

Agenda item:

Regulatory Committee

8

Dorset County Council



Date of Meeting	30 July 2015
Officer	Director for Environment and the Economy
Subject of Report	Application for the registration of a town or village green at Herston Fields, Swanage
Executive Summary	This report considers an application to amend the Register of Town and Village Greens by the addition of an area of land at Herston Fields, Swanage as shown on Drawing 14/36/1 (Appendix 1).
Impact Assessment:	Equalities Impact Assessment: An Equalities Impact Assessment is not a material consideration in considering this application.
	Use of Evidence: The applicant submitted user evidence forms from users of the claimed green in support of the application. The landowner has submitted evidence in objection as well. Notices explaining the application were erected on site. Any relevant evidence provided has been discussed in this report.
	Budget/risk implications: The financial implications of the courses of action available to members are referred to in the report. The cost of determining this application by way of a local public inquiry could cost in excess of £10,000. A decision whether or not to accept the application to record the claimed area as town green may result in a challenge through the Courts by way of judicial review.

	<p>Risk Assessment:</p> <p>As the subject matter of this report is the determination of a town or village green application the County Council's approved Risk Assessment Methodology has not been applied.</p>
	<p>Other Implications:</p> <p>None</p>
<p>Recommendation</p>	<p>That:</p> <p>(a) Determination of the application is deferred pending a local public inquiry to fully consider the evidence; and</p> <p>(b) The Committee delegates to officers the administrative arrangements for the local public inquiry; and</p> <p>(c) An independent Inspector be appointed to conduct the non-statutory public inquiry.</p>
<p>Reasons for Recommendation</p>	<p>(a) and (b)</p> <p>The nature of the evidence submitted means that the application should not be determined without some public inquiry process.</p> <p>(c) As Dorset County Council has an interest in this application as a former tenant of the application site it would be appropriate for a public inquiry to be conducted by an independent Inspector.</p> <p>Decisions on applications for town and village greens ensure that changes to the Register of Town or Village Greens comply with the legal requirements and achieves the corporate plan objectives of:</p> <p>Enabling Economic Growth</p> <ul style="list-style-type: none"> • Work in partnership to ensure the good management of our natural and historic environment • Work with partners and communities to maintain cycle paths, rights of way and disabled access • Encourage tourism to our unique county • Support community transport schemes • Ensure good management of our environmental and historic assets and heritage <p>Promoting Health, Wellbeing and Safeguarding</p> <ul style="list-style-type: none"> • Actively promote physical activity and sport • Develop and maintain safe, convenient, efficient and attractive transport and green infrastructure that is conducive to cycling and walking • Improve the provision of, and access to, green, open spaces close to where people live

<p>Appendices</p>	<p>1 - Drawing 14/36/1 – Area of land, which is the subject of the application</p> <p>2 - Drawing 14/37 – Showing addresses of users</p> <p>3 - User evidence table and matrix showing activities in which users participated</p> <p>4 - Charts to show periods and level of use</p> <p>5 - Drawing 15/24 – Location plan</p>	
<p>Background Papers</p>	<p>The file of the Director for Environment and the Economy (ref. RW/VG AP1/2013).</p>	
<p>Report Originators and Contacts</p>	<p>Name: Vanessa Penny Regulation Team Leader Tel: (01305) 224719 Email: v.penny@dorsetcc.gov.uk</p>	<p>Phil Crowther Solicitor Tel: (01305) 225108 Email: p.crowther@dorsetcc.gov.uk</p>

1 Background

- 1.1 Dorset County Council is the Commons Registration Authority for the purpose of exercising functions under the Commons Act 2006. An application has been made by Stephen Foote on behalf of 'The Friends of Herston Fields' for the registration of land at Herston Fields, Swanage as a town or village green.

2 Description of the land

- 2.1 The area of land, which is the subject of the application ("the Land"), is shown in red on Drawing 14/36/1 attached as Appendix 1. It consists of approximately 8.32 hectares of land, which forms an open grassy area. It is bounded to the south by the A351 High Street and Victoria Avenue, to the west by Washpond Lane and Swanage Middle School, to the north by the railway line (Swanage Railway) and to the east by the residential area of Ancaster Road and Aigburth Road.
- 2.2 The Land consists of one section, crossed from north west to south east by Footpath 78, Swanage.
- 2.3 The Land is owned by the Scott Estate of Corfe Castle. Other interested parties are the current tenant of the Land, Mr Derek Smith and Coombe Farm, Knitson farm, Prospect Farm and the Swanage Railway Company.
- 2.4 Dorset County Council held a lease of the Land from 1953 for 35 years and then continued as tenant until 2013.

3 Law

Commons Act 2006

- 3.1 Under Section 15(1) of the Commons Act 2006 any person may apply to the Commons Registration Authority to register land as a town or village green in a case where subsection (2), (3) or (4) applies (according to whether the use continued at the date of the application or not).
- 3.2 This application was made under Section 15(2) which requires that:
- (a) a significant number of the inhabitants of any locality, or of any neighbourhood in 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.

The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007

- 3.3 These Regulations set out the procedure to be followed by the County Council on receipt of an application:
- (a) The Regulations require that the application is publicised, giving at least 6 weeks for any objections to be made. Following the end of the objection period, the County Council is required to proceed to the further consideration of the application as soon as possible and the consideration of statements (if any) objecting to that application.

- (b) The Regulations also require that the County Council:
 - (i) Consider every written statement in objection to an application which it receives before the date on which it proceeds to the further consideration of the application; and
 - (ii) May consider any such statement which it receives on or after that date before the authority finally disposes of the application.
- (c) The County Council must not reject the application without giving the applicant a reasonable opportunity of dealing with –
 - (i) The matters contained in any statement of which copies are sent to him...; and
 - (ii) Any other matter in relation to the application which appears to the authority to afford possible grounds for rejecting the application.

Human Rights Act 1998

3.4 The Human Rights Act 1998 incorporates into UK law certain provisions of the European Convention on Human Rights. Under Section 6(1) of the Act, it is unlawful for a public authority to act in a way which is incompatible with a convention right. A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by Section 6(1) and that he is (or would be) a victim of the unlawful act, may bring proceedings against the authority under the Act in the appropriate court or tribunal, or may rely on the convention right or rights concerned in any legal proceedings.

- (a) Article 8 of the European Convention, the Right to Respect for Private and Family Life provides that:
 - (i) Everyone has the right to respect for his private and family life, his home and his correspondence.
 - (ii) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.
- (b) Article 1 of the First Protocol provides that:

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

4 General Issues

- 4.1 The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 set out the procedures to be followed in respect of such applications. In accordance with those Regulations, advertisements on site and in the local press invited objections to the application within the period specified in the Regulations: in this case the objection period expired on 30 November 2014. Objections were received from the Scott Estate and the Applicant has made comments on those objections.
- 4.2 In its capacity as Registration Authority, the County Council is required to adjudicate on the application and to register the application land if there are sound reasons for doing so or, if not, to reject the application. It is for the applicant to prove his or her case and there is no requirement for the Registration Authority to instigate its own research into the application. Nonetheless, there may be disputes of fact and/or issues of law to be resolved or considered before a decision can properly be made. Further, the County Council has discretion to deal with the application on the basis of the evidence available to it and not necessarily solely on the basis applied for.
- 4.3 Unlike decisions made on applications for rights of way (which are in several ways governed by similar principles of law), decisions made by this Committee on town or village green applications are not subject to review by the Secretary of State through a prescribed statutory and public process: the decision to accept or reject an application rests with the County Council alone and can only be challenged through the Courts by way of judicial review. It is therefore particularly important that the Registration Authority's scrutiny of the application and any objections is thorough and that this Committee is well informed and advised before the application is finally determined.

5 The application

- 5.1 The application was received on 17 May 2013. It states that the Land should be registered as a town or village green because it has been used "by a significant number of inhabitants of Herston as of right for lawful sports and pastimes for at least 20 years under Section 15(2) of the Commons Act 2006, as witnessed by ...signed statements by a total of 92 people over a period extending from 1931 to 2012". The application is "duly made" for the purposes of the Commons Act 2006.
- 5.2 The application was accompanied by a map showing Herston Fields, a "Justification for the village green application" including an "analysis of information contained in the evidence forms in support of the application", video footage of local people engaging in activities including a cross country run, various photographs demonstrating the use by the public and 92 forms of evidence detailing use of the Land. In addition, six other witness statements were submitted. Drawing 14/37 illustrates the addresses of users who completed evidence forms and statements in relation to the Land and is attached as Appendix 2.

5.3 The user evidence is summarised together with a matrix showing the activities in which people participated at Appendix 3 and charts showing periods and level of use form Appendix 4. Typical uses described by witnesses are walking, playing family games, picking berries and picnicking, most of which are certainly lawful sports, pastimes and activities capable of supporting registration of land as a town or village green; there is debate about whether picking berries is a lawful pastime.

6 **Objections to the application**

6.1 Wilsons Solicitors LLP made a submission objecting to the application on behalf of the owner of the Land, the Scott Estate on 28 November 2014. They raise two key preliminary points as well as more detailed evidence:

- (a) The relevant locality/neighbourhood has not been sufficiently defined in accordance with Section 15.
- (b) For a large part, if not all, of the claim period, the land was out of possession because the application site was leased to the County Council. Therefore the landowner cannot have acquiesced or tolerated the claimed user because it had no knowledge of such use. Also, the terms of the lease of the land to the County Council specifically required the tenant to prevent easements from being acquired over the Land.

6.2 The objection is accompanied by 12 witness statements.

6.3 Two of the witness statements were completed by employees of the County Council in their capacity as managers of land owned and leased by the County Council. They raise a number of issues including:

- (a) No use of the Land was witnessed during site visits.
- (b) No tenants ever raised concerns about use of the fields for public recreation.
- (c) There were periods of time when the fields were uneven and overgrown and were not suitable for activities such as cricket or football.

6.4 The remaining witnesses include those who worked the land and/or acted on behalf of the Scott Estate. They raised the following key points:

- (a) A previous tenant allowed the funfair and circus access to the Land in the 1950s.
- (b) The same tenant would not allow local children "to get out onto the fields".
- (c) Other tenants have told people to stick to the footpath.
- (d) Cattle would have prevented people using the fields other than access along the footpath.
- (e) No organised recreational activities have been witnessed.

- (f) The fields have been used to produce haylage in the past and the crop was never trodden down as it would have been if people were using the area.
- (g) People have been seen walking their dogs around the edge of the fields.
- (h) Gates had to be wired shut to prevent people using them as access. On occasions the wire was cut and cattle escaped through open gates.

7 Response to objections – ‘The Friends of Herston Fields’

7.1 The applicant’s response to the objections raised by the landowner is summarised below:

- (a) The application provides sufficient evidence to support the case for registration
- (b) With regard to the issue of locality, Herston is now a neighbourhood of Swanage, but the area was once a village in its own right. The application map was intended to comply with the historically established residential boundaries of the village of Herston and therefore the map as a whole should be regarded as the definition of Herston.
- (c) The objector claims that the application should be dismissed as the landowner was not in control of the land during the qualifying period. The applicant feels that whilst the owner may have attempted to protect themselves from the creation of an easement through terms included in the lease documents, it appears that the tenants and sub-tenants did not comply with this.
- (d) There is a conflict of interest as Dorset County Council was landlord during the period that the Village Green Application relates

8 Issues to be considered

- 8.1 The objector has raised preliminary points which need to be addressed. The locality or neighbourhood issue is considered at paragraph 8.3 below. The issue of whether the landowner had actual knowledge of the use is not relevant; rather the issue is whether use was as of right in which case the landowner ought to have known about the use, whether or not it actually knew.
- 8.2 It is important to note that any potential breaches by the County Council of its obligations under the lease from the landowner are not relevant to determining this application.
- 8.3 The main issue is whether the test in section 15(2) of the Commons Act set out in paragraph 3.2 has been satisfied: that the Land has been used by a significant number of inhabitants of the locality (or neighbourhood within the locality) as of right for sports and pastimes for at least 20 years. The constituent parts of the test are considered in more detail below.

Locality or neighbourhood within a locality

- 8.4 The locality or neighbourhood within a locality should be identified by reference to a recognised administrative area or an obvious geographical characteristic. For example, a particular parish or a housing estate.
- (a) The applicant has identified the locality in respect of which the application is made as 'Herston see map and description in attached justification document'. The map has a thick black line identifying the locality or neighbourhood. A location plan of Herston is attached at Appendix 5.
 - (b) Objectors consider that the locality has not been adequately defined.
 - (c) Officers do not consider that the applicant has identified a locality or neighbourhood in the application because it is defined at least partially by the constraints of the chosen map area. However, the County Council has discretion to consider whether the evidence shows that a locality or neighbourhood can be identified.

Significant number of inhabitants

- 8.5 A significant number does not need to be a considerable or substantial number. The number of people using the Land has to be sufficient to signify that the Land is in general use by the local community. The users do not all need to be from the locality or neighbourhood. The amount of use submitted with the application is considered to be sufficient on the basis of the application if a proper locality or neighbourhood is identified. However, the level of use is challenged by the objector.

Use as of right

- 8.6 Use is as of right if it is without force, without secrecy and without permission. The use evidenced in support of the application indicates that use was as of right. Witnesses opposing the application, however, suggest that force was used to gain access through gates and also that those accessing the fields away from the public footpath were challenged.

Lawful sports and pastimes

- 8.7 The use evidenced in support of the application indicates that the activities qualify as lawful sports and pastimes. However, the objector disputes that the claimed activities have taken place.

For a period of 20 years

- 8.8 The test for a continuous period of use over 20 years appears to be satisfied on the basis of the applicant's evidence.

Use continued at the date of application

- 8.9 Use continued at the date of application.

9 Discussion

9.1 There are three main options available to the Committee:

- To accept the application;
- To refuse the application;
- To defer a decision pending a public inquiry.

9.2 Officers consider that there are significant and detailed matters of fact and law which need to be considered in more detail, including: -

- (a) Whether a locality/neighbourhood can be identified.
- (b) The extent to which the landowning trust or Dorset County Council as tenant acquiesced to use.
- (c) The conflict in evidence regarding the level of use and whether use was as of right.

9.3 Conflicts in personal evidence should be tested at a public inquiry where witnesses may attend to give evidence and be available for cross-examination. The Committee is not in a position to hear evidence in this way. This will ensure that a decision is made in the knowledge that the evidence has been fully tested and both the applicant and the objector have had the opportunity of exploring the evidence in public.

9.4 There is also a potential conflict regarding the County Council's role in determining the application. The County Council is the Commons Registration Authority for the application. However, it has given evidence in support of the objection in its capacity as a former tenant of the application site. A public inquiry heard by an independent Inspector would overcome any apparent conflict.

9.5 If a public inquiry is held, the Inspector will hear all of the evidence from the applicant and objector and prepare a report setting out his or her conclusions on the evidence and whether the test for registration is satisfied. The Inspector's report will recommend to the Committee how the application should be determined. The ultimate decision remains with the Committee and so a further report would be made to the Committee following receipt of the Inspector's recommendation.

10 Costs

10.1 To appoint a suitably qualified independent inspector to hold a non-statutory public inquiry would cost in the region of £10,000. In addition there will be a cost to the County Council of booking the hall, publishing notices and other administrative arrangements.

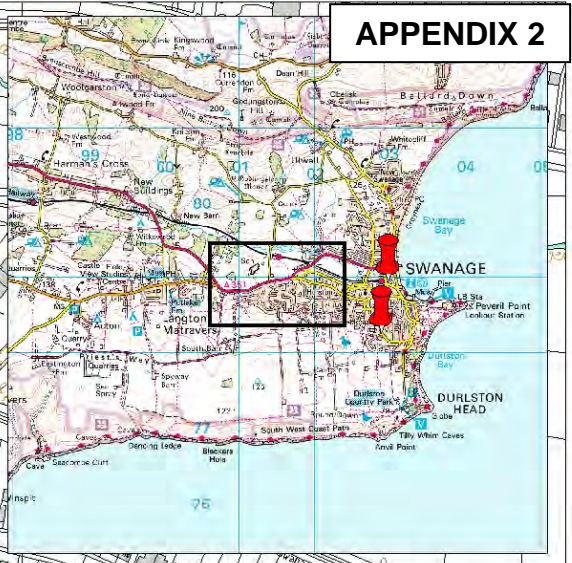
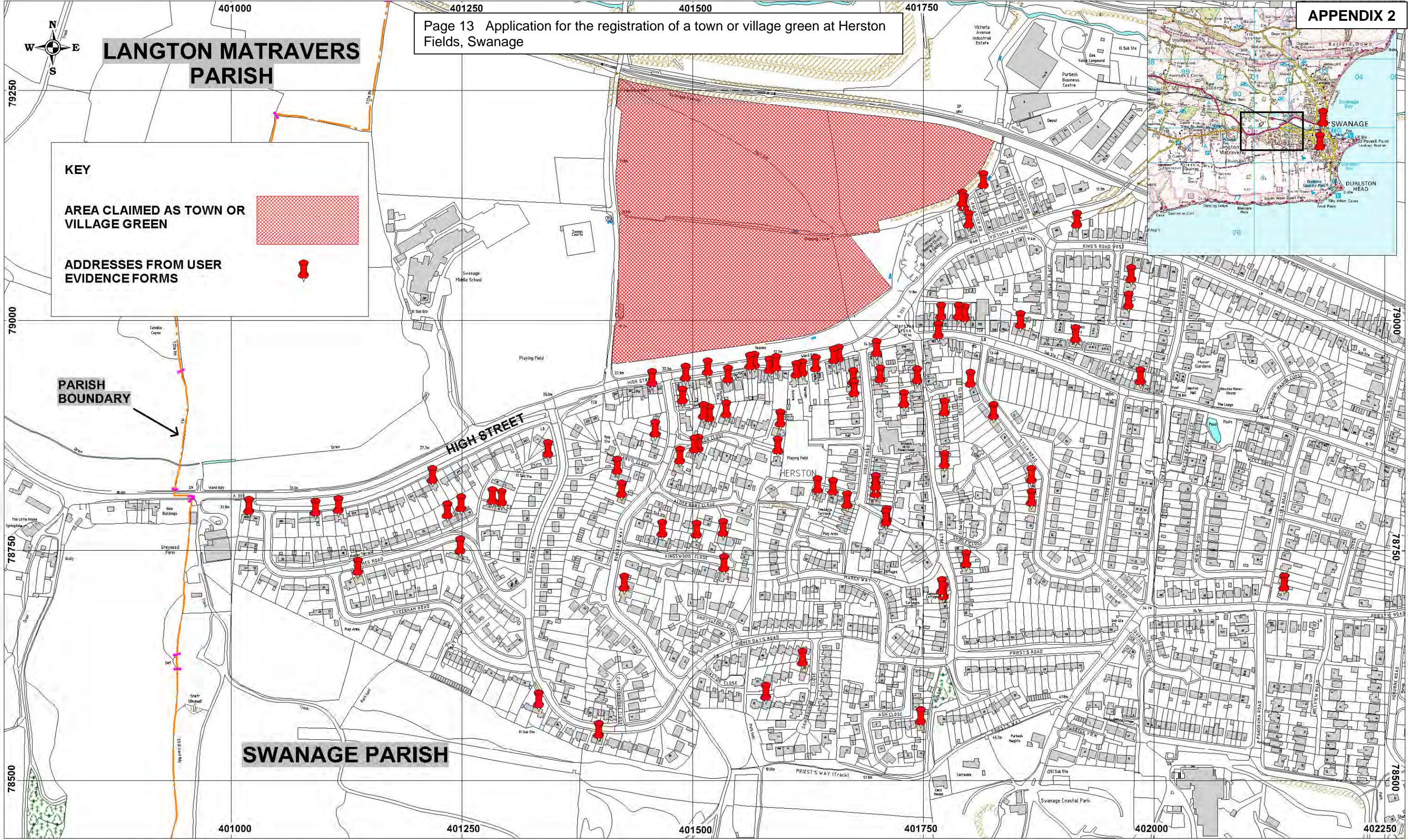
11 **Conclusion**

- 11.1 The nature of the application is unsuitable for a decision without a public inquiry process. In the interests of fairness it is appropriate to test thoroughly the evidence both for and against the application. It is therefore recommended that the matter is considered at a public inquiry before being reported back to Committee for a final decision.

Mike Harries

Director for Environment and the Economy

July 2015



KEY

AREA CLAIMED AS TOWN OR VILLAGE GREEN

ADDRESSES FROM USER EVIDENCE FORMS

PARISH BOUNDARY

SECTION 15, COMMONS ACT 2006

APPLICATION FOR THE REGISTRATION OF LAND AS A TOWN OR VILLAGE GREEN AT HERSTON FIELDS, SWANAGE

Application reference: VG AP 1/2013

Plan ref: 14/37

Date: 20/06/2014

Scale 1:4500

Drawn By: AP

Cent X: 401513

Cent Y: 78892

GEOGRAPHICAL INFORMATION SYSTEMS



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User evidence table

Name	Dates of use	Details of use
J Allsop	1958 - 2011	Used for swimming, walking, gardening and open gardens. Annual fair.
Mrs P Andrews	1942 to present (form completed in 2010)	Used for walking, picnics and picking blackberries. Seen people playing sports, fishing and kite flying.
P Andrews	2004 - 2010	Used for dog walking. Also walked with family when they visited. Seen people playing sports, picnicking, picking blackberries and kite flying.
Mr M Angell	1988 - 2010	Used for walking, kite flying and playing cricket. Seen others playing sports, picking blackberries, picnicking and kite flying.
R S B Aplin	1940 - 2010	Used for walking. Seen others picking blackberries, playing sports, picnicking and kite flying. Other activities include fair/circus.
Mr L Ashton	1969 Onwards (form completed in 2011)	Used for exercise. Seen others picking blackberries, drawing and painting, playing sports, bird watching, kite flying and cycling.
Mr C Baines	2001 to date (form completed in 2010)	Used to play with family. Seen others playing sports, picnicking, kite flying, picking blackberries, drawing and painting.
J Baird	1944 - 2010	Used for walking, playing with family, team sports and picking blackberries. Seen others kite flying, picnicking, bird watching and train spotting. A circus also used the site.
Mrs M Barlow	1971 No end date but form completed in 2010	Used for walking, picnicking and bird watching. Seen others picking blackberries, kite flying and children playing.
Mrs A Beagley	2002 - 2011	Used for walking, with family and spotting wildlife. Seen others playing team sports, picking blackberries, picnicking and kite flying.
Mrs J Beagley	1999 - 2011	Used for walking. Seen others fishing, picking blackberries, bird watching, picnicking and kite flying.
Mrs J Byron *2 types of handwriting	1980 - 2010	Used for walking, running, playing games with family and watching wildlife. Seen others playing team sports, picking blackberries, bird watching, kite flying, cycling, drawing and painting.
Mr E & Mrs L Castle	1977 - 2010	Used for walking, picnics, picking blackberries, wildlife spotting and activities with family. Seen others playing team sports, kite flying, cycling, drawing and painting.
Clarke	1976 - 2010	Used for walking. Seen others kite flying, team games and picking blackberries.
Mr & Mrs Clements	1985 - 2010	Used for walking, picnics, going to see trains, playing with family and blackberry picking. Seen others flying kites.

Name	Dates of use	Details of use
J Coad	1990 to date (form completed in 2011)	Used for walking. Seen others picking blackberries and children playing.
Mrs Collins	1964 to now (form completed in 2010)	Used for walking, playing sports with family, flying kites and picking blackberries. Seen others picnicking, drawing and painting.
L Crabb	As long as can remember (no specific dates)	Used for playing games with children, flying kites, watching trains and picnics. Seen others picking blackberries, dog walking and playing football.
Mr B Craker	2004 - 2011	Used for walking and running. Seen others picking blackberries, bird watching and flying kites.
B Crisp	1987 to present (form completed in 2010)	Used for kite flying with children, blackberry picking and watching the steam train. Seen others dog walking and children playing.
Mrs S Dines	1960 - 2011	Used for walking. Seen others playing team games, bird watching and picking blackberries.
S Dobson	1945 – 1957 1975 – 2010	Used for walking, ball games and kite flying. Seen others playing team games, picking blackberries, mushroom picking, bird watching and picnicking. A circus has also used the site.
C Dowling	1997 to date (form completed in 2011)	Used for walking and jogging. Seen others picking blackberries, flying kites, drawing and painting.
Mrs J Duncan	2006 - 2011	Used for walking and ball games. Seen others playing team sports, picking blackberries, picnicking, bird watching, bonfire parties and cycling.
Mrs M Dwen	1960 to present (form completed in 2010)	Used for walking. Seen others playing team sports, picking blackberries, bird watching, flying kites, drawing and painting.
Mr D Eggleton	1993 - 2010	Used for walking. Seen others picking blackberries, playing team sports, bird watching, flying kites and practicing golf.
Mr P Emery	1987 - 2010	Used for walking. Seen others picking blackberries, playing football, bird watching, picnicking and kite flying.
B & J Enticknap	1996 - 2011	Used for walking and blackberry picking. Seen others playing team sports, bird watching, picnicking, kite flying, drawing and painting. Also been used for fair and circus.
C Fairchild	1987 - 2011	Used for walking and running. Seen others picking blackberries and cycling.
E Feast	2003 - 2010	Used for walking and jogging. Seen others picking blackberries, playing team sports and bird watching. Fetes also used the site.

Name	Dates of use	Details of use
Mrs A Fellows	1998 - 2010	Used for walking and looking at wildlife. Seen others picking blackberries, bird watching and kite flying.
Mrs P Fenwick	1972 - 2010	Used for walking with family. Seen others picking blackberries, playing team sports, drawing and painting.
R & C Foot	1958 - 2010	Used for walking and berry picking. Seen others playing team sports, picnicking, kite flying, picking blackberries, golf, den making and camping. Local school used site also.
Mr B Gallagher	1999 to present (form not dated)	Used for walking. Seen others picking blackberries, playing team sports, bird watching, picnicking and kite flying.
L & B Gooding	2002 - 2010	Used for walking and playing with family. Seen others, playing team sports, camping, horse grazing, bird watching, picnicking, kite flying, cycling, drawing and painting.
G Gray	1984 to present (form completed in 2010)	Used for walking, picking mushrooms and catching the train. Seen others fishing, team games, picking blackberries, community celebrations, bird watching and picnicking.
M Hamilton	1970 - 2010	Used for walking. Seen others picking fruit, bird watching and children playing.
Mr P Hardy	1961 to present (form completed in 2010)	Used for walking, bird watching and playing with family. Seen others playing team sports, picking blackberries, train spotting, picnicking, kite flying and cycling.
Mrs Herriott	1984 - 2010	Used for walking and watching the railway. Seen others picking blackberries, bird watching, picnicking and kite flying.
S Hoare & Mr M Hopper	1984 - 2010	Used for walking, train spotting, picnics and watching nature. Has also used the land with family. Seen others practising golf, cycling and picking blackberries.
M Hobbs	2005 - 2011	Used for walking, berry picking and playing with family. Seen others playing team sports, bird watching, picnicking, kite flying, drawing and painting.
R Holland	1979 - 2010	Used for walking, picnicking, bird watching and picking blackberries. Seen others flying model aircraft, playing team sports, flying kites, drawing and painting.
R & L Hosegood	2003 to present (form completed in 2011)	Used for walking, bird watching and berry picking. Seen others playing team sports, picnicking and kite flying.
Mr B J Howells	1997 - 2011	Used for walking and picking blackberries. Seen others playing team sports, cycling, picnicking, bird watching, kite flying, drawing and painting.

Name	Dates of use	Details of use
Mr & Mrs James and Mrs D Taylor	1934 to present (form completed in 2010)	Used for walking, bird watching, train spotting, kite flying and ball games. Fair/circus used to use the land. Seen others playing team games, cycling, drawing and painting.
Mrs J Joyner	1976 - 2010	Used for picking blackberries, walking, bird watching. Seen others playing team games, picnicking, flying kites, drawing and painting.
L Kennedy	2004 - 2012	Used for walking. Seen others picking blackberries, bird watching, picnicking, kite flying and cycling.
J Kowalewski	1996 to now (form completed in 2011)	Used for walking, picking blackberries, nature watching also used with family. Seen others playing team sports, cycling, flying kites, drawing and painting.
Mr J Lander	2004 - 2011	Used for walking. Seen others playing team sports, kite flying and picking blackberries.
T Lovell	1973 to now (form completed in 2011)	Used for walking, watching wildlife family used to play football. Seen others playing team sports, flying kites, picking blackberries, picnicking, cycling, drawing and painting.
Mr M Lyons	1978 to present (form completed in 2010)	Used for walking. Seen others picnicking, bird watching, train spotting, kite flying, drawing and painting.
L McMorrow	2003 to present (form completed in 2010)	Used for walking. Fete has taken place in the past. Seen others picking blackberries and playing team sports.
L Mawson & P Youssef	1993 – present 1958 to present (form completed in 2011)	Used for walking. Seen children playing and others picking blackberries.
Mr & Mrs Maycock	1984 – 1987 2006 - 2011	Used for walking and playing with family.
G Mayo	1950 to present (form completed in 2011)	Used for walking and berry picking. Community bonfire in the past. Seen others bird watching and picnicking.
M J Meaden	1977 to present (form completed in 2010)	Used for walking. Seen others playing team sports and kite flying.
Mr N Moody	1990 - 2011	Used for walking, kite flying and playing football. Seen others picking blackberries and picnicking.
Mrs K J Morris	1986 - 2011	Used for walking, playing with family and picking blackberries. Seen others playing team sports, bird watching, picnicking, kite flying and cycling.

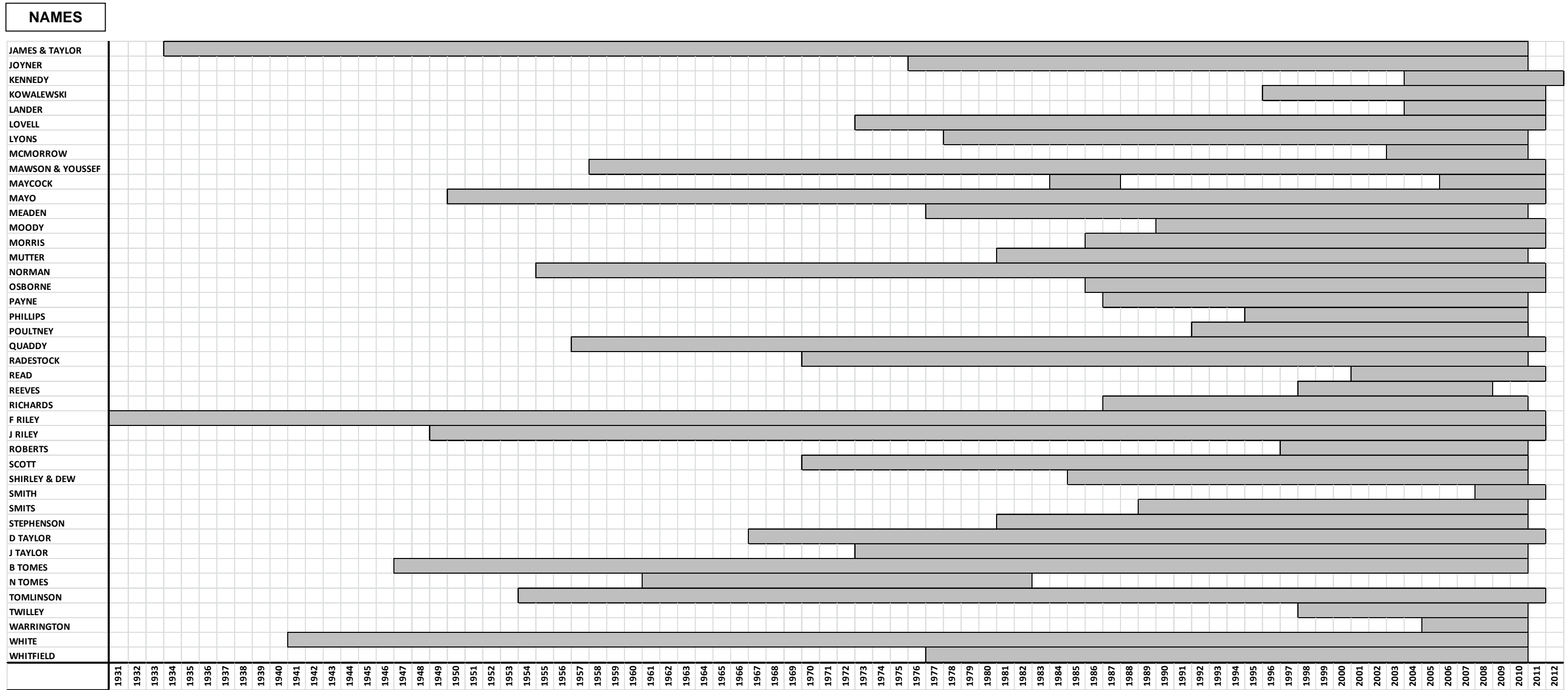
Name	Dates of use	Details of use
E Mutter	1981 - 2010	Used for walking and picking blackberries. School used land for runs. Seen others playing team sports, picnicking and kite flying.
Mr D Norman	1955 - 2011	Used as playing field. Family used for walking. Used for fair ground. Seen others playing team sports, bird watching, picking blackberries, kite flying and bonfires.
C Osborne	1986 to present (form completed in 2011)	Used for walking and bird watching. Used for cross country runs by the school. Seen others playing team sports, fishing, picking blackberries, bird watching, picnicking, kite flying, cycling, drawing and painting.
Mr S Payne	1987 to present (form completed in 2010)	Used for walking, cross country running and football. Local school also used it. Seen others playing team sports, picking blackberries, picnicking and kite flying.
Mr & Mrs Phillips	1995 to now (form completed in 2010)	Used for walking and picking berries. Seen others flying kites.
Mr S Poultney	1992 to present (form completed in 2010)	Used for walking. Guides and Scouts use the land. Seen others playing team sports, bird watching, cycling, picking berries, golf practice, drawing and painting.
Quaddy	1957 to date (form completed in 2011)	Used for fruit picking and exercise. Local school also used the land. Seen others playing team sports, bird watching, kite flying, picnicking, cycling, drawing and painting.
C & S Radestock	1970 - 2010	Used for walking, blackberry picking, access to steam trains. Circus and fair have used the land. Seen others playing team sports, bird watching and flying kites.
T R Read	2001 - 2011	Used for walking. Seen others playing team sports and children playing.
Mrs Reeves	1998 - 2008	Used for walking. Seen others picking blackberries, playing cricket, bird watching and picnicking.
J Richards	1987 - 2010	Used for walking, watching wildlife and blackberry picking. Seen others playing team sports, picnicking, kite flying, cycling, drawing and painting.
Mr F Riley	1931 - 2011	Used for walking. Circus, fairs & bonfire nights have also used the land. Seen others playing team sports, picking blackberries, bird watching, picnicking, kite flying, cycling, drawing and painting.
J Riley	1949 - 2011	Used for walking and playing with family. Seen others playing team sports, picking blackberries, community celebrations, bird watching, picnicking, kite flying, bonfires, cycling, drawing and painting.

Name	Dates of use	Details of use
Mr F Roberts	1997 to present (completed in 2010)	Used for walking. Seen others picking blackberries, community celebrations, kite flying, team games, drawing and painting.
A A Scott	1970 - 2010	Used for walking, playing with family. Seen others playing team sports, picking blackberries, kite flying and picnicking.
Mrs P Shirley & Mr T Dew	1985 - 2010	Used for walking, picnics, bird watching and picking berries. Used the land with family playing football. Local school also used the land.
L Smith	2008 - 2011	Used for walking. Seen others picking blackberries. Family have also used the land.
Miss L Smits	1989 to present (form completed in 2010)	Used for walking, picking blackberries, watching wildlife and sketching. Seen others playing team sports, picnicking, kite flying, drawing and painting.
B Stephenson	1981 to date (form completed in 2010)	Used for walking, picking blackberries, playing ball games, picnics and train watching. Seen others playing team sports, bird watching, kite flying, drawing and painting.
D Taylor	1967 to present (form completed in 2011)	Used for walking, playing sports, berry picking and bird watching. Circus and school cross country run in the past. Seen others picnicking, cycling, flying kites, playing team sports, drawing and painting.
J Taylor	1973 to present (form completed in 2010)	Used for walking and playing with family. Seen others picking blackberries, playing team sports, bird watching and picnicking.
Mrs B Tomes	1947 to present (form completed in 2010)	Used for walking. Seen others playing team sports, picking blackberries, bird watching, picnicking, kite flying and cycling.
Mr N Tomes	1961 - 1982	Used for walking. Seen others walking dogs.
M Tomlinson	1954 - 2011	Used for walking, bird watching and picking blackberries. Bonfire parties and summer fairs have been held there in the past. Seen others playing football, kite flying, drawing and painting.
Mr C Twilley	1998 - 2010	Used for walking. Seen others fruit picking and picnicking.
Mr & Mrs Warrington	2005 - 2010	Used for walking, playing with family, picnics, blackberry picking and watching wildlife. Seen others playing team sports, bird watching, kite flying, cycling, drawing and painting.
D J White	1941 - 2010	Used for walking. Fairs and circuses in the past. Seen others picking blackberries, bird watching, kite flying and cross country running.
Mr M Whitfield	1977 - 2010	Used for walking, bird watching and blackberry picking. Seen others using the land for similar purposes.

Other submissions made – witness statements

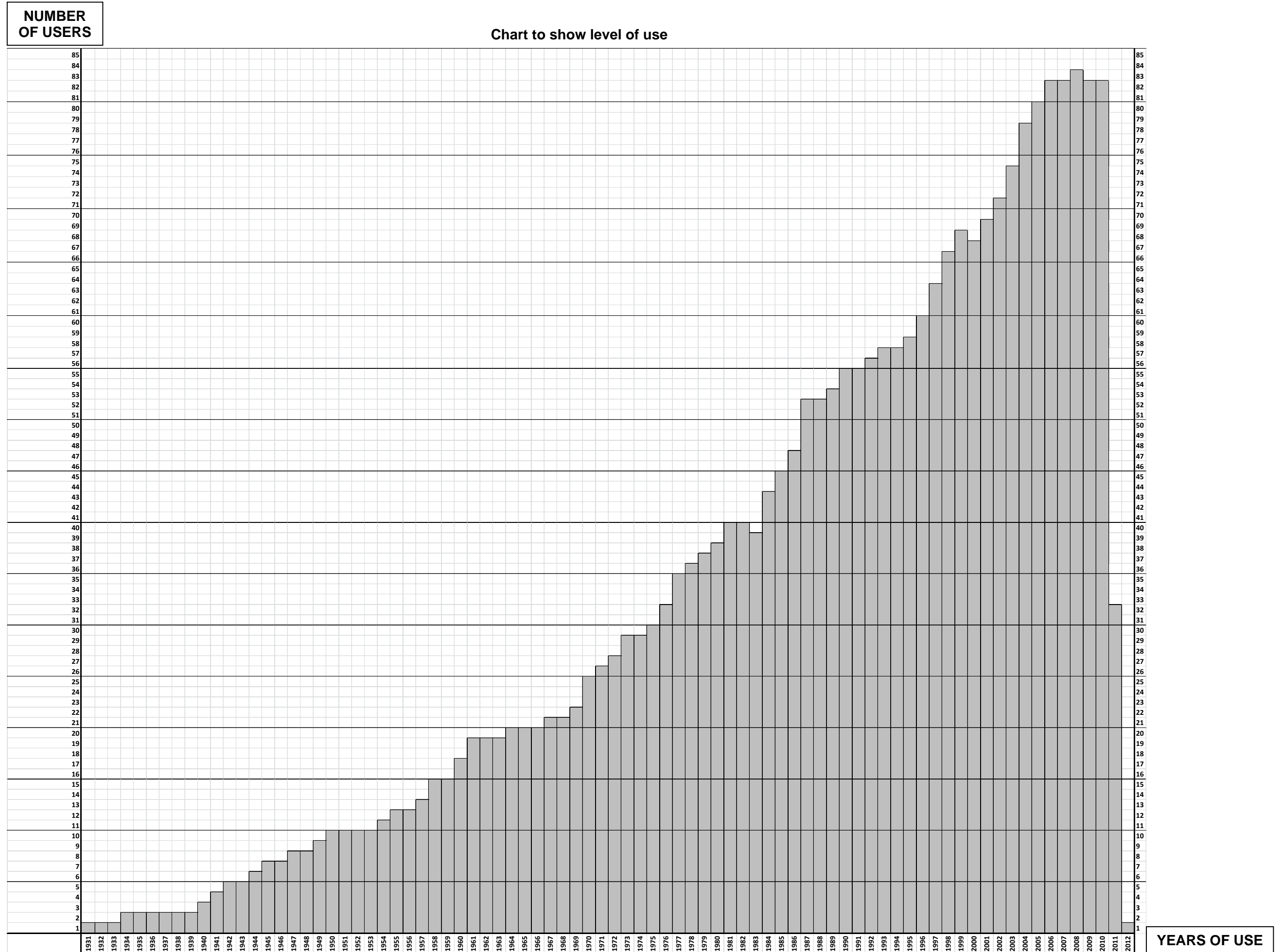
Name	Dates of use	Details of use
C Dowling	2009 - 2012	Play with friends and walking.
L Peacock	2009 to present (form completed in 2012)	Walking with friends and picnics.
I Hobbs	2005 - 2012	Walking, watching butterflies and art project.
P J Hobbs	2006 to present (form completed in 2012)	Walking, watching birds and reading.
B Townsend	2004 - 2012	Playing football, metal detecting and train watching.
J L Thomas	2007 - 2012	Metal detecting, walking and picnics.

Cont'.																																																		
ACTIVITY	NAMES	Mr B J Howells	Mr & Mrs James & Mrs Taylor	Mrs J Joyner	L Kennedy	J Kowalewski	Mr J Lander	Mr M Lyons	L McMorrow	L Mawson& P Youssef	Mr & Mrs Maycock	G Mayo	M J Meaden	Mr N Moody	Mrs K J Morris	E Mutter	Mr D Norman	C Osborne	Mr S Payne	Mr & Mrs Phillips	Mr S Poultney	Quaddy	C & S Radestock	T R Read	Mrs Reeves	J Richards	Mr F Riley	J Riley	Mr F Roberts	A A Scott	Mrs Shirley & Mr Dew	L Smith	Miss L Smits	B Stephenson	D Taylor	J Taylor	Mrs B Tomes	Mr N Tomes	M Tomlinson	Mr C Twilley	Mr & Mrs Warrington	D J White	Mr M Whitfield	TOTAL						
CHILDREN PLAYING		✓	✓	✓	✓	✓	✓	✓	✓	✓	N	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	81				
ROUNDERS		✓	✓								O						✓	✓				✓					✓	✓									✓										19			
FISHING											T							✓																														6		
DRAWING AND PAINTING		✓	✓	✓		✓		✓										✓				✓	✓				✓	✓	✓	✓													✓		✓			29		
DOG WALKING		✓	✓	✓	✓	✓	✓	✓	✓	✓	C	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	84		
TEAM GAMES			✓								O				✓			✓				✓	✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	24			
PICKING BLACKBERRIES		✓	✓	✓	✓	✓	✓	✓	✓	✓	M	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	78		
COMMUNITY CELEBRATIONS											P																	✓	✓																			3		
FETES											L																	✓																				1		
FOOTBALL		✓	✓	✓		✓	✓		✓		E		✓	✓	✓	✓		✓	✓			✓	✓	✓	✓		✓	✓	✓														✓		✓			53		
CRICKET			✓	✓							T				✓	✓		✓							✓	✓	✓	✓		✓														✓				25		
BIRD WATCHING		✓	✓	✓	✓	✓		✓			E	✓			✓		✓	✓				✓	✓	✓	✓	✓	✓	✓	✓		✓												✓		✓	✓	✓	55		
PICNICKING		✓	✓	✓	✓			✓			D	✓		✓	✓	✓	✓	✓	✓	✓			✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	53	
KITE FLYING		✓	✓	✓	✓	✓	✓						✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	63	
PEOPLE WALKING		✓	✓	✓	✓	✓	✓	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	82
BONFIRE PARTIES												✓					✓										✓	✓																✓					6	
BICYCLE RIDING		✓	✓		✓	✓									✓			✓				✓	✓			✓	✓	✓																✓		✓			22	
CAROL SINGING																																																	0	
OTHER			✓		✓			✓	✓																																					✓			✓	19



YEARS OF USE

USE OF LAND





Location plan - Herston Fields, Swanage

Ref: 15/24

Date: 17/06/2015

Scale 1:25000

Drawn By: JLC

Cent X: 402034

Cent Y: 79015

GEOGRAPHICAL INFORMATION SYSTEMS



Dorset County Council

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Application area - Herston Fields