



AGENDA

Kent County Council

REGULATION COMMITTEE MEMBER PANEL

Wednesday, 21st November, 2012, at 10.00 am
Hythe Town Hall, High Street, Hythe CT21 5AJ

Ask for: **Andrew Tait**
Telephone **01622 694342**

Membership

Mr M J Harrison (Chairman), Mr M J Angell, Mr S J G Koowaree, Mr R F Manning and Mr R A Pascoe

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Membership and Substitutes
2. Declarations of Interest by Members for items on the agenda
3. Application to register land known as Sandgate Escarpment in the parish of Sandgate as a new Village Green (Pages 1 - 30)
4. Other items which the Chairman decides are Urgent

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
(01622) 694002

Tuesday, 13 November 2012

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Application to register land known as the Sandgate escarpment in the parish of Sandgate as a new Village Green

A report by the Head of Regulatory Services to Kent County Council's Regulation Committee Member Panel on Wednesday 21st November 2012.

Recommendation: I recommend that the applicant be informed that the application to register land known as the Sandgate escarpment in the parish of Sandgate as a Village Green has not been accepted.

Local Member: Mr. T. Prater

Unrestricted item

Introduction

1. The County Council has received an application to register land known as the Sandgate escarpment in the parish of Sandgate as a new Town or Village Green from local resident Mr. D. Cowell ("the applicant"). The application, made on 30th June 2011 was allocated the application number VGA636. A plan of the site is shown at **Appendix A** to this report and a copy of the application form is attached at **Appendix B**.

Procedure

2. The application has been made under section 15 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008.
3. Section 15 of the Commons Act 2006 enables any person to apply to a Commons Registration Authority to register land as a Village Green where it can be shown that:
 - '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;*
4. In addition to the above, the application must meet one of the following tests:
 - **Use of the land has continued** 'as of right' until at least the date of application (section 15(2) of the Act); or
 - **Use of the land 'as of right' ended no more than two years prior to the date of application**, e.g. by way of the erection of fencing or a notice (section 15(3) of the Act); or
 - **Use of the land 'as of right' ended before 6th April 2007** and the application has been made within five years of the date the use 'as of right' ended (section 15(4) of the Act).
5. As a standard procedure set out in the 2008 Regulations, the applicant must notify the landowner of the application and the County Council must notify every local authority. The County Council must also publicise the application in a newspaper circulating in the local area and place a copy of the notice on the County Council's website. In addition, as a matter of best practice rather than legal requirement, the County Council also places copies of the notice on site to provide local people with the opportunity to comment on the application. The

publicity must state a period of at least six weeks during which objections and representations can be made.

The application site

6. The area of land subject to this application consists of an area of woodland of approximately 14 acres (5.6 hectares) in size situated adjacent to Shorncliffe Camp (Sir John Moore Barracks) in the parish of Sandgate. It excludes Martello towers 6 and 7. The application site, as originally applied for, is shown on the plan at **Appendix A**.
7. During the processing of this application, it was noted that the application site included land falling within the ownership of the Ministry of Defence (“MOD”) and that the applicant had not served the requisite notice on the MOD. Following this discovery, the applicant requested that his application be amended to exclude all MOD-owned land. It seems appropriate to allow this amendment on the basis that the land to be excluded is been capable of having been being used for recreational purposes during the relevant period by virtue of the fact that it has either been fenced off or is otherwise physically inaccessible for such purposes. The amended application site (“the application site”) is therefore shown hatched on the plan attached at **Appendix C**.
8. Access to the land is via several recorded Public Footpaths that lead to and/or cross the application site (shown with bold dashed lines on the plan at **Appendix C**) as well as an unrecorded (but metalled) footpath abutting the site and running between Military Road and the road known as Undercliff. The boundary of the application site along Military Road is unfenced and access may also be possible (depending on the density of the vegetation) there.

The case

9. The application has been made on the grounds that the application site has become a Town or Village Green by virtue of the actual use of the land by the local inhabitants for a range of recreational activities ‘as of right’ for more than 20 years.
10. The applicant’s evidence is that the application site has been openly used, without force, by a significant number of the people of Sandgate, as of right, for recreational purposes since military use of the Martello towers ceased in the mid-1800s.
11. Included in support of the application were 64 user evidence questionnaires, various maps and plans (including a plan showing the residences of the users), photographs showing the application site. A summary of the user evidence in support of the application is attached at **Appendix C**.

Consultations

12. Consultations have been carried out as required. In response, 13 letters of support were received from local residents, adding their own evidence of use to the weight of evidence already provided by the applicant. A further 25 ‘standard

form' letters (containing identical wording but not adding individual evidence) were also received in support of the application.

13. Shepway District Council wrote to confirm that the application did not involve any land within the Council's ownership, but did not express a view on the application.
14. A letter was also received from Sandgate Parish Council stating that at a recent Parish Council meeting, Parish Councillors had unanimously voted in support of the application.
15. In addition, the local County Member, Mr. T. Prater, wrote to express his support for the application and stated that the land has been used for recreational purposes for over 20 years 'as of right' and without challenge by the landowner. He added that there was strong and widespread support throughout the village community to see access to the area retained and enhanced.

Landowner

16. The application site is, in the main, owned by G. Forge Ltd. and is registered with HM Land Registry under title numbers K894616 (the main part of the site) and K868676 (the Martello towers and adjoining areas). Part of the application site, consisting of a disused reservoir, is unregistered and has no known landowner
17. An objection to the application has been received from John Bishop and Associates, acting on behalf of G. Forge Ltd. ("the landowner"). The objection has been made on the following grounds:
 - The application plan is incorrect as it includes MOD-owned land and the supporting documents offer little coherent support for the application; for example, the user evidence questionnaires are dated July and August 2010 and do not demonstrate that use has continued up until the date of the application.
 - Evidence of use provided in support of the application is insufficient to show that the land has been used by a significant number of the residents of the locality; the evidence of qualifying use represents less than 1% of the population of Sandgate.
 - Use has been restricted to the Public Footpaths that cross and abut the application site (and is therefore by right, not 'as of right'); the remainder of the land is generally inaccessible by virtue of dense vegetation or steep slopes, thereby limiting the scope for lawful sports and pastimes.
 - Parts of the land have been physically inaccessible during all or part of the material period; notably the reservoir to the west to Martello tower 7 and the allotments at the eastern end of the application site.
 - Prohibitive notices in existence on the application site (erected by the MOD) are sufficient to render use of it contentious.
 - Military byelaws covering the application site (The Shorncliffe and District Military Lands Byelaws 1976) provide a right of access for the public at large; use of the application site is therefore by virtue of an existing right of access and is not 'as of right'.

Legal tests

18. In dealing with an application to register a new Town or Village Green the County Council must consider the following criteria:

- (a) *Whether use of the land has been 'as of right'?*
- (b) *Whether use of the land has been for the purposes of lawful sports and pastimes?*
- (c) *Whether use has been by a significant number of inhabitants of a particular locality, or a neighbourhood within a locality?*
- (d) *Whether use of the land 'as of right' by the inhabitants has continued up until the date of application or meets one of the criteria set out in sections 15(3) or (4)?*
- (e) *Whether use has taken place over period of twenty years or more?*

I shall now take each of these points and elaborate on them individually:

(a) *Whether use of the land has been 'as of right'?*

19. In order for land to be capable of registration as a new Village Green, recreational use of it must have taken place 'as of right'. This means that use must have taken place without force, without secrecy and without permission (*'nec vi, nec clam, nec precario'*). In this context, force refers not only to physical force, but to any use which is contentious or exercised under protest¹: "*if, then, the inhabitants' use of the land is to give rise to the possibility of an application being made for registration of a village green, it must have been peaceable and non-contentious*"².

20. In this case, the landowner contests the assertion that any recreational use of the application site has taken place 'as of right'. The landowner's case is that, for at least part of the relevant period (1991 to 2011), the land was the subject of military byelaws that expressly provided for members of the public to use the application site for recreational purposes. Additionally, use of the application site has generally been confined to the existing Public Footpaths (thereby also in exercise of an existing right) and any use beyond the footpaths has been contentious due to the existence of various prohibitive notices on the application site.

Byelaws

21. In support of the objection, the landowner has produced a copy of the Shorncliffe and District Military Lands Byelaws 1976. A copy of the byelaws is attached at **Appendix E**.

22. Section 2 of the byelaws, entitled 'use of lands by public' states "*the public are permitted to use all parts of the Military Lands not specially enclosed or the entry to which is not shown by notice as being prohibited or restricted... for the purposes of open-air recreation at all times when the Military Lands are not being used for military purposes for which they are appropriated*". The landowner's case is that the effect of these byelaws is to provide a right of access for the public to

¹ *Dalton v Angus* (1881) 6 App Cas 740 (HL)

² *R (Lewis) v Redcar and Cleveland Borough Council* [2010] UKSC 11 at paragraph 92 per Lord Rodger

engage in recreational activities on the land; use of the application site has therefore been permissive and is not 'as of right'.

23. The applicant's position is that, in order to be effective, the byelaws must have been brought to the attention of the users. In support of this, the applicant relies on a passage from the *Newhaven*³ case in which the judge approves a quote from the Inspector's report suggesting that the mere making of byelaws without any notice being erected informing the public of their existence does not amount to any regulation of the land. Hence, in the absence of any communication to the users of the land, the byelaws would not be sufficient to render use of the application site by licence.
24. It is possible to distinguish the facts in *Newhaven* from those in the present case because the byelaws considered in *Newhaven* were intended to prohibit certain activities whilst, in the present case, the byelaws, somewhat unusually, purport to confer a right of access. The situation here is more akin to the position where a Local Authority holds land specifically for the purposes of public recreation; access to that land is by virtue of an existing right and thus not 'as of right'.
25. However, there is wider issue to be considered regarding the validity of the byelaws which relates to the conditions attached to the statutory byelaw-making power. The byelaws are made in exercise of powers contained in the Military Lands Act 1892 ("the 1892 Act"). Section 17(1) of the 1892 Act states that, before making byelaws, the Secretary of State "*shall cause the proposed byelaws to be made known in the locality [providing an opportunity for objections to be made and considered]... and when any such byelaws are made, shall cause the boundaries of the area to which the byelaws apply to be marked, and the byelaws published, in such a manner as appears necessary to make them known to all persons in the locality*".
26. The byelaw-making power therefore provides a clear requirement that the byelaws be advertised locally, so as to make them known to all local residents. The landowner has not been able to provide any evidence to demonstrate that this has been the case and, in the absence of any such evidence, it is not possible to rely on the byelaws as having been duly made and, in consequence, conferring any right of access to the application site.

Footpath use

27. As noted above, access to the application site is via several Public Footpaths that cross and abut the site. The existing footpaths are a relatively new addition, having been formally recorded with the agreement of the landowner by way of a Public Path Creation Agreement in 1992 and having been provided in exchange for the closure of other paths (for security purposes) leading to the barracks.
28. There are also several defined tracks running through the woodland, which are not recorded Public Footpaths, but which are used in the same manner.
29. Recreational use that has the outward appearance of being in exercise of a Public Right of Way is not qualifying use for the purposes of Village Green registration. The issue was considered by the Courts in *Laing Homes*⁴, in which the judge said

³ *Newhaven Port and Properties Ltd v East Sussex County Council* [2012] EWHC 647 (Admin)

that: *'it is important to distinguish between use that would suggest to a reasonable landowner that the users believed they were exercising a public right of way to walk, with or without dogs... and use that would suggest to such a landowner that the users believed that they were exercising a right to indulge in lawful sports and pastimes across the whole of the fields'*.

30. In this case, the vast majority of the witness evidence refers to walking (with or without dogs). The physical nature and overgrown state of the application site, particularly between the two Martello towers, means that all but the most adventurous of users of this part of the application site are unlikely to have strayed far beyond the Public Footpath. It is more probable than not that the majority use is likely to have been associated with, and confined to, passage along the footpath, which itself was a local attraction due to the far reaching views from the top of the escarpment. Furthermore, some witnesses specifically refer to use of the land as a short cut to or from Sandgate High Street. Such use should be disregarded as it would be in exercise of an existing right and therefore not 'as of right'.
31. Similarly, the northern spur of the application site (to the west of the recreation ground) consists almost wholly of a defined route through heavy vegetation which, although not a recorded footpath, would give the outward appearance of a Public Rights of Way type use rather than a general right of recreation.

Notices

32. The landowner's objection refers to the existence of prohibitive notices on the application site. These notices are shown in the photographs at **Appendix F**.
33. Neither the landowner nor the users specify the locations of these notices on the application site but, those that are still in existence today are all located at the western end of the application site (to the west of Martello tower 7). In particular, there is a notice at the footpath entrance on the western boundary of the application site reading 'DANGER MILITARY RANGES KEEP TO THE PATH' and, inside the application site, there are various other notices, mainly to the northern edge of the footpath, reading 'MOD PROPERTY DANGER KEEP OUT'.
34. It is not clear when these notices were erected and the landowner is not able to confirm this, but the applicant suggests that they were in place in 1977. Surprisingly, only a small number of the users refer to the existence of these notices but they are clearly visible on the site itself and unequivocally express the former landowner's intention that public access be prohibited. Use in defiance of these notices, and away from the Public Footpath crossing this part of the application site, is clearly contentious and not 'as of right'.
35. As a result of these notices, use of the western end of the application site was clearly not 'as of right' and thus the area to the west of Martello tower 7 would not be capable of registration as a Village Green for this reason.

(b) Whether use of the land has been for the purposes of lawful sports and pastimes?

36. Lawful sports and pastimes can be commonplace activities including dog walking, children playing, picnicking and kite-flying. Legal principle does not require that rights of this nature be limited to certain ancient pastimes (such as maypole dancing) or for organised sports or communal activities to have taken place. The Courts have held that *'dog walking and playing with children [are], in modern life, the kind of informal recreation which may be the main function of a village green'*⁴.
37. The summary of evidence of use by local residents at **Appendix C** shows the activities claimed to have taken place on the application site. The majority use of the application site has been for walking (with or without dogs), and indeed 17 of the witnesses refer to use of the application site only for walking. Other activities referred to include birdwatching, blackberrying, photography, and playing with children.
38. As noted above, any use of the Public Footpaths would be in exercise of an existing right. This includes walking, jogging and running. Other use, which is associated with the Public Footpaths, would consist of an extension of that right. So, for example, blackberrying, which took place (according to the applicant) mainly around Martello tower 6 is unlikely to have given the outward appearance to the landowner of being the assertion of a public right if it took place on or near the footpath. The same could be said for other activities, including photography and birdwatching.
39. There is, therefore, evidence of use of the application site for a range of recreational activities but it is difficult to differentiate on paper the degree to which use has taken place on or near the Public Footpaths. The overgrown state and physical nature of the application site suggests that many of the activities cited could and would have taken place on a Public Footpath or other linear route. This is certainly true of the area between the Martello towers and the northern spur on Military Road, although it is less clear whether this is the case in respect of the eastern part of the application site, particularly around the pill box which is less overgrown.

(c) Whether use has been by a significant number of inhabitants of a particular locality, or a neighbourhood within a locality?

40. The right to use a Town or Village Green is restricted to the inhabitants of a locality, or of a neighbourhood within a locality, and it is therefore important to be able to define this area with a degree of accuracy so that the group of people to whom the recreational rights are attached can be identified.
41. The definition of locality for the purposes of a Town or Village Green application has been the subject of much debate in the Courts. In the Cheltenham Builders⁵ case, it was considered that *'...at the very least, Parliament required the users of the land to be the inhabitants of somewhere that could sensibly be described as a locality... there has to be, in my judgement, a sufficiently cohesive entity which is*

⁴ *R v Suffolk County Council, ex parte Steed* [1995] 70 P&CR 487 at 508 and approved by Lord Hoffman in *R v. Oxfordshire County Council, ex parte Sunningwell Parish Council* [1999] 3 All ER 385

⁵ *R (Cheltenham Builders Ltd.) v South Gloucestershire District Council* [2004] 1 EGLR 85 at 90

capable of definition'. The judge later went on to suggest that this might mean that locality should normally constitute '*some legally recognised administrative division of the county*'.

42. In this case, the applicant has specified the locality as being 'Sandgate'. The parish of Sandgate is a legally recognised administrative unit and thus would constitute a qualifying locality. The plan at **Appendix G** shows that the overwhelming majority of users live within the parish of Sandgate.

"a significant number"

43. One of the objections raised by the landowner is that the land has not been used by a significant number of the residents of the locality and actual use amounts to less than 1% of the population of Sandgate.

44. However, the word "significant" in this context does not mean considerable or substantial: '*what matters is that the number of people using the land in question has to be sufficient to indicate that the land is in general use by the community for informal recreation rather than occasional use by individuals as trespassers*'⁶. Thus, the test is a qualitative, not quantitative one, and what constitutes a 'significant number' will depend upon the individual circumstances of each case.

45. In this case, there are user evidence questionnaires from 64 people. Of these, 7 did not use the land at all during the relevant period or were not resident in the locality and a further 3 did not provide address details or confirm that they lived in the locality. This use must therefore be discounted, which leaves evidence of use from 54 individuals (representing 39 households), most of whom have used the application site on an at least weekly basis.

46. Of itself, this volume of frequent usage would be sufficient to indicate to a reasonable landowner that the land was in use by the general community. However, the degree to which such use is related to the exercise of Public Rights of Way is unclear and as such it is not possible to conclude whether the land has been used, for general recreational purposes, by a significant number of the residents of the locality.

(d) Whether use of the land by the inhabitants is continuing up until the date of application or meets one of the criteria set out in sections 15(3) or (4)?

47. The Commons Act 2006 requires use of the land to have taken place 'as of right' up until the date of application or, if such use has ceased prior to the making of the application, the application must have been made within two years from the date upon which use 'as of right' ceased.

48. In this case, there is no evidence to suggest that use of the application site has ceased. Access to the site remains available via the Public Footpaths, and the landowner has not taken any recent steps to attempt to restrict or prohibit recreational use (e.g. by erecting fences or notices).

⁶ *R (Alfred McAlpine Homes Ltd.) v Staffordshire County Council* [2002] EWHC 76 at paragraph 71

49. Use of the application site has therefore continued up until the date of the application (June 2011).

(e) Whether use has taken place over a period of twenty years or more?

50. In order to qualify for registration, it must be shown that the land in question has been used for a full period of twenty years. The twenty-year period in this case is calculated retrospectively from the date of the application. As such, the relevant twenty-year period (“the material period”) in this case is 1991 to 2011.

51. The user evidence summarised at **Appendix C** appears to suggest that there has been use of the application site for a considerable period. However, closer inspection of the user evidence questionnaires shows that the vast majority of these were completed in the summer of 2010 and the application was not submitted until the summer of 2011. Whilst a short gap between the witnesses completing their questionnaires and the application being submitted is to be expected, in this case there is a gap of a whole year during which there is no evidence of use. It is of course quite possible (and even likely) that the pattern of use of the application site by individual witnesses has remained unchanged during this time, but no evidence has been submitted to that effect. This gap means that there is, in effect, only evidence of use for 19 years of the relevant twenty-year period.

52. In addition, certain parts of the application site would not have been capable of being used for recreational purposes during the relevant period. The reservoir adjacent to Martello tower 7 has been in place throughout the relevant period and would have been physically inaccessible during this time. There is also evidence that the allotments have been fenced off and used for cultivation for at least part of the relevant period. These areas were incapable of being used for lawful sports and pastime and are therefore not capable of being registered as a Village Green.

53. Thus, the evidence submitted in support of the application is not sufficient to demonstrate that use of the application site has taken place throughout the relevant twenty-year period across the whole of the land.

Conclusion

54. There is little doubt, from the evidence submitted in support of the application and the letters of support received in respect of it, that the application site is a well used and valued piece of land within the parish of Sandgate. However, there are a number of issues affecting the application site which, for various reasons, means that the application does not meet the legal tests. These can be summarised as follows:

- Use of the western end of the application site (beyond Martello tower 7) is in defiance of the clearly displayed prohibitive notices erected by the MOD; such use is contentious and cannot be ‘as of right’.
- The reservoir adjacent to Martello tower 7 is physically inaccessible and incapable of being used for lawful sports and pastimes. This has been the case throughout the relevant period.
- The strip of land between the Martello towers is densely covered with vegetation and access to it is largely restricted to walking along the Public

Footpath; such use is in exercise of an existing right and not 'as of right'.

- The area surrounding Martello tower 6 consists of a Public Footpath; such use is in exercise of an existing right (or is an activity that is associated with that right, such as blackberrying) and not 'as of right'.
- The area of land on the eastern boundary of the application site includes some allotments which would not have been available for recreational use during the relevant period. Other parts are heavily vegetated and inaccessible.
- The northern spur of the application, west of Military Road, consists of a single defined path through a heavily vegetated area; such use is consistent with a rights of way type use rather than a wider recreational use.
- There is evidence that the remaining area of land has been used by children on rope swings or playing in the pill box, but the area also includes a steep slope and some densely vegetated areas which limit the scope of other recreational activities on this area. The evidence provided on the user evidence forms is non-specific (as it relates to the whole of the application site) and, whilst there is some physical evidence of use, it is not clear that this area has specifically been used by a significant number of the local residents for recreational purposes.

55. There is a wider issue relating to the fact that there is a gap in the evidence of a year (at the very end of the relevant period). This is, in itself, a knock out blow to the application and, even if the applicant were to be provided with the opportunity to remedy this deficiency in the evidence, the application would still fail for the reasons provided above.

56. For these reasons, the application site does not meet the relevant legal tests and is not capable of registration as a Village Green, either in whole or in part.

Recommendation

57. I recommend that the applicant be informed that the application to register land known as the Sandgate escarpment in the parish of Sandgate as a Village Green has not been accepted.

Accountable Officer:

Mr. Mike Overbeke – Tel: 01622 221568 or Email: mike.overbeke@kent.gov.uk

Case Officer:

Miss. Melanie McNeir – Tel: 01622 221511 or Email: melanie.mcneir@kent.gov.uk

The main file is available for viewing on request at the Countryside Access Service, Invicta House, County Hall, Maidstone. Please contact the Case Officer for further details.

Background documents

APPENDIX A – Plan showing the application site (as originally applied for)

APPENDIX B – Copy of the application form

APPENDIX C – Plan showing the application site (as amended)

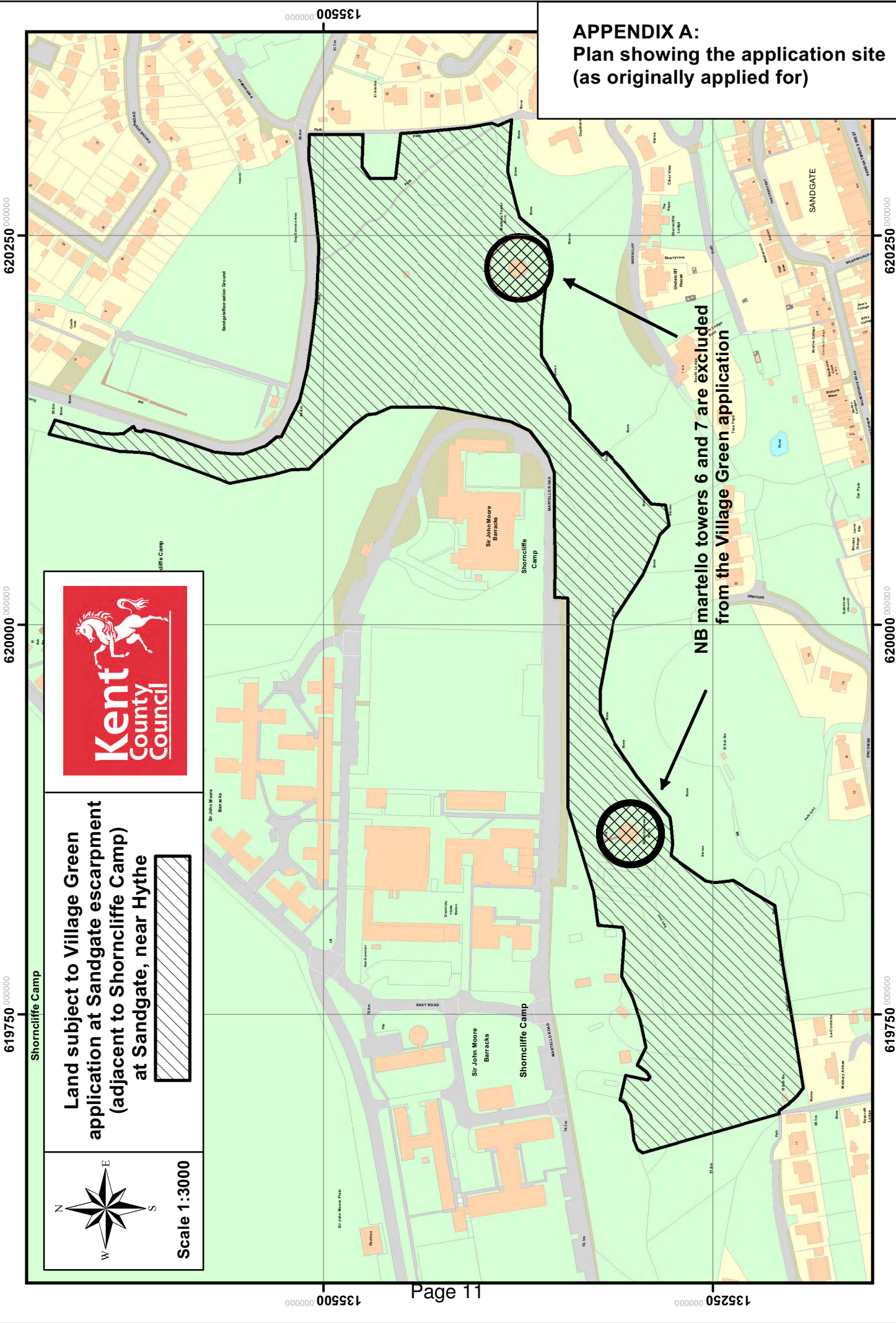
APPENDIX D – Summary of user evidence submitted in support of the application

APPENDIX E – Copy of byelaws relating to the application site

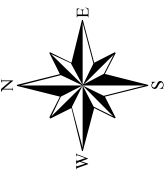
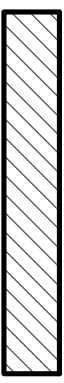
APPENDIX F – Photographs showing notices on the application site

APPENDIX G – Plan showing locality

**APPENDIX A:
Plan showing the application site
(as originally applied for)**



Land subject to Village Green application at Sandgate escarpment (adjacent to Shorncliffe Camp) at Sandgate, near Hythe



Scale 1:3000

FORM CA9

Commons Act 2006: section 15

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

**APPENDIX B:
Copy of the application form**



This section is for office use only

Official stamp of the Registration Authority
indicating date of receipt:

COMMONS ACT 2006
KENT COUNTY COUNCIL
REGISTRATION AUTHORITY
3 0 JUN 2011

Application number:

VGA636

VG number allocated at registration
(if application is successful):

Note to applicants

Applicants are advised to read the 'Part 1 of the Commons Act 2006 (changes to the commons registers): Guidance to applicants in the pilot implementation areas' and to note the following:

- All applicants should complete parts 1–6 and 10–12.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete parts 7 and 8. Any person can 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 part 9. Only the owner of the land can apply under section 15(8).
- There is no fee for applications under section 15.

Note 1
*Insert name of Commons
Registration Authority*

1. Commons Registration Authority

To the:

Kent County Council, The Commons Registration Team,
Countryside Access Service,
Invicta House,
County Hall,
Maidstone, Kent ME14 1XX

Note 2

If there is more than one applicant, list all names. Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or unincorporate. If you supply an email address in the box provided, you may receive communications from the Registration Authority or other persons (e.g. objectors) via email. If part 3 is not completed all correspondence and notices will be sent to the first named applicant.

2. Name and address of the applicant

Name: David Brian Cowell

Full postal address: [redacted]
(incl. Postcode)

Telephone number: [redacted]
(incl. national dialling code)

Fax number: [redacted]
(incl. national dialling code)

E-mail address: [redacted]

Note 3

This part should be completed if a representative, e.g. 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. If you supply an email address in the box provided, you may receive communications from the Registration Authority or other persons (e.g. objectors) via email.

3. Name and address of representative, if any

Name:

Firm:

Full postal address:
(incl. Postcode)

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

Note 4

For further details of the requirements of an application refer to Schedule 4, paragraph 9 to the Commons Registration (England) Regulations 2008.

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 and why:

**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.*

If section 15(6)* is being relied upon in determining the period of 20 years, indicate the period of statutory closure (if any) which needs to be disregarded:

Note 5

This part is to identify the new green. The accompanying map must be at a scale of at least 1:2,500 and shows the land by means of distinctive colouring within an accurately identified boundary. State the Land Registry title number where known.

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

Name by which usually known:

Sandgate escarpment or Sandgate woods

Location:

The Sandgate Escarpment consists of 13 acres of woodland and is located above the Undercliffe and below Sir John Moore Barracks in Sandgate.

Common Land register unit number (only if the land is already registered Common Land):

Please tick the box to confirm that you have attached a map of the land (at a scale of at least 1:2,500):



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). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly at a scale of 1:10,000.

6. Locality or neighbourhood within a locality in respect of which the application is made

Indicate the locality (or neighbourhood within the locality) to which the claimed green relates by writing the administrative area or geographical area by name below and/or by attaching a map on which the area is clearly marked:

See map appendix 1. The land is located in the Parish of Sandgate; Ward BJ2 (see ward map appendix 8)

Ordnance Survey grid references: TR197353 to TR204354 are the approximate west to east extremes.

Please tick here if a map is attached (at a scale of 1:10,000):

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).

7. Justification for application to register the land as a Town or Village Green

The land above Sandgate was identified as suitable locations for two of the seventy four Martello Towers built around the south east coast between Seaford in Sussex and Folkestone in Kent to repel a feared Napolionic invasion in the early nineteenth century. The two towers were used, although not in anger, until the mid 1800s when their military need ceased.

This land, known locally as the Sandgate escarpment or Sandgate woods, and its surrounding area has been openly used, without force, by a significant number of the people of Sandgate, as of right, for recreational purposes since that time and is consistently used by Scout groups, dog walkers, family groups etc.

The land provides a familiar backdrop to the Sandgate community and prompted The Sandgate Conservation Area Appraisal report published in 2009 to say: *The valuable "lungs" of Enbrook Park and woodland north of Undercliff provide green edges, backdrops and leisure opportunities for people in a town in which there is almost no planting. The woodland especially, having only low level management, allows natural ecology to take its course with little disturbance. These two open spaces, one managed and the other more "wild" complement each other and add to the local diversity of open space.*

It already has public rights of way (see appendix 2) but it should be stressed that the area in totality is used for sporting and recreational purposes (except, of course, the Martello Towers and their surrounding moats although they are an attractive visual amenity). There was a rationalisation of the footpaths in 1992 to placate the Ministry of Defence's fear of terrorist threats rife at that time with the two paths going into the Barracks being closed.

Note 8

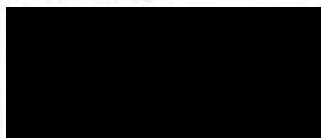
Use a separate sheet if necessary. This information is not needed if a landowner is applying to register the land as a green under section 15(8).

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

G Forge Limited



John Forge



<p>Note 9 List or enter in the form all such declarations that accompany the application. This can include any written declarations sent to the applicant (i.e. a letter), and also any such declarations made on the form itself.</p>	<p>9. Voluntary registration – declarations of consent from any relevant leaseholder of, and of the proprietor of any relevant charge over, the land</p>
<p>Note 10 List all supporting consents, documents and maps accompanying the application. Evidence of ownership of the land must be included for voluntarily registration applications. There is no need to submit copies of documents issued by the Registration Authority or to which it was a party but they should still be listed. Use a separate sheet if necessary.</p>	<p>10. Supporting documentation</p> <p>Appendix 1. 1:2500 scale map showing the land in question</p> <p>Appendix 2. 1:2500 scale map showing public rights of way</p> <p>Appendix 3. contains a list of residents who have used the land for recreational purposes and illustrates that a significant number of the inhabitants of the locality have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years and they continue to do so at the time of the application.</p> <p>Appendix 4. 1:2500 scale map showing domiciles of the local inhabitants who answered the questionnaire (one per household shown)</p> <p>Appendix 5. Photographs of the Escarpment.</p> <p>Appendix 6. Land registry plan of area.</p> <p>Appendix 7. Continuation sheet</p> <p>Appendix 8. Sandgate Ward boundaries</p>
<p>Note 11 List 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.</p>	<p>11. Any other information relating to the application</p> <p>This application is likely to be challenged by the owner of the land who purchased it in 2004/5, from the Ministry of Defence including Martello Towers number 6 and 7 along the escarpment trail. A meeting was held with interested parties in August 2010 when the owner made certain undertakings to allow the Sandgate community rights to a large part of the land and Martello Tower no 6. The minutes, approved by all in attendance, for the August 2010 meeting state:</p> <p>3.4 John F (<i>Developer</i>) said that he would not sign anything and that the development and subsequent community arrangement would have to be progressed on trust.</p> <p>Roger J (<i>Architect</i>) comment: a bit strong - John has asked us to confirm in the application his undertaking to work with the Community, with some kind of an agreement drawn up (we will</p> <p style="text-align: right;">Continued appendix 7</p>

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.

12. Signature

Signature(s) of applicant(s)



Date:

20th June 2011

REMINDER TO APPLICANT

You are responsible for telling the truth in presenting the application and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted. You are advised to keep a copy of the application and all associated documentation.

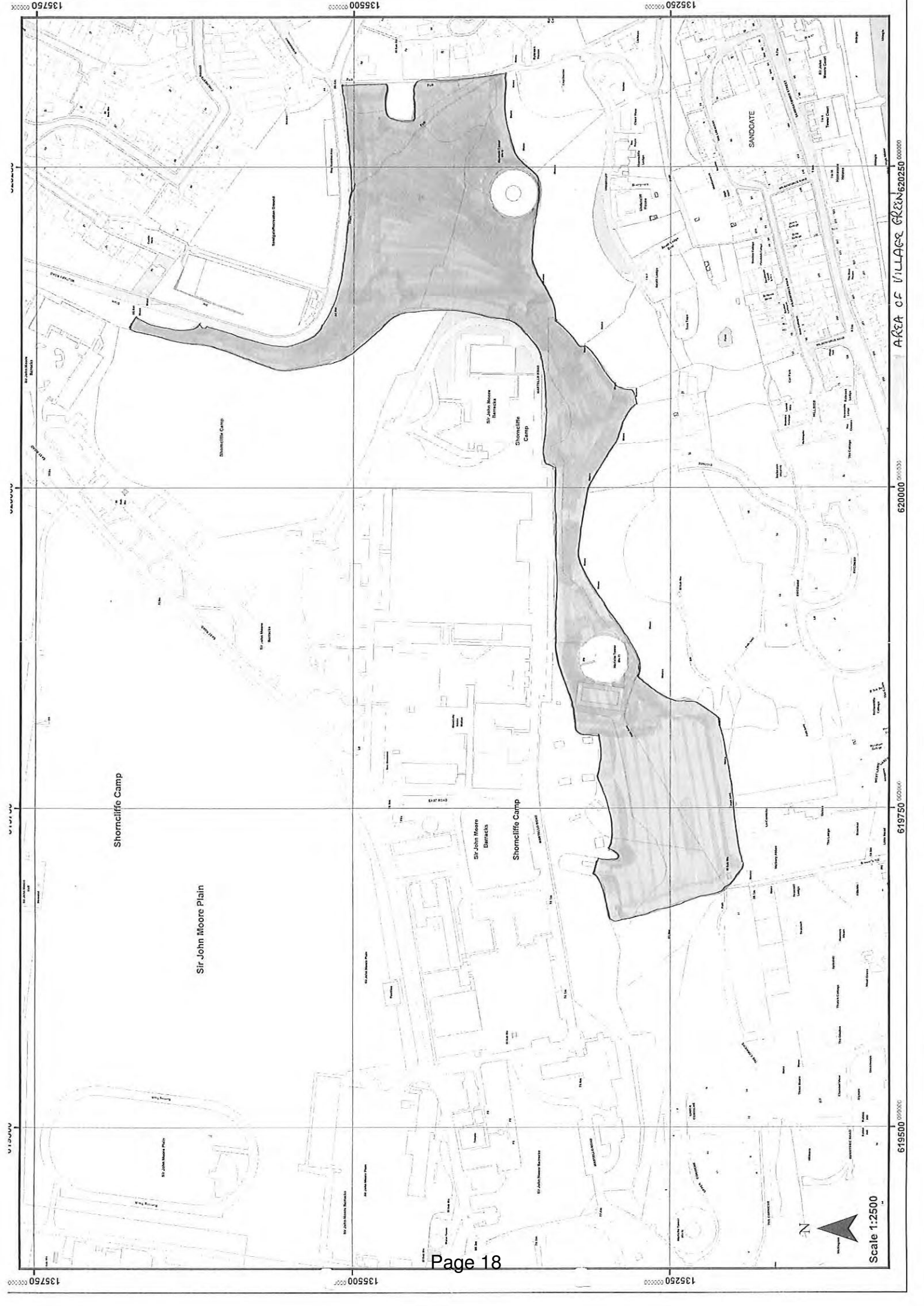
Please send your completed application form to:

**The Commons Registration Team
Kent County Council
Countryside Access Service
Invicta House
County Hall
Maidstone
Kent ME14 1XX**

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 Commons 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.

A copy of this form and any accompanying documents may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000.



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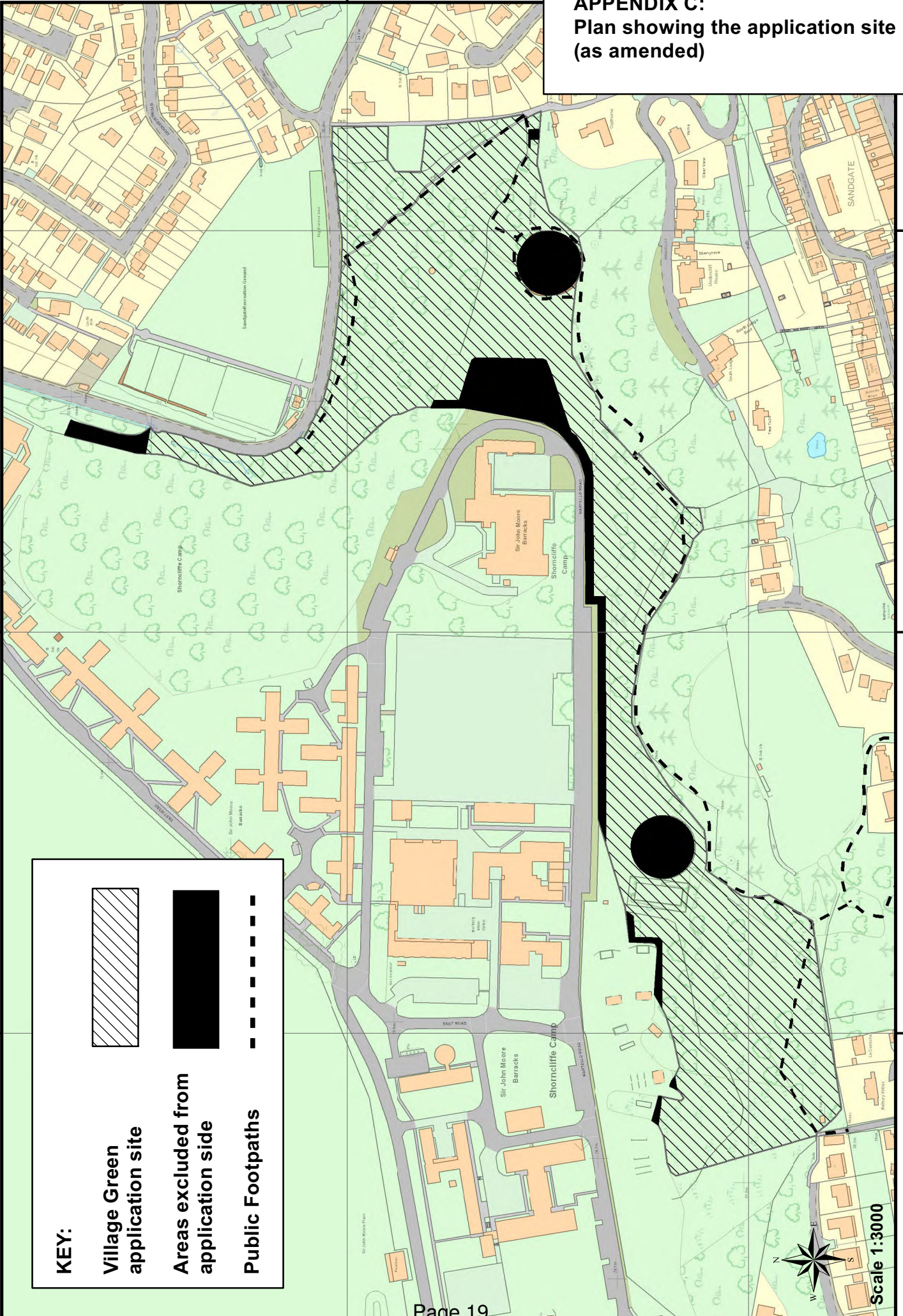
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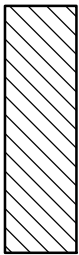
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**APPENDIX C:
Plan showing the application site
(as amended)**



KEY:



**Village Green
application site**



**Areas excluded from
application site**



Public Footpaths

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**APPENDIX D:
Summary of user evidence submitted
in support of the application**

Name	Period of use	Frequency	Activities	Other comments
Mr. D. ABBOTT	2000 – present	Daily	Walking, exercising dogs	Access via back gate from garden. Have observed use by others many times per day, every day
Mrs. P. ABBOTT	2000 – present	Daily	Dog walking	Access via back garden gate. Have observed use by dog walkers, teenagers or motorbikes on a daily basis.
Mr. G. ADAMS	1958 – present	Daily	Dog walking, bird watching, Sandgate cubs and scouts activities, childhood play	
Mrs. J. ADAMS	1979 – present	Weekly	Dog walking	
Mrs. D. ANDREWS	1980 – present	At least weekly, more in summer	Walking with family and friends	Access since 2006 from back gate of house. There are safety notices around the derelict Martello Tower. Observed use by others on a daily basis.
Mr. R. ANDREWS	1980 – present	At least weekly, more in summer	Walking with family	There are safety notices around the derelict Martello Tower. Observed use by others on a daily basis.
Mr. M. ANSELL	1997 – present	Daily	Walking	Seen others using the land on a daily basis for walking
Ms. S. ANSELL	1999 – present	Weekly	Dog walking	
Mr. G. AUSTIN	1975 – present	Weekly	Walking, dog walking	
Mr. and Mrs. M. BELL	1990 – present	Weekly	Walking with children/dog and enjoying woodland	Seen others using the land on a daily basis for walking and cycling
Mr. C. BURTON	2007 – present	Occasionally, but monthly in summer	Recreational walking	Always see other people enjoying the area when there. It is used by many walkers who enjoy outdoors.
Mr. G. COLQUHOUN	2007 – present	Weekly	Walking, dog walking, taking children to play in the woods and on rope swings	Have seen use by others for a number of activities, including running and cycling. Woods are much used by the public.
Mrs. S. COLQUHOUN	2007 – present	Weekly	Walking, taking children to play in woods	Observed use by others on a daily basis.
Mrs. N. CONDIE	1996 – present	Variable	Walking, nature hunts with children	Observed use by others on a daily basis.
Mr. P. CONDIE	1996 – present	Weekly – monthly	Walking, nature hunts with children	Observed use by others on a weekly basis.
Mrs. J. CORNWELL	1987 – present	Weekly	Dog walking, blackberrying, exploring with children	Frequently observed use by others, incl dog walkers, rambles, picnickers.
Mr. R. CORNWELL	1987 – present	Weekly	Dog walking, blackberry picking, metal detecting, exploring with children	Frequently used by walkers, joggers, picnickers and for sledging.
Mr. T. CORRIGAN	1978 – present	Daily	Socialising, exercising dogs	
Ms. N. CROWHURST	2001 – present	At least 3 times per week	Dog walking	Observed use by others on a daily basis for walking and cycling. It is extremely well used.
Mr. G. DIXON	1957 –	Weekly	Playing as a child,	Regularly observed use by

	present		camping, dog walking, walking with children.	others.
Mrs. R. DIXON	1956 – present	Weekly	Played in the pillar box and Martello towers as a child.	Father had an allotment on the land for about 20 years until 1996. Regularly observed use by others.
Mrs. C. FERGUSON	2003 – present	Daily	Dog walking, walking with children	Warning signs near Martello towers.
Mr. G. FOREMAN	1988 – present	Weekly	Walking, sport	Land has been used by various sports clubs in Sandgate area
Mr. D. GILES	1974 – present	Daily	Walking, running and biking	Observed use by others on a daily basis. Land also used by running and biking clubs.
Mrs. J. GILES	1992 – present	Monthly, sometimes weekly	Walking	Observed use by others on a daily basis. Land also used by running and biking clubs.
Mrs. C. GOVER	1958 – 1980	Weekly	Playing with friends, dog walking, blackberrying, short cut to recreation ground	
Mr. G. GOVER	1970 – 1980	Frequently	Walking, looking at sights, enjoying nature	
Mr. J. GREENWALL	1955 - ?	Occasionally	Walking and fauna watching	No longer use the land.
Mr. R. GRUNDY	2003 – present	Daily	Dog walking, litter picking and history walk	Have taken part in a number of litter picks on this community land.
Mr. J. HALL	1988-94, 1997 - present	Weekly, more frequently in summer	Walking, running and cycling	
Mrs. G. HEDLEY	1985 – present	Fortnightly	Drawing, relaxation	See others dog walking, rambling, nature watching, looking at monuments whenever there.
Mr. R. HEDLEY	1985 – present	Occasionally until 2003, then weekly	Walking with family and friends, bird watching, dog walking, bat detecting, wildlife observation	House adjoins escarpment and hear people walking along it most days.
Mrs. A. HILL	1993 – present	Weekly	Dog walking, playing with children on rope swings, relaxing on bench	Seen use on a weekly basis for dog walking and children playing
Mr. I. HILL	1993 – present	Weekly	Walking, dog walking, playing on rope swings with children	Seen use on a weekly basis for dog walking and children playing
Ms. J. HOLBEN	2003 – present	Weekly	Litter picks with young people, dog walking, family/history/health walks.	Have always considered this land to be public land and as such I have organised litter picks with members of the public, young people, councillors taking part.
Mr. A. KAYE-LESSER	1976 – present	Daily	Walking and dog walking	Observed dog walking on a daily basis and other activities (army cadets and scouts) occasionally.
Lady E. KEMP	1994 – present	Monthly	Walking, blackberrying	Only seen MOD notices on the land.
Mr. M. KIMPTON	1974 – present	Weekly, daily for 21 years	Walking, playing with children	Observed daily use by others
Mr. M. MARNHAM	1955 - ?	Monthly	Bird watching and butterfly/moth collecting	No longer use the land
Mr. R. MARNHAM	1955 – present	Not stated	Walks with grandchildren, bird watching	See others using the land 'all the time', including Scouts camping, children playing and people walking dogs
Mr. A. NEEL	1956 – 1974	Weekly until 1966, then less often	Dog walking, playing as a child, collecting blackberries and	Normally other people would be using the footpaths at the same time

			raspberries	
Mrs. L. PATTISON	2004 – present	Three times per week	Dog walking, nature walks with children to Seabrook	Some areas are fenced off by MOD. Local scouts/cubs use the woods for activities and local children play there.
Ms. F. PEARL	1971 – 1986	Weekly/daily	Walking with dog and children, blackberrying, mushroom picking	Still use the land on a monthly basis when visiting relatives locally.
Mr. J. PRATT	2000 - present	Weekly	Dog walking and studying wildlife	Have seen MOD warning notices to prevent entry into areas that might be hazardous. Have seen use by others for running, walking, cycling and children playing.
Ms. M. PRICE	1987 – present	Weekly	Walking, birdwatching, access to Sandgate High Street and Military Road, playing with children	Observed use by others on a daily basis.
Mrs. L. RENE-MARTIN	1932-50, 1956-71, 1980-05	Occasionally	Rambles, litter pick, noting flora, fauna, bird life etc	
Mr. R. RIBERO	2010	Weekly or monthly	Walking to Hythe	Land provides the local residents with a beautiful place to walk and walk dogs.
Mr. A. RICHARDSON	1975 – present	Twice weekly until 1986, then monthly	Walking, playing, nature observation, mushrooming	
Ms. H. RICHARDSON	1947–61, 1974 - present	Variable – daily or monthly	Observing flowers and fungi, blackberrying, bird watching, dog walking, playing with children	
Mr. D. ROSEVEARE	1986 – present	Weekly	Walking, running, bird watching, blackberrying	Regularly observe use by others
Mrs. E. ROSEVEARE	1986 – present	Weekly	Walking, blackberrying, bird watching, dog walking, Beavers and Cubs activities	MOD signs on the land. Regularly observe use by others.
Mrs. R. SANDERS	1960 – present	Variable	Played as child and taken own children there, walked dogs as a teenager anywhere in the woods and picked blackberries.	Always been someone else there when I have used the woods. As a child used to play on a swing rope that had been tied to a tree.
Mr. and Mrs. P. STRAND	1992 – present	Monthly	Walking, dog walking	Have seen military no access signs. Seen others using the land on most occasions.
Mrs. A. SUTCLIFFE	1970 – present	Several times per week 1970-05, now several times per year	Dog walking, hikes and other outdoor activities with Guides, short cut to Seabrook avoiding roads	Seen others using the land on most occasions I have been there.
Mr. J. SUTCLIFFE	1968 – present	Several times per week, now occasionally	Walking and dog exercising, photography	Land known as 'cliff top path'. Access occasionally difficult due to fallen trees. Seen a variety of activities taking place on the land by other people.
Mr. R. TURNILL	1976 – present	Daily, but not so often now	Recreational walking with family and visiting friends	Seen others using the land occasionally for walking, often with dogs. Area has always been a recognised public amenity area.
Mr. D. VAN DER WAL	Early 1980s – 92, 1997 –present	Occasionally but regularly	Running, jogging and walking	The land provides the only direct rural link between Sandgate.
Ms. M. WELLS	1973 – present	Daily, now weekly or	Walking, sledging, playing as a child, running,	Army put up a razor wire fence and stopped some routes due to

		monthly	relaxation, enjoying the view	security in about 1994. No notices apart from on the MOD land.
Mr. C. WELLS	1976 – present	Weekly	Walking with children or mountain biking	
Mrs. C. WILLIAMSON	1998 – present	Daily	Dog walking and bird watching	Mainly seen use by others for dog walking, bird watching and rambling and running.
Mr. E. WILLIAMSON	1998 – present	Daily	Dog walking, bird watching, watercolour painting	There is an old MOD notice prohibiting the dumping of rubbish on the land at the top of Brewers Hill. Also a sign prohibiting riding and cycling.
Mr. P. WOODWARD	2006 – present	Daily	Running and dog walking	
Mrs. S. WOODWARD	2006 – present	Daily	Dog walking on the designated footpath	
Mr. M. YOUNG	1956-74, 1982 - present	Occasionally	Walking, dog exercising, rope swings, building camps, jogging, running, cycling.	

DEFENCE

THE SHORNCLIFFE AND DISTRICT MILITARY LANDS BYELAWS 1976

Made 1st March 1976

Coming into operation 17th May 1976

The Secretary of State for Defence in exercise of his powers under Part II of the Military Lands Act 1892 (a) and Section 2 of the Defence (Transfer of Functions) Act 1964 (b) and of all other powers enabling him in that behalf hereby makes the following Byelaws:—

LANDS AFFECTED

1. The lands to which these Byelaws apply consist of lands belonging to the Secretary of State in the former Boroughs of Folkestone and Hythe and in the Parishes of Acrise, Elham, Lynninge, Newington, Paddlesworth, Saltwood and Postling in the District of Shepway, in the County of Kent, but excluding any public rights of way, the boundaries of which lands are, for convenience of identification, shown by a black line on the plan annexed to these Byelaws and identified as "Plan of the Shorncliffe and District Military Lands" all of which is hereinafter referred to as "the Military Lands".

USE OF LANDS BY PUBLIC

2. Subject to the provisions of these Byelaws the public are permitted to use all parts of the Military Lands not specially enclosed or the entry to which is not shown by notice as being prohibited or restricted, including those Ministry of Defence roads thereon which have been constructed and made up for general use by vehicular traffic, for the purposes of open-air recreation at all times when the Military Lands are not being used for military purposes for which they are appropriated.

(a) 55 & 56 Vict. c.43. (b) 1964 c.15.



Shorncliffe and District Military Lands Byelaws 1976

Made by the Secretary of State for Defence, under the provisions of the Military Lands Act 1892, for regulating the use of the above-mentioned lands.

CONTROL OF ROAD TRAFFIC

4

3. When any such Ministry of Defence road as aforesaid within any part of the Military Lands which is not specially enclosed or the entry to which is not prohibited or restricted is not closed to the public or is not being used for military purposes:—

- (1) No person shall ride a horse, bicycle or tricycle or drive a vehicle elsewhere than on the carriageway of such road;
- (2) No person shall use any vehicle to ply for hire on any such road;
- (3) Every person who rides a horse, bicycle or tricycle or drives a vehicle on any such road
 - (a) shall comply with the directions, given orally or by signal, of a Service policeman in uniform or any member of a police force, or special constable under the control of the Defence Council;
 - (b) shall comply with all military and traffic signs, and
 - (c) shall ride or drive with due care and attention and with reasonable care for other persons.
- (4) No person shall ride a bicycle or tricycle or drive a vehicle upon such a road during the hours of darkness as prescribed by the enactments relating to the lighting of road transport unless such bicycle or tricycle or vehicle carries the appropriate lights which are required to be carried by such bicycle or tricycle or vehicle when on a public highway during the hours of darkness;
- (5) No person shall drive without a valid Driving Licence or be in charge of any vehicle unless the vehicle is registered, taxed and insured, as required for such vehicle when on a public highway.

PROHIBITED ACTIVITIES

4. Without prejudice to the provisions of Byelaw No. 3, no person when on the Military Lands shall:—

- (1) enter on any part of the Military Lands which is specially enclosed or the entry to which is shown by a notice as being prohibited or restricted, or
- (2) ride a horse, bicycle or tricycle or drive or propel a vehicle of any kind otherwise than on the carriageway of a road suitably constructed and made up for general use for vehicular traffic, or
- (3) engage in or carry on any trade or business of any nature or kind whatsoever or ride, drive, conduct or cause to be ridden, driven or conducted, use or employ any animal or vehicle of any kind or use any audible means either wholly or mainly for the purposes of trade or advertisement, or

- (4) loiter, or commit any nuisance, or behave in any indecent or unseemly manner, or
- (5) assemble or attempt to assemble or cause to assemble, or bring upon the Military Lands any number of persons for the purpose of a private or public meeting or otherwise, or address any such persons when assembled, or
- (6) camp (whether in tents, caravans or otherwise), bivouac or sleep out, or
- (7) deposit industrial or domestic refuse, rubble, waste or litter or abandon any vehicle or vehicle part or article, or
- (8) damage, cut or remove grass, turves or growing crops, shrubs, trees, timber or wildflower roots, or
- (9) graze any animal, or
- (10) pursue, kill, shoot, snare or trap game or other birds or animals, or take or destroy their eggs, or
- (11) damage, spoil, interfere with or remove any building, wall, fence, gate, post, cattle grid, stores, equipment or ammunition, or
- (12) dig or search for any projectile or any lead or other metal, or interfere with or take or retain or be in possession of any projectile or lead or other metal found within the Military Lands, or
- (13) do or cause or allow to be done, any act which is likely to cause nuisance, annoyance or injury to other persons, or
- (14) deposit or distribute or cause to be deposited or distributed any handbills, leaflets or other literature or printed matter of any description, or
- (15) affix posters, notices or bills of any description in or on the boundaries, walls or fences or in or on any building or other structure or on any tree, pillar, post, bollard, railing, gate or other erection, or
- (16) light fires, drop or leave lighted or live matches or burning cigarette ends or do any act or thing liable to cause an outbreak of fire, or
- (17) take or cause to be taken on the Military Lands any fire-arm, air-gun, ammunition, any explosive or detonator or any part or component of the foregoing.

WARNING OFF

5. (1) No person shall remain on the Military Lands after having been warned off by a person acting under the authority of the General Officer Commanding the Army District or of the Officer in Charge of the Military Lands.

(2) No person, being the owner or person for the time being in charge of any animal, vehicle or thing upon the Military Lands, shall permit the same to remain upon the Military Lands after having been warned to remove the same by a person acting under the authority of the General Officer Commanding the Army District or of the Officer in Charge of the Military Lands.

OFFENCES

6. Subject to the provisions of Byelaw No. 8 any person doing anything prohibited by or otherwise contravening any provision of the preceding Byelaws Nos. 3, 4 and 5 thereby commits an offence against the Byelaws so contravened.

ENFORCEMENT

7. The following persons are hereby authorised to remove from the Military Lands and to take into custody without warrant any person committing an offence against any of the said Byelaws, and to remove from the Military Lands any animal, vehicle or thing found on the Military Lands in contravention of any of the said Byelaws:—

- (a) The General Officer Commanding the Army District;
- (b) The Officer in Charge of the Military Lands;
- (c) any officer, warrant officer, non-commissioned officer or rating of corresponding rank, or any Service policeman, in uniform and being for the time being under the command of the said General Officer Commanding or of the Officer in Charge of the Military Lands;
- (d) any person authorised in writing by or on behalf of the said General Officer Commanding or of the Officer in Charge of the Military Lands, and
- (e) any member of a police force or any special constable under the control of the Defence Council.

EXEMPTIONS

- 8. (1) Nothing done by a person using the Military Lands for any of the military purposes for which they are for the time being appropriated, if done in pursuance of such military purpose, shall be deemed to constitute an offence against any of these Byelaws.
- (2) Nothing done by a person acting under and in accordance with any authority or permission given by or on behalf of the Secretary of State, the General Officer Commanding the Army District or the Officer in Charge of the Military Lands shall be deemed to constitute an offence against any of these Byelaws.

INTERPRETATION

9. The Interpretation Act 1889 (c) shall apply to the interpretation of these Byelaws as it applies to the interpretation of an Act of Parliament.

COMMENCEMENT, CITATION AND REVOCATION

- 10. (1) These Byelaws shall come into operation on the 17th day of May 1976 and may be cited as the Shorncliffe and District Military Lands Byelaws 1976.
- (2) The Byelaws in respect of the Shorncliffe and District Military Lands dated the fifth day of September 1938 (d) are hereby revoked.

Date this 1st day of March 1976.

(Signed M. H. TALLBOYS

By order of the Secretary of State for Defence

NOTICES

PENALTY FOR OFFENCES

1. By Section 17 (2) of the Military Lands Act 1892, as amended by Section 92 of and Schedule 3 to the Criminal Justice Act 1967, it is provided:—

If any person commits an offence against any Byelaw under this Act, he shall be liable, on conviction before a Court of Summary Jurisdiction, to a fine not exceeding TWENTY POUNDS, and may be removed by any Constable or Officer authorised in manner provided by the Byelaw from the area, whether land or water, to which the Byelaw applies, and taken into custody without Warrant, and brought before a Court of Summary Jurisdiction to be dealt with according to law, and any vehicle, animal, vessel or thing found in the area in contravention of any Byelaw, may be removed by any constable or such officer as aforesaid, and on due proof of such contravention, be declared by a Court of Summary Jurisdiction to be forfeited to Her Majesty.

INSPECTION OF BYELAWS AND PLAN

2. A copy of these Byelaws and a plan showing the lands to which these Byelaws apply may be inspected at the office of the Garrison Commander, Headquarters Dover/Shorncliffe Garrison, the Police Stations at Folkestone and Hythe and also at the office of the Senior Estate Surveyor, Property Services Agency, Department of the Environment, Chaucer Barracks, Canterbury, Kent CT1 1JS where copies of the Byelaws may be obtained at the price of five pence (5p) for each copy.



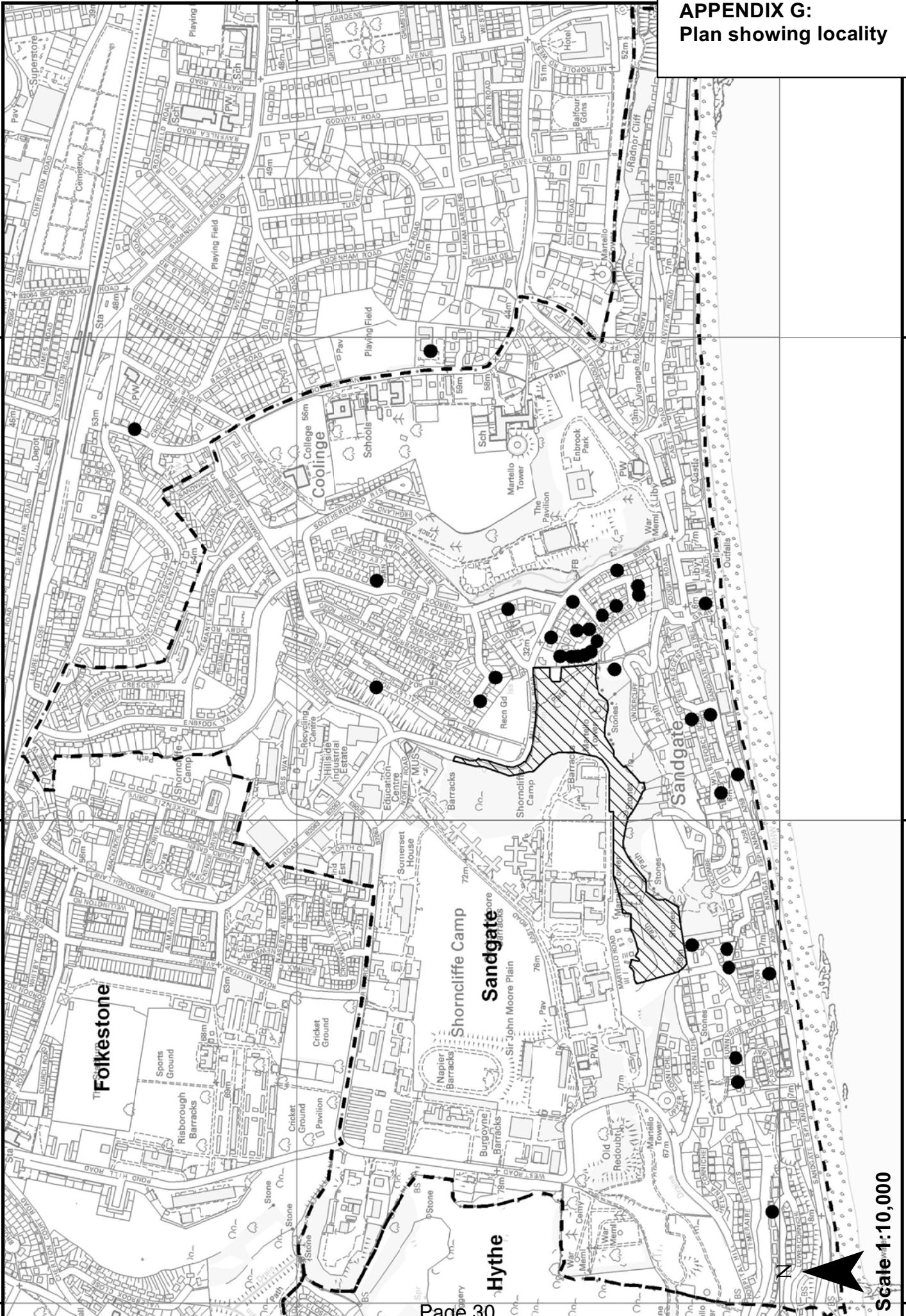
Plan of the SHORNCLIFFE and DISTRICT Military Lands

**APPENDIX F:
Photographs showing notices at the
western end of the application site**





APPENDIX G:
Plan showing locality



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619000

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Scale 1:10,000