mark the map with 'G' or 'S' at the point where any gate or stile exists.





X - Represents a household that has submitted evidence, not individuals.

Smithy Wood VG Application - Locality
 MAP: EXHIBIT NUMBER: 2
 Date: 14.11.13

This is the exhibit marked 'MAP: EXHIBIT NUMBER 2';


referred to in the statutory declaration of

COWLEY RESIDENTS ACTION GROUP
(Name of Declarant)

made this 14. 11. 13
(date)

before me, _____

Signature:

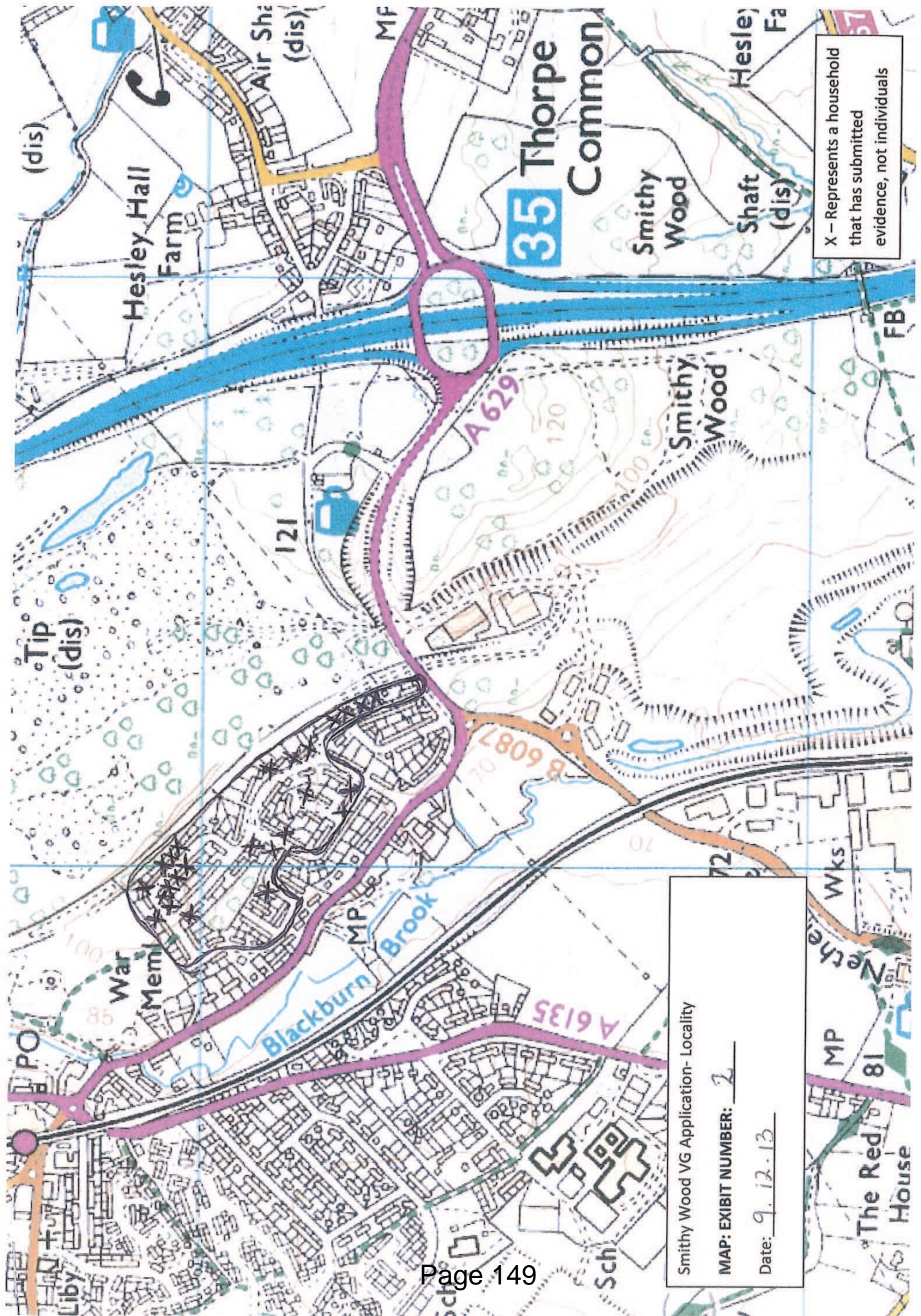

MARION TURNER

Address:

Qualification:

SOLICITOR

Appendix 'A 1'



X - Represents a household that has submitted evidence, not individuals

Smithy Wood VG Application- Locality

MAP: EXHIBIT NUMBER: 2

Date: 9.12.13

Plate 3 Copy of original online response to a Woodland Trust campaign around Smithy Wood. Original in the possession of the Woodland Trust.

To: campaigning@woodlandtrust.org.uk
Subject: Smithy Wood petition submitted data

The following data was submitted:

Forenames : S

Surname : Jepson

Postcode : S61 2SW

Email Address : sjepson@bueyonder.co.uk Smithy Wood petition personal comments : My family have lived in this area for generations Some of them were basket makers who used hazel from Smithy Wood and Greno Wood. My Grandfather was born in the cottage on Cowley Hill in the middle of Smithy Wood. We used to walk through Smithy Wood to Chapeltown before the motorway was built. It has given pleasure to countless number of people and should continue to do so.

Smithy Wood should be preserved. we cannot keep destroying ancient woodland, we need to preserve it for us and for future generations. If a brownfield site is available, and in the immediate location then this should be used

Plate 4 Copy of an email to the Woodland Trust, original in their possession.

From: kym@jwhite-tde.co.uk (mailto:kym@jwhite-tde.co.uk)

Sent: 03 December 2013 12:44

To: campaigning@woodlandtrust.org.uk

Subject: Why Smithy Wood's worth saving

Dear Oliver,

My memory of Smithy Wood is...

I remember Smithy Wood from being a boy, before part of it was destroyed to put the opencast site there. It had a lovely woodland walk through it which I used to enjoy. I used to go in there with my brother and friends and hang rope from the trees and play at 'Tarzan swings' and build dens. When I eventually had my own family our neighbour, Mr Stutchbury who knows a lot about the local area, used to take my children to Smithy Wood to walk his dog and show them the squirrels and other wildlife, he also showed them how to identify different trees. He used to let them hide behind the trees and then send his dog to sniff them out! Smithy Wood is part of the identity of the people who live near it and have good memories of it. It should not be destroyed but protected for future generations.

Plate 5 Copy of the original email in the possession of CRAG - this response refers to the late 1800s and while it does not pertain to our 20 year period, it does show that Smithy Wood has been important to local people as a place for recreation for hundreds of years just as it is to us.

Re: Smithy Wood

Jennifer Brown

Add contact

Jean Howe

Dear Jean,

My father and grandfather were born in Sheffield and great grand father Samuel Standish was a blacksmith and wheelwright at Norton/Woodseats.

Granddad William Henry Standish who lived in Pearl Street, Ecclesall, had friends at Smithy Wood, part of the Blacksmithing fraternity, and told my dad how he used to play there, in the 1880s.

I dare say there are accounts of the community at the Sheffield industrial museum.

I am the youngest surviving cousin aged 68 yrs.

My Dad's cousin's son Maurice Standish is the architect of the Metro Centre, Newcastle and your shopping centre at Meadowhall.

Sincerely,

Jennifer Standish Brown

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).

1. JEAN HOWE,¹ solemnly and sincerely declare as follows:—
COWLEY RESIDENTS ACTION GROUP
31, GLENWOOD CRESCENT, CHAPLETOWN, SHEFFIELD S35 14U.

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)~~) (~~³one 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

at 102/112 BURN CROSS ROAD
CHAPELTOWN
SHEFFIELD

this 9th day of DECEMBER 2017

Jean H. Howe
Signature of Declarant

Before me *

Signature:

BRANDY TITUSWORTH

Address:

102/112 BURN CROSS ROAD
CHAPELTOWN
S35 1TG

Qualification:

SOLICITOR

HOYS SOLICITORS
102/112 BURN CROSS ROAD
CHAPELTOWN
SHEFFIELD
S35 1TG

* 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

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: MALCOLM SELBY & VALERIE OLDFIELD
ADDRESS: 12 WOOD CLOSE CHAPELTOWN
SHEFFIELD
POST CODE S35 1QZ TELEPHONE NUMBER: 01138279554

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

SMITHY WOOD

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

NO

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

LOCAL SHOPS

SPORTS FACILITY

DOCTOR'S SURGERY

CHURCH OR PLACE OF WORSHIP

COMMUNITY CENTRE

SCOUT HUT

CATCHMENT AREA FOR LOCAL SCHOOL

COMMUNITY ACTIVITIES

A CENTRAL FEATURE

CHILDREN'S PLAYGROUND

NEIGHBOURHOOD WATCH

RESIDENT'S ASSOCIATION

AREA POLICEMAN

OTHER (please state)

 **LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE** 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND?

YES

NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

WALK FROM HOME

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

NO

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

NO

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

NO

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____

NO

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____

NO

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

NONE SEEN

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like, and continue on a separate sheet if you need to)

WALKING JOGGING

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

NO

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

no

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

NONE KNOWN

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM?

YES

NO



22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

DOG WALKING. BIKE RIDING.

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

UNSURE

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

DOG WALKING

WALKING

DEN BUILDING

PHOTOGRAPHY

DRAWING OR PAINTING

PICNICS

KITE FLYING

POND/STREAM DIPPING FOR CREATURES

BONFIRE PARTIES

HORSE RIDING

SEED/CONKER COLLECTING

PEOPLE ON LUNCH BREAKS

BIRD WATCHING

BICYCLE RIDING

CHILDREN PLAYING

WILDLIFE SPOTTING

FOOTBALL

BERRY PICKING

TEAM GAMES

COMMUNITY CELEBRATIONS

TREE CLIMBING

MEDITATION/CONTEMPLATION

GROUP ACTIVITIES

OTHER (please state)

 **20 YEARS OF USE** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

26. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 2012 TO: PRESENT

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 **USE CONTINUING AT THE DATE OF APPLICATION** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

28. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES? YES NO

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

 **OTHER EVIDENCE** 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM? YES _____ NO _____

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES _____ NO

TREATED AS HAVING A LAWFUL ORIGIN

I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED v Oldfield DATED 21.11.13

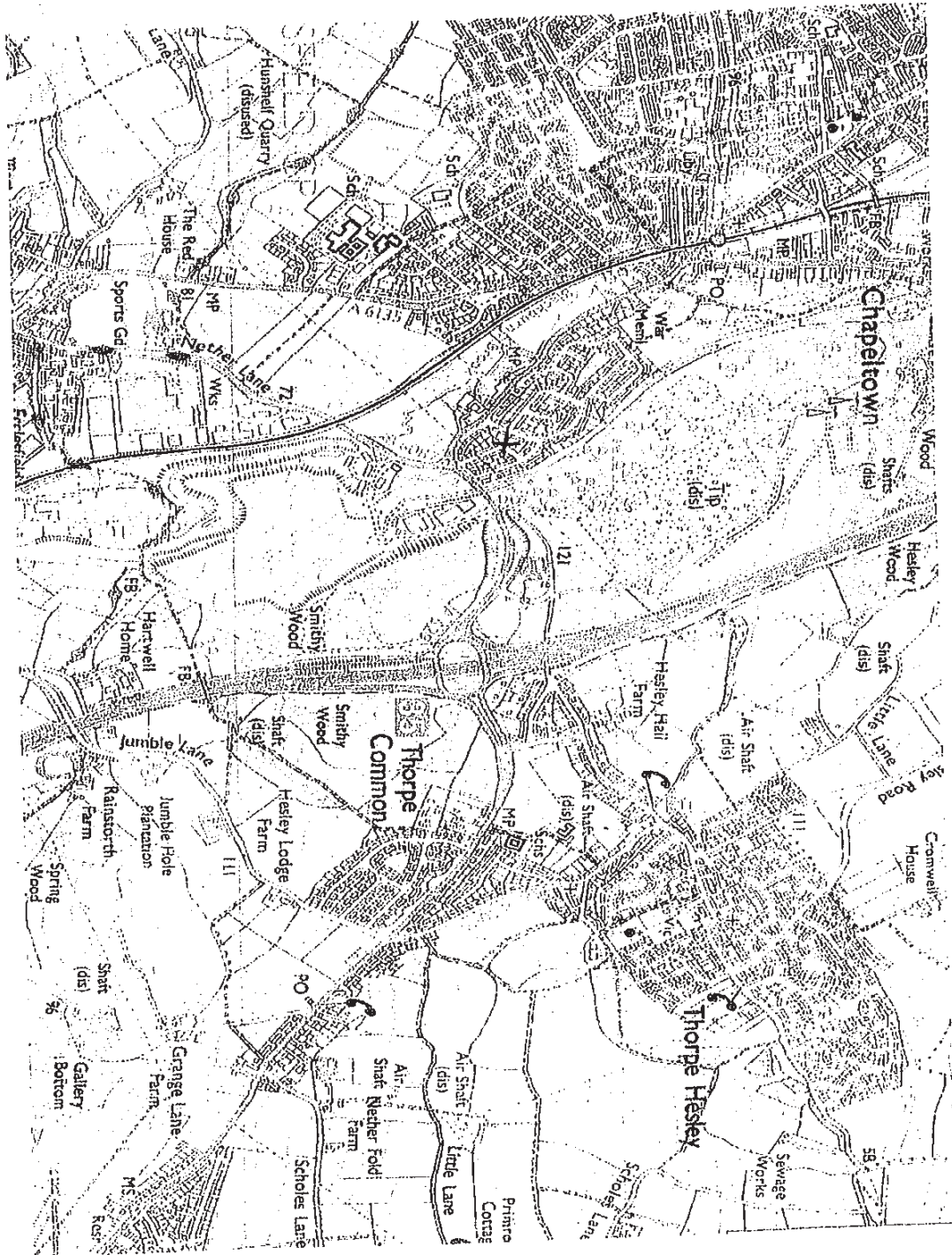
IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

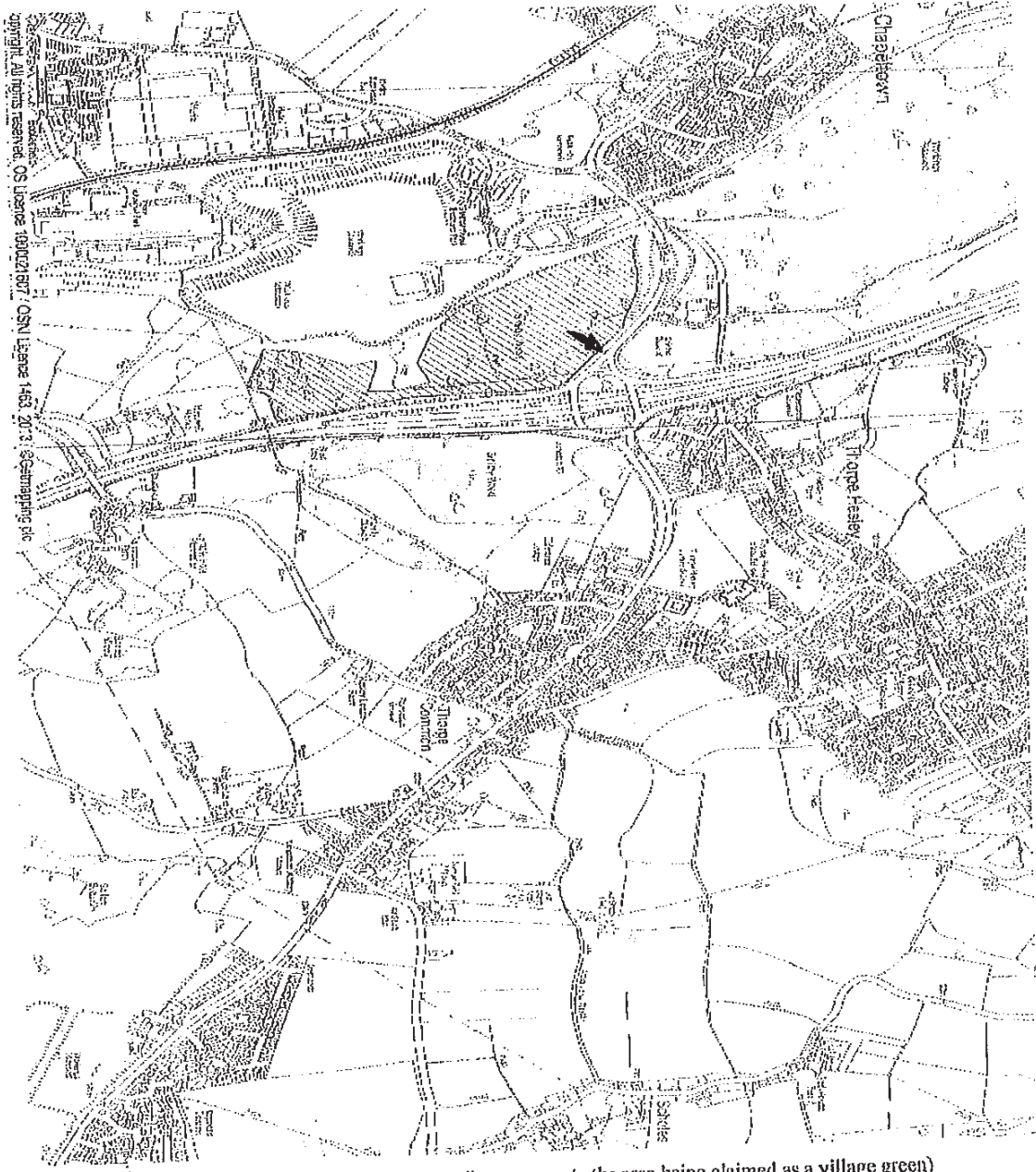
31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.

MAP B



Please mark the location of your home on this map with 'X'

MAP A



(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED V Oldfield

Please mark the map with an → at the point/s where you access the land.
Please mark the map with 'N' at the point where you saw any notices
Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: DEREK STAGG
ADDRESS: 32 WESLEY GROVE, CHAPLETON
SHEFFIELD
POST CODE: S35 1TX TELEPHONE NUMBER: 01142467801

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

SMITHY WOOD

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

No

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

- | | |
|---|--|
| <input checked="" type="checkbox"/> LOCAL SHOPS | <input checked="" type="checkbox"/> SPORTS FACILITY |
| <input checked="" type="checkbox"/> DOCTOR'S SURGERY | <input checked="" type="checkbox"/> CHURCH OR PLACE OF WORSHIP |
| <input type="checkbox"/> COMMUNITY CENTRE | <input checked="" type="checkbox"/> SCOUT HUT |
| <input checked="" type="checkbox"/> CATCHMENT AREA FOR LOCAL SCHOOL | <input checked="" type="checkbox"/> COMMUNITY ACTIVITIES |
| <input checked="" type="checkbox"/> A CENTRAL FEATURE | <input checked="" type="checkbox"/> CHILDREN'S PLAYGROUND |
| <input checked="" type="checkbox"/> NEIGHBOURHOOD WATCH | <input checked="" type="checkbox"/> RESIDENT'S ASSOCIATION |
| <input type="checkbox"/> AREA POLICEMAN | <input type="checkbox"/> OTHER (please state) |

↑ LOST DUE TO CURBS

 LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND? YES NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)
WALK

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)
St Pauls Developments

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?
No

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?
No

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____

NO

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____

NO

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

No

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like, and continue on a separate sheet if you need to)

Dog walking, Leisure activity

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

Dog walking, Leisure activity

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

YES

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

No

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM?

YES

NO No

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

No

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

No

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

DOG WALKING

WALKING

DEN BUILDING

PHOTOGRAPHY

DRAWING OR PAINTING

PICNICS

KITE FLYING

POND/STREAM DIPPING FOR CREATURES

BONFIRE PARTIES

HORSE RIDING

SEED/CONKER COLLECTING

PEOPLE ON LUNCH BREAKS

BIRD WATCHING

BICYCLE RIDING

CHILDREN PLAYING

WILDLIFE SPOTTING

FOOTBALL

BERRY PICKING

TEAM GAMES

COMMUNITY CELEBRATIONS

TREE CLIMBING

MEDITATION/CONTEMPLATION

GROUP ACTIVITIES

OTHER (please state)

illegal off road work & motorbikes

 20 YEARS OF USE 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: APRIL 2010 TO: PRESENT Day

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 USE CONTINUING AT THE DATE OF APPLICATION 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES? YES NO

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

BROKEN FENCING OR COUNTRY LAWR, FENCED ON THE
BORDER OF M1 MOTORWAY

 OTHER EVIDENCE 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM? YES _____ NO _____

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES NO _____

TREATED AS HAVING A LAWFUL ORIGIN

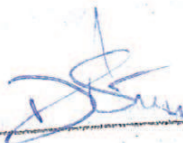
I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE..

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED



DATED

21/11/2013

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.

MAP A

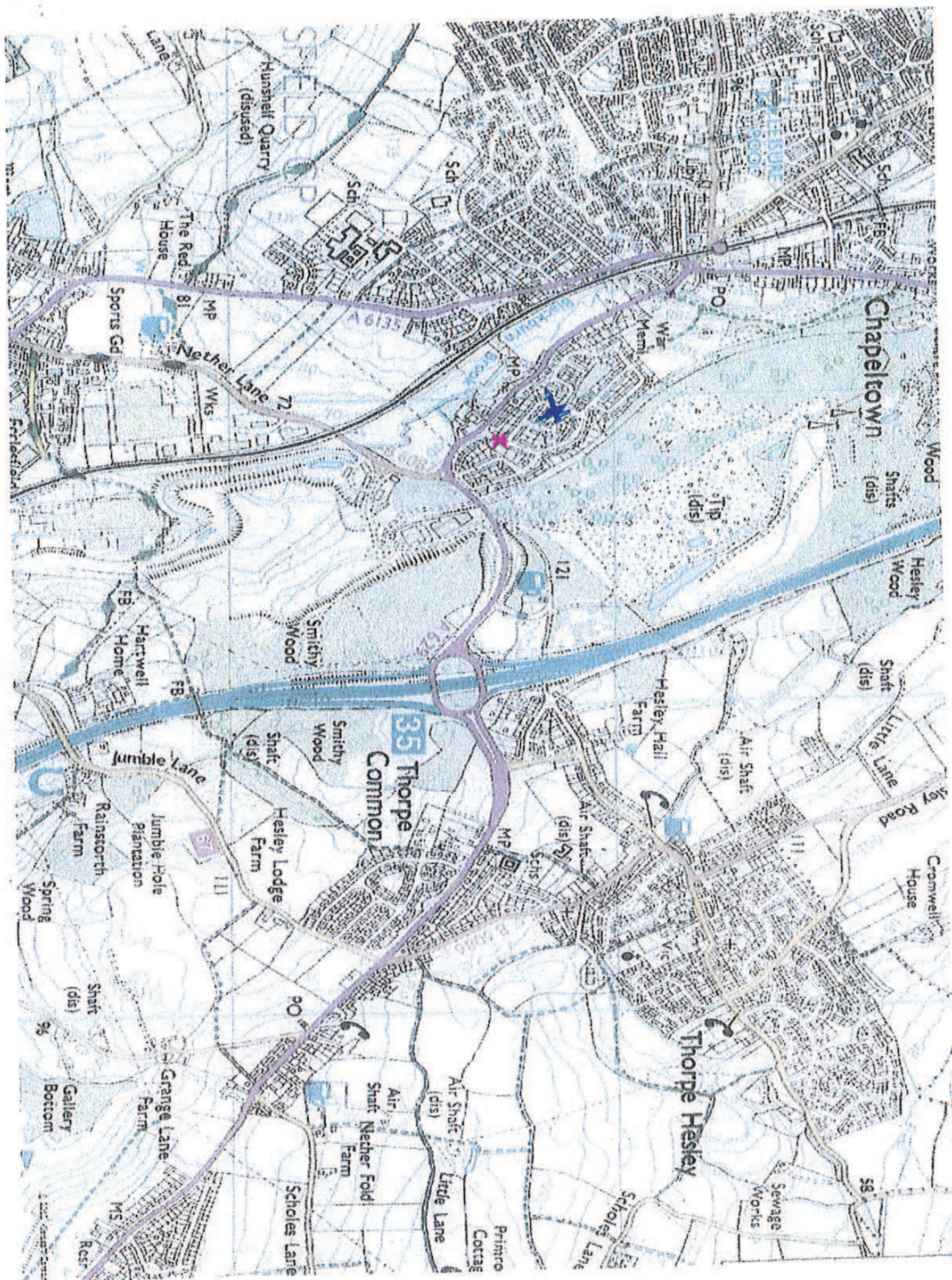


(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED _____

Please mark the map with an → at the point/s where you access the land.
Please mark the map with 'N' at the point where you saw any notices
Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

MAP B



Please mark the location of your home on this map with 'X'

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: MRS JEAN WILLIAMS
ADDRESS: 11A HESLEY GROVE
CHAPELTOWN SHEFFIELD
POST CODE S35 1TX TELEPHONE NUMBER: 0114 2452458

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

Smithy Wood.

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

no

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

LOCAL SHOPS

SPORTS FACILITY

DOCTOR'S SURGERY

CHURCH OR PLACE OF WORSHIP

COMMUNITY CENTRE

SCOUT HUT

CATCHMENT AREA FOR LOCAL SCHOOL

COMMUNITY ACTIVITIES

A CENTRAL FEATURE

CHILDREN'S PLAYGROUND

NEIGHBOURHOOD WATCH

RESIDENT'S ASSOCIATION

AREA POLICEMAN

OTHER (please state)

Blackberry picking

 LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND?

YES NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

walk + horse ride, near where I live

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

Duke of Norfolk

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

no

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

no

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____

NO

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____

NO

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

no

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like, and continue on a separate sheet if you need to)

walking, dog walking, Bird watching,
horse riding as stated previous page

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

both my sons have used the land for Den Building
tree climbing, bike riding, bird watching
gathering wood

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

LOCAL PEOPLE

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM? YES _____ NO _____

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

blackberry picking, galloway conkers

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

DOG WALKING

WALKING

DEN BUILDING

PHOTOGRAPHY

DRAWING OR PAINTING

PICNICS

KITE FLYING

POND/STREAM DIPPING FOR CREATURES

BONFIRE PARTIES

HORSE RIDING

SEED/CONKER COLLECTING

PEOPLE ON LUNCH BREAKS

BIRD WATCHING

BICYCLE RIDING

CHILDREN PLAYING

WILDLIFE SPOTTING

FOOTBALL

BERRY PICKING

TEAM GAMES

COMMUNITY CELEBRATIONS

TREE CLIMBING

MEDITATION/CONTEMPLATION

GROUP ACTIVITIES

OTHER (please state)

 20 YEARS OF USE 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 1972 TO: PRESENT (21.11.13)

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 USE CONTINUING AT THE DATE OF APPLICATION 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES NO _____

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

no

 OTHER EVIDENCE 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM? YES _____ NO _____

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES NO _____

TREATED AS HAVING A LAWFUL ORIGIN

I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED g.m. Williams DATED 21.11.13

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.

MAP 12



(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED g.m.willie

- Please mark the map with an → at the point/s where you access the land.
- Please mark the map with 'N' at the point where you saw any notices
- Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

MAP B



Please mark the location of your home on this map with 'X'

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: MRS A. SYKES

ADDRESS: 42 WOODBURN DRIVE
CHAPELTOWN

POST CODE S35 1YS TELEPHONE NUMBER: 2469619

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

LOCAL SHOPS

SPORTS FACILITY

DOCTOR'S SURGERY

CHURCH OR PLACE OF WORSHIP

COMMUNITY CENTRE

SCOUT HUT

CATCHMENT AREA FOR LOCAL SCHOOL

COMMUNITY ACTIVITIES

A CENTRAL FEATURE

CHILDREN'S PLAYGROUND

NEIGHBOURHOOD WATCH

RESIDENT'S ASSOCIATION

AREA POLICEMAN

OTHER (please state)

LIBRARIES

 **LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE** 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND?

YES

NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

FROM MY REAR GARDEN

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

NO

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

NO

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____ NO

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____ NO

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

NO

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like, and continue on a separate sheet if you need to)

WALKING

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

YES

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

YES

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

NO

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM?

YES

NO

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

DOG WALKING

WALKING

DEN BUILDING

PHOTOGRAPHY

DRAWING OR PAINTING

PICNICS

KITE FLYING

POND/STREAM DIPPING FOR CREATURES

BONFIRE PARTIES

HORSE RIDING

SEED/CONKER COLLECTING

PEOPLE ON LUNCH BREAKS

BIRD WATCHING

BICYCLE RIDING

CHILDREN PLAYING

WILDLIFE SPOTTING

FOOTBALL

BERRY PICKING

TEAM GAMES

COMMUNITY CELEBRATIONS

TREE CLIMBING

MEDITATION/CONTEMPLATION

GROUP ACTIVITIES

OTHER (please state)

 **20 YEARS OF USE** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 1997 TO: PRESENT

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 **USE CONTINUING AT THE DATE OF APPLICATION** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES NO _____

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

NO

 **OTHER EVIDENCE** 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM? YES _____ NO

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES _____ NO

TREATED AS HAVING A LAWFUL ORIGIN

I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED

A. Dykes

DATED

27 / 11 / 13.

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

*31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.*

MAP A

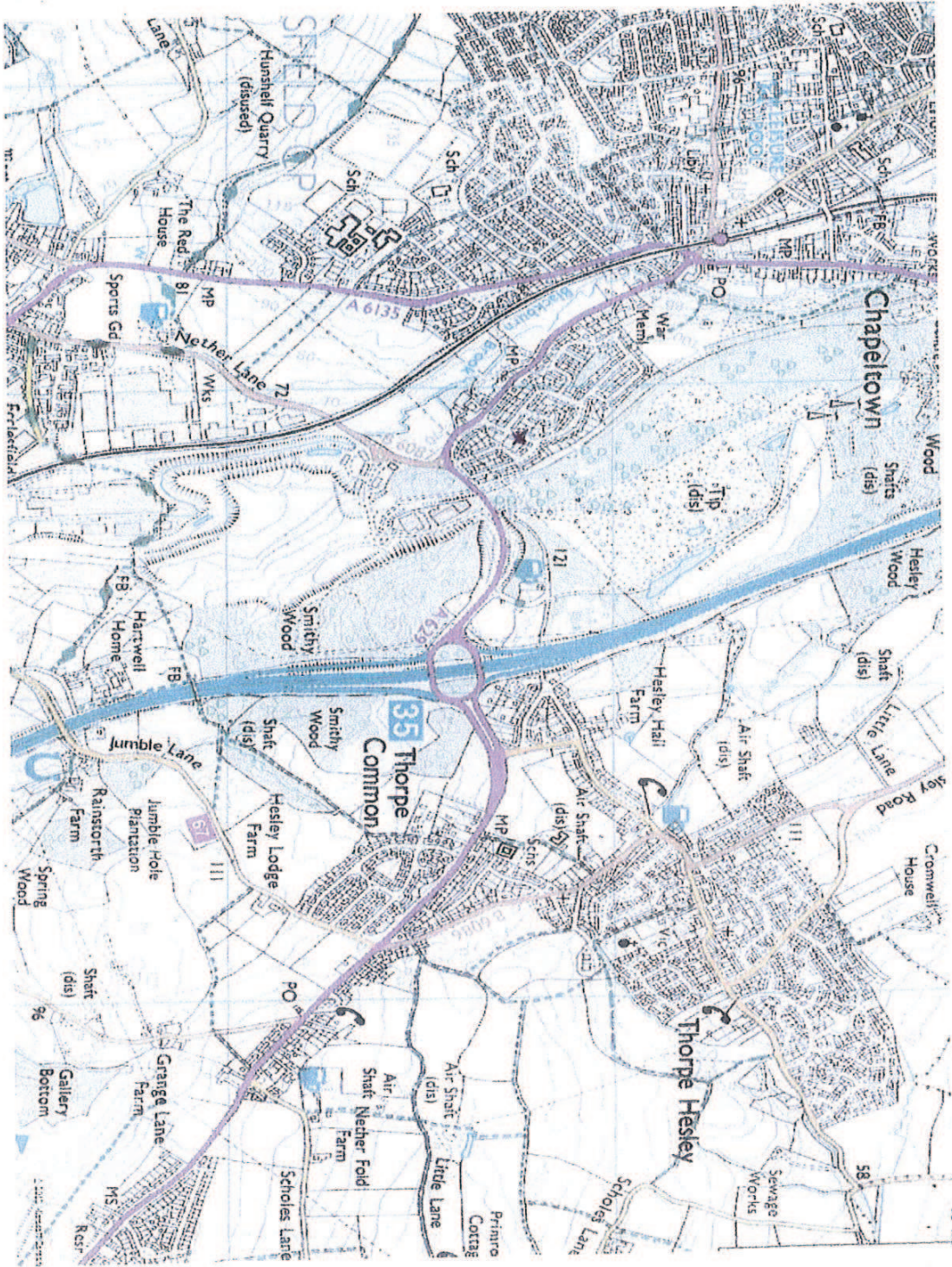


(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED A. Lykes

Please mark the map with an → at the point/s where you access the land.
Please mark the map with 'N' at the point where you saw any notices
Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

MAP B



Please mark the location of your home on this map with 'X'

R. Sykes

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: Janet Brammer & Ken Brammer
ADDRESS: 54 Woodburn Drive
Chapelton
POST CODE S35 1YS TELEPHONE NUMBER: 0114-2451497

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)
Same as above.
2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO
(if not, please consider doing so, so that there can be no mistaking the land being claimed)
3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?
Smithy Wood.
4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?
No.

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

LOCAL SHOPS

SPORTS FACILITY

DOCTOR'S SURGERY

CHURCH OR PLACE OF WORSHIP

COMMUNITY CENTRE

SCOUT HUT

CATCHMENT AREA FOR LOCAL SCHOOL

COMMUNITY ACTIVITIES

A CENTRAL FEATURE

CHILDREN'S PLAYGROUND

NEIGHBOURHOOD WATCH

RESIDENT'S ASSOCIATION

AREA POLICEMAN

OTHER (please state)

 **LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE** 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND?

YES _____

NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

no official ones.

By walking.

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

No

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

no one has said anything about walking on the land.

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

No

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____ NO

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____ NO

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

no

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like, and continue on a separate sheet if you need to)

Walking almost daily with dogs + grandchildren.

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

Walking |
Looking and watching wildlife
Collecting grasses + leaves.

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

Yes.

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

No.

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM? YES _____ NO _____

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

No.

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

No.

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

DOG WALKING

WALKING

DEN BUILDING

PHOTOGRAPHY

DRAWING OR PAINTING

PICNICS

KITE FLYING

POND/STREAM DIPPING FOR CREATURES

BONFIRE PARTIES

HORSE RIDING

SEED/CONKER COLLECTING

PEOPLE ON LUNCH BREAKS

BIRD WATCHING

BICYCLE RIDING

CHILDREN PLAYING

WILDLIFE SPOTTING

FOOTBALL

BERRY PICKING

TEAM GAMES

COMMUNITY CELEBRATIONS

TREE CLIMBING

MEDITATION/CONTEMPLATION

GROUP ACTIVITIES

OTHER (please state)

 **20 YEARS OF USE** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 2004 TO: today 20/11/13.

DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) almost daily.

 **USE CONTINUING AT THE DATE OF APPLICATION** 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES NO

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

I have not seen gates / enclosures.

 **OTHER EVIDENCE** 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM? YES _____ NO _____

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES _____ NO (Prefer not to)

TREATED AS HAVING A LAWFUL ORIGIN

I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED *Robertson / K M* DATED *20/11/2013.*

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

*31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.*

MAP A



(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED

Sharonna [Signature]

- Please mark the map with an → at the point/s where you access the land.
- Please mark the map with 'N' at the point where you saw any notices
- Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

MAP B



Please mark the location of your home on this map with 'X'

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: POTTER

ADDRESS: 42 COWLEY DRIVE

POST CODE S35 1SW TELEPHONE NUMBER: _____

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)
AS ABOVE

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?
SALTNEY WOOD

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?
NO

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

- | | |
|---|--|
| <input checked="" type="checkbox"/> LOCAL SHOPS | <input type="checkbox"/> SPORTS FACILITY |
| <input checked="" type="checkbox"/> DOCTOR'S SURGERY | <input checked="" type="checkbox"/> CHURCH OR PLACE OF WORSHIP |
| <input checked="" type="checkbox"/> COMMUNITY CENTRE | <input checked="" type="checkbox"/> SCOUT HUT |
| <input checked="" type="checkbox"/> CATCHMENT AREA FOR LOCAL SCHOOL | <input checked="" type="checkbox"/> COMMUNITY ACTIVITIES |
| <input checked="" type="checkbox"/> A CENTRAL FEATURE | <input checked="" type="checkbox"/> CHILDREN'S PLAYGROUND |
| <input checked="" type="checkbox"/> NEIGHBOURHOOD WATCH | <input checked="" type="checkbox"/> RESIDENT'S ASSOCIATION |
| <input checked="" type="checkbox"/> AREA POLICEMAN | <input type="checkbox"/> OTHER (please state) |
- _____

LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND? YES NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)
WALK

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)
NO

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?
NO

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?
NO

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____ NO

13. IF YES, WHEN AND FOR WHAT REASON?

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____ NO

15. IF YES, WHEN AND FOR WHAT REASON?

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

I HAVE NEVER SEEN FENCING OR ANY NOTICE

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR? (please list as many as you like, and continue on a separate sheet if you need to)

WALKING

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

WALKING

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

yes

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM?

YES

NO



22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

DOG WALKING

WALKING

DEN BUILDING

PHOTOGRAPHY

DRAWING OR PAINTING

PICNICS

KITE FLYING

POND/STREAM DIPPING FOR CREATURES

BONFIRE PARTIES

HORSE RIDING

SEED/CONKER COLLECTING

PEOPLE ON LUNCH BREAKS

BIRD WATCHING

BICYCLE RIDING

CHILDREN PLAYING

WILDLIFE SPOTTING

FOOTBALL

BERRY PICKING

TEAM GAMES

COMMUNITY CELEBRATIONS

TREE CLIMBING

MEDITATION/CONTEMPLATION

GROUP ACTIVITIES

OTHER (please state)

 20 YEARS OF USE 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 1969 TO: PRESENT DAY 12-13

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 USE CONTINUING AT THE DATE OF APPLICATION 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES NO

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

 OTHER EVIDENCE 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS?

YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM?

YES _____ NO

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY?

YES NO _____

TREATED AS HAVING A LAWFUL ORIGIN

I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED

P. L. L.

DATED

4.12.13

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

*31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.*

MAP A



(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED _____

[Handwritten signature]

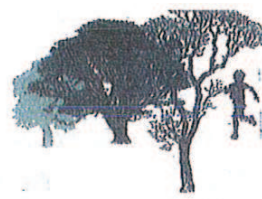
- Please mark the map with an → at the point/s where you access the land.
- Please mark the map with 'N' at the point where you saw any notices
- Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

MAP B



Please mark the location of your home on this map with 'X'

EVIDENCE QUESTIONNAIRE IN SUPPORT OF THE
NEW REGISTRATION OF A VILLAGE GREEN



COMMONS ACT 2000

NAME: PAUL BRACKENBURY
ADDRESS: 89 WOODBURN DRIVE CHAPELTOWN
SHEFFIELD
POST CODE S35 1YT TELEPHONE NUMBER: _____

 THE CLAIMED LAND 

ON THIS FORM 'THE LAND' MEANS THE LAND WE ARE CLAIMING FOR OUR VILLAGE GREEN. IT IS MARKED ON
THE ATTACHED MAP A

1. YOUR ADDRESS WHEN YOU USED THE LAND (if different from above)

As Above

2. HAVE YOU SIGNED THE REVERSE OF MAP A TO CONFIRM THAT IT SHOWS THE LAND BEING
CLAIMED AS A VILLAGE GREEN? YES NO

(if not, please consider doing so, so that there can be no mistaking the land being claimed)

3. BY WHAT NAME, IF ANY, IS THE LAND MARKED ON MAP A KNOWN?

Smithy Wood.

4. HAS THE LAND BEEN KNOWN TO YOU BY ANY OTHER NAME?

NO

 LOCALITY / NEIGHBOURHOOD WITHIN A LOCALITY 

THERE IS A MAP ATTACHED SHOWING THE LOCALITY OR NEIGHBOURHOOD THAT PEOPLE WHO USE THE
LAND MAY COME FROM - MAP B

5. PLEASE MARK THE LOCATION OF WHERE YOU LIVE ON MAP B WITH AN X. HAVE YOU
MARKED THE MAP? YES NO

6. FOR THE PURPOSES OF THIS CLAIM, A NEIGHBOURHOOD OR 'LOCALITY' IS DEFINED BY THE RECOGNISABLE FACILITIES AVAILABLE TO LOCAL RESIDENTS. PLEASE TICK ANY FACILITIES THAT ARE AVAILABLE IN YOUR NEIGHBOURHOOD/LOCALITY:

LOCAL SHOPS

SPORTS FACILITY

DOCTOR'S SURGERY

CHURCH OR PLACE OF WORSHIP

COMMUNITY CENTRE

SCOUT HUT

CATCHMENT AREA FOR LOCAL SCHOOL

COMMUNITY ACTIVITIES

A CENTRAL FEATURE

CHILDREN'S PLAYGROUND


NEIGHBOURHOOD WATCH

RESIDENT'S ASSOCIATION

AREA POLICEMAN

OTHER (please state)

RAILWAY STATION, SUPERMARKET, PUBLIC HOUSES
Chapelton Forum

 LAND USED 'AS OF RIGHT' WITHOUT PERMISSION, SECRECY, OR FORCE 

USING LAND 'AS OF RIGHT' MEANS THAT YOU NEVER ASKED PERMISSION, AND THAT YOU NEVER DID SO SECRETLY OR BY FORCE.

7. DO YOU KNOW OF ANY PATHS/TRAILS CROSSING THE LAND?

YES NO

8. HOW DO YOU GAIN ACCESS TO THE LAND? (do you walk, cycle, drive, where do you park?)

WALK

9. DO YOU KNOW THE NAME OF THE OWNER/OCCUPIER? (please state)

St Paul's Developments

10. HAS THE OWNER/OCCUPIER EVER SEEN YOU ON THE LAND? IF SO, WHEN WAS THIS AND WHAT DID THEY SAY?

Don't know

11. DID YOU EVER SEEK PERMISSION FOR SPECIFIC ACTIVITIES ON THE LAND? IF YES, FROM WHOM, WHEN, AND FOR WHAT?

NO

12. DID ANYONE EVER GIVE YOU PERMISSION TO GO ONTO THE LAND?

YES _____ NO

13. IF YES, WHEN AND FOR WHAT REASON?

NOT APPLICABLE

14. HAVE YOU EVER BEEN PREVENTED FROM USING THE LAND? YES _____

NO

15. IF YES, WHEN AND FOR WHAT REASON?

NOT APPLICABLE

16. HAVE YOU EVER SEEN A NOTICE, FENCING, OR OTHER MEANS USED TO DISCOURAGE OR PREVENT PEOPLE FROM USING THE LAND? PLEASE PROVIDE DATES AND THE WORDING OF ANY NOTICES, AND MARK THE POSITION OF NOTICES ON MAP A WITH THE LETTER 'N'.

FENCE + GATE POSTS ADJACENT TO COLLEY HILL
IN DIS-REPAIR - LAST 15-20 YEARS

 **LAWFUL SPORTS AND PASTIMES** 

THESE ARE ALL THE THINGS YOU USE THE LAND FOR

17. WHAT ACTIVITIES OR PASTIMES DID YOU EVER / DO YOU CURRENTLY USE THE LAND FOR?
(please list as many as you like, and continue on a separate sheet if you need to)

Walking, Children cycling + building dens

18. DOES YOUR FAMILY USE THE LAND OR HAVE THEY DONE SO IN THE PAST? (please list any activities or pastimes that you know of, and continue on a separate sheet if you need to - give as much detail as you like)

Children cycling + building dens

19. DID YOU EVER SEE OTHER PEOPLE USING THE LAND? WERE THEY FROM THE LOCALITY OR NEIGHBOURHOOD?

YES

20. DO YOU KNOW OF ANY COMMUNITY ACTIVITIES THAT TAKE PLACE OR HAVE TAKEN PLACE ON THE LAND? (please list them and say when and for what time period they take/took place)

NOT AWARE OF ANY ORGANISED ACTIVITIES

21. DO YOU PARTICIPATE OR HAVE YOU PARTICIPATED IN ANY OF THEM? YES _____ NO

22. DO ANY ORGANISATIONS USE THE LAND FOR ANY SPORT OR PASTIME? (please list them)

Don't know

23. DO ANY SEASONAL ACTIVITIES TAKE PLACE ON THE LAND? (please list them)

Don't know

24. PLEASE TICK ANY OF THE FOLLOWING ACTIVITIES THAT YOU HAVE SEEN TAKING PLACE ON THE LAND:

- | | |
|--|---|
| <input checked="" type="checkbox"/> DOG WALKING | <input checked="" type="checkbox"/> BIRD WATCHING |
| <input checked="" type="checkbox"/> WALKING | <input checked="" type="checkbox"/> BICYCLE RIDING |
| <input checked="" type="checkbox"/> DEN BUILDING | <input checked="" type="checkbox"/> CHILDREN PLAYING |
| <input checked="" type="checkbox"/> PHOTOGRAPHY | <input checked="" type="checkbox"/> WILDLIFE SPOTTING |
| <input type="checkbox"/> DRAWING OR PAINTING | <input type="checkbox"/> FOOTBALL |
| <input type="checkbox"/> PICNICS | <input checked="" type="checkbox"/> BERRY PICKING |
| <input type="checkbox"/> KITE FLYING | <input type="checkbox"/> TEAM GAMES |
| <input type="checkbox"/> POND/STREAM DIPPING FOR CREATURES | <input type="checkbox"/> COMMUNITY CELEBRATIONS |
| <input type="checkbox"/> BONFIRE PARTIES | <input checked="" type="checkbox"/> TREE CLIMBING |
| <input checked="" type="checkbox"/> HORSE RIDING | <input type="checkbox"/> MEDITATION/CONTEMPLATION |
| <input checked="" type="checkbox"/> SEED/CONKER COLLECTING | <input type="checkbox"/> GROUP ACTIVITIES |
| <input type="checkbox"/> PEOPLE ON LUNCH BREAKS | <input type="checkbox"/> OTHER (please state) |

 20 YEARS OF USE 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION OVER THE LAST 20 YEARS

25. DO YOU REMEMBER DURING WHICH YEARS YOU USED THE LAND? AND HOW OFTEN?

FROM: 1990's TO: Present

- DAILY FREQUENTLY LESS FREQUENTLY BUT STILL OFTEN OCCASIONALLY
 OTHER (please state) _____

 USE CONTINUING AT THE DATE OF APPLICATION 

THE LAND BEING CLAIMED AS A VILLAGE GREEN MUST HAVE BEEN USED FOR RECREATION RIGHT UP TO THE DATE OF APPLICATION

26. DO YOU CURRENTLY USE THE LAND FOR ANY RECREATIONAL PURPOSES?

YES NO

27. FROM WHAT POINT/S HAVE YOU ACCESSED THE LAND? PLEASE MARK IT ON MAP A WITH A DIRECTIONAL ARROW AT THE PLACE OF ENTRY →

28. IS THE LAND ENCLOSED? HAVE THERE EVER BEEN ANY GATES OR STYLES? DO THEY STILL EXIST? IF YES, PLEASE MARK THE LOCATION ON MAP A WITH A 'G' OR 'S' ('enclosed' meaning surrounded by fences, walls, or other barriers?)

FENCING + Gate Posts

 OTHER EVIDENCE 

29. DO YOU HAVE ANY PHOTOGRAPHS OR ANY OTHER EVIDENCE OF THE RECREATIONAL USE OF THE LAND BY LOCAL RESIDENTS? YES _____ NO

30. ARE YOU WILLING TO LEND THEM TO US AS PART OF THIS CLAIM? YES _____ NO _____

31. ARE YOU WILLING TO GIVE ORAL EVIDENCE ABOUT YOUR USE OF THE LAND, AT A PUBLIC ENQUIRY? YES NO _____

TREATED AS HAVING A LAWFUL ORIGIN

I UNDERSTAND THAT THIS EVIDENCE FORM WILL BE USED IN RELATION TO THE APPLICATION FOR VILLAGE GREEN STATUS AND MAY BECOME PUBLIC KNOWLEDGE.

I AUTHORISE THE APPLICANT TO DISCLOSE THIS FORM TO ANYONE REASONABLY REQUIRING ACCESS TO THIS APPLICATION.

I ALSO UNDERSTAND THAT THIS EVIDENCE MAY BE PRESENTED AT A NON-STATUTORY INQUIRY AND I AUTHORISE THE APPLICANT TO USE THIS FORM FOR THAT PURPOSE.

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION I HAVE GIVEN IN THIS STATEMENT IS TRUE.

SIGNED



DATED

25/11/13

IF YOU HAVE ANY ADDITIONAL INFORMATION OR WOULD LIKE TO MAKE ANY OTHER COMMENTS, PLEASE DO SO ON A SEPARATE SHEET AND ATTACH IT TO THIS FORM.

IF YOU ARE AWARE OF ANY OTHER RESIDENT WHO USES THE LAND IN THIS WAY WHO MAY WANT TO CONTRIBUTE, PLEASE WRITE THEIR NAME AND ADDRESS ON THE BACK OF THIS FORM. ALTERNATIVELY, PLEASE ASK THEM TO CONTACT THE COWLEY RESIDENTS ACTION GROUP ON 07969249483. FILL IN OUR ONLINE FORM AT www.cowleyrag.com/contact-us/ OR EMAIL US AT info@cowleyrag.com

PLEASE RETURN THIS FORM AS SOON AS POSSIBLE TO:

31, GLENWOOD CRESCENT,
CHAPELTOWN,
SHEFFIELD.
S35 1YU.

MAP A



OS Licence: Ordnance Survey, All rights reserved. OS Licence 100012/807, OSN Licence 1463 2013, Ordnance Survey plc

(please sign here if you agree that the blue outline represents the area being claimed as a village green)

SIGNED 

- Please mark the map with an → at the point/s where you access the land.
- Please mark the map with 'N' at the point where you saw any notices
- Please mark the map with 'G' or 'S' at the point where any gate or stile exists.

MAP B



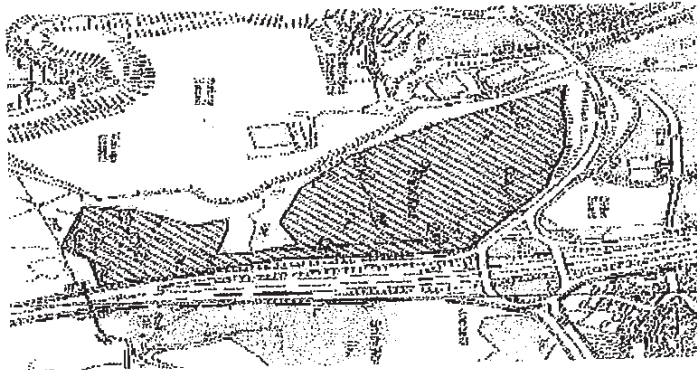
Please mark the location of your home on this map with 'X'

Cowley Residents Action Group

CRAG



Smithy Wood



We have applied to have Smithy Wood declared a "Village Green".

If our application were to be upheld the wood would be protected from any future development and would be a community facility. That would mean that EXTRA could not demolish the Ancient Woodland, which dates back to 1200AD, in order to build a service station at J35 of the M1. We do not want to lose yet another woodland.

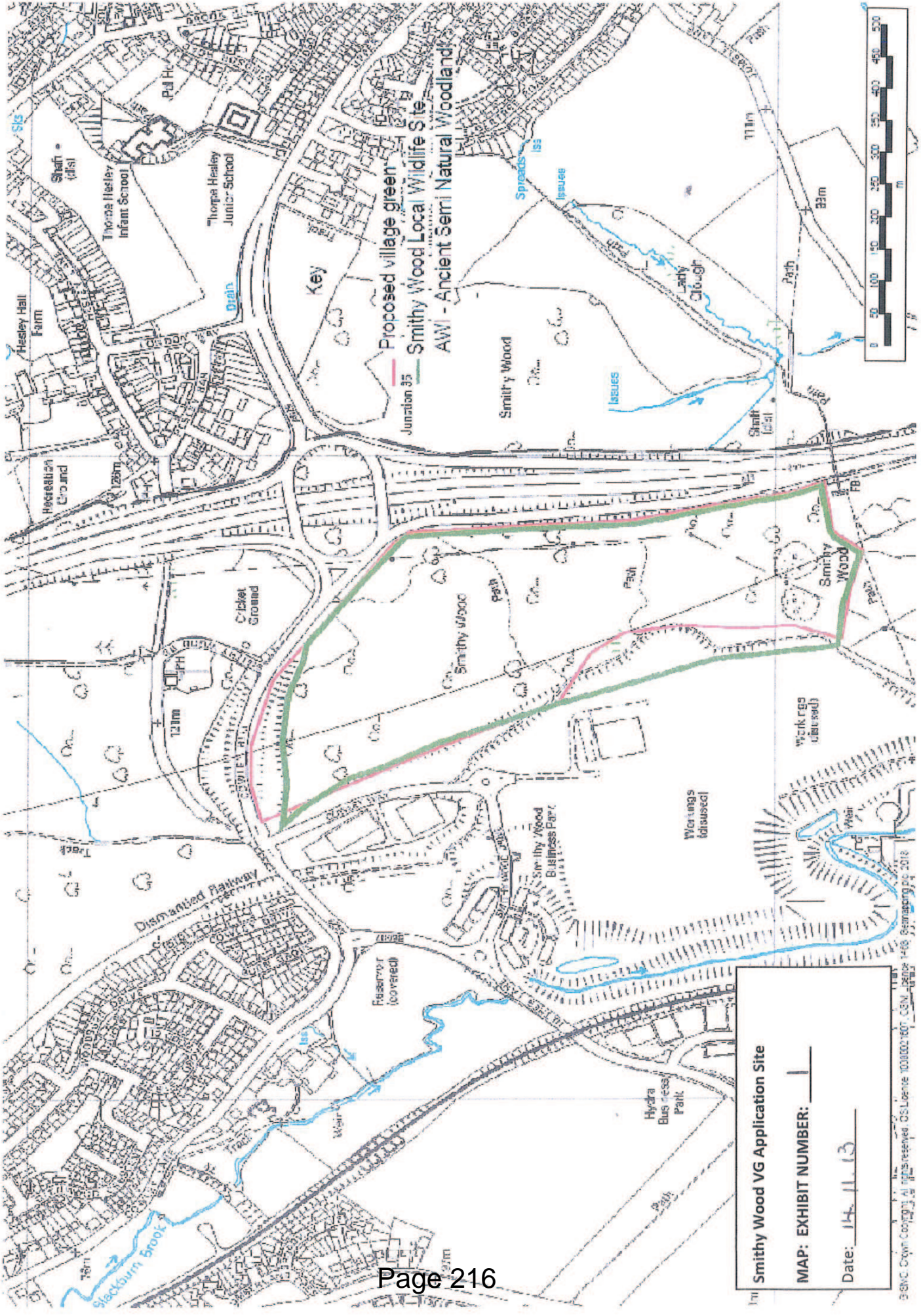
We do not believe this service station is necessary when petrol, hotels and car parking are available at J35a and J34 and it is only 27.5 miles between Woodhall Services and Woolley Edge Services.

There is a questionnaire attached to this letter **please could you complete it and return** it to the address provided, if you or your children have ever used Smithy Wood for any type of leisure; walking, playing, horse riding, nature walks, bird spotting or any other leisure. We have to prove that Smithy Wood has been used by local people for leisure over the last 20 years. The more people the better.

If you have any questions please feel free to 'phone Jean/Dennis on 0114 2465082.

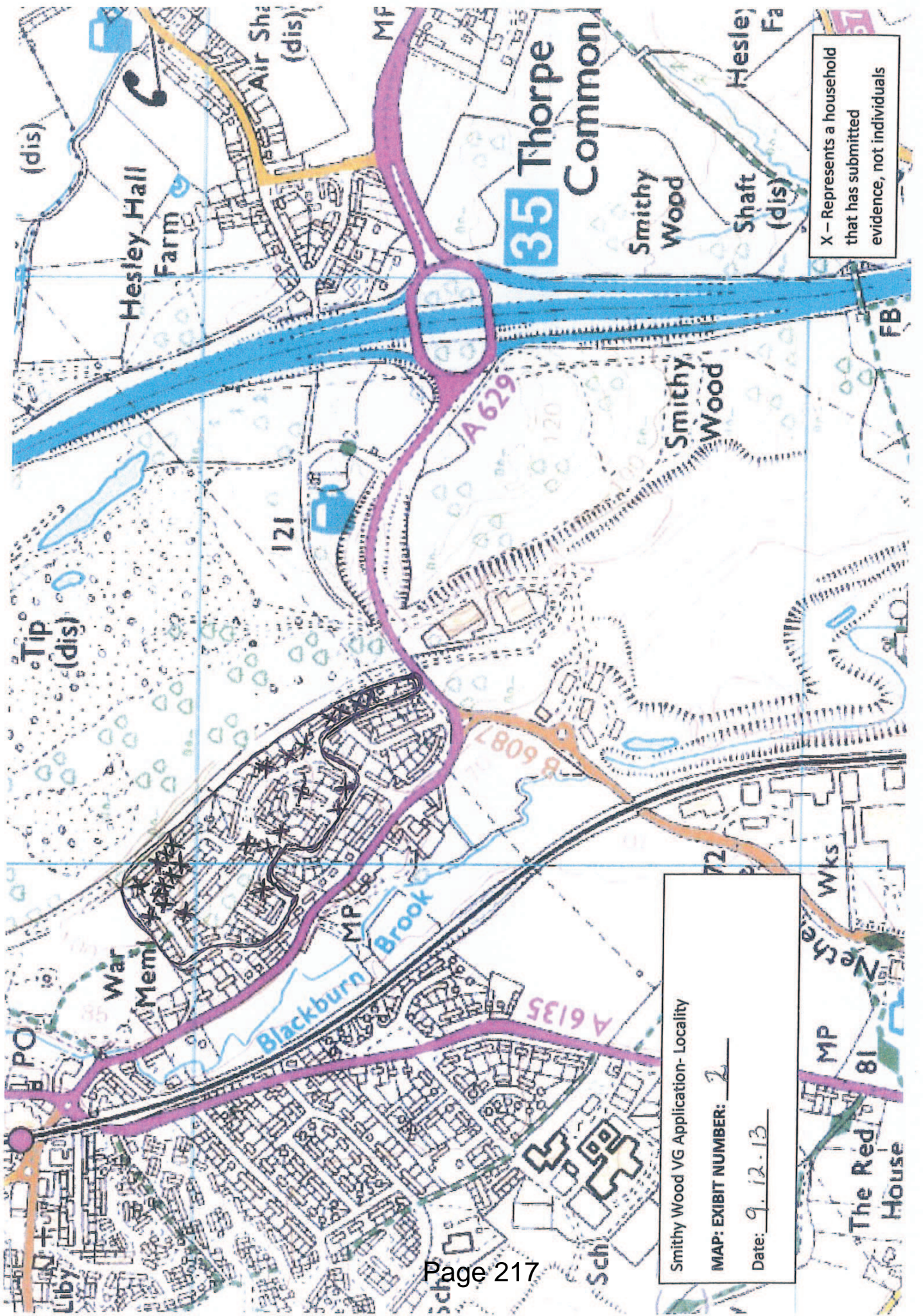
Thank you so much for your time.

Appendix 'B'



Smithy Wood VG Application Site
 MAP: EXHIBIT NUMBER: _____
 Date: 14.11.13

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X - Represents a household that has submitted evidence, not individuals

Smithy Wood VG Application- Locality

MAP: EXHIBIT NUMBER: 2

Date: 9.12.13

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Appendix 'C'

| Name | Address | QUESTIONNAIRES | | | | | | | | | | | | | | | | | | | | | | | Comments | | |
|-------------------|---------------------------------|----------------|----------|------------------|----------|---------|----------------------|-------------|------------|---------------|------------------------|----------|---------|---------------|--------------------------|-------------|-----------------|--------------|---------------|------------------------|-------|----------|-------|------------|-----------|-------------------------------|---|
| | | In person | Observed | Children playing | Rounders | Fishing | Drawing and painting | Dog walking | Team Games | Berry picking | Community Celebrations | Football | Cricket | Bird watching | Other wild life spotting | Kite flying | Bonfire parties | Horse riding | Carol singing | Conker/seed collecting | Other | Trimming | Years | | | | |
| Carole Eccles | 46 Glenwood Crescent | X | X | | | | | | | | | | | | | | | | | | | | | 1980 -2013 | 33 | Photography - used frequently | |
| Paul Yeardeley | 26 Cowley Drive, Chap | X | X | | | | | | | | | | | | | | | | | | | | | | 1977-2013 | 36 | Observed photography |
| Chris Sumner | 57 Woodburn Drive, Chapelton | X | X | | | | | | | | | | | | | | | | | | | | | | 1985-2013 | 28 | Runnin. observed tree climbing |
| Michael Harrison | 34 Cowley Drive, Chap | X | X | | | | | | | | | | | | | | | | | | | | | | 1960-2013 | 53 | Obsv - den building, photography, drawing |
| John Briscoe | 24 Glenwood Crescent | X | X | | | | | | | | | | | | | | | | | | | | | | 1955-2013 | 58 | Observed -Tree climbing, meditation |
| G Diner | 32 Cowley Drive, Chapelton | X | X | | | | | | | | | | | | | | | | | | | | | | 1953-2013 | 50 | Observed - pond/stream dipping |
| Ian Swinton | 51 Cowley drive | X | X | | | | | | | | | | | | | | | | | | | | | | 1989-2013 | 24 | Obsv -photography tree climbing |
| Smith | 64 Glenwood Crescent, Chapelton | X | X | | | | | | | | | | | | | | | | | | | | | | 1995-2013 | 18 | Observed - photography |
| Barrie Glossop | 35 Glenwood Crescent, Chapelton | X | X | | | | | | | | | | | | | | | | | | | | | | 1966-2013 | 67 | |
| Ronald Hardy | Chapelton | X | X | | | | | | | | | | | | | | | | | | | | | | | | |
| Luke Briscoe | 24 Glenwood Crescent, Chapelton | X | X | | | | | | | | | | | | | | | | | | | | | | 1990-2013 | 23 | Obsv - den building, tree climbing |
| A H Goodinson | 59 Glenwood Crescent | X | X | | | | | | | | | | | | | | | | | | | | | | 1953-2013 | 60 | |
| Jayne Lawson | 30 Glenwood Crescent, Chapelton | X | X | | | | | | | | | | | | | | | | | | | | | | 1992-2013 | 21 | Obsv, tree climbing, lunch breaks, dens |
| M R & L Widdowson | 38 Hesley Grove, Chapelton | X | X | | | | | | | | | | | | | | | | | | | | | | 2010-2013 | 3 | Obs meditation |
| Carol Gibson | 125 Glenwood Crescent | X | X | | | | | | | | | | | | | | | | | | | | | | 1999-2013 | 14 | Obsv Tree climbing |
| Eric Green | 33 Glenwood Crescent, Chapelton | X | X | | | | | | | | | | | | | | | | | | | | | | 2003-2013 | 10 | |

| Name | Address | In person | | | | | | | | | | | | | Timing | Comments | | | | |
|------|---------|-----------|------------------|----------|---------|----------------------|-------------|------------|---------------|------------------------|----------|---------|---------------|--------------------------|--------|----------|------------|-------------|-----------------|----------------|
| | | Observed | Children playing | Rounders | Fishing | Drawing and painting | Dog walking | Team Games | Berry picking | Community Celebrations | Football | Cricket | Bird watching | Other wild life spotting | | | Picnicking | Kite flying | Bonfire parties | Bicycle riding |

ADDITIONAL INFORMATION - Submitted 9th December 2013 (See Appendix 1 A)

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-----------------------------------|---|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|-----------|---|--|
| Paul Brunt | 15 Birch Avenue, Chapelton | x | | | | | | | | | | | | | | | | | | | | | 2011-2013 | 2 | Sheffield Shamblers |
| Matthew Butler | 17 Crakehall Road, Ecclesfield | x | x | | | | | | | | | | | | | | | | | | | | | | No timings - grew up in Smithy wood |
| S Jepson | S61 2SW | x | | | | | | | | | | | | | | | | | | | | | | | No timings |
| No Name | | x | | | | | | | | | | | | | | | | | | | | | | | No timings |
| Jennifer S Brown | | | | | | | | | | | | | | | | | | | | | | | | | Stories about friends there |
| Malcolm Selby & Valerie Oldfield | 12 Wood Close, Chapelton | x | | | | | | | | | | | | | | | | | | | | | | | Running |
| Derby Stagg | 32 Hesley Grove, Chapelton | x | | | | | | | | | | | | | | | | | | | | | | | Leisure activities not known |
| Jean Williams | 11A Hesley Grove, Chapelton | x | | | | | | | | | | | | | | | | | | | | | | | Obs tree climbing |
| A Sykes | 42 Woodburn Drive, Chapelton | x | | | | | | | | | | | | | | | | | | | | | | | Obs Group activities |
| Janet & Ken Brammer | 54 Woodburn Drive, Chapelton | x | | | | | | | | | | | | | | | | | | | | | | | Obs Photography & tree climbing |
| Potter | 42 Cowley Drive | x | | | | | | | | | | | | | | | | | | | | | | | Obs Dens, |
| Paul Brackenbury | 89 Woodburn Drive, Chapelton | x | | | | | | | | | | | | | | | | | | | | | | | photography, tree |

Appendix 'D'

10 St Andrews Close
Bramley
Rotherham
S66 3ZB

4th March 2014

The Registration Authority
Licensing Service
Block C
Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD

10 MARCH 2014

10 MARCH 2014

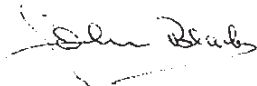
Dear Sirs

COMMONS ACT 2006 – SMITHY WOOD APPLICATION FOR DESIGNATION AS VILLAGE GREEN

I was surprised to read of this application as to my mind Smith Wood is a totally unsuitable area to designate as a Village Green. To my mind Village Green suggests an open area for recreational use, Smithy Wood is certainly not in this category. I was born in Chapeltown and know the area well. There was a large Coking Plant and Colliery adjacent to the wood which are bound to have contaminated the area. I am not aware of any significant use by the public of Smithy Wood indeed it is in private ownership. It is also likely that HS2 will be routed through the site

I must therefore register my objection on the grounds outlined above and does not meet the criteria for designation as a Village Green ie used by a significant number of inhabitants for sports and lawful activities.

Yours Faithfully



John Black

**APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006
LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35**

**STATEMENT IN OBJECTION ON BEHALF OF AXIS 1 LIMITED/ ST PAUL'S
DEVELOPMENTS PLC**

**STATEMENT IN OBJECTION
INDEX**

1. Statement in Objection
2. Witness Statement of John David Newton
 - 2.1 Exhibit JDN1: Title Plan to title of Axis 1 Limited relating to Site
 - 2.2 Exhibit JDN2: Photos of Cowley Hill
 - 2.3 Exhibit JDN3: Locality Plan - large scale showing relevant houses and streets
 - 2.4 Exhibit JDN4: Photos of Opencast Mining and Restoration Works from 1991-1995 (adjoining land)
 - 2.5 Exhibit JDN5: Photo from 1996 following restoration works of adjoining land
 - 2.6 Exhibit JDN6: Photo from August 2007 of major reclamation works of adjoining land
 - 2.7 Exhibit JDN7: Photo from 2009 of reclaimed adjoining land;
 - 2.8 Exhibit JDN8: Plan showing proximity of Chapelton Park to the claimed locality;
 - 2.9 Exhibit JDN9: Drawing Showing extent of accessible green space in vicinity of claimed locality
 - 2.10 Exhibit JDN10: Photos of off-road vehicle use at the Site
 - 2.11 Exhibit JDN11: Photo of example of measures to prevent off-road vehicle use of Site
 - 2.12 Exhibit JDN12: Title Plan to title of Secretary of State for Transport
 - 2.13 Exhibit JDN13: Map of highways search result and email from SCC highways
3. Witness statement of Nick Paul Tovey
 - 3.1 Exhibit NPT1: Leaflet in relation to the proposed Sheffield Motorway Service Area
 - 3.2 Exhibit NPT2: Consultation leaflet for Sheffield MSA (pre-planning)

- 3.3 Exhibit NPT3: October 1995 report relating to fire in Smithy Wood
- 3.4 Exhibit NPT4: Photos of areas damaged by fire and drawing showing works carried out in February 1996
- 3.5 Exhibit NPT5: Large scale drawing showing red line of village green application and off-road vehicle use of Site
- 4. Witness statement of Jonathan Paul Rhodes
 - 4.1 Exhibit JPR1: Plan of farmed land adjoining Site.

**APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006
LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35**

**STATEMENT IN OBJECTION ON BEHALF OF AXIS 1 LIMITED/ ST PAUL'S
DEVELOPMENTS PLC**

Introduction

1. This Statement in Objection is submitted on behalf of Axis 1 Limited, a wholly owned subsidiary of St Paul's Developments Plc¹, the owner of the majority of land ("Site") which is subject to the application made by Cowley Residents Action Group ("CRAG") on 14 November 2013 (as subsequently amended) pursuant to 15(1) of the Commons Act 2006 for registration as a town or village green ("Application"). This Statement is supported by the witness statements of Mr John David Newton, Mr Nick Paul Tovey and of Mr Jonathan Paul Rhodes and the accompanying exhibits².

2. In summary, the Application should be rejected now³ by Sheffield City Council in its capacity as registration authority as it is fundamentally defective in the following key respects:
 - 2.1 The Application and accompanying "locality plan" are not based on a qualifying locality that comes anywhere close to meeting the statutory test as applied by the courts;

 - 2.2 There is a fundamental lack of supporting evidence that a "significant number" of inhabitants from the claimed locality have used the Site "as of right" for lawful sports and pastimes continuously throughout the relevant 20 year period (November 1993 to the date of the Application). The use of the Site has been insufficient to amount to the assertion of a public right and such use has not been "as of right" for the reasons set out below. In addition, there have been a number of material events throughout this period restricting access to the Site and interrupting use as summarised below; and

 - 2.3 The Application includes a large section of land which is already dedicated by the landowner (the Secretary of State for Transport) and adopted by Sheffield City as public highway (as shown on exhibits JDN12 and JDN13). This highway land cannot have been used "as of right" for lawful sports and pastimes by the inhabitants of the

¹ Both Axis 1 Limited and St Paul's Developments Plc shall collectively throughout this document be referred to as "St Paul's"

² References in this Statement to exhibits in the witness statements will be abbreviated to the initials of the witness followed by the exhibit number, for example, "JDN1" for exhibit 1 to the witness statement of Mr John David Newton.

³ At the end of this document we set out the power for SCC as registration authority to do this without holding an inquiry

claimed locality for the reasons set out under the sub-heading "Highway Land".

3. These are not matters which need to be, or would benefit from being, tested in evidence at inquiry. They are clear deficiencies on the face of the Application. The Application simply does not meet the strict statutory tests for registration and should be rejected now to avoid further delay and wasted costs for all parties. These points and other deficiencies in the Application are dealt with in detail in the sections below.

Planning Application

4. It has been well publicised that St Paul's and Extra have throughout much of 2013 been preparing a major planning application for the proposed Sheffield Motorway Service Area ("MSA") to be located on the Site. Work in connection with the planning application commenced in March 2013 and extensive public and stakeholder consultation has been carried out pre-application in accordance with planning guidance and best practice. Extra's consultant team has also for much of 2013 been carrying out necessary survey work on the Site in preparation of the Environmental Impact Assessment required pursuant to European and national planning legislation. Pre-application consultation closed on 16 September 2013 following public exhibitions held on 6 and 7 September 2013 at Ecclesfield School, Chapeltown in relation to concept masterplan proposals. The finalised planning application positively responded to feedback received and was submitted on 24 March 2014 ("**Planning Application**").
5. The village green Application has been submitted in an attempt to block the proposed development and undermine any decision reached pursuant to the planning system.
6. The government introduced significant amends to the Commons Act 2006 through the Growth and Infrastructure Act 2013. The intention of these legislative changes was to give primacy to the planning system and prevent land proposed for much needed development and infrastructure from being frustrated by village green applications. In summary, where a planning application has been first publicised then a village green application cannot be submitted. The Application for village green registration was clearly submitted in a rush (as evidenced by the subsequent changes to the Application and the additional late evidence contemplated at that time of submission⁴) with a view to lodging this before the anticipated Planning Application in order to frustrate the planning process.

⁴ Section 7 of the Application states "We are submitting this application now, but are expecting to receive additional letters/ questionnaires of evidence of recreational use. We will present them in one additional submission within 2 weeks of submitting this application..."

7. By way of further background, the key benefits of the Planning Application are summarised on the leaflet at NPT1 which was distributed to members of the public following submission of the Planning Application. This notes earlier public engagement carried out in September 2013 and how the Planning Application has responded to feedback received.
8. From exhibit NPT1 it will be noted that if the MSA proceeds there will be significant environmental and economic benefits to surrounding communities and the wider City region, in particular:
 - 8.1 60,000 trees will be planted on 16 hectares of local land to be made available for public and recreational use;
 - 8.2 In addition, 70 hectares of existing local woodland shown on the leaflet (at Parkin Wood, Hesley Wood and Thorncliffe Wood) currently in private ownership will be made available to the public for community use and a community trust (Chapelton Community Woodlands Trust) will be created for long term protection and management of both new and existing woodlands, funded by the MSA. Local groups will be invited to join the Trust Management Board. There is also potential to extend the trust to include the proposed Hesley Wood Country Park which directly adjoins the claimed "locality";
 - 8.3 The construction costs of the MSA will be £36 million and firms from the City Region and Yorkshire will be given the first opportunity to tender for the project;
 - 8.4 250-300 full time jobs are likely to be created; and
 - 8.5 The business rates revenue/ income which will accrue from the development to Sheffield City Council is estimated to be in the range of £900,000 to £1.1m per annum.
9. If the Site was registered as a village green pursuant to the Application then St Paul's would in all likelihood simply apply to the appropriate national authority for this to be de-registered pursuant to section 16 of the Commons Act 2006 on the basis that the land referred to above within its control could be provided as suitable "replacement land". We would expect such an application to be readily approved. A public inquiry into the Application would therefore merely cause a significant amount of wasted costs for all concerned, particularly Sheffield City Council/ the tax payer who will be responsible for the costs of an inquiry and Inspector.
10. Local people can of course express their views on the Planning Application through the planning system and, in accordance with government policy discussed above, the planning

system is considered to be the appropriate democratic forum for determining the appropriate use of the Site.

11. Below we focus on and deal in detail with the deficiencies in the village green Application and set out why this should be rejected.

The Application and Tests for Registration

12. The Application is made pursuant to section 15(1) of the Commons Act 2006. Section 15(1) of the Commons Act 2006 states that "Any person may apply to the commons registration authority to register land to which this Part applies as a town or village green in a case where subsection (2), (3) or (4) applies.

13. The Application is based on subsection (2) which provides that:

"15(2) This subsection applies where–

(a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and

(b) they continue to do so at the time of the application."

14. The burden is firmly on the applicant to "properly and strictly prove" each element of the statutory test highlighted above. In R (Steed) v Suffolk County Council (1998) 75 P&CR the Court of Appeal held that in view of the serious consequences of registration the onus is on the applicant to properly and strictly prove each element of the statutory requirements. The Application falls well short of this and is defective in a number of respects as discussed above and below.

The Site

15. The Site that is subject to the Application for registration as a village green is described in further detail at paragraph 5 of the witness statement of Mr Newton. In summary, the M1 runs along the eastern boundary of the Site, with Smithy Wood Business Park on the Western boundary. To the north of the Site is Cowley Hill, which is a busy road with a steep incline running up to the roundabout at Junction 35. The photos exhibited to the witness statement of Mr Newton (JDN2) reveal the steepness of the incline of Cowley Hill and distance of the alleged main access point from the claimed 'locality'.

Highway Land

16. Part of the Site is owned by the Secretary of State for Transport. The Secretary of State's title is shown edged red on exhibit JDN12. A highways search has been undertaken with Sheffield City Council and this has revealed that this land falling within the Application boundary is public highway adopted by Sheffield City Council's highways department. The extent of the adopted highway is shown coloured yellow on the highways plan provided by Sheffield City Council at exhibit JDN13. This clearly encroaches a significant extent into the Site.
17. The alleged user of this land by the inhabitants of the claimed locality cannot meet the statutory test of being "as of right" for lawful sports and pastimes. In order for use to be "as of right" the use must firstly be lawful and not involve force, secrecy or permission. The rationale and principle underpinning this is that a landowner should be in a position to know that a right is being asserted and have nevertheless acquiesced in its assertion (ie knew about and tolerated, without providing permission).
18. Use of adopted public highway is already regulated pursuant to statute, including offences for interference and obstruction of a public highway under the Highways Act 1980. The land has also been dedicated for, and is held by, the owner (the Secretary of State for Transport) for highway purposes. The owner has dedicated this land for use by the public - permission has therefore already been given. Use of that land is then subject to controls under statute for adopted highways. It is inconsistent with the statutory scheme under which the land is held and the way in which its use is regulated to claim that local people have subsequently used this land "as of right" for lawful sports and pastimes. There can also have been no assertion of a public right over this land for village green uses which a landowner can reasonably be expected to take action against where a landowner has already dedicated the land for public highway uses, this land has been adopted for that purpose by a highway authority and its use is controlled by highways legislation.

No Qualifying Locality

19. The statutory test requires proof of use of the Site by a significant number of the inhabitants of "any locality, or of any neighbourhood within a locality...". No locality has been identified in the Application which meets the requirements of this legal test as applied by the courts.
20. The courts have consistently held that "locality" is to be interpreted as meaning an administrative district or area known to the law with legally significant boundaries, such as a

town or parish⁵. The identification of an appropriate locality is important as the concept is derived from customary law and, following registration, rights relating to the village green vest in inhabitants of the qualifying locality only.

21. The Application (section 7 of the form) and the accompanying "Locality Plan" make it plain that the Application is based on the "locality" limb as opposed to the "neighbourhood within a locality" limb. Paragraph 2 of the justification for the Application (section 7 of the form) states that:

"Each questionnaire has two maps. They have indicated where they live relative to the woodland. This information has been plotted on Map in order to identify the 'locality' as defined in Section 15 of the Commons Act 2006".

22. The Application is accompanied by exhibit number 2, being a map described as "Smithy Wood VG Application - Locality" dated 9 December 2013 ("**Revised Locality Plan**"). This is a variation to the original "locality plan" submitted in support of the Application on 14 November 2013. As the Revised Locality Plan is still not particularly clear St Paul's has plotted the boundaries of the claimed "locality" on a larger scale plan. This is exhibited at JDN3.

23. From the plan exhibited at JDN3 and the Revised Locality Plan it is clear that:

23.1 The claimed "locality" on which the Application is based is not an administrative area known to the law, does not serve an administrative purpose or have legally significant boundaries⁶. The Application is fundamentally defective for this reason alone. This is not a technical point but is fundamental to the whole Application for the reasons noted above and the extent of evidence required from people claiming to have used the Site for lawful sports and pastimes. The larger the locality, the greater the amount of evidence required to satisfy the "significant number of inhabitants" test. See below further on this.

23.2 It is clear that the applicant has simply drawn a line around an arbitrary area containing the houses of a small number of people who have provided evidence questionnaires. This does not qualify as a locality or a neighbourhood within a locality.

⁵ Paddico (267) Ltd v Kirklees Metropolitan Council [2011] EWHC 1606 (Ch) (as upheld in the Court of Appeal and Supreme Court in relation to the "locality" test).

⁶ In addition, contrary to what is stated in the evidence questionnaires the claimed "locality" does not even contain any amenity facilities

Significant Number

24. In order for the Application to succeed there must be evidence proving use of the Site by a significant number of the inhabitants of a qualifying locality consistently throughout the relevant 20 year period. Significant means just that, not a handful of people which the Application is in fact based on.
25. There must be evidence demonstrating that the user of the Site has been "of such amount and in such manner as would reasonably be regarded as being the assertion of a public right" by the people of the claimed locality⁷. Again, the Application falls well short of this.
26. Only a very small proportion of the people within the claimed "locality" have submitted evidence questionnaires as to user of the Site and there are a number of issues that are readily apparent on the face of the Application:
 - 26.1 There are over 200 houses within the claimed locality boundary yet only 21 have provided evidence questionnaires.
 - 26.2 Of those 21, two houses fall outside the claimed locality and so their evidence does not qualify.
 - 26.3 The evidence of two people only goes back to 2010.
 - 26.4 The evidence of one person only goes as far back as 2012.
 - 26.5 Two people have stated they lived at addresses falling outside the locality when they claim to have used the Site.
 - 26.6 One person has not named the Site and appears to be referring to access to and use of Hesley Wood as opposed to the Site.
 - 26.7 All are based on very simple pro-forma questionnaires only.
27. It is readily apparent that there is simply a complete lack of evidence that a significant number of the inhabitants from the claimed locality have used the Site throughout the 20 year period. If the claimed locality was larger to reflect the statutory test discussed above, then there would be proportionately even less evidence from the inhabitants.

20 Years Use of the Site

⁷ R. (on the application of Lewis) v Redcar and Cleveland BC [2010] UKSC 11

28. As the Application is made pursuant to section 15(2), evidence must demonstrate that the Site has been used consistently throughout the twenty year period, commencing in November 1993 through to 14 November 2013 (the date of the Application)). As noted above, that use cannot have been trivial or sporadic, but must have been continually throughout this period without intervention and of such amount and in such manner as would reasonably be regarded by the land owner as being the assertion of a public right by the people of the claimed locality. The Application simply does not meet this requirement.
29. The extensive history of the Site and surrounding area as relevant to the claimed 20 year period is summarised in the witness statement of Mr Newton.
30. The position of St Paul's is that what little use there may have been of the Site at certain times by people for lawful sports and pastimes on foot has been trivial and sporadic only and not by a significant number of qualifying inhabitants from the claimed "locality" continually throughout the relevant 20 year period. This is for the following principle reasons:
 - 30.1 Observations made by St Paul's/ Extra and the various consultants that have carried out extensive survey work over the course of 2013. As noted within the witness statement of Mr Tovey, survey work commenced in early April 2013 in connection with the environmental impact assessment of topics such as ecology and archaeology. Consultants regularly attended Site between April 2013 and late November 2013. Consultants were often on Site for full days at a time and attended the Site on approximately 45 separate days throughout this period. The evidence is that use of the Site by people on foot for lawful sports and pastimes has been virtually non-existent. On the vast majority of days no people at all have been seen using the Site itself for lawful sports and pastimes and any use witnessed on the Site has been insignificant, limited to individuals on very rare occasions. No public access issues were raised by the consultant team and there has been no evidence of a significant number of the inhabitants of the claimed locality asserting a public right to use this land which would cause a landowner to take action.
 - 30.2 The history of the site and adjoining land since 1993 and the significant civil engineering works that have been carried out during that time preventing convenient access to the Site from the claimed locality - see below further on this under the sub-heading "Major Works Affecting Access to and Use of the Site".
 - 30.3 The considerably greater accessibility, convenience and peacefulness of Hesley Wood and associated paths from the claimed locality during the relevant 20 year

period⁸. The majority of people that have submitted evidence questionnaires in support of the Application live in houses that back onto Hesley Wood. No major roads need to be crossed and from Hesley Wood walkers could continue onto Parkin and Thorncliffe Woods (see the plan at exhibit JDN9). It is considered unrealistic to suggest that a significant number of people from the claimed locality seeking a peaceful walk will have walked in the opposite direction of Hesley Wood and Chapeltown Park, crossed the busy road of Cowley Hill, walked up the lengthy steep incline to the claimed main access near the roundabout for junction 35 of the M1 encountering traffic coming off the motoring network to gain access to Smithy Wood (which, as noted below, has a recent history of unlawful off-road vehicle activity and is adjacent to the M1).

- 30.4 The considerably greater accessibility and convenience of Chapeltown Park which adjoins the claimed locality (as shown by exhibit JDN8) and much more resembles a village green both in terms of user and appearance. Chapeltown Park is 10 hectares in size, including park land and ancient woodland. It is used extensively by local people for lawful sports and pastimes, including nature walks, a bandstand, war memorial, playground, community orchard, regular community events and BMX tracks.
- 30.5 The paths created over land adjoining the Site (now Smithy Wood Business Park) connecting from the vicinity of the claimed locality to the Trans Pennine Trail and the experience of St Paul's that, following their creation, it is these paths that are used by people on foot as opposed to the Site (even the users of such paths are small in number). As noted in the witness statement of Mr Newton, these paths were a requirement of the planning permission for the reclamation project/ business park development, however, St Paul's was never requested to provide specific access to the Site by the local planning authority.
- 30.6 **Unlawful Motocross and off-road vehicle activity** - for a number of years the Site has been used for unlawful motocross and off-road vehicle activity. Despite concerted efforts by the landowner to prevent this, the use has increased significantly in recent years. The extent of use of the Site by motor vehicles is highlighted on the drawing at exhibit NPT5 and the photos at exhibit JDN10. As noted within the witness statement of Mr Rhodes, weekends, holidays and periods of good weather are

⁸ It is noteworthy that Hesley Wood has the benefit of a recent planning permission and so is protected from village green applications. CRAG opposed the grant of this planning permission and threatened a judicial review claim against SCC which was later abandoned.

particularly busy for motorbike and off-road vehicle use of Smithy Wood and it is simply too dangerous to members of the public to walk on the Site when this is taking place. These are precisely the times when one would expect a claimed village green to be used the most, but the evidence is that it is simply too dangerous to do so and people will be deterred as a consequence.

- 30.7 **Fire Damage** - during 1995 and 1996 there were two fires affecting large parts of Smithy Wood. These are discussed in the evidence of Mr Tovey, Director of Wardell Armstrong who oversaw the investigation into the two fires and remedial works on behalf of the owner of the land at that time. At exhibit NPT3 is a report prepared by Mr Richard Hartley, Site Engineer from Wardell Armstrong following a site inspection of Smithy Wood carried out in October 1995 following the first fire that is understood to have occurred in the summer of 1995. This records that "very much all of Smithy Wood was subjected to the fire/heat" and appends a plan showing the areas worst affected. Significant works were also carried out during February 1996 by Wardell Armstrong on behalf of Dancastle Properties to extinguish and prevent the spread of the second underground fire which is understood to have been first discovered in December 1995. The fires are understood to have continued for a number of months. The fires combined with the excavation works carried out on behalf of the owner will have affected accessibility of large parts of the Site. This represents a significant interruption in the alleged use of the Site for lawful sports and pastimes during the relevant 20 year period and as such the statutory test for registration cannot be met.

Major Works Affecting Access to and Use of the Site

31. As noted within the witness statement of Mr Newton, for significant periods of the relevant 20 year period (November 1993 to the date of the application on 14 November 2013) there have been major development works of the surrounding land significantly affecting convenient access to and use of the Site:
- 31.1 **Open Cast Mining and backfilling remediation earth works - From 1991 to July 1995** - major open cast coal mining works and land remediation works were carried out on land adjoining the Site that is now Smithy Wood Business Park. The photos at exhibits JDN4 to the witness statement of Mr Newton show the scale of works involved, the depth of the open cast mining and subsequent major earth works to back-fill this land. The site of such major works will have been sealed off for health of safety reasons, preventing convenient access from the claimed locality to the Site

along the western boundary of the Site. This access route has been claimed in many of the questionnaires submitted with the Application.

31.2 **July 1995 - July 1996** - the remediation back-filling earth works referred to above were completed in July 1995 enabling people to then walk across the land that is now Smithy Wood Business Park (adjacent to the Site). It is the experience of St Paul's that it is these paths that are used by people on foot as opposed to the Site. The photo at exhibit JDN5 from 1996 reveals the desire lines created by people walking across this land, gaining access to the Trans Pennine Trail. This connectivity was maintained as part of the planning permission for later reclamation works and business park development project as noted below.

31.3 **24 July 2006 to 14 March 2008** - a major reclamation works project was carried out as shown in the photos at exhibit JDN6 to create the levels and development platforms for the development of Smithy Wood Business Park. This included the removal of Cowley Bridge and road widening works to Cowley Hill which runs adjacent to the northern boundary of the Site. Again, it can be seen that these were major works which will have restricted convenient access to the Site from the claimed locality.

31.4 **2008 to date** - Exhibit JDN7 is a photo from July 2009 which shows the reclaimed land at that time. From this it can be seen that a series of paths (outside of the Site) were created as part of the reclamation project connecting to the Trans Pennine Trail to enable the public to continue to use a similar route to that shown in the photo from 1996 referred to above. These paths were a requirement of the planning permission for the reclamation project/ business park development, however, St Paul's was never requested to provide specific access to the Site by the local planning authority.

32. From the above photos and the evidence provided by Mr Newton it is clear that:

32.1 The alleged access routes to the Site in the vicinity of the claimed locality were significantly impacted by major civil engineering works for lengthy periods during the relevant twenty year period and it would have been unattractive and dangerous for the public to have used these during that time to gain access to the Site. It is also worth noting that no special measures or planning conditions were imposed during this time to provide access specifically to the Site despite such a major development being carried out adjacent to a woodland controlled by the developer. The focus instead was on the need to provide a bridleway across the adjoining land to connect to

the Trans Pennine Trail.

32.2 Other claimed access points in the vicinity of the roundabout connecting to the M1 at the top of Cowley Hill are highly inconvenient for access by foot from the claimed locality due to the large distance, the steep incline and busy roads. It is considered unrealistic to suggest that a significant number of people from the claimed locality seeking a peaceful walk will have walked in the opposite direction of Hesley Wood and Chapelton Park, crossed the busy road of Cowley Hill, walked up the lengthy steep incline of this busy road to the claimed main access near the roundabout for junction 35 of the M1 encountering traffic coming off the motoring network to gain access to Smithy Wood. As noted above, the adjoining Hesley Wood and Chapelton park would have been much more accessible and considerably more likely to have been used for public recreation. This is consistent with the experience of St Paul's.

As of Right

33. Use of the Site must have been "as of right". This statutory test is discussed above under the heading "Highway Land". In order for use to be "as of right" the use must firstly be lawful and not involve force, secrecy or permission. The rationale and key principle underpinning this is that a landowner should be in a position to know that a public right is being asserted and to have nevertheless acquiesced in its assertion (ie knew about and tolerated, without providing permission).
34. The evidence submitted with this objection is that the only activity of significance that St Paul's have observed over the years since they acquired their interest in the Site in 2000 has been the unlawful off-road activity. To the extent that any other lawful uses have been witnessed on the Site then these have been trivial, sporadic and highly insignificant. St Paul's denies any suggestion that it has acquiesced in the use alleged and denies that it would have been reasonable to expect a landowner to have taken steps in the circumstances. It is apparent from the evidence of Mr Tovey regarding the extensive time spent by the consultant team during 2013 on the Site that the owner could not reasonably have been expected to have taken steps to prevent public use of the Site as there was nothing to suggest that a public right was being asserted by the inhabitants of the claimed locality. This simply wasn't reflected on the ground. Had there have been concerns about public rights being asserted then steps would clearly have been taken due to the significance of the proposed Planning Application for the Sheffield Motorway Service Area described above.

Power to Reject the Application

35. Regulation 6(4) of the applicable regulations⁹ makes it plain that an application may be rejected provided a reasonable opportunity has been provided to deal with objections. The registration authority has no investigative duty which requires it to find evidence or reformulate the applicant's case. It is entitled to deal with the Application and the evidence as presented by the parties¹⁰. The registration authority is, of course, required to behave reasonably but has considerable discretion as to whether or not an inquiry is required prior to rejecting a village green application. As noted by the courts, in cases where an application has no substance the course to take will be plain and no inquiry will be necessary¹¹.

Conclusion

36. The Application is subject to the fundamental defects and deficiencies set out above and summarised in the Introduction section of this document. The burden is firmly on the applicant to demonstrate in evidence that the strict statutory tests have been satisfied. It is apparent on the face of the Application that this burden cannot be discharged.
37. The Application has already been subject to amendment and the submission of additional late evidence. The deficiencies noted in this document are not minor points that could be cured by further amendment to the Application and St Paul's considers that this would be inappropriate in the circumstances in any event. The ability for the Council as registration authority to reject the Application is summarised above and St Paul's submits that this would be the appropriate course to avoid further delay and wasted costs for all concerned.
38. In the event that the Application is not rejected at this stage then St Paul's reserves the right to submit additional evidence and make further submissions in objection.

⁹ Commons (Registration of Town or Village Greens) (Interim Arrangements)(England) Regulations 2007

¹⁰ Lord Hoffman, paragraph 61 in *Oxfordshire v Oxfordshire* [2006] UKHL 25.

¹¹ Lady Justice Arden, paragraph 29 in *R (on the application of Whitmey) v The Commons Commissioners* [2004] EWCA Civ 951

On behalf of: Axis 1 Limited/ St Paul's Developments Plc

By: J D Newton

Exhibits: "JDN1"- "JDN13"

Date: March 2014

APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

WITNESS STATEMENT OF JOHN DAVID NEWTON

ON BEHALF OF AXIS 1 LIMITED/ ST PAUL'S DEVELOPMENTS PLC

I, **JOHN DAVID NEWTON**, Managing Director of St Paul's Developments Plc (and its subsidiary company Axis 1 Limited) ("**St Paul's**") of 3B, Phoenix Riverside, Templeborough, Rotherham, S60, 1FL, say as follows:

1. This witness statement is made in support of the objection by St Paul's to the application of 14 November 2013 made pursuant to section 15(1) Commons Act 2006 to register its land as a town or village green ("**Application**").
2. The statements contained in this witness statement are made from my own knowledge except where I specifically state otherwise, in which instances I believe my information to be true. I refer below to various documents or copies of documents which are included in the exhibits to this statement marked "JDN1" to "JDN13". To the best of my knowledge and belief, the copies are true copies of their respective originals.
3. I have worked for St Paul's since 1999 and been in my current role of Managing Director for 6 years. During this time, I have overseen the major reclamation works of land adjoining the Site and the development of Smithy Wood Business Park which I discuss in further detail below. In summary, this work has included; negotiating a development agreement with the Duke of Norfolk and Yorkshire Forward for the development of Smithy Wood Business Park, supervising the planning application and major reclamation

works, obtaining grant funding from the European Regional Development Fund, marketing of the business park and handling sales and lettings. More recently, I have also been involved in relation to the proposed development of the Site by Extra for the proposed Sheffield Motorway Service Area, which is discussed in further detail in the Statement in Objection and the witness statement of Mr Nick Tovey.

4. I summarise below and exhibit documents relating to the history of the Site and surrounding area relevant to the 20 year period from November 1993 to the date of the village green application on 14 November 2013. This history is relevant to the claimed use of the Site and claimed access routes to the Site throughout this period.

The Site

5. The land which is subject to the Application for registration as a village green is shown edged red on the plan accompanying the Application, located adjacent to the M1 at Junction 35 ("Site"). The majority of the Site is owned by Axis 1 Limited and was acquired in 2000. The title plan is exhibited JDN1. Axis 1 Limited is a wholly owned subsidiary company of St Paul's Developments plc and I shall collectively refer to both companies as "St Paul's". The Site is also shown on a larger scale drawing exhibited to the witness statement of Mr Nick Tovey (Exhibit NPT5). The M1 runs along the eastern boundary of the Site, with Smithy Wood Business Park on the Western boundary. St Paul's also owns a 50% stake of and developed this business park. To the north of the Site is Cowley Hill, which is a busy road with a steep incline running up to the roundabout at Junction 35. Exhibited at JDN2 are photos of Cowley Hill.
6. I understand that part of the Site that is proposed to be registered as a village green is owned by the Secretary of State for Transport and is adopted public highway. I have exhibited at JDN12 the relevant title plan of the land owned by the Secretary of State for Transport. At exhibit JDN13 is a plan showing the results of a highways search undertaken by St Pauls' solicitors and email from Sheffield City Council Highway Maintenance Division commenting on the highways search result. These documents are discussed in further detail in the main Statement of Objection document.

7. A planning application has recently been submitted in relation to the Site for the development of the proposed Sheffield Motorway Service Area. St Paul's entered into an agreement with Extra, the Motorway Service provider, on 1 August 2013 for this purpose. The benefits of the planning application and the preparation of this are discussed in further detail in the witness statement of Mr Nick Tovey and the main Statement in Objection document.

Claimed Locality

8. The Application is accompanied by exhibit number 2, being a map described as "Smithy Wood VG Application - Locality" dated 9 December 2013. This is a variation to the original locality plan submitted in support of the Application on 14 November 2013. The revised locality plan is still not particularly clear and so I have arranged for the boundaries of the claimed "locality" to be accurately plotted on a larger scale plan. This is exhibited at JDN3.
9. In addition to plotting the boundary of the claimed locality, on JDN3 highlighted in yellow and edged in blue are those addresses for which an evidence questionnaire has been submitted in support of the Application. JDN3 also highlights key street names in and around the claimed locality.

Major Works Affecting Site Access and Use of Site

10. For significant periods of the relevant 20 year period (November 1993 to the date of the village green application on 14 November 2013) I know that there have been major civil engineering works to the surrounding land significantly affecting access to and use of the Site:

- (a) **Open Cast Mining and backfilling remediation earth works - From 1991 to July 1995** - major open cast coal mining works and land remediation works were carried out on land adjoining the Site that is now Smithy Wood Business Park. I have exhibited photos at exhibit JDN4 highlighting the scale of works involved, the depth of the open cast mining and subsequent major earth works

to back-fill this land. The site of such works will have been sealed off for health of safety reasons, preventing convenient access via the western boundary from the claimed locality to the Site. This access route has been claimed in a number of the evidence questionnaires.

- (b) **July 1995 - July 1996** - the remediation back-filling earth works referred to above were completed in July 1995 enabling people to then walk across the land that is now Smithy Wood Business Park (adjacent to the Site). As noted within the Statement in Objection, it is my belief and the experience of St Paul's that it is these paths that are used by people on foot as opposed to the Site. I have exhibited a photo at exhibit JDN5 from 1996 which clearly reveals the desire lines created by people walking across what is now the business park, gaining access from the over-bridge (Cowley Bridge) and under-bridge shown on the photo to the Trans Pennine Trail. Prior to that time I also believe these bridges were likely to be inaccessible by the public during the relevant 20 year period.
- (c) **24 July 2006 to 14 March 2008** - a major reclamation works project was carried out as shown in the photos at exhibits JDN6 to create the levels and development platforms for the development of Smithy Wood Business Park. This included the removal of Cowley Bridge. Again, it can be seen that these were major works which I believe prevented convenient access to the Site from the claimed locality.
- (d) **2008 to date** - I have exhibited a photo from July 2009 (Exhibit JDN7) which shows the reclaimed land at that time. From this it can be seen that a series of paths (outside of the Site) were created as part of the reclamation project connecting to the Trans Pennine Trail to enable the public to continue to use a similar route to that shown in the photo at exhibit JDN5 referred to above to connect to the Trans Pennine Trail. These paths were a requirement of the planning permission for the reclamation project/ business park development, however, St Paul's was never requested to provide specific access to the Site by the local planning authority.

Chapelton Park, Hesley Wood, Parkin Wood and Thorncliffe Wood

11. As noted within the Statement in Objection, Hesley Wood and Chapelton Park are both adjacent to the claimed locality and are considered to have been more convenient and had greater accessibility from the claimed locality than the Site throughout the relevant 20 year period.

12. At exhibit JDN8 I have included a plan showing the proximity of Chapelton Park, which adjoins the claimed locality.

13. At exhibit JDN9 is a drawing (Ecological Mitigation, Compensation and Enhancement) that accompanied the planning application for the proposed Sheffield Motorway Service Area. This shows the large extent of green space adjacent to and conveniently accessible from the claimed locality. In addition, this shows:

(a) By reference to exhibits JDN8 and JDN3 (locality plan) it can be seen how the gardens of the houses along the eastern boundary of the claimed locality that have submitted evidence questionnaires back onto Hesley Wood;

(b) Adjoining the northern boundary of the claimed locality is Chapelton Park, connected by paths from the claimed locality (see also the image at JDN8);

(c) Connecting from Hesley Wood and Chapelton Park are Parkin Wood and Thorncliffe Wood.

(d) To the southern boundary of the claimed locality is the A629, a busy road which runs up a steep incline known as Cowley Hill to connect to the M1 at junction 35. Cowley Hill is shown in further detail on the photos exhibited at JDN2.

Unlawful Motocross and Off-road vehicle use

14. In the period that St Paul's has owned the Site it has been subject to regular and intensive use for unlawful motorsports, in particular for large 4x4 off-road driving and motocross bikes. As noted within the Statement in Objection and witness statement of Mr Jonathan Rhodes, it is considered too dangerous to members of the public to walk on the Site when this is taking place.

15. At exhibit JDN10 are photos of people using the Site for unlawful off-road vehicle use. These large motor vehicles drive around virtually the full extent of the Site as shown on the drawing produced by Wardell Armstrong exhibited to Mr Tovey's witness statement at NT5. Weekends are particularly busy with unlawful vehicles using the Site.

16. The only activity of significance on the Site that we have observed over the years has been this unlawful off-road activity. Working with Sheffield City Council, St Paul's has taken numerous steps in an effort to prevent access being gained to the Site by such vehicles. For example, bunds and concrete bollards have been put in place at considerable expense on paths outside of the Site as shown in the photos at exhibit JDN11. However, this has in practice had little effect and the unlawful use of the Site by vehicles remains regular and intensive, particularly at weekends despite intervention by the police on some occasions.

17. STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed J D Berk Dated 27/3/14

On behalf of: Axis 1 Limited/ St Paul's Developments Plc
By: J D Newton
No: 1st
Exhibits: "JDN1"- "JDN13"
Date: 26 March 2014

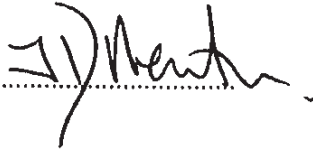
APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF JOHN DAVID NEWTON

This is the exhibit marked "JDN1" referred to in the witness statement of John David Newton dated this 26th day of March 2014.

Signed



This official copy issued on 13 February 2013 shows the state of this title plan on 13 February 2013 at 09:35:01. It is admitted in evidence to the same extent as the original if Land Registration Act 2002. This plan shows the general position, and the exact line of the boundaries, it may be subject to distortions in scale. Measurements scaled from this plan may not match measurements taken on the ground. See Land Registry Public Guide 13 - The Plans and Boundaries. This plan is dealt with by Land Registry, Breckford Office.



On behalf of: Axis 1 Limited/ St Paul's Developments Plc
By: J D Newton
No: 1st
Exhibits: "JDN1"- "JDN13"
Date: 26 March 2014

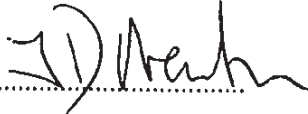
APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

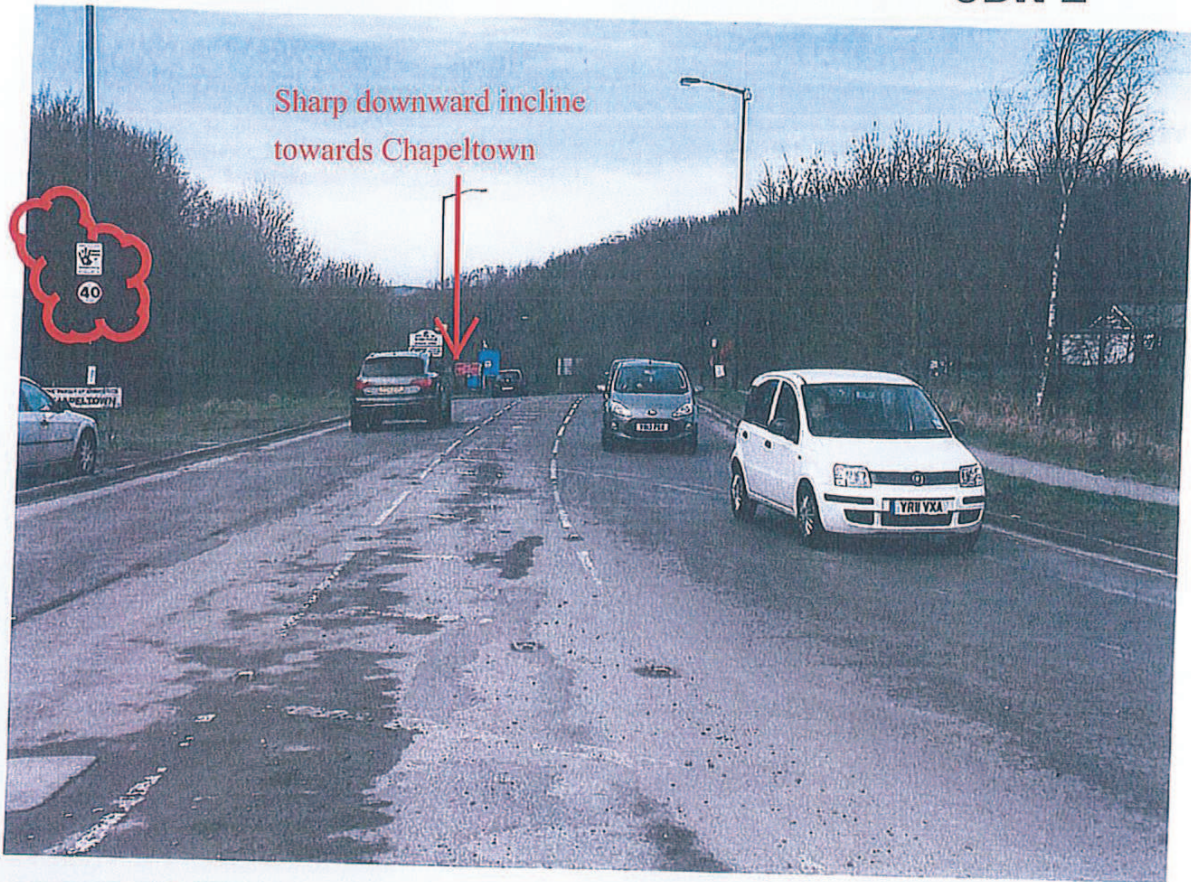
LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF JOHN DAVID NEWTON

This is the exhibit marked "JDN2" referred to in the witness statement of John David Newton dated this 26th day of March 2014.

Signed







On behalf of: Axis 1 Limited/ St Paul's Developments Plc

By: J D Newton

No: 1st

Exhibits: "JDN1"- "JDN13"

Date: 26 March 2014

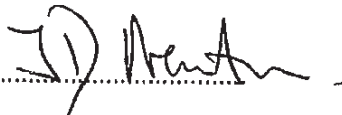
APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF JOHN DAVID NEWTON

This is the exhibit marked "JDN3" referred to in the witness statement of John David Newton dated this 26th day of March 2014.

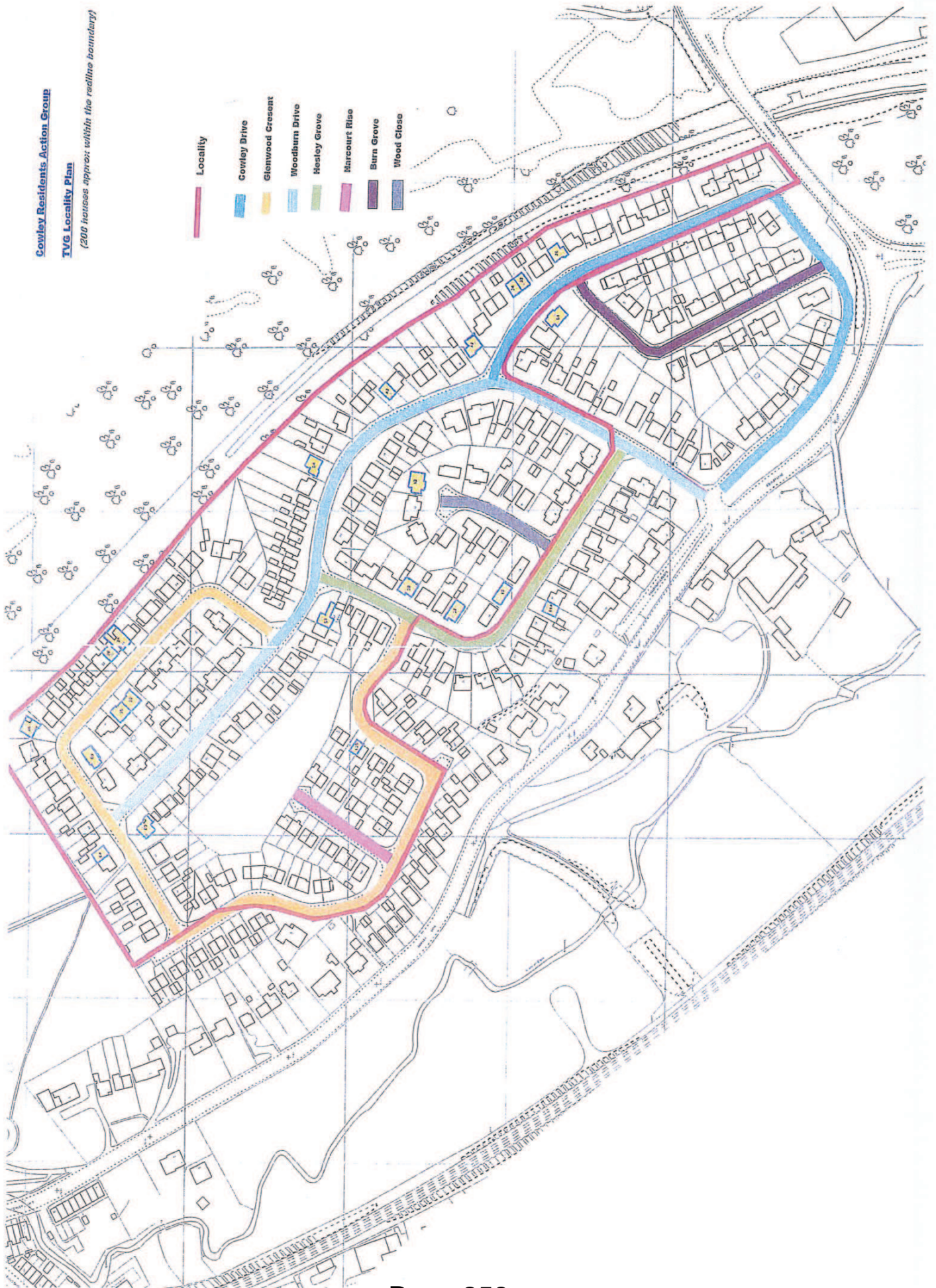
Signed



Cowley Residents Action Group

TVG Locality Plan

(200 houses approx: within the redline boundary)



On behalf of: Axis 1 Limited/ St Paul's Developments Plc
By: J D Newton
No: 1st
Exhibits: "JDN1"- "JDN13"
Date: 26 March 2014

APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

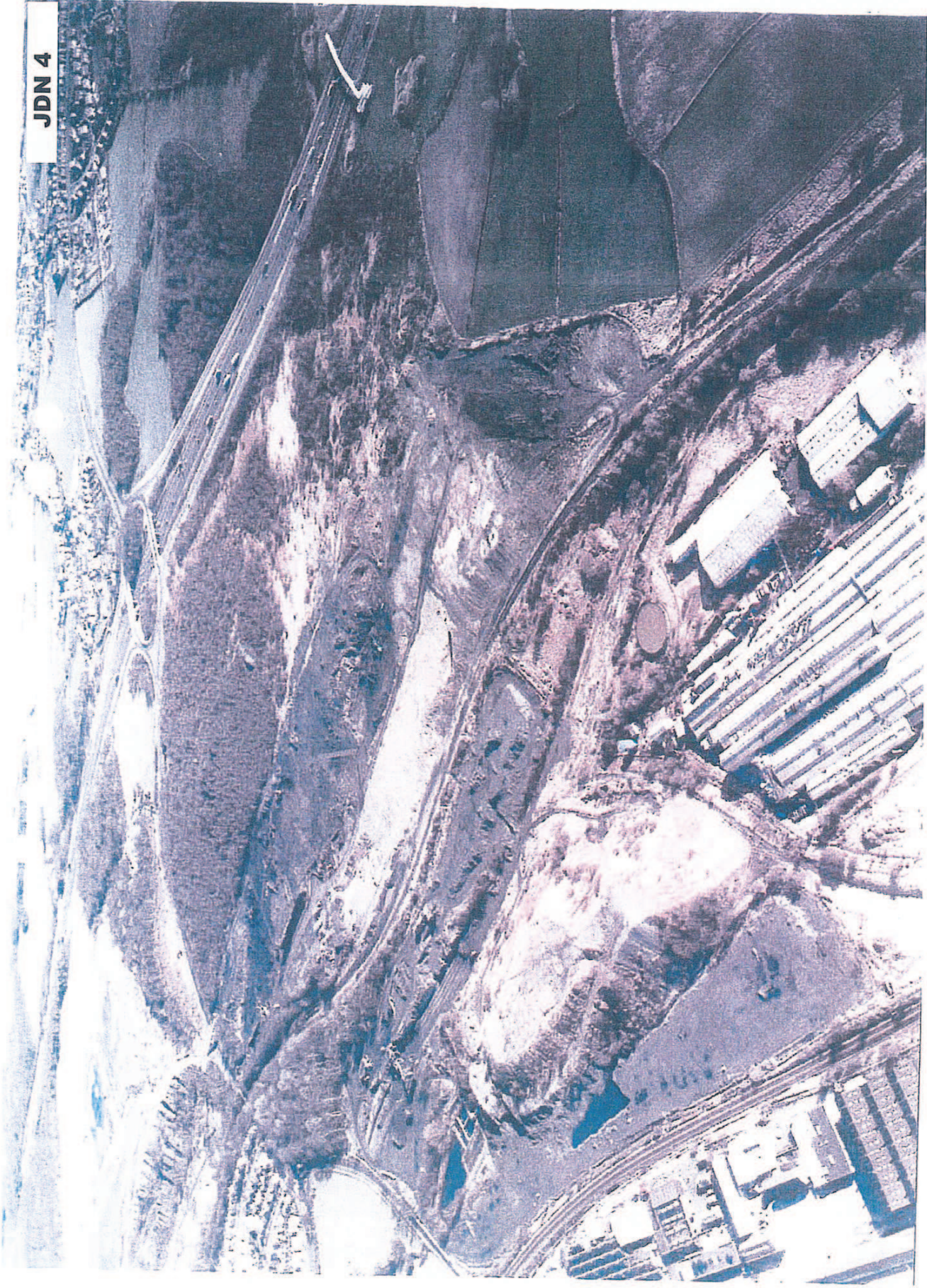
LAND KNOWN AS SMITHY WOOD ADJACENT TO MI AT JUNCTION 35

EXHIBIT OF JOHN DAVID NEWTON

This is the exhibit marked "JDN4" referred to in the witness statement of John David Newton dated this 26th day of March 2014.

Signed 

JDN 4



On behalf of: Axis 1 Limited/ St Paul's Developments Plc

By: J D Newton

No: 1st

Exhibits: "JDNI"- "JDNI3"

Date: 26 March 2014

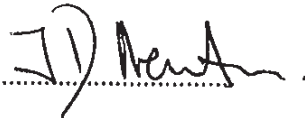
APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF JOHN DAVID NEWTON

This is the exhibit marked "JDN5" referred to in the witness statement of John David Newton dated this 26th day of March 2014.

Signed





On behalf of: Axis 1 Limited/ St Paul's Developments Plc
By: J D Newton
No: 1st
Exhibits: "JDN1"- "JDN13"
Date: 26 March 2014

APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

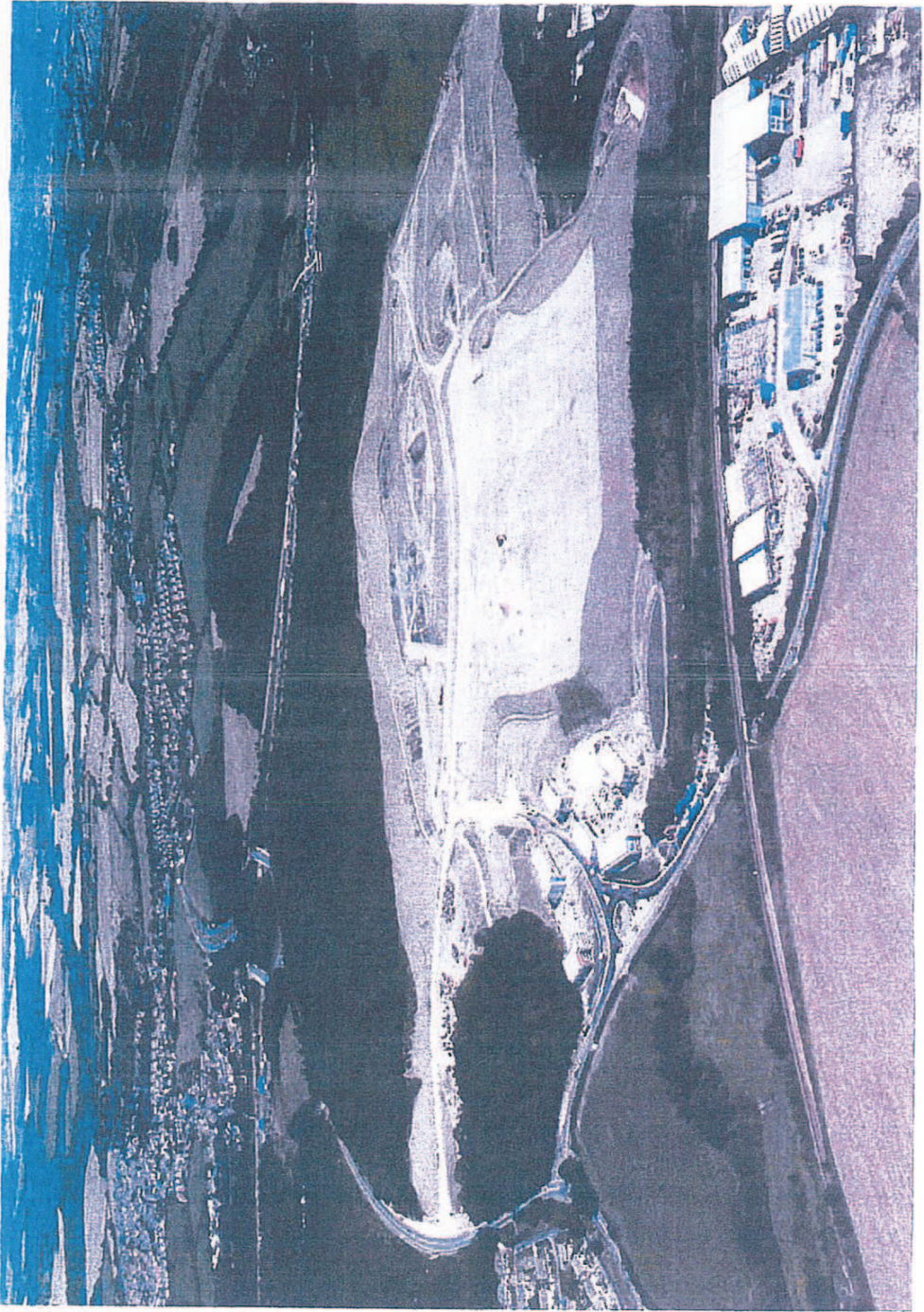
LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF JOHN DAVID NEWTON

This is the exhibit marked "JDN6" referred to in the witness statement of John David Newton dated this 26th day of March 2014.

Signed





On behalf of: Axis 1 Limited/ St Paul's Developments Plc

By: J D Newton

No: 1st

Exhibits: "JDN1"- "JDN13"

Date: 26 March 2014

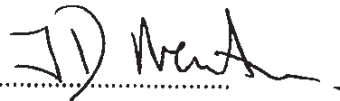
APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF JOHN DAVID NEWTON

This is the exhibit marked "JDN7" referred to in the witness statement of John David Newton dated this 26th day of March 2014.

Signed





On behalf of: Axis 1 Limited/ St Paul's Developments Plc
By: J D Newton
No: 1st
Exhibits: "JDN1"- "JDN13"
Date: 26 March 2014

APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF JOHN DAVID NEWTON

This is the exhibit marked "JDN8" referred to in the witness statement of John David Newton dated this 26th day of March 2014.

Signed





On behalf of: Axis 1 Limited/ St Paul's Developments Plc
By: J D Newton
No: 1st
Exhibits: "JDN1"- "JDN13"
Date: 26 March 2014

APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF JOHN DAVID NEWTON

This is the exhibit marked "JDN9" referred to in the witness statement of John David Newton dated this 26th day of March 2014.

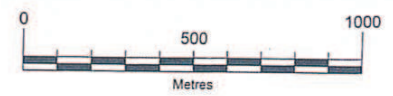
Signed





- KEY**
- Planning application area
 - Existing woodland secured for long term enhancement
 - New woodland

- Notes**
- Creation of CHAPELTON COMMUNITY WOODLANDS TRUST, covering Smithy, Hesley, Parkin and horncliffe Woods.
 - Creation of 2 x new woodlands (NW1 & NW2)
 - Production of Ecological Management and Maintenance Plan for Smithy Wood.
- Boundaries shown are indicative. Imagery shown for illustrative purposes.




On behalf of: Axis 1 Limited/ St Paul's Developments Plc
By: J D Newton
No: 1st
Exhibits: "JDN1"- "JDN13"
Date: 26 March 2014

APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO MI AT JUNCTION 35

EXHIBIT OF JOHN DAVID NEWTON

This is the exhibit marked "JDN10" referred to in the witness statement of John David Newton dated this 26th day of March 2014.

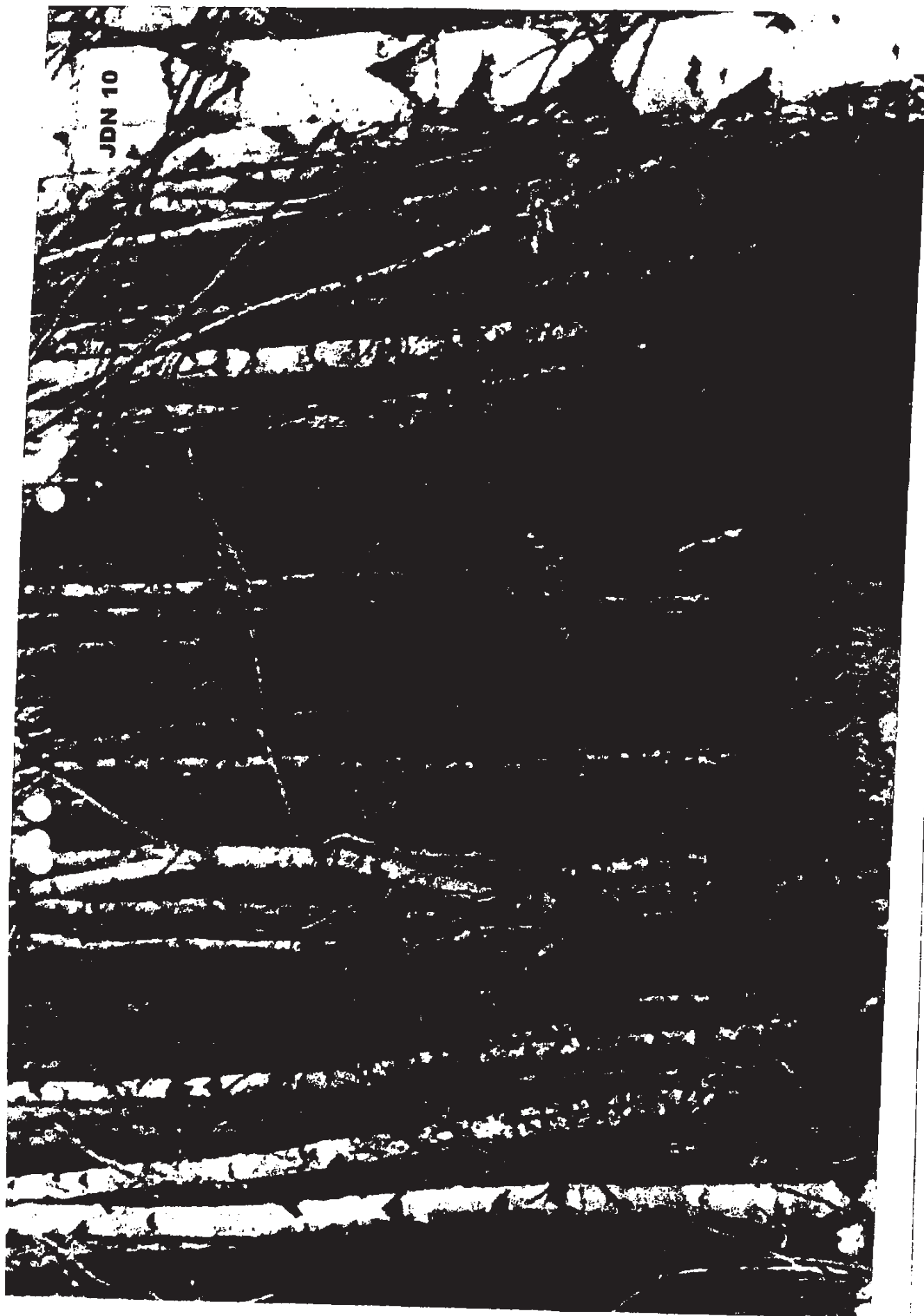
Signed 

JDN 10



JDN-10





JDN 10



JDN 10



On behalf of: Axis 1 Limited/ St Paul's Developments Plc

By: J D Newton

No: 1st

Exhibits: "JDN1"- "JDN13"


Date: 26 March 2014

APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF JOHN DAVID NEWTON

This is the exhibit marked "JDN11" referred to in the witness statement of John David Newton dated this 26th day of March 2014.

Signed 



On behalf of: Axis 1 Limited/ St Paul's Developments Plc

By: J D Newton

No: 1st

Exhibits: "JDN1"- "JDN13"

Date: 26 March 2014

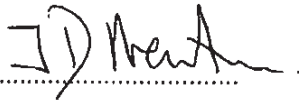
APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF JOHN DAVID NEWTON

This is the exhibit marked "JDN12" referred to in the witness statement of John David Newton dated this 26th day of March 2014.

Signed





Official copy of register of title

Title number SYK560448 Edition date 26.11.2008

- This official copy shows the entries on the register of title on 22 JAN 2014 at 17:19:48.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 22 Jan 2014.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website www.landregistry.gov.uk or Land Registry Public Guide 1-A *guide to the information we keep and how you can obtain it*.
- This title is dealt with by Land Registry, Nottingham Office.

A: Property Register

This register describes the land and estate comprised in the title.

SOUTH YORKSHIRE : SHEFFIELD

- 1 (26.11.2008) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land at M1 Chapeltown, Sheffield.
- 2 (26.11.2008) The land has the benefit of the rights granted by a Conveyance of the land in this title and other land dated 24 October 1967 made between (1) Newton Chambers & Company Limited and (2) The Minister Of Transport.

NOTE: Copy filed under SYK560310.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (26.11.2008) PROPRIETOR: SECRETARY OF STATE FOR TRANSPORT of Great Minster House, 76 Marsham Street, London SW1P 4DR and care of Highways Agency, National Property Management and Disposals, Ash House, Falcon Road, Sowton, Exeter EX2 7LB and of NationalPMD@highways.gsi.gov.uk.

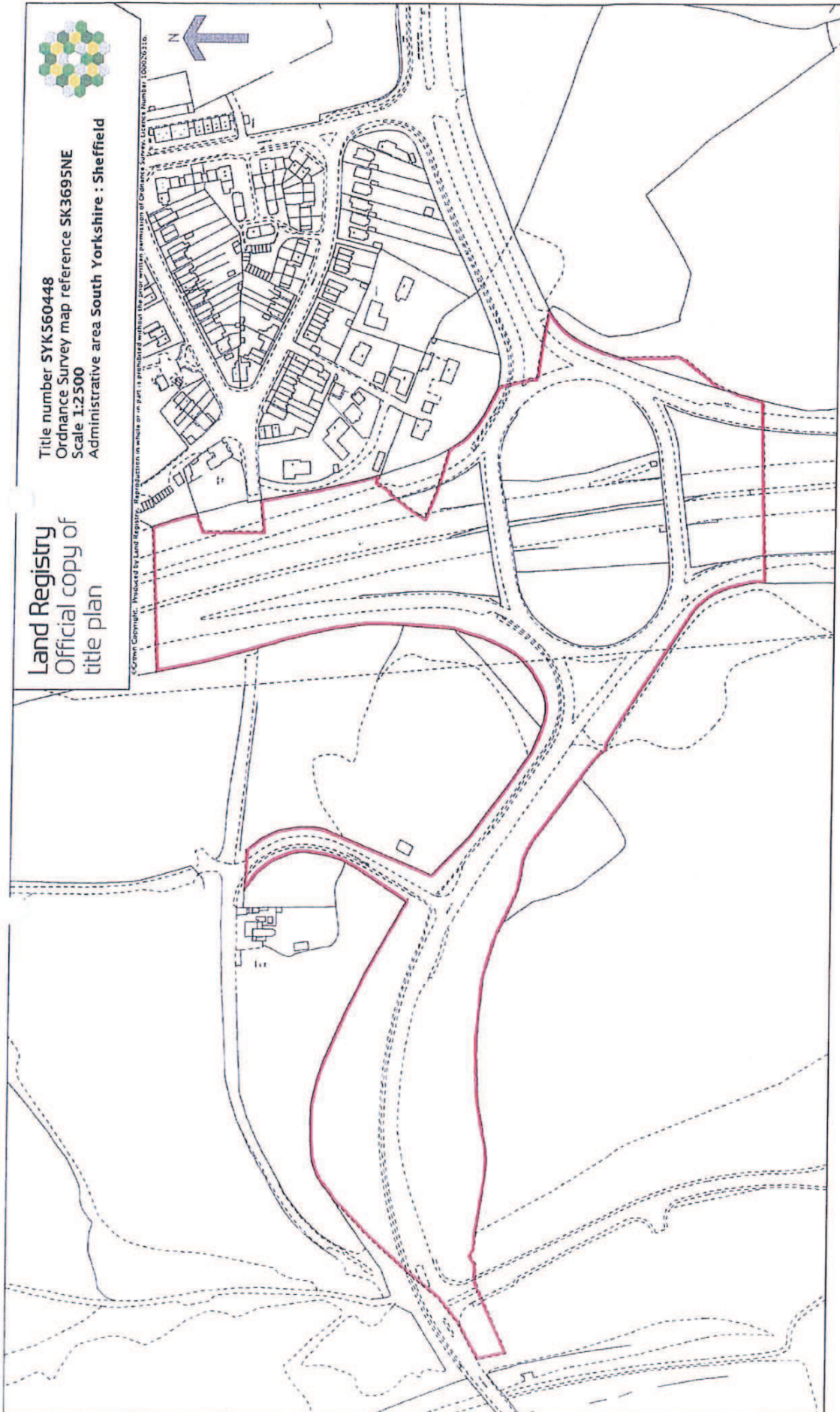
End of register



Title number SYK560448
Ordnance Survey map reference SK3695NE
Scale 1:2500
Administrative area South Yorkshire : Sheffield

Land Registry
Official copy of
title plan

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JDN12

This official copy is incomplete without the preceding notes page

On behalf of: Axis 1 Limited/ St Paul's Developments Plc

By: J D Newton

No: 1st

Exhibits: "JDN1"- "JDN13"

Date: 26 March 2014

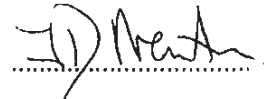
APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF JOHN DAVID NEWTON

This is the exhibit marked "JDN13" referred to in the witness statement of John David Newton dated this 26th day of March 2014.

Signed



.....

Dennis Enuson

From: Gordon, Lee D [Lee.Gordon@dlapiper.com]
Sent: 26 March 2014 14:35
To: Dennis Enuson
Subject: FW: Highways Enquiry re Cowley Hill, Chapeltown [DLAP-UKMATTERS.FID3425243]
Attachments: HighwayRecordsCowleyHill.pdf

Dennis

Email discussed relating to the highways search.

Kind regards
Lee

Lee Gordon
Senior Associate
T +44 113 369 2061
F +44 113 369 2896
M +44 7738 295766
E lee.gordon@dlapiper.com



DLA Piper UK LLP
www.dlapiper.com

From: Bayliss Sarah [<mailto:Sarah.Bayliss@sheffield.gov.uk>]
Sent: 25 March 2014 13:33
To: Keogh, Jennifer
Subject: RE: Highways Enquiry re Cowley Hill, Chapeltown [DLAP-UKMATTERS.FID3425243]

Hi Jennifer

Here's the plan showing the information you requested, as revealed by our records. The extent of adopted public highway is indicated in yellow. Green hatching indicates an area affected by an agreement under Section 38 of the Highways Act 1980. Pink dashed lines indicate approximate routes of Definitive Footpaths.

The blue line on the plan is an approximation of the Sheffield boundary. For highways information beyond this boundary you will need to contact the adjacent local authority, and with regard to the M1 you will need to contact the Highways Agency.

As discussed on the telephone, we have received enquiries from Searchflow on your behalf. Our full responses, therefore, will be sent as replies to these enquiries. They have already paid so you will not be invoiced for our fees.

Regards,

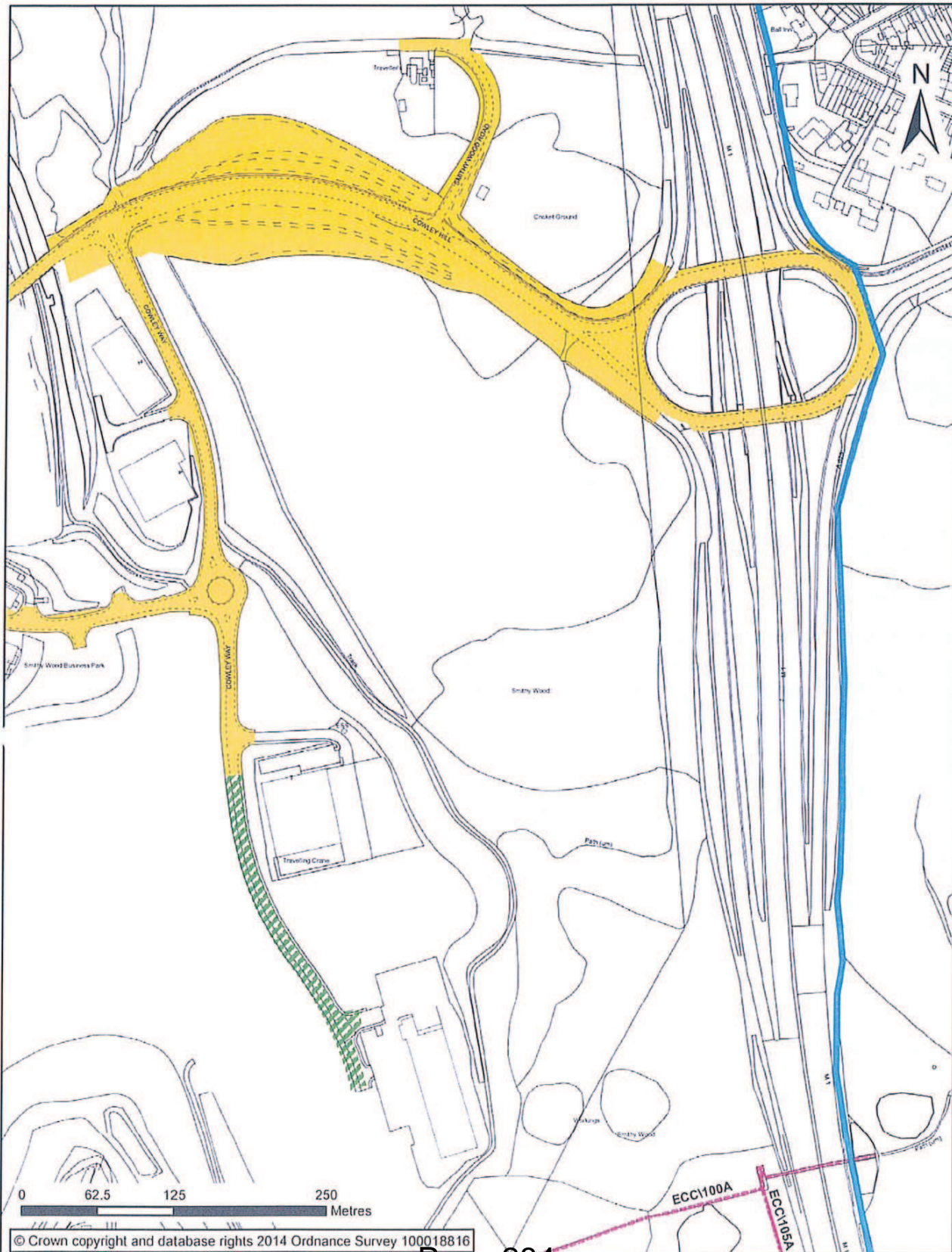
Sarah Bayliss
Technical Administration Officer
Highway Records
Highway Maintenance Division
Development Services
Sheffield City Council
Howden House, 1 Union Street
Sheffield S1 2SH



Highway Records
Development Services
Howden House
Union Street
Sheffield
S1 2SH

Location:
Cowley Hill
Chapelton
Sheffield

Date: 24 March 2014



On behalf of: Axis 1 Limited/ St Paul's Developments Plc
By: N P Tovey
No: 1st
Exhibits: "NPT1"- "NPT5"
Date: 26 March 2014

**APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006
LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35**

WITNESS STATEMENT OF NICK PAUL TOVEY

I, **NICK PAUL TOVEY**, Director of Wardell Armstrong of Unit 5, Newton Business Centre, Newton Chambers Road, Thorncliffe Park, Chapeltown, Sheffield, S35 2PH, say as follows:

1. This witness statement is made in support of the objection of Axis 1 Limited/ St Paul's to the application of 14 November 2013 pursuant to section 15(1) Commons Act 2006 to register its land as a town or village green.
2. The statements contained in this witness statement are made from my own knowledge except where I specifically state otherwise, in which instances I believe my information to be true. I refer below to various documents or copies of documents which are included in the exhibits to this statement marked "NPT1" to "NT5". To the best of my knowledge and belief, the copies are true copies of their respective originals.
3. I am a Director of Wardell Armstrong LLP, a multidisciplinary engineering, environmental and mining consultancy. I am based in the firm's office in Chapeltown, Sheffield and have had extensive involvement in relation to the Site and surrounding land over the last 21 years. During this time I have worked on behalf of previous landowners, including South Riding Estates, Hampton Trust, Dancastle Properties Limited and the Duke of Norfolk estate. My previous involvement has included; desk study investigations of Smithy Wood and the wider area, general investigations, investigations of the two fires discussed later in this witness statement, consideration of proposals for over 10 years for the remediation of nearby Hesley Wood (adjacent

to the claimed locality) and work in connection with the planning application for the coal recovery and restoration project relating to Hesley Wood.

4. More recently, acting on behalf of Extra, the motorway service provider, I have been involved in the preparation of the planning application submitted by Extra on 24 March 2014 for the Sheffield Motorway Service Area to be located on the Site. This included leading the preparation of, and coordinating the consultant team on, the environmental impact assessment and environmental statement that accompanied the planning application.
5. A leaflet summarising the need for and benefits of the Sheffield Motorway Service Area is included at exhibit NPT1. This leaflet was distributed to members of the public following submission of the planning application.
6. Work in connection with the preparation of the planning application commenced on 1 March 2013. Extensive site investigation work, pre-application consultation and engagement with the public and other key stakeholders has been carried out since that time. This included public exhibitions on 6 and 7 September 2013 held at Ecclesfield School, Chapeltown in relation to concept masterplan proposals. In addition, a dedicated website was launched on 19 August 2013 and leaflets were distributed to members of the public inviting comments on the proposals. Pre-application consultation closed on 16 September 2013. A copy of the consultation leaflet is exhibited at NPT2.
7. Extra's consultant team have been carrying out extensive survey and site investigation work on the Site throughout much of 2013 in relation to matters such as ecology and archaeology in preparation of the environmental impact assessment of the Sheffield Motorway Service Area. I have been co-ordinating this work. Survey work commenced in early April 2013, with consultants regularly attending Site between then and late November 2013. Consultants were often on Site for full days at a time and attended the Site on approximately 45 separate days throughout this period. No public access issues were raised by the team. I have checked with and been informed by the consultant team that on the vast majority of days no people at all have been seen using the Site for lawful sports and pastimes and any use witnessed on the Site has been insignificant, limited to individuals on rare occasions. This is consistent with my experience of attending the Site.

8. During 1995 and 1996 there were two major fires causing extensive damage to the Site. Dancastle Properties Limited was the owner of the Site at that time and I liaised with Dancastle's in relation to the fires and any necessary works. I have exhibited at exhibit NT3 a report from 13 October 1995 by Mr Robert Hartley (a site engineer at Wardell Armstrong) in relation to a fire during the summer of 1995 at the Site following a site inspection. This was produced under my general supervision of the matter on behalf of Dancastle Properties Limited. The report records that "very much all of Smithy Wood was subjected to the fire/heat". The report relates to area of interest at that time and appends a plan showing the areas worst affected.

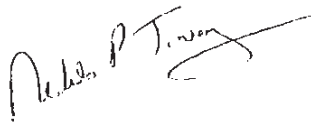
9. There was also a second underground fire towards the north of the Site along the route of the former ropeway which was previously used to transport coal from Smithy Wood to Hesley Wood. I understand that this underground fire was discovered in December 1995. Significant works were carried out during February 1996 by Wardell Armstrong on behalf of Dancastle Properties to extinguish and prevent the spread of the fire. Photos from February 1996 are exhibited at NT4 together with a drawing showing the areas of the fire and works carried out.

10. At exhibit NPT5 is a drawing produced by Wardell Armstrong. This drawing is intended to accurately plot the red line boundary of the village green application and the large extent of the Site regularly used by motorbikes and 4x4 off road vehicles. The drawing also shows the route of the overhead electricity line and location of former bell pits from previous mining activity on the Site.

11. STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed



Dated 26th March 2014

On behalf of: Axis 1 Limited/ St Paul's Developments Plc

By: N P Tovey

No: 1st

Exhibits: "NPT1"- "NPT5"

Date: 26 March 2014

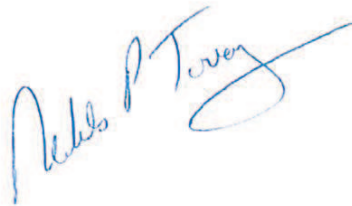
APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF NICK PAUL TOVEY

This is the exhibit marked "NPT1" referred to in the witness statement of Nick Paul Tovey dated this 26th day of March 2014.

Signed .



NPT 1

SHEFFIELD MOTORWAY SERVICE AREA

Junction 35, M1

Economic and employment benefits

The construction of Extra's new Motorway Service Area represents a major capital investment into the economy of the Sheffield City Region. Construction costs are estimated at £36 million and firms from the City Region and Yorkshire will be given the first opportunity to tender for the project.

Once open for business, a typical Extra MSA employs in the range of 250 – 300 full time equivalent staff, including part time opportunities. Extra's typical range of nationally branded leading and popular main tenant operating partners all share a strong track record for training and development of their staff.

Extra will work with the City Council and other Agencies to encourage local people to apply for the jobs available and local suppliers to tender for contracts.

What happens next?

A planning application has been submitted to Sheffield City who will notify local people and invite views on the proposal. The application documents will be available on the Council's website and it is important that local voices are heard by the Council.

H52

The proposed H52 route currently passes between the MSA and Smithy Wood Business Park. The proposed development will not be affected by H52 should it go ahead.

Town and Village Green application

Extra are aware that a Town and Village Green (TVG) application has been submitted in respect of land to the south west of Junction 35. Whilst the outcome is clearly important, the decision on TVG status will be based upon the evidence provided by those involved and is an entirely separate process

www.sheffieldmotorwayservices.co.uk

Following the public consultation in September 2013 relating to proposals for a Motorway Service Area (MSA) at Junction 35 of the M1, significant work has been undertaken to respond to comments received from the local community, local authority, technical specialists and others. Extra want to update you on the progress which has been made and to keep you informed about progress with the planning application.

The safety of our Motorway Network is critical to the national economy. Motorways play an important role in the movement of people, goods and supplies around the country. MSAs are a key part of this infrastructure as they provide places where drivers and passengers can take a break.

Government advice is that drivers should not have to drive for longer than 30 minutes, or more than 28 miles, without the opportunity to stop. There is no minimum distance separation for promotion of a new MSA – this is left to MSA operators to decide on need and viability grounds

www.sheffieldmotorwayservices.co.uk



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Any information provided will only be used for Sheffield Motorway Service Area consultation purposes and we do not share personal information with third parties.



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developments plc
www.st-pauls.co.uk



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www.st-pauls.co.uk



There is a significant need for a new MSA on the M1 in the very busy Sheffield area.

Government policy and highway safety considerations mean that Junction 35 is the only commercially viable and deliverable location.

In the 1960s Smithy Wood was dissected by the building of the M1 and construction of Junction 35. Of three possible areas where a MSA could be located at this Junction, only the sites to the south east and south west of the Junction can meet Highways Agency access requirements. Both sites (south east and south west) contain ancient woodland, however land to the south west of the Junction has the least impact on local residents.

Extensive ecological, archaeological and other surveys have been undertaken and used to help shape the development on land to the south west of the Junction so that it avoids, as far as possible, the better quality areas of ancient woodland. The proposed site (shown in red on the plan) occupies 10.76 hectares of woodland to the south west of the Junction, of which 8.6 hectares is currently designated as ancient woodland. In the light of the survey evidence, Natural England is currently reviewing the extent of this designation.

New areas of woodland

As a part of the project, 60,000 trees will be planted on 16 hectares of local land close to the site (see plan opposite) creating two significant new areas of woodland.

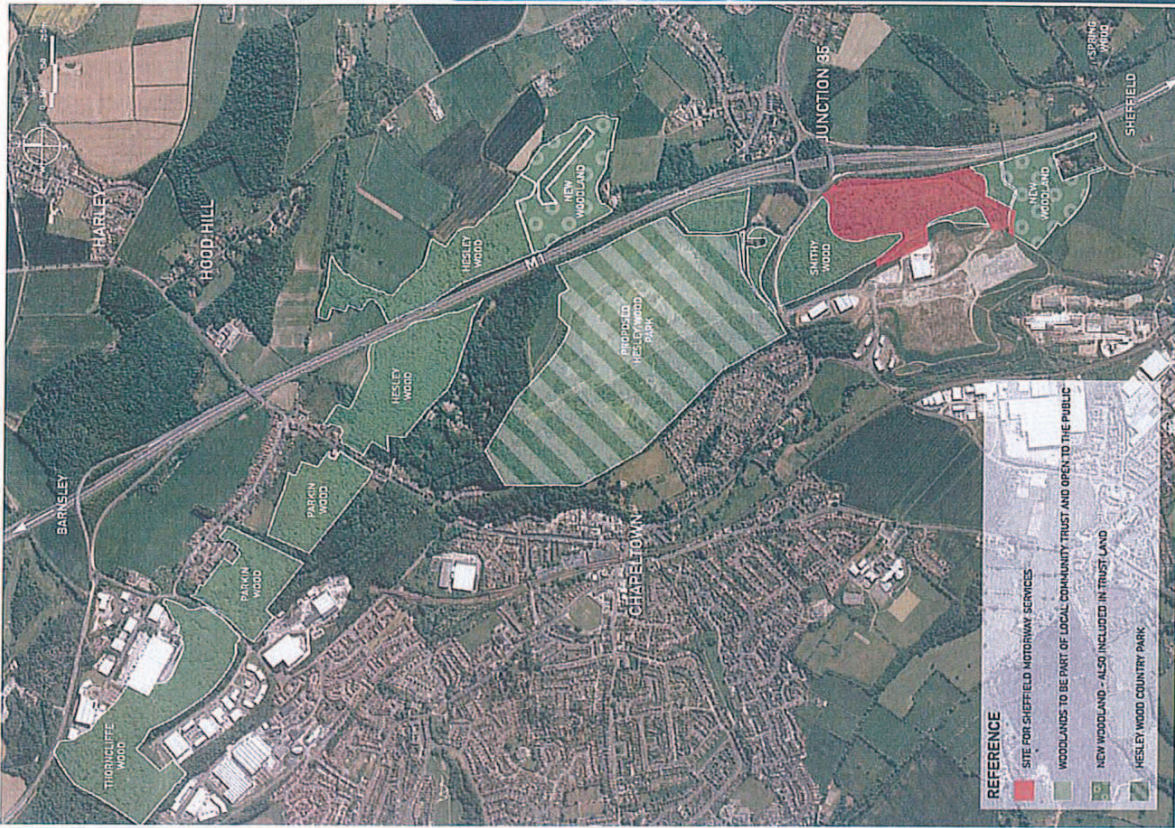
Chapelton Community Woodlands Trust

— a conservation and management package



In addition to the new areas of woodland, around 70 hectares of existing local woodland (Thorncliffe, Parkin, Hesley Woods and the remaining areas of Smithy Wood to the south west of Junction 35) which are currently in private ownership, will be opened to the public for community use (see plan opposite).

A Trust (Chapelton Community Woodlands Trust) will be set up to manage and maintain over 85 hectares of woodlands for conservation and recreation. Footpaths will be created through the woods, and educational links developed with local schools. The Trust will be provided with long-term funding by extra and local groups will be invited to join the Trust Management Board. There may be a future opportunity to extend the area managed by the Trust to include the proposed Hesley Wood Country Park.



On behalf of: Axis 1 Limited/ St Paul's Developments Plc

By: N P Tovey

No: 1st

Exhibits: "NPT1"- "NPT5"

Date: 26 March 2014

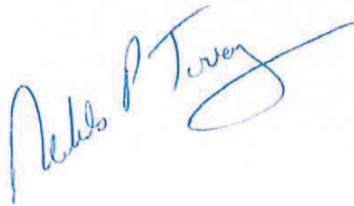
APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF NICK PAUL TOVEY

This is the exhibit marked "NPT2" referred to in the witness statement of Nick Paul Tovey dated this 26th day of March 2014.

Signed



Consultation Team - PPG
 Unit 5 The Priory
 London Road
 Canwell
 Sutton Coldfield
 B75 5SH



Most drivers will have stopped at a Motorway Service Area at some point in time. Motorway Service Areas (MSAs) are important as they provide the opportunity for drivers (and their passengers) to take a break on long journeys. The ability for drivers to stop on a regular basis is important in terms of road safety, as driver fatigue is a recognised cause of motorway accidents.

So why a Motorway Service Area here?

The government is committed to providing and encouraging greater choice and facilities for customers at Service Areas on motorways. Its current guidance also indicates that for safety, drivers should have an opportunity to stop on a motorway journey every 30 minutes, or between 12-28 miles travel (whichever is the shorter). There is a need for new services in the locality of Junction 35 of the M1 to fill a number of gaps in existing Service Area provision, which occur for:

- Those travelling on the M1 between the existing Woodall MSA (between Junctions 30 & 31) and Woolley Edge MSA (between Junctions 38 & 39), where there is a gap of 27.5 miles.
 - Drivers using the A1 (M) between Blyth MSA and Woolley Edge MSA on the M1 (via M18), where there is a gap of 37.5 miles.
 - Those drivers travelling on the route between Doncaster MSA on the M18 and Woolley Edge MSA on the M1, where there is a gap of approximately 42 miles.
- A search of possible MSA sites has shown that the best location to fill the 'gaps' mentioned above is at Junction 35 of the M1.

How do I find out more and make my views known?

You are invited to visit a public exhibition which will be held on:

Friday 6th September from 6.30pm to 9.30pm
 and
 Saturday 7th September from 10.00am to 3.30pm
 at
 Ecclesfield School Chapeltown Road,
 Sheffield S35 9WD

If you are unable to attend the public exhibition, but want to share your thoughts about the project, you can return the Freepost tear-off slip on this leaflet or you can visit the project website where you can leave comments online. The website will be launched on Monday 19th August 2013. The web address is:

www.sheffieldmotorwayservices.co.uk

Consultation will close on
 Monday 16th September 2013.

What happens next?

We see this consultation as the start of an ongoing process to develop strong and positive links with local people. All thoughts and suggestions received as part of this consultation will be carefully considered and used to shape the proposals for Sheffield Motorway Service Area before a planning application is prepared and submitted to the Council.



EATRA
 St. Pauls
 Environment at
 www.stpauls.co.uk

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PUBLIC CONSULTATION

**SHEFFIELD
 MOTORWAY
 SERVICE AREA**

Junction 35, M1



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 Group

On behalf of: Axis 1 Limited/ St Paul's Developments Plc
By: N P Tovey
No: 1st
Exhibits: "NPT1"- "NPT5"
Date: 26 March 2014

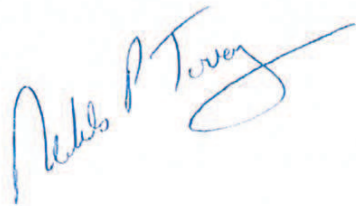
APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF NICK PAUL TOVEY

This is the exhibit marked "NPT3" referred to in the witness statement of Nick Paul Tovey dated this 26th day of March 2014.

Signed



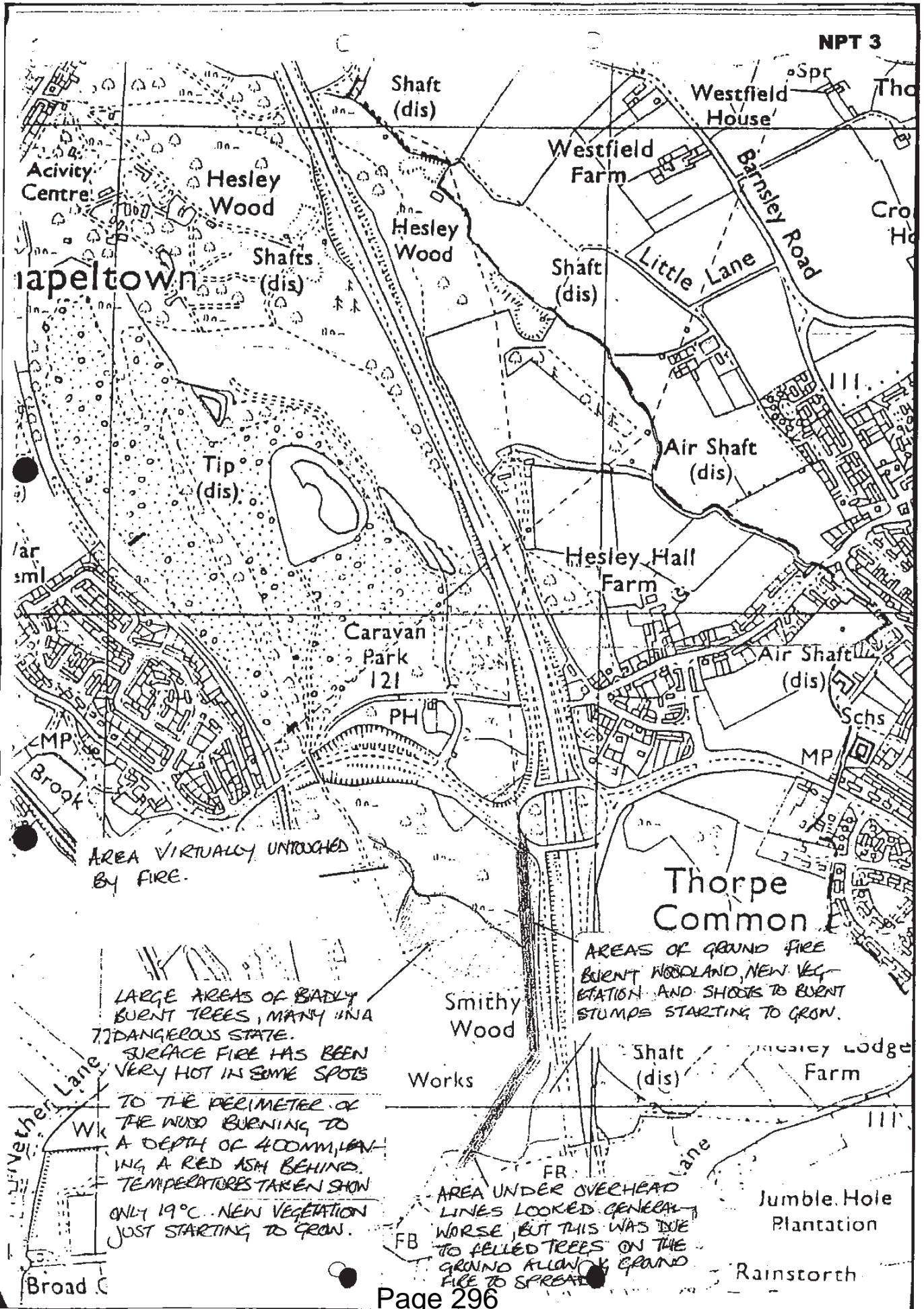
FRIDAY 13TH OCTOBER 95.

RE :- INSPECTION OF SMITHY WOOD.

ON INSPECTION OF SMITHY WOOD IT WAS IDENTIFIED THAT ALTHOUGH THE WOODS HAD SUFFERED A DRAMATIC GROUND FIRE, THE ACTUAL INTENSITY OF THE FIRE SEEMS TO HAVE VARIED ACROSS THE SITE. ADJACENT TO THE M1 MOTORWAY (BOTTOM OF EMBANKMENT) UNDER THE OVERHEAD CABLES SEEMS TO BE QUITE BADLY SCARRED, BUT ON CLOSER INSPECTION THIS WAS MORE DUE TO THE TREES HAD BEEN FELLED THUS ALLOWING THE GROUND FIRE TO SPREAD QUITE RAPIDLY. THE HEART OF THE FIRE SEEMS TO HAVE BEEN MORE TO THE WESTERN PERIMETER OF THE WOODS WHERE RED ASH IS VISIBLE.

VERY MUCH ALL OF SMITHY WOOD WAS SUBJECTED TO THE FIRE/HEAT, BUT IT IS OF MY OPINION THAT THE FIRE HAS NOW EXTINGUISHED WITH NO EVIDENCE OF ANY UNDERGROUND FIRE AS ALL TEST TEMPERATURES, EXCAVATED TO 400 MM BELOW GL, WERE IN THE REGION OF 18-20°C, EQUIVALENT OR LESS THAN THAT OF TODAY'S AIR TEMPERATURE OF 20°C. THERE WERE ALSO INSECTS AND EARTH WORMS PRESENT IN THE EXCAVATED SOIL AND FUNGUS VEGETATION AND NEW SHOOTS FROM THE BOTTOM OF BADLY BURNT STUMPS AND GRASS STARTING TO GROW BACK, ALL OF WHICH GIVE A GOOD INDICATION THAT THE WOODS ARE NO LONGER ON FIRE.

R. HARTLEY 13/10/95.



On behalf of: Axis 1 Limited/ St Paul's Developments Plc

By: N P Tovey

No: 1st

Exhibits: "NPT1"- "NPT5"

Date: 26 March 2014

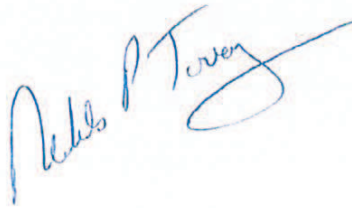
APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF NICK PAUL TOVEY

This is the exhibit marked "NPT4" referred to in the witness statement of Nick Paul Tovey dated this 26th day of March 2014.

Signed



NPT 4

Photographs taken during Shallow
Spot fire at Smithy Wood February 1996.



NPT 4



NPT 4



NPT 4



NPT 4



On behalf of: Axis 1 Limited/ St Paul's Developments Plc

By: N P Tovey

No: 1st

Exhibits: "NPT1"- "NPT5"

Date: 26 March 2014

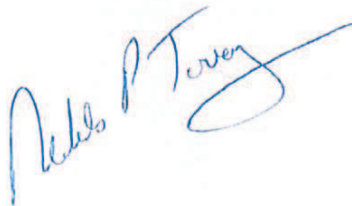
APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

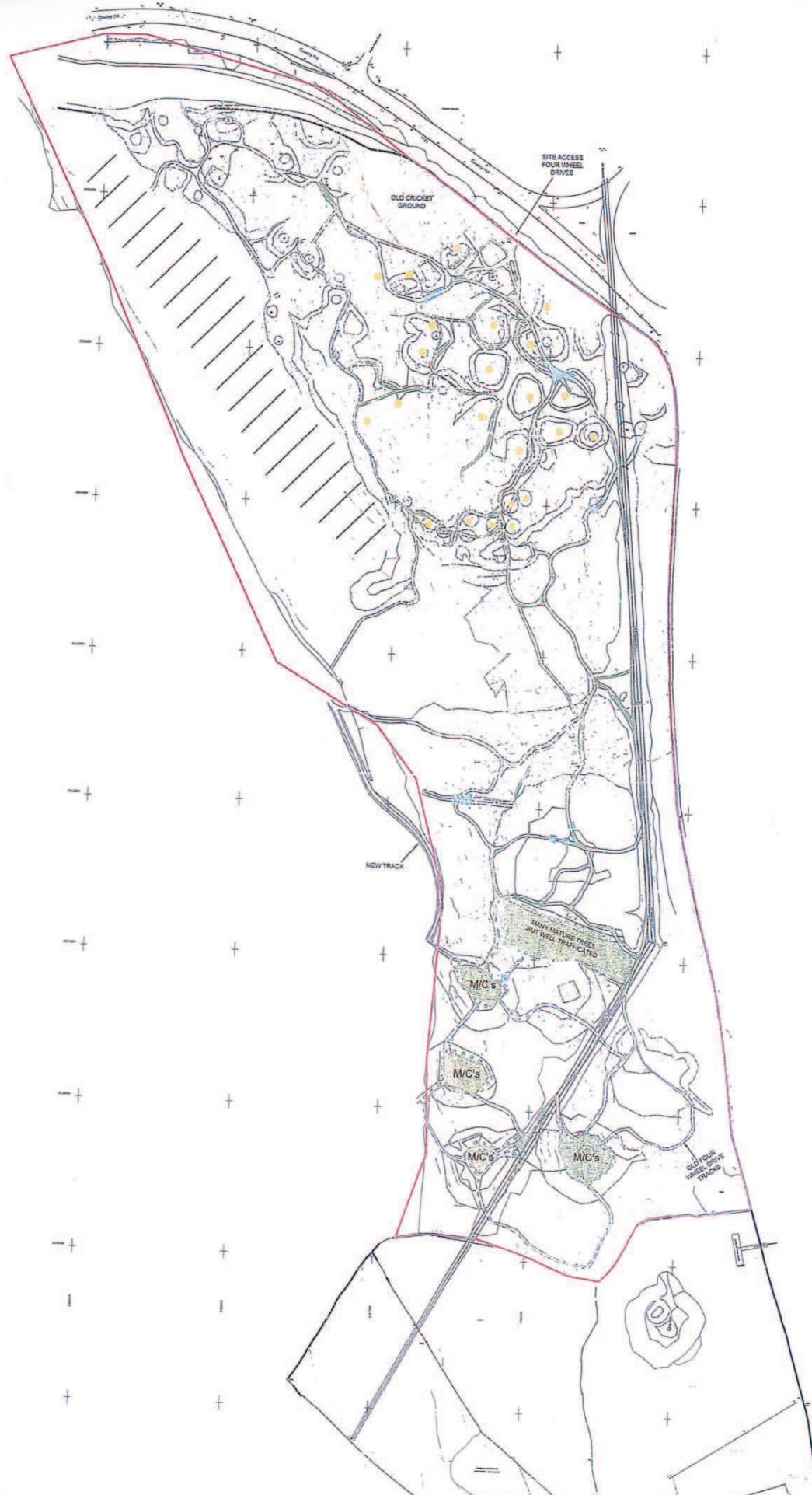
LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF NICK PAUL TOVEY

This is the exhibit marked "NPT5" referred to in the witness statement of Nick Paul Tovey dated this 26th day of March 2014.

Signed





REFERENCE

- APPLICATION BOUNDARY
- FENCE
- WALL
- INACCESSIBLE WOODLAND
- BELL PIT(S) EASILY IDENTIFIED
- FOUR WHEEL DRIVE TRACKS
- MOTOR CYCLE TRACKS
- POURED AREAS ON FOUR WHEEL DRIVE TRACKS
- M/C's = MOTOR CYCLE AREAS

| | | | | |
|------|----------------------|------|------|-----|
| B | Site boundary change | DATE | BY | CHK |
| A | Final Issue | DATE | BY | CHK |
| DATE | BY | CHK | DATE | BY |

CLIENT: ST PAULS DEVELOPMENTS LTD

PROJECT: SMITHY WOOD TVG APPLICATION

DRAWING TITLE: TVG APPLICATION SITE

| | | | |
|---|---|---|---|
| DATE | 1:1200 @ A1 | DATE | 03/02/14 |
| DRAWN BY | DESIGNED BY | APPROVED BY | DATE |
| <input type="checkbox"/> Final Design <input type="checkbox"/> Planning <input type="checkbox"/> Construction <input type="checkbox"/> Other | <input type="checkbox"/> Final Design <input type="checkbox"/> Planning <input type="checkbox"/> Construction <input type="checkbox"/> Other | <input type="checkbox"/> Final Design <input type="checkbox"/> Planning <input type="checkbox"/> Construction <input type="checkbox"/> Other | <input type="checkbox"/> Final Design <input type="checkbox"/> Planning <input type="checkbox"/> Construction <input type="checkbox"/> Other |

wardell armstrong your earth our world

On behalf of: Axis 1 Limited/ St Paul's Developments Plc
By: J P Rhodes
No: 1st
Exhibits: "JPR1"
Date: 26 March 2014

LAND AT SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

WITNESS STATEMENT OF JONATHAN PAUL RHODES

I, **JONATHAN PAUL RHODES**, Farmer, of Upper Butterthwaite Farm, Butterthwaite Lane, Ecclesfield, Sheffield, S35 9WA, say as follows:

1. The statements contained in this witness statement are made from my own knowledge except where I specifically state otherwise, in which instances I believe my information to be true. I refer below to a copy document included as an exhibit to this statement marked "JPR1". To the best of my knowledge and belief, the copy is a true copy of the original.
2. My family has farmed land adjoining Smithy Wood (shown edged red on the exhibited plan JPR1) for approximately 50 years. This land has mainly been used for grazing cattle. I personally have farmed this land for approximately 32 years and lived at Upper Butterthwaite Farm close to Smithy Wood for 48 years.
3. For around the last 15 years I have had significant problems of people crossing my land on moto-cross bikes and in off-road vehicles in order to gain access to and drive around Smithy Wood. The number of people doing this and using Smithy Wood for this purpose has got progressively worse, particularly in the last few years.
4. I've reported this unlawful activity on numerous occasions to the Police and erected various barriers and fences in an attempt to stop people gaining access through my land to Smithy Wood on motorbikes and off-road vehicles. However these have been repeatedly

broken down and the use of Smithy Wood by people on motorbikes and off-road vehicles has continued to increase.

5. Weekends, holidays and periods of good weather are particularly busy for motorbike and off-road vehicle use of Smithy Wood. The noise of the large number of vehicles using Smithy Wood is loud and can be heard on my land nearby. Whilst I have seen some people walking on a nearby path outside the wood connecting to the Trans Pennine Trail, I've seen very few use the wood itself. Having seen and heard the motorbikes and off-road vehicles on Smithy Wood I believe people do not walk on foot in Smithy Wood whilst this is taking place as it would simply be too dangerous to members of the public.

6. STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed M. Pholey Dated 26.3.14

On behalf of: Axis 1 Limited/ St Paul's Developments Plc
By: J P Rhodes
No: 1st
Exhibits: "JPR1"
Date: 26 March 2014

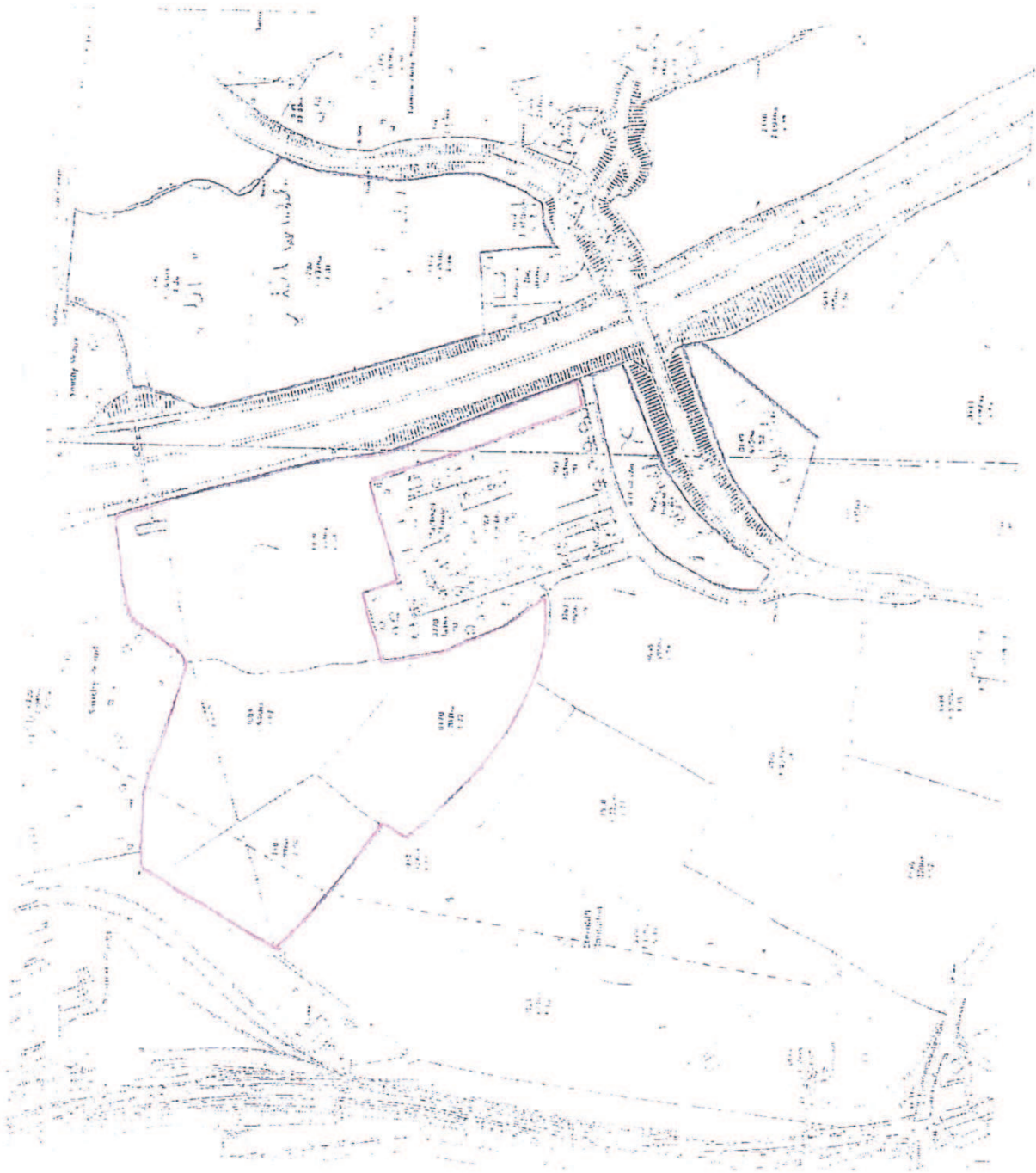
APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006

LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35

EXHIBIT OF JONATHAN PAUL RHODES

This is the exhibit marked "JPR1" referred to in the witness statement of Jonathan Paul Rhodes dated this 26th day of March 2014.

Signed *J. Rhodes*



Appendix 'E'

Cowley Residents Action Group



**APPLICATION PURSUANT TO SECTION
15(1) COMMONS ACT 2006 LAND KNOWN
AS SMITHY WOOD ADJACENT TO M1 AT
JUNCTION 35**

**Response to the Statement of Objections by the
majority land owner, 'St Paul's Developments
PLC'.**

APPLICATION PURSUANT TO SECTION 15(1) COMMONS ACT 2006 LAND KNOWN AS SMITHY WOOD ADJACENT TO M1 AT JUNCTION 35 - Response to the Statement of Objections by the majority land owner, 'St Paul's Developments PLC'.

Introduction

1. This is a Statement by Cowley Residents Action Group, in response to the Statement in Objection ("SOO") submitted on behalf of Axis 1 Limited, a wholly owned subsidiary of St Paul's Developments PLC ("Owner"), the owner of the majority of land ("Site") which is subject to the application made by Cowley Residents Action Group ("CRAG") on 14 November 2013 (as subsequently amended) pursuant to 15(1) of the Commons Act 2006 for registration as a town or village green ("Application").
2. CRAG was formed after a public meeting of the local community on 19th July 2012, to coordinate a response to the Hesley Wood planning application.

"Cowley Residents Action Group was established to represent the views, concerns and celebrations of the local and surrounding residents of the Cowley Estate in Chapeltown, Sheffield, UK." - CRAG Facebook Page created on 10/10/2012 - <https://www.facebook.com/CowleyResidentsActionGroupSheffield/info>

Summary

3. In spite of the request by the Owner, that Sheffield City Council summarily reject our Application on the basis that it is 'fundamentally defective', we maintain that the Application is duly made, and should continue for consideration by the authority. Just like the Owner, CRAG is entitled to be treated fairly and in accordance with our human right to be heard on issues of importance to us. To deny us consideration of an application duly made would impinge on this human right.

4. We can state categorically that our Village Green Application is not merely an attempt to frustrate planning as stated by the Owner. This is an attempt by local residents to claim a right of commons over woodland that is of great social, community, recreational, conservation, and historical value to us. It was submitted in November 2013 whilst maintaining the option to submit additional evidence, as locals were concerned by the Owners lack of protection for this ancient woodland, in the face of increasing use and destruction by quad bikes, and locals observing 'workmen' cutting down trees.

5. Our Application was constructed on the basis of instructions and notes provided on Form 44, with reference to the government's guidance to local authorities on the subject of Village Green applications, and to the references within the guidance to case law on the issue. It is clear from these sources that our application meets all the criteria and burdens of proof that the Owner refers to. We will discuss these in comments later in this Statement.

6. After consultation with the Planning Inspectorate about possible trigger events in relation to the Land that would prohibit the acceptance of our Village Green application, Sheffield Council Licensing Services (the relevant Registration Authority) was authorised to proceed as no trigger event, as described in Schedule 1A, Exclusion of Right under Section 15 of the Commons act 2006, existed.

7. The purported benefits of the planning application submitted AFTER our Village Green application, is of no consequence in assessing the merits of our application, and we object to unfair attempts to skew the argument in favour of rejecting our Application in this manner.

In the pursuit of clarity, and in order to address the entire contents of the SOO submitted on behalf of the Owner, we will use their headings and address specific points as numbered in their Statement.

Planning Application

8. The existence of a planning application, submitted some four months and 10 days AFTER our Village Green application, is in no way pertinent to the consideration of our Application by the Relevant Authority. The details of this application are of no consequence to our Application, and Defra guidance on the subject states that where a Village green application is submitted immediately prior to a 'trigger event', the application should proceed as normal.

8.1. We consider it sufficient to state that at the date of our Application, no planning application existed, and no 'trigger event' had occurred. The planning application has yet to be decided. Our Application is a material consideration in deciding Extra's planning application, but the opposite is not true - Extra's planning application, in so far as it was submitted some time after our Application, is not a material consideration in reaching a decision on our Application. It is premature to assume that the development in Ancient Woodland will be permitted, considering that a similar application by Extra for a site just across the motorway was refused by Rotherham Council on the basis that there was no need for a service station at this point in the motorway network.

8.2. It would be unfair to us if the issue of a pending planning application were to adversely impact on our Application, especially in view of the fact that our Application was submitted well in advance of any application by Extra. Since the pending planning application submitted some time AFTER our Application is in no way material to our claim of right of commons, we will not address the claimed benefits and defects of that planning application here. However, in point 6 in their

objection, the Owner points to the fact that the government brought in changes to the Commons Act 2006, by way of the Growth and Infrastructure Act 2013 to, and we quote:

" ... prevent land proposed for much needed development and infrastructure from being frustrated by village green applications."

Since a planning application for a service station on the opposite side of the motorway was rejected by Rotherham Council, on the basis that there was no need for it, we cannot see how that particular argument against our Application will stand scrutiny. Rotherham Council has clearly not accepted the case for 'much needed development', and we fail to see how the need suddenly becomes much more urgent on the opposite side of the road. The only thing that makes a planning application pertinent to our Application is the threat by Extra to have our Application overturned by the Secretary of State, should the Relevant Authority not capitulate on this issue. We look forward to having our case heard at such an inquiry, as is our right within a democratic society.

8.3. Later in Point 6, the owner also asserts that we submitted our Application in a rush in order to frustrate their planning application. We did in fact submit our planning application in a rush because we were concerned, and continue to be concerned, about the extensive and ongoing degradation of Smithy Wood by 4x4 vehicles, and our observation of 'workmen' cutting limbs off trees. We have been concerned that an attempt may be made to degrade the wood to such an extent that it would necessitate development in order to address an 'eye-sore'. We have been in contact with Sheffield Environmental Services concerning a growing problem of fly tipping. We have been in contact with the Police for some time now concerning damage done to the woodland by 4x4's, the riders of which have been intimidating and frightening locals going about their lawful pastimes and recreation in the wood. There are protected species in the woodland too that will be driven out or destroyed

by the 4x4's. We have been in contact with local Councillors and the local Member of Parliament about our concerns. We would be happy to provide this correspondence to the Relevant Authority or to an Inquiry. We are awaiting confirmation from the Police about the number of calls we have made in the last year concerning 4x4's in Smithy Wood. We are happy to make this information available to the Relevant Authority and/or any Inquiry. Our rushed application arose out of concern about the destruction going on in the woodland, which the Owner has failed to prevent from happening. We were and are not willing to allow the mindless destruction of an area that we have enjoyed for generations.

9. In point 9 of the SOO, the Owner states that they expect to be able to overturn a designation of Village Green status, by providing "suitable replacement land". This statement also does not bear scrutiny. In the first instance, this is an Ancient Woodland that dates back at least 850 years, which by definition and according to Standing Advice from Natural England and guidance by the Forestry Commission, is IRREPLACABLE, and is protected by the Planning System. Second, this is also a site that contains European Protected Species, is Greenbelt land, a Local Wildlife Site, a site that has a well-documented and extensive history, all in close proximity to our homes. These are the very reasons that we prefer to take our recreation in Smithy Wood, rather than in some parkland further afield. It is our IRREPLACEABLE heritage, and has intrinsic value for us. It is for these reasons that we have used the Land as of right for more than 20 years, in fact for generations, and it is for this reason that we are claiming the right of commons over it. Making existing woodland available does not compensate for the destruction and loss of Smithy Wood as irreplaceable ancient woodland. Appropriate use of the site has already been established - it is designated Green Belt, a Local Wildlife Site, and Ancient Woodland.

10. We strenuously object to the sinister attempts to influence the consideration of our application by including details of the alleged benefits of development on this site, in the SOO. These details are in no way relevant to the matter at hand, which in this case

is our claim to right of commons. Since we have no other recourse under the law, we are democratically entitled to be heard on issues that affect us, or our local environment. If the Relevant Authority is minded to refuse our application based on the disputed representations in the Owner's SOO, then it is fair and reasonable that we be allowed a public inquiry into our application. That is the cost of democracy in our country, and is enshrined in human rights legislation. The cost of any request to the Secretary of State to overturn a Village Green designation would be borne by the applicant to the Secretary of State, which in this case would be the Owner, not the taxpayer or Sheffield Council. This is another sinister attempt to influence consideration of our application, to which we must object.

11. Even where an application for registration as a Village Green is found to be defective, that is no reason to refuse to consider it. In completing our Application, we referred to Defra guidance entitled, *"Section 15 of the Commons Act 2006 Guidance notes for the completion of an application for the registration of land as a town or village green outside the pioneer implementation areas, October 2013"* as instructed on the governments website on Village Greens at <https://www.gov.uk/town-and-village-greens-how-to-register> which in turn referred us to *"Guidance to Commons Registration Authorities and the Planning Inspectorate for the Pioneer Implementation"*, Chapter 8.10., for detailed interpretation of the criteria for registration.

11.1. Chapter 7.10.3 of the abovementioned guidance poses the question, *"Does a defect in an application — a failure to comply with some requirement of the 2006 Act or the Regulations — invalidate the application, so that it cannot be proceeded with, even if the authority would prefer to waive the non-compliance?"* The guidance responds as follows:

"In Defra's view, no: the authority must consider the consequences of non-compliance, in deciding whether to proceed with the 'application' as it stands. In some cases, the authority may decide to waive non-compliance, and it

would be open to a person adversely affected by that decision to challenge it in the courts. In *R v Soneji and another*, Lord Steyn, summarising how the courts had viewed whether adherence to statutory requirements as to procedure were mandatory or directory, said that: “the emphasis ought to be on the consequences of non-compliance, and posing the question whether Parliament can fairly be taken to have intended total invalidity.”

11.2. Since our Application was accepted as duly made, and were it not duly made it would not have been accepted, it would not be reasonable or fair to dismiss it out of hand. We will address specific complaints against the content of our Application as we proceed.

12. With reference to point 10 in the Objection, we must reiterate that our Village Green Application has nothing whatsoever to do with Extra's planning application. It is presided over by entirely different legislation, and is not a matter for Planning or the Planning System. This matter is about our claim to ancient rights of commons, over land that we have used as of right for generations. It is not about what is the best use of the Land as described by the Owner in point 10.

The Application and Tests for Registration

13. The Owner is correct in saying that the onus is on CRAG, acting on behalf of local residents, to prove all the criteria for registration of our Application, strictly and properly. Lords Bingham and Lord Walker in *R v Sunderland City Council, ex parte Beresford* approved these dicta. However, Defra guidance issued in January 2014¹ to which applicants are referred in completing their applications for non-Pioneer areas, states that the standard of proof required is the usual civil standard, that is, the balance of probabilities. We will be referring to this Defra guidance, specifically paragraphs 8.10.21 to 8.10.72 that apply specifically to **both** Pioneer and other areas.

¹ Guidance to Commons Registration Authorities and the Planning Inspectorate for the Pioneer Implementation Para. 8.10.11 to 8.10.72

The Site

14. The incline of the road that the Applicants may have to cross in order to access Smithy Wood from one particular direction is of no consequence to our application. To suggest that the road incline is somehow a bar to accessing our preferred recreational site is disingenuous and misleading. Crossing the A629 is not an obstruction, as it has extremely well placed pedestrian crossings at the intersection with Cowley Hill/Cowley Way that are controlled by traffic lights. The A629 does not prevent local people from accessing Smithy Wood. See Plate 1 below.



Plate 1 Pedestrian crossing at A629 junction with Cowley Way

15. The current preferred point of access into Smithy Wood is of no consequence to the application, and was merely included in our maps to provide information about the use of the wood. There is nothing in legislation or case law that requires the point of access to be within any particular distance from the 'locality/neighbourhood'. The only requirement is that the land under claim be within a distance from the 'locality' or 'neighbourhood within a locality' that would reasonably facilitate use by local residents. That is to say, that it cannot be remote from the citizens claiming right of commons. Smithy Wood as the land under claim, is not in any way remote from the citizens claiming right of commons.

15.1. Assuming residents leave the 'neighbourhood' at the footpath between Cowley Drive and Cowley Hill, make their way up to the pedestrian crossing, and along Cowley Hill/Lane to the first track, that enters the wood, then they will have travelled approximately 265m. (See Plate 2 and 2a below)



Plate 2 (above) Exit the neighbourhood from the footpath on Cowley Hill A629

Plate 2a (below) First Track into Smithy Wood as indicated in Plate 2 above.



15.2. Assuming the same route but access at the second track that enters the wood from Cowley Lane, they will have travelled approximately 300m. (See Plate 3 and 3a below)



Plate 3 (above) Exit the neighbourhood from the footpath on Cowley Hill A629

Plate 3a (below) Second track as indicated in Plate 3 above.



15.3. Assuming that locals drove to the unofficial parking area having exited the Cowley estate at Woodburn Drive - the only vehicular exit from the estate, then they will have travelled approximately 790m. (See Plate 4 and 4a below)



Plate 4 (above) Exit the neighbourhood from Woodburn Drive and proceed along the A629

Plate 4a Unofficial parking area on Cowley Hill as indicated in Plate 4 above.



15.4. The proximity of the Land to the 'neighbourhood' cannot be disputed. It is not an unreasonable distance to travel to a favoured local recreational spot.

Highway Land

16. Residents of the local area have used Smithy Wood for lawful recreation as of right for generations, before any part of the Land came into the possession of the Secretary of State. Undoubtedly, few if any residents or previous residents would reasonably be aware that any part of it had been adopted as highway land, bar the sections that actually contain a highway. On closer inspection of the title deed, it can be seen that the land outlined in red corresponds rather strikingly with the grassy verge around the edges of Smithy Wood. We are content amend our map to cover the same extent as the Smithy Wood Local Wildlife Site.

In any event, it is not beyond the powers of the Relevant Authority to include in a Village Green registration only those sections of the Land that qualify. This will not materially prejudice either party. The requirement to produce a map indicating the land under claim is intended for identification purposes, and is not intended to be a point upon which an entire application will fail. See paragraph 11.1 above.

No Qualifying Locality

17. Paragraph 8.10.16 of the Defra guidance referred to previously states quite clearly what is required in relation to identifying a locality or neighbourhood:

"If the locality or neighbourhood is not coextensive with an administrative area (such as an **electoral ward** or a parish), nor comprises a geographical area which may be briefly described in terms **which leave no doubt as to its boundaries** (such as an isolated village), **then** a map must be included with the application showing its extent"

17.1. Application Form 44, section 6 is also clear:

"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:"

17.1.1. Note 6 to section 6 on Form 44 clarifies:

"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."**

17.2. This guidance and notes on the official form do not indicate a requirement to specify that we are relying solely on either a locality or a neighbourhood. Without legal training, a reasonable person would interpret the instructions just as we have done. To our minds, the need to identify a locality or neighbourhood stems from the need to identify the green in relation to it, and to identify the inhabitants who use the land under claim. We did not consider it a requirement upon which our application would fail. Note 6 on Form 44 indicates that the need to identify a locality or neighbourhood arises from the need to identify the green. It does not indicate that we should specify one over the other and rely upon its legal definition. If this is in fact the requirement, then our map quite obviously indicates our estate, which if it must have a legal definition, would be considered a 'neighbourhood within a locality'. We are content to include the remainder of the houses within the estate, approximately 45 homes. We do not consider those houses that face onto Cowley Lane as being part of the estate, only those that are contained within the area accessed by Woodburn Drive, the only road into/out of the estate.

18. If we are to accept the Owner's comments about our need to specify **either** a locality **or** a neighbourhood, rather than our own understanding of the Defra guidance and the application form, then Paragraph 8.10.32 of the Defra guidance states as follows:

"The concept of a 'neighbourhood' is more flexible than that of a 'locality', and has **no connotation of legally recognised boundaries**. Lord Hoffmann confirmed this in the Trap Grounds case. There is no requirement for a range of community facilities or indeed any community facilities. In the Cheltenham Builders case, Sullivan J gave a **housing estate as an example of a neighbourhood**."

19. Since we are able to identify the geographical area of our estate as above, the issue of a map indicating it becomes redundant.

Significant Number

20. According to the Defra guidance, a significant number refers to a number will enable one to **distinguish general use** by the local community **from occasional trespass**. Paragraph 8.10.21 states that:

"In the McAlpine Homes case the High Court provided some useful guidance about what 'a significant number' might mean. The court **did not accept** that the expression was synonymous with a **considerable, or a substantial, number**. The reason given was that a neighbourhood might have a very limited population, and a significant number of its inhabitants might not be capable of being described as considerable or substantial."

"Whether the evidence shows that a significant number of the inhabitants of any locality or neighbourhood within a locality used the land for informal recreation is, according to the court, very much a matter of impression. The key question is whether the number of inhabitants using the land was sufficient to signify that it

was in **general use by the local community** (i.e. the inhabitants of the relevant locality or neighbourhood) for informal recreation, rather than occasional use by individual trespassers."

21. It is clear to see from the questionnaires, letters, and emails from local residents that they have used Smithy Wood for generations. These are not random, individual trespassers, and they are certainly not using the land merely to get from one place to another. These are families who as children played in Smithy Wood, who as parents and grandparents continue to bring children and grandchildren to Smithy Wood. The images below show the established tracks that criss-cross Smithy Wood. These images were taken before the Smithy Wood Industrial Park was built.



Plate 5 Visible established tracks throughout Smithy Wood.



Plate 5a Visible established tracks throughout Smithy Wood from the opposite direction.

22. There have been thousands of signatures on a petition on the Woodland Trust website from people across the country, many of whom previously lived in the vicinity of Smithy Wood and used it when they did. Over 900 current residents of Sheffield have signed a petition (as at the date of our Application) and approximately 315 of these have commented in support of our Application. 234 of these signatories live in close proximity to Smithy Wood, though not necessarily within our estate. Many of them use Smithy Wood. We have not included those in our Application because of a need to comply with Data Protection legislation. The Woodland Trust will confirm our comments. These residents will undoubtedly be encouraged to respond to the planning application, since their evidence was not submitted as part of our application.

23. Since the obvious intent in the criterion requiring significant numbers of users, is to establish a right of commons under ancient common law and a use as of right, as opposed to mere occasional or sporadic trespass, we think we have adequately

demonstrated that our use of the Land is "of such amount and in such manner as would reasonably be regarded as being the assertion of a public right". Ironically, the destructive use of the Land by 4x4 vehicles that we have complained about to various authorities, itself demonstrates a common use of the land by locals for recreational purposes, albeit unlawful in this instance. We are confident of our and Defra's interpretation of the criteria, and would be happy to test it in judicial review.

24. Contrary to the assertions by the Owner in various points under this heading, there is no requirement in legislation or case law that each individual resident use the Land for the entire period of 20 years, merely that common use of the Land occurs, by a significant number of inhabitants (as opposed to occasional trespassers), over at least a 20 year period before the right of commons is claimed over the Land.

24.1. Paragraph 8.10.65 of the Defra guidance confirms our view:

"There must be evidence of qualifying use for a period of at least twenty years. It is **not necessary for particular individuals to have used the land for the full period of twenty years**, but there should be evidence that local inhabitants taken together have used the land for the full period."

25. The Owner complains about our simple pro-forma questionnaire, but there is no statutory form in which to provide evidence. We have also submitted emails, photographs and hand-written letters from local residents. We have additional comments on the Woodland Trust website from people who no longer live near Smithy Wood, about their use of the wood over generations. As stated previously, we have not included those because of Data Protection restriction, but may be able to do so in private to the relevant Authority, with permission from the Woodland Trust.

25.1. The two people, who use the Land but live outside of the neighbourhood, are giving evidence about their recreational use of the Land. The intention is to

establish use by local people - it is unfortunate that many will fall outside of our neighbourhood, but since the location of the green relevant to some locality or neighbourhood must be established, this is unavoidable. There are in fact many more local inhabitants who use the Land, that live on all sides of it. The issue of locality/neighbourhood is a technicality, upon which an application is not intended to fail, but this does not detract from the fact that many local people use the Land for recreation, and that a right has long been established. If the Owner insists on pressing this technicality, we are happy to define a number of neighbourhoods around Smithy Wood, based on evidence from other local inhabitants that do not fall within our neighbourhood. This would give us an opportunity to present their evidence.

20 Years Use of the Site

26. Applications under Section 15(2) are required to demonstrate at least 20 years **consecutive** use by local inhabitants. Observation by consultants, paid by the St Paul's/Extra, on 45 random days in an 8-month period, cannot reasonably be considered sufficient evidence that inhabitants' use of the Land over 20 years was 'sporadic and insignificant'.

26.1. We find it curious to say the least that these consultants, paid by St Paul's/Extra, cannot remember conversations they had with local residents on a number of occasions, when they were approached and asked what they were doing on the Land. Local residents will give evidence to this effect, and to the fact that when machinery was being used they remained at a distance to observe what was being done.

26.2. Many local residents use the Land after working hours on weekdays and at weekends, so it is entirely possible and reasonable that any contractors or consultants paid by St Paul's/Extra will not have encountered them during working

hours. See point 26.1 above. There is no requirement that use of the Land be at set hours during the working day/week which is by definition when people work, and not when they take recreation. There is no requirement that gangs of inhabitants all use the Land at the same time, although groups like the Sheffield Shamblers and even local Scouting groups have been known to do so. There is also no requirement that the Land be used at all times of the year. Adverse weather or darker nights in winter do not impinge on our assertion of a public right.

27. Since St Paul's/Extra clearly does not appreciate the historic, heritage, nature, conservation, or intrinsic value of Smithy Wood as ancient woodland to local residents, they are hardly qualified to comment on what is reasonable behaviour on the part of local people in seeking recreation in Smithy Wood. This is clear from their comment that nobody would want to cross a road in order to avail themselves of historic ancient woodland, full of protected species and designated as a Local Wildlife Site.

27.1. Many of the residents whose gardens back onto Hesley Wood use its paths to travel to Smithy Wood. Prior to the 'major works' referred to in the SOO there was an overpass that allowed access to Smithy Wood from Hesley Wood, in almost the exact place that the new pedestrian crossing on the A629 at Smithy Wood has been built. If anything, the improvements have assisted access to Smithy Wood, rather than deter it. We would be happy to provide testimony to this effect.

27.2. The very existence of all the facilities at Chapelton Park and its 'extensive use' make it less suitable for 'a quiet walk'. The value of ancient woodland, protected species and peacefulness has once again escaped the Owner. If they cannot appreciate the value of these things then they are not qualified to comment on what is realistic to local people. The woodland at Hesley no longer exists thanks to the rumoured bungled attempts by ReCycoal to recover the spoil heaps. The felled trees now lying where they fell. The woodland at Parkin and Thorncliff Wood is even further afield than Smithy Wood, at a distance of approximately 2 and 3km

respectively. Compare this to the few hundred meters between our estate and Smithy Wood. Residents from Thorpe Hesley also frequent Smithy Wood, but they have not been included in our Application as stated previously. If these residents drive to Parkin Wood, by the only road available, the nearest place to park is at the Norfolk Arms on White Lane, some 2.7 km away. Smithy Wood from the centre of Thorpe Hesley is only a 1.2 km drive.

27.3. While it is true that Chapelton Park is more in keeping with the traditional image of a village green, Defra guidance makes clear the case law on this issue. In paragraph 8.10.61 it states:

"It was held by the House of Lords in the Trap Grounds case (although the judicial committee expressed varying views on the point) that **there is no legal requirement for land to consist of grass or conform to the traditional image of a town or village green** in order to qualify for registration. Any land can so qualify provided that it has been used in the requisite manner for the requisite period."

Local residents do not avail themselves of Smithy Wood out of convenience; they have a real passion for the woodland, birds, wildlife and the protected species in it.

27.4. If local people from our estate were using Smithy Wood to gain access to the Trans-Pennine Way (TPW) as claimed by the Owner, then it is reasonable to assume that they would use the footpath/bridleway that was created as an obligation under a previous planning application, rather than the rough tracks and trails through often thickly wooded areas. The fact that local people are in the woodland at all indicates that they are there to enjoy the woodland, and not merely as a 'highway' to the TPW. See Plates 2a, 3a, 4a, 5 & 5a, and 6 and 6a below.

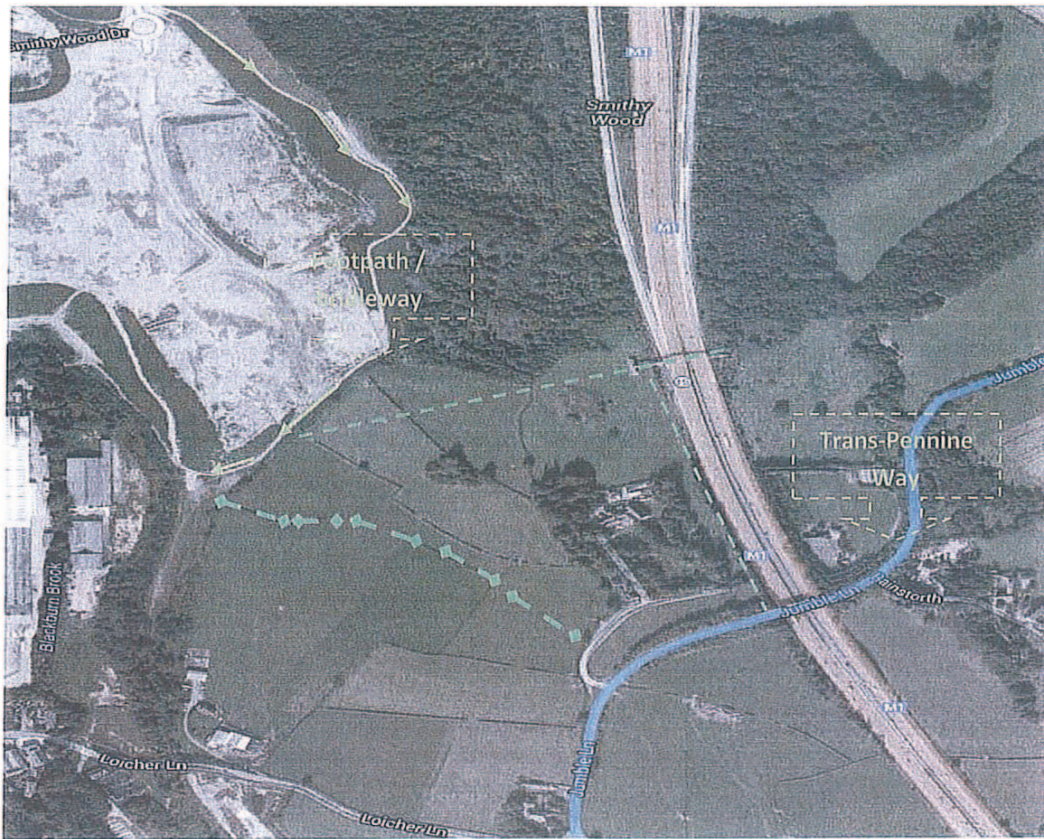


Plate 6 (above) Footpath/bridleway passing Smithy Wood.

Plate 6a (below) Footpath/bridleway at Cowley Way with no obvious tracks into Smithy Wood.



Unlawful Motocross and off-road vehicle activity.

28. We have repeatedly complained to police, local Councillors, and MPs about the destruction of this beautiful ancient wood by these vehicles, and it was largely because of the Owners lack of protection for this land, used by us as of right for recreation, that we made this Village Green application. The image below shows the measures taken by the Owner to prevent entry by these vehicles.



Plate 7(above) & 7a (below) Footpath/bridleway, including the dropped kerb and no bund to the left.

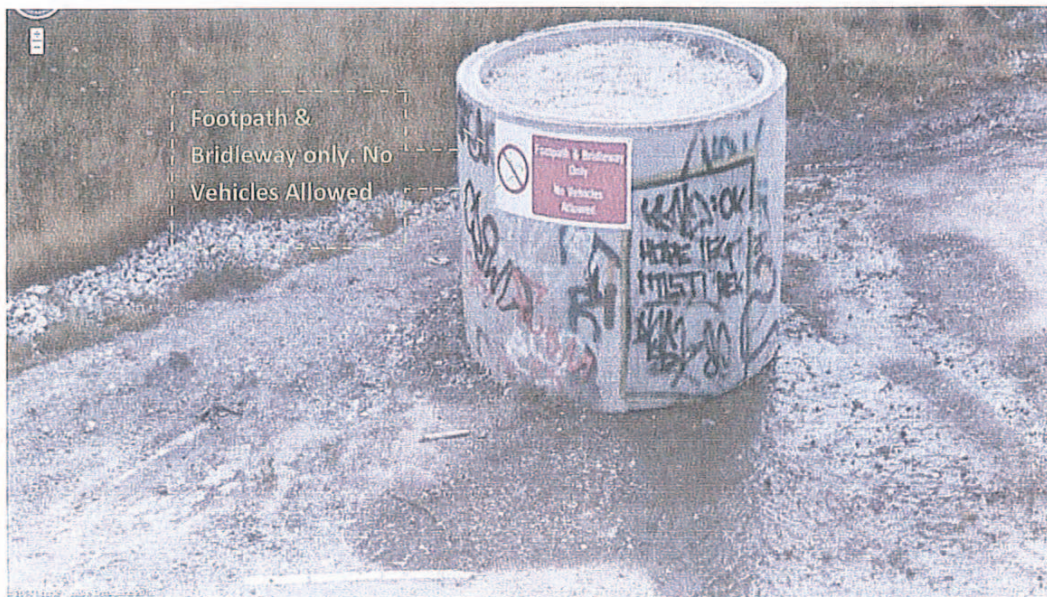




Plate 8 Shallow and incomplete soil bunds on Cowley Way. Dropped kerb allowing easy access.

Plate 8a Shallow bunds low enough to drive over on Cowley Way. Dropped kerb allowing easy access for vehicles.



28.1. Minimal efforts have been made to obstruct access. While use by off -road vehicles has been disconcerting and has often frightened lawful recreational users of Smithy Wood, this has not prevented local people from using the wood. We have made numerous phone calls to Police from within the wood to report the presence of the 4x4 vehicles. We are determined not to allow them to deprive us of our much-loved recreation in the wood. We have additional images of the damage the

vehicles are causing, **taken in the wood**, and images of the registration plates of vehicle owners and in one instance of the 4x4 user, which we have made available to the Police. We may also be able to provide these to the Relevant Authority for inspection, assuming the Police do not require them. If this is the kind of protection and management the Owner demonstrates on land owned by them, then we are not confident that the same will not happen on other land/woodland owned by them that they are offering in place of Smithy Wood.

29. Smithy Wood was indeed damaged in places by fire, but that did not prevent access to most of the site as claimed, and certainly did not interrupt our use of the woodland. Rather than detracting from our enjoyment of the woodland, a partially burned woodland has added interest and value. There is no legal requirement that the entire site should be used for the entire period, and since access to the entire site was not impeded and we continued to use the woodland, it cannot be construed as interrupted user. The Trap Ground case gives guidance on exactly this issue.

29.1. Defra guidance in paragraph 8.10.62 states:

" Another question raised in the Trap Grounds case was whether land can qualify or registration as a green even if some of it was inaccessible throughout all or part of the relevant period. The court was asked whether land could have become a green even though by reason of impenetrable growth only 25% of it was accessible for walkers. The inspector had advised that it could; recreational use of tracks, glades and clearings could amount to recreational use of the land viewed as a whole.

In the High Court, Lightman J refused to do any more than give guidance "of the broadest kind". He agreed that the **existence of inaccessible areas did not preclude land being held to be a green**, and pointed out that such areas might form part of the scenic attraction and might even themselves provide recreational opportunities. For example, a pond could be used for feeding ducks or sailing model boats.

Overgrown areas might provide a habitat for wildlife to the benefit of bird watchers and others interested in nature observation. The question whether land could properly be described, viewed as a whole, as having been used for recreation notwithstanding the inaccessibility of parts was to be approached in a common sense rather than a mathematical way. However, a registration authority should not strain its finding of fact on that question, and did not need to do so, having regard to the availability of power to register a part or parts of a claimed green."

29.2. And in 8.10.63

"In the House of Lords, Lord Hoffmann said he was very reluctant to express a view on the inspector's conclusions without inspecting or at least seeing photographs of the site, but agreed that in principle **it was unnecessary for users to have set foot on every part (or even the majority) of the land** included in an application."

29.3. Since only parts of the Land were temporarily inaccessible for a relatively short period during the 20 years period, while the rest of the site remained accessible and in use, this cannot be misconstrued as interrupted user and we have clearly met this criterion.

Major works affecting access to and use of the site.

30. While it is true that major work took place on the site of the now Smithy Wood Business Park, this occurred **adjacent to Smithy Wood**. While access from what is now Cowley Way would have been closed off, it did not prevent local people from using the woodland as before. Works on land will not easily put off people who are passionate about recreation in the woodland **adjacent** to the wood, or inconvenience in accessing it from our preferred direction. A few hundred meters either way is not an inconvenience.

30.1. There are and always have been numerous access routes into Smithy Wood. Many residents whose gardens back onto Hesley wood have used that route to cross into Smithy Wood, eliminating the need to walk up a hill with a moderate incline on adequately paved verges. Others have existed at the cricket grounds and gained access from that direction. Many used the western side when it was accessible. Closing off access to one side of the land adjacent to the woodland, does not prevent access from every other side. Any route that was accessible at any point in time would have been used and was used. The preferred access routes indicated on the questionnaires were included in order to provide information only. There is no legal requirement to stipulate points of access, and this is certainly not a point upon which our Application turns or upon which application should reasonably fail.

As of Right.

31. It is our contention that we used the Land as of right. In the Sunningwell case it was held that use is not 'as of right' unless it is *nec vi, nec clam, nec precario*, translated by Lord Hoffmann as meaning not by force, nor stealth, nor the licence of the owner.

32. Defra guidance paragraph 8.10.42 states:

"In the Redcar case, the Supreme Court held that if the traditional 'tripartite test' [*nec vi, nec clam, nec precario*] was satisfied, that was sufficient. **There was no need to ask any further question, such as whether it would have appeared to a reasonable landowner that users were asserting a right to indulge in lawful sports and pastimes.**"

32.1. The Owners knowledge, awareness, or lack thereof, of our use of the Land has no bearing on our claim of rights of commons over Smithy Wood.

33. We have regularly used the Land as of right for lawful recreation for more than 20 consecutive years, in spite of the occasional mishap or adjacent works. Generations of

local people have enjoyed Smithy Wood, for all of the reasons mentioned here and in letters, emails, and questionnaires submitted as part of our Application. We firmly believe that we have, on the balance of probabilities, adequately met the qualifying criteria for registration, and would be happy to have our case tested at an Inquiry should the Relevant Authority consider it appropriate.

34. We are content to provide any such additional evidence that the Relevant Authority may require, including anything referred to in this statement such as evidence of fly-tipping, degradation due to 4x4 use, communications with Sheffield Council Environmental Services, communication with Councillors and the MP, confirmation of our complaints to Police, and so on. We are also content to make our case personally to the Relevant Authority if required.

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End.