

Application to register the Cherry Orchard Playing Field at Herne as a new Village Green

A report by the Director of Environment and Waste to Kent County Council's Regulation Committee Member Panel on Tuesday 2nd September 2008.

Recommendation: I recommend that the County Council endorses the advice received from Counsel that a non-statutory Public Inquiry be held into the case to clarify the issues.

Local Members: Mr. A. Marsh

Unrestricted item

Introduction

1. The County Council has received an application to register the Cherry Orchard Playing Field as a new Village Green from local resident Mrs. R. Bowley ("the applicant"). The application, dated 6th January 2004, was allocated the application number 583. 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**.
2. The application under consideration is in fact a re-submission of a previous application ("the first application") made by the applicant for the same site. The first application was rejected by a Regulation Committee Member Panel on 21st March 2003 on the grounds that it was considered at that time that the use of the land was not 'as of right' (i.e. without force, secrecy or permission). This decision was based upon the fact that the land had been acquired by the local authority under the Physical Training and Recreation Act 1937 for use as a sports and recreation field, which meant that use of the land by local residents had been with the implied permission of the local authority. I shall return to this point later in this report.
3. Members will also note the considerable, and indeed regrettable, delay in bringing this application before the Regulation Committee Member Panel. This has been due to a combination of factors (including the long-awaited *Oxfordshire*¹ judgement from the House of Lords) but was largely in response to Counsel's advice for the need to await a decision in relation to a similar Village Green application elsewhere in this County before proceeding with the determination of this application. Further advice was recently sought from Counsel and it was felt unreasonable to delay this application any further.

Procedure

4. The application has been made under section 13 of the Commons Registration Act 1965 and regulation 3 of the Commons Registration (New Land) Regulations 1969. These regulations came into force on the 3rd January 1970 and provide for applications to be made to register new Village Greens in accordance with section 22 of the 1965 Act

¹ *Oxfordshire County Council v. Oxford City Council and another (2006)*

5. Although the Commons Registration Act 1965 has now been replaced by the more recent Commons Act 2006, since this application was received prior to the coming into effect of the 2006 Act, it must be dealt with under the original legislation.
6. For the purpose of this application, therefore, section 22 of the 1965 Act (as amended by section 98 of the Countryside and Rights of Way Act 2000) applies. It defines a Village Green as:

'land on which for not less than twenty years a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged in lawful sports and pastimes as of right, and either:

 - (a) *Continue to do so, or*
 - (b) *Have ceased to do so for not more than such period as may be prescribed or determined in accordance with prescribed provisions'.*
7. As a standard procedure set out in the regulations, the County Council must notify the owners of the land, every local authority and any other known interested persons. It must also publicise the application in a newspaper circulating in the local area and put up notices on site to publicise the application. The publicity must state a period of at least six weeks during which objections and representations can be made.

The Case

8. The area of land subject to this application ("the application site") consists of a large playing field situated adjacent to the A291 Canterbury Road in the village of Herne. It is bounded in the main by residential properties and is accessed via entrances from Canterbury Road to the west of the site, Woodrow Chase to the north and alleyways leading from School Lane to the south.
9. The application has been made on the grounds that the application site has become a village green by virtue of the actual use of the land by the local inhabitants for a range of recreational activities 'as of right' for more than 50 years.
10. Included in the application were 22 user evidence forms, 55 letters of support and five letters from residents who have known the Cherry Orchard Playing Field for over 40 years. A summary of the user evidence is attached at **Appendix C**.

Consultation

11. Consultations have been carried out as required. Local opinion on the application is divided, with a number of letters having been received both in support and in objection to the application. This is due largely to the fact that the Parish and City Councils have, over recent years, sought to provide additional facilities on the application site (such as a ball park and the installation of exercise equipment) which has generated a great deal of local debate. Many of the letters of objection do not attempt refute the evidence of use of the land by local people for recreational activities, but instead refer to the fact that Village Green status might prevent the construction of such additional facilities². However, it is important to note that the County Council is not able to take into

² Under the Commons Act 1876, encroachments or enclosures, or the placing of any structures upon town or village greens (unless placed there with a view to the better enjoyment of the green) are considered to constitute a public nuisance

consideration issues relating to suitability, desirability or amenity when determining the application, since the application must be determined solely on the legal tests described above, as set out in section 22 of the Commons Registration Act 1965.

12. The Herne and Broomfield Parish Council ("the Parish Council") has also objected to the application on the following grounds:

- The application site is covered by the provisions of section 32 of the County of Kent Act 1981 (trespass on playing fields) and a notice to this effect is displayed on the site;
- The application site was compulsorily purchased from a developer in 1957 under the Physical Training and Recreation Act 1937;
- Canterbury City Council rents out the football pitches and has erected notices prohibiting dog fouling and golf, thereby establishing that the public can only use the area subject to conditions of use;
- The purpose of the application is to prevent the construction of a Multi-User Games Area (MUGA) which is designed to enhance the use of the application site for informal recreation. Local residents are generally in favour of this as there is no other land available within the parish; and
- There is a more suitable site for village green status a few hundred yards south of Cherry Orchard.

Landowner

13. The application site is owned by Canterbury City Council ("the City Council"), the successor to the Herne Bay Urban District Council which originally acquired the land by a conveyance dated 17th April 1957 'for the purposes stated in the *Physical Training and Recreation Act 1937*'.

14. The City Council has objected to the application on the grounds that use of the application site is with the permission of the City Council and cannot therefore be 'as of right' as is required to satisfy the legal tests for registration of the land as a Village Green. This view is based on several main points:

- That the City Council has maintained control over the use of the land by charging a fee for the hire of the cricket and football pitches, thereby asserting a right as the landowner to exclude any other users of the application site;
- That since the land is held under the Physical Training and Recreation Act 1937, use by local residents is pursuant to a right which already exists and is therefore 'by right' not 'as of right'.
- That a notice erected under the County of Kent Act stating that it is an offence to remain on the premises after having been asked to leave provides a further manifestation that the use of the land by local residents occurs with the permission of the City Council.

Discussion

15. There appears to be no dispute, and certainly the City Council accepts, that local residents have used the application site for recreational purposes for a number of years. It is clear from a visit to the application site that access to it by local residents would be difficult to deny given the lack of fencing or barriers, and there is nothing in the user evidence to suggest that access has been hindered or prevented at any point

the past. Therefore, the main issue in this particular case is whether the use of the land has been 'as of right'.

16. The definition of the phrase 'as of right' has been considered in recent case law. Following the judgement in the *Sunningwell*³ case, it is considered that if a person uses the land for a required period of time without force, secrecy or permission (*nec vi, nec clam, nec precario*), and the landowner does not stop him or advertise the fact that he has no right to be there, then rights are acquired and further use becomes 'as of right'.
17. In this case, there is no suggestion that use of the land for recreational purposes took place by force (for example, by breaking down fencing to gain access) or secretly. In fact, the site has been open and freely available for use for many years and the City Council has never actively sought to discourage the use of the land by local residents. There is, however, a serious question regarding the third limb of the 'as of right' principle with regard to whether use of the land by the local residents has been with permission.
18. Permission in this context can take various forms: it can be express permission which is communicated to local residents (e.g. by way of a notice placed in a prominent position on the site) or it can be express permission which is not communicated to local residents (e.g. by way of a formal deed intended to permit recreational use of the land). Alternatively, permission may be implied when overt actions are taken by the landowner to communicate to the users that their use is conditional and may be terminated at any time, for example, by charging a fee for entry.
19. Finally, there may be instances where there is neither any express permission nor any communication with the users. For example, such a situation may arise where land is held in a statutory public trust (e.g. under the Public Health Act 1875 or the Open Spaces Act 1910) for the specific purpose of public recreation; users may not necessarily be aware of this trust, but their use is nonetheless 'by right' (because the trust specifically provides a right for them to be there) and therefore not 'as of right'. It is under this final point that the City Council argues that use of the site is with permission, on the basis that the land is held under the Physical Training and Recreation Act 1937 for the purpose of a public playing field.
20. The City Council also refers to a notice erected on the site under the County of Kent Act 1981 stating "*it is an offence to remain on premises to which this section applies [which includes a playing field] after being requested to leave them or, without lawful authority to be on such premises within one month after being so requested*". This, according to the City Council, shows that those people using the application site were there with the permission of the Council and could be requested to leave at any time. The applicant, however, asserts that this notice was displayed to the rear of a changing room block and has been illegible for many years, thus making it logical to assume that most users would have been unaware of its existence; if the City Council were placing reliance on this notice to trump 'as of right' usage, then it could reasonably be expected that the notice would have been displayed prominently at one of the seven entrances to the application site.

³ *R v. Oxfordshire County Council, ex p. Sunningwell Parish Council (2001)*

21. The *Laing*⁴ Homes case has dealt in the past with the impact of agricultural activities in respect of applications to register land as a Town or Village Green and clarified that local inhabitants moving out of the way to enable the landowner to carry out such activities creates an interruption the required twenty-year period of use. This is known as the 'deference issue' which has been more recently strengthened in relation to other non-agricultural activities in the *Redcar*⁵ case, which related to the use of a golf course for informal recreation by local residents. In Redcar, the application to register the golf course as a Village Green was rejected on the basis that the local inhabitants had respected the primary use of the land by fee-paying golfers which meant that their own use was dependent upon the land not being used by the golfers (and therefore the landowner) for other purposes.
22. In respect of the application at Cherry Orchard Playing Field, there is no question that there may well have been deference by local inhabitants deferring to those playing football and cricket. However, there is also no question that there are other areas of the application site where there may well have been no such deference.

Advice from Counsel

23. Counsel's advice on this issue has been sought. Counsel's view with regard to the County of Kent Act 1981 notice was first and foremost that this notice could not have any legal effect unless it was erected in an appropriate place and maintained. Notwithstanding the positioning of the notice, Counsel felt that in any case the notice could not be conveyed as providing the public with a right to be on the land when the effect of the notice is actually to confirm that those people entering the site are there as trespassers that could be asked to leave at any time – this is the fundamental principle at the heart of the 'as of right' concept since rights cannot be acquired if the users of the site are there 'by right'. In this case, no reasonable user would conclude from the wording of this notice that they were on the site with the permission of the landowner.
24. Counsel has also advised that the County of Kent Act notice appears to be wholly inconsistent with the statutory right which the City Council claim was conferred to the users by the Physical Training and Recreation Act 1937. There is a contradiction in that if users are on the land 'by right', then the City Council has no authority to require anyone to leave or deny subsequent re-entry, as is suggested by the notice. There is also some uncertainty as to the exact scope of the Physical Training and Recreation Act 1937 since it could be argued that land was acquired for the specific purpose of providing playing fields and as such the use of the playing fields is 'by right' (regardless of whether or not a fee is paid), but that this right does not automatically extend to the other informal recreational use of the site by local residents which takes place 'as of right'.
25. In relation to the 'deference issue', Counsel has advised that the *Redcar* Case combined with the accepted understanding originating from the *Laing* Homes case would enable the evidence to be better tested, especially since there may well be areas of the application site where there has been no deference to the landowner by users at all.

⁴ *R (Laing Homes Ltd) v. Buckinghamshire County Council (2003)*

⁵ *R (Lewis) v Redcar and Cleveland Borough Council (2008)*

Conclusion

26. In my view, before any decision is taken, the County Council should heed Counsel's advice to hold a non-statutory Public Inquiry to explore the issues further. The application is evidently very emotive locally and the case has a long history; acceptance or rejection of this application will have a significant impact upon the future management of the Cherry Orchard Playing Field and it is important for all concerned that the true status of the application site be determined based upon all of the information available. In particular, there is a clear dispute of fact with regard to the effect of the County of Kent Act notice and the effect of the Physical Training and Exercise Act 1937.
27. Although the *Redcar* case has strengthened the law in relation to deference, the circumstances at the Cherry Orchard Playing Field are fairly unique in that significant areas of the application site are not subject to formal games of cricket and/or football. In the *Oxfordshire* case, Lord Hoffman endorsed the suggestion that the Registration Authority is entitled to amend the application and register a smaller area than that claimed and the County Council therefore needs to consider whether smaller areas of the application site have been used in the appropriate manner. Given that the user evidence forms relate to use over the whole site, it is practically impossible to reach a view on this based on the written information currently available. It is considered that the best way to achieve this is for a Public Inquiry to be held so that an Independent Inspector can reach a recommendation and consider all of the relevant issues.

Recommendations

28. I recommend that Members endorse the advice received from Counsel and that a non-statutory Public Inquiry be held into the case to clarify the issues.

Accountable Officer:

Dr. Linda Davies – Tel: 01622 221500 or Email: linda.davies@kent.gov.uk

Case Officer:

Mr. Chris Wade – Tel: 01622 221511 or Email: chris.wade@kent.gov.uk

The main file is available for viewing on request at the Countryside Access Service, Environment and Waste, 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

Official stamp of registration author
indicating date of receipt

APPENDIX B:
Copy of application form

*This section for official
use only*

COMMONS REGISTRATION ACT 1965 VG
KENT COUNTY COUNCIL VG
REGISTRATION AUTHORITY
25 JAN 2004

COMMONS REGISTRATION ACT 1965, SECTION 13

APPLICATION FOR THE REGISTRATION OF LAND WHICH BECAME
A TOWN OR VILLAGE GREEN AFTER 2nd JANUARY 1970

*Insert name of
registration
authority.*

To the 1

Application is hereby made for the registration as a town or village green
of the land described below, which became so registrable after 2nd January
1970.

Part 1

Name and address of the applicant or (if more than one) of every applicant.

*(Give Christian names
or forenames and
surname or, in the case
of a body corporate or
unincorporate, the full
title of the body. If
part 2 is not completed
all correspondence and
notices will be sent to
the first named
applicant.)*

RUTH Hilary BOWLEY
253, Can Kenbury Road
HERNE BAY
KENT
CT6 7HD

Part 2

Name and address of solicitor, if any.

*(This part should be
completed only if a
solicitor has been
instructed for the
purposes of the
application. If it is
completed, all
correspondence and
notices will be sent
to the solicitor.)*

Part 3

Particulars of the land to be registered, i.e. the land claimed to have become a town or village green.

Name by which usually known CHERRY ORCHARD PLAYING FIELD

Locality HERNE. KENT.

Colour on plan herewith GREEN (SEE MAPS A & B * C)

Part 4

On what date did the land become a town or village green?

JANUARY 6th 2004

Part 5

How did the land become a town or village green?

By use of local inhabitants for more than 20 years without hindrance

Part 6

Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to have become a town or village green. (If none are known, write "none".)

CANTERBURY CITY COUNCIL
MILITARY ROAD
CANTERBURY
KENT
CT1 1YW

Part 7

For applications to register substituted land (see Note 5); to be disregarded in other cases.

Particulars of the "taken land", i.e. the land which ceased to be a town or village green (or part thereof) when the land described in part 3 became a town or village green (or part).

Name by which usually known

Locality

Colour on plan herewith (if any)

If registered under the 1965 Act, register unit No(s).

List of supporting documents sent herewith, if any. (If none are sent, write "none".)

22, Evidence Questionnaires
 3 Maps Marked A, B, C.
 Copy of KCC Grant of Permission dated Feb 1951
 Petition Pages 1-22
 55 Letters of Support
 5 letters from residents familiar with Cherry Orchard for over 40 years.

If there are any other facts relating to the application which ought to be brought to the attention of the registration authority (in particular if any person interested in the land is believed to dispute the claim that it has become a town or village green) full particulars should be given here.
 (Continue on back if necessary.)

Our witnesses: - Mrs E. B. Spears, Mrs E. Harris, Mrs B. Biske, Mr & Mrs DNB Nutt, Miss B. Wray, Mr D. Bowle, Mr L. P. Crompton, Miss P. P. Edwards, Miss V Hockley, Mr WJ. McDonald, Mrs I. LANE DOWN, Mr G. Norman, Mrs D. Hills, Mrs J. Brett, Mrs A. Beck, Mrs R. Bowley, Mr & Mrs R.H. Kenward, Mrs S. Iddardoc, Mrs E. Wakefield, Miss J. Dilnot, Mrs M. Haze, Mr J. Dilnot. Have known & used the Cherry Orchard field for recreation for some years prior to 2nd January 1970.

As their evidence forms show we understand that any period of use of the Green from 1951 onwards is relevant to our claim. At no time have they sought permission & have used the land freely. The successful outcome of the recent case, Regina v Sunderland (CITY OF) brought before the House of Lords, has a direct bearing on our application.

The application must be signed by or on behalf of each individual applicant, and by the secretary or some other duly authorised officer of any applicant which is a body corporate or unincorporate.

Date 6/10/74 19

Signatures 2 [Signature]

(See Note 9)

STATUTORY DECLARATION IN SUPPORT

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

- ¹ Insert full name (and address if not given in the application form).
- ² Delete and adapt as necessary.
- ³ Insert name if applicable.

I, ¹ Ruth Hilary Bowley solemnly and sincerely declare as follows:-

1.2 I am ((the person (~~one of the persons~~) who (has)(have) signed the foregoing application)) ((~~the solicitor to (the applicant)~~) (³ one of the applicants)).

2. I have read the Notes to the application form.

3. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 8 and 9 of the application. *Part*

4. The plan now produced and shown to me marked *4 "A1-22"* is the plan referred to in part 3 of the application. *B C*

5. ⁵ The plan now produced and shown to me marked *4 "* is the plan referred to in part 7 of the application. *"*

⁴ Insert "marking" as on plan.

⁵ Delete this paragraph if there is no plan referred to in part 7.

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

Declared by the said Ruth Bowley

at 6 Dence Park

in the County of Kent

this 6th day of January 2004

R. Bowley

Signature of Declarant

Before me

Signature Cillian John

Address 6 DENCE PARK

HERNE BAY KENT

Qualification Justice of the Peace for the County of Kent

REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any plan as an exhibit.

MAP A
"Exhibit A"
Catherine Johnson
16th January 2000



ne

Hunter

The Cherry Orchard Playing Field, Herne
Letters and Plans

Dates Used Field	Name of Person Giving Evidence	Address	Sports and Pastimes
1. 1982 to present	Mr & Mrs R R Beer	34 Woodrow Close Herne	Longport Cricket Club used land as home venue for number of years. Children playing, football.
2. 48 years ago to present	Mrs J Brett	19 Herne Street Herne	Children and grandchildren learnt to ride bikes, meet friends, have picnics, fly kites. School sports day, village fete every year. Cricket watched at weekends. Egg rolling at Easter. Football played through winter.
3. Lived in Herne as child and now has grandchildren	Barbara Browning	68 School Lane Herne	Dog walking, children played tennis, football, grandchildren bicycle and scooter and fly kites. Football, play on swings, etc. Football and cricket matches.
4. Not known	Mr & Mrs M J Bunn	29 Streetfield Herne	Walk dog, grandchildren play on swings, picnic, watch cricket, fly kites, made aeroplanes, playing football.
5. Last five years	Mr. & Mrs J C Burchell	110 Woodrow Close Herne	Walking dog. Take wife for a stroll.
6. 10 years	Mr Leonard W Cant	241 Canterbury Road Herne	Football, cricket, kite flying, dog walking, training, strolling, walking.
7. 20+ years	Mrs R Fionder	23 Windmill Road Herne	Dog walking, grandchildren play.
8. 7 years	Mr T G Croucher	41 Woodrow Chase Herne	Walking, son plays, football, grandchildren use swings, play football and cricket. Son plays for Longport Cricket Club uses field.
9. Since 1959	Derek A Darby	25 Albion Lane Herne	Annual fete, fairs, football, cricket matches seen. Children playing on swings and slides, tobogganing and skiing. Walking, people watching activities, shortcut to Herne.
10. 19 years	Audrey Castle	21 The Dowings Herne	Taken grandchildren to play on site, swings, played rounders. Grandchild play football, kite flying, watched cricket, walk dog and trained dogs there for obedience shows.
11. 3½ years	Mr & Mrs Filmer	62 Woodrow Chase Herne	Football, cricket, rounders, kite flying. Grandchildren use swings. Walk dog, short cut to village.

APPENDIX C:
Summary of evidence of use by
local people

Dates Used Field	Name of Person Giving Evidence	Address	Sports and Pastimes
12. 12 years	Mrs S D Girling	7 Ellis Way Broomfield Herne	Use field regularly and exercise dog, also grandchildren use field.
13. 16 years	Mrs J C Hall	64 Woodrow Chase Herne	Grandchildren use swings and play in field. Watch cricket and football.
14. 22 years	Mr S D Hooker	80 Woodrow Chase Herne	Use as a shortcut to village and walk around field.
15. Associated for 17 years	Mrs J Knox	17 Woodrow Chase Herne	Take dog for a walk, take children to play there.
16. Not known	Mr & Mrs B M Manuell	11 Hawe Farm Way Herne	Take dogs for walks, pushed granddaughter in pushchair and she later played on swings, etc. Watch cricket and football, played cricket, children tobogganing in the snow.
17. 14 years	Miss Barbara Marshall	35 Woodrow Chase Herne	Dog walking, sitting looking at nature. Watching children play. Meet friends. Shortcut to the village. See fathers playing football with sons. Mothers pushing babies in prams. Children flying kites.
18. Since June 1990	J B Medhurst	2 Millview Road Herne	Walking dog. Take grandchildren to play on the swings and slide. Watching cricket and football matches.
19. 20 years	Mrs T Mummery	3 Orchard Row School Lane Herne	Children use field for cricket, football and picnics. Walks her dog and watches activities.
20. 26 years	Daphne Powell	69A Mill Lane Herne	Take dog for a walk, walk to village, walk taking children to school.
21. 5 years	P R Pragnell	44 Mill Lane Herne	Grandchildren playing on swings. playing football, cricket on green. Walking dog, meeting friends, grandchildren play on the field. Watch cricket, relax.
22. Not known	Mr & Mrs R E Parsons	24 Woodrow Chase Herne	Picnics, walk dog, take grandchildren to swings, etc., watch the sports.
23. 30 years	Roger & Ann Pay	5 Landridge Close Herne	Play sports, walk dogs, fly kites and picnic.
24. 9 years	Mrs Jean Niles	5 Landridge Close Herne	Walk dog, children playing games, football, sitting.

Dates Used Field	Name of Person Giving Evidence	Address	Sports and Pastimes
25. 20 years	Mr & Mrs T C Newman	8 Streeffield Heme	Shortcut to school, children playing, supported football and cricket, Dog walking, meeting friends.
26.	Mr & Mrs J M Rodda	'Marazion' 59 Windmill Road Heme	Walk dog, artists, family picnics, cycling for children. Football games, cricket, tobogganing, seats for elderly folk to sit.
27. 43 years	Mrs H Rowe	14 Windmill Road Heme	Play ball, children use swings, watch football, dogs run around, walking around.
28. 7 years	G Shaw	12 Ashdown Close Broomfield Heme	Walk dog, grandchildren play there.
29. 18 years	C W Saunders	32 Pear Tree Road Broomfield Heme	Children used it for tobogganing, football and cricket. Before moving to Broomfield husband played cricket and football on field.
30. 6 years in this house, 40 years nearby	Mr & Mrs J Stephens	247 Canterbury Road Heme	Walking dog, kick a ball, flying bites, picnics, watch cricket and football.
31. 6 years	Mrs J J Shippey	'Whitegates' 69 Mill Lane Heme	Walk dog daily. Take grandchildren to play. Shortcut to village. Watching cricket and football. Meet friends for a chat.
32. 22 years	E A Roethenbaugh	91 Mill Lane Heme	Watching football, walking the dog. Taking grandchildren to play on swings, etc.
33. 21 years	Paul Tanner	1 Strode Park Road Heme	Walking dog, taken young children to play area, walking field to school.
34. Since 1971	D W Thompson	38 Lower Heme Road Heme	Watching cricket and football. Walking dogs.
35. 27 years	Mrs D E Whale	82 Woodrow Chase Heme	Walked to bus. Taken nieces and nephews to play.
36. 12 years	K L ^a Wengal	35 Mill Lane Heme	Walks dog most days, take grandchildren to swings occasionally.

Dates Used Field	Name of Person Giving Evidence	Address	Sports and Pastimes
37. Lived Heme and Broomfield 11 years	Mr D M Vincent	34A Broomfield Road Heme	Taken children to field to play, but a lot of vandalism in play area.
38. 10½ years	Ms B Vincent	16 Broomfield Road Heme	Walking dog. Take grandchildren to play area. Vandalism in play area.
39.	Graham Woods	44 Woodrow Chase Heme	Activities seen - radio controlled electric cars, Frisbees, wand propelled buggy. Cricket, football, jogging, kite flying, snowballing.

NOTICHERY ORCHARD PLAYING FIELD