

Meeting of:	Public Protection Licensing Committee
Date of Meeting:	Tuesday, 12 July 2022
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	Commons Act 2006 - Application to register land as town or village green – Land at The Butts, Cowbridge (known as the former Cowbridge Grammar School Cricket Field)
Purpose of Report:	To consider and determine the application to register the land known as the former Cowbridge Grammar School Cricket Field, The Butts, Cowbridge as a town or village Green
Report Owner:	Victoria Davidson, Operational Manager, Legal Services
Responsible Officer:	Jocelyn Ham, Senior Lawyer, Legal Services
Elected Member and Officer Consultation:	None
Policy Framework:	None
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The Vale of Glamorgan Council is the Commons Registration Authority for its administrative area for the purpose of exercising functions under the Commons Act 2006 (“the 2006 Act”). This function is the responsibility of Council and has been delegated to this Committee under the Council’s constitution. • In December 2014, an application was received by the Registration Authority to register an area of land known as the former Cowbridge Grammar School Cricket Field, The Butts, Cowbridge (“the Land”) as town or village green (“the Application”). • The Land is owned by Cowbridge Comprehensive School Trust and in that capacity the Trust submitted an objection to the Application. • A non-statutory public inquiry was convened for an independent Inspector to consider the Application and provide a recommendation to this Committee as to how the Application should be determined. • The Inspector has recommended that the Application be refused for the reasons set out in his Report (“the Inspector’s Report”) which is annexed to this Report. 	

Recommendation

1. To accept the conclusions and recommendations in the Inspector's Report and to determine that the Application to register the Land as a town or village green be refused because the Applicant has failed to satisfy the statutory tests under section 15(2) of the 2006 Act

Reason for Recommendation

1. In order for the Council as Commons Registration Authority to discharge its duty to determine the Application in accordance with the Act and the Commons (Registration of Town or Village Greens)(Interim Arrangements)(Wales) Regulations 2007.

1. Background

- 1.1 The Council initially received the Application to register the Land as a town or village green on the 14 December, 2014 from Dr. Anne Evans on behalf of the Friends of the Grammar School Cricket Field ("the Applicant").
- 1.2 A copy of the Application and plan is attached at Appendix 'A'.
- 1.3 The Application was advertised by the Council in its capacity as Commons Registration Authority and objected to by the Cowbridge Comprehensive School Trust in its capacity as owner of the Land (the Trust is referred to as "the Objector" in this report). The core objection was that any qualifying user of the Land was inevitably limited and insufficient to satisfy the threshold test under section 15(2) of the Act
- 1.4 On 3 October, 2017, the Public Protection Licensing Committee considered a report concerning the Application and determined that a non-statutory public inquiry should be held in order for the Council as Registration Authority to discharge its obligation to adopt a fair and transparent procedure and the determine the Application in accordance with the relevant legislation.
- 1.5 Mr James Marwick a barrister with experience of town and village green registration matters ("the Inspector"), was appointed to chair the non-statutory public inquiry and to produce a report with conclusions and recommendations concerning the Application.
- 1.6 The Applicant and the Objector were informed of the non-statutory public inquiry.
- 1.7 The inquiry had originally been intended to commence on 23 March, 2020 but this coincided with the onset of the COVID-19 Pandemic and the inquiry was adjourned pending further directions. Ultimately the inquiry was re-listed for a two-day inquiry on 15 to 16 February, 2022 at Cowbridge Town Hall close to the Land (with attendance and participation being hybrid in nature in that it was

available by remote means as well as in person). The Inspector undertook an accompanied site visit of the Land on 15 February, 2022 before the inquiry was formally opened in the afternoon.

- 1.8** The full report of the Inspector is attached at Appendix 'B'. The report sets out the law, the evidence heard, conclusions and recommendations.
- 1.9** The Inspector's Report has been circulated to the Applicant and Objector.
- 1.10** The Council cannot delegate the decision-making process to the Inspector as the decision is for the Council who in turn has delegated town or village green registration issues to this Committee.
- 1.11** It should be emphasised that the Inspector's recommendations are not binding on the Committee, and the Committee must consider the Inspector's Report and decide whether it agrees with the Inspector's conclusions on the key issues. However, should the Committee decide not to follow the Inspector's recommendations it would need to provide detailed reasons for not doing so.
- 1.12** The Registration Authority is required to either accept or reject the Application solely on the facts. Any other issues, including those of desirability or community needs, are not legally relevant and cannot be taken into consideration. Acceptance means the Land will be registered. Rejection means that no registration may take place. Under the current law, land can only have the legal status of a town or village green upon registration.
- 1.13** Members determining the Application have been provided access to respective parties' inquiry bundles including closing submissions of the Objector and Applicant.
- 1.14** In the Inspector's Report it is made clear that the burden of proof of satisfying each element of the statutory criteria rests with the Applicant.
- 1.15** The Application seeks the registration of the Land by virtue of the operation of section 15(2) of the 2006 Act. Under that provision, land is to be registered as a town or village green where:
 - 1.15.1** a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and
 - 1.15.2** they continue to do so at the time of the application.
- 1.16** The Inspector has indicated the following issues to be key in this case:
 - 16.1.1** whether a significant number of local inhabitants have indulged in lawful sports and pastimes during the relevant 20-year period; and
 - 16.1.2** whether the Land has been used "by right" that is with permission or "as of right".
- 1.17** It is confirmed in the Inspector's Report that there is no dispute with:

- 1.17.1** the relevant period in this case, the relevant period being 14 December 1994 to 14 December, 2014;
- 1.17.2** the locality being the area of land at The Butts, Cowbridge as shown on edged in red on the plan.
- 1.18** In producing the Inspector's Report, the Inspector considered with reference to relevant case law and the evidence submitted by both the Applicant and the Objector in written and oral form, the use of the Land "as of right" and the statutory compatibility of registering the Land as a town or village green.
- 1.19** Ultimately, the Inspector's Report finds that the Application falls fairly markedly short of the relevant threshold and his overall conclusion is set out in paragraph 107 and states:
- "My overall conclusion is the Application must fail because:
- (a) a significant number of local inhabitants have not indulged in lawful sports and pastimes during the relevant 20-year period and
- (b) user has been "by right" i.e. with permission rather than "as of right"
- 1.20** The Inspector therefore recommends that the Application be dismissed for the reasons set out in the Inspector's Report.

2. Key Issues for Consideration

- 2.1** The options available to the Committee are:
- 2.1.1** Accept the recommendations in the Inspector's Report and refuse the Application; or
- 2.1.2** Not accept the Inspector's recommendations and grant the Application in full or in part and register the Land as a town or village green.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Council as Commons Registration Authority is under a duty to maintain a register of town or village greens and to consider any applications to register land as town or village green independently.
- 3.2** It is a matter for this Committee exercising its delegated powers to make arrangements for the discharge of the statutory registration functions of the Council.
- 3.3** This is a matter reserved for decision by this Committee under the Council's constitution and subject to the procedure set out in the relevant legislation.

4. Climate Change and Nature Implications

4.1 None.

5. Resources and Legal Considerations

Financial

- 5.1** Registration of a new town or village green is a corporate function and the cost of the Inquiry has been met from within the existing Legal Services budget.
- 5.2** Members should note that if an interested party challenges the Committee's decision legal costs, which could be significant, may be incurred by the Council.

Employment

5.3 None.

Legal (Including Equalities)

- 5.4** The Application has been made under section 15(2) of the 2006 Act and must be considered by the Council in its capacity of Commons Registration Authority under the 2006 Act.
- 5.5** The Application has previously been processed under the procedure set out in the Commons (Registration of Town or Village Green) (Interim Arrangements) Wales) (Regulations 2007).
- 5.6** The Council in its capacity as the Commons Registration Authority must keep a register a town or village green. This is a Council (statutory registration) function which has been delegated to this Committee as set out in the Council's constitution and in accordance with Schedule 1, Regulation 33 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007.
- 5.7** There is no right of appeal against the Council's decision but interested parties could challenge the decision by applying for Judicial Review. A failure to determine the application in accordance with the law or at all will leave the Council exposed to a Judicial Review or a claim of maladministration by the Public Service Ombudsman for Wales.

6. Background Papers

Appendix A – Application

- (i) Application dated 14.12.14
- (ii) OS map showing boundaries of land subject to application
- (iii) OS map showing boundaries of locality
- (iv) Photograph dated 03.12.15 showing path across the land
- (v) Photograph dated 18.10.14 showing use made of the land
- (vi) Plan showing location of each statement provider's address
- (vii) Statements on which the applicants rely
- (viii) Timeline showing period covered by each statement.

Appendix B – Inspector's Report

Commons Act 2006: Section 15

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

Official stamp of registration authority indicating valid date of receipt:



Application number:

1 / 2014

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.

Note 1

Insert name of registration authority.

1. Registration Authority

To the

VALE OF GLAMORGAN COUNCIL

Note 2

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

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

Note 3

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

2. Name and address of the applicant

Name:

Full postal address:

Postcode

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

3. Name and address of solicitor, if any

Name:

Firm:

Full postal address:

Post code

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

Note 4

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

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

4. Basis of application for registration and qualifying criteria

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

Application made under **section 15(8)**:

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

Section 15(2) applies:

Section 15(3) applies:

Section 15(4) applies:

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

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

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

Name by which usually known:

THE CRICKET FIELD, COWBRIDGE

Location:

THE BUTTS
COWBRIDGE
CF71 7AP

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:

COWBRIDGE WITH LLANBLETHIAN

Tick here if map attached:

Note 5

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

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

Note 6

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

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

Note 7

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

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

SEE ATTACHED SHEET

Note 8

Please use a separate sheet if necessary.

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

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

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

Note 9

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

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

Note 10

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

Please use a separate sheet if necessary.

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

COWBRIDGE COMPREHENSIVE SCHOOL TRUST
 C/O GILDARDS
 DUMFRIES HOUSE
 DUMFRIES PLACE
 CARDIFF
 CF10 3ZF

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

10. Supporting documentation

1 MAP SHOWING LOCATION OF THE LAND

2. WITNESS STATEMENTS OF:

D + M JAMES	S. LOWE	T. LEEKE	H. PAINTER
K. M. ANDREWS	A. EDEGORTH	H. J. OAKLEY	C. A. DAVID
R. MCCULLOCH	H. MAY	J. BIRD	
G. BROWN	S. A. PRICE	M. J. CLAY	
D. B. WEBB	T. MAY	C. HOPWOOD	
B. HAWKRIDGE	R. + J. PARSONS	C. SHORT	
M. + R. COE	P. S. YOUNG	B. DAVID	
A. J. BRIGHAM	D. NEXLEY	D. SLOMAN	
J. MUNDAY			

Note 11

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

Note 12

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

11. Any other information relating to the application

Date:

14. 12. 2014,

Signatures:

Ane Evans

CHAIRMAN OF THE

FRIENDS OF COWBRIDGE
CRICKET FIELD).**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.

Section 2 – Names and Addresses of applicants

Friends of the Grammar School Cricket Field (an unincorporated body)

Dr Anne Evans
6 The Verlands
Cowbridge
CF71 7BY

Mrs Barbara Davies
8 The Verlands
Cowbridge
CF71 7BY

Mr Randolph Phillips
4 The Verlands
Cowbridge
CF71 7BY

Mr Conrad Williams
20 The Verlands
Cowbridge
CF71 7BY

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

In mediaeval times the land now known as the Cricket Field, Cowbridge lay just outside the walls of the town and its South Gate, the remains of which are still present today. In the 19th and 20th centuries development along the north side of Town Mill Road, which runs south from the South Gate, came to define its southern boundary, and most recently the development known as the Verlands came to form its western boundary. On its eastern side the Cricket Field is separated by a low wall and/or hedge from the road known as The Butts and the Cowbridge Cattle Market site. On its northern side, a similar boundary separates it from further open land in the ownership of the Vale of Glamorgan Council known as the Police Fields. Further development also took place in the 19th and 20th centuries to the east and north of the Police Fields, and plans have recently been put forward to change a large area of further land to the north of them to residential and associated use.

The Cricket Field therefore forms part of a green area within the neighbourhood of Cowbridge with Llanblethian, and the ability of people in the neighbourhood to continue using it for sports and lawful pastimes is important now, and may be of increasing importance in the future if Cowbridge expands. It falls within the Cowbridge Conservation area, the Appraisal and Management Plan for which categorises it as an Area of Important Open Space (Policy Env 9), and states that incidental green and open spaces within the Conservation Area are of great value in defining the special character and setting of the Area. It goes on to state that the Cricket Field is of great importance in providing separation between the old town and the modern suburban development of the Verlands.

In addition to its use as a playing field by Cowbridge Comprehensive School up until July 2011, the Cricket Field has been used by people in the neighbourhood for many more than twenty years for a multitude of lawful sports and pastimes. This continues to be the case. Cowbridge Comprehensive School also used the Police Fields as playing fields up to July 2011, subsequent to which it began to use the new playing fields forming part of the redeveloped school site in Aberthin Road, Cowbridge. When the Police Fields ceased to be so used, the Vale of Glamorgan Council

transferred responsibility for that land from its Directorate of Learning to its Parks & Grounds Maintenance division. Before doing so it noted that:

“Although the land.....has been used primarily as school playing fields, for many years local sports clubs and the community have also made use of this land”

The same was, and remains, true of the Cricket Field.

The nature and duration of its use by members of the community, and the fact that such use has taken place as of right, is evidenced in the witness statements which accompany this application. It ranges widely, from playing and practising for games of cricket, rugby and soccer, through activities of community organisations such as the Scouts, Cubs and Guides, to group activities such as Nordic walking and post-natal fitness classes, and to individual and family activities such as dog walking, picnics, bird-watching, and flying model aeroplanes.

The way in which the Cricket Field, which is not crossed by any public right of way, has been and continues to be used meets the criteria set out in section 15,2 of the Commons Act 2006. Recognition of its status as a Town Green would recognise the legitimate interests of members of the community in continuing to undertake such activities, which require it to remain as a publicly accessible open space in the future.

Statutory Declaration In Support

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

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

I, ANNE EVANS.....,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.

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

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

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

Cont/

⁴ Continued

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

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

Declared by the said ANNE EVANS.)
)
)
at 6. THE VERLANDS)
)
)
at COWBRIDGE)
)
)
CF71 7BY)
)
)
this 14th day of December.)


Signature of Declarant

Before me *

Signature: 
GERALD JONES

Address: HUGH JAMES, HODGE HOUSE,
114-116 ST MARY STREET,
CARDIFF CF10 1DY

Qualification: SOLICITOR

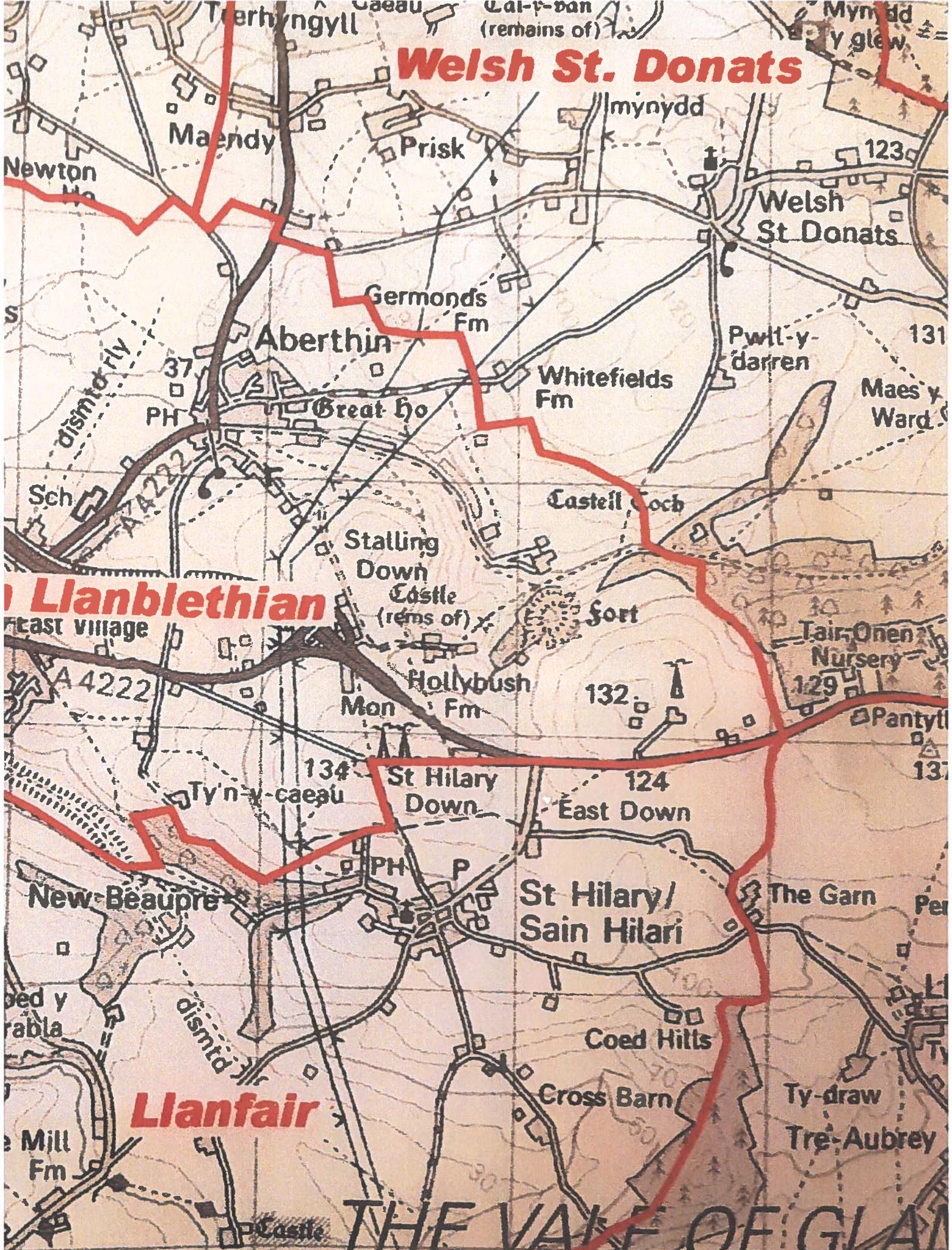
* The statutory declaration must be made before a justice of the peace, practising solicitor, commissioner for oaths or notary public.

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

Welsh St. Donats



Llanblethian

Llanfair

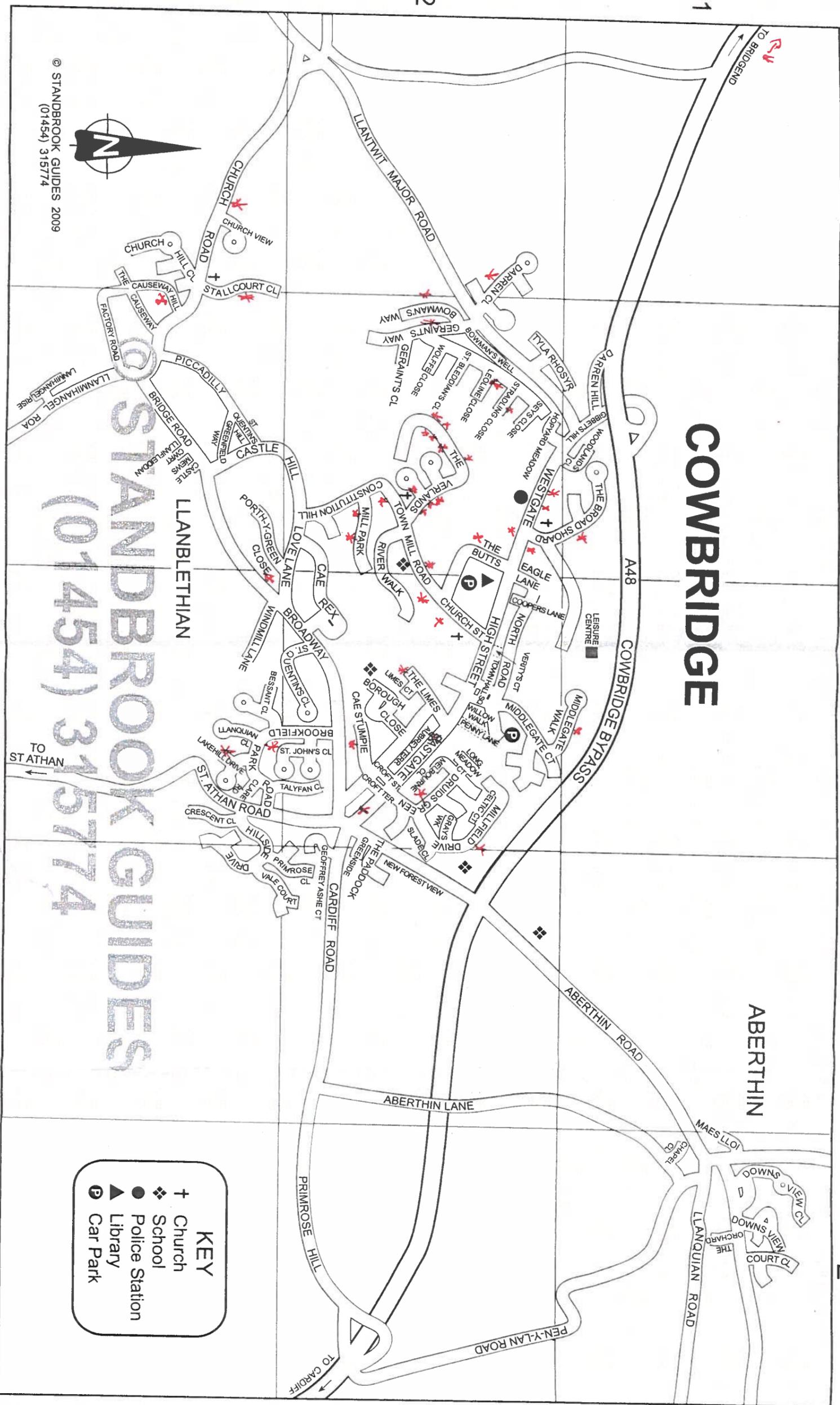
THE VALE OF GLAMORGAN

3.12.13



18.10.14





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(01454) 315774



* = address of statement provided

STANDBROOK GUIDES
(01454) 315774

- KEY**
- + Church
 - ◆ School
 - Police Station
 - ▲ Library
 - Ⓟ Car Park

The Cricket Field, Cowbridge

Statements on which the Applicants rely:

Jeffrey Bird	September 25 th 2014
Nick Exley	November 5 th 2014
Robert and Jackie Parsons	November 5 th 2014
Gareth Brown	November 6 th 2014
Doug and Mair James	November 13 th 2014
Michael Clay	November 14 th 2014
Patricia Young	November 16 th 2014
Matthew and Rachel Cole	November 18 th 2014
Barbara Hawkrigde	November 19 th 2014
Alan Brigham	November 23 rd 2014
Jason Munday	November 23 rd 2014
Sarah Lowe	November 23 rd 2014
K Andrews	November 24 th 2014
Adrian Edgeworth	November 24 th 2014
Sarah Price	November 24 th 2014
Diana Sloman	November 25 th 2014
Robert McCulloch	November 29 th 2014
Chris Short	December 1 st 2014
Mr Leeke	December 4 th 2014
Barbara Davies	December 6 th 2014
Colin Hopwood	December 13 th 2014
Haydn Painter	December 13 th 2014
Carol Davies	December 13 th 2014
David Webb	December 16 th 2014
Helen and Timothy May	Undated
John Oakly	Undated

Roger Milton	April 28 th 2016
Andy Phillips	April 28 th 2016
Hubert Davey	April 28 th 2016
Arno Friel	May 3 rd 2016
Susan Knight	May 4 th 2016
N.E Williams	May 5 th 2016
Eluned Moran	May 5 th 2016
Pamela Post	May 5 th 2016
● Leonard Taylor	May 5 th 2016
David Jones	May 9 th 2016
Betty Alden	May 11 th 2016
Kate Isles	May 12 th 2016
Matthew Anderson	May 13 th 2016
Lynette Foulkes	May 15 th 2016
Lucy Owen	May 19 th 2016
Kay Jones	May 24 th 2016
Andrew Banks	February 14 th 2017
● Jeff Pryce	Undated

6 Eastgate, Cowbridge, CF71 7DG

To whom it may concern

The open space commonly known as the 'Old School Field' has been used by local people for a number of activities since my family moved to a house overlooking the field in 1962.

Games of all kinds both formal and informal have been played there.

To my certain knowledge the Cowbridge Cricket Club have used the field for matches and practice since my own playing career began in 1972. I have been a member of the club's committee since 1980 and cannot recall any discussion of any formal arrangement being made with any organisation.

Dog walking, picnics and casual kick about football have all been observed on a regular basis.



Jeffrey Bird

25th September 2014

Nick Exley

Glanrhyd

Causeway Hill

Llanblethian

Cowbridge

Vale of Glamorgan. CF717HZ

STATEMENT OF NICK EXLEY

1. I Nick Exley have lived at the above address for 10 years, and previously in Llanblethian for 8 years. I am currently 54 years of age
2. The Cricket field has been used by the general public to my knowledge since 1995 for sports and recreational activities. It also has a footpath running through it exiting via a stile on to the road by the Cattle Market.
3. As a Cub Scout leader for 8 years, the whole of the Cricket field has been used for outdoor activities between 2002- 2010.
4. No permission was required or sought to use the Cricket field.
5. It is my opinion the Cricket Field, Cowbridge qualifies for registration as a Town Green under the s. 15 Commons Act 2006, and should be so registered by the Registration Authority

I believe that the facts set out in this Witness Statement are true.



Signed

Nick Exley

Dated: 5th November 2014

In the matter of s.15 Commons Act 2006

The Cricket Field, Cowbridge

STATEMENT OF ROBERT & JACI PARSONS

12 Mill Park
Cowbridge
Vale of Glamorgan
CF71 7BG

We have lived in the area since 1967. 30 years at the present address and before that in the Broad Shoard, Cowbridge and in Aberthin. We are 71 and 70 years of age.

During those years we have regularly walked the field and taken much pleasure in watching various groups of youngsters playing in formal and informal ways and thoroughly enjoying themselves.

Our own family firstly children and then grandchildren, have used the field for walks, games and picnics etc. We also use it at least twice a day, right throughout the year, for walking our dog that loves to tear across the field to socialise with the other dogs and their owners.

We have always understood the Cricket Field to be a public space. There has never been a notice to say otherwise, have never had to seek permission to use it and would very much miss this facility if it were to disappear.

In view of the above we believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

We believe that the facts set out in this Witness statement are true.

Signed.....
Robert Parsons

Date.....5.11.2014.....

Signed.....Jaci Parsons.....
Jaci Parsons

Date.....5.11.2014.....

In the Matter of s.15 Commons Act 2006

The Cricket Field, Cowbridge

True Statement of, Gareth Brown
49 The Verlands,
Cowbridge,
Vale of Glamorgan,
CF717by.

My family and I, ranging from 40 to 3 years of age, moved to the above address in 2006, and have enjoyed the area for the past 8 years.

The Cricket field has been widely used by many groups and ourselves. I have watched numerous games of Rugby, both junior and senior and enjoyed the Cricket matches held during the summer. I also regularly see young children partaking in a number of sporting activities through various clubs. Us as a family have spent a good deal of time on the fields. This has been with groups, such as the Scouts, that my son attended and as a family we have played football, cricket, walking and my youngest daughter learnt to ride a bike there. We have held summer picnics for school friends and family that have been enjoyed by all. On a daily basis I have walked both my current dog and the previous one around the field, and met many others doing the same, stopping for a quick chat.

I have never asked permission for any of my visits to the field and have never thought it necessary. There are very few usable open green spaces in Cowbridge and I would hope that the fields I have and continue to use will stay for many years, and in view of the above I would request that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

Gareth Brown



06/11/2014

44 The Verlands,
Cowbridge,
Vale of Glam.
CF71 7BY
13th Nov 2014.

Re: School Cricket Field, Cowbridge.

Dear Sir/Madam

- 1) We have lived at the above address for 32 years and prior to that at 4 The Verlands for 7 years.
- 2) During the above period, the playing field behind The Verlands has been used by :-
 - a) the school for all sorts of activities.
 - b) members of the public for walking, jogging and exercising their dogs.
 - c) generations of Cowbridge children and local community groups for leisure activities.
- 3) During the 39 years we have lived in Cowbridge, our children used the field as a safe environment in which to play. Also, over the years, we have used it as a "short cut" to the centre of town to avoid the traffic on Town Mill Road.
- 4) The above has been accepted practice for at least 39 years.
- 5) In view of the above, we believe that the ex-school Cricket Field behind The Verlands, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and so should be so registered by the Registration Authority.
- 6) We believe that the facts set out above are true.


Doug and Maij James

In the Matter of s.15 Commons Act 2006.

The Cricket Field, Cowbridge.

Statement of Michael John Clay.

I, Michael John Clay, of Butts Cottages, The Butts, Cowbridge have lived at Butts Cottages, The Butts, Cowbridge since January, 2014. Prior to that I had lived at Llwynhelig House, Cowbridge

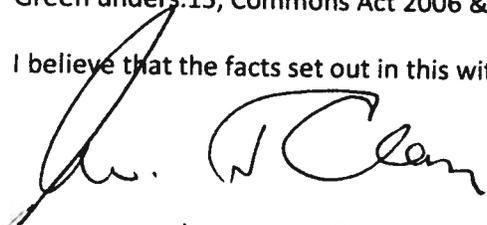
Until, approximately six years ago, the principal use of the Cricket Field was for the pupils of the Grammar School & latterly for the Cowbridge Comprehensive School. The field was used by private individuals for cricket matches from time to time during which a fee was paid for these occasions. I, personally, have played in cricket matches on the field. I am not aware that any formal games were played on the field without permission from the schools.

I do not believe that there has ever been any notice or other indication to use the field.

I have used the field for walking my dog. Sometimes I have used the field for walking my dog. On other occasions I have used the public footpath.

In view of the above I believe that the Cricket Field, Cowbridge, qualifies as a Green under s.15, Commons Act 2006 & should be so registered by the F

I believe that the facts set out in this witness statement are true.


14th November, 2014

The Cricket Field, Cowbridge.

Statement Of:-

Patricia Young,
Dynevor,
Town Mill Road,
Cowbridge.
CF71 7BE

I have lived at the above address since 1991. During the twenty-three year period that I have lived at the above address, the Cricket Field has been used for various recreational purposes, by all ages of Cowbridge residents. The population of Cowbridge continually use the field as a pleasant access to other areas of Cowbridge such as, the High Street, local schools and churches.

My own children have played football and cricket, or generally run around having fun in the field; and this benefitted them greatly in the way of fresh air and exercise. As teenagers, they would meet up with friends there and the field gave them a pleasant area to sit on the grass and socialize.

Living on my own now, I look forward to walking my dogs in the Cricket Field and I know the dogs enjoy the freedom of off lead exercise running after the balls I throw. I find the fields a source of relaxation where I can observe and appreciate what nature has to offer, like the changing of the seasons. I also meet many people on my walks and we stop to chat and pass the time of day. This I know I could not do whilst walking in the town, as pavements and roads are not the places to stop and converse as it leads to congestion, especially with dogs in tow.

I have never been aware that I would need permission, or seen notification indicating that permission is required to use the Cricket field; hence, I have not ever asked for permission.

I know that I, and my acquaintances and friends would find it a huge relief to know, that we can continue to enjoy the Cricket Field, and to feel secure in the knowledge that future generations can use and appreciate it too.

In view of the above, I believe that the Cricket field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006. and should be so registered by the Registration Authority.

I believe that the facts set out in this Witness Statement are true.

Signed, *P. S. Young.*

Patricia Young

Date. *16th November 2014.*

In the matter of s.15 Commons Act 2006

The Cricket Field, Cowbridge

Statement of Mr Matthew Coe and Mrs Rachel Coe of 10 The Verlands, Cowbridge, CF7 1 7BY

1. We have lived at the above address since May 2004, having previously lived at 31 Hillside Drive, Cowbridge since July 1998.
2. During that time we and our family have lived in Cowbridge, to our knowledge the Cricket Field has been used for the following activities:
 - General recreation including walking, dog walking, picnics, kite flying, socialising etc
 - By Cowbridge Town FC for children's and youth football training and matches
 - By Cowbridge Cricket Club for practice and matches (there is an all-weather wicket situated in the centre of the Cricket Field)
 - By Cowbridge Rugby Club for children's and youth rugby training and matches
 - By the Scouts, Cubs and Beavers for outdoor games, camping and firework displays
 - As a footpath and thoroughfare between Geraints Way and The Verlands and the town centre and cattle market
3. Since we have lived in The Verlands, we have personally used the Cricket Field:
 - For general recreation – walking, dog walking, picnics, kite flying, snowball fights
 - As part of the activities of the Beavers
 - As a footpath and general thoroughfare between the Verlands and the town centre
 - To teach our children to ride a bicycle
 - To play a number of games including football, rugby, cricket, baseball, running, tennis etc
4. Since we have been using the Cricket Field we have never been required to obtain permission from anyone to use the Cricket Field. There have been, and are, no signs on the Cricket Field itself requiring us to obtain any permission. Whilst there have been articles in the local media regarding the ownership and future use of the Cricket Field, to our knowledge no notices have been posted in the local papers requiring any such permission to be obtained from the owners.
5. We have used the whole field and not just the various paths across it, to walk our dog and for our other activities.
6. In view of the above we believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registrations Authority.
7. We believe that the facts set out in this Witness Statement are true.

Signed 

Dated 18/11/14

Signed 

Dated 18/11/14

In the Matter of S.15 Commons Act 20

The Cricket Field Cowbridge

STATE MENT OF MRS BARBARA HAWKRIDGE

Mrs Barbara Hawkridge

51 The Verlands

Cowbridge

CF71 7BY

I have lived at the above address since 2006. Previously I lived in Brookfield Park for seven years between 1985 and 1992. My age now is 61.

During my period in Brookfield Park my son enjoyed weekly football training sessions on the cricket field.

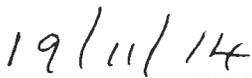
From 2006 I have spent many hours exercising and training my dog.

My understanding is that the field is there for public use and at no time have I felt that permission has been required to do so.

In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

I believe that the facts set out in this Witness Statement are true.

Signed.....

Dated.....

In the Matter of s.15 Commons Act 2006

The Cricket Field, Cowbridge

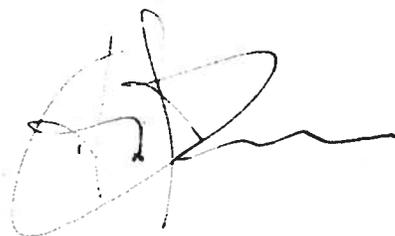
STATEMENT OF ALAN JACKSON BRIGHAM

Alan Jackson Brigham of 40 The Verlands, Cowbridge, CF71 7BY will say:

1. I have lived at the above Address since 15 April 1981. My age is 73
2. The field has been used by the school for cricket, hockey, athletics
Also used by Cubs & Scouts. Also used by individual families for sports practice/fun, ie running, javelin throwing, football/cricket/rounders
Also used by Vale Council for holiday games for young children
Also used by runners. Around the field and adjacent rugby field
Teenagers are often seen in groups in the summer, just enjoying meeting in a safe environment
Dog walkers (who always clear away any dog mess). A safe wide area to train dogs
Used regularly by "Nordic walkers"
3. I and my family use this field both as a pleasant walk to/from town/home. Always uplifting, particularly the views of Mount Ida or Primrose Hill. Also used for exercising dog and ourselves.
4. I and family have never needed permission to use the field. We have often been there when in use by the school or cricket club. Whilst obviously keeping out of the way, have often stopped to talk with teachers. We have never seen any notices or other indication that permission was required, and nothing has been said by the teachers
5. When dog walking, I have used all parts of the field, without restriction.
6. In view of the above, I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

Signed
Alan Jackson Brigham
Dated

23.11.2014



In the Matter of s.15 Commons Act 2006
The Cricket Field, Cowbridge

STATEMENT OF

Jason Munday
1 Loeline Close,
Cowbridge CF71 7BU

I have lived at the above address since December 2009 I am 44 years old.

My wife and I regularly use the cricket field to walk our dogs.

We have never obtained permission to use the field as we assumed it to be council owned land.

The field is regularly used by the public as it can be accessed from the rugby field, the cattle market and the stile at the corner near the physic garden.

There are no signs to say that permission is needed to use the field.

I mainly use the field to walk dogs and in this respect we use the whole of the field.

In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s. 15 Commons Act 2006, and should be so registered by the Registration Authority.

I believe that the facts set out in this Witness Statement are true.

Signed... *J.P. Munday*
Jason Munday

Dated... *23 Nov 2014*

In the Matter of s.15 Commons Act 2006
The Cricket Field, Cowbridge

STATEMENT OF

Sarah Lowe
1 Loeline Close,
Cowbridge CF71 7BU

I have lived at the above address since December 2009 I am 44 years old.

My husband and I regularly use the cricket field to walk our dogs.

We have never obtained permission to use the field as we assumed it to be council owned land.

The field is regularly used by the public as it can be accessed from the rugby field, the cattle market and the stile at the corner near the physic garden.

There are no signs to say that permission is needed to use the field.

I mainly use the field to walk dogs and in this respect we use the whole of the field.

In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s. 15 Commons Act 2006, and should be so registered by the Registration Authority.

I believe that the facts set out in this Witness Statement are true.

Signed..........
Sarah Lowe

Dated.....23.11.14.....

In the matter of s.15 Commons Act 2006

The Cricket Field, Cowbridge

Statement of Mrs K M Andrews

Of 13 Darren Close, Cowbridge, Vale of Glamorgan, CF71 7DE

With regard to the above field, I have lived in Cowbridge since 1979 and have always regarded this area as an area for general use by local residents. I have always had dogs and have used this field as an area for walking my dog, meeting people and getting to and from Cowbridge to my home. I have also seen the field used for cricket and for children to play football at the weekend, there is also a seat in the field which is frequently used. Entry to the field is via a stile and there is also open access from the market area. I have never had to obtain permission from anyone in order to use the field and I have never seen any notice or any other indication that permission is required.

In view of the above, I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006 and should be so registered by the Registration Authority.

I believe that the facts set out in the Witness Statement are true.

Signed:.....*K M Andrews*.....
K M Andrews

Dated:.....*24 - 11 - 14*.....

The Cricket field, Cowbridge

Statement of Adrian Edgeworth Aged 54

28 Geraints way

Cowbridge

CF717AY

I have lived at the above address for 22years and previously lived at

7 Claire drive

Brookfield park

Cowbridge

From 1968-1976

When i attended Cowbridge Grammer school i used to use the cricket field with many of my friends for cricket practice in the evenings.

Recently i have used the field for sprint training with my daughter and also cricket practice with my son.

I was not aware of any restrictions on the public for using this field.

In view of the above i believe that the cricket field, Cowbridge qualifies for registration as a Town green under s 15 Commons act 2006 and should be so registered by the registration authority

Signed: 

Dated: 24/11/14.

Orchard House,
78 Broadway,
Cowbridge,
Vale of Glamorgan
CF71 7EY

In the Matter of s.15 Commons Act 2006

The Cricket Field, Cowbridge

Statement of Sarah Price

Mrs. Sarah Price has lived at the above address for 32 years. Prior to that she lived in The Limes, Cowbridge. Before getting married, she lived at West Winds, Love Lane, Llanblethian with her parents and brother. She has lived in Cowbridge for 48 years.

The Cricket Field has provided a welcome retreat near the centre of Cowbridge for all ages of the community throughout my life in Cowbridge. It has been a place where a fractious baby can be lulled to sleep by being wheeled round the perimeter in a buggy, toddlers are free to kick a ball about, away from the bustling traffic of the High Street and older children can master the finer techniques of cricket, rugby or football, before joining the more senior teams in the town.

It is also a place for all of us to try and maintain steady and regular exercise – be it the joggers, walkers (with or without dogs), or those with limited mobility. On my regular visits with my grandson and my dog, I have met several people tentatively re-finding their feet with new bionic hips. It is a safe venue where you will not be mown down by skateboarders, scooters or bikers.

It is a rare area of flat land within the locality, where visibility is clear and thus neither the young nor the not-so-young should ever feel vulnerable.

During my time living in Cowbridge, I cannot recall there ever having been a notice requesting permission needing to be gained to access the area.

In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

I believe that the facts set out in this Witness Statement are true.

Signed.....  Dated..... 24/4/14

39 Druids Green
Cowbridge
CF717BP.

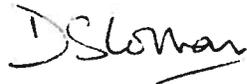
25 November 2014.

To Whom it may concern,

My name is Diana Sloman. I have lived in Cowbridge since 1973, originally in Geraints Close My family - my mother, husband and three girls, have made use of The Grammer School field over the years from dog walking to playing games, picnics to organised games. As I walk my dog I see the field being used regularly by children of all ages, and feel that as the sports ground attached to the Comprehensive School is not open for public use that this area is more important than ever.

Also, Twt Park is very over-used and caters mainly for under 10's. Equipment designed for the more older children is greatly needed – skateboarding is not for everyone – The GrammerSchool field would be ideal to provide this.

Diana Sloman.

A handwritten signature in cursive script that reads "D Sloman". The signature is written in dark ink and is positioned to the right of the typed name "Diana Sloman".

In the Matter of s.15 Commons Act 2006

The Cricket Field, Cowbridge

STATEMENT OF MR ROBERT McCULLOCH

29th November 2014

Mr Robert McCulloch
36 The Broadshoard
Cowbridge
CF71 7DB

I am aged 60 and have lived in Cowbridge all my adult life. I moved to Cowbridge with my parents at the age of 16 in 1970 and attended Cowbridge Grammar School (1965 on) from the age of 11. I lived in Cae Rex with my parents before buying my own house in Druids Green, moving to Brookfield Park and then on to The Broadshoard.

I had 2 sons who attended the Cowbridge Schools. Although my sons used the field during school hours, they used it more outside school hours for recreational rugby, cricket and soccer with the local teams for training and matches.

I have also observed the field being used for other activities such as picnics, fitness classes, nordic walking, dog walking and training, parents playing with their young children etc. etc.

I myself use the field for walking and exercising my dog as my father did in his day. I also have used the field as an access route for The Verlands where I have had friends living at different times of my life.

On no occasion in my time in Cowbridge have I been asked for or been required to seek permission to use the field and my understanding is that the field is there for public use.

In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

I believe that the facts set out in this Witness Statement are true.

Signed..... *RMM^clll*

Dated..... *29th November 2014.*

Re: The Cricket Field, Cambridge.

25 The Vetches

Cambridge

CF71 7BY

Statement of Dr Chris Short.

I have lived at the above address for 8 years.

During that period, the Cricket Field has been used for organised and informal leisure pursuits.

My family and I have used the Field constantly throughout that time, for dog walking, football and cricket practice. I was also likely to attend a large barbecue there (informally organised) this summer.

My understanding is that no permission was required for these activities, and no indication has ever been given that permission was needed. We have used the whole field for these purposes.

In view of the above, I believe that the Cricket Field, Cambridge qualifies for registration as a Town Green under

registered by the Registrar Authority .

Signed : Chak .

Dated : 1.12.14

14 The Verlands,
Cowbridge
CF71 7BY.

To Whom it May Concern

I have lived at the above address with my wife and two young children for the past nine years (ages - 4, 3, 5 and 3).

The Cricket Field has been used during that period by Cricket and football clubs for matches and training sessions.

As a family, we use the Cricket field to play ball games, have picnics, learn to ride scooters and as a 'short-cut' to walk to the centre of Cowbridge safely. There has never been any notice or other indication that permission is required to use this field.

In view of the above, I believe that the Cricket field, Cowbridge qualifies for registration as a Town Green under the 1955 Commons Act 2006, and should be so registered by the Registration Authority.

In the Matter of s.15 Commons Act 2006

The Cricket Field, Cowbridge.

Statement of:- Barbara Davies, 8, The Verlands, Cowbridge. Born 1935.

1. I have lived at the above address for over nine years and before that at five other properties in Cowbridge, namely St. Crispin, Eastgate, Broadway Villas, Holmesdale, Broadway, Croft Terrace and Arfryn Farm, Primrose Hill, the latter for nearly thirty years.
2. During almost the whole of my life here the Cricket field has been in use by the public in addition to the School's use, for a variety of activities. These include dog walking, impromptu games of football, rugby and cricket and individuals practising on their own to help hone their skills. It has also been used by groups such as the Boy Scouts, Joggers, Nordic walkers and Aerobics by young mothers.
3. Both my brothers were Grammar school boys and used the field both officially and unofficially during their time here. The same applies to my two step-sons.
4. I have never asked permission of anyone to use the field and know of no one else who has done so.
5. I have used the field to exercise my dogs and have always used the entire field.
6. In view of the above, I believe that the Cricket field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006 and should be registered by the Registration Authority.

Signed Barbara M Davies

Barbara Davies.

Date 6.12.2014

25 Town Mill Road
Cowbridge
CF71 7BE

Witness Statement of Colin Hopwood

The Cricket Field, Cowbridge

1. I have lived in Cowbridge for twenty years, and during that time I have walked my dog on the Cricket Field most days.
2. When I do so, it is rare for me not to see other members of the public using the field at the same time. As a dog-owner myself, I know most of the other dog-owners in the area and I would say that all of them use the Cricket Field regularly in the same way as I do.
3. I have never understood that it was necessary to seek permission before walking with my dog on the Cricket Field, and I have never sought permission before doing so.
4. I believe that the facts set out in this witness statement are true.

Signed.....

Colin Hopwood

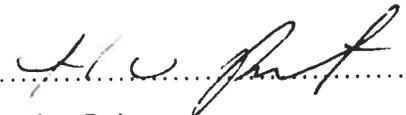
Dated.....13/12/14.....

33 Cae Stumpie
Cowbridge
CF71 7DL

Witness Statement of Hayden Painter

The Cricket Field, Cowbridge

1. I have spent my life in Cowbridge, and I have played cricket on the Cricket Field over more than fifty years.
2. Most recently I have done so whilst playing for the Edmondes Arms Cricket Club, which was started over 30 years ago. Its members are made up of people of all age groups and all sections of the community, who range from those who have never played cricket before to those who are experienced cricketers. My two sons have also played for the club. Its members enjoy the sport and also benefit from the regular exercise which being a member of the club entails, and the Cricket Field is an ideal venue for a club of this type.
3. I have never understood that it was necessary either for an individual, or for a club, to seek permission before using the Cricket Field, and I have never sought permission before doing so.
4. I believe that the facts set out in this witness statement are true.

Signed..........

Hayden Painter

Dated.....13/12/2014.....

52 West gate St
Cowbridge
CF7 1 7AR

Witness Statement of Carol Davies

The Cricket Field, Cowbridge

1. I have lived in Cowbridge for forty-four years, and was a pupil at Cowbridge High School. My husband was born in the house in which we live at the above address, and he was a pupil at Cowbridge Grammar School.
2. My husband and I have always used the Cricket Field for activities such as dog-walking, playing games with our two sons, and arranging picnics for them and their friends. When they were younger we also played informal games of cricket with them there.
3. I have never understood that it was necessary to seek permission before undertaking such activities on the Cricket Field, and I have never sought permission before doing so.
4. I believe that the facts set out in this witness statement are true.

Signed.....

Carol Davies

Dated..... 13 . 12 . 2014

Picton House
Church Road
Llanblethian
Cowbridge
CF71 7JF

Witness Statement of David B Webb, MA, MD, FRCP

The Cricket Field, Cowbridge

1. I live at the above address.
2. I am a cricket enthusiast, and since the late 1980's I have organised and captained an occasional cricket team for the Princess of Wales Hospital. In doing so I have arranged matches against other teams sometimes using the Cricket Field as the venue. I have also played there as a member of another informal team in a match against a team from RAF St Athan. I have also been present when others, usually children or younger adults, are using the field for games of cricket. I have used the Cricket Field to practise cricket and other sports, and I have seen others doing the same, particularly parents with their children. I have also seen people using the Cricket Field for other activities: an example is my own son, who when he was younger used it to fly model aeroplanes. I know that over the years it has also been used at times by Cowbridge Rugby Club and local junior football teams, and by local cub and brownie groups for their activities, as well as by young people locally for barbecues and other social gatherings.
3. I have never understood that it is necessary either for an individual, or for a club, to seek permission before using the Cricket Field, and I have never sought permission before doing so. As a result when organising a game to take place on the Cricket Field it is necessary to try to make sure that another local team, such as the Edmond's Arms team, is not planning to be there at the same time, although because the public in general have access to the field it is never possible to ensure that this will not happen

4. I believe that the facts set out in this witness statement are true.

Signed..... D. B. Webb

David B Webb

Dated..... 16/12/14

In the Matter of s.15 Commons Act 2006

Witness statement by Helen May of 35 Geraint's Way, Cowbridge, Vale of Glamorgan,
CF71 7AY

Reference : The Cricket Field, Cowbridge

I have lived at the above address since December 2013, but lived in Cowbridge from 1976 to 2004 (including Geraint's Close). I also used to very regularly visit my grandmother who lived in Seys Close from 1983 onwards. I am 38 years old.

Since 1976 I have used the Cricket Field as a route to walk into the centre of Cowbridge for shopping, school etc and for leisure activities such as playing ball games and dog walking. I have never kept to a particular path, but have always walked all over the field. I have never obtained, or been asked to get, permission to use this land nor am I under the impression that this might be necessary.

I have also seen the field used for children's football, rugby and cricket matches/classes.

In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

I believe that the facts set out in this witness statement are true.

Signed.....

Helen May

In the Matter of s.15 Commons Act 2006

**Witness statement by Timothy May of 35 Geraints Way, Cowbridge, Vale of Glamorgan, CF71 7AY
reference to The Cricket Field, Cowbridge**

I have lived at the above address since December 2013, am 35 years old, and have visited Cowbridge on a regular basis since 2009.

Since 2009 I have regularly used the Cricket Field for leisure activities such as dog walking (across the whole of the field, not just the footpath) ball games and just travelling around the town. I have never obtained, or been asked to get, permission to use this land nor am I under the impression that this might be necessary.

In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

I believe that the facts set out in this witness statement are true.



Signed.....

Timothy May

My name is HOW JOHN OAKLEY
I AM 55 YEARS OLD AND HAVE
LIVED IN COWBRIDGE ALL MY LIFE
MYSELF AND MY THREE BROTHERS
AND TWO SISTERS HAVE FROM
A VERY YOUNG AGE ALWAYS
PLAYED IN THE OLD CRICKET
FIELD AS HAVE A LOT OF
OTHER LOCAL PEOPLE.

I NOW USE THE FIELD TO WALK
MY FOUR DOGS EARLY EVERY MORNING
AND FOR THE LAST THREE YEARS
I HAVE BEEN RENEWING AND PUTTING
OUT THE BIN BAG PEOPLE NOW
USE TO PUT THEIR DOG MESS BAGS
IN, IT WOULD BE A GREAT SHAME
TO MYSELF AND MANY OTHER
PEOPLE TO LOSE SUCH A LOVELY,
AND THESE DAYS VERY RARE FACILITY

H. J. Oakley

The Cricket Field, Cowbridge

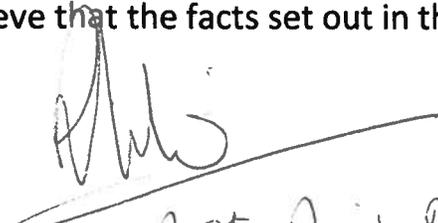
Statement of Roger Milton

Roger Milton 10 Bowman's way, Cowbridge, CF717AW, will say:

1. I have lived at my present address with my family in Cowbridge for 37 years
2. During the period of our residency in Cowbridge the cricket field has allowed the local residents a number of varying uses which include inter alia, sporting events such as cricket and football, birthday and other celebratory events, carnival assembly, bonfire nights, kite flying, scouting training and nature events etc.
3. My family and I have frequently used the field to participate in a number of these events.
4. Access to the field has always been open without restriction at any hour of the day or night and until very recently without any notices seeking to curtail legal/ownership benefits.
5. The location of the cricket field is in the very heart of Cowbridge and freely available to all; access has always been open and without the requirement for users to seek permission of any description. It forms part of the recreational life of the town and is a very valuable (and essential) public space.
6. In view of the above, I believe that the Cricket Field, Cowbridge, qualifies for registration as a Town Green under s.15 of the Commons Act, 2006, and should be so registered by the Registration Authority.
7. I believe that the facts set out in this Witness Statement are true.

Signed

Dated


28th April 2016

The Cricket Field, Cowbridge

Statement of Andy Phillips

Andy Phillips of 4, The Verlands, will say:

- 1) I have lived at the above address since 1985. Prior to that, my family and I had lived in Millfield Drive for some ten years.
- 2) During all that time the piece of land known as the Cricket Field was used - when it was not being used by Comprehensive School pupils for organised games and sports lessons – as a general amenity area by a wide range of local people.
- 3) Local children, including four of my own, have always used the Field for football, cricket and other games. Residents of the Verlands and other parts of the town have constantly used the area for everything from dog walking and jogging to picnicking and generally enjoying some fresh air.
Access to the field was through several routes, including an old stone stile and at least two open pathways
- 4) Local people, including my family and me, made use of the field at all times of day over weekends.
- 5) I certainly have never sought permission from anyone to use the field and I'm not aware that anyone else among the very many people who have played or walked on the field over the years has done so, or felt that it was ever necessary to do so. There were no notices or any indication that permission was required before the current ones were erected recently.
- 6) In view of the above, I believe that the Cricket Field, Cowbridge, qualifies for registration as a Town Green under s.15 of the Commons Act, 2006, and should be so registered by the Registration Authority.
- 7) I believe that the facts set out in this Witness Statement are true.

Signed



Dated

24 April 2016

In the matter of s.15 Commons Act 2006

The Cricket Field, Cowbridge

STATEMENT OF HUBERT MANSEL DAVEY

Hubert Mansel Davey of 53 The Verlands, Cowbridge CF71 7BY will say:

I have lived at the above address since September 1981. I am 83 years of age and have been retired from employment for the past 20 years - since 1996.

I have walked through the Cricket Field on countless occasions during the past 35 years during which time I have observed very many people from the surrounding area doing likewise and making informal recreational use of the field by jogging and to play with children and/or to exercise a dog. I had a dog myself until 2012 and walked through the Cricket Field on an almost daily basis. Occasionally, in the summer there would be a cricket match in the evening and, during the winter, there were organised childrens' football sessions on most Sunday mornings. I have also observed the Cowbridge Scouts group making occasional use of the field for their activities. Most of those just walking in the Cricket Field, like me, were often proceeding along a safe and pleasant route to the shopping centre and other public facilities in and around Cowbridge High Street.

I gained access to the Cricket Field via the "kissing" gate situated in the lane running between numbers 18/20 The Verlands. This lane is signposted as a public footpath by the local authority. It has always been my understanding that this public right of way then continued around the perimeter of the Cricket Field to the stone stile in The Butts at the rear of the Old Hall gardens. I, and many others, make use of this route at all times of the day and night. I have never been challenged by anyone about my use of the Cricket Field and it has always been my belief that it has not been necessary to obtain permission from anyone to do so. I have never seen any notice (other than the recently erected ones) indicating that public access to the field was restricted or not permitted.

In view of the above I believe that the Cricket Field in Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

I believe, to the best of my ability, that the facts set out in this Witness Statement are true

Signed.....*H. Mansel Davey*.....

Dated.....*28th April*.....2016

In the Matter of s.15 Commons Act 2006

The Old Grammar School's Cricket Field

STATEMENT of Mr Arno Friedel

Town Mill Road
Crowthorne.

I have lived at the above address for 2 years. During this time my wife and I have regularly used the field to exercise our dogs. I have never asked for permission to do so and indeed never thought that there was any need to seek permission.

The field is used by many people for activities such as picnics and football as well as dog walking.

In view of the above I believe that the field qualifies for registration as a Town Green under s. 15 Commons Act 2006 and should be so registered by the Registration Authority.

I believe that the facts set out in this Witness Statement are true.

Signed

A. R. Friedel

Date

03/05/16.

In the Matter of s.15 Commons Act 2006

The Old Grammar School's Cricket Field

STATEMENT of Sue Knight. 31 Westgate Street Cowbridge.

I have used the cricket field for the last 10 years to walk my dogs twice a day. I also used to help with the Beavers who used the cricket field for some of their activities. During this time permission was never sought either for dog walking or for the Beavers.

I very much appreciate being able to use the field and I also see young children enjoying football there every weekend. This is very valuable for their health, saving them from the risk of becoming obese or bored.

In view of the above I believe that the field qualifies for registration as a Town Green under s. 15 Commons Act 2006 and should be so registered by the Registration Authority.

I believe that the facts set out in this Witness Statement are true.

Signed 

Date 4.5.16.

In the Matter of s.15 Commons Act 2006

The Old Grammar School's Cricket Field

**STATEMENT of The Rev. Norman Williams.
The Poplars, Town Mill Road.
Cowbridge.**

I have lived at the above address for 50 years. During this time I know that the field has always been well used by the public for a variety of leisure activities such as football 'knockabouts'.

My family and I have regularly used the field ourselves over this time and nowadays I still use the field to walk over to my daughter's house in Geraint's Way. We never sought permission or ever thought that it was necessary to do so.

The field is an essential 'green break' between Cowbridge and Llanblethian and in my opinion should be kept for public use.

In view of the above I believe that the field qualifies for registration as a Town Green under s. 15 Commons Act 2006 and should be so registered by the Registration Authority.

I believe that the facts set out in this Witness Statement are true.

Signed

N. E. Williams

Date

5/5/16

**In the Matter of s.15 Commons Act 2006
The Cricket Field, Cowbridge**

STATEMENT OF: Eluned Moran, 12 Stradling Close, Cowbridge, CF71 7BX

I have lived at the above address since 2006, and prior to that my mother lived at this address for some 15 years and I visited her regularly. So I have experience of living near and using the cricket field for 25 years. I am currently 54 years of age.

During this period I have observed the Cricket field being used by a variety of groups at all times of the day and evening:

- Cowbridge residents and in particular school children taking a traffic-free route from the Geraints Way and Verlands Estates into town/school – my 10yr old son and I cross the field daily to go the school, the shops and the library
- Dog walkers exercising their dogs – again my family uses the field most days for exercising our dog
- Children's rugby, football and cricket teams using the field for practicing (using it in addition to the adjacent rugby field).
- The Scout Group which has its Scout Hall at the back of the adjacent Cattle Market Car Park uses it for outdoor meeting activities such as tent pitching practice, outdoor games, treasure hunts, water rockets, etc.
- Families/individuals use it for recreational purposes e.g. picnics, games
- Parents of Y Bont Faen School have started using it in the last couple of years for their Year 6 Leavers end of term BBQ as the Scout Hall lets them use their BBQ pits, kitchen & toilets.
- Prior to the expansion of Cowbridge Comprehensive c. 5 years ago it was also used by the school for sports activities

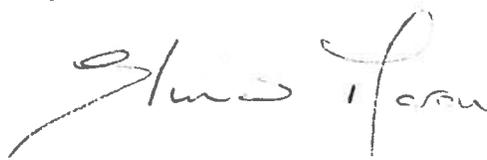
I and other members of the public have accessed the field via the entrances/paths from the rugby field and cattle market car park and also via the stile adjacent to the Old Hall Gardens Car Park.

I have never been aware that we required permission to use the field and during my time as a Scout Leader (4 years) I do not believe we have ever asked for permission to use the field.

In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

I believe that the facts set out in this Witness Statement are true.

signed


5th May 2016

The Cricket Field, Cowbridge

STATEMENT OF PAMELA POST

Pamela Post of 17 Millfield Drive, Cowbridge CF71 7BR will say:

1. I have lived at the above address since 1976.
2. In around 1985 I acquired a dog for the first time, and the need to take it for regular walks meant that I explored the local area to a greater extent than I had done previously. In doing so I became aware of the Cricket Field, and I have visited it on innumerable times over the last thirty years, usually with a dog, often throwing objects for the dog to retrieve. Sometimes I have specifically gone to the field to exercise the dog in this way, and sometimes I have visited it as part of a longer walk. I have visited the field in this way on a regular basis for about the last fifteen years, and during that time I have generally accessed it from the adjacent playing fields, although sometimes I use the stile which gives direct access to the adjacent road known as 'The Butts'.
3. When I have visited the Cricket Field, it has frequently been the case that other people have been there at the same time; in addition to other adults, many of whom walk there with their dogs, it is not unusual to see children there playing ball games of different sorts, and in summertime it is a place used by both children and adults for picnics.

4. I have never thought that it was necessary to seek permission to access the field for the purposes described above, and I have not done so. Recently some signs were erected near the various access points to the field which indicate that access to the field is by permission, but this has never previously been suggested, either by signs or in any other way.

6. In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

7. I believe that the facts set out in this Witness Statement are true.

Signed..........

Pamela Post

Dated.....5/5/16.....

The Cricket Field, Cowbridge

STATEMENT OF LEONARD TAYLOR

Leonard Taylor of 1 Middlegate Walk, Cowbridge CF71 7LA will say:

1. I have lived at the above address since 1995, when I moved to Cowbridge from Bonvilston. I am a former member of Cowbridge with Llanblethian Town Council, and served as its Mayor in 2010/11.
2. I have always been a keen walker, and after moving to Cowbridge I made a regular practice of walking in and around the town. One of my regular routes passed through the Cricket Field and then on, via the Verlands, to the footpath to Llanblethian which crosses over the land known locally as 'The Three Fields'.
3. In recent years my mobility has not been as great as it was. I have continued to walk on a regular basis but less frequently and for shorter distances. The Cricket Field is one of the nearest open spaces to my home, and as a result I now tend to visit it and to walk round it as a destination, rather than passing through it as before. In doing so I often see other people using the field for recreational purposes. Many of the adults who do so are dog-walkers, but it is not unusual to see children and young people using it as a place to meet or to play games.
4. I have never thought that it was necessary to seek permission to access the field : no-one has ever suggested to me that this was the case, and it is only recently that

notices have been put up in the vicinity suggesting that access to the field is by permission.

5. In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

6. I believe that the facts set out in this Witness Statement are true.

Signed..........
Leonard Taylor

Dated.....*5th May 2016*.....

The Cricket Field, Cowbridge

STATEMENT OF DAVID MANSEL JONES

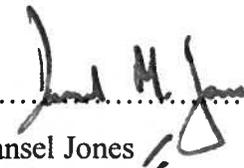
David Mansel Jones of Heath House, Eastgate, Cowbridge CF71 7AB will say:

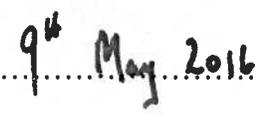
1. I have lived at the above address since 1963, shortly after my wife and I moved to Cowbridge. I was Mayor of Cowbridge in 1971/72, at a time when the local authority was the Cowbridge Borough Council.
2. My four children, each of whom is now an adult, grew up in this house. They were born in 1964, 1966, 1969 and 1971 respectively. During their childhoods I regularly visited the Cricket Field with them in order to have informal games of football, and other ball games, with them. When doing so, it was not at all unusual to meet other people in the field, who were either using the field in the same way with their children, or just using it as a place to walk.
3. Since my youngest child grew up, I have continued to use the field as a place to walk, and I have continued to see other people, adults and children, using it as a place for recreation, for example playing Frisbee or flying kites. It seems to me that it has been used like this in much the same way since I have lived in Cowbridge.
4. I have generally accessed the field by means of the stone stile situated near to the South Gate of the town, which has been there unchanged as long as I have been a resident of Cowbridge, and which is well-worn in its appearance. When going for a longer walk, I normally exit the field either by the path which leads to the Verlands,

or walk on into the adjacent field known variously as the rugby ground or the 'Police Field'. There has been no change in the access to the Cricket Field over the years, save that recently some signs have been erected near the various access points. I have never thought that it was necessary to seek permission to access the field for the purposes described above, and I have not done so. Prior to the erection of the signs in question, there has never been any indication that access to the field is by permission.

6. In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

7. I believe that the facts set out in this Witness Statement are true.

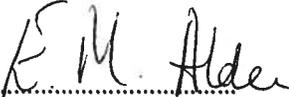
Signed..........
David Mansel Jones

Dated..........

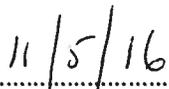
The Cricket Field, Cowbridge

Statement of Elizabeth Alden, 1 Mill Park, Cowbridge, CF71 7BG

1. I have lived at the above address since 1966, have brought up all my three children here, and am now 75 years of age, with family and grandchildren still living in the town. My late husband was initially Head of Geography at the boys' Grammar School, and became Head of the VIth Form when the school went comprehensive and co-educational in the 1970s.
2. In our early days here, the cricket field was in frequent and regular use by the Grammar School boys for cricket, for athletics and for sports of differing kinds. My husband played cricket for the staff team, and umpired many school matches. I myself can recall matches involving boys, staff and those of other schools taking place on the field throughout the 1960s and into the 1990s. One of my husband's retirement presents from the school in 1997 was a painting of a cricket match on this field, with the Grammar School buildings in the background.
3. The field has always, to my mind, been there for the residents of Cowbridge and Llanblethian to use and enjoy. It is readily accessible on foot for all living here. My grandchildren play cricket, football and rounders there during daylight hours, assisted by parents and adult friends; friends' dogs are regularly walked there (I have never come across any mess as a result); local residents use it for various communal events; the Scouts, Beavers etc. who meet in their hall by the field make use it for all sorts of activities; I've known it enjoyed for birthday party picnics – such an ideal spot within our little town.
4. Access has always been via the Verlands estate path, by the stile near the car park behind Old Hall, or through from the cattle market car park. I have never been aware that permission might be required to make use of the field, and was surprised and alarmed when recent notices appeared at either end to suggest restrictions on access. A gate seems to have been erected too at the western end reinforcing this idea, arriving very suddenly as far as I am concerned.
5. Here in Cowbridge we are a healthy mix of old, middling and young – our three schools are always full, and there are plenty of youngsters around. I feel this green space is an essential and invaluable asset to this small rural town which is gradually increasing in population (and will undoubtedly do so at speed over the next few years).
6. In view of the above, I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s. 15 Commons Act 2006, and should be so registered by the Registration Authority.
7. I believe that the facts set out in this Witness Statement are true.

Signed.....

Elizabeth Alden

Dated.....

The Cricket Field, Cowbridge

STATEMENT OF...*Kate Isles*

Kate Isles of 22 Lake Hill Drive, Cowbridge, CF71 7HR

I have lived at the above address since 05/07/06 and moved to Cowbridge when I was 33.

To my knowledge the Cricket Field has been used by individuals and groups for Football practise, informal cricket practise, walks, dog walks, games and activities by Cowbridge Scouting and Guiding including Rainbows, Brownies, Beavers, Cubs and Scouts. I know that the Yr 6 leavers of Y Bont Faen Primary school have also used the Cricket Field to have their leavers party on. An event with all the parents and children making use of the Cricket Field to play rounders together and eat together.

I have personally used the Cricket Field with my family on many occasions over the last decade. When my children were pre-schoolers we used to use the Cricket field for walks and picnics during the day. As they got older we have used the Cricket Field for the following sporting activities during the early evening and at weekends: football practice and cricket practice. We were disappointed to find one year that the cricket pitch had not been marked out. Both my daughters have used the Cricket Field in the early evening during Rainbows and Brownies to play wide games on (one daughter still does currently) and my son has used the Cricket Field in the early evening during Beavers, Cubs and Scouts to play games on.

We often walk our dog around the Cricket Field perimeter. This can be any time of the day and on any day of the week. At weekends we usually incorporate it as part of a family dog walk.

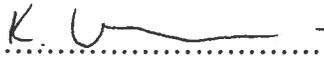
My husband and I both use the Cricket Field as part of the route when we run. I also run with a community group of Cowbridge women, usually in the evening on Tuesdays and we often incorporate the Cricket Field as part of our run.

I have never been aware of any need to seek permission to access the Cricket Field and thought it was for the use of the public. There is a bench in the Cricket Field for the public to use, which very much adds to the feel of being in a community space. As a family we noticed the fairly recent signs and also the metal dividing gate that had appeared but still did not think that this was land that could not be used by the

community. We have always enjoyed using the stone stile to access the Cricket Field and it is also of course easily accessed by the side of the old Cattle Market.

In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

I believe that the facts set out in this Witness Statement are true.

Signed... 
Kate Isles

Dated... 12/05/16

The Cricket Field, Cowbridge

STATEMENT OF MATTHEW ANDERSON

Matthew Anderson of Greystones, Westgate, Cowbridge CF71 7AR will say:

1. I was born and brought up in Cowbridge, living with my parents initially in Llanblethian, then in Broadway and later in Westgate. As an adult I left the town, returning eight years ago, and since then I have lived at the above address.
2. I was a pupil at the former Cowbridge Grammar School; after my third year at the school it ceased to be a grammar school, and became a comprehensive school. I left school in 1976, when I was 16 years of age.
3. When I was a pupil at the school my friends and I regularly used the Cricket Field as a place to meet, and as a place to play informal games of cricket and football. We sometimes did so outside school hours during term-time, but more often during the school holidays, and in the summer holidays I remember that running 100 yards sprint races along the field's boundary with the cattle market was very popular. It never occurred to me to ask for permission to do this, and I am sure that the same would have been the case as regards the others who used the field in the same way. I did not think that I could do so because I attended the school as a pupil, because it was not only used in this way by those who were pupils at the school. So far as I am aware, no-one ever objected to the use of the field in this way.

4. Since I have returned to live in Cowbridge, I have frequently visited the field, usually as part of a longer walk, but sometimes just as an open space to walk to, and to walk around. I also regularly use the field as part of my routine jogging loop. I have generally accessed the field from the adjacent field known variously as the rugby ground or the 'Police Field', which I have always entered directly from the rear gate of my house. No one has ever suggested to me that it was necessary to seek permission to access the Cricket Field, and there has never been any indication that access to the field is by permission until recently, when some signs were erected suggesting that this is the case.

5. In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

6. I believe that the facts set out in this Witness Statement are true.

Signed.....
Matthew Anderson

Dated..13/5/2016.....

The Cricket Field, Cowbridge

STATEMENT OF LYNETTE FOULKES

Lynette Foulkes of 3 Pant Gwyn, Broadlands, Bridgend CF31 5BA will say:

1. I was born and brought up in Cowbridge, and lived there until 1989, when I was 22 years of age. My mother still lives in Love Lane, Llanblethian, and I am a frequent visitor to the town.

2. When I was a youth, the Cricket Field was a place where my friends and I would often meet and socialise outside school time and in the school holidays. This was also the case for young people who had left school : in the years before I left Cowbridge I recall that for a number of years an informal group of young people in the town arranged for a cricket match to be played on the field and in doing so raised money for a cancer charity. This was in memory of Eric Rogers, a popular figure who had been the police officer in the town for many years. I recall at the time being proud of them for doing so, and the fact that the field could be used for such purposes was integral to an activity of this sort. The matches were attended by a range of people, including some who would bring a picnic to enjoy while watching the game.

3. I have also been aware of the field being used for many other recreational activities over the years. For example, when I grew up in Cowbridge I was a member of the Youth Club, and one of the activities was to learn about photography. As part of this when the course leader wanted to demonstrate some of the practical aspects of the

course, he would take us to the Cricket Field so we could take pictures in an open place where the light was good.

4. In addition to the field being used by adults and teenagers, it has always been a place where younger children can be allowed to run about in safety, as although it is itself an open space, there is a proper boundary wall between it and the only area where a road runs alongside it. As a result it is well-used for these purposes, particularly in the summer months. So far as I am aware, it has never been necessary to seek permission to use the field in any of the ways which I have described, and I have never done so. I have always understood that members of the public were entitled to use it in these ways, and it is only recently that notices erected near the field have suggested that such use is by permission.

5. In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

6. I believe that the facts set out in this Witness Statement are true.

Signed.....
Lynette Foulkes

Dated.....15/5/16.....

In the matter of s15 Commons Act 2006

The Old Grammar School's Cricket Field

STATEMENT of : Lucy Owen. The Limes. Cowbridge.

I strongly believe any development of the Old School's Cricket Field would be a huge loss to Cowbridge.

I use the field at least 3 times a week to walk our dog, meeting up with other dog walkers there too. In the summer we often meet other families there to have a group picnic. We also use the field to have games of rounders and mini cricket with other families. *And more recently, it is used by the Cowbridge Black's U8's for football training.*
It has never occurred to me to seek permission to use the field, I have always thought it was an accessible public space.

This is a very special green space that is well used and treasured by those who benefit from it. Its convenient location makes it one of the most popular areas for local people, families and dog walkers to enjoy.

Our family and many of our friends would be lost without it.

SIGNED



DATED

19 May 2016

The Cricket Field, Cowbridge

STATEMENT OF Kay Jones

Kay Jones , 24 The Verlands, Cowbridge, Vale of Glamorgan CF71 7BY

1. I have lived at the above address since 1985. I am 65 years old.
2. During this period the cricket field has been used for formal recreation by Cowbridge Comprehensive School and also by both adult and junior football clubs. It has also been used by families and children for informal recreation-games of French cricket, rounders etc. It is used by dog walkers and has provided a right of way to and from the town centre.
- 3 Our children both attended school in Cowbridge and so played numerous cricket and soccer matches and also Sports Day events in the field during the 1990s. As a family we have used the field virtually every day since 1985 and would enter it from the footpath between 18 and 20 The Verlands, via the "police field". We used, and still use it, for access to the town and also for family games, like French cricket. I walk my dog there most days and now play with my grandchildren in the same field that my children played in.
- 4 We have used the cricket field throughout the day at various times from about 7 a.m. until 9 p.m.
- 5 We have never sought permission to use the field, and never thought it necessary, even in the days when the school still used the field on a regular basis.
6. In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.
7. I believe that the facts set out in this Witness Statement are true.

Signed.....*K Jones*.....
Kay Jones

Dated.....*24.5.16*.....

I read with great dismay the news that the Cricket Field may be lost to development.

My family and I have made great use of this field for many years, playing football, cricket, rugby, riding bikes, flying remote control planes, and many other activities.

My children attended the local primary school, and the field was the regular location of summer picnics and barbecues arranged by the PTA.

When we first moved to the town, we rented a small house with no garden, and the field was a very valuable amenity for a family with two boisterous young boys needing a place to play.

We noticed recently when we went to play cricket, that the grass had not been cut. We had not appreciated that the sale of the field was even a possibility. If it happens, it will be a huge loss to future generations of Cowbridge children. Furthermore, the availability of green open spaces in the town are what give it its unique character. As new homes are built in the town, I can only imagine that its value as a town green will increase.

I hope very much that you are successful in securing its future.

Yours sincerely,

Dr Jeff Pryce

The Cricket Field, Cowbridge

STATEMENT OF ANDREW E. BANKS

of The White Lodge, Stallcourt Close, Llanblethian, Cowbridge CF717JU

1. I have lived at the above address since April 2016. I have previously lived at Bowman's Way, Cowbridge, Hillside Drive, Cowbridge, and Millfield Dive, Cowbridge. I am 65 and I have lived in this town since 1986.

2. On divers occasions over this period I have seen the cricket field being used for playing cricket and athletic competitions by students from the local comprehensive school.

3. I have two dogs. Nearly every day since 2000 I or my wife have climbed over the coffin style on The Butts to walk my dogs across the Cricket Field, sometimes even when a game of cricket was in progress. There has never been a challenge to our access.

4. My usual time of walking dogs across the Cricket Field is between 12 noon and 3 pm.

5. I have never asked for or felt I needed to ask for permission to walk across the Cricket Field. Having consulted with the Town Clerk, I understood it was open to the public because when I was Mayor of Cowbridge or when I was President of Cowbridge Rotary Club I could not afford to have been found to have wilfully committed any acts of trespass.

6. In view of the above I believe that the Cricket Field, Cowbridge qualifies for registration as a Town Green under s.15 Commons Act 2006, and should be so registered by the Registration Authority.

7. I believe that the facts set out in this Witness Statement are true.

Signed...Andy Banks

Dated...14th February 2017

SUPPORTERS TIME LINE

ORG.	NAME	1960	1965	1970	1975	1980	1985	1990	1995	2000	2005	2010	2015	2020
CRICKET	DAVID WEBB													
	GARETH BROWN													
	KIM ANDREWS													
	D+M JAMES													
	BARBARA HAWKRIDGE													
	R McCULLOCH													
	M+R COE													
	ALAN J BRIGHAM													
	JASON MUNDAY													
	SARAH LOWE													
	ADRIAN EDGEWORTH													
	HELEN MAY													
	SARAH PRICE													
	TIM MAY													
SCOUT CUB LEADER	NICK EXLEY													
	TIM LEEKE													
	HUW OAKLEY													
	JEFF BIRD													
	MICHAEL J CLAY													
	CHRIS SHORT													
	COLIN HOPWOOD													
	BARBARA DAVIES													
	DIAN SLOMAN													
	HAYDEN PAINTER													
	CAROL DAVIES													
	R+J PARSONS													
	PAT YOUNG													
	KAY JONES													
SCOUT LEADER	ELUNED MORAN													
	HUBERT DAVEY													
	ELIZABETH ALDEN													
FORMER MAYOR	NORMAN WILLIAMS													
	SUE KNIGHT													
	LEONARD TAYLOR													
	DAVID JONES													
	PAM POST													
	KATE ISLES													
	MATTEW ANDERSON													
	LYNETTE FOULKES													
	ARNOT FRIEDEL													
	ANDY PHILLIPS													
	ROGER HILTON													
	LUCY OWEN													

No.	EVIDENCE
26	KNOWLEDGE FROM 1996 TO P.D.
30	KNOWLEDGE FROM PRE 1996 TO P.D.
3	FORMER MAYORS
1	YOUTH CLUB LEADER
1	SCOUT LEADER
1	CUB & SCOUT LEADER
1	BEAVER LEADER
2	CRICKET TEAMS
45	SPECIFIC - THOUGHT NO PERMISSION WAS EVEN REQUIRED

} NO PERMISSION EVER SOUGH
 } NO PERMISSION EVER SOUGH

**IN THE MATTER OF AN APPLICATION TO REGISTER LAND SITUATE AND KNOWN AS THE
CRICKET FIELD OF THE FORMER COWBRIDGE GRAMMAR SCHOOL**

REPORT

Of

James Marwick

18th May 2022

-Application Number 1/2014 VG48-

The Vale of Glamorgan Council

Holton Road

Barry

CF63 4RU

**IN THE MATTER OF AN APPLICATION TO REGISTER LAND SITUATE AND KNOWN AS THE
CRICKET FIELD OF THE FORMER COWBRIDGE GRAMMAR SCHOOL**

REPORT

Introduction

1. This Report is in respect of an Application made under section 15(2) of the Commons Act 2006 (the “**2006 Act**”) to register land known as the Cricket Field of the Former Cowbridge Grammar School (the “**Land**”) as a town or village green (the “**Application**”).
2. I was instructed by the Vale of Glamorgan Council in its capacity as the relevant Registration Authority (the “**Registration Authority**”) to hold a non statutory public inquiry in relation to the Application and to provide my findings and recommendations by way of a written report for consideration by the Registration Authority.
3. The Inquiry had originally been intended to commence on 23rd March 2020 with a time estimate of three days but this coincided with the onset of the COVID-19 Pandemic and the Inquiry was adjourned pending further directions. Ultimately the Inquiry was re-listed for a two day Inquiry on 15th to 16th February 2022 at Cowbridge Town Hall close to the application site (but with attendance and participation available by remote means and thus it was a hybrid Inquiry) following a Pre-Inquiry Review on 30th September 2021. I undertook an accompanied site visit of the Land on 15th February 2022 before the Inquiry was formally opened in the afternoon.
4. The evidence was completed within the allocated two days but there was insufficient time for closing submissions. It was agreed that interested parties would file written closing submissions which were provided in due course following the Inquiry.

Documents and Evidence

5. This Report should be read in conjunction with the bundles of evidence and submissions relied upon by the Applicant and the Objector as well as the closing submissions filed on behalf of those supporting the Application and those filed on behalf of the Objector.
6. I do not list each document herein but the indexes to the bundles and the subsequent closing submissions should be treated as appended to this Report. I have had regard to all material but it is unnecessary and disproportionate for me to refer to each and every document or point of evidence in this Report.

The Application

7. The Application was made by Dr. Anne Evans on behalf of the Friends of the Grammar School Cricket Field on 14th December 2014 by an application in Form 44 verified by a statutory declaration. The Application identified Dr. Evans as the Chairperson of the Friends of the grammar School Cricket Field which was an unincorporated association comprising of residents of The Verlands being a residential street adjacent to the Land (Dr. Evans being an occupant of 6 The Verlands at all material times).
8. The Application sought registration of the Cowbridge Cricket Field under section 15(2) of the 2006 Act on the basis of longstanding requisite user of the Land for lawful sports and pastimes by inhabitants of a locality being the Parish of Cowbridge with Llanblethian. The Application was supported by an attached narrative as to the history of the Land and by supporting statements and evidence from local residents. No issue has been taken with the regularity of the Application.
9. The Application was advertised by the Registration Authority and objected to by the Cowbridge Comprehensive School Trust in its capacity as owner of the Land. The core objection was that any qualifying user of the Land was inevitably limited and insufficient to satisfy the threshold test under section 15(2) of the 2006 Act where at most material times the Land was in active use as a sports field by the Cowbridge Grammar School and those it otherwise permitted to use its Land.

10. It was not suggested that this was a case where there was a statutory incompatibility between registration and the Land's past use for educational purposes but rather that after non-qualifying user was discounted, it was inevitable that remaining qualifying user (if any) would be insufficient to warrant registration.
11. The above is not intended as an exhaustive summary of the contents of the Application or the Objections raised. I refer to the respective interested parties as the "**Applicant**" and the "**Objector**" in this Report.

The Law

12. I set out the relevant principles of evidence and law at this stage of my report as they inform the approach to aspects of procedure and evidence which arose during the course of the Inquiry.
13. The Application seeks the registration of the Land by virtue of the operation of section 15(2) of the 2006 Act. So far as is relevant section 15(2) provides that land is to be registered as a town or village green where:-

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

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

14. The determination requires the straightforward application of law to the facts.
15. The burden of proving that the Land has become a town or village green lies with the Applicant. The standard of proof is the balance of probabilities. All the elements required to establish that land has become a town or village green must be properly and strictly proved by an applicant on the balance of probabilities, per the guidance given by Lord Bingham in R v. Sunderland City Council ex parte Beresford [2004] 1 AC 889:-

"As Pill LJ. Right pointed out in R. v Suffolk County Council ex parte Steed (1996) 75 P&CR 102, 111, "it is no trivial matter for a landowner to have land, whether in public or private ownership, registered as a town green..."

"It is accordingly necessary that all ingredients of this definition should be met before land is registered, and decision-makers must consider carefully whether the land in question has been used by the inhabitants of a locality for indulgence in what are properly to be regarded as lawful sports and pastimes and whether the temporal limit of 20 years' indulgence or more is met."

16. The constituent elements of the statutory criteria are not defined in the 2006 Act but have been the subject of extensive judicial consideration in the authorities.
17. There is no dispute in this case that the relevant twenty year period is that immediately preceding the 14th December 2014 (thus December 1994 to December 2014) and therefore that is the key period in which qualifying user must be established for the purposes of registration.

Lawful Sports and Pastimes

18. This is a composite expression and it is sufficient for use to be either for a lawful sport or lawful pastime: per R. v Oxfordshire County Council ex parte Sunningwell Parish Council [2000] 1 AC 335 at 356G onwards.
19. If user for walking is referable to formal or informal paths or straying from such paths, the decisive factor is how matters would have appeared to the reasonable landowner: R. (Laing Homes Limited) v Buckinghamshire County Council [2003] EWHC 1578. The reasonable landowner is entitled to consider that user of the kind referable to the exercise of a public right of way may extend beyond the limits of the right of way but still be referable to right of user, support for which can be drawn from Oxford County Council v Oxford City Council [2004] Ch 253 at 258.
20. The concept of whether or not user would have appeared to a reasonable landowner to be local inhabitants asserting a right to use their recreational activities is a concept which falls to be considered in the overall assessment of whether there has been significant qualifying user for the purposes of registration: see R. (Steed) v Suffolk CC (1996) P & CR 463 and in particular Carnwath J's observations at page 476 that the different elements of the definition "*took colour from one another*".

Significant Number of the Inhabitants of any Locality, or of any Neighbourhood within a Locality.

21. A “locality” is a division of the County known to the law: MoD v Wiltshire CC [1995] 4 All ER 931 at 937b onwards.
22. A “significant number” means that the number of people using the land in question is sufficient to indicate that their use of the land signifies that it is in general use by the local community for informal recreation rather than occasional use by individuals as trespassers: R (McAlpine) v Staffordshire County Council [2002] EWHC 76 (Admin) at paragraph 71. In Leeds Group v Leeds City Council [2011] EWCA Civ 1447 it was expressed in terms that there must be use of such an amount and in such a manner as would reasonably be regarded as the assertion of a public right.
23. It is for an Applicant to demonstrate “significance” in relation to the chosen locality and only qualifying user counts for that purpose.

As of Right

24. Use of land “as of right” has been held to be use which is without force, without secrecy and without permission (user *nec vi, nec clam, nec precario*): per R (Lewis) v Redcar and Cleveland BC [2010] UKSC 11. What matters is the outward appearance of user to the reasonable landowner and not the subjective intention of the user. User will be by force if undertaken in the face of prohibition by the landowner. Thus signs prohibiting access without permission will prevent user from being “as of right”: Taylor v Betterment Properties (Weymouth) Ltd and Dorset CC [2012] EWCA Civ 250. User which is permitted expressly or by implication is user by permission: per Beresford.

Continuous User for 20 Years of the Land

25. The qualifying user for lawful sports and pastimes must be continuous throughout the relevant 20 year period. The land must be clearly identified so that it is clear what area of land is subject to the rights established by registration. It is well established that there is no requirement for a piece of land to have characteristics of what might be regarded as the traditional village green to be registered: per Oxford County Council.

Co-existing User

26. It is well recognised that there can be co-existing user of application land by land-owner for their own purposes and local inhabitants for TVG user subject to the concept of “give and take”.
27. This issue was considered in Lewis, in the context of examining the meaning and application of the notion that recreational user had to be “as of right”. The case concerned an area of land which had formed part of a golf course belonging to a private golf club. Local inhabitants had used the area of land for informal recreation such as walking dogs, without interfering with the golfers. They would wait until play had passed or would be waved across by golfers. On an application by a local resident to register the area of land as a TVG, it was unanimously held by the Supreme Court that registration should go ahead. The local inhabitants had been using the land as of right despite what might be regarded as the “deference” they had shown to the golfers; the deference shown to golfers was an indication that the users could co-exist, the proverbial “give and take”.
28. It is right to observe though that the question in any case is to look at the overall nature and quality of user. Gadsden on Commons and Greens (Cousins and Honey) (2nd Edition) at 14-20 provides the following commentary:-

“Clearly Lewis suggests that golf can coexist with other recreational pastimes. Apart from where golfers are briefly playing on a particular part of the course, players of the game do not actually occupy the land. There is therefore no problem with recreational use of the land by local residents for much of the time. When, however, land is used for games of football or cricket, the position is different. Such games are played in a more concentrated area for concentrated periods and cannot properly be played if local residents are trying to use the relevant part of the land at the same time. Where such games are not interrupted by local residents, in practice they will have been excluded from the land for significant periods of time and the deference shown will be of a different kind to the common courtesy shown to the golfers in Lewis. This means that applications to register such land as a green are likely to fail because the use would not be ‘of such amount and in such manner as would reasonably be regarded as being the assertion of a public right’, although the parts of the land from which the local inhabitants were not excluded could still be registered.”

Preliminaries

29. It was determined by the Registration Authority that a non-statutory public inquiry be arranged prior to the determination of the Application and, as I have said above, the first listing of the Inquiry was marked to commence on 23rd March 2020.
30. There had been some unfortunate delays in the Application progressing to that stage, it having been made in late 2014, but the position was then compounded by the onset of the COVID-19 Pandemic which has added two more years or so of delay during the course of the imposition of wider lockdowns and restrictions.
31. Prior to the Inquiry listed in March 2020, Dr. Evans had indicated that she would not wish actively to promote the Application at the Inquiry and whilst she has not sought to withdraw the Application she maintained that position for the purposes of the re-listed Inquiry in February 2022. Whilst Mr. Huw Llewellyn Morgan participated in part of the second day of the Inquiry in support of the interests of the Applicant, ultimately there was no active promotion of the Application to the Inquiry and indeed only four witnesses spoke on behalf of the Application.
32. Against that background, two lines of arguments were raised by a combination of Mr. Llewellyn Morgan and others who spoke in support of the Application (and amplified in written closing- in particular by Mr. Llewellyn Morgan, Mr. David Webb and Mr. Matthew Coe).
33. First, that enhanced weight should be given to those local inhabitants who had provided written evidence in support of the Application but have since passed away.
34. Second, that the Inquiry may not have been sufficiently publicised in the locality not least because the main local newspaper was not in print by the time of advertisement of the Inquiry, with some local residents said to have been unaware of it until contacted during the course of the Inquiry.

35. On the first point, the starting point is that it is proper to give greater weight to live evidence which has been tested by cross examination. That is a trite principle of evidence. This was not ultimately an Inquiry in which there was an absence of live evidence as to the nature and extent of user at material times. Indeed, as I set out below in the main body of this report, in my view, the evidence on behalf of the Application and on behalf of the Objection often reconciled in material respects.
36. Thus, whilst there is very good reason why some witnesses did not attend to give evidence, my starting point is that I cannot apply enhanced weight to such written evidence but rather I must assess whether it supports the oral evidence I have heard and then judge what weight I can attach in light of the same. More generally, I accept the force in the Objector's closing submissions as to how problematic it can be to attach significant weight to untested evidence at odds with oral evidence.
37. On the second point, I am satisfied that there was compliance with the statutory requirements of the Commons (Registration of Town or Village Greens) (Interim Arrangements)(Wales) Regulations 2007 namely by publication of the details of the Inquiry in a newspaper circulating in the locality and by site notice and notice at the venue of the Inquiry, being Cowbridge Town Hall in the centre of the main street through the Town.
38. The Registration Authority further advertised the notice on its website.
39. There is no wider obligation upon the Registration Authority to publicise an Inquiry or otherwise to gather in evidence in support of an Application.
40. In my view, the lack of a larger turnout of members of the public to speak in support of the Application was at least in part because of the lack of any active promotion of the Application; it is active pursuit of an application which typically leads to larger turn outs. I formed the impression at times that those acting in the interests of the Applicant expected the Registration Authority to adopt a more onerous consultation and advertising obligation than is mandated. I note that the Pre-Inquiry Review gave ample opportunity for any queries to be addressed.

41. Attendance was available by remote means and where this has been widely used in the Courts and Tribunals system in England & Wales since the onset of the COVID-19 pandemic, I am satisfied that such access provided a fair means for members of the public to attend and participate in the Inquiry to the extent that the COVID-19 pandemic continued to interrupt normal life in February 2022 (or to the extent that members of the public remained clinically vulnerable). Indeed members of the public sought to utilise the link.
42. There is force in the Objector's submission that the Inquiry was sufficiently well publicised to have come to the attention of at least some local residents.
43. It follows that I do not consider that either of the arguments raised is well founded or otherwise materially impacts the approach which I ought to take in setting out my findings and recommendations for the Registration Authority.
44. For the avoidance of doubt, I am satisfied that this was a procedurally fair Inquiry with reasonable opportunity afforded for interested parties to engage with it.
45. I make clear at the outset of this Report that the Inquiry was not concerned with the merits or otherwise of any future development of the Land but rather whether the statutory test for registration under section 15(2) of the 2006 Act is satisfied.
46. At the Inquiry, Ms. Morag Ellis QC appeared for the Objector. I am grateful for her assistance and to that of Mr. Llewellyn Morgan and Mr. Webb on behalf of the Applicant.

The Land

47. The Land is the site of the former cricket field of what was initially the Cowbridge Grammar School and then later (from around 1973-1974), the Cowbridge Comprehensive School (and I will simply refer to the "**School**" hereinafter in this Report).

48. The Land occupies a central position in Cowbridge close to the High Street. It is immediately adjacent to a larger field known as the Police Fields at its North/West corner. The Land is bordered on its South/West and South/East sides by the rear of residential properties on The Verlands and Town Mill Road (with physical fencing/walls separating the Land from the rear of those properties and their gardens).
49. The northern boundary is more open and in most parts is walled off from the adjacent land. A road named The Butts adjoins the Land for part of the boundary and as the road diverts at a right angle towards the High Street, a right of way continues along the northern boundary towards the Police Fields.
50. I was able to observe the Land during my accompanied site visit. There are open access points and I understood that the main school access would have been from entry points in the stone wall stiles off The Butts.
51. I did not understand the basic topography of the Land to have altered at material times but rather that the maintenance regime was unsurprisingly altered upon the field no longer being in use for education purposes from about 2011.
52. The Land is identified on a plan attached to the Application. There were no issues with its boundaries and there were numerous overhead photos in the bundles (and I understood there to be no real issue as to the fact that the overhead photos exhibited to the Objector's evidence showed the layout of the Land at material times which included the formal laying out of various sports pitches during the course of the school year as evidenced by a succession of overhead shots).

The Evidence

53. I heard evidence at the Inquiry both in support of the Application and evidence presented on behalf of the Objector. I also gave the opportunity to others present at the Inquiry to give any further evidence whether for or against the Application. The evidence was not taken on oath. I am quite satisfied that those who gave evidence to the Inquiry did so in an open, honest and straightforward matter.

54. The human memory is not infallible (see *Gestmin SGPS SA v Credit Suisse (UK) Limited [2013] EWHC 3560 (Comm)* for the well-known judicial exposition of the unreliability of the human memory in the context of giving evidence) and there were occasional instances of mistaken or unclear memories (usually corrected or accepted as a mistake or otherwise quite explicable by the passage of time) and inconsistencies but I am satisfied that each witness endeavoured to assist the Inquiry to the best of their individual recollection in most instances.
55. I repeat again that the burden of proof is on the Applicant to prove the constituent elements of the statutory test under section 15(2) of the 2006 Act.
56. It is common ground that for between 1994 and 2011 (and thus for most of the relevant 20 year period of use from December 1994 to December 2014), the Land formed an integral part of a working school and was indeed in regular use by the School at the very least during usual school hours throughout the school year. It is always critical in such cases to consider whether there is a viable evidential foundation for a finding that the Land was unambiguously in more general community use for open lawful sports and pastimes.
57. The oral evidence in support of the Application came from a small but representative number of local residents. Dr. Evans herself declined to speak in support of the Application. That was entirely her choice. But there was evidence from a number of witnesses including Mr. David Webb, Mrs. Julia Evans, Mr. Matthew Coe and Mr. Jon Brazier. The evidence was interpolated with that on behalf of the Objector and to allow completion of the evidence within the two days allocated for the Inquiry. I am grateful to the Objector for not objecting to that course.
58. In the absence of any formal representation on behalf of the Applicant, I generally assisted the witnesses in adducing their evidence in chief, including by reference to any written statements, prior to cross examination by Ms. Ellis. I was satisfied that there was therefore fair opportunity for each witness to give evidence in chief unconstrained by the nature of questions which can be put in cross examination.

59. Mr. Webb had provided an initial statement dated 16th December 2014. His address is Picton House on Church Road in Llanblethian close to the St John The Baptist Church on the outskirts of the wider Cowbridge built up area. His written evidence spoke to Mr. Webb being a cricket enthusiast and having used the Land as a venue for cricket matches (including as captain of the Princess of Wales Hospital team at times from the late 1980s onwards). It also spoke to more general informal user by both Mr. Webb and others, including local residents for socialising and BBQs, as well as sports teams for more formal sporting matches.
60. He amplified upon his written account as the first witness to give evidence to the Inquiry. He was an articulate and careful witness. He had lived at his address at all material times. He had played for Cowbridge Cricket Club from sometime between 1985 and 1990 onwards. He had become captain of the 3rd XI. He did not understand that permission had ever been sought from the School. He had also arranged for matches to be played at the ground for the Princess of Wales Hospital team. There were also mid-week games including with pub teams, school teams and other local teams from outside the locality (more often than not in a 20-20 style format, a long adopted format in local cricket before the commercial deployment in the professional game).
61. He had thought- in keeping with others- that a public right of way ran across the Land as part of a route into and from Cowbridge High Street through the stile access on the Butts. Some of his experience of the venue was via his son who was born in the early 1980s and had come to play for Cowbridge Cricket Club juniors by 1994.
62. He was cross examined at some length by Ms. Ellis. It was entirely understandable that he did not have a precise recall of certain times and periods of his former cricketing career or indeed whether fellow players came from the local area or further afield. I suspect Mr. Webb never imagined he would be asked to recall such details many years after the event. I found him a reliable and credible witness.
63. My clear impression from Mr. Webb's evidence was of user of the Land for more formal organised games by local sports teams as the main adjunct to the user of the Land by the School as its cricket field and for other sports.

64. In a short closing statement, Mr. Webb pressed upon me that he had no knowledge of any grant of permission by the School for the Land to be used by the cricket club. The Objector's witnesses spoke to there being such permissions. My ultimate view is that the user of the Land for more formal games was inherently more likely to have resulted from a permissive approach to the scheduling of games by the School rather than an ad hoc "as of right" entitlement but I address this further later in this Report.
65. Mrs. Julia Evans also attended to give evidence to the Inquiry. She is a retired podiatrist who had moved into Cowbridge in 2011 (to live on The Limes) having worked in the town up until 2005 when she retired. She had habitually exercised dogs between 1994 and 2005 during the working day or sometimes at weekends. I found her to be an entirely straightforward witness. Her evidence was that she generally followed a worn perimeter route. She would encounter other dog walkers and walkers but she was candid in her evidence in cross-examination that she could not speak to whether they were local inhabitants and my impression is that she regarded most as using well-worn paths including as a cut through to and from the town centre.
66. There was awareness of the user of the Land for formal sports, including primarily school activities, but again it was not my sense from the Mrs. Evans that the observed user of the Land reflected wider community user of the Land much beyond walking and dog walking (which she largely ascribed to certain well worn tracks).
67. Mr. Matthew Coe gave evidence on the second day on the Inquiry remotely. He was an impressive witness. He had and his family had provided written statements in support of the Application (including an initial statement dated 18th November 2014) having moved to Cowbridge in about 1999 and to The Verlands in about 2003. Prior to giving evidence on the second day, he had also provided some further written representations and evidence in a word document forwarded overnight after the first day of the Inquiry. This included reference to the absence of signs until later in time; ultimately this was not a point of evidential relevance which was pressed by the Objector.

68. Mr. Coe amplified on his written evidence in which he had set out his family's own user of the Land for recreational activity but also wider user of the Land by local inhabitants including for general recreation but also by the various sports club (including the local football, rugby and cricket clubs- particularly youth sections) as well as more general footpath and thoroughfare user between the town centre and the nearby residential areas including The Verlands. He was cross examined robustly but fairly by Ms. Ellis on some examples of the family user of the Land including such as learning to ride bicycles and kite flying. As I have commented above in relation to Dr. Webb, It was unsurprising that Mr. Coe did not have a forensic recollection of periods of teaching any of his 3 young children to ride a bike or of precise timings of kite flying and the like. He gave examples of snowball flights and other similar family activities on the Land.
69. Mr. Coe made fair concessions such as the fact that some of his family activities (including picnicking) would have been ancillary to organised sports events on the Land and that dog walkers and walkers as well as generally using the Land as a throughfare would also respect the presence of sports games and school activities on the Land. Mr. Coe's children had played for the local sports teams and some of their user of the Land was wrapped up in their membership of such clubs.
70. In considering what further user of the Land there had been for general recreational activities Mr. Coe did volunteer examples including user by a local Nordic walking club and by teenagers for recreational drinking. I have to say that again my impression was not of significant community user of the Land as if it was open parkland for the local inhabitants but rather of a more trivial nature.
71. Of course, Mr. Coe was a resident of one of the streets immediately bordering the Land for a large chunk of the 20 year period in question, with a young family. It could be said that his evidence would be expected to be a high water mark of user of the Land compared to others in the wider locality who were not on its proverbial doorstep. I have borne this in mind in considering the wider written evidence in my ultimate conclusions.

72. There was also evidence from Mr. Jon Brazier who had lived at 21 The Verlands from 1992 onwards and who at certain times during the relevant 20 year period had captained the Cowbridge 3rd XI. He did not believe there to have been 3rd team matches beyond the early 2000s. He spoke of organised sport on the Land as well as more informal matches such as those played by teachers from the School. He was a credible witness. I considered his evidence was generally consistent with that of Mr. Webb and indeed the other witnesses.
73. There were 26 written statements submitted with the Application in 2014 plus 16 further statement submitted in 2016 and then a further two statements submitted in 2017. The tenor of the statements (which are generally short written statements rather than in questionnaire form) is to set out a number of core recognised users of the Land at material times:-
- A) User by the School and for other organised sports particularly by the triumvirate of the local football, cricket and rugby clubs.
 - B) User of the Land for dog walking and as a thoroughfare (in the manner explained by some of the witnesses who gave oral evidence)
 - C) More generally recreational user such as kicking a football but outside of school time.
74. I do not traverse each statement but have had full regard to the statements as I address later in this Report.
75. The Objector's witnesses had provided evidence in written form by statutory declaration including from Hugh Williams, Glanmor Williams, Michael Walsh, Sarah Smith, Graham John Griffiths and Neil Thomas. Evidence was tested in part by Mr. Llewellyn Morgan who attended part way through the second day and I permitted him to take an active role on behalf of the Applicant. I also had questions for those witnesses called by the Objector. I emphasise again that the burden of proof is not on the Objector but rather at all times on the Applicant.
76. I do not intend to exhaustively summarise the Objector's evidence because ultimately I do not consider there were any material irreconcilable conflicts of fact between their evidence and that adduced on behalf of the Applicant.

77. The most striking example of this was the evidence of Graham John Griffiths. Mr. Griffiths ostensibly gave evidence on behalf of the Objector but he struck me as an independent witness who had no investment in the “Objection” speaking primarily in the context of his role at the rugby club at material times and seemingly unaware of the wider threshold test for registration.
78. Mr. Griffiths in fact had lived on The Verlands at material times and it was plain to me that his evidence was that whilst there may have been some general, more sporadic, public user of the Land, it was regarded very much as the School’s field and he would have expected to have sought permission from the School for anything but the more fleeting use of it. I found this evidence particularly compelling in the circumstances. It had added traction in the context of evidence from those such as Hugh Williams as to the warning off of golfers from the Land at certain times as well as the evidence that often the School would be using the Land from 08.30am to 17.30pm or later.
79. More generally, I have had due regard to the statutory declarations and exhibits filed on behalf of the Objector both at the time of its initial objection and thereafter. I summarise the key evidential points as follows:-
- 79.1 The Land had been in regular and extensive use by the School from 1994 to 2011 for general sport and physical education. I find that this was entirely consistent with the evidence adduced on behalf of the Applicant and there was no serious attempt to minimise the School’s user in oral evidence by the Applicant. I accept the evidence given in the statutory declarations and oral evidence including that in particular of Hugh Williams, Glanmor Williams, Michael Walsh and Graham John Griffiths which covered between them- with considerable overlap- the entirety of 1994 to 2011 in roles as Heads of PE, teachers and on the part of the local rugby club. I also note this was consistent with the statutory declarations of Gwyn James, Colin Lewis, and Gareth Scourfield (which encompassed knowledge of the Land from 1970 to 2007).

- 79.2 The user of the Land for sports and physical education was supplemented by its user by the School at times for wider curricular and extracurricular activities. Examples of this included “Activities Week” (involving up to 200 children) and map reading lessons as amplified upon by Michael Walsh in his statutory declaration and oral evidence, as well as informal pupil recreation (and witnesses such as Sarah Smith spoke to this).
- 79.3 The witnesses were consistent in oral evidence that the core user by the School would mean that during the extended School day that any user of the Land by third parties would generally be restricted to perimeter or edge walkers. Such evidence was consistent with that I heard on behalf of the Applicant.
- 79.4 Express permission had been granted to the various sports clubs and teams that used the Land outside of School hours or during the summer holidays.
- a) This was the two way evidence from Hugh Williams in his role as Head of PE at the School and Graham John Griffiths on behalf of the rugby club as regards user by the junior section of the rugby club for weekend training and matches. Mr. Griffiths was particularly clear that the user of the Land by the rugby club was permissive; wet weather was given as an example of when the School might take priority and consent for user would be refused. The evidence was thus that from no later than 2000 any user was permissive.
 - b) This was the evidence of Hugh Williams and Glanmor Williams as regards user by cricket teams, including the Cowbridge 3rd XI team and the Edmondess Arms Public House Team together with user by the Cowbridge Junior Football Team (from about 2005) and some more limited user by Cowbridge Athletics Club: per statutory declaration and oral evidence of Messrs Williams whereby verbal agreement would generally be struck with such sports teams. I consider that the closing submissions of the Objector at paragraphs 3.3 to 3.6 are an accurate summary of the evidence in this respect and the evidence of Hugh Williams is that some arrangements dated from as early as the 1970s.
 - c) It is important to note that the witness evidence on the part of the Objector is corroborated by the contemporaneous correspondence from in and around 2011 when the various sports clubs sought to position themselves for potential further user of the Land upon the closure of the School:-

- i. In a series of emails dating from October 2010, July 2011 and January 2012, the Cowbridge Cricket Club sought to see if some form of lease or similar arrangement could be entered into to permit continued user of the Land by the cricket club.
 - ii. The Cowbridge Athletic Football Club wrote to the School in July 2011 reaching out to see if the football club could likewise secure use of the Land for the coming season where the historic “gentleman’s agreement” had been cited in earlier correspondence.
 - iii. Cowbridge Rugby Club likewise offered to lease the Land in August 2011 and Mr. Griffiths settled on an agreement with the Trustees in 2014 to permit continued user for the rugby club under the older arrangements.
- d) I agree with the Objector when it is said that the significance of these exchanges is the recognition by all three clubs that there was no right to continue using the Land and formal arrangements would need to be entered into.
- e) There is no conflict here with the evidence of Mr. Webb or others who were unaware of the fact that user was permissive; the fact that such users were unaware of such arrangements does not undermine the fact that such arrangements were in place and ultimately the strongest evidence is that of the response by each of the sports clubs when the closure of the School arose.
- f) As I have observed earlier in this Report, I consider it more inherently likely than not that third party sports teams would have sought consent to use what was widely known to the School’s field for matches and there was no suggestion that Hugh Williams or Glanmor Williams were somehow mistaken in their recollection.

79.5 From 2011 there was much reduced user of the Land for formal sports albeit some activities appeared to continue. Witnesses such as Graham John Griffiths volunteered that activities such as dog walking and walking had been more prevalent in recent years.

80. It is right for me to note that the Objector's key witnesses attended the Inquiry in order to meet the relevant evidential case raised on the face of the Application and to have their evidence tested. The Objector's evidential case was therefore available to be tested in its key respects at the Inquiry.

Analysis

The Land

81. The Land is that identified on the plan in support of the Application and referred to as the Land in this Report.

20 Year Period

82. As set out above, the relevant period is 14th December 1994 to 14th December 2014.

Locality

83. The Applicant relies upon the locality of the Parish of "*Cowbridge with Llanblethian*".
84. The Objector accepts that that the area is one capable of constituting a locality for the purposes of registration.
85. The Objector highlights that the 2011 Census confirmed that the Parish had a population of 4063 with a total of 1,899 households. I understand this data not to be challenged and indeed it is cited elsewhere by those supporting the Application.
86. I bear the size of the locality in mind in considering the sufficiency of user.

Qualifying User: was user sufficient to bring home to the reasonable landowner that TVG rights were being asserted

87. My findings in this respect should be read in conjunction with my summary of the witness evidence set out above.
88. There was limited oral evidence provided by witnesses in support of the Application. This was an immediate difficulty for the Applicant in seeking to establish registration by reference to a large locality.

89. There was intensive user of the Land by the School between 1994 and 2011 during the School Week (including Saturdays) and throughout the School Year which effectively excluded public user from all but perimeter/edge walking or occasional straying across the Land at such times. I have accepted the Objector's evidence in this respect but it was supported by that for the Applicant.
90. The Land was in use by the School for long continuous periods for 5 to 6 days each week during the school year. This was effectively over 9 months of the year for 17 out of the 20 years and I so find.
91. There was not a situation of "give and take". The public were not deferring out of common courtesy but rather recognising that this was a school playing field in concentrated use by the School. I find this consistent with among others the evidence of Graham John Griffiths, Matthew Coe and Julia Evans; the public would stay off the Land during School user. I reject the suggestion that the position was one of appropriate social deference to fellow users of the Land; it was far from it. The situation was far closer to on all fours with the commentary in Gadsden at 14-020 (cited above), if not the paradigm example of land-owner user which cannot be reconciled with "give and take". I reject the Applicant's submission to the contrary.
92. The starting point therefore is that the extent of School user over the Land is a formidable hurdle for the Applicant in seeking to show there was sufficient user referable to the assertion of a public right. This is because of the long periods of effective exclusion and interruption from the Land during the School year.
93. I consider this against what claimed user there is of the Land by inhabitants of the locality:-
- 93.1 It was not suggested by any of the witnesses for the Applicant that there was any significant user beyond perimeter/edge walking during the times the Land was in use by the School.

93.2 The oral evidence of general informal recreational user (as distinct from walking/dog walking and team sports which I consider below) during the relevant 20 year period was relatively limited:-

- a) The main focus of Mr. Webb's evidence was cricket team user. His written statement had referred to informal recreational user but I ultimately understood that his own such user was largely referable to playing with his son and it seems likely that such user was outwith the 20 year period.
- b) Mr. Brazier's evidence was similarly in terms of cricket team user for more formal sports.
- c) Ms. Evans mainly spoke to walking with and without dogs on the perimeters of the Land or well worn paths and that she would observe others doing the same.
- d) Mr. Coe gave stronger evidence as to general recreational user including user with his young family over the years but as I have already said I did not form the impression of particularly widespread community user; the fact that Mr. Coe alighted on the Nordic walk club and recreational drinkers as examples of activities on the Land suggested to me that more general informal recreational user was limited.
- e) The evidence of Graham John Griffiths was consistent with an absence of anything other than relatively trivial recreational user beyond walking and dog walking (as mirrored by others speaking on behalf of the Objector but I have already observed why I consider Mr. Griffiths to have been a particularly compelling witness).

93.3 The written statements filed in support of the Application ostensibly might have suggested more widespread user than was spoken to in the oral evidence.

93.4 However:-

- a) There is always a need for caution in the approach to untested evidence.
- b) There is a particular need for caution when such untested written evidence does not appear reflective of the oral evidence, especially from those speaking in support of the Application.

c) I think the Objector is right when it says that this is not a case to depart from that starting point of a need for caution:-

- i. The written statements are generally non specific in the matters they address. Thus, whilst a range of sporting activities is listed as being seen on the Land as well as wider user particularly by children, it is difficult to differentiate such observations from the fact that it is easily referable to user both formal and informal user by the School at material times or indeed the more formal sports teams.
- ii. The generality of the statements also extends to a lack of detail as to the intensity and frequency of any local inhabitant user and indeed on some occasions a lack of any evidence as to periods in which the statement provider a) had lived in the locality and/or b) used or seen others using the Land. As the Objector notes it is ambiguous in some statements whether the user is referring to the Land or the Police Fields: see, for example, the statements of Eluned Moran and Elizabeth Alder.
- iii. Whereas Mr. Coe has urged me to consider that the statements can properly be amplified to take account that witnesses will often have been speaking on the part of wider households, I do not consider that the quality of the written evidence is such that I can find it is supportive of user save to the extent that it is consistent with the oral evidence I have heard.
- iv. I bear in mind more generally that there is a particular risk of memory being distorted not only by the fact of a village green application and a desire to keep land as open space, but also that in this case it may have been that wider user of the Land was made beyond 2011 when the School closed and thus memories are distorted by more recent stronger evidence of user outside of the 20 year period.
- v. In this latter respect, there is force in the Objector's submission that there is a paucity of photographic evidence of community user or events beyond in much more recent times. Such evidence is a typical hall mark of community user and it is generally absent in this case.

Witnesses such as Roger Milton speak to a wider history of events but there is limited detail and there was limited oral evidence to the Inquiry as regards such events; I can well accept that there is likely to have been events over the years on the Land but without detail, it is difficult again for me to find that such events would unambiguously have been non-School related or unconnected with permissive user.

93.5 I therefore regard the evidence as to more general informal recreational user to be relatively limited and further that what user there has been observed may have been ambiguous to the reasonable land owner as to whether it was an extension of any permitted user of the Land (e.g. pupils of the School on the Land after hours or members of permitted sports clubs partaking in games or indeed more general training exercises).

93.6 There is then the evidence referable to sports team user as amplified upon by Mr. Webb and Mr. Brazier in particular in their evidence.

- a) I find that the substantial balance of sports team user was by permission. I accept the evidence of the Objector in this respect.
- b) The witness evidence was supported by the contemporaneous evidence from 2011 and I do not think the balance of evidence points any other way than to a finding that the School had expressly permitted user by virtue of generally informal agreements with the local sports clubs.
- c) I do not regard the challenge to the grant of informal permission by those with obvious ostensible authority to grant it as having any merit:-
 - i. Mr. Coe had sought to question the status of the head teacher's termination of arrangements in 2011. I agree with the Objector that the status of such termination cannot be determinative of the prevailing basis of user from 1994 to 2011 (i.e. in the preceding 17 years).
 - ii. Mr. Llewellyn Morgan in a supplemental closing submission had suggested a wider challenge could be raised namely that there was a lack of evidence as to whether or not the grant of permission informally by the teachers was under a properly delegated authority

provided by the Trustees to the School (in a closing submission dated 28th February 2022). I also reject that submission. It was not a point canvassed in advance of the Inquiry and the Objector has been deprived of presenting its case so as to address as necessary any further evidence to it. However, I agree with the Objector that the proper analysis is that those giving permission on behalf of the School had ostensible authority to do so as agents.

- iii. In my view, the balance of evidence is clear on any objective analysis that the relationship was permissive.
 - iv. Even if there was a failure of any required formality required on the part of the Trust, I would not regard that as being transformative of user from permissive to as of right. The plain analysis is that both the School and the sports clubs considered that user was permissive, and matters would have appeared to the reasonable landowner to have been permissive user.
 - v. Furthermore, the burden is on the Applicant and I am not satisfied that it has demonstrated that such user was “as of right” and not by permission, taking into account the evidence presented to the Inquiry, and I reject this late challenge in its entirety.
- d) For the avoidance of doubt, I make clear at this stage that even if the sports team user did not fall to be discounted that I would still not regard overall local inhabitant user as sufficient for registration given (i) the extent of School user and (ii) the lack of cogent evidence that sports teams who played on the Land invariably comprised players who came from the locality.

93.7 The last category of user is that of walking with and without dogs.

- a) There was relatively consistent evidence that much walking and dog walking was either perimeter/edge walking or as part of a cut through/thoroughfare into and from the Town Centre.
 - i. That was the evidence of those who spoke to the Inquiry including Julia Evans and Mr. Webb for the Applicant as well as those who gave evidence for the Objector including Michael Walsh and the sports teachers.

- ii. It was also consistent with many observations in the written evidence filed on behalf of the Application including that provided by Matthew and Rachel Coe (as set out earlier in the Report), Helen and Timothy May, and others including Eluned Moran.
 - iii. It was further consistent with the fact that I formed the clear impression that local residents respected the fact that this was an active sports field for team sports and would not generally let dogs roam and potentially foul on the sports field (as perhaps distinct from the larger Police Fields).
- b) There was some evidence of more general recreational walking in the written statements but the references were ultimately trivial and sporadic and largely set out in untested witness evidence.
 - c) I remind myself of the authorities and reach the firm conclusion that at best this was equivocal user which would have been ambiguous in nature to the reasonable landowner as to what type of right was being asserted; in such circumstances, the user properly falls to be attributed to the less onerous right and not TVG user. The user for walking and walking with dogs falls to be discounted.
 - d) There are cases such as R (Allaway and Pollock) v Oxfordshire County Council [2016] EWHC 2677 (admin) where an Inspector has been found entitled to construe perimeter walking as part of TVG user but each case turns on its own facts and in this case one crucial feature is that local inhabitants carried out perimeter walking where they were very often excluded from the majority of the inner field by virtue of School user and other formal sports. In such circumstances, it is difficult indeed to attribute edge walking to the assertion of a wider TVG user.
 - e) Again, I find in the alternative that the evidence of walking I have seen in the written evidence as amplified in the oral evidence, would again not be sufficient to lead me to a conclusion that the threshold for registration has been met even if not discounted.

94. In my above analysis, I have looked at the evidence as it colours the constituent elements of the statutory test.

95. I have assessed the evidence and its consequences in terms of what can be regarded as qualifying user.
96. The non-qualifying user I have set out above must be discounted.
97. I am satisfied that the undiscounted qualifying user falls markedly below the amount and manner of user which is reasonably required for the assertion of a public right especially in a larger locality such as that named in the Application.
98. This is because the residual user is no more than trivial and sporadic when viewed in the context of large periods of effective interruption and exclusion, rather than that which would indicate to a landowner that recreational rights were being asserted over the Land.
99. I am therefore satisfied that the Applicant has not demonstrated that there has been user "as of right" by a significant number of local inhabitants of the locality in the twenty year period.
100. I am satisfied that this would be the case even if evidence as to user by sports teams and/or by walkers/dog walkers properly fell to be taken into account.
101. This is because the user of by the School was such as to exclude and interrupt user of most of the Land for long periods for 5 to 6 days each week during the School term (effectively over 9 months of the year for 17 out of the 20 years).
102. This has further ramifications as it is unlikely that I would have found that that statutory test had been made out even if there had been a greater turn out of witnesses on behalf of the Applicant at the Inquiry (or indeed if the Application had been heard sooner in time) or if I had concluded that any such user was not permissive.
103. The extensive School user of the Land always provided a formidable hurdle to the Application

104. I have not had the need to descend into an analysis of the relevance of prevailing statutory provisions referable to education (as cited in the Objector's outline submission but not pressed upon me as robustly in its closing submissions) and the potential that some of the activities were not qualifying LSP.
105. For the avoidance of doubt even if I applied a benevolent approach to the Applicant such as to activities as picnicking referable to sports game spectating or to activities which the Objector may argue would amount to a nuisance (such as recreational drinkers gathering on the Land), on such matters I would not be satisfied that the statutory test was made out.
106. Ultimately I find that the Application falls fairly markedly short of the relevant threshold and this is an Application which I recommend be dismissed.

Conclusions & Recommendations

107. My overall conclusion is the Application must fail because a significant number of local inhabitants have not indulged in lawful sports and pastimes during the relevant 20 year period and most claimed user in any event was not "as of right" but, on the contrary, by permission.
108. I recommend to the Registration Authority accordingly that the Application be dismissed and the reasons for the dismissal be stated to be those set out in this Report.
109. For the avoidance of doubt, I make clear that I would not have been satisfied that there was sufficient claimed user of any smaller part of the Land and if a submission had been made that the Registration Authority ought to consider registration of part of the Land only in the alternative, I would have rejected it for *among others* that reason.

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18th May 2022