

Commons Act 2006: Section 15

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

Official stamp of registration authority indicating valid date of receipt:

RECEIVED BY
LEGAL SERVICES

14 SEP 2016

Application number: 01 / 2016 / VG49

Register unit No(s):

VG number allocated at registration:

(CRA to complete only if application is successful)

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

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

1. Registration Authority

To the

VALE OF GLAMORGAN COUNCIL.

Note 1
Insert name of registration authority.

Note 2

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

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

2. Name and address of the applicant

Name:

Full postal address:

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:

Post code

Telephone number: (incl. national dialling code)

Fax number: (incl. national dialling code)

E-mail address:

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.

Note 4

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

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.

* 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.

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

Name by which usually known:

SULLY SPORTS FIELDS
SOUTH ROAD
Sully.

Location:

THE LAND IS LOCATED AT THE EASTERN PART OF THE VILLAGE, BOUNDED BY SOUTH ROAD, BEACH ROAD, THE REAR GARDENS OF CLEUDON AVENUE AND THE COASTLINE/BEACH TO THE SOUTH

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:

WITH THE COMMUNITY COUNCIL AREA OF SULLY AND LAVERNOK - PLEASE PLAN IN FILE 1 SECTION 4

Tick here if map attached: SEE SECTION 4 OF FILE NO 1.

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 to it to be clearly identified.

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

Note 6

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

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

Note 7

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

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

Please see attached justification section 2 = file No 1.

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).

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

- ① ST MODWEN DEVELOPMENTS LTD.
SIR STANLEY CLARKE HOUSE.
7 RIDGEWAY QUINTON BUSINESS PARK.
BIRMINGHAM B32 1AF.
- ② BARRY PLASTICS STORES & WETSURO LTD.
SOUTH ROAD
SULLY
- ③ SULLY & LAVERNOCK COMMUNITY COUNCIL
JUBILEE HALL, SMITHIES AVENUE SULLY.

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

[Empty box for voluntary registration declarations]

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).

10. Supporting documentation

- 1. OPEN SPACE EVIDENCE QUESTIONNAIRE (78)
- 2. PETITION SIGNED BY 200 PEOPLE SUPPORTING
- 3. PHOTOGRAPHS OF PEOPLE USING THE SAID LAND OVER THE YEARS.
- 4. AERIAL PHOTOGRAPHS OF THE LAND. [1950-2016]
- 5 O.S sheets

Note 10

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

Please use a separate sheet if necessary.

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

[Empty box for additional information]

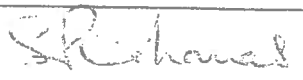

Note 12

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:

5th AUGUST 2016.

Signatures:

	CHAIRMAN SULLY, SULLY GROUP.
	CLERK - SULLY AND LAVERNOCK COMMUNITY COUNCIL.

REMINDER TO APPLICANT

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

Data Protection Act 1998

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

Statutory Declaration In Support

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

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

STEPHEN PALL THOMAS

I.....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) (~~have~~) signed the foregoing application)) (~~(the solicitor to (the applicant)~~ (³ one of the applicants)).

³ Insert name if applicable

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

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

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

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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

S. P. THOMAS

at 23 WINSFORD ROAD

SULLY

VALE OF GLAM

this 5th day of AUGUST 2016



Signature of Declarant

Before me * Layla S. ATTFIELD

Signature:



Address:

LAYLA ATTFIELD
SOLICITOR
23 WINSFORD ROAD
SULLY CF64 5SA
02920 530670

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



LAND LOCATED AT THE EASTERN PART OF THE VILLAGE OF SULLY BOUND BY BEACH ROAD AND
 BISHOP ROAD, THE DEED GRANTED BY CHILDERS AVENUE AND THE COASTLINE BEHIND THE MAIN ROAD

L. O'Connell

5th August 2016

Beach Road, Sully, Co. Wick

LAYLA ATTFIELD
 SOLICITOR
 23 WINSFORD ROAD
 SULLY CF64 5SA
 08920 530670

BP SPORTS FIELDS



Site Plan shows area bounded by: 316000.0, 167430.66 316500.0, 167930.65 (at a scale of 1:2500), OSG-GridRef: ST16256768. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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SECTION 7 JUSTIFICATIONS FOR THE APPLICATION

TO REGISTER THE LAND AS A TOWN OR VILLAGE

GREEN

This application is to register the area known as Sully Sports Fields –which is in the village of Sully within the Community Council area of Sully and Lavernock as outlined in red on the attached plan (Appendix A) it is made by reference to Section 15 of the Commons Act 2006, whereby land may qualify for registration as a town or village green where it has been used by a significant number of local residents for a period of more than 20 years, for lawful leisure, sports and pastimes.

Included in the application are signatures from resident's petition of Sully and surrounding localities, and together with Evidence Questionnaires which substantiate the claim that the land in question has been used freely, openly and unfettered for a period of over 20 year.

The land has open and free access and is bounded on its western side by the rear garden walls and fences of the residential properties in Clevedon Avenue , there are no fences to the southern boundary as this is open coastline thus access to the site is easily gained, the eastern boundary of the site there is a private caravan site which fenced for obvious reasons but part of this boundary runs alongside Beach Road a public highway and access can be gained from Beach Road on to the site. Access can also be gained from the northern boundary to the site. There are no notices on the site restricting access this is clearly stated in the witness statements. Again all these statements confirm that access on to the site has been readily gained the public footpaths, coastline, or through gardens that abut the site. No permission has ever been sought, or requested thus giving free and open access to those residents or other parties to use the land for leisure, sport, or other past times.

The site benefits from having seating benches that have been provided by the Sully and Lavernock Community Council sited around the field which are regularly used by the residents of Sully and visitors. Also along the perimeter of the field large stones have been erected with inset plaques depicting the history of the area.

There have been organised sports on part of these fields over the years, but these have not prevented the use of the site by the wider community freely for their own activities. The existing buildings have been party to various planning applications over the years mainly for the sports club , indoor bowling, out- door bowls, flood lights, and in 1993 for residential development which was refused by the Local Authority initially and turned down at appeal by the then Welsh Office.

Sully has a great deal of history going back to medieval times with its name likely to have come from Baron Reginald de Sully, one of the Twelve Knights of Glamorgan who was awarded the Manor around 1093 by The Conqueror of Glamorgan Sir Robert Fitzhagen probably under a charter from William II of England.

Sully in the 19th century was almost entirely agricultural and by the 1920's had a population of some 550 people since then the population has grown steadily over the last 40 – 50 years, and now stands at circa 5000. Following a recent successful planning application on land at Cog the village will grow even further with the development of 350 houses to be constructed which is likely to grow to 500 new homes in the future putting even greater pressure on the need to keep these playing fields/coastal belt sacrosanct. In the emerging Local Development Plan it states that the need for public open space will be provided, protected and enhanced to meet the need from additional demand.

The village benefits from having local convenience stores, post office, pharmacy, hair dressing salon, church and church hall and school. In addition to this the village also has successful activity clubs which has the Women's Institute, U3A with its associated clubs, gardening society and Youth Club , football club, rugby club , cricket club , The Welsh Government and the Vale of Glamorgan Council sets out in their document CREATING AN ACTIVE WALES that they wish to see more people taking part in physical activities this village asset clear helps to achieve this and the loss of this facility to the village would be catastrophic, the support in the village for this application has been paramount they have used this land as of right without challenge or permission for more than 20 years

Generations of families in Sully and surrounding area have used these fields for lawful sports and pastimes and leisure as of a right, these include:

- Walking
- Kite flying
- Picnics
- Dog Walking
- Jogging
- Black Berry Picking
- Fishing
- Archery
- Children playing
- Playing of sports such as tennis, swimming, football, cricket, rugby, bowls, nature watching,
- Camping
- Drawing and painting

These activities have been openly undertaken and totally unfettered even before the Sports Club House was constructed and have never been stopped or needed permission. This land is a major community asset and needs to be protected; for the benefit of the current residents' and the generations to come.

The Vale of Glamorgan Council clearly believes the environmental qualities of the Glamorgan Coast must be preserved and enhanced and land such as Sully Sports fields should be maintained. In the Vale's emerging Local Development Plan there is a section "Creating an Active Wales", this sets out the Welsh Government's plan and that of the Vale of Glamorgan to get more people engaged in regular physical activity, the loss of a community asset such as the Sports Fields flies in the face of such an excellent strategy.

These playing fields / coastal belt benefit not only from being an excellent sports and leisure asset, but also contain a wealth of fauna and flora. There are protected species living on this site, slow worms, adders; in addition to which there are birds on the RSPB RED AND AMBER watch lists that currently use this land, making use of the trees (TPO), hedgerows and grass. Bats are also seen regularly flying over the site. All this clearly aids the Vale of Glamorgan's Biodiversity Plan – which recognises the need to protect, conserve and enhance the land's biodiversity. The site benefits also from being part of this national coastal path system and outside the line of development. It is classified in the emerging Local Development Plan as Green Wedge, policy MG18 (6). This site is therefore even seen by the Local Authority as being important to its Environmental Policies together with the aims and objectives of its LDP.

There is an existing hybrid planning application (2015/00843/full) for a new single storey club house, gym/ retail, a 50 bay touring caravan site with associated shower and toilet block plus a development of 200 plus houses. The site is allocated in the existing Unitary Development plan as green wedge, playing fields, coastal belt, and is outside the settlement boundary of the village. The site is allocated in the Emerging Local Development Plan again as green wedge, coastal belt, playing fields. There has been several planning applications along Beach Road over the last 2 years or so for development but were refused on the basis that they did not comply to neither the UDP nor the emerging LDP.

As far as we have been able to ascertain no one has ever sought permission to use the land and this is clearly confirmed in the Evidence Questionnaires, as many of these residents go back to when Distillers Ltd owned the land

Clearly one can see from the comments written by the residents who have completed the open space forms of evidence this land has been at the heart of the village for a great deal of years certainly more than the 20 years that is required. It is one of the jewels of Sully's crown and should remain so. In addition the responses received to the village petition again shows that this land is of great importance to the village and should remain as a much needed and valuable open recreational space for the community at large.