

Appendix 1

Site location plan



Measuring tools

Map options

Layers Legend Help

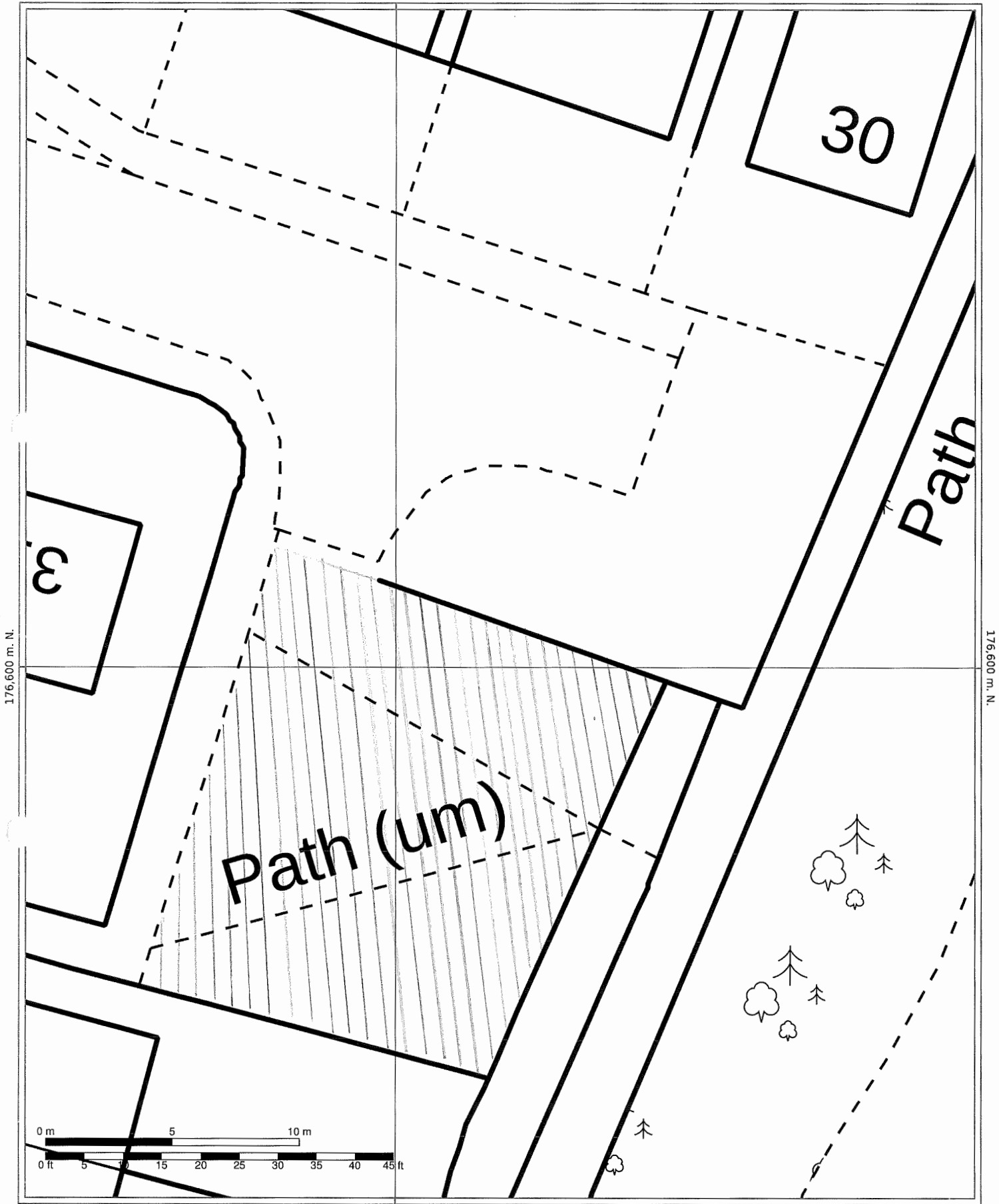
For guidance on how to use this application, please consult the user guide (in Adobe PDF format).



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MasterMap B&W 1:200

358,450 m. E.



Bottom Left: 2°36'W 51°29'12"N Top Right: 2°35'58"W 51°29'13"N
Ground Scale: 1:200

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APPLICATIONS FOR REGISTRATION OF TOWN OR VILLAGE GREENS

THE COMMONS ACT 2006 THE COMMONS (REGISTRATION OF TOWN OR VILLAGE GREENS) (INTERIM ARRANGEMENTS) (ENGLAND) REGULATIONS 2007

(TIMESCALE - the entire process can take about a year)

OUTLINE PROCEDURE

An application to register land as a town or village green (TVG) can be made by anybody on any land. The effect of registration is that the land can only ever be used as a town or village green.

1. If anyone enquires about how to make an application to register a TVG they are sent a letter referring them to DEFRA, and to the Open Spaces Society as all the information they need is available on these websites.

2. Receipt of application:

On receipt of application Form 44, the Commons Registration Authority (CRA) allocates an application number, stamps the application using the CRA stamp and sends a letter acknowledging receipt together with the notice giving the reference number.

3. The CRA checks the application documents:

Ensures the form complies with the Regulations and is procedurally correct, relevant sections are completed, all supporting documents referred to are present, and that the plan complies with Regulation 10. It then gives preliminary consideration (Regulation 5(4)) to the application and to the evidence and reaches a decision as to whether to:

- (a) reject the application at this stage due to it being incomplete or not in compliance with the regulations;
- (b) reject the application at this stage based on the evidence;
- (c) call for additional information;
- (d) proceed with the application.

Before any application is rejected under clause 3(a) the applicant will be given a reasonable opportunity of taking action to put the application in order. Before any application is rejected under clause (3)(b) the applicant will be given a reasonable opportunity to put forward further evidence or arguments which the CRA will then consider. The CRA will give reasons for the rejection under clause 3(b) to the applicant. If the applicant does not accept the CRA rejection the application will be referred to PROWG by the CRA. Having considered the report of the CRA and any representations from the applicant PROWG may decide to allow the application to proceed to the full process or confirm the rejection.

4. Publicity:

- (a) any known owner, potential objector or other interested party to be served with notice;
- (b) notice posted at site, if reasonably practicable;
- (c) notice published in newspaper;
- (d) relevant ward Councillors notified;
- (e) copy of application papers on deposit at the Council House

(f) notice published on Council's website.

5. Any objections are referred to the applicant (Regulation 6(3)) for comment. If necessary, the CRA will ask for any further information or documents to enable the application to be determined.

6. All applications will be determined in accordance with the legal test set out in the Commons Act 2006 and as soon as possible after the date by which statements of objection to an application have been required to be submitted (regulation 6(1)).

- a) Straight-forward cases where there is no significant conflict of evidence, or no significant objection will be dealt with on the paperwork. The decision will be taken by the delegated officer (strategic director of corporate services) or PROWG as appropriate. **Whether or not an independent inspector needs to be appointed prior to determination, particularly where the Council is the landowner, is a matter for PROWG.**
- b) In other cases there will be a public inquiry, ie. a hearing, open to the public, where both sides are able to present their evidence and make representations. Depending on the circumstances and the nature of the case, the inquiry will be heard by either a council legal officer, PROWG (or a sub-committee of PROWG) with advice from a council legal officer, or an independent legally-qualified inspector. Where the Council is landowner the inquiry will be conducted by an independent legally-qualified inspector **otherwise PROWG will decide who is to conduct the inquiry.**
- c) Whoever is holding the inquiry may carry out a site visit during the inquiry process. The parties are normally invited to attend the site visit but are not permitted to make any further representations.
- d) Following an inquiry hearing, there will be a report to PROWG summarising the evidence and facts with a recommendation as to whether or not the application should be accepted. This report will be prepared as follows:
 - o Where the inquiry is held by a council legal officer, by that officer;
 - o Where the inquiry is held by a committee (either PROWG or its sub-committee), by the council legal officer who advised the committee;
 - o Where the inquiry is held by an inspector, by that inspector.
- e) Following an inquiry, the application will be determined by PROWG on the basis of the report prepared at stage d) above.

When conducting an inquiry, which is a quasi judicial process, the CRA will ensure that the rules of natural justice are met.

8. Applicants and objectors are informed of the decision.

9. Application papers are returned to unsuccessful applicants, or land is registered in the case of successful applications.

Commons Act 2006: Section 15

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

Official stamp of registration authority
indicating valid date of receipt:

Application number:

Register unit No(s):

VG number allocated at registration:

(CRA to complete only if application is successful)

Applicants are advised to read the 'Guidance Notes for the completion of an Application for the Registration of land as a Town or Village Green' and to note the following:

- All applicants should complete questions 1–6 and 10–11.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete questions 7–8. Section 15(1) enables any person to 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 question 9.

1. Registration Authority

To the

Bristol City Council

Note 1

*Insert name of
registration
authority.*

2. Name and address of the applicant

Note 2

If there is more than one applicant, list all names. Please use a separate sheet if necessary. State the full title of the organisation if a body corporate or unincorporate.

If question 3 is not completed all correspondence and notices will be sent to the first named applicant.

Name: [REDACTED] (and 3 others - see separate sheet)

Full postal address:

[REDACTED]
[REDACTED]
[REDACTED]

Postcode [REDACTED]

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

Fax number: N/A
(incl. national dialling code)

E-mail address: [REDACTED]

3. Name and address of solicitor, if any

Note 3

This question should be completed if 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.

Name: [REDACTED]

Firm: [REDACTED]

Full postal address:

Post code

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

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

E-mail address: [REDACTED]

Note 4

For further advice on the criteria and qualifying dates for registration please see section 4 of the Guidance Notes.

** 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.*

4. Basis of application for registration and qualifying criteria

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5.

Application made under **section 15(8)**:

If the application is made under **section 15(1)** of the Act, please **tick one** of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

Section 15(2) applies:

Section 15(3) applies:

Section 15(4) applies:

If **section 15(3) or (4)** applies please indicate the date on which you consider that use as of right ended.

If **section 15(6)*** applies please indicate the period of statutory closure (if any) which needs to be disregarded.

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

Name by which usually known:

Ridgehill Green, locally known as 'the Picnic Area'.

Location:

Ridgehill, Henleaze, Bristol BS9 4SB

Shown in colour on the map which is marked and attached to the statutory declaration.

Common land register unit number (if relevant) *

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

Please show the locality or neighbourhood within the locality to which the claimed green relates, either by writing the administrative area or geographical area by name below, or by attaching a map on which the area is clearly marked:

Ridgehill, Henleaze, Bristol
Westbury on Trym and Henleaze Ward

Tick here if map attached:

Note 5

The accompanying map must be at a scale of at least 1:2,500 and show the land by distinctive colouring to enable it to be clearly identified.

Only complete if the land is already registered as common land.

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 or street).

If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly.

7. Justification for application to register the land as a town or village green

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).

Ridgehill Green (known locally as 'the picnic area' (Plan 1 attached) was part of the former YMCA playing field which was the subject of a planning application for residential development granted on 19 April 1978 (application no. 78/00419/P-N). On the approved application plan the land is shown as 'Public Open Space' (see Plan 2 attached) and is on the north-eastern corner of the residential development of 40 houses comprising Sates Way and one side of Ridgehill.

Since 1988 the local community (through the local Golden Ridge Neighbourhood Watch) has held annual summer picnic barbeques (see various documents attached). To facilitate this, local people have volunteered to cut grass and generally maintain the land. Over the years the land has developed into a local amenity with the provision of flower tubs, planting, landscaping and re-seeding of grass. Chippings have been laid to improve the surface of the informal path crossing the site and linking to the network of public rights of way across Golden Hill.

Over the years, informal access was made through the land to the adjacent public footpaths. Recognising this, the local neighbourhood watch obtained permission from the then owner (Ladbrooks) for a 'kissing gate' to link the Green with the public footpaths. Residents, through the Neighbourhood Watch, funded the purchase and erection of the kissing gate, which was supplied by Avon County Council. The gate was modified in 2004 at the request of Bristol City Council to enable better wheel-chair and push-chair access.

Throughout all this time access to the land and the adjacent public footpaths (via the 'kissing gate') has not been interrupted or prevented by the landowner. For over 30 years, Ridgehill Green has been in regular community use for picnic barbeques, recreational gardening, ad hoc passing-by on recreational walks, or just a place to stop and chat. It's original 'public open space' designation in the approved planning application shows that it was from the start intended as a community recreational facility. Our application seeks to obtain formal validation of this.

Note 8

Please use a separate sheet if necessary.

Where relevant include reference to title numbers in the register of title held by the Land Registry.

If no one has been identified in this section you should write "none"

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, tenant or occupier of any part of the land claimed to be a town or village green

From Land Registry records we understand the current owner to be Mushtaq Ahmed of 396 Stapleton Road, Bristol BS6 6NQ

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

Note 9

List all such declarations that accompany the application. If none is required, write "none".

This information is not needed if an application is being made to register the land as a green under section 15(1).

10. Supporting documentation

Note 10

List all supporting documents and maps accompanying the application. If none, write "none"

Please use a separate sheet if necessary.

Names and addresses of applicants
Site location plan
Planning approval dated 19 April 1978, the approved application plan and the approved post decision plan dated 13 June 1979
Selection of annual barbeque documentation
Photographs
Witness statements

Note 11

If there are any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

11. Any other information relating to the application


Note 12

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

Date:

16th September 2022

Signatures:



REMINDER TO APPLICANT

You are advised to keep a copy of the application and all associated documentation. Applicants should be aware that signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence. The making of a false statement for the purposes of this application may render the maker liable to prosecution.

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 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.

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).*

I... Michael McConologue,¹ solemnly and sincerely declare as follows:—

² *Delete and adapt as necessary.*

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

³ *Insert name if applicable*

2. 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 10 and 11 of the application.

3. The map now produced as part of this declaration is the map referred to in part 5 of the application.

Complete only in the case of voluntary registration (strike through if this is not relevant)

4.⁴ I hereby apply under section 15(8) of the Commons Act 2006 to register as a green the land indicated on the map and that is in my ownership. I have provided the following necessary declarations of consent:

- (i) a declaration of ownership of the land;
- (ii) a declaration that all necessary consents from the relevant leaseholder or proprietor of any relevant charge over the land have

Cont/

⁴ Continued

been received and are exhibited with this declaration; or
(iii) where no such consents are required, a declaration to that effect.

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 [redacted])

at [redacted])

this 13th day of September 2022.)

[redacted]

Signature of Declarant

Before me * [redacted]

Signature: [redacted]

Address: [redacted]

Qualification: Justice of the Peace

* The statutory declaration must be made before a justice of the peace, practising solicitor, commissioner for oaths or notary public.

Signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence.

REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any map as an exhibit
