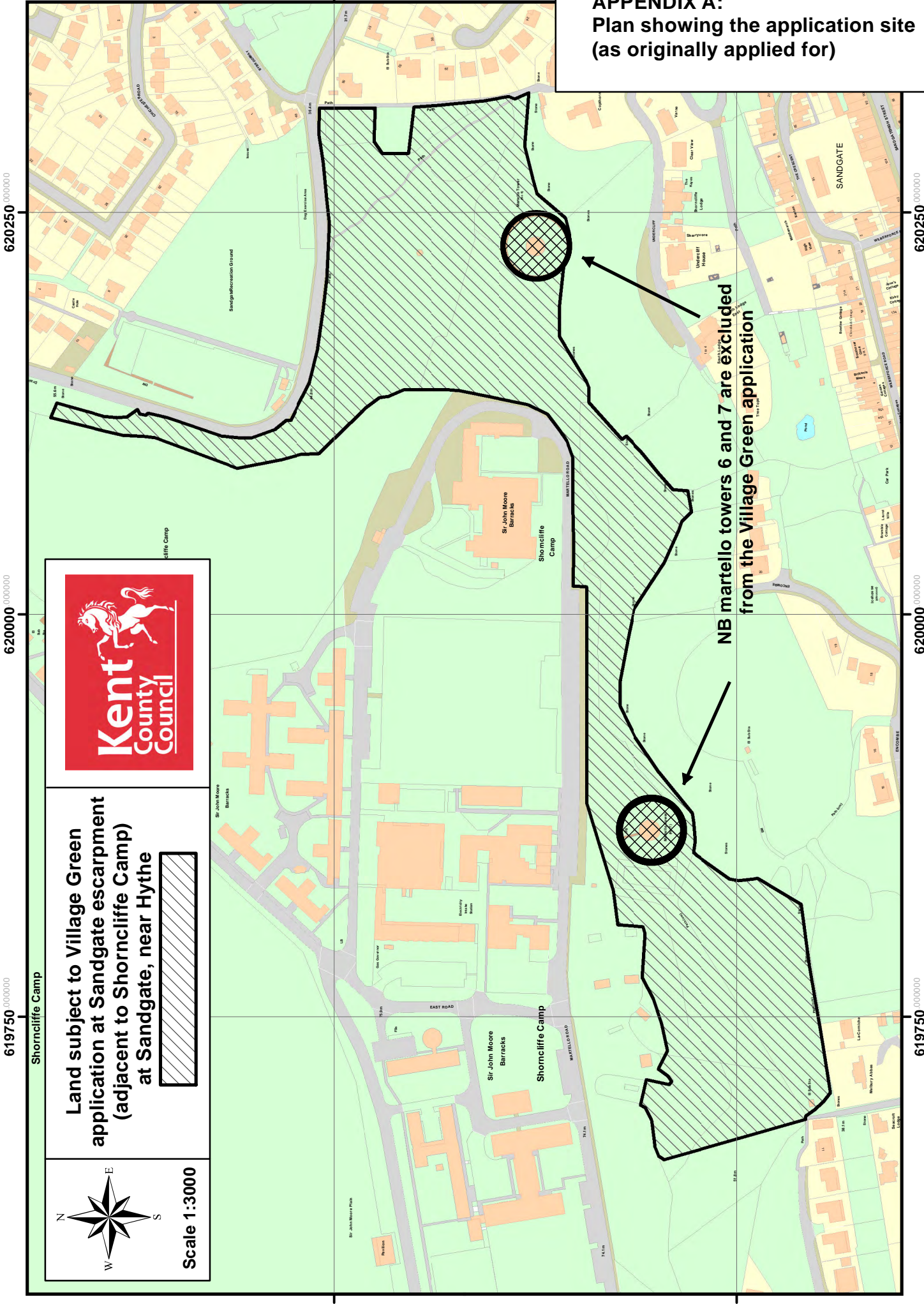
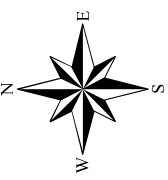
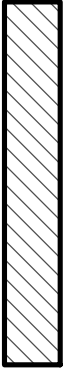


**APPENDIX A:  
Plan showing the application site  
(as originally applied for)**



**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:

VG A636

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**

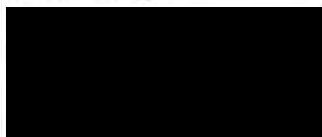
Use a separate sheet if necessary. This information is not needed if a landowner is applying to register the land as a green under section 15(8).

**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><b>Note 9</b> 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><b>9. Voluntary registration – declarations of consent from any relevant leaseholder of, and of the proprietor of any relevant charge over, the land</b></p>
<p><b>Note 10</b> 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><b>10. Supporting documentation</b></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><b>Note 11</b> 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><b>11. Any other information relating to the application</b></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.

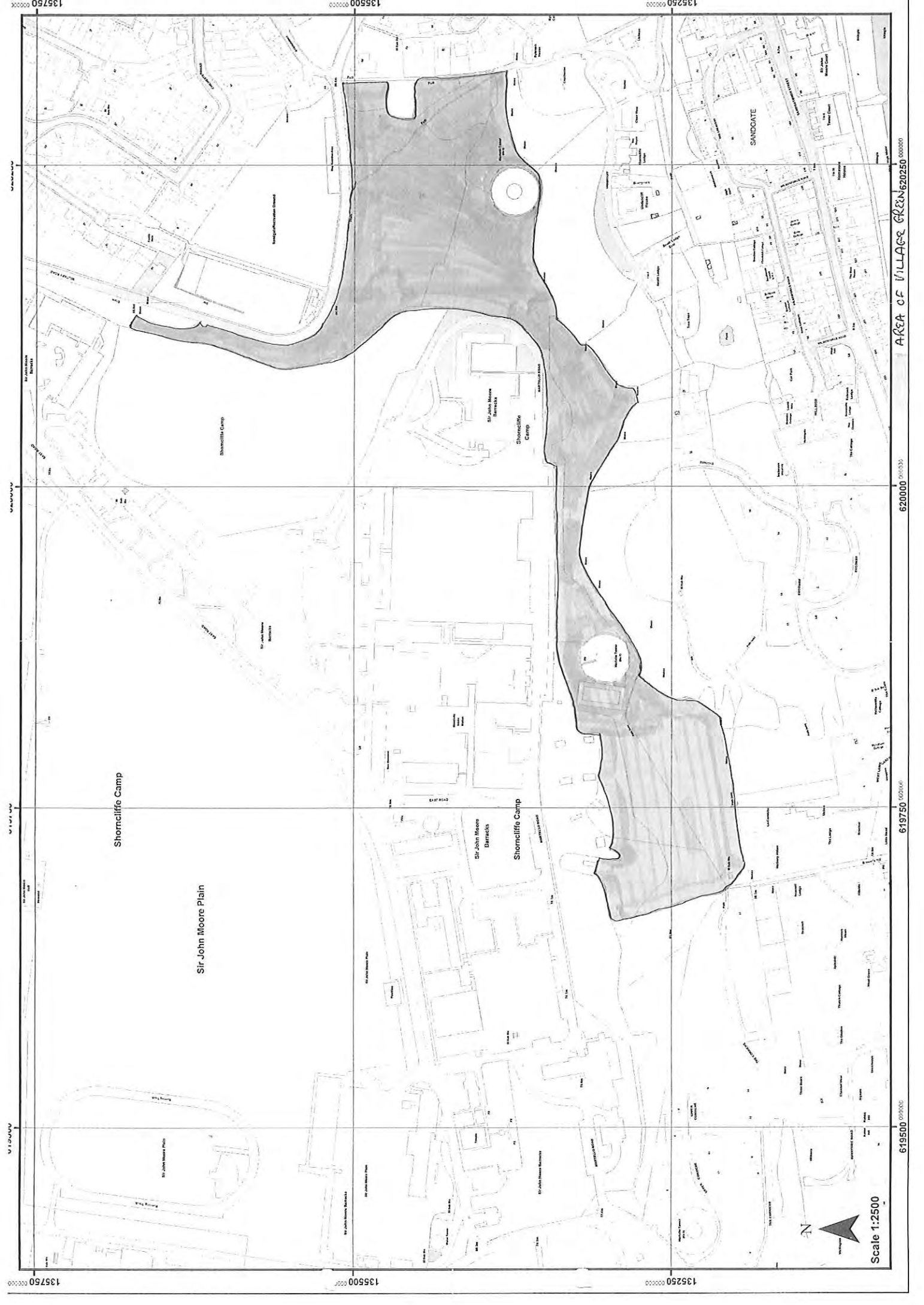
**Please send your completed application form to:**

**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.*



135750

135500

135250

619500

619750

619500

AREA OF VILLAGE GREEN 620250

620000

619750

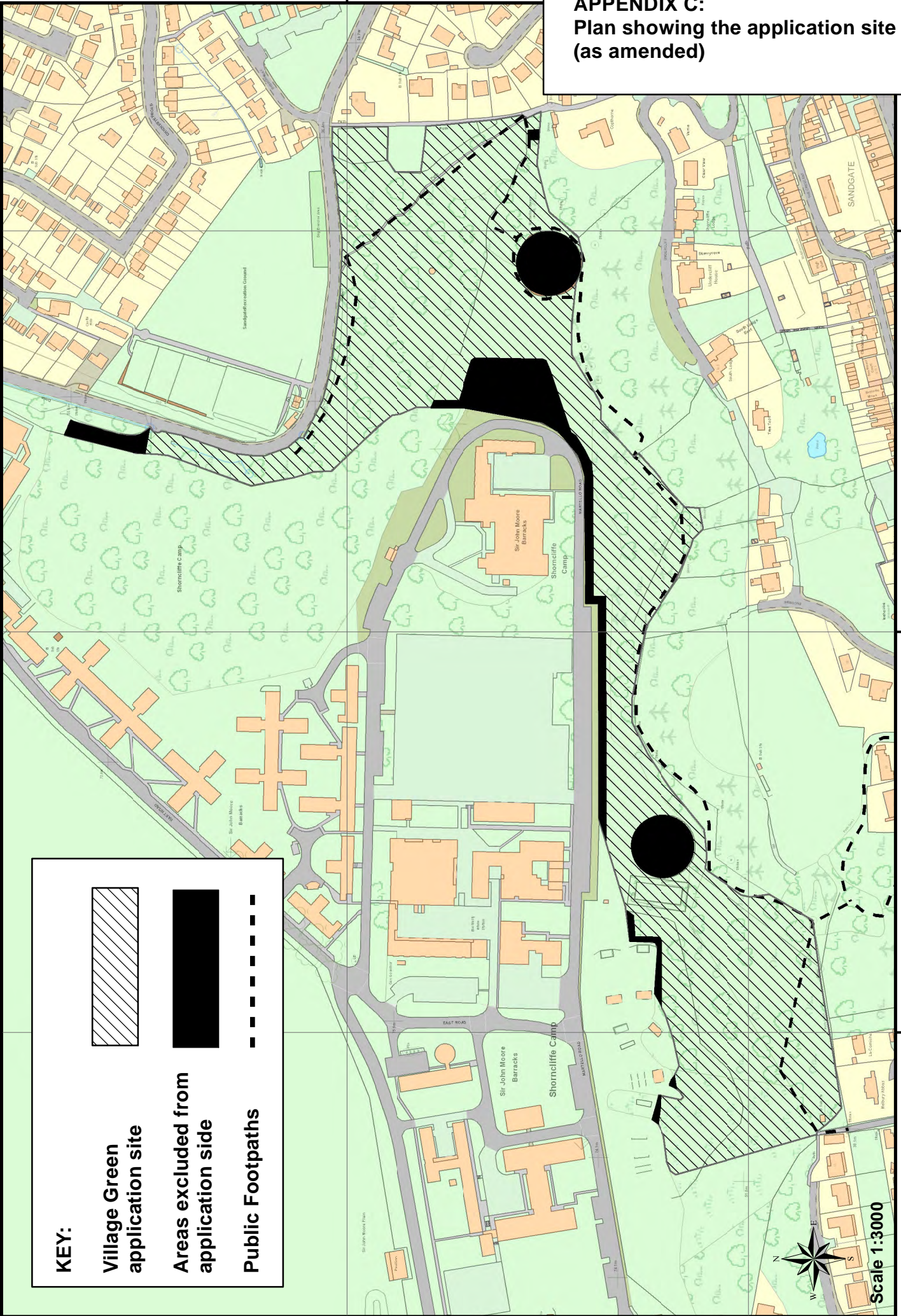
619500



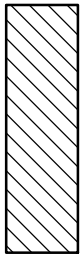
Scale 1:2500



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



**KEY:**



**Village Green  
application site**



**Areas excluded from  
application site**



**Public Footpaths**



**Scale 1:3000**

620250 000000

620000 000000

619750 000000

135500 000000

135500 000000

620250 000000

620000 000000

619750 000000

135250 000000

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

<b>Name</b>	<b>Period of use</b>	<b>Frequency</b>	<b>Activities</b>	<b>Other comments</b>
<b>Mr. D. ABBOTT</b>	2000 – present	Daily	Walking, exercising dogs	Access via back gate from garden. Have observed use by others many times per day, every day
<b>Mrs. P. ABBOTT</b>	2000 – present	Daily	Dog walking	Access via back garden gate. Have observed use by dog walkers, teenagers or motorbikes on a daily basis.
<b>Mr. G. ADAMS</b>	1958 – present	Daily	Dog walking, bird watching, Sandgate cubs and scouts activities, childhood play	
<b>Mrs. J. ADAMS</b>	1979 – present	Weekly	Dog walking	
<b>Mrs. D. ANDREWS</b>	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.
<b>Mr. R. ANDREWS</b>	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.
<b>Mr. M. ANSELL</b>	1997 – present	Daily	Walking	Seen others using the land on a daily basis for walking
<b>Ms. S. ANSELL</b>	1999 – present	Weekly	Dog walking	
<b>Mr. G. AUSTIN</b>	1975 – present	Weekly	Walking, dog walking	
<b>Mr. and Mrs. M. BELL</b>	1990 – present	Weekly	Walking with children/dog and enjoying woodland	Seen others using the land on a daily basis for walking and cycling
<b>Mr. C. BURTON</b>	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.
<b>Mr. G. COLQUHOUN</b>	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.
<b>Mrs. S. COLQUHOUN</b>	2007 – present	Weekly	Walking, taking children to play in woods	Observed use by others on a daily basis.
<b>Mrs. N. CONDIE</b>	1996 – present	Variable	Walking, nature hunts with children	Observed use by others on a daily basis.
<b>Mr. P. CONDIE</b>	1996 – present	Weekly – monthly	Walking, nature hunts with children	Observed use by others on a weekly basis.
<b>Mrs. J. CORNWELL</b>	1987 – present	Weekly	Dog walking, blackberrying, exploring with children	Frequently observed use by others, incl dog walkers, rambles, picnickers.
<b>Mr. R. CORNWELL</b>	1987 – present	Weekly	Dog walking, blackberry picking, metal detecting, exploring with children	Frequently used by walkers, joggers, picnickers and for sledging.
<b>Mr. T. CORRIGAN</b>	1978 – present	Daily	Socialising, exercising dogs	
<b>Ms. N. CROWHURST</b>	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.
<b>Mr. G. DIXON</b>	1957 –	Weekly	Playing as a child,	Regularly observed use by

	present		camping, dog walking, walking with children.	others.
<b>Mrs. R. DIXON</b>	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.
<b>Mrs. C. FERGUSON</b>	2003 – present	Daily	Dog walking, walking with children	Warning signs near Martello towers.
<b>Mr. G. FOREMAN</b>	1988 – present	Weekly	Walking, sport	Land has been used by various sports clubs in Sandgate area
<b>Mr. D. GILES</b>	1974 – present	Daily	Walking, running and biking	Observed use by others on a daily basis. Land also used by running and biking clubs.
<b>Mrs. J. GILES</b>	1992 – present	Monthly, sometimes weekly	Walking	Observed use by others on a daily basis. Land also used by running and biking clubs.
<b>Mrs. C. GOVER</b>	1958 – 1980	Weekly	Playing with friends, dog walking, blackberrying, short cut to recreation ground	
<b>Mr. G. GOVER</b>	1970 – 1980	Frequently	Walking, looking at sights, enjoying nature	
<b>Mr. J. GREENWALL</b>	1955 - ?	Occasionally	Walking and fauna watching	No longer use the land.
<b>Mr. R. GRUNDY</b>	2003 – present	Daily	Dog walking, litter picking and history walk	Have taken part in a number of litter picks on this community land.
<b>Mr. J. HALL</b>	1988-94, 1997 - present	Weekly, more frequently in summer	Walking, running and cycling	
<b>Mrs. G. HEDLEY</b>	1985 – present	Fortnightly	Drawing, relaxation	See others dog walking, rambling, nature watching, looking at monuments whenever there.
<b>Mr. R. HEDLEY</b>	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.
<b>Mrs. A. HILL</b>	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
<b>Mr. I. HILL</b>	1993 – present	Weekly	Walking, dog walking, playing on rope swings with children	Seen use on a weekly basis for dog walking and children playing
<b>Ms. J. HOLBEN</b>	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.
<b>Mr. A. KAYE-LESSER</b>	1976 – present	Daily	Walking and dog walking	Observed dog walking on a daily basis and other activities (army cadets and scouts) occasionally.
<b>Lady E. KEMP</b>	1994 – present	Monthly	Walking, blackberrying	Only seen MOD notices on the land.
<b>Mr. M. KIMPTON</b>	1974 – present	Weekly, daily for 21 years	Walking, playing with children	Observed daily use by others
<b>Mr. M. MARNHAM</b>	1955 - ?	Monthly	Bird watching and butterfly/moth collecting	No longer use the land
<b>Mr. R. MARNHAM</b>	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
<b>Mr. A. NEEL</b>	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	
<b>Mrs. L. PATTISON</b>	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.
<b>Ms. F. PEARL</b>	1971 – 1986	Weekly/daily	Walking with dog and children, blackberrying, mushroom picking	Still use the land on a monthly basis when visiting relatives locally.
<b>Mr. J. PRATT</b>	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.
<b>Ms. M. PRICE</b>	1987 – present	Weekly	Walking, birdwatching, access to Sandgate High Street and Military Road, playing with children	Observed use by others on a daily basis.
<b>Mrs. L. RENE-MARTIN</b>	1932-50, 1956-71, 1980-05	Occasionally	Rambles, litter pick, noting flora, fauna, bird life etc	
<b>Mr. R. RIBERO</b>	2010	Weekly or monthly	Walking to Hythe	Land provides the local residents with a beautiful place to walk and walk dogs.
<b>Mr. A. RICHARDSON</b>	1975 – present	Twice weekly until 1986, then monthly	Walking, playing, nature observation, mushrooming	
<b>Ms. H. RICHARDSON</b>	1947–61, 1974 - present	Variable – daily or monthly	Observing flowers and fungi, blackberrying, bird watching, dog walking, playing with children	
<b>Mr. D. ROSEVEARE</b>	1986 – present	Weekly	Walking, running, bird watching, blackberrying	Regularly observe use by others
<b>Mrs. E. ROSEVEARE</b>	1986 – present	Weekly	Walking, blackberrying, bird watching, dog walking, Beavers and Cubs activities	MOD signs on the land. Regularly observe use by others.
<b>Mrs. R. SANDERS</b>	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.
<b>Mr. and Mrs. P. STRAND</b>	1992 – present	Monthly	Walking, dog walking	Have seen military no access signs. Seen others using the land on most occasions.
<b>Mrs. A. SUTCLIFFE</b>	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.
<b>Mr. J. SUTCLIFFE</b>	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.
<b>Mr. R. TURNILL</b>	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.
<b>Mr. D. VAN DER WAL</b>	Early 1980s – 92, 1997 –present	Occasionally but regularly	Running, jogging and walking	The land provides the only direct rural link between Sandgate.
<b>Ms. M. WELLS</b>	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.
<b>Mr. C. WELLS</b>	1976 – present	Weekly	Walking with children or mountain biking	
<b>Mrs. C. WILLIAMSON</b>	1998 – present	Daily	Dog walking and bird watching	Mainly seen use by others for dog walking, bird watching and rambling and running.
<b>Mr. E. WILLIAMSON</b>	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.
<b>Mr. P. WOODWARD</b>	2006 – present	Daily	Running and dog walking	
<b>Mrs. S. WOODWARD</b>	2006 – present	Daily	Dog walking on the designated footpath	
<b>Mr. M. YOUNG</b>	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



## Shornccliffe and District Military Lands Byelaws 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, Lyminge, 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 Shornccliffe 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.

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.

APPENDIX E:  
Copy of byelaws relating to the application site

## CONTROL OF ROAD TRAFFIC

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 ride, 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.





THIS PLAN  
DOES NOT  
PURPORT TO  
SHOW PUBLIC  
RIGHTS OF WAY  
ON THE MILITARY  
LANDS.



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**

