

Regulatory Committee

Dorset County Council



Date of Meeting	22 June 2017
<u>Local Member(s):</u> Councillor Clare Sutton, Rodwell <u>Lead Officer</u> Vanessa Penny, Regulation Team Leader	
Officer	Director for Environment and the Economy
Subject of Report	Application for the registration of a town or village green at Nothe Gardens, Weymouth
Applicant	Roger Genge
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 Nothe Gardens, Weymouth as shown on Drawing 08/18 (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: The financial implications of the courses of action available to members are referred to in the report.

	<p>The cost of determining this application by way of a local public inquiry could cost in excess of £10,000.</p> <p>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> <p>Risk Assessment: 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: Public Health/Physical Activity – provides an area of recreation for the residents of Weymouth.</p>
<p>Recommendation</p>	<p>That the application to register Nothe Gardens as a town or village green is refused.</p>
<p>Reasons for Recommendation</p>	<p>The application site is owned by Weymouth and Portland Borough Council as a public park and gardens. As such the use of the application site is by right. Further, the actions of the Borough Council in maintaining the application site and providing facilities for the public constitute implied permission, supporting the conclusion that use is as of right.</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 • Encourage tourism to our unique county <p>Promoting Health, Wellbeing and Safeguarding</p> <ul style="list-style-type: none"> • Actively promote physical activity and sport • Improve the provision of, and access to, green, open spaces close to where people live
<p>Appendices</p>	<ol style="list-style-type: none"> 1 - Drawing 08/18 – Area of land, which is the subject of the application 2 - Drawing 08/19 – Showing addresses of users 3 - Tables of user evidence 4 - Charts to show periods and level of use 5 - Drawing 17/09 – Applicant's revised area plan

Background Papers	The file of the Director for Environment and the Economy (ref. RW/VG 81).
Report Originator and Contact	Name: Vanessa Penny, Regulation Team Leader Tel: (01305) 224719 Email: v.penny@dorsetcc.gov.uk

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 Roger Genge for the registration of land at Nothe Gardens, Weymouth 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 edged and cross-hatched in red on Drawing 08/18 attached as Appendix 1. It consists of approximately 4.988 hectares of land, laid out as a park. It is bounded to the south by Portland Harbour, to the west by Ministry of Defence land, to the north by Barrack Road and Nothe Parade and to the east by Nothe Fort. It largely surrounds, but does not include Digby House, Harbour View Bungalow and 1 & 2 The Nothe.
- 2.2 The Land is owned by Weymouth and Portland Borough Council.
- 2.3 On 11 October 2012 the applicant requested that only the areas shown edged and hatched in blue on Drawing 17/09 (Appendix 5) be registered as a town or village green.

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 31 July 2009. Objections were received from Weymouth and Portland Borough Council (“the Borough Council”) 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 be challenged only 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 in February 2008. It states that the Land should be registered as a town or village green because it has “been used for recreational activities for over 20 years by residents of Weymouth. At one time part of the current Gardens was owned by the War Department. This military land was sold to the Weymouth and Portland Borough Council in the early 1970s and incorporated into the Nothe Gardens. All land identified on the maps provided with the application has been in public use for over twenty years...”. The application is “duly made” for the purposes of the Commons Act 2006.
- 5.2 The application was accompanied by maps showing Nothe Gardens, a supporting statement from the applicant, an Environmental Appraisal and Management Plan, a Sustainability Appraisal, photographs, 10 letters of support and more than 90 forms of evidence detailing use of the Land. Drawing 08/19 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 at Appendix 3 and charts showing periods and level of use form Appendix 4. Typical uses described by witnesses are walking, playing children’s and family games, dog walking, sunbathing, nature watching, photography, painting, playing football and other sports and jogging.

6 Objections to the application

- 6.1 The Borough Council objected to the application and its objection was accompanied by a barrister's opinion.
- 6.2 In broad terms, the Borough Council's objection is on the basis that:
- (a) The land is in public ownership and has been used for public recreation since the late 19th century save during times of war;
 - (b) It has held numerous organised events at Nothe Gardens during its ownership at which public access has been limited, for example by cordoning off certain areas; and
 - (c) There are byelaws which cover Nothe Gardens and restrict use.

7 Response to objections by the applicant

- 7.1 The applicant's response to the objections raised by the landowner is summarised below:
- (a) Nothe Gardens were used for recreation by the public as of right long before they were purchased by the Borough Council;
 - (b) Access has never been prevented or restricted even during the organised events; and
 - (c) He is not sure how the byelaws affect Nothe Gardens but says they have been in place only since 2005.

8 Statement of Agreed Facts

- 8.1 When Officers considered the application, objection from the Borough Council and the applicant's comments on the objection, it appeared that there were a number of issues on which both the applicant and objector agreed.
- 8.2 As a result, officers worked with the applicant and objector to prepare a Statement of Common Ground, which they have both agreed and signed. This Statement of Common Ground sets out the agreed facts, the elements of the section 15 test on which they agree and the issues on which they do not agree.
- 8.3 The applicant and objector agree that:
- (a) Of the 94 user statements (letter and user forms) 70 are from residents of the areas of Nothe, Bingleaves, Rodwell and Chapelhay.
 - (b) Nothe, Bingleaves, Rodwell and Chapelhay are a neighbourhood within a locality.
 - (c) The application site has been used for walking, playing children's and family games, dog walking, sunbathing, nature watching, photography, painting, playing football and other sports and jogging. It is further agreed that these are lawful sports and pastimes.

- (d) Part of the application site was fenced off in the 1980s during pier improvements and separately following a landslip but not within the areas shown on plan 17/09;
- (e) The 1925 byelaws apply to that part of the application site outside the land shown hatched blue on plan 17/09; and
- (f) The Borough Council has promoted public use of the application site.

8.4 The issues on which the applicant and objector do not agree are:

- (a) That use by the public was as of right;
- (b) That public use has ever been restricted by organised events, or otherwise; and
- (c) The extent to which the 1925 or 2005 Byelaws affect the application site.

9 **Issues to be Considered**

9.1 Officers' advice is that the Statement of Common Ground means that Dorset County Council can accept that inhabitants of a neighbourhood within a locality have used the application site for lawful sports and pastimes for at least 20 years.

9.2 That means that the remaining elements of the statutory test are:

- (a) Whether the number of inhabitants using the application site was significant;
- (b) Whether there is a locality within which is the agreed neighbourhood; and
- (c) Whether use was as of right.

9.3 Consideration also needs to be given to the applicant's request to register only the smaller area shown hatched blue on plan 17/09.

Application Site

9.4 Taking the application site first, officers do not consider that a smaller area should be registered. The evidence submitted with the application shows that use extended across the entire application site and not any smaller area. There is thus no basis on which to register only the area shown hatched blue on Drawing 17/09.

Locality

9.5 Officers consider that it is clear that the agreed neighbourhood is within the locality of Weymouth. A locality must be an area which is (or was) known to law, for example a civil parish, and the Borough of Weymouth clearly satisfies that requirement.

Significant Number

- 9.6 70 of the user evidence forms were submitted by people within the agreed neighbourhood. Officers consider that this level of use is such that the Borough Council should have been aware of it. Indeed, the Borough Council agreed that there is significant public use of the application site.

Use as of right

- 9.7 Use is as of right if it is without force, without secrecy and without permission. The Borough Council has submitted evidence of its ownership, the Byelaws (which apply to other recreational areas within the Borough) and its actions (management, maintenance and holding events) at the application site.

Use at date of application

- 9.8 Use continued at the date of application.

10 Discussion

- 10.1 The substantive issue for the County Council to determine is therefore whether use of the application site was 'as of right'.
- 10.2 Officers consider that the evidence submitted by the Borough Council, in particular the Byelaws and ownership documents, together with its management and maintenance of Nothe Gardens clearly show that use was by right.
- 10.3 The Borough Council has produced various documents including minutes dating back to 1870, title information and an extract of its property terrier describing the purchase of part of the application site from the War Department as 'for purpose of Recreation Ground'. With the exception of that property terrier entry none of the minutes or title documents refer to the purpose for which the application site is held. However, whilst the express purpose of acquisition by the Borough Council has been lost in the mists of time, the application site has clearly been laid out and made available by the Borough Council since its purchase for public recreation. There is a (rebuttable) presumption that a public authority acts in accordance with its statutory powers. So, in the absence of any contrary evidence, officers consider that the application site is held by the Borough Council for the purposes providing public recreation and as such use has been by right and not 'as of right'.
- 10.4 The application site has been subject to byelaws since 1925, with the 1925 byelaws revoked and replaced by new byelaws in 2005. These byelaws place restrictions on public use of the application site. As such, the byelaws give rise to a licence to use the application site which constitutes implied permission from the Borough Council. This is another reason why public use is by right.

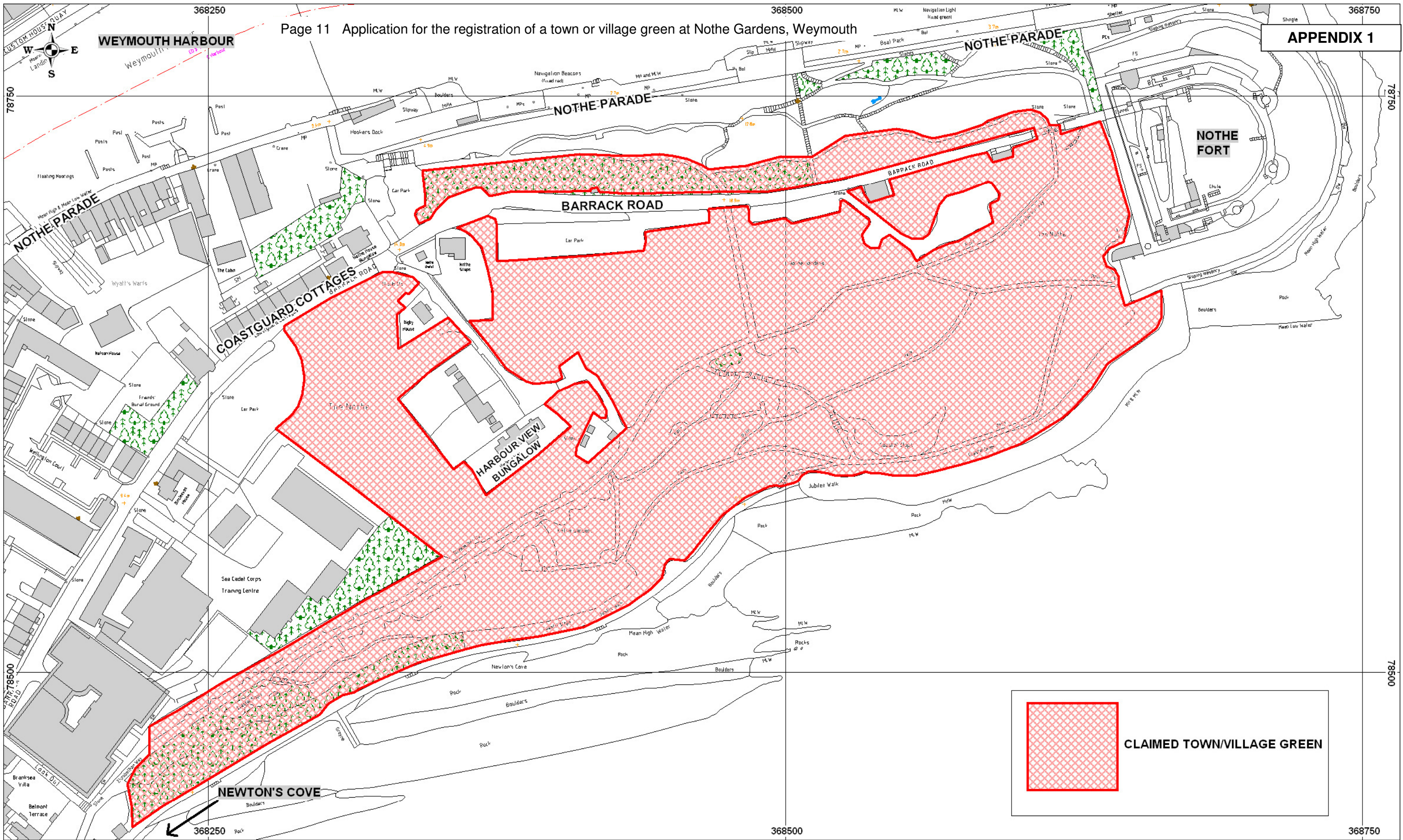
- 10.5 The applicant questions the application of the byelaws as there is no plan attached to them showing the land to which they apply. However, there is no legal requirement for byelaws to have plans attached. Officers consider that the boundaries of the application site are clear, as is the extent of the Borough Council's ownership of the application site and as such the byelaws apply to the application site.
- 10.6 Further, the actions of the Borough Council to manage and maintain Nothe Gardens, including the provision of benches and information boards constitutes encouragement for public use of the application site. This is a further form of implied permission again rendering use by right.
- 10.7 The issues of land held by public authorities for public recreation, the existence of applicable byelaws and acts of encouragement by a public authority have all been considered in 2015 by the Supreme Court. The analysis of these issues in the previous paragraphs follows these Supreme Court decisions.
- 10.8 The applicant does not agree with this analysis but has produced no evidence to suggest that the land is not held for public recreation or that the byelaws do not apply to the application site. However, the applicant agrees that the Borough Council has managed and maintained the application site and promoted its use by the public.
- 10.9 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.
- 10.10 For the reasons set out in paragraphs 10.1 and 10.2 officers consider that the application should be refused.

11 **Costs**

- 11.1 If the Committee resolve that a public inquiry should be held, 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.

12 **Conclusion**

- 12.1. The application site is owned by the Borough Council for the purpose of public recreation. The Borough Council has managed and maintained the site during its ownership and byelaws are in place controlling use of it. Therefore use of the application is with permission of the Borough Council and is by right and not as of right.



SECTION 15, COMMONS ACT 2006

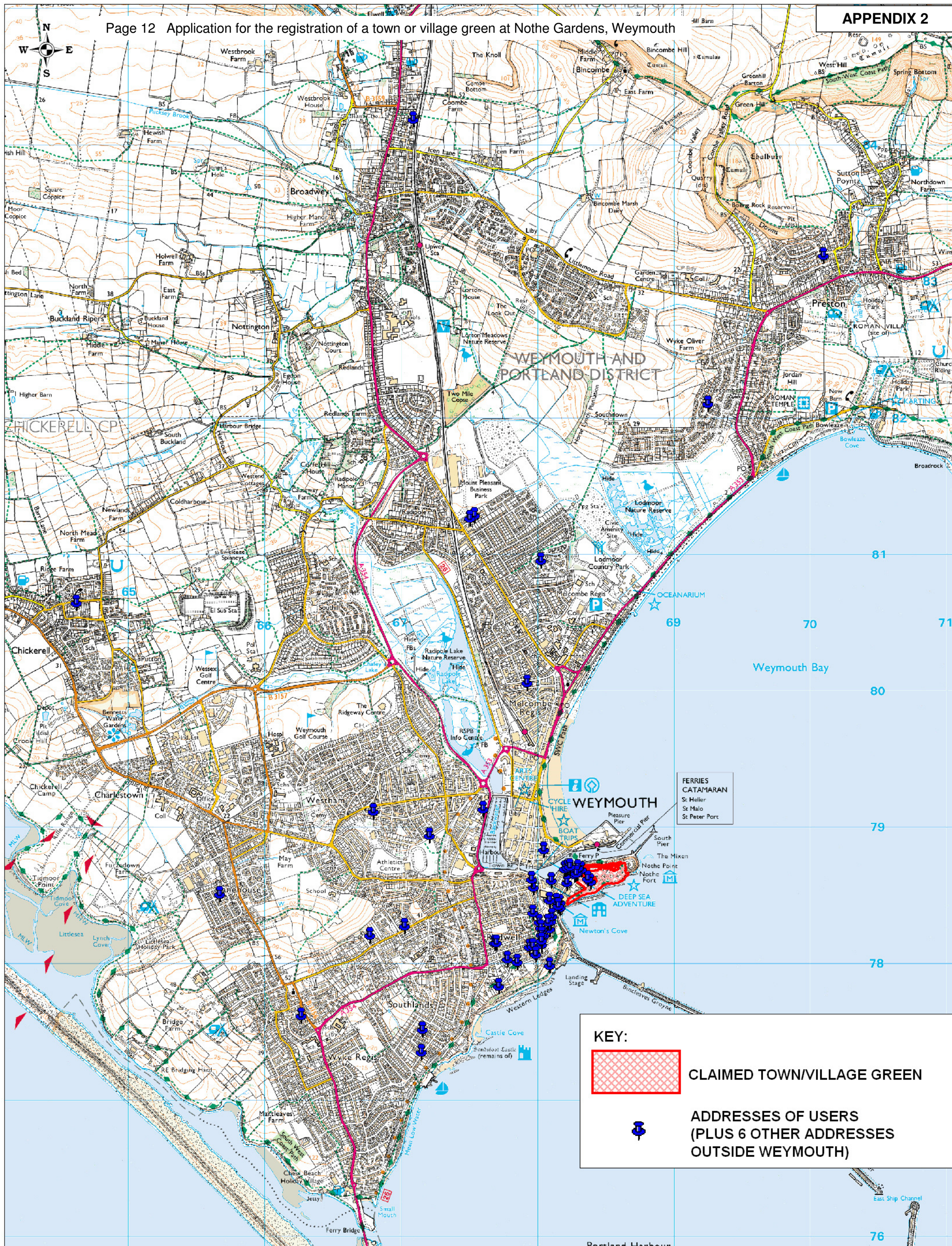
APPLICATION FOR THE REGISTRATION OF LAND AS A TOWN OR VILLAGE GREEN
NOTHE FORT, WEYMOUTH

Ref: 08/18
Date: 5/11/2008
Scale 1:1500
Drawn By: JLC
Cent X: 368464
Cent Y: 78608



GEOGRAPHICAL INFORMATION SYSTEMS



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright 2008. Unauthorised reproduction in any form or by any means may lead to prosecution or civil proceedings. © Dorset County Council 2008. OS source number: 10001976. Aerial photography © Geotrapping.com 2005.




KEY:

-  CLAIMED TOWN/VILLAGE GREEN
-  ADDRESSES OF USERS (PLUS 6 OTHER ADDRESSES OUTSIDE WEYMOUTH)

SECTION 15, COMMONS ACT 2006
APPLICATION FOR THE REGISTRATION OF LAND AS A TOWN OR VILLAGE GREEN
NOTHE FORT, WEYMOUTH - ADDRESSES OF USERS

Ref: 08/19
 Date: 6/11/2008
 Scale 1:25000
 Drawn By: JLC
 Cent X: 367578
 Cent Y: 80471

GEOGRAPHICAL INFORMATION SYSTEMS



DORSET
County Council

This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright 1998. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. © Dorset County Council 2008. OS licence number: 100019780. Aerial photography © G. Gatrapping.com 2008.

**APPLICATION FOR THE REGISTRATION OF LAND AS A TOWN OR VILLAGE
GREEN – NOTHE FORT, WEYMOUTH**

TABLES OF USER EVIDENCE

Table 1

Use by the applicant

Name	Dates of use	Details of use
Roger P Genge	1960 – 1963	Use with others on scouting adventures and schoolboy games.
	1965 – 1970	Lived at Harbour View Bungalow – used Gardens for relaxation, walking and football.
	1972 - 1975	Lived at Harbour View Bungalow – used Gardens for relaxation, dog walking and with his children.
	1975 – 1999	Regular visits to the Bungalow – used Gardens for dog walking and picnics. Also brought Scout troop on visits for games.
	2000 – 2003	Bought Harbour View Bungalow from Weymouth and Portland Borough Council and rebuilt it. Used Gardens for walks and chasing off vandals.
	2003 – 2007	Moved back to the rebuilt Bungalow. Used Gardens for walking, picnics, games and supporting W & PBC's improvement of the Gardens. Became a Friend of Nothe Gardens.

Table 2

The following people wrote letters detailing their use:

Name	Dates of use	Details of use
Mrs A Harris	1969 – 2007	Live in Coastguard Cottages opposite the green. Her four children have all played on the green with their friends. Many family gatherings and picnics take place there.
Mr R T & Mrs P A Penegar		Wished their names to be added to the application.
Mrs M Mignot	Born 1924 – used it as a child to present day	Was taken to the Nothe by her parents as a child, then used it for courting in her teens. After the war she took her children there for rock pooling and picnicking, then her grandchildren. The ferry rowing boat across the harbour to and from the Nothe was always a key attraction.
Mrs O Dominy		She has lived in Weymouth for over 40 years. Her husband was a Weymouth man and she has a tree planted on the Nothe in his memory.

Monica Nickell	1947 – 1964	Her family lived just over a mile away in Dennis Road and her father was involved in the lifeboat and friends with the boat builder. Every weekend, while her father helped on the lifeboat she would walk the dog on the Nothe. She married and moved away in 1964 but her parents always walked on the Nothe. She visited in the 1970s and 1980s with her children and they all played in the Gardens. She has a seat in her father's memory in the Gardens. Her mother visited the bench at least once a week until 2004.
Mr J & Mrs A Joyner		They walk through the Gardens most days and pick up litter. They especially enjoy the views of the beach and the esplanade, walking from the telescope to the stone steps.
Mrs I Garvie	1946 onwards	The Nothe was a favourite place to visit from Radipole in the summer holidays. Her and her husband continued to use the Nothe for regular walks. When Mrs Garvie used to work at the M.O.D nearby she had most of her lunches there. She still visits with her children.
Ann Humphrey	1950s – present	Lived in Radipole since the 1950s and used to go to the Nothe on Sunday morning walks to enjoy the space and the views. In the 1960s they would play with friends there. She used the Gardens for her courting and when she married and moved away they continued to visit the Nothe. In the 1980s and 90s they drove there with relations and children and grandchildren would roam the Gardens and play safely. In 2005 they retired back to Weymouth and now walk through the Gardens almost daily.
Mr M Freeman	1936 – present	He used the children's playground when a child. Folks were encouraged to use the Nothe, there was an old bandstand and a refreshment kiosk nearby. He now has regular walks there watching the birds and people playing games, camping and barbequing.
Jessica Williams	1950 – present	Her family moved to Weymouth in 1950 when she was 6 years old. Her house was 5 minutes away from the Nothe Gardens and it was a favourite outing for her family on summer evenings and at weekends. When her grandparents visited they went to the Gardens to sit on the benches and look out over the harbour. As she grew older the Gardens became her playground with rock pooling, hide and seek, sunbathing and swimming. She used to meet her boyfriend (now her husband) at the Nothe. They took their children there and now visit with their grandchildren. The bandstand was a favourite meeting place.

Table 3

The following people filled out a form giving details of their use of the Nothe Gardens area as specified on an attached map stating:

"I have moved freely through the Gardens and have done so without the requirement to make payment other than for car parking or seeking the permission of anybody to do so.

I am not aware of any restrictions on movement throughout the Gardens or other facts which should be brought to the attention of the Registration Authority as likely to affect its decision.

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

Each form was signed and witnessed. Their evidence of use is as follows (those marked # have also written letters, summarised in Table 2):

Name	Period of use	Details of use
Sarah Allan	25 years	Planted a tree in memory of a relation and used the Gardens for walks and walking the dog.
Charlotte Appleby	20 years	Walking, barbequing, family picnics, sunbathing.
S F Bentley	54 years	Walking, swimming, picnicking.
Melita Biggs	20 years	Walking
Elizabeth Brokenshire	60 years	Walks, bird watching, family picnics, feeding the birds.
Barry Burt	20+ years	Walking and relaxing.
June Burt	20+ years	Walking and relaxing.
Pauline Carter	10 years	Walking, exercise, nature watching.
Gordon Close	2 ½ years	Walking the dog.
Martin Collins	21 years	Walking, bird watching, family picnics, walking the dog, sunbathing, squirrel watching.
Kenneth Condell	60 years	Walking.
Marion Cooper	20+ years	Walking, photographing the views.
Ann Cullinane	60+ years	Walking, family picnics, walking the dog, sunbathing, feeding the birds, planting.
William Davis	13 years	Walking.
Enid Davis	13 years	Walking.
Lesley Eyles	5 years	Walking, painting, picnicking.

Douglas Eyles	5 years	Walking, picnicking, relaxing.
I R Garvie#	50 years	Walks, family picnics, games, viewing tall ships and boat races, lunches.
Susan Genge	35+ years	Walking, organised games for children, walking the dog.
Katherine Gocher	35 years	Walking, playing with her children, having picnics.
T P Goldsmith	20 years	Walking.
Denise Griffiths	31 years	Walking, family picnics, walking the dog.
David Griffiths	31 years	Walking, family picnics, walking the dog.
John Hale	25 years	Walking, walking the dog, tree planting.
Margaret Hare	40 years	Walking, bird watching, sunbathing.
Paul Hare	28 years	Walking, playing with grandchildren, relaxation.
Ann Harris#	38 years	Playing games. Walking the dog, football.
Julia Harrison	20 years	Barbequing, family picnics, sport activities.
P G Howse	35 years	Walking, bird watching.
Ronald Howse	35 years	Walking, bird watching.
Ann Humphrey#	60+ years	Sunday morning walks, meeting friends and playing, looking at views, children and grandchildren visits, play ground, walking dogs.
Leslie Johnson	26 years	Walking, walking the dog.
Audrey Joyner#	6 years	Nearly everyday walks, bird watching, feeding the birds.
John Joyner#	6 years	Nearly everyday walks, bird watching, feeding the birds.
Martin Leighfield	20+ years	Walking, bird watching, barbeques, family picnics, walking the dog.
Suzanne Leighfield	20+ years	Walking, bird watching, barbeques, family picnics, walking the dog.
David Lloyd-Worth	42 years	Walks, bird watching, family picnics.
Madge Mignot#	83 years	Walking, picnics viewing the 'fleet', games with grandchildren.
David Miller		Walking, family events.
Joy Mitchell	70+ years	Bird watching, walking.
Wendy Pearce	16 years	Picnics, running, relaxing, walking.
Victoria Piggott-Genge	26 years	Family activities, youth/children's work events.

Robert M Prendergast	11 years	Walking, bird watching.
Karen Priestley	15 years	Walking the dog, walking.
Paul Readings	50 years	Recreational walking, photography.
Colin Richardson	30 years	Walking, playing with family.
Richard F Sams	55 years	Walks, family picnics, walking dogs.
John G Spring	70 years	Walking, family picnics, walking the dog.
Peter Staheli	8 years	Walking, walking the dog.
Rosemary Staheli	8 years	Walking, walking the dog.
M D Steadman	62 years	Walks, bird watching, family picnics, sun bathing.
Patricia R Stimpson	30 years	Walking the dog.
Patricia Toloski	3 years	Walking.
Ralph Toloski	3 years	Walking.
Jill Salvidge	14 years	Walking at least once a day, walking for pleasure and walking the dog.
Thomas G Stroud	80 years	Walking, playing, resting.
E Jane Wyrill	6 years	Walking, sport activities, jogging.
Paul Tutill	6 years	Walking, sport activities, jogging.
Brendan Webster	37 years	Walks, playing with children, picnics, Child's open air theatre, scenic walks with visiting extended family and friends.
Hannah Webster	33 years	Teddy picnics with children and crabbing.
Kathryn Webster	37 years	Family outings, walks, picnics, summer open air plays.
Finbarr Webster	35 years	Playing as a child, walking, photography as an adult.
Jessica Webster	15 years	Picnics, play, taking her family.
Winifred White	50+ years	Walking, sitting, enjoying the views.
Christopher Wick	10 years	Games and walks
Geoffrey Wick	18 years	Picnics, walks, rest and view point.
Kenneth Wilks	78 years	Walks, family picnics, sport activities, feeding the birds, jogging.
Jessica Williams#	57 years	Walks, family fun, family picnics, courting, games, sunbathing, visits with grandchildren.

Joy Wilson	10+ years	Walking, family picnics.
Robert Wilson	10+ years	Walking, family picnics.
Tom Winter	24 years	Picnicking, relaxation, walks, sunbathing.
Mary Winter	24 years	Eating, drinking, meeting friends and family.
Barney Winter	21 years	Walking, photography, bird watching.
Graham Winter	24 years	Dog walking, barbeques.

Table 4

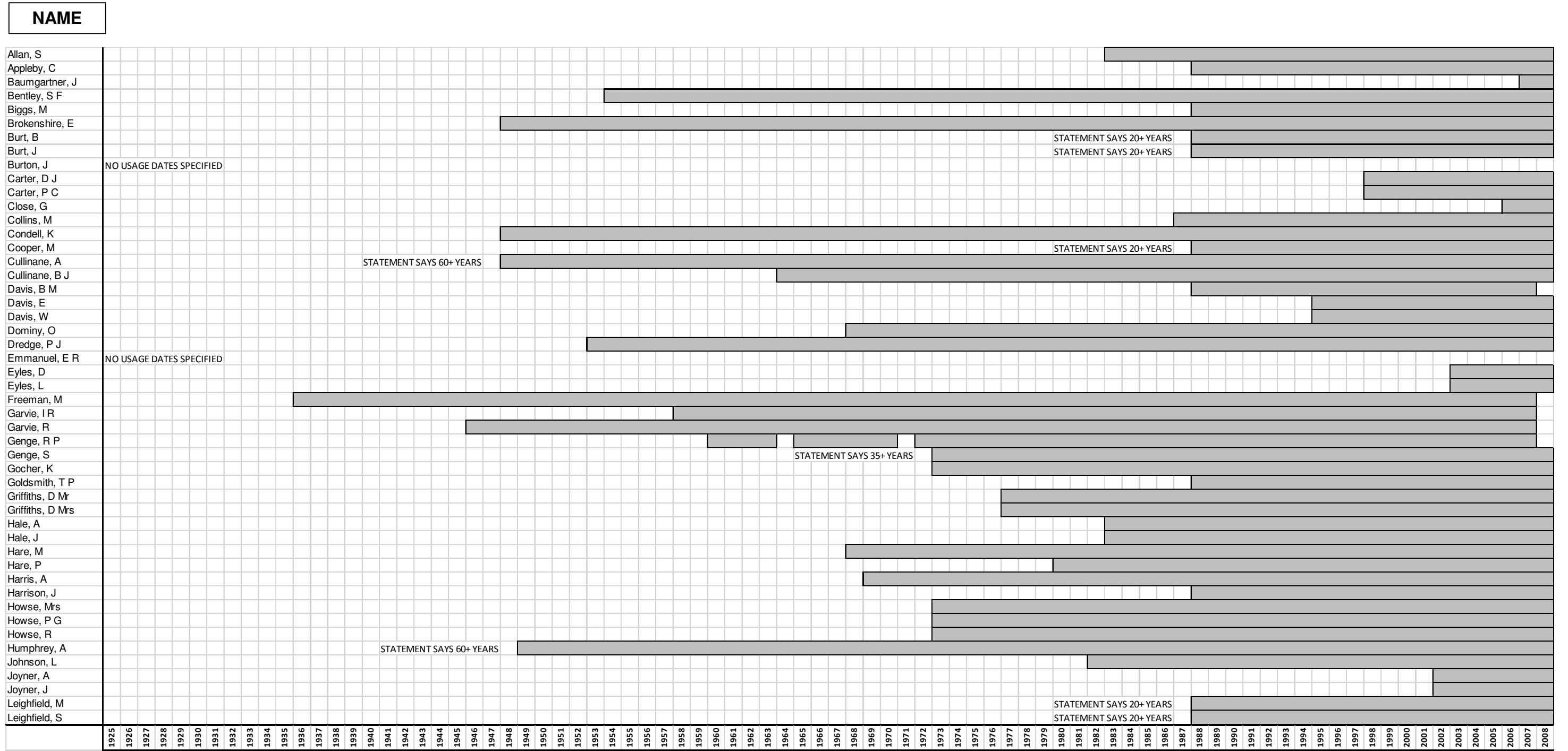
The following people filled out a form giving details of their use of the Nothe Gardens – choosing or adding to activities suggested on the form. (Those marked * had also filled in a form as summarised in Table 3 and those marked # had written letters as summarised in Table 2):

Name	Period of use	Details of use
Mrs Charlotte Appleby*	20 years	Walks, barbeque, family picnics, sun bathing.
Jeanette Baumgartner	March 2007 – February 2008	Walking, family picnics, jogging.
Elizabeth Brokenshire*	60 years	Walks, bird watching, family picnics, feeding the birds, beach combing, rock pooling.
John Burton		Walks
P C Carter* & D J Carter	10 years	Walks, bird watching, family picnics, sport activities, feeding the birds.
Gordon Close*	2 ½ years	Walking his dog.
Martin Collins*	21 years	Walks, bird watching, family picnics, walking the dog, sun bathing and squirrel watching.
Kenneth Condell*	60 years	Walks.
Mrs Marion Cooper*	20+ years	Walk and photograph the views.
Mrs Ann Cullinane*	60 years	Walks, family picnics, walking the dog, sun bathing, feeding the birds, planting.
Bridget Jane Cullinane	Since 1964	Walks, bird watching, family picnics, walking the dog, feeding the birds, jogging, planting.
Mrs B M Davis & Mrs B A Thomas	1988 – 2007 1971 – 1988	The family – parents, grandparents and now grandchildren and great grandchildren have always used Nothe Gardens regularly for family activities since 1970 and still do. Walks, family picnics, feeding the birds, and, best of all, rock pooling.

Peter James Dredge		Twice a week, Weymouth born and bred 55 years ago. Walks, sun bathing.
Dr E R Emmanuel		Walks, bird watching, boat watching – Weymouth Bay and Portland harbour.
David* and Denise Griffiths*	31 years	Walks, family picnics, walking the dog.
Sarah Allan* John Hale* Alan Hale	25 years	Walks, walking the dog, tree planted in memory of a relative.
Julia Harrison*	20 years	Barbeques, family picnics, sport.
Mr* & Mrs Ronald Howse*	35 years	Walks, bird watching.
Ann Humphrey*#		
L Brian Johnson*	26 years	Walks, walking the dog, swimming.
Audrey & John Joyner*#	6 years	Nearly every day – walks, bird watching, feeding the birds,
Suzanne* & Martin Leighfield*	20 years	Walks, bird watching, barbeques, family picnics, walking the dog.
Mrs Daphne V Lilly		Walks, bird watching, sport activities.
David Lloyd-Worth*	42 years	Walks, bird watching, family picnics.
Margaret J Meatcher	40 years	Walks, bird watching, sun bathing.
Mrs J Mitchell*	70+ years	Walks, bird watching.
Anne Morris	48 years	Walks, walking the dog.
Monica Nickell#		
Karen Priestley	15 years	Walks, walking the dog.
Mrs Jill Salvidge	14 years	Once a day on average – walks, walking the dog.
Richard F Sams*	55 years	Walks, family picnics, walking the dog.
John G Spring	70 years ?	Walks, family picnics, walking the dog.
Peter* and Rosemary Staheli*	8 years	Walks, walking the dog.
Patricia P Russell Stimpson*	30 years	Walking the dog.
Catherine Thomas	30 years	Walks, bird watching, family picnics, sport activities.
Ralph C Toloski *	2 years 10 months	Walks.

Patricia R Toloski*		
Paul*and Jan Tutill*	5/6 years	Walks, sport activities, jogging.
Mr & Mrs D C Warwick	18 years	Walks, bird watching, walking the dog.
Mrs Winifred M White*	50 years	Walks, to sit.
Kenneth D Wilks*	78 years	Walks, family picnics, sport activities, sun bathing, feeding the birds, jogging.
Mrs Joy* & Mr Robert Wilson*		Walks, family picnics. Only lived in Weymouth for a short time but used to visit on a regular basis for many years. The whole family enjoy visits to Newtons Cove and the Nothe Gardens.

Chart to show periods of use



YEARS OF USE

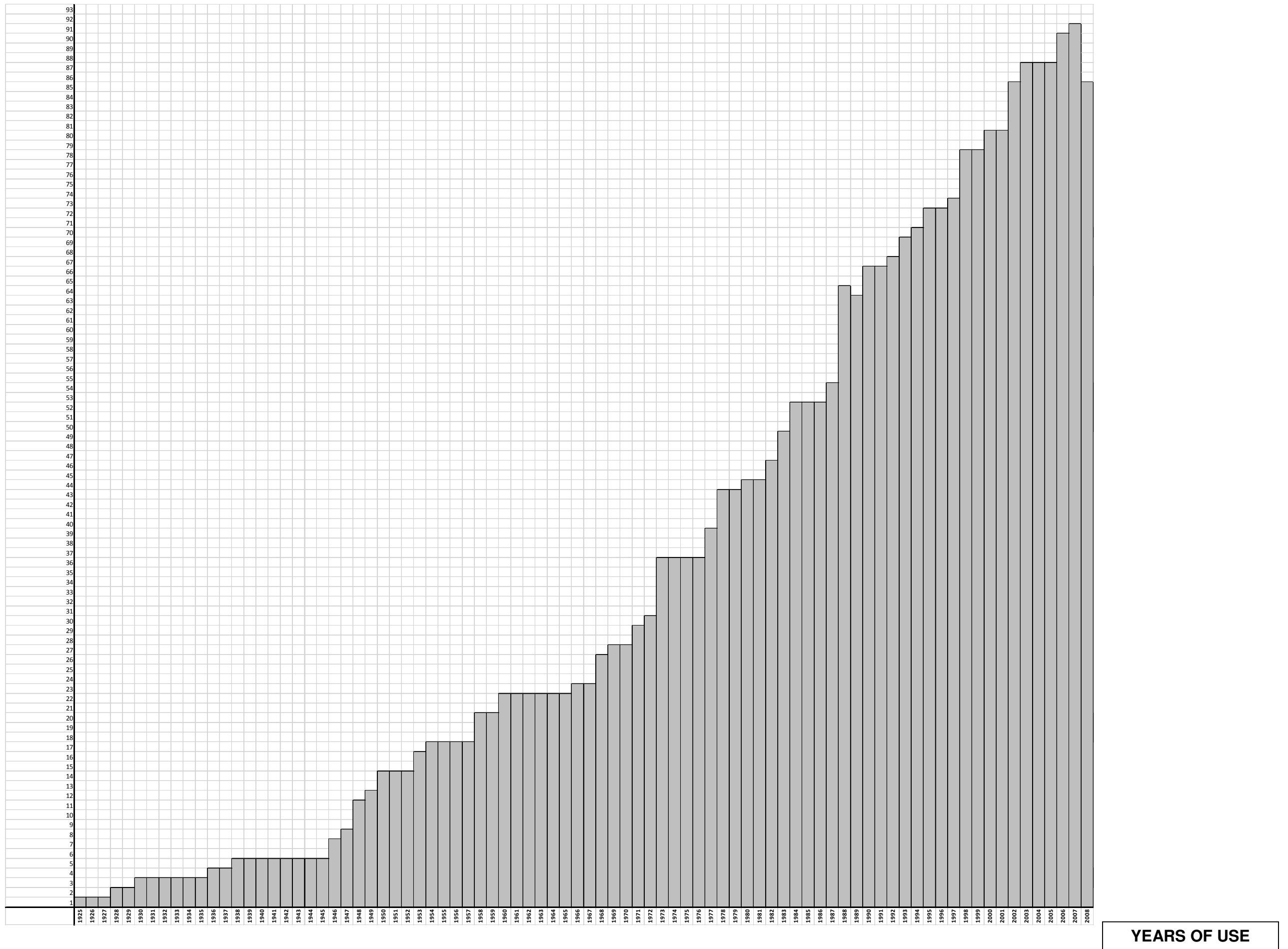
NAME

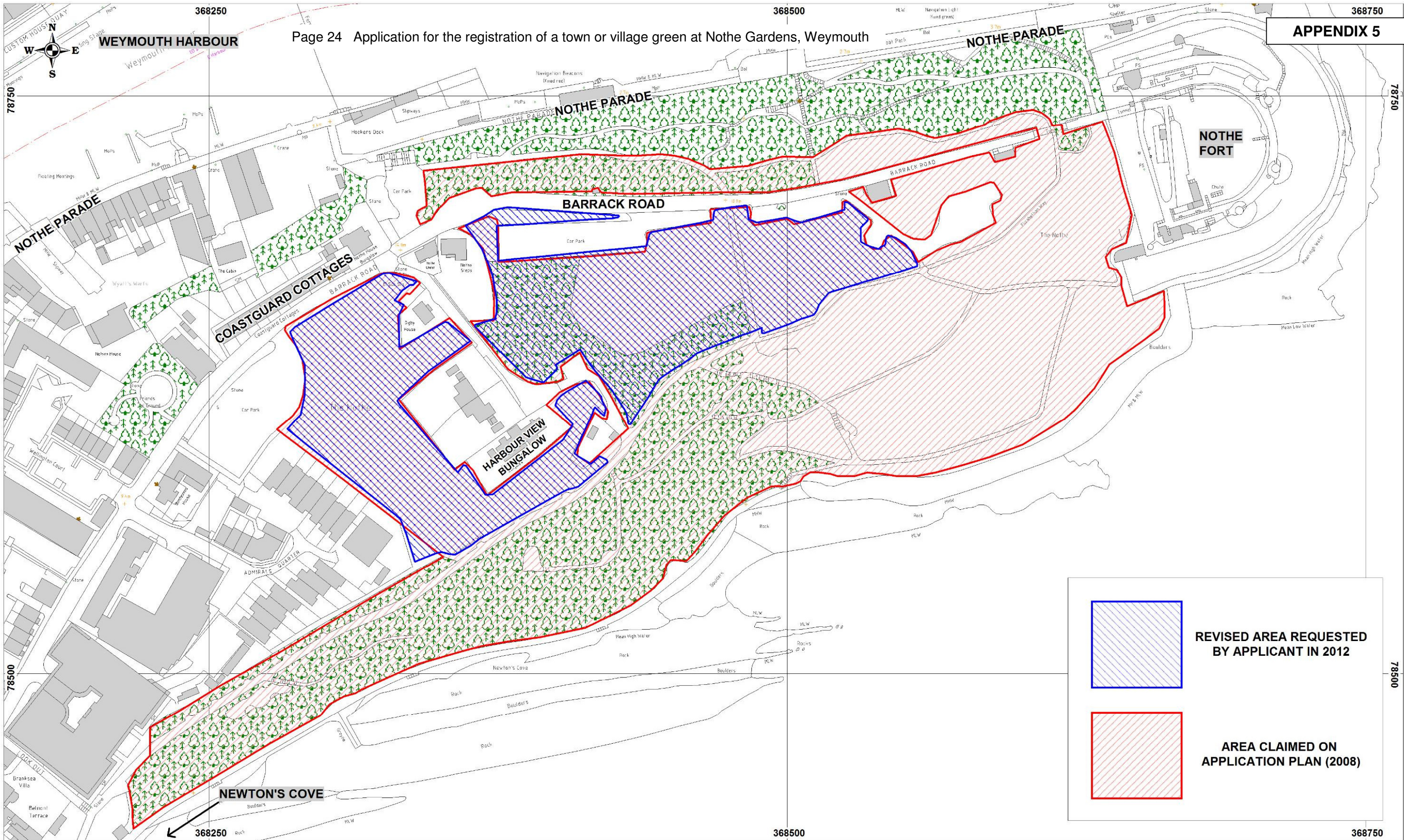
Lilly, D V	NO USAGE DATES SPECIFIED	
Lloyd-Worth, D		
Meatcher, M J		
Mignot, M		
Miller, D	NO USAGE DATES SPECIFIED	
Mitchell, J	STATEMENT SAYS 70+ YEARS	
Morris, A		
Nickell, M		LETTER ALSO STATES THAT USAGE CONTINUED THROUGH THE 1970S UNTIL 2007, BUT DATES NOT SPECIFIED
Pearce, W		
Penegar, P A	NO USAGE DATES SPECIFIED	
Penegar, R T	NO USAGE DATES SPECIFIED	
Piggott-Genge, V		
Prendergast, R M		
Priestley, K		
Readings, P		
Richardson, C		
Russell Stimpson, P		
Salvidge, J		
Sams, R F		
Spring, J G		
Staheli, P		
Staheli, R		
Steadman, M D		
Stimpson, P R		
Stroud, T G		
Thomas, B A		
Thomas, C		
Toloski, P R		
Toloski, R C		
Tutill, J		
Tutill, P		
Warwick, Mr		
Warwick, Mrs		
Webster, B		
Webster, F		
Webster, H		
Webster, K		
Webster, J		
White, W M	STATEMENT SAYS 50+ YEARS	
Wick, C		
Wick, G		
Wilks, K D		
Williams, J		
Wilson, J		STATEMENT SAYS 10+ YEARS
Wilson, R		STATEMENT SAYS 10+ YEARS
Winter, B		
Winter, G		
Winter, M		
Winter, T		
Wyrill, E J		

YEARS OF USE

1925	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------


Chart to show level of use





SECTION 15, COMMONS ACT 2006
APPLICATION FOR THE REGISTRATION OF LAND AS A TOWN OR VILLAGE GREEN
NOTHE GARDENS, WEYMOUTH

Ref: 17/09
Date: 07/06/2017
Scale 1:1500
Drawn By: EB
Cent X: 368464
Cent Y: 78608

GEOGRAPHICAL INFORMATION SYSTEMS

Dorset County Council
© Crown copyright and database rights 2017 Ordnance Survey 100019790. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form. Aerial Photography © UK Perspectives 2002 © Getmapping 2005, 2009 & 2014