

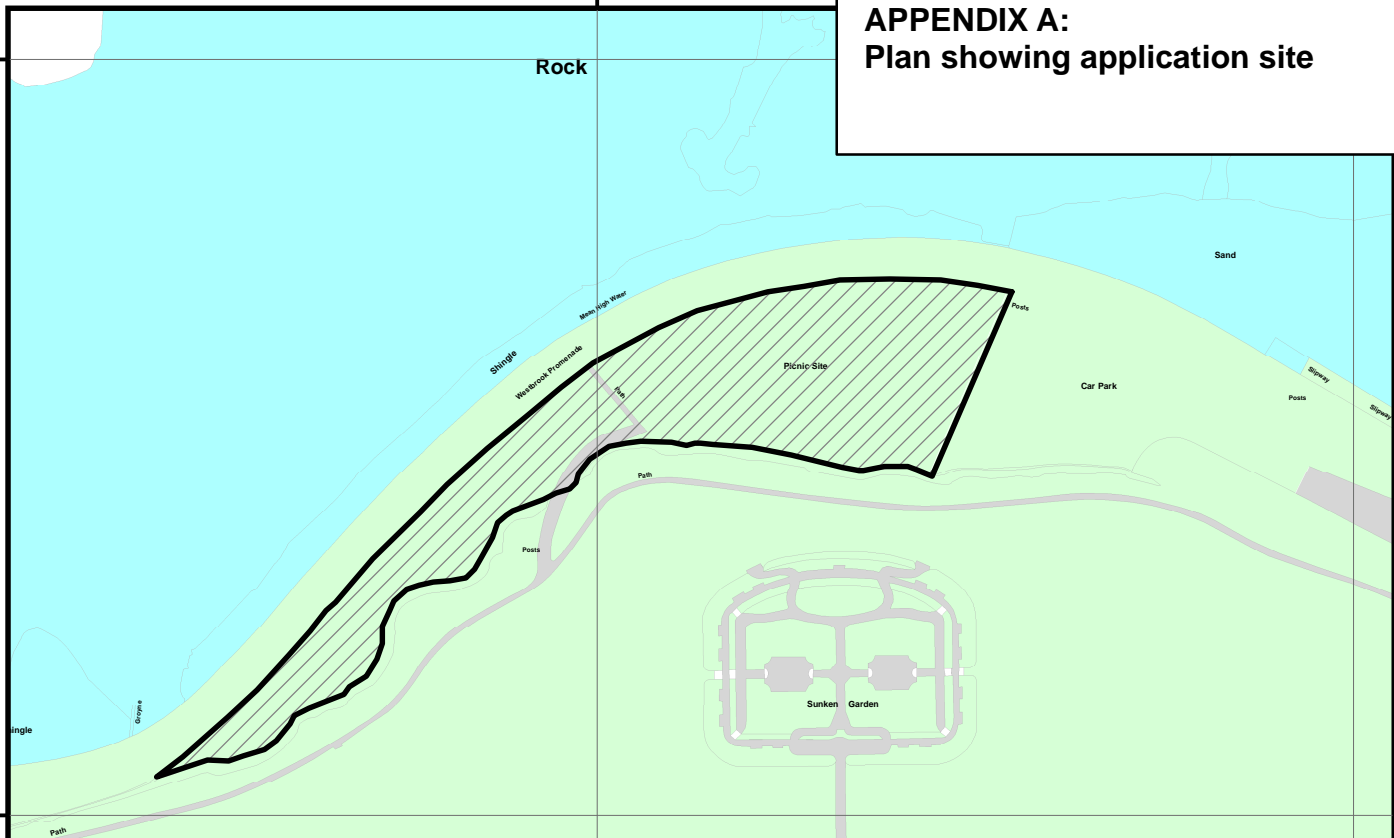
633250.000000

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APPENDIX A: Plan showing application site

Rock

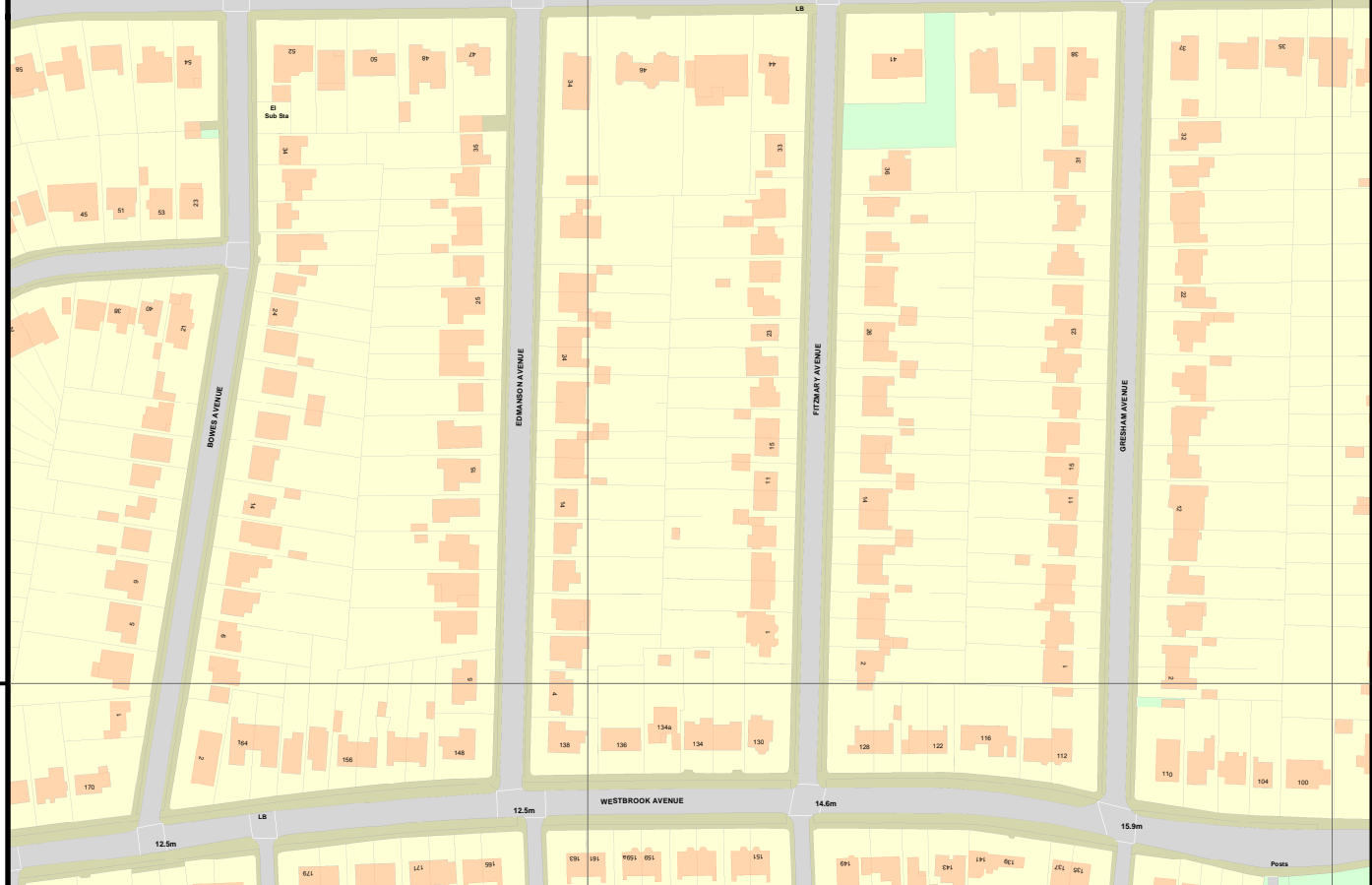
Sand



170500.000000

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14.3m ROYAL ESPLADE 14.6m



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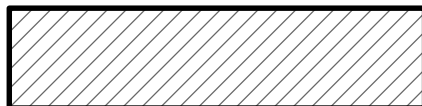
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Scale 1:2500

Land subject to Village Green application
at Westbrook, near Margate



FORM CA9

Commons Act 2006: section 15

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



This section is for office use only

Official stamp of the Registration Authority
indicating date of receipt:

Application number:

COMMONS ACT 2006
KENT COUNTY COUNCIL
REGISTRATION AUTHORITY
06 APR 2009

VGA611

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
INVICTA, HOUSE
COUNTY HALL
MAIDSTONE
KENT ME 14 1XY

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: ANTHONY SYKES

Full postal address:
(incl. Postcode) 52 WEST BROOK AVE.
MARGATE
KENT CT9 5HB

Telephone number:
(incl. national dialling code) 01843 - 223841

Fax number:
(incl. national dialling code)

E-mail address:
TONYSYKES@TALKTALK.NET (CALL 1234)

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:

<p><i>*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.</i></p>	<p>If section 15(3) or (4) applies, please indicate the date on which you consider that use 'as of right' ended and why:</p> <p>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:</p>
<p>Note 5 <i>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.</i></p>	<p>5. Description and particulars of the area of land in respect of which application for registration is made</p> <p>Name by which usually known: LAND ADJACENT TO BARNES CAR PARK WESTBROOK</p> <p>Location: TR 333706 LAT 51:23:12N LONG 1:20:08E</p> <p>Common Land register unit number (only if the land is already registered Common Land): N/A</p> <p>Please tick the box to confirm that you have attached a map of the land (at a scale of at least 1:2,500): <input checked="checked" type="checkbox"/></p>
<p>Note 6 <i>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.</i></p>	<p>6. Locality or neighbourhood within a locality in respect of which the application is made</p> <p>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:</p> <p>WESTBROOK / APRILING / WESTGATE SUB EXHIBIT 1</p> <p>Please tick here if a map is attached (at a scale of 1:10,000): <input checked="checked" type="checkbox"/></p>

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

PLEASE SEE ATTACHED
EVIDENCE SHEET

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

THANET DISTRICT COUNCIL
AM I UNDERSTAND OWNERS.

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.

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

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.

10. Supporting documentation

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.

11. Any other information relating to the application

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:


2/3/2009**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.

Application for Village/Town Green registration
Commons Act 2006 section 15
Evidence

Location

This is a parcel of land adjacent to the Barnes Car Park to which it lies to its West. Please see exhibit 1, 2, 3 and 4 for location.

Reason for application

This land has been used for over 50 years as an amenity by local residents and visitors alike. It lies under the cliff and between the promenade and the cliff. It has never been fenced and is believed to have been in existence since the building of the sea wall in the late 18 hundreds. It was at one time known as "Sea Walk". The parcel of land gives a natural relief from the busy bays of Westbrook and St Mildred's which lie to the east and west respectively. The promenade forms part of the Viking Coastal Trail.

Thanet District Council, after a misleading consultation, have voted to dispose of a major part of this land and sell it to "preferred developers" with likely use as a coach park or beach huts. This would be totally inappropriate and a great loss to both wildlife and the residents that use and enjoy it. The Thanet coast is quite unique for both its chalk and wildlife as born out by the fact it has been designated as of special scientific interest.

The coastline has been built up and developed over the years and there has been a continuing loss of open spaces on the coast. This application is made in the hope of preserving a small part of it for the benefit of future generations.

Evidence

I have lived in Westbrook since 1971 and in the area generally since 1951. To the best of my knowledge this land has been unfenced with public access for well over 20 years. Please see exhibit 5 which is a copy of postcards probably over 50 years old showing the existence of the promenade and parcel of land available for public access. This land has been used regularly by dog walkers, picnickers, walkers, bird watchers and at one stage had picnic tables. See exhibit 8 there are concrete stands where I understand they were located. You will also see well trodden paths on this land.

A request was made last year for the council not to cut the grass as it had several wild grasses, plants and shrubs frequented by seed eating birds and is used at night in winter for roosting by Turnstones when the weather is bad.

Many dog walkers use this piece of land to exercise their dogs throughout the year and especially so when they are banned from the beach in both the adjoining bays during the summer months.

There is a public bench located on this land and this is often used by cyclists for a break on the Viking Cycle Way and walkers to sit and enjoy the sea views and interesting wildlife to been seen on this stretch of Chalk reef.

Exhibit 5 shows the land as it is at present and I have also enclosed other exhibits showing old postcards of the surrounding area as evidence as to the age of the promenade in general.

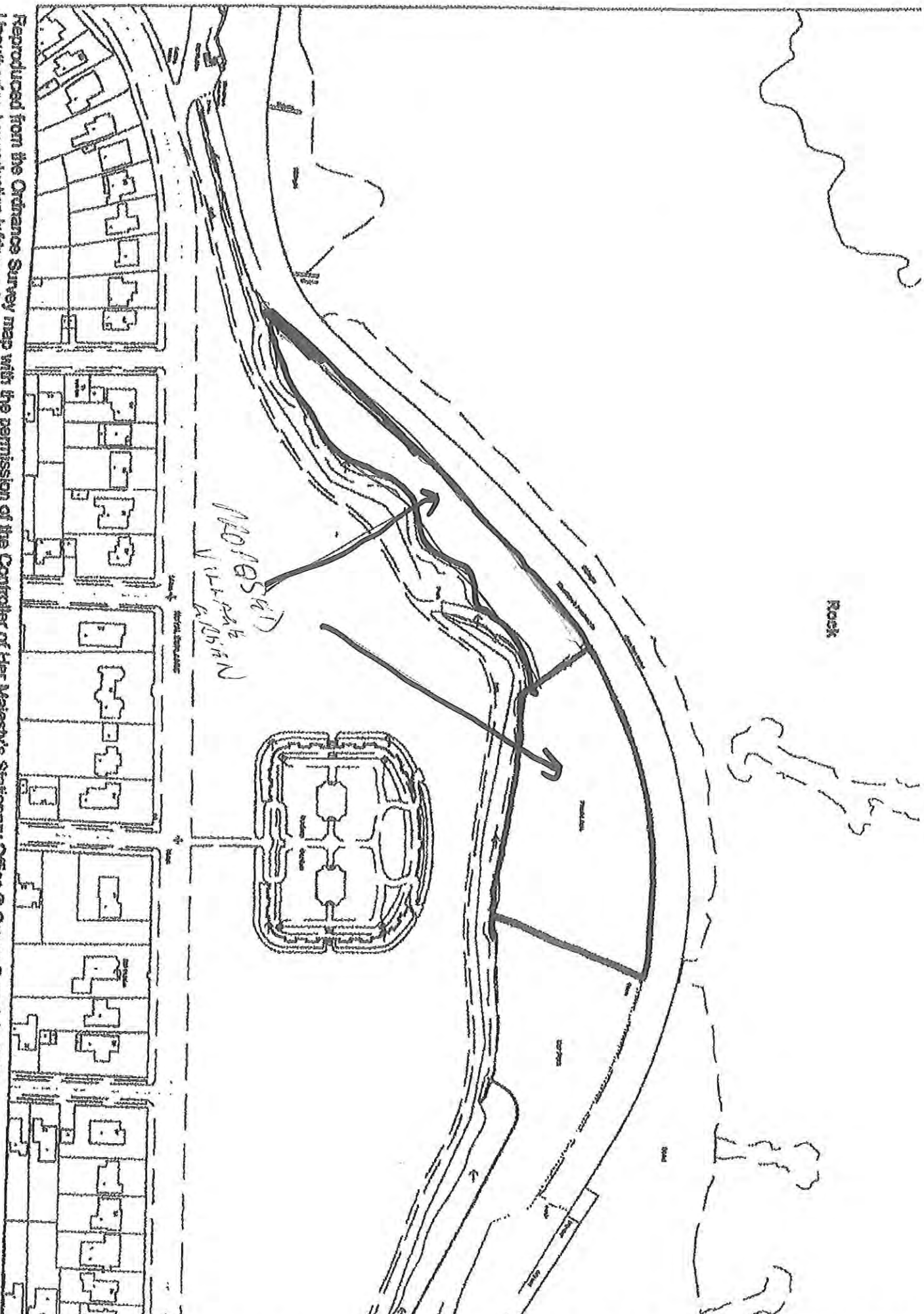
I also enclose a copy of press cutting which explains why I feel strongly that this land should be preserved both for wildlife and residents.

A handwritten signature in black ink, appearing to read 'Anthony Sykes', with a long horizontal line extending to the right.

Anthony Sykes
02 March 2009

3

193



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright 2000.
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Date:
 SLA:
 Scale

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

Name	Period of use	Frequency	Activities	Other comments
Mr. and Mrs. M. ADAMS	1966 – present	Not stated	Walking, sitting, bird watching, kite flying, playing with children	
Mr. J. ASHMORE	1964 – present	Monthly	Not stated	
Mrs. J. ATKINSON	1999 – present	Daily	Dog walking	Prevented from using the land by campers
Mrs. B. BALSOM		Weekly	Dog walking	
Mr. A. BEACH	1985 – 2007	Very frequently	Watching ships, bird watching, walking, wild flour observation	“used to be a very pleasant picnic area maintained by Thanet DC until they removed the tables and chairs for renovation”
Mr. S. BIRD	1980 – present	Daily	Dog walking, playing with children	Observed children playing football and cricket
Mr. and Mrs. N. BLAKE	1986 – present	Daily	Walking	
Mr. and Mrs. C. BOARER	1981 – present	Daily	Dog walking and walking	
Mrs. S. BRIDGER	2006 – present	Daily	Dog walking, playing with children, bike riding, watching boats	
Mr. S. BRIGGS	2004 – present	Weekly	Dog walking	
Mrs. E. BROWN	1959 – present	Variable	Dog walking, bird watching, played as a child	Observed occasional camping
Mrs. J. BROWN	1991 – present	Daily	Dog walking, cycling, playing ball, picnics	
Ms. P. CALVER	1991 – present	Weekly	Walking	
Mr. L. CARLTON	1998 – present	Daily	Dog walking, sitting at picnic tables	“when the seats were there, a nice spot to rest and take in the view...”
Mrs. M. CARLTON	20+ years	Almost daily	Dog walking, walking, cycling	
Mrs. A. CLEMINSON	1971 – present	Not stated	Walking, picnicking, watching ships and sea sports, enjoying cliffs	Observed walking, picnicking, fishing, cycling, bird watching. There is a narrow path formed by frequent use.
Mr. N. CLEMINSON	1970 – present	Daily or weekly	Hockey, cricket, summer club for kids. Now use for dog walking and bird watching	
Mr. G. COLYER	1949 – present	Daily	Walking, picnics, children’s games	
Mr. and Mrs. DARBY	1986 – present	Twice daily	Dog walking, picnicking, nature studies, playing with children	
Ms. L. DEAKIN	2005 – present	Daily	Dog walking	
Mrs. M. DENNISON	1972 – present	Daily, sometimes weekly	Walking	Often see use by others
Mr. K. DENT	2005 – present	Daily	Walking, dog walking, sea views	
Mr. G. DIXON	2000 – present	Daily	Walking, dog walking, nature observation	

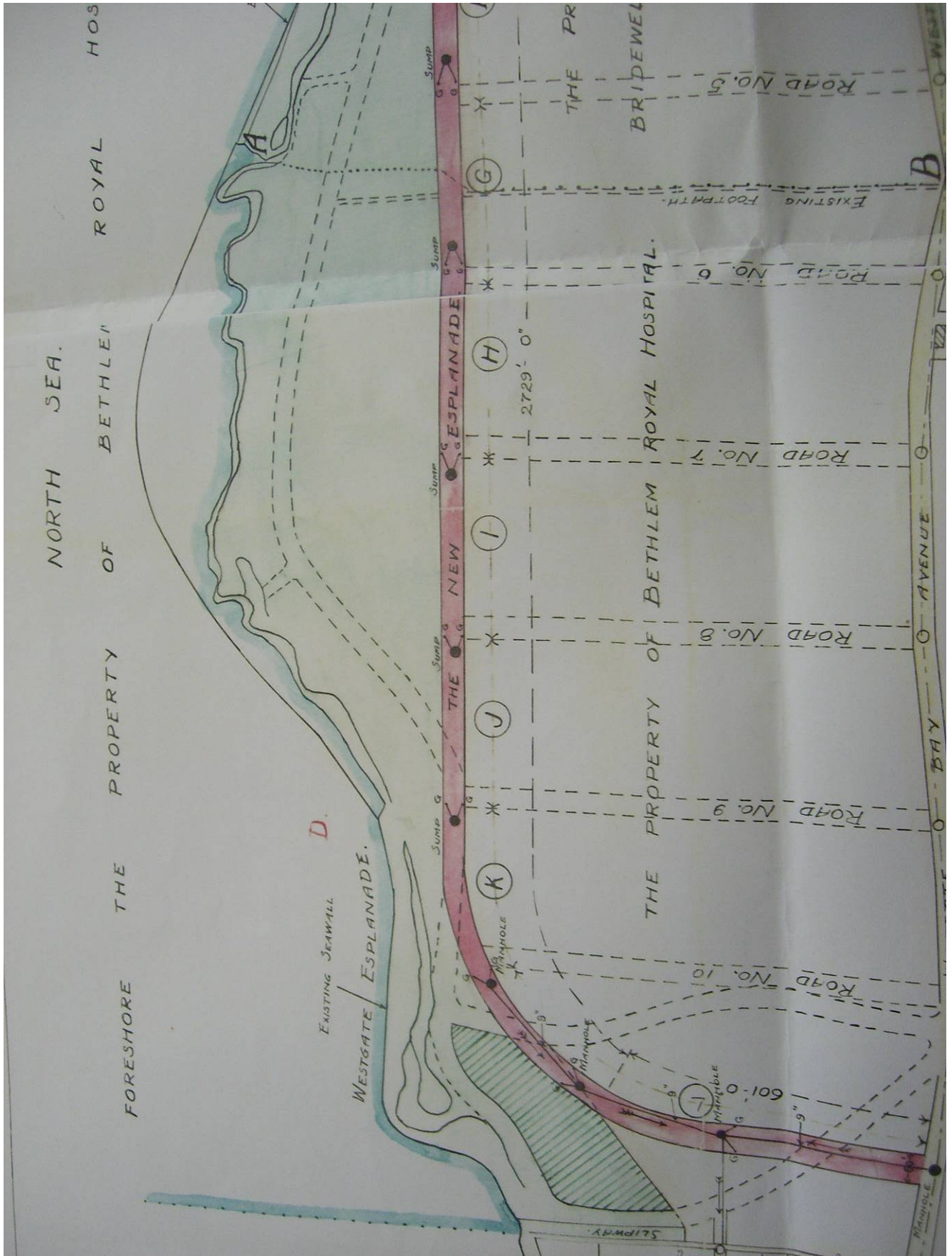
Mr. and Mrs. J. DOBSON	1999 – present	Daily	Dog walking, bird watching, picnics, views of sea	
Mr. and Mrs. DUNGEY	2000 – present	Daily	Walking (with and without dogs)	
Mr. and Mrs. B. FARRELL	1974 – present	Weekly	Nature observation	“I usually make a detour from the promenade...”
Mr. P. FARRELL	1957 – present	Weekly, more in summer	Dog walking, relaxing sea views	Used as a child for picnics, football and bike riding.
Mr. and Mrs. S. FAURE	1985 – present	Daily	Dog walking, bird watching	
Miss. V. FETISSOVA	2000 – present	Daily	Dog walking, playing with children	“local teenagers use the space for BMX sports activities”
Mr. and Mrs. D. FULLER	1976 – present	Weekly	Dog exercising, bird watching, nature observation	Picnic tables were cited there by the Council at one time
Mr. and Mrs. J. GAMBRILL	1949 – present	Daily	Dog walking	
Mrs. C. GARDNER	1969 – present	Not stated	Sitting on bench to enjoy views	
Mr. J. GARDNER	Since 1930s	Not stated	Walking along seaside	
Mr. R. GEORGE	1989 – present	Weekly	Dog walking	
Mr. R. GIFFORD	1976 – present	Almost daily until 1994, occasionally since	Dog walking, walking, bird watching	Observed horse riding and occasional tent camping
Mr. and Mrs. P. GILBERT	1972 – present	Daily	Dog walking, jogging, walking, bird watching, playing with children	Observed kite flying, yoga and exercise
Mrs. V. GRANTHAM	2006 – present	Daily	Walking, exercising dog, bird watching, relaxing	
Commodore. G. GREENFIELD	1994 – present	Daily	Dog walking, bird watching, general exercise	
Mrs. J. GRIGG	1960 – present	Weekly	Walking, sitting on bench, nature observation	
Mrs. J. HAM	1969 – present	Daily	Meeting friends, dog walking	
Mr. M. HEIGHAM	1968 – present	Daily	Dog walking	Observed other activities “in substantial numbers”
Mrs. P. HEIGHAM	1968 – present	Twice weekly	Dog walking	
Mrs. P. HERMITAGE	1951 – present	Occasionally (daily until 2004)	Walking, bird watching, relaxing	
Mr. H. HEWETT	2003 – present	Weekly	Sitting looking at beach, sometimes having lunch	
Mr. R. HOLDEN	1954 – 1968	Weekly	Ball games, kite flying, cycling, nature observation	Observed use for sunbathing, ball games and kite flying
Ms. J. HODGE	1998 – present	Weekly, sometimes daily	Walking, bird watching	
Mr. R. HODGES	1974 – present	Daily	Playing with children, picnics, dog walking	
Mr. D. HOWES	1950 – present	Occasionally	Played there as a child	
Mrs. J. INGRAM	1986 – present	Daily	Walking, bird watching, observing wildlife and flora, sitting	
Mrs. D. JAMES	1980 – present	Weekly/daily	Walking, family games, picnics, relaxation	Observed recreational activities on a daily basis, including kite flying
Mr. A. JOHNSON	2006 – present	Three times per week	Walking dog and grandchildren	Occasionally observed camping
Mr. and Mrs. J.	1964 –	Weekly	Walking, sitting	

JOHNSON	present			
Dr. R. KELSEY	1982 – present	Daily	Dog walking, playing with children	
Mr. and Mrs. D. KEMBER	1960 – present	Daily, now weekly	Dog walking and recreational walking	
Mr. C. KEMEKKI	1972 – present	Occasionally	Walking, wildlife observing	
Mrs. M. KENEHAN	1986 – present	Weekly	Sitting, playing with children, picnics, walking	Observed use for sunbathing, horseriding, ball games
Mrs. S. KENEHAN	1963 – present	Frequently	Picnics, ball games, playing with children.	Also used for picking mushrooms and meeting friends when younger
Mrs. J. KESTERTON	1988 – present	Not stated	Walking	
Mr. and Mrs. D. LAWRENCE	1979 – present	Weekly or daily	Walking, bird watching, sitting	
Mr. and Mrs. LONG	1979 – present	Daily	Walking, dog exercise	
Mr. A. LORIMER	1980 – present	Daily	Walking, bird watching	
Mr. J. MAHARRY	1979 – present	Daily	Walking	
Mrs. S. MARSLAND	1952 – present	Daily, or weekly	Walking, bird and sea watching, relaxing	
Mrs. J. MARSH	2006 – present	Twice weekly	Dog walking, ball games, sitting	
Mr. P. MARTIN	1967 – present	Daily, sometimes weekly	Dog walking, wildlife watching, picnics	
Mrs. L. MAYES	1970 – present	Weekly	Walking, bird watching	Observed camping in summer
Mr. A. McCALL	1993 – present	Daily	Dog walking	
Mrs. N. McCALL	1993 – present	Daily	Dog walking	
Mr. and Mrs. W. MERRY	1976 – present	Monthly	Walking, cycling, fishing, observation	
Mr. and Mrs. MONAGHAN	2004 – present	Daily	Recreational purposes with dog and children	Occasionally observed camping. Daily use by others.
Ms. G. MOORES	1960 – present	Daily	Dog walking, walking children, cycling	
Mrs. Y. MURPHY	1956 – present	Weekly	Walking, picnics, children's games	
Mr. C. NURTHEN	1998 – present	Daily	Dog walking, playing with children	
Mr. and Mrs. G. OWEN	1988 – present	Not stated	Dog walking, reading	
Mr. N. PALSER	1969 – present	Weekly	Playing with children, walking with dog or family	
Mr. and Mrs. C. PATRICK	1977 – present	Daily	Dog walking, playing with children	
Mr. and Mrs. P. PIPER	Not stated	Weekly, previously daily	Walking	
Mr. J. POCOCK	1958 – present	Twice daily		"easterly part of the land was used as picnic area and games field (children). Tables fixed and supplied by Council and grass kept short, but only for a few years"
Mr. J. POCOCK	1978 – present	Weekly	Dog walking, walking	
Mrs. D. POCOCK	Not stated	Often, daily in summer	Playing games with children, dog walking	
Mr. P. RALPH	1985 – 2007	Occasionally	Walking	

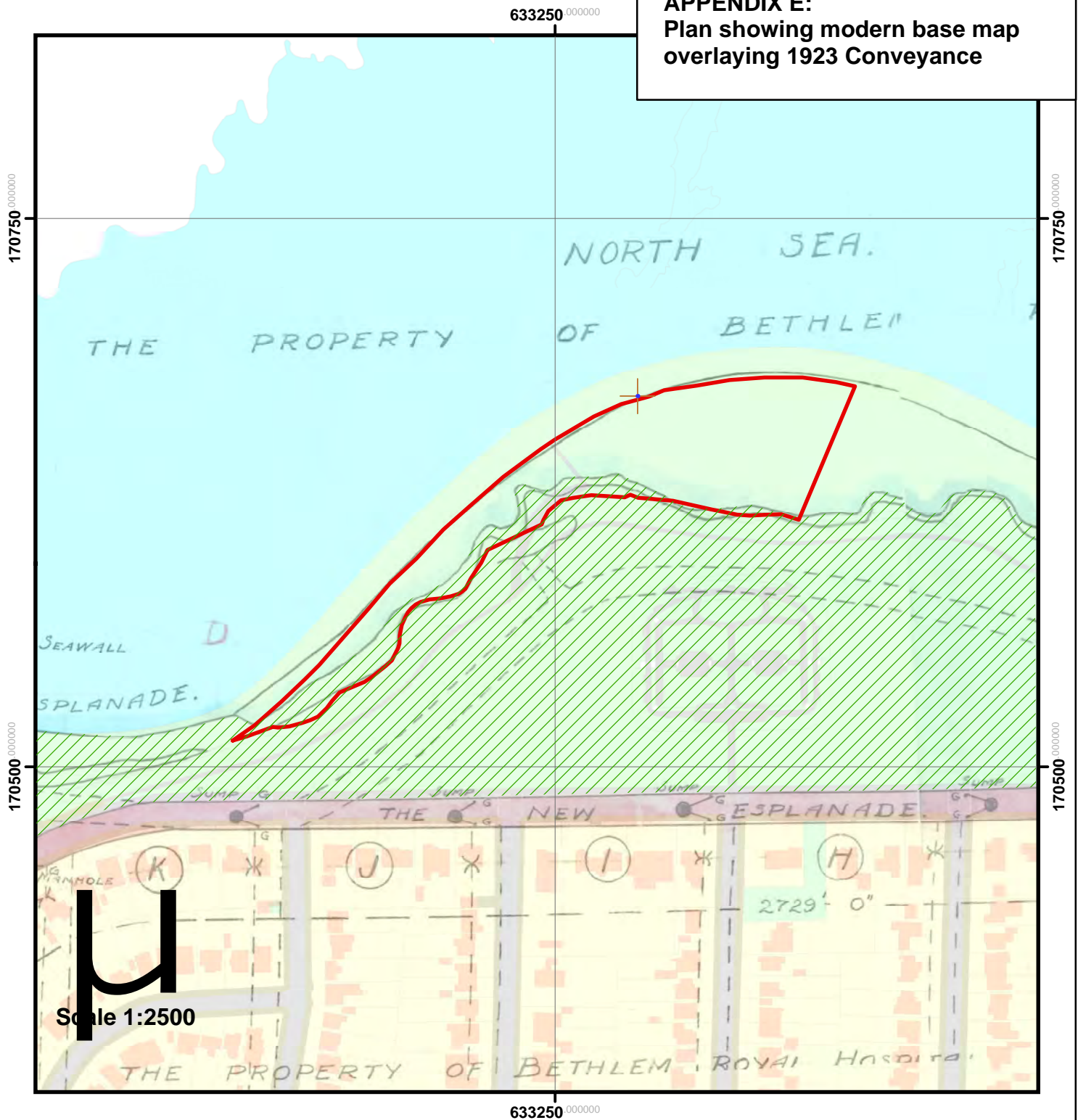
Mrs. L. RAYNER	1986 – present	Weekly or monthly	Ball games, dog walking, picnics, cycling	
Mrs. C. READ	1988 – present	Daily	Walking, dog walking	Observed kite flying
Mr. and Mrs. P. REED	1974 – present	Almost daily	Dog walking, relaxing at picnic tables, ball games	
Mrs. M. REEVES	1967 – present	Not stated	Children playing, dog walking, picnicking	
Mr. and Mrs. ROBERTS	1968 – present	Weekly in summer, monthly in winter	Football, picnics, bike riding, kite flying, dog walking, cricket	
Ms. L. ROBERTS	1953 – present	Daily	Dog walking, bird watching, cycling, playing games, picnics, walking	
Mr. R. ROBERTS	1946 – present	Summer months	Playing with children, sitting in deckchairs	
Mrs. S. ROBERTS	1985 – present	Weekly	“the land was once used for picnics... we picnicked there. The land is next to the sea promenade and is enjoyed by people who appreciate nature. We like walking on this land which we have done for several years and many people walk their dogs. In the summer, garden chairs can be placed there to enjoy the environment and wildlife and birds”	
Mrs. G. ROSS	2000 – present	Not stated	Not stated	
Miss. B. SHEPHERD	1959 – present	Weekly	Walking, sitting on bench, nature observation	
Mr. and Mrs. SIMPSON	1989 – present	Daily in summer, less in winter	Walking, sitting	“when the tide is in this is a great place to sit and watch ships, water sports etc as the proms get quite crowded with the beach huts”
Mr. M. SKERRATT	1997 – present	Weekly, less in winter	Walking, kite flying, roller blading, wildlife watching	
Mr. and Mrs. D. SMITH	1949 – present	Not stated	Walking, relaxation	
Mr. and Mrs. L. SMITH	1945 – present	Weekly	Picnics and playing with children when young, now walking	
Mr. A. SNOW	1973 – present	Daily	Walking, cycling, bird watching, sitting	
Ms. G. SPICKETT	1990 – present	Twice daily	Dog walking	Observed football, kite flying, picnics, bike riding
Mrs. S. STEVENS	1984 – present	Daily	Walking, exercising dogs, sitting in picnic area when table there, enjoying views	
Mrs. M. STILL	1988 – present	Daily	Dog walking	
Mr. S. SOUTHGATE	1958 – present	Weekly	Walking, bird watching	
Mr. R. SUTHERLAND	1999 – present	Weekly	Walking along front to see sea	
Mr. A. SYKES	2000 – present	Weekly	Walking, bird watching	
Ms. TAYLOR	1994 – present	Daily	Dog walking	
Mr. R. TELFORD	1984 – present	At least weekly	Bird watching, dog walking	
Ms. D. THOMAS	1958 – present	Not stated	Walking, sitting	Observed ball games and BBQs
Mr. and Mrs. B. TITMUS	1955 – present	Daily	Dog walking, bird watching, playing with grandchildren	
Ms. V. VAJANA	2006 – present	2-3 times per day	Dog exercising	Observed dog walking, exercising, children playing, ball games

Mrs. V. WARRILOW	1972 – present	Daily	Children's cycling, walking, kite flying, playing	Observed ball games and camping
Mr. T. WATSON	1986 – present	Regularly until 2000, now monthly	Picnics, dog walking	
Mr. and Mrs. D. WEBB	1947 – present	Frequently	Playing as a child, leisure walks and picnics as an adult	
Mr. C. WHITTINGHAM	1968 – present	Several times per week	Walking, bird watching	
Mr. and Mrs. A. WILSON	1979 – present	Daily	Dog walking	
Mr. J. WILSON	1959 – present	Weekly or daily	Dog walking, picnics, BBQs, sunbathing	Camping took place on the land in summer 1998 and spring 2002
Mrs. L. WOOLMER	1976 – present	Weekly	Dog walking, sitting, reading	
Mrs. B. YOUNG	1987 – present	Occasionally	Dog walking, playing with children, cycling	

APPENDIX D:
Extract of plan accompanying 1923
Conveyance



**APPENDIX E:
Plan showing modern base map
overlying 1923 Conveyance**



KEY:

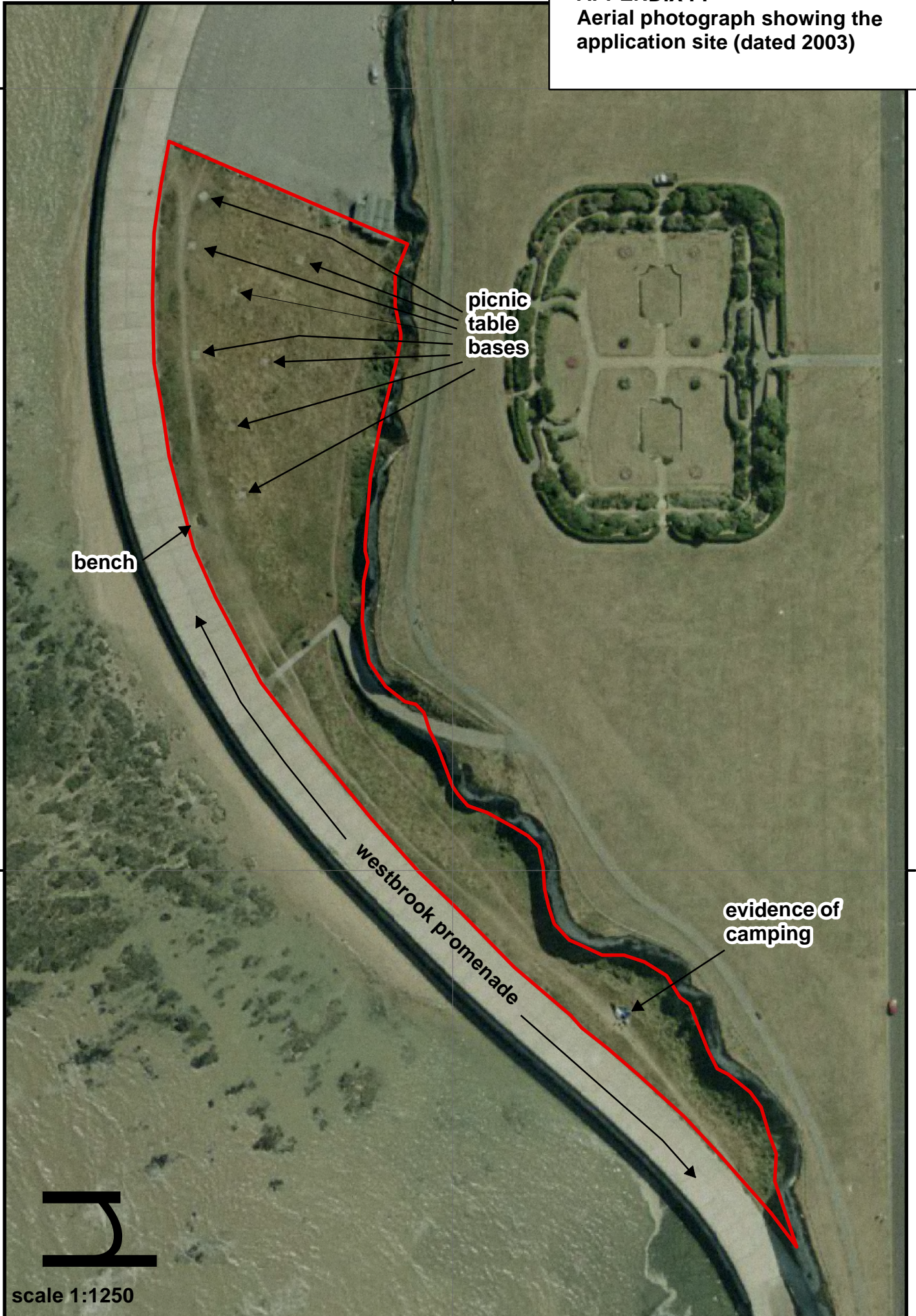
Application site



**Area coloured green on the
1923 Conveyance ("the Green land")**



APPENDIX F:
Aerial photograph showing the
application site (dated 2003)



bench

picnic
table
bases

westbrook promenade

evidence of
camping

scale 1:1250