

Application to register land known as Coldblow Woods in the parish of Ripple as a new Town or Village Green

A report by the Head of Regulatory Services to Kent County Council's Regulation Committee Member Panel on Tuesday 26th November 2013.

Recommendation: I recommend that a Public Inquiry be held into the case to clarify the issues.

Local Member: Mr. S. Manion

Unrestricted item

Introduction

1. The County Council has received an application to register land known as Coldblow Woods in the parish of Ripple as a new Town or Village Green from local resident Mr. R. Chatfield ("the applicant"). The application, made on 28th November 2012 was allocated the application number VGA652. 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**¹, e.g. by way of the erection of fencing or a notice (section 15(3) 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

¹ Note that after 1st October 2013, the period of grace is reduced from two years to one year (due to the coming into effect of section 14 of the Growth and Infrastructure Act 2013). This only applies to applications received after that date and does not affect any existing applications.

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 (“the application site”) measures approximately 23 acres (9.3 hectare) and is situated to the east of Coldblow Road, between its junction with Ripple Road and the Coldblow railway crossing, in the parish of Ripple, near Deal. The application site consists of a swathe of woodland running along its northern and eastern boundaries, as well as an area of grassland which was formerly a sports ground.
7. There are no recorded Public Rights of Way over the application site, although Footpaths and a Bridleway run along three sides of the application site.
8. The application site is shown in more detail on the plan at **Appendix A**.

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 a period in excess of 20 years; such use is alleged to have ceased on 28th August 2012.
10. Included in support of the application were 124 user evidence questionnaires evidencing use of the application site for a range of recreational activities. Also included with the application were Land Registry searches, a detailed statement of the history and use of the application site, photographs of the application site showing various activities taking place thereon and a letter from Ringwoud Cricket Club. A further 202 user evidence forms have subsequently been submitted in support of the application, thereby taking the total number of witnesses to 326. A summary of the user evidence submitted in support of the application is attached at **Appendix C**.
11. The applicant’s evidence is that the application site consists of two plots of land; the northern section was originally owned by the Ministry of Defence until it was sold to a local farmer in the 1970s, whilst the southern section was used by the Deal-based Royal Marines as a sports ground until the late 1970s and retained by the Ministry of Defence until it was sold to a local family in 1992. In 2012, the southern section was sold to its current owners who, in August 2012, erected barbed wire to prevent access and subsequently undertook further actions to restrict access to the application site. The applicant’s case is that, until this time, residents had enjoyed unrestricted access and use of the application site for more than 30 years.

Consultations

12. Consultations have been carried out as required.
13. Ripple Parish Council held an extraordinary meeting on 30th May 2013 at which it was unable to reach a conclusive decision regarding the application. The Parish Council’s response is therefore that it neither supports nor opposes the

application. The Parish Council wished it to be noted that since the sale of the land by the Ministry of Defence it had been used by local people for dog walking and general recreation (which has led to the creation of unofficial footpaths by trespassers), however, the site had also experienced problems with anti-social behaviour, occupation by travellers and vandalism of recently erected fencing. The Parish Council added that the sports field that was being proposed by the owners would be of significant benefit to the community and that many residents of Ripple were ambivalent about the site with the supporters of the Village Green application mainly coming from outside of the village.

14. Deal Town Council wrote in support of the application and noted that the application site was a much-loved and well-used recreational area and wildlife haven that is integral to the fabric of the local community. The local population has made continued use of the land for lawful sports and pastimes for many years and this activity has remained unchallenged until recent months.
15. A petition containing over 1781 signatures was also received from local resident Mr. C. Skinner. The petition states that *'the undersigned object to the way in which Coldblow has been damaged and would like to see it preserved as a wildlife haven/village green for both present and future generations'*.
16. The local County Councillor, Mr. S. Manion, responded to the effect that he considered the application to be complex due to the history of the site. He noted that the application site was referred to in Dover District Council's policy document as forming a significant part of the green infrastructure for the residents of Deal and confirmed that it has been used 'as of right' for amenity purposes for the people of Deal. However, he also added that the site has a history of anti-social behaviour (hence the recent attempt to prevent access) and although the local community has used the land 'as of right' for a significant period, any possible right that might have been acquired needs to be balanced with the risk of creating a crime hotspot.
17. A representation was also received from local resident Mrs. E. Sprey, who objects to the Village Green application on the basis that it would be more beneficial to have an organised sports ground and club as good sports facilities are currently lacking in Deal.
18. There is also substantial support for the application; over 110 emails and letters of support have been received from local residents and organisations attesting to the use and enjoyment of the application site by local residents for informal recreation for many, many years.

Landowners

19. The woodland comprising the northern section of the application site is owned by Ledger Farms Ltd., along with the adjacent field which has been farmed by the Ledger family since the early 1970s. The southern section of the application site is owned by TG Claymore (UK) Ltd., who acquired the site in May 2012 with the intention of marking the Olympics and Royal Jubilee by creating a cricket pitch and football ground.

20. The landowners are represented by Fuller Long Planning Consultants who have submitted an objection to the application on their behalf. The objection is made on the following grounds:
- That any informal recreational use of the application site has been intermittent and sporadic, and insufficient to bring home to a reasonable landowner that a public right was being asserted;
 - That the occupation of the land by travellers in 1999/2000 represented a break in the twenty-year period of use;
 - That the alleged use has not been by a significant number of the residents of the locality, with the number of witnesses amounting to less than 2% of the local population;
 - That any use for sports and pastimes was to a significant degree by stealth; and
 - That any use has been contentious and by force in the face of fencing, signage and challenges by the landowners, who did everything that they could reasonably be expected to have done to contest use.
21. The objection is supported by six statutory declarations and a helpful chronology of the history of the site during the relevant twenty-year period (August 1992 to August 2012). That evidence can be summarised as follows:
22. The southern section of the application was owned by the Ministry of Defence (“the MoD”) until it was sold at auction to Mr. Luckhurst in November 1992. For the first three months of the material period, the land was therefore in the ownership of the MoD during which time it was securely fenced with locked gates and ‘no admittance’ signs erected along the boundary. The landowners’ evidence is that the land was advertised for auction as being ‘fenced’ and, other than one or two minor breaches, the fencing was otherwise in a good state of repair and visibly intact. From 1993, openings started to appear in the fencing and the chains/padlocks were stolen from the main entrance; repairs were made and replacement padlocks provided but this sequence of events continued to be repeated until 1996, when Dover District Council issued a direction prohibiting the fencing of the land due to alleged concerns regarding its possible sub-division and sale to travellers.
23. In 1999, and until the summer of 2000, the land became occupied by travellers whose presence, in the landowners’ view, would have provided a disincentive to casual use of the land for informal recreation. Subsequent complaints regarding the illegal use of the land by motorbikes led to correspondence with the Department of the Environment in 2002, in which Mr. Luckhurst advised that he had attempted to secure the land over the previous nine years by repairing the fencing and erecting signs prohibiting trespass but that his efforts had been in vain.
24. The northern section of the application site has been owned by Ledger Farms Ltd since the 1970s, and Mr. Ledger has made regular visits to the area as a result of his farming operations over adjacent fields. On becoming aware of the use of the woodland, and as a result of concerns regarding possible damage to the crops on the adjacent field, he attempted to discourage use by spreading slurry in the woodland on numerous occasions as well as attempting to prevent access by closing gaps in fencing and erecting earth banks.

Legal tests

25. 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, if not, ceased no more than two years prior to the making of the application?*
- (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'?*

26. The statutory scheme in relation to Village Green applications is based upon the English law of prescription, whereby certain rights can be acquired on the basis of a presumed dedication by the landowner. This presumption of dedication arises primarily as a result of acquiescence (i.e. inaction by the landowner) and, as such, long use by the public is merely evidence from which a dedication can be inferred.

27. In order to infer a dedication, use must have been '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 protest²: *"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"*³.

28. In this case, there is a significant dispute of fact between the parties on the question of whether use of the application site has been 'as of right'.

The landowners' evidence

29. The landowners' position is that, in the early 1990s (i.e. at the start of the relevant period), the application site was securely fenced with no public access, and they (and their witnesses) have provided evidence to this effect. Mr. Fielding⁴ refers to using the adjoining public rights of way at this time and recalls *'all the perimeter fencing as visibly solid and intact. Signs along the fence line stated MOD, a sign on the gate also said MOD and the footpaths were signposted along the outside of the fence so it was obvious that there was no access inside the fence'*. Mr.

² *Dalton v Angus* (1881) 6 App Cas 740 (HL)

³ *R (Lewis) v Redcar and Cleveland Borough Council* [2010] UKSC 11 at paragraph 92 per Lord Rodger

⁴ See paragraph 4 of Mr. Fielding's statutory declaration dated 15th May 2013. Mr. Fielding is the current owner of the southern section of the application site and has lived nearby since 1986.

Ledger⁵ recalls that *'when the MOD left in November 1992, the fencing was still all the way round and in a good state and there was definitely a red and white sign on the main gate stating that it was an MOD site and admittance was prohibited'*. Mr. Porter⁶ recalls that *'the fence was solid and intact. I remember a small hole in the wire mesh about halfway down but it would have been a big effort to get through into the tree belt. There was no possibility of mistaking that this was MOD land with no public access'*. Mr. Luckhurst⁷, referring to his walks on the footpaths around the site in November 1991, notes that *'the footpaths were distinct from the sports field as it was pretty well fenced and there were signs clearly indicating that it belonged to the MOD. They said "private property: No admittance: By order of the MOD"... other than [one breach in the north-eastern boundary] and one or two holes in the fence present due to rusting in the chainlink, the fence was in good condition and [the southern part of the application site] was reasonably secure as advertised when I bought it in November 1992'*. In support of their objection, the landowners also refer to a notice advertising the southern part of the application site for sale in 1992 in which it is described as *'twenty acres of level and fenced grassland which has previously been used as a sports ground'*.

30. The landowners' evidence is therefore that at the start of the material period, the application was not capable of being used 'as of right' for the purpose of informal recreation; the fencing around the site was secure and there were notices in place clearly prohibiting unauthorised access. However, the landowners do accept that, subsequently, the fencing was the subject of repeated vandalism and the application site became increasingly difficult to secure. Mr. Ledger describes⁸ how he was *'forced to put slurry in the woodland... on numerous occasions over the years to deter access into my land'*. He adds that he has also made efforts to bar access by barricading a gap using tree trunks and earthbanks (which have been removed or set fire to) and has verbally challenged users on a regular basis. Mr. Luckhurst refers to his various efforts to secure the southern part of the application site, including making repairs to fencing, erecting notices and verbally challenging users. In relation to signage, he states⁹ that signs *'were ripped down very quickly. Every time I put them up, they were torn down. This went on for several months before I was so disheartened that in late 1994 I eventually had to give up'*.

31. In 1996, Dover District Council issued a direction forbidding the fencing of the land (due to concerns regarding the sub-division and sale of the land) which led to extreme problems with anti-social behaviour (such as raves, illegal motorbike use and dumped cars and other waste) and culminated with the occupation of the site by travellers in 1999. In an effort to try to overcome these issues, a ditch and a bund were constructed to restrict access to the site, and these were successful in reducing instances of anti-social behaviour and further occupation of the site.

⁵ See paragraph 7 of Mr. Ledger's statutory declaration dated 15th May 2013. Mr. Ledger is the current owner of the northern section of the application site and has lived nearby since the 1940s.

⁶ See paragraph 4 of Mr. Porter's statutory declaration dated 15th May 2013. Mr. Porter lives close to the application site and has known it since 1986.

⁷ See paragraphs 3 and 6 of Mr. Luckhurst's statutory declaration dated 15th May 2013. Mr. Luckhurst owned the southern section of the application site between 1992 and 2012.

⁸ See paragraph 10 of Mr. Ledger's statutory declaration dated 15th May 2013.

⁹ See paragraph 16 of Mr. Luckhurst's statutory declaration dated 15th May 2013.

32. Overall, the landowners' position is that they did everything within their means to try to deter access to the application site, but these efforts were consistently met with vandalism. As Mr. Luckhurst concludes¹⁰ *'I consider that I did all that I could try to prevent trespass and crime on my land since I purchased the site from the MOD in November 1992 and that any use of the site has been by force with signage, fencing, ditch and bunds vandalised and ignored, and oral warnings also ignored'*.

The applicant's evidence

33. The applicant's evidence, on the other hand, presents a very different version of events in relation to what took place on the application site.

34. The applicant notes that the application site is bordered on all sides by either public rights of way or Coldblow Road, thereby providing easy access to it from all neighbouring parishes bringing a significant number of residents to an otherwise remote area. He explains that there have always been a number of clearly defined trackways created by walkers giving access to the whole extent of the woodland, and it has always been possible to pass seamlessly between both the northern and southern sections of the application site due to the lack of fencing. Indeed, the applicant's evidence is that there is no fencing at all in the northern plot and, in the southern section, there had been chain link fencing erected during the MoD's occupation of the land, but this fencing had decades ago been broken down or had fallen down in many places. There was free and easy access to all parts of the woods until late 2012 when barbed wire and earth ramparts were erected by the owner of the southern section of the application site.

35. The volume of usage, according to the applicant, has been sufficiently significant to have a pronounced impact upon the land; photographs accompanying the application show well-defined trackways through the woodland, and an aerial photograph dated 2008 shows well-defined tracks across the whole of the grassland area. The statement of reasons accompanying the direction issued by Dover District Council in 1996 describes the land as *'mainly neglected grassland and, apparently, used by the general public informally'* and thereby provides contemporaneous support that in 1996 it was apparent to visitors to the site that it was being used by local people for recreational activities.

36. The applicant also refutes the landowners' evidence in respect of the alleged challenges that were made to the recreational use of the application site. In relation to Mr. Ledger's evidence, the applicant states that the gap described led from the woodland into the adjacent field; it was only ever barricaded to prevent access and damage to crops, but did not prevent access to or within the woodland. The applicant further states that, in respect of the slurry, although it is accepted that this was spread on the adjacent field, it would have been impossible (due to the density of trees within the woodland) for a tractor or slurry tanker to access this area. The applicant contends that there has never been any slurry spread in the woodland, and none of the users recall any such occurrence.

37. In respect of the alleged notices, the applicant contends that these did not seek to prohibit use, but merely re-asserted what local residents already knew: that the

¹⁰ See paragraph 35 of Mr. Luckhurst's statutory declaration dated 15th May 2013.

land was MoD property. The landowners' witnesses have provided various versions of the alleged wording used on these signs, thereby casting some doubt as to precisely what the situation was (particularly in the absence of photographs). Some witnesses who used the application site prior to 1990 do refer to the presence of MoD notices on the application site, but none of the witnesses refer to notices prohibiting access, and it seems unlikely that such notices would have been maintained by the MoD once the site ceased to be actively used by the MoD in the late 1970s. The most that can be said of the signs therefore, according to the applicant, is that they did not forbid entry and, in any event, they had most likely disappeared by the start of the relevant period (i.e. 1992).

38. The applicant's position in respect of fencing is that the landowners' recollections are unsubstantiated by any independent contemporaneous documentation and are at odds with the significant volume of evidence provided by local people using the land. Again, the statement of reasons accompanying the direction issued by Dover District Council in 1996 confirms that *'the only fencing at present, albeit in a neglected state, is on the periphery of the site...'*. The applicant submits that the reference to neglect strongly suggests that the situation was not one of persistent vandalism of the fencing on the part of the users of the application site (as is alleged by the landowners), but rather an unwillingness or inability on the part of the landowners to repair the fencing. This also confirms that the fencing was not in the condition that the landowners describe in 1992 as it simply would not have been possible for the fencing to go from the landowner's description of a 'solid and intact' boundary to the District Council's description of 'a neglected state' in the space of just a few years.
39. It is the applicant's evidence that the only attempts made by the landowners to secure the application site related to preventing unlawful vehicular access onto the site and eliminating anti-social behaviour; no attempts have been made to prevent local inhabitants accessing the site on foot, or engaging in informal recreational activities on the land.

Conclusion on 'as of right'

40. The landowners are adamant that a number of challenges have been made to recreational use of the land over many years and are firmly of the view that informal recreational use of the application site by local residents during the material period has been entirely contentious and not 'as of right'.
41. The applicant's position in this regard is that, in his view, the user evidence demonstrates conclusively that use of the application site has not taken place in defiance of any written or oral challenges, or of any other restriction or prohibition on use. The applicant considers the landowners' evidence regarding notices and other deterrents to be vague and entirely unsubstantiated in the context of the evidence of several hundred local residents who refer to unchallenged recreational use.
42. In this case, there is therefore a clear conflict of fact as to whether use of the application site has taken place 'as of right' throughout the relevant period and, as a result, it is not possible to conclude that use of the application site has taken place 'as of right'.

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

43. 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'*¹¹.
44. 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 of use of the application site has been for walking (with or without dogs), but there is also evidence of use for camping, cycling, picnics and playing with children.
45. A number of the witnesses refer to the existence of well-defined tracks through the woodland and others allude to use of the application site as a through route to get to local shops or other destinations. In cases where public rights of way cross or abut the application site, or where use involves walking along a defined track, it will be important to be able to distinguish between use that involves wandering at will over a wide area and use that involves walking a defined linear route from A to B. The latter will generally be regarded as a 'rights of way type' use and, following the decision in the Laing Homes¹² case, falls to be discounted. In that case, the judge said: *'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'*.
46. In this case, although there is possibly a question as to whether some of the use has been a public rights of way type use, the application is not entirely dependant on this and there is clear evidence of use for a range of recreational activities. It would therefore appear that the application site has been used 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?

47. 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.
48. 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 Builders¹³ 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*

¹¹ *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

¹² *R (Laing Homes) v Buckinghamshire County Council* [2003] 3 EGLR 70 at 79 per Sullivan J

¹³ *R (Cheltenham Builders Ltd.) v South Gloucestershire District Council* [2004] 1 EGLR 85 at 90

locality... there has to be, in my judgement, a sufficiently cohesive entity which is 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'*.

49. In this case, the applicant originally specified the locality in his application form as being 'the parish of Ripple, adjacent to the parish of Walmer and close to the parishes of Deal and Mill Hill'. However, on further consideration the applicant subsequently requested an amendment to this locality and now relies upon the parish of Walmer as the qualifying locality in support of the application.

50. There can be no dispute that the administrative parish of Walmer is a legally recognised administrative unit and this would be a qualifying locality for the purposes of Village Green registration.

"a significant number"

51. The word "significant" in this context does not mean considerable or substantial: *'a neighbourhood may have a very limited population and a significant number of the inhabitants of such a neighbourhood might not be so great as to properly be described as a considerable or a substantial number... 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'*¹⁴. Thus, what constitutes a 'significant number' will depend upon the local environment and will vary in each case depending upon the location of the application site.

52. In this case, the application is supported by 346 user evidence questionnaires from various people living across a wide ranging area surrounding the application site. The plan at **Appendix D** shows the area within which the users of the application site reside.

53. As will be noted, a large number of the users live outside of the applicant's chosen locality of Walmer. Of itself, this is not fatal to the application; as was noted in the Warneford Meadows¹⁵ case, *'provided that a significant number of the inhabitants of the locality or neighbourhood are among the users, it matters not that many or even most come from elsewhere'*. However, such evidence of use will fall to be discounted as it is not 'qualifying use' (i.e. because the users live outside of the chosen locality). Nonetheless, even discounting use from non-residents of the locality, this leaves evidence from approximately 209 people¹⁶. In terms of frequency (as noted on the summary of user evidence at **Appendix C**), at least 50 of these claim to have used the application site on an at least daily basis, and nearly all refer to observing use by others on a regular basis.

¹⁴ *R (Alfred McAlpine Homes Ltd.) v Staffordshire County Council* [2002] EWHC 76 at paragraph 71

¹⁵ *R (Oxfordshire and Buckinghamshire Mental Health NHS Foundation Trust and Oxford Radcliffe Hospitals NHS Trust) v Oxfordshire County Council and others* [2010] EWHC 530 (Admin) at para 71 per Waksman J

¹⁶ This figure has been derived by plotting the users' addresses when they used the application site on a map and identifying which addresses formally fall within the parish of Walmer. It should be noted that there were a number of people who considered themselves to be residents of Walmer but whose addresses officially fell within the parish of Deal (and vice versa).

54. The landowners' position is that informal recreational use of the application site has not been by a significant number of the residents of the locality and it is alleged by the landowners that any such use has been intermittent and sporadic.
55. It is, however, difficult to reconcile this assertion with the significant volume of use adduced in support of the application. It is of course a matter of opinion as to whether 50 people using the land on an at least daily basis can be described as 'sporadic' use, but on balance, even allowing for some exaggeration in the user evidence, the volume and frequency appears to be such as to suggest that the land was in regular usage by the local community. Indeed, the applicant is firmly of the view that informal recreational use of the application site was not only constant and uninterrupted, but was also so significant that there were clear and visible indications of such use throughout the site.
56. It is further suggested by the landowners that use has not been by a significant number because less than 2% of the population of Walmer claims to have used the application site. However, as is noted above, this is not the correct approach because the test is a qualitative, rather than a quantitative one; what matters is whether use of the application site has been sufficient to indicate that it has been general use by the community.
57. In this regard, the overall impression given by the user evidence is that the volume and frequency of such use is likely to have been sufficient to indicate that the land was in general use not only by a significant number of local residents but also the community in general throughout the material period. The landowners' suggestion that any use was so sporadic and so infrequent as to not bring to their attention the fact that the land was in general use by the community appears to be very much at odds with their assertion, on the other hand, that it was a constant battle to secure the site and prevent access to it; if public access was not a problem, and the landowners were entirely unaware of any community use of the land for informal recreation, then there would have been no need to undertake the actions described by Mr. Luckhurst (replacing fencing and stolen padlocks) or by Mr. Ledger (spreading slurry in the woodland to deter use).
58. The volume of evidence submitted in support of the application, and indeed the significant number of letters of support received at the consultation stage, strongly suggest that the land was in general use by the local community during the relevant period (notwithstanding the debate as to whether such use has taken place 'as of right' discussed above).

(d) Whether use of the land 'as of right' by the inhabitants has continued up until the date of application or, if not, ceased no more than two years prior to the making of the application?

59. 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, section 15(3) of the 2006 Act provides that an application must be made within two years from the date upon which use 'as of right' ceased.
60. In this case, the application appears to have been prompted by several actions on the part of the landowners to prevent recreational use of the application site. The applicant suggests that use of the southern part of the application site was first

challenged by way of the erection of barbed wire fencing and prohibitive notices around the land on 28th August 2012, but that use of the northern section of the application site did not become contentious until October 2012 when a challenge by the landowner was made to a walker using the land. This challenge was subsequently confirmed by the landowner at a meeting of the Ripple Parish Council.

61. It is arguable that informal recreational use of the application site ceased to be 'as of right' at different times on different parts of the application site according to different challenges. However, for the purposes of this application (and at this stage without any further detailed consideration of this specific issue), it appears that the actions of the landowner in erecting the barbed wire fencing and prohibitive notices in August 2012 were sufficient to communicate to the users that their use of the application site as a whole was being challenged. Certainly, it appears to have been this action that prompted the Village Green application to be made.
62. Use of the application site as whole appears to have ceased to be 'as of right' in August 2012 and, accordingly, it would therefore appear that the application has been correctly made within the two year period of grace set out under section 15(3) of the Commons Act 2006.

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

63. 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. In this case, as discussed above, use 'as of right' ceased in August 2012 and, as such, the relevant twenty-year period ("the material period") is calculated retrospectively from this date, i.e. 1992 to 2012.
64. The user evidence (summarised at **Appendix C**) suggests that recreational use of the application site has taken place well in excess of the required twenty-year period.
65. There is, however, a dispute as to whether there was an interruption to use during the time that the application site was occupied by travellers in 1999 to 2000.
66. The landowners describe the travellers as being 'a threatening presence with fierce dogs' which they contend would have created a strong disincentive to the casual use of the application site for informal recreation. One of the landowners' witnesses recalls being personally threatened (which caused him to stay away from the land), and he also provides evidence of the mess left behind following the occupation.
67. The applicant, on the other hand, suggests that this contention is speculative and unsupported by any other evidence. He states that the level of occupation was not substantial and consisted only of three caravans, two buses, three vans and four cars¹⁷ which were confined to the northern part of the southern section of the application site, thus leaving the remaining 20-odd acres of the application site

¹⁷ Confirmed by a Dover District Council report dated June 1999 re: planning application DOV/98/1103

freely available for recreational use. The applicant adds that, far from being a deterrent, there is evidence of some users interacting with the travellers.

68. Once again, it is difficult to reconcile these opposing recollections. On balance, it is quite conceivable that the presence of travellers may well have been a deterrent to *some* recreational users of the application site, but the suggestion that recreational use ceased altogether during the time that travellers were present on the land (so as to create a material interruption in the twenty-year period) is unsupported by the user evidence provided by the applicant.

69. As such, it appears that, overall, the land has been used for a period in excess of twenty years; however, ultimately, the definitive answer to this question depends very much on the outcome of the debate as to whether recreational use has taken place 'as of right' throughout the whole of the relevant period and also further examination of the precise situation during the time of occupation by travellers.

Conclusion

70. In considering an application to register land as a new Town or Village Green, it is important to remember, as was famously quoted by the Judge in the Steed¹⁸ case, that *'it is no trivial matter for a landowner to have land, whether in public or private ownership, registered as a town green... [the relevant legal tests] must be properly and strictly proved'*. This means that it is of paramount importance for a Registration Authority to ensure that, before taking a decision, it has all of the relevant facts available upon which to base a sound decision. This is even more important given that the only means of appeal against the Registration Authority's decision is by way of a Judicial Review in the High Court.

71. In recent times it has become relatively commonplace, in cases which are particularly emotive or where the application turns on disputed issues of fact, for Registration Authorities to conduct a Public Inquiry. This involves appointing an independent Inspector to hear the relevant evidence and report his/her findings back to the Registration Authority. Such an approach has received positive approval by the Courts, most notably in the Whitmey¹⁹ case in which Waller LJ said this: *'the registration authority has to consider both the interests of the landowner and the possible interest of the local inhabitants. That means that there should not be any presumption in favour of registration or any presumption against registration. It will mean that, in any case where there is a serious dispute, a registration authority will almost invariably need to appoint an independent expert to hold a public inquiry, and find the requisite facts, in order to obtain the proper advice before registration'*.

72. In this case, the application site has a long and complex history. It is clear that the application site has been a focus for informal recreational use by the local community for many years. However, there is a conflict of fact in relation to whether use of the application site has been 'as of right' throughout the whole of the material period. Both parties offer conflicting views on this key issue with, on the one hand, the landowners asserting that efforts have been made to secure

¹⁸ *R v Suffolk County Council, ex parte Steed* [1997] 1EGLR 131 at 134

¹⁹ *R (Whitmey) v Commons Commissioners* [2004] EWCA Civ 951 at paragraph 66

the application site and resist informal recreational use by local residents but, on the other hand, the applicant contending that this application site has a long history of free and uninterrupted use by the users.

73. In particular, there is a serious dispute of fact as to the wording of the MoD notices on the application site and whether they remained in place at the start of the relevant period. There is also a dispute as to whether slurry was spread in the northern part of the application site to deter use. There is a significant conflict in the evidence relating to fencing which the landowners describe as 'solid and intact' at the start of the material period but the users refer to as dilapidated and rusting away. Overall, it has not been possible, on the basis of the evidence currently available, to establish whether the application site has been used 'as of right' and this issue (which is central to the determination of the application) requires further, more detailed investigation which is best achieved by way of oral evidence and cross examination in a public forum.

74. In addition to the factual disputes described above, it is clear from the large volume of evidence in support of the application, and indeed the significant number of responses received at the consultation stage, that the application is a matter of great local importance and the outcome has significant ramifications for both the users of the application site and the landowners.

75. Accordingly, it would appear that the most appropriate course of action would be for the matter to be referred to a Public Inquiry.

Recommendation

76. I recommend that a Public Inquiry be held into the case to clarify the issues.

Accountable Officer:

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

Case Officer:

Ms. 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 application site

APPENDIX B – Copy of application form

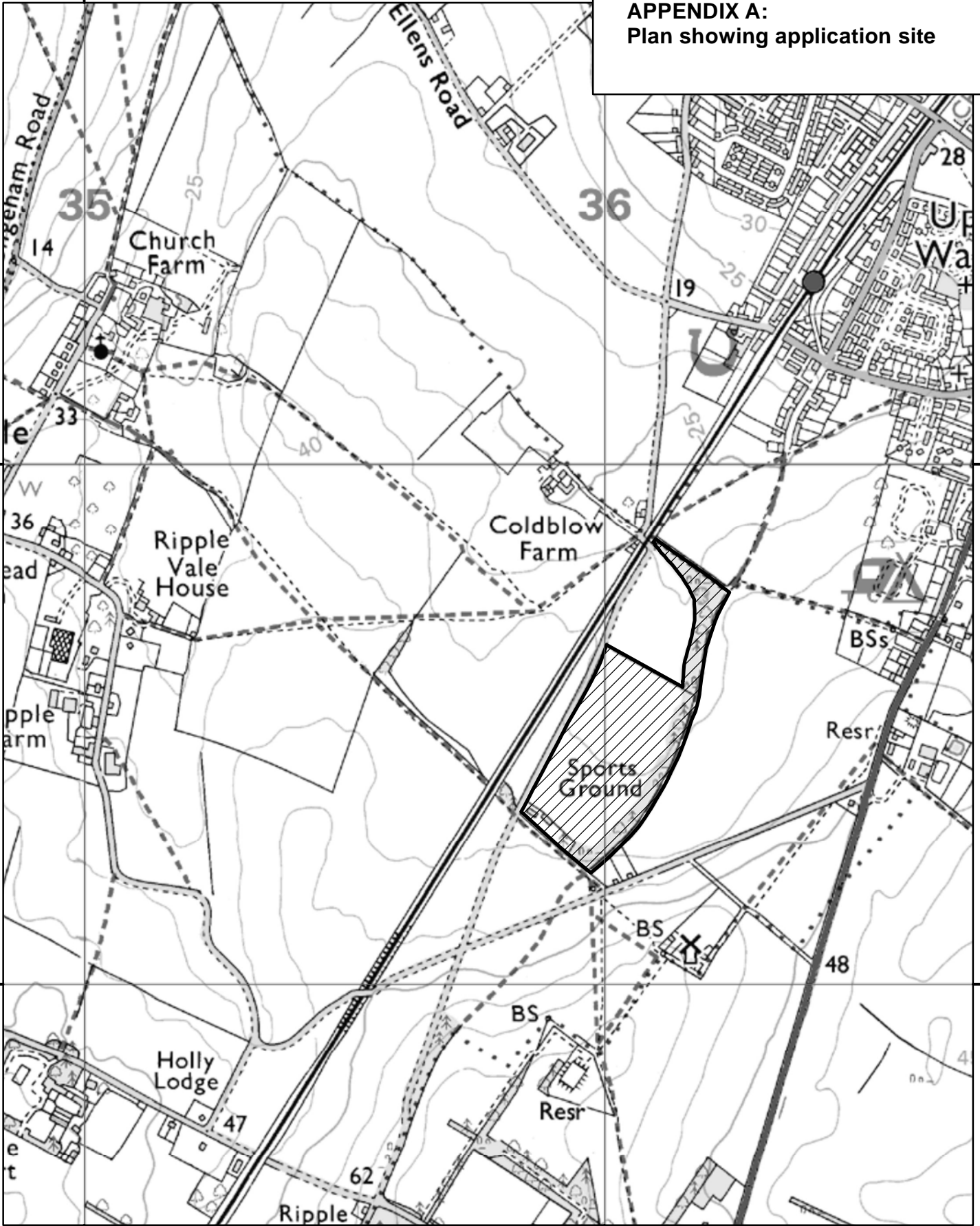
APPENDIX C – Table summarising user evidence

APPENDIX D – Plan showing area within which users reside

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**APPENDIX A:
Plan showing application site**



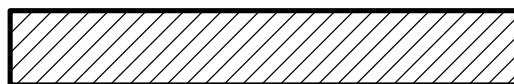
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Scale 1:10000

**Land subject to Village Green application
at Coldblow Woods at Ripple**



FORM CA9

APPENDIX B:
Copy of the application form

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:

<p>COMMONS ACT 2006 KENT COUNTY COUNCIL REGISTRATION AUTHORITY 28 NOV 2012</p>
--

Application number:

<p>VCA652</p>

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**

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: Roger Herbert CHATFIELD

Full postal address:

(incl. Postcode)

Telephone number:

(incl. national dialling code)

Fax number:

(incl. national dialling code)

E-mail address:

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:

**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(3) or (4) applies, please indicate the date on which you consider that use 'as of right' ended and why:

27th August 2012

Barbed wire stretched over access points and notices "Ringwould Cricket Club No Trespassing" nailed to trees

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: 1/ Coldblow Woods and Sports Ground
2/ Horseshoe Woods and Ex-Marines Ground

Location: Coldblow, Ripple, Deal, adjacent to and to North-East of house postcode CT14 8HA

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: The land is situated in the

Parish of Ripple, adjacent to the Parish of Walmer and close to the Parishes of Deal and Mill Hill

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

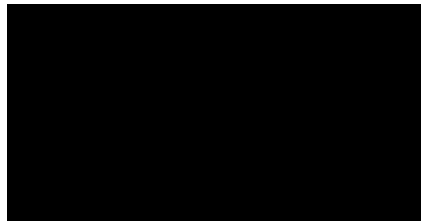
Indulgence by a significant number of inhabitants of the Localities of Ripple, Walmer, Deal and Mill Hill as of right in lawful sports and pastimes for a period of at least 20 years ceasing 28th August 2012, within two years of application, under Section 15(1) of the Commons Act 2006 to which Section 15(3) applies as witnessed by the 124 statements enclosed, signed by local inhabitants evidencing use for activities including rambling, dog-walking, jogging, observing nature, supervising children, cycling, horse-riding, blackberrying, and kite and model plane flying.

Note 8

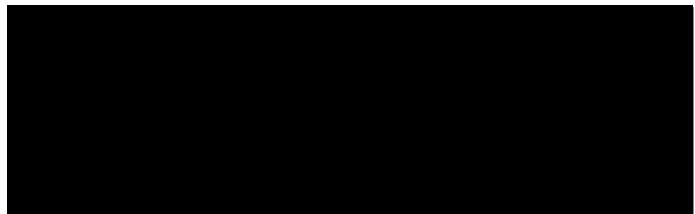
Use a separate sheet if necessary. This information is not needed if a landowner is applying to register the land as a green under section 15(8).

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

Woodland of Northern Plot, Title K139828



Whole of Southern Plot. Title K17395



<p>Note 9 <i>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.</i></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 <i>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.</i></p>	<p>10. Supporting documentation Please see attached sheet</p> <p>. .</p>
<p>Note 11 <i>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.</i></p>	<p>11. Any other information relating to the application</p> <p>. Owner of northern plot has recently challenged a walker so is likely to challenge application. Owner/occupier of southern plot has challenged walkers, erected barbed wire and earth ramparts so is likely to challenge application. Please see separate sheet for details of owners and occupiers.</p>

Form CA9

10. Documentation Included

Maps: 1:10,000 Ordnance Survey Map showing localities
1:2,500 supplied by Land Registry showing boundaries with OS Grid
References
Map showing ownership of plots of land together with roads and footpaths

Documents

1. Land Registry Search
2. Land Registry Copy of Register of Title K139828
3. Land Registry Copy of Register of Title K17395
4. Map showing footpaths and roads leading to and surrounding land
5. Photographs of unregistered track parallel to EE443
6. Photographs of unregistered track parallel to EE442
7. Photographs of unregistered track in south-eastern corner
8. Photographs of access from unregistered track to EE438
9. Further photographs of access from unregistered track to EE438
10. Photographs of access to and of Bridleway EE442
11. Photographs of earth mound play area
12. Photographs of constant usage of grassland and earth mound
13. Photographs of unfenced access from unregistered track to grassland
14. Photographs of dog-walking in late 1970's early 1980's
15. Further photographs of dog-walking in late 1970's early 1980's
16. Photographs of dog-walking past and present
17. Satellite photograph of land showing clear well-worn tracks
18. Photographs of more lawful pastimes – nature watching and camping
19. Photographs taken 1977/8 of camping on land
20. Photographs of children playing past and present
21. Letter from Ringwold Cricket Club
22. Print-out of Coldblow Facebook page showing membership numbers
23. List of questionnaires submitted.

11. Any Other Information Relating to the Application

Challenge to application expected from:

Northern plot

Registered proprietor:

Ripple Farms Ltd, Ripple Farm, Ripple, Deal, CT14 OHR

Unregistered proprietor:

Ledger Farms Ltd, Chapel Lane, Ripple, Deal, CT14 8JQ

Southern plot

Registered proprietor:

T.G. Claymore (UK) Limited, 37 St Margarets Street,
Canterbury, Kent, CT1 2TU

Occupier:

Ringwold Cricket Club, Ringwold House, Ringwold, Deal, CT14 8FD

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:

27th November 2012

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.

TR 36088 49844

TR 36096 49860

DEAL PARISH

TR 36253 49767

K139828

TR 36010 49651

TR 36157 49575

RIPPLE PARISH

RAILWAY

F.P.

Track of old fence

Edge of roadway

Edge of roadway

B

TR 35843 49320

Line of bank

A

led Plan of Title No. K 17395

TR 35974 49214



MAYER'S LA

C

To W

Name	Period of use	Frequency	Activities	Use by others?	Challenges	Other comments
Killacky, N	1970 – present	Monthly	Camping, walking, playing	Yes	None	MOD notices on site more than 30 years ago
Norris-Roberts, T	1970 – present	Daily, now occasionally	Playing as a child in fields/woods, horse riding, dog walking	Daily	None	
Scott, T	1994 - ?	Weekly	With running club, taught daughter to cycle	Weekly	None	No longer use the land (no date)
Nye, E	1988 - ?	Occasionally	Children's games, bike riding, dog walking, quad bike riding	Occasionally	None	No longer use the land (no date)
Smith, C	1976 – present	Weekly	Camping cycling, dog walking, playing with children, nature observation, sunbathing, rope swinging, berry picking	Whenever visited the site	None	
Price, B	1970 – present	Monthly	Walking	Monthly	None	
Sharp, J	2004 – present	Twice daily	Dog walking	Daily	None	
Kelly, W	1983 – present	Daily until 2011, now occasionally	Dog walking, family picnics, rounder's, cricket, walking	Daily	Recently erected barbed wire and notices	People were not deterred from using this land when it was owned by the military
Marsh, V	1977 – 1986, 2003 – present	At least monthly	Organized football league, walking, dog walking, camping, playing in woods when younger	Daily	None	Played league football on the sports ground in 1980s and 1990s. Land has always been regarded as common land.
Barton, J	1986 – 2012	Weekly	Walking, wildlife observation	Weekly	None	Stopped using when fenced off and ploughed. Woods have always been available to walk in and use never questioned
Moore, P	1990 – present	Daily/ weekly	Dog walking	Daily	None	
Shurn, P&M	1968 - ?	Not stated	Football, golf practice	No	None	No longer use the land (no date)
Rosendale, F	1992 – present	Weekly/ monthly	Walking	Yes	Notices erected in last few weeks	Rarely have I been the only person using the land.
Fairless, G	1992 – present	Several times per year	Dog walking, playing with children, camping, picnics, kite flying, cycling	Always see someone	None	
Wicks, J	1953 – present	Variable	Walking, watching wildlife, enjoying grassland and trees	Yes – during every visit	None	
Andrews, S	1965 – present	Weekly	Bird watching, camping, nature walks, picnics, running, blackberrying	Daily	None	
Aubourg, L	1963 - ?	Occasionally	Dog walking, bird watching, camping, picnics	Regularly	None	
Wood, P	1965 – present	Monthly	Walking, children playing, picking fruit, dog walking, health walks	Every time I visit	None	
Elliott, L	1993? – present	Occasionally	Walking, school PE lessons (Walmer secondary school)	Daily	None	
Morris, D	1976 - 2012	Daily	Dog walking, children playing	Daily	None	Stopped using in 2012 when moved home.
Morris, A	1976 – 2012	Daily	Dog walking, children playing	Daily	None	Stopped using in 2012 when moved home.
Aubourg, T	1963 – present	Monthly	Walking, bird watching, dog walking, picnicking	Monthly	Late August when notice appeared	
Baxter, H	1995 – present	Occasionally	Playing as a child, use continued into adult years	Each time I was	None	

APPENDIX C:
 Summary of user evidence

				there		
Fishlock, P	1990 – present	Monthly	Playing as child, running, camping, foraging, nature observation, dog walking	Every time I go there	None	I believed that the footpaths through the woods were official
Baxter, D	1988 – present	Monthly	Dog walking, foraging, activities with children	Always see people	None	
Winney, F	2007 – 2012	Weekly	Dog walking, recreation	Daily	Barbed wire and notices (Oct 2012)	Stopped using when access prevented in Oct 2012.
Winney, D	2007 - ?	Weekly	Dog walking recreation, time out	Daily	Barbed wire, blocked entrances, notices	Stopped using when barbed wire and notices erected stating 'Ringwold Cricket Club, no trespassing'.
Winney, L	2011 – 2012	Not stated	Dog walking, time out with family and friends	Daily	Barbed wire preventing access in October 2012	Stopped using when barbed wire and notices erected stating 'Ringwold Cricket Club, no trespassing'.
Zalech, C	1991 – present	Frequently, now occasionally	Walking	Occasionally	None	
Clay, A	1984 - ?	Occasionally	Walking, shortcut to public footpath	General use	None	No longer use the land (no date).
Dadd, C	2000 – present	Daily	Dog walking, socializing, picnics, tree climbing, camping, sports	Daily	None	
Goodson, J	1997 - 2012	2/3 times per week	Running and fitness	Daily	Barbed wire erected Aug 2012 with signage.	Stopped using when barbed wire erected. Everyone knew it was popular area for recreation
McKenzie, C	2001 – 2003	Weekly	Running	Weekly	None	
Bush, T	1977 – present	Daily	General walk, dog walking	Daily	Barbed wire erected 27/08/12	
Bush, S	2000 – present	Daily	Dog walking	Daily	Barbed wire erected 27/08/12 and Ringwold Cricket Club notice	
Winney, M	2011 – 2012	Daily	Dog walking, cycling, family walks	Daily	Barbed wire preventing access in Oct 2012	Coldblow woods and surrounding are enjoyed and used by the public
Osmond, R	2007 – present	Weekly	Walking	Every time went there	Challenged in 2013 (no details)	
Osmond, C	2007 – present	Weekly	Walking	Every time went there	Challenged in 2013 (no details)	
Predagast, L	1994 – present	Weekly	Bird watching, camping, cycling, socializing	Weekly	None	
Pallett, E	1983 – 1987, 2007 – present	Occasionally	Family walks, blackberrying, observing nature	Whenever used the land	Only in the last 3 months (late 2012)	As the paths through the woods were so well designated, I had always assumed they were recognized footpaths.
Cotterell, S	2003 – present	Monthly	Walking, supervising children	Whenever I'm there	None	
Murphy, S	1996 – present	Weekends	Playing with children, nature observation, dog walking, camping	Every time I'm there	None	
Murphy, L	1998 – present	Three times per week	Dog walking, walking	Every time I am there	None	
Cotterell, C	1993 – present	Occasionally	Walking, cycling	Daily	None	

Mulcare, C	2000 – present	Twice daily	Fruit picking, dog walking, running, nature observation, walking with grandchildren	Daily	Wires erected Sept 2012 and trespass notices	I see many people with children and dogs using this land on a daily basis.
Stockhall, M	2000 – 2012	Daily	Dog walking, hiking, cycling, bird watching, camping, meditation	Daily	None	No longer use due to ploughing and barbed wire fencing.
Lloyd, M	1993 – present	Weekly	Camping, walking, bird watching	Weekly	None	
Walton/ Dallas	2000 – present	Weekly	Walking, running	Daily	Fencing and keep out notices in Aug 2012	
Jones, S	1957 – ?	Variable	Played there as a child, as an adult used for dog walking and walking with grandchildren	Daily	None	
Prendergast, A	1997 - ?	Daily	Playing with children, dog walking, socializing	Daily	None	
Gent, S	1983 – present	Daily or every other day	Dog walking, playing with children, picnics	Daily	Barbed wire stopping access in Aug 2012	
Brettell, K	1961 – present	Weekly, now occasionally	Walking and camping with cadets	Daily	None	This area has been used and enjoyed by many people over the course of many years.
Chapman, J	1997 – present	Daily	Walking, dog walking, bird watching	Daily	None	
Charles, P	1993 - ?	Daily	Dog walking, children playing, family walks, bird watching, nature observation	All the time	None	
Williams, C	1994 – present	Daily	Dog walking, bike riding, running, picnics, camping	Daily	None	
Williams, K	1998 – present	Daily	Playing with friends, camping, making dens, cycling, socializing	Daily	Ringwold Cricket Club notices in Aug 2012	
Stockhall, C	2000 – present	Every other day	Socializing, jogging, dog walking, biking	Daily	None	
Biot, M	2003 – present	Weekly	Dog walking, star gazing, playing sports, running	Daily	Trespassing sign in woods in Aug 2012	
State, J	1950s – present	Occasionally	Played in the woods as a child, walking	It is used daily	None	Used to be MOD signs where the Royal Marines trained. Has been used and enjoyed by many people over the last six decades
Buckley, P	2007 – present	Monthly	Running, cycling	Monthly	None	
Millett, C	1976 – present	Monthly	Camping, playing with children	Every time in there	None	Most people I know grew up using the woods.
Dunn, A	1960s – present	Daily, now weekly	Walking, camping, playing, walking dog	Whenever been there	None	MOD sign at one point, but use never prevented; marines put up rope swing for us as children
Worthington, J	1965 – present	Weekly	General recreation, walking, dog walking, blackberrying, playing on rope swing, playing with children	Weekly	None	
Perry, B	1988 – present	Daily or weekly	Walking, dog walking, bird watching	Every time I have been	Notices erected in 2013	
Brace, A	1958 – present	Daily	Walking, bird watching, nature observation	Daily	None	
Swan/ Walsh	2012 – present	Weekly	Walking, dog walking, running	Daily	None	Always considered land to be common land and assumed the general public were free to use it as never challenged or seen notices.

Cartwright, K	1979 – present	Daily or weekly	Dog walks, exercise, picnics, nature walks, running, berry picking, kite flying, snow play	Daily	None	
Walford, C	1998 – present	Weekly	Walking, cycling, dog walking	Weekly	None	
Bush, A	2001 – present	Daily	Dog walking, wildlife photography, cycling	Daily	Barbed wire and Ringwold Cricket Club on 27/08/12	
Cartwright, G	2001 – present	Daily	Walking, running, cycling, tree climbing, photography, dog training, picnics, kite flying, nature walks, foraging, star gazing	Daily	None	
Lahr, B	1991 – present	Weekly	Horse riding, dog walking	Daily	Obstructions and notices since Aug 2012	
Lloyd, G	1987 – present	Weekly	Meditating, dog walking, supervising children	Always	None	
Shooter, K	1995 – present	Variable - weekly	Walking, dog walking (occasionally)	Daily	None	I can see the land from my house and can see people walking their dogs on the land.
Philpott, L	1980 – present	Variable	Camping, dog walking, playing as a child, flying model aircraft and using model cars	Every time I have been	None	Used land occasionally in winter, frequently in summer. There was a semi-destroyed partition fence in the 1980s after pavilion demolished.
Taylor, Y	1958 – 2007	Weekly	Walking	Occasionally	None	
Easton, D	1965 – present	Monthly	Walking, bird watching, nature observation	Daily	None	This is the first time that anyone has tried to stop people walking through this land, which is obvious by the well worn footpath through it.
Easton, J	1965 – present	Monthly	Walking, cycling, bird watching	Daily	None	
Farbrace, P&L	1994 – present	Weekly, now occasionally	Dog walking, nature observation, playing with grandchildren, relaxation, photography	Most times I'm there	None	
Middleton, B	1955 – present	Occasionally now	As a child used lots for playing, cycling, blackberrying, watching marines play football and cricket	Occasionally	None	
White, A	1997 – present	Weekly	Dog walking, waking, picnics, football, kite flying	Weekly	Barbed wire erected in Aug 2012	Thought it was public land
White, J	1987 – present	Monthly	Dog walking, children's activities - cycling, playing, nature etc	Every time I visit	Barbed wire and notices erected in Aug 2012	
White, R	1985 – present	Twice monthly on average	Walking, picnics, children's games, Frisbee, rounder's, cycling, hid and seek, dog walking, kite flying, nature trails	On most occasions	Barbed wire and notices erected in Aug 2012	Always thought it was public land
Reading, L	2000 – 2012	Monthly, then occasionally	Walking, picnics, nature exploration	Every time I had used the land	Barbed wire and notices in Sep 2012	Always assumed that the land was for public use; never been prevented from using the land or questioned about my use.
Reading, M	2000 – 2012	Monthly, then occasionally	Walking, picnics, exploring with children, listening to birdsong	Every time I have been	Barbed wire and notices in Sep 2012	
Watkins, G	1988 – present	Weekly	Enjoying walks, playing football in Sunday league when young	Weekly	None	
Clifton-Lee, C	1962 – present	Weekly	Dog walking, camping, picnics, playing	Almost every time	Notices have gone up recently	
Sneller, M	1972 – present	Weekly or	Walking, nature watching, playing with children	Every time I visit	In August 2012, barbed	My neighbour was challenged

		daily			wire and notices erected	by a man erecting earth bunds in October 2012. I always thought that I was using a recognized footpath.
Rowlett, G	1991 – present	Weekly or daily	Walking, painting, nature observation, playing with children	On every occasion	Barbed wire and Ringwold Cricket Club notices.	Have heard of people being challenged when barbed wire was being erected.
Weller, J	1959 – present	Daily	Playing as a child, dog walking, bird watching, taking children to play	Daily	None	
Griffiths, J	1960s - present	Daily and weekly	General walking for pleasure, bird watching, cycling	When I went to the land	None	
Fairclough, D	1967 – present	Weekly	Bird watching, dog walking, picnicing, supervising children playing	When I've visited	Only recently (no details)	
Hadman, C	1991 – 1997	Almost daily	Dog walking, playing with children	Daily	None	
Hadman, K	1991 – 1997	Daily	Dog walking, supervising children playing	Daily	None	There were never any fences along Bridleway EE442 and access was completely unrestricted.
Sykes, M	1970 – 2008	Occasionally over many years	Walking, supervising children, bird watching	Was always someone using the land	None	
Pinkham, L	1984 – present	At least weekly	Playing s a child, walking, wildlife watching, rounder's games, picnics, dog walking, foraging, rounders, star gazing	On every visit	Barbed wire appeared at the end of August 2012	
Hambrook, J	1998 – present	Weekly	Dog walking, cycling	Every time I visited	None	
Gane, J	1990 – present	Twice weekly	Walking, jogging, nature walks with children	On every occasion	Notices and barbed wire fencing (no date)	
Fairclough, K	1992 – present	Not stated	Playing, walking, dog walking	Always	Recently (no details)	
Carswell, T	1985 – present	Weekly	Dog walking	2/3 times per week	None	
Benson, D	1991 – present	Daily	Walking and dog walking	Daily	Barbed wire and notices 28/08/12	
Crockett, J	2004 – present	Several times a week	Dog walking, bird watching, picnics, blackberrying, playing with children, nature observation, rambling	On every occasion	None	
Rae, M	1960 – present	Occasionally	Walking through the woods	Occasionally	Recent challenges to use	
Crockett, S	2004 – present	Several time per week	Walking, birdwatching, dog walking, picnicking, cycling, nature ramble, running	Everytime I go	None	I simply followed the well defined path through the woods from the northern end and along a very clear path around field.
Oliver, A	1982 – present	Daily	Dog walking, walking with children, camping	Daily	Notices/barbed wire erected Sept 2012	
Nanjian, I	2002 – present	Twice monthly	Cycling, walking, running, tree climbing, playing on rope swings, kite flying, dog walking, exploring	Every time I visit	Earth banks discovered on 19/11/12. Signs also.	
Harmeyer, S	2002 – present	Monthly, now weekly	Children's play and exploring, walking, flying kites, playing games, cycling, dog walking	Every time I am there	Signs in Set 2012, then soil hills in Nov 2012	
Amos, P	1982 – present	Daily	Dog walking, sports	Frequently	Barbed wire and Ringwold Cricket Club signs in Aug 2012	

Late, A	2009 – present	Daily	Rambling, dog walking	Daily	Barbed wire, fallen trees and Ringwould Cricket Club in Aug 2012	
Williams, S	2004 – present	Daily, some times twice	Dog walking, family walks, picnics, cycling, nature observation	Daily	Barbed wire and notices erected Aug 2012	
Bailey, S	1970 – present	Daily	Dog walking, playing as a child, running, cycling, picnics, gathering chestnuts	Daily	Recently barbed wire and earth mounds	When I was a child the area was signed as MOD property and was used by local marines; I played there unchallenged
Fitch, P	1997 – present	3 – 5 days per week	Dog walking, playing with children	Yes	Notices and barbed wire in Aug 2012	
Riseley, K	2007 – 2012	Weekly	Dog walking, sledging, nature walks, family walks	Daily	None	Can see walkers returning from woods from house.
Cresswell, J&G	1988 – present	Daily	Dog walking	Daily	Recent earth works, barbed wire and signs	
Gifford, G	1977 – 1980, 2010 – present	Occasionally	Dog walking	Daily		
Puddle, J	1986 – present	Most days	Walk and bike ride with children, picnics, climbing trees, training/ exercising dogs photography	Daily	Barbed wire and notices in Aug 2012	
Cowell, M	1984 – present	Weekly	Walking, cycling, camping	Weekly	None	
Smith, D	1984 – present	Occasionally	Dog walking	Every time I use land	None	
Wood, B	1981 – present	Weekly	Camping, dog walking, cycling, walking, bird watching	Weekly/ monthly	None	
Christie, J	1986 – present	Occasionally	Dog walking, bird watching, relaxation, short cuts	Daily	None	
Julyan, M	1990 – 2012	Weekly	Cycling, dog walking, bird watching, sketching, picnicking, flying kites, playing with children	Every time	Barbed wire and notices erected 28/08/12	
Toes, S	1992 – present	Infrequently now	Riding bike, dog walking, socializing, camping, nature observation, walking	Daily	None	
Toes, A	1992 – present	Weekly	Walking, cycling, camping	Weekly	None	
Danstead, K	1980s – present	Monthly	Dog walking, camping, rambling	People always there	Found barbed wire fencing and cricket club notices in Oct 2012	
Hawkins, S	1984 – present	Monthly	Bird watching, dog walking, mountain biking	Daily	None	
Smith, M	1980 – 2011	Occasionally	Camping, dog walking, exploring with children, picnics, family walks	Usually see others	None	
Jones, E	1995 – present	Every few months	Walking, dog walking	Weekly	None	
Jones, M	1963 – present	Weekly	Walking dogs, playing with children, nature observation	Weekly	None	
Fagg, J	1981 – present	Often	Used to play there as a child, now take own children	Most times I go	Barbed wire and notices 30/08/12	
Oliver, A	1986 – present	Monthly	Dog walking, walking with children	Every time I go	Barbed wire and notices 30/08/12	
Glover, D	1974 – present	Daily	Walking	Occasionally	None	
Monger, C	1992 – present	Most days	Dog walking	Daily	Barbed wire, mounds of earth and signs 28/08/12	
Jones, D	1977 – present	Monthly	Environmental education, walking with children	Every time I have been	Barbed wire and notice in Sept 2012	
Skinner, J	2000 – 2010	Occasionally	Jogging, sledging, using swing	Occasionally	None	

Skinner, M	1992 – 1994, 1998 – present	Occasionally	Walks with family, playing with son and using rope swing	On every trip I have been there	None	I had always thought that the paths in the woods and meadow were a public right of way. I never saw any challenge to use.
Jee, T	1985 – present	Daily, now occasionally	Nature trails, dog walking	Daily	None	
Morley, P	1951 – present	Occasionally	Walking, camping, feeding pigs	Occasionally	None	
Smith, C	1976 – present	Weekly, more in summer	Camping, sports, cycling, picnics, nature walks, rope swinging supervising children, dog walking	Whenever I am there	None	
Turner, E	2000 – present	Occasionally	Dog walking, cycling	Occasionally	None	
Turner, A	1996 – present	Occasionally	Cycling	Occasionally	None	
Schneider, J	2005 – 2010	Occasionally	Walking	Occasionally	None	
Revell, H	2002 – present	Weekly	Dog walking, playing	Daily	None	
Revell, L	1996 – present	Weekly	Dog walking, chestnut collecting, rope swing, general walking	Daily	None	
Revell, S	1978 – present	Weekly	Dog walking, chestnut collecting, rope swings	Weekly	None	
Revell, L	1976 – present	Weekly	Dog walking, chestnut collecting, rope swings, sledging	Daily	None	
Elms, C	2011 – present	At least twice daily	Walking with dog, blackberrying, collecting kindling, nature observation	Daily	None	I meet up with other dog walkers walking through well trodden paths; there are always people on this land enjoying the space.
Elms, P	2011 – present	At least twice daily	Dog walking, blackberrying	Daily	None	I always thought that the pathways were Public Footpaths
Divito, C	1988 – present	Weekly	Picnics, teaching children to ride bikes, camping, kite flying, football, dog walking, nature observation, photography, walks	Daily	None	
Monger, M	1992 – present	Daily	Dog walking, litter picking	Daily	Notice appeared on footpath in Aug 2012	
Marsh, I	1988 – present	Daily/ weekly	Dog walking, picnics, sports	Daily/ weekly	None	
Spain, S	1973 – present	Monthly	Walking	Weekly	None	
Spain, G	1973 – present	Weekly	Walking, cycling	Weekly	None	In 1973, there was an MOD property notice in woods.
Little, M	1988 – 1991	Weekly	Walking, running, playing, nature rambles	Weekly	Not personally, but aware of challenges to others	
Harris, C	1960 – present	Weekly	Walking	Daily	Yes, in August 2012 (no details)	
Blundell, N	1998 – present	Occasionally	Dog walking, walking with children, nature watching	Occasionally	None until Jan 2013 (no details)	
Daley, L	2001 – present	Daily	Walking for exercise (with or without dog), running	Every time I have been	None – but there were notices asking people to report anti-social use	
Moore, J	1983 – present	Monthly, now daily	Walking and leisure time, running, dog walking	Every time I use the land	None	
Carswell, A	1994 – present	Weekly, sometimes daily	Walking, cycling, playing with friends, dog walking, photography, socialising, relaxing	Every time I use the land	None	

Ball, A&F	1950 – 2009	Occasionally	Walking, taking grandchildren, picking wild fruit, chestnut picking	Occasionally	None	
Erricker, N	1986 – present	Monthly	Walking, blackberrying, exercising dogs	Constantly	Ringwold Cricket Club notices recently erected	
Wilkinson, R	1985 – 2003	Monthly	Dog walking, playing football, camping	Daily	None	
Goodson, D	1999 – 2012	Weekly	Dog walking, bird watching, enjoying flora and fauna	Daily	Barbed wire erected August 2012.	Saw people walking up to woods on a daily basis from my house.
Erricker, R	1986 – present	Monthly	Walking, blackberrying, nature rambles with children, environmental education	Always someone using land	Ringwold Cricket Club no trespassing signs recently erected	
Moore, J	1988 – present	Monthly	Walking, watching wildlife	Daily	No trespassing sign in Aug 2012	
Chatfield, J	1982 – present	Most days	Dog walking, walking to local shops, taking children to play I the woods, enjoying wildlife	On most visits to the land	Barbed wire preventing access and signs erected on 28/08/12	People from the surrounding area have roamed this ground for as long as most people can remember; it is a central point for many footpaths.
Chatfield, R	1982 – present	Daily	Dog walking, walking to shops, supervising children, picking blackberries, watching wildlife, exercise, relaxation	Every time I walk there	Barbed wire and notices on trees on 28/08/12	The land is used for lawful pursuits every day by local residents and has been regarded as an amenity available 'as of right' to the local inhabitants
Pollock, P	1996 – present	Weekly	Dog walking, photography, wildlife observation	Daily	None	
Orchard, K	1982 – present	Daily	Dog walking, picnics, photography, playing with children	Daily	Barbed wire and notices in Sept 2011	On a daily basis I see at least 8 to 12 people walking dogs, families, rambles etc.
Watkins, A	1988 – present	Weekly, sometimes daily	Walking, bird watching, fungi checking	Daily	Barbed wire and private property sign in August 2012	The land has been used by local families for generations
Young, M	1968 – present	Five times weekly	Dog walking, supervising children playing, blackberrying	Every time I walk there	Barbed wire and notices in August 2012	I have followed the very established footpaths through the woods and former sports ground for over 40 years without challenge
Phyall, E	1981 – present	Twice weekly	Walking, bird watching	Each time I was there	Now barbed wire (no date)	
Gibb, G	1962 – present	Weekly	(not clear what activities witness actually took part in)	Weekly	None	
Adamson, W	1967 – present	Weekly	Walking	Daily	Barbed wire now (no date)	
Smith, S	1988 – present	Monthly	Dog walking, taking children for walks and to play, picnics	Always seen someone	Notices stating Ringwold Cricket Club no trespassing in Sept	There are clearly defined well used paths in the woods and there are also well used tracks in the field.
Hitchcock, B	1983 – present	Three times daily	Dog walking	Daily	No trespassing notices seen on 26/08/12	
Orr, S	1990 – present	3 or 4 times per week	Dog walking	Every time I walk there	Barbed wire and notices on 27/08/12	
Jenkinson, D	1961 – present	Weekly	Walking, bird watching	Very frequently	None until barbed wire erected recently	Camped and played sports on the land with permission when joined Royal Marines

Jasper, T	1982 – present	Variable	Dog walking	Every time I have been	None	With the amount of casual walkers and various other users of the land I have always assumed there was a public right of way
Randall, P	1987 – present	Daily	Walking the dogs	Daily	None	
Gill, J	1976 – present	Daily	Dog walking, playing with children when young, camping, wildlife observation	Daily	Signs erected Aug 2012 'Ringwould Cricket Club No Trespassing'	
Gill, B	1982 – present	Daily	Dog walking, bird watching, wildlife observation, camping, golf putting	Not stated	None	
Smith, B	1992 – present	Daily	Dog walking, jogging, leisure	Daily	Signs, barbed wire and mud banks recently	
Smith, H	1985 – present	Daily	Dog walking, walking	Never been there alone	Notice in Sept 2012 and trench in Nov 2012	Coldblow Woods is a popular location and is used by a large number of dog owners
Balfour, S	1966 – present	Occasionally	Dog walking, played as a child, bird watching, walking	Occasionally	None	
Cliff, D	1990 – present	Daily or weekly	Dog walking	Daily	Wife challenged by landowner in Nov 2012	
Cliff, A	1989 – present	Daily or twice daily	Dog walking, conker collecting, walking with children, running,	Every time I walk there	Challenged by landowner in Nov 2012	
Kington, R	1960 – present	Occasionally	Rambling, dog walking, playing games, climbing trees	Every time I have been	Ringwould Cricket Club notices in Oct 2012	Always understood this to be a public footpath and that anyone was free to use it to enter the woods; never been any prohibitive notices
Kington, F	1960 – present	Occasionally	Rambling, dog walking, playing with children	Every time I have been	Cricket club notice in Oct 2012	
Clarke, A	1970 – present	Weekly	Dog walking	Always meet someone	Barbed wire and notices in Aug 2012	
Cave, H	1986 – present	Daily	Playing with children, blackberrying, dog walking, bird watching	Daily	Barbed wire and no trespassing notices	I thought the path was a public footpath. I have never encountered any problems when using the land until recently.
Cave, D	1986 – present	Daily	Dog walking, supervising children play, blackberrying, bird watching	Daily	Barbed wire and notices in Aug 2012	
Packham, D	1958 – present	Weekly now occasionally	Walking, climbing, camping, playing in woods, mushroom picking, football, running, archery	Daily	Barbed wire and notices in October 2012	The woods have been in public use for 100s of years and even the MOD never stopped public access to the woods or sports ground
Goodenough, J	1975 – present	Daily	Dog walking, watching wildlife, socialising with other dog walkers	Daily	Barbed wire and no trespassing notices 08/12	
Myers, J	1969 – present	Variable	Dog walking, observing wildlife	Every time I have been	Since August 2012 (no details)	
Foy, A	2003 – present	Daily	Dog walking	Daily	Barbed wire and signs in October	
Hambrook, E	1982 – present	Weekly	Bike riding, walking the dog	Daily	Notice in October 2012	
Rees, J	1972 – 2012	Weekly, sometimes	Bird watching, power walking, dog walking, jogging, rambling, kite flying, picnics	Every time I have been	Barbed wire, banks and notices in August 2012	

		daily				
Rees, M	1970 – present	Daily, now weekly	Dog walking, bird watching, picnics, blackberrying	Daily	Notices since 03/11/12	In all the years I have walked through the woods and the land I was unaware that any part was private; never any notices
Inglis, S	1992 – present	Daily since 2000	Rambling, supervising children playing, dog walking, cycling	Every time I walk there	Notice attached to tree in Aug 2012	Understood path through woods was a public footpath.
Hook, P	1985 – present	Weekly	Walking, dog walking, cycling, flying model aircraft, photography	Most days	No trespassing sign erected Oct 2012	
Hook, N	1989 – present	Several times per week	Walking, cycling, supervising children, bird watching, enjoying countryside	Most days	No trespassing sign in Oct 2012	
Platts, L	1992 – present	Variable	Dog walking, playing with children, ball games, gathering fruit, bird watching,	Daily	Barbed wire, other obstructions and notices placed 27/08/12	
Standen, L	1980 – 1998, 2001 – present	4 to 7 days per week	Dog walking, playing with children, photography, ball games, rope swings	Every time I walked there	Barbed wire and notices in 28/08/12	When marines ceased use, main gate was locked but was still possible to gain access from SW and SE sides.
Sutton, A	1982 – present	Monthly	Running, walking	Not stated	Only since barbed wire erected in last few months	
Sutton, P	1991 – present	Monthly	Walking with group	Each time I've used it	Erection of barbed wire and notices in Sept	
Sutton, T	1990 – present	Weekly	Dog walking, running, getting to Ringwould	Daily	Barbed wire in Aug 2012	
Clarkson, M	2002 – present	Daily	Dog walking	Daily	Barbed wire 2012	
Webb, K	1987 – present	Daily since 1996	Dog walking, camping, rambling, bird watching	Daily	Barbed wire and notices in Aug 2012	
Griffiths, S	1988 – present	Daily since 1996	Dog walking, rambling, bird watching	Daily	Barbed wire and notices in Aug 2012	
Cridland, S	1992 – present	Daily	Dog walking, bird watching, picnics, walking, cycling, chestnut collecting	Daily	Wire, mounds of soil and notices in summer 2012	
Williams, Y	1991 – present	5 times per week	Playing with children, walking, cycling, bird watching, dog walking, socialising, nature watching	Every time I visit	Barbed wire and notices in Aug 2012	
Rogers, K	1990 – present	Daily since 2005	Dog walking, playing with children, walking, riding, picnics, nature observation	Daily	Barbed wire and notices in Aug 2012	
Rees, G	1972 – present	Monthly	Dog walking, bird watching, rambling, general recreation	Monthly	No trespassing notices (no date)	
Barrell, A	1982 – present	Weekly	Walking for pleasure	Every time I have been	Barbed wire and notices in Aug 2012	
Skinner, C	1980 – 1984, 1999 – present	Up to 4 times per week	Running (Walmer to Ringwould), walking through woods	Yes, usually dog walkers	Barbed wire and notices in Aug 2012	In all the years I have run through the area I have seen no signs indicating that it was private land and never been challenged
Gill, M	1954 – present	Daily	Walking and playing as a child, camping, birdwatching	Daily	No trespassing signs in Aug 2012	
Elsam, T	1996 – present	Daily	Sledging, dog walking, blackberrying, jogging	Daily	Barbed wire and no trespassing signs recently	
Elsam, M	2006 – present	3 or 4 times per week	Rambling, dog walking, informal rugby, blackberrying	Every time I use it	Barbed wire and notices in Aug/Sept 2012	

Clapton, Mr	1987 – present	Daily	Dog walking, supervising children, bird watching, nature observation	Daily	No trespassing notices (no date)	
Clapton, Mrs	1987 – present	Daily	Dog walking, playing with children, bird watching, nature observation	Daily	No trespassing notices (no date)	
Walter, M	1987 – present	Almost daily	Dog walking, birdwatching, ball games, photography, litter picking, blackberrying	Every time I have been	Cricket club notice in Aug 2012	
Bowen, S	2008 – present	Min 4 – 5 times per wk	Dog walking, walking with children	Every time I walk there	Barbed wire and notices in Aug 2012	Each time I have used the woods I thought I was following a recognized footpath; there was no fencing to indicate otherwise
Christie, J	1982 – present	Weekly	Dog walking, walking	Weekly	Barbed wire (no date)	
Christie, D	1983 - present	Weekly	Photography, dog walking	Weekly	Barbed wire and notice in Aug 2012	
Bowen, C	1960 – present	At least 4 – 5 times per wk	Cycling, supervising children, dog walking, kite flying	Always meet other users	Barbed wire and notices in Aug 2012	Whenever I have used the woods I have kept to the well used and recognized path; I have never come across fencing or signs.
Griffin, M	1990 – present	Daily, now weekly	Walking, dog walking	Daily and weekly	Earth mounds, barbed wire and signs Aug 2012	Since MOD sold the land it has been used by the community.
Christie, J	1982 – present	Weekly, sometimes daily	Rambling, dog walking, cycling, camping, bird watching	Every time I went there	Barbed wire and no trespassing signs Sept 2012	I thought I was following a recognized footpath
Venus, J	1974 – present	Variable	Horse riding, dog walking, photography	Whenever there	Not until recently (no details)	When the Royal Marines used the land we were never stopped using the woods as long as we didn't interfere with their training.
Cowell, M	1979 – present	Weekly	Playing with children, bird watching, picnics, camping, rambling, cycling	Every time I go	Cricket club no trespassing signs (no date)	Believed I was following a recognized footpath through the woods. Use has never been challenged.
Wilson, L	1978 – present	Occasionally	Walking with dogs and children	Occasionally	Barbed wire and signs erected Sept 2012	
Barker, B	1987 – present	Monthly, weekly in summer	Scrambling, camping, dog walking, bike riding	Monthly/ weekly	Not until Aug 2012 (no details)	
Christie, L	1992 – present	Occasionally	Dog walking, running	Occasionally	Barbed wire and no trespassing (Sept 2012)	
Fagg, D	1992 – present	Monthly	Mountain biking, dog walking, walks with children	Monthly	None	
Fag, E	1982 – present	Weekly	Walking, cycling, picnics	Daily	None	
Killacky, N	1972 – present	Variable	Walking, cycling, dog walking, football, bird watching, recreation	Not stated	None	As a child in 1970s recall that it was MOD land
Fagg, D	1982 – present	Weekly	Walking, camping, biking, playing with children	Daily	None	
Combes, P	1957 – 1969, 1995 – present	4 – 5 times per week	Football (as a cadet in 1960s) dog walking, supervising children, rambling, cycling	Daily	Wire and trench in 2012, notices in 2011 but did not prohibit use	
Davidson, C	1998 – present	Variable	Dog walking, playing with children, camping, nature trails	Variable	Learned of barbed wire recently in newspaper	
Stevenson, J	1998 – present	Daily, now	Taking children to play, dog walking, camping	Daily	Barbed wire and	

		less often			obstructions (no date)	
Webster, A	1997 – present	Daily	Horse riding, cycling, dog walking, camping, nature walks, education	Daily	Barbed wire and notices in Aug 2012	Never been stopped, obstructed or sent away from the land
Dodds, K	2003 – present	Monthly	Walking	Every time I have been	None	
Dunn, K	1977 – 2012	Daily	Dog walking, exercise, playing as a child, camping, picnics,	Mostly daily	Barbed wire and notices in Aug 2012	
Lahr, M	1994 – present	Weekly	Dog walking, playing as a child	Daily	Since Aug 2012	
Hansell, C	2000 – present	Daily	Running, dog walking, cycling	Daily	Barbed wire and notice in Aug 2012	
Hansell, S	2000 – present	Three times per week	Dog walking, running, cycling, kite flying	Daily	Barbed wire and cricket club notice in Aug 2012	
Hansell, J	2000 – present	Daily	Dog walking, walking, running, cycling	Daily	Barbed wire and cricket club notice in Aug 2012	
Aldridge, S	1979 – present	infrequently since 2000	Berry collecting, nature observation, leisure walks, camping, children played games incl football and rugby.	Frequently	No but have been told of barbed wire	Used to use the land regularly prior to 2000 (daily basis at times)
Killip, M	1970 – present	Occasionally	Playing, walking, local football teams	Occasionally	None	
Jenner, K	1983 – present	Occasionally	Leisure	Daily	Pathways blocked, wire fencing and notices	
Jenner, J	1983 – present	Occasionally	Leisure	Daily	Pathways blocked, wire fencing and notices	
Dunn, M	1994 – present	Daily	Dog walking, walking with children	Daily	Barbed wire and private notice sign Oct 2012	
Brown, A	1968 – present	Daily	Games and general play, picnics, rope swings, chestnut collecting, ball games	Weekly	None but recall MOD property signs	
McKeown, JA	1986 – 1998	Weekly	Walking	Weekly	None but recall MOD property signs	
McKeown, JJ	1988 – 1990, 1993 – 2012	Variable	Taking children to play, blackberrying, kite flying, dog walking, picnics	Daily/weekly	August 2012 (no details)	
McKeown, J	1988 – 1990, 1993 – present	Daily until 2009	Playing with children, picnics, nature observation, rope swings, dog walking, running.	Whenever I have been there	Not until end of August 2012	
Oakes, J	1975 – present	Weekly until April 2012	Used to play in the woods as a child, then walked dog there.	Daily/ weekly	None	
Evered, G	2011 – present	Occasionally	Group walking, playing with children	Occasionally	Cricket club sign (2012)	
Whalley, J	95- 00, 02- 06, 09 - present	4 times per week	Dog walking with family, general exercise	Daily	Fencing and notice (2012)	
Palastanga, R	2006 – present	Daily, 2/3 times a day	Dog walking	Daily	None	
Cowell, P	1949 – 2008	Weekly	Walking, collecting chestnuts, bird watching, rope swings, playing as child	Weekly	None	
Hockless, R	1973 – 2012	Daily	Walking, dog walking, playing as child (incl football, bikes, camping)	Weekly and daily	Entrances blocked in Dec 2012	I have always seen this area as common land even when the Marines used it for training and sports.
Kington, M	1983 – 2010	Monthly	Walking	Monthly	None	
Knight, B	1994 – present	Occasionally	Walks with children	Occasionally	None	
Cobb, K	1991 – 2012	Weekly	Dog walking, bird watching, blackberrying	Whenever I have been	Barriers and notices recently erected	Never any restrictions entering the land; footpaths clearly used

Savage, L	1959 - ?	Weekly	Played there as a child, horse riding, dog walking	Weekly	None	
Jones, Mrs	2006 – 2012	Weekly	Walking, enjoying woodland	Every time I have been	From Oct 2012 (no details)	
Brimmell, E	2000 – 2012	Occasionally	Walking	Occasionally	None	
Wright, A	1980 – 1987, 1997 – present	Daily	Playing with friends, mountain biking, dog walking	Daily	None	Land has always been easily accessible from well worn paths
Wright, J	1982 – present	2 or 3 times per week	Dog walking, cycling, nature watching, kite flying	Daily	None	
Wright, A	2006 – present	Weekly	Cycling, dog walking, kite flying	Daily	None	
Jones, Mr	2006 - 2012	Weekly	Walking	Weekly	Fenced off from Oct 2012	
Christou, S	2001 – present	Weekly	Dog walking, jogging, walking with children, children playing	Daily	None	
Crook, A	1993 – present	Occasionally	Walking	Occasionally	None	
Sexton, L	1994 – present	Weekly	Dog walking	Weekly	Barbed wire and signs	
Hallam, M	1999 – 2012	Occasionally	Walking	Daily	None	
Bennett, J	1973 – 2011	Several times a week	Dog exercise, taking children to play, nature observation	Daily	None	There were notices stating 'MOD Property' near the woods
Bennett, J	1973 – 2011	Most days	Rope swing, games, dog walking, nature observation	Daily	None	Notices stating 'MOD Property' until the land was sold by MOD
Beer, S	1985 – present	Occasionally	Walking	Weekly	None	
Beer, A	2002 – present	Occasionally	Walking	Occasionally	None	
Charlton, A	1998 – present	Daily	Walking, meditation, bird watching, socialising, nature observation, camping, educating children	Daily	None	
Beer, D	2002 – present	Occasionally	Walking	Occasionally	None	
Aubourg, V	1968 – present	Occasionally	Walking, dog exercise, kite flying, picnics, football	Occasionally	None until Aug 2012	
Aubourg, P	1963 – 2012	Occasionally	Tree climbing, playing as a child, picnics, dog exercise	Every time I pass the land	Not until barbed wire and notices erected recently	
Bates, P	2000 – present	Occasionally or weekly	Walking, dog walking, fruit picking, adventure play	Whenever I have been	None	
Kirkland, S	2003 – ?	Daily	Walking	Daily	Barbed wire put up 08/12	
Kirkland, G	2003 – ?	Weekly	Walking	Weekly	Barbed wire put up 08/12	
Sephton, E	1999 – present	Monthly	Walking, photography	Monthly	Access barred Aug 2012	
Fowler, K	1966 – 1970, 1980 – present	Occasionally	Walking, horse riding, bird watching, photography, playing with children	Occasionally	Barbed wire in Jan 2013	
Jones, S	1994 – present	Weekly	Riding bikes, socialising, dog walking, playing with children	Every time I use the land	None	
Bennett, C	1987 – present	Occasionally	Walking, dog walking	Regularly	None	
Higgins, D	2004 – present	Daily	Stargazing, walking, dog walking, bird watching, photography	Daily	Barbed wire in Sept 12, bulldozed in Dec 2012	
Lloyd, J	1978 – present	Weekly	Educating children	Daily	None	
Morley, B	1991 – present	Monthly	Walking, dog walking, photography, horse riding, playing with children	Every time I have been	None	
Morley, C	1990 – present	Daily, now monthly	Dog walking, picnics, horse riding, kite flying, nature observation	On every occasion	None – once stopped from parking car on field	Very old sign saying land owned by MOD in 1980s
Morley, G	1972 – present	Monthly	Playing with children, walking, dog walking, wildlife observation	Every time	None	MOD signs in late 70s and early 80s.
Griffiths, W	1954 – present	Weekly	Walking, bird watching, relaxation	Daily	None	MOD notices
Douglas, C	1988 – present	Monthly	Dog walking, camping, games with children, walking	Weekly (can see	Only recently a sign and	

				from train)	barbed wire	
Whittaker, M	1986 – 2006, 2010 – present	Weekly	Running, dog walking	Every time I was there	Not until recently	
Thomsett, A	1973 – present	Occasionally	Admiring nature, playing with children, walking	Occasionally	None	
Oatridge, L	1999 – present	Weekly	Horse riding, dog walking, picnics, walks, badminton, cycling	Daily	None	
Cliff, J	1997 – present	Weekly	Running, dog walking, taking children to play	Every time I use the path	Only recently with barbed wire and mounds	
Wiseman, C	1970 – present	Monthly	Running, dog walking, walking for pleasure, taking children to play	Every time I use it	None	
Underwood	1997 – present	Monthly	Dog walking, running	Monthly	None	
Culver, D	1975 – present	Occasionally	Running in 1970s, now dog walking	Most times I have been	None	
Marsh, T	1983 – present	Not stated	Dog walking, family picnics	Occasionally	Only recently when entrances blocked	
Marsh, M	1983 – present	Occasionally	Dog walking, family picnics	Occasionally	Only recently	
Hawker, Mrs	1992 – 2008	Daily	Walking with family, running, dog walking, nature trails, picnics, collecting pine cones and leaves	Daily	None	
Hawker, Mr	1990 – 2003	Weekly	Dog walking, running, walking with family, picnics	Daily	None	
Wray, L	1991 – present	Monthly	Running	Monthly	Cricket club signs in 2012	
O'Sullivan, C	2006 – present	Monthly	Camping, mountain biking, walking, adventures	Every time	None	
Lailin, P	2012 – present	Weekly	Horse riding, walking, dog walking	Weekly	Barbed wire and signs in 2012	
Muller, T	1990 – present	Weekly	Walking, running, cycling	Daily	Broken signs on ground in Oct 2012	
Nelson, D	1996 – present	Weekly	Dog walking, walking and climbing trees, wildlife observation, picnics, playing with children	Weekly	Barbed wire in Jan 2013	
Mogt, N	1991 – present	Weekly	Dog walking, playing with children, cycling	Daily	None until Jan 13	
Phillips, S	1991 – present	Occasionally	Cross country running when at school	Occasionally	None	
Bhatia, G	2000 - ?	Occasionally	Walking	Daily	None	
Smith, D	2001 – present	Daily	Running, walking	Daily	Only in last few months	
Goodwin, P	1990 – present	Daily	Wildlife photography, playing with children, socialising	Daily for dog walking	Barbed wire and notices recently	Challenged in Feb 2013 by landowner
Ryder, S&P	1992 – presentv	Daily	Dog walking, leisure walking, playing with children, blackberrying.	Regularly	Barbed wire fencing an notices	
Mace, H	2006 – present	Several times per wk	Walking, dog walking, bird watching, picnics	Every time	Barbed wire and signs in Aug/Sept 2012	I thought I was following a recognized footpath
Redfern, J	1978 – present	Daily to 2000	Bird watching, nature observation, dog walking, rubbish clearance	Daily	None	Now use the land twice weekly
Norris, D	1988 – present	Monthly	Dog walking and training	Every time	None	
Evans, P	1988 – present	Weekly	Dog walking, outings with children	Weekly	Challenged by man erecting barbed wire	Also saw cricket club notices
Wilson, J	1952 – present	Variable	Played there as a child, dog walking,	Most times	Obstructions recently	
Laird, B	1968 – present	Variable	Dog walking	Most times	Recently seen notice	
Venn, A	2003 – present	Several times a week	Dog walking, bird watching, nature watching, rambling	Every occasion	Recent obstructions	

APPENDIX D:
Plan showing the area within
which users reside (parish boundaries
are shown with dotted lines)

