

COMMONS ACT 2006 – SECTION 15

APPLICATION TO REGISTER LAND AT TUNSTALL HILLS, SUNDERLAND AS A TOWN OR VILLAGE GREEN

REPORT OF HEAD OF LAW AND GOVERNANCE

1.0 Purport of the Report

- 1.1 The purpose of this report is to enable Members to consider an application to register land at Tunstall Hills as a town or village green. An earlier report on this matter was brought before Members on the 24th July 2017 (Appendix 1 to this report). The map and application submitted by Mr Allan White, Chairman of Tunstall Hills Protection Group together with a copy of the press notice advertising the application are appended to the earlier report as Appendices A, B and C.
- 1.2 The procedure set out in the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 has been followed. Notice in the required form (see Appendix 2) has been given to the owner of the areas of land subject to the application. In this case all of the land in question is owned by the Council, therefore the relevant Notice was sent to the Council's Head of Property and Head of Planning and Regeneration as well as being displayed at several locations on the application site. Additionally, Notice was published in the Sunderland Echo and copies were placed on deposit for inspection at the Customer Service Centre between the 30th June and 14th August 2017, inviting representations or objections to the application.
- 1.3 There have been no objections received at all against the proposed registration of the land at Tunstall Hills as a town or village Green, including no objection from the Council in its capacity as land owner. In the absence of any objection from the Council as landowner, there is limited potential for a conflict of interest to arise that would necessitate the holding of a non-statutory public inquiry and the appointment of an independent inspector.

2.0 Background and Criteria for Registration

- 2.1 The requirements for registration of land as a town or village green are now found under Section 15 of the Commons Act 2006. Section 15(1) allows any person to apply to the registration authority to register land as a town or village green in specified circumstances. The application here is made under Section 15(2) which applies where:-
- (a) a significant number of the inhabitants of any locality, or 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 and;
 - (b) they continue to do so at the time of the application.

2.2 The applicant must prove, on the balance of probabilities, that the criteria for registration of the land are satisfied and a number of documents have been submitted as evidence in support of the application. The application was submitted on form 44 (Appendix 3) together with a map to the correct scale which identified the specific land subject to the application. The application identified the 'neighbourhood' of the land as being the Silksworth council ward and the wider 'locality' as including the adjoining council wards of Ryhope and St Michael's and identified that the users of the land extend beyond this area. (The ward maps of these and surrounding wards are at Appendix 4). The required statutory declaration was completed by Mr Alan White. Also accompanying the application were historic documents relating to the land (Appendix 5), a petition (Appendix 6) and a number of evidence sheets (Appendix 7).

2.3 The first requirement is that a "**significant number of the inhabitants of any locality or any neighbourhood within a locality**" have used the land in the required manner. Case law has established that the term 'significant number' does not have to mean a large number of people (McAlpine Homes case). The question is whether the number of local inhabitants who use the land, relative to the number who live in the relevant locality or neighbourhood, is enough to mean that the land is generally used by the local community (rather than being used occasionally by a few people).

It is not necessary for the majority of the users to live in the locality or neighbourhood of the proposed town or village green. As long as a significant number of local inhabitants have used the land, it does not matter that many or even most users come from elsewhere (Warneford Meadow case).

In the case of the current application, this is supported by a petition signed by 134 individuals (Appendix 6), whose addresses are given, asserting their use of the land over a period of time. In addition there have been 59 more detailed evidence questionnaires submitted identifying specific periods of usage and the activities undertaken on the land. All but 7 of these live within the neighbourhood. (Appendix 7)

The vast majority of those signing the petitions or submitting an evidence questionnaire live within the locality or neighbourhood. Members may therefore reasonably take the view that this first part of the criteria is satisfied.

2.4 The next consideration is whether the relevant inhabitants, have indulged "**as of right**" in lawful sports and pastimes on the land'. The guidance on interpreting 'as of right' states that use of the land must be 'as of right' throughout the relevant period. 'As of right' is described as being nec vi (not by force), nec clam (openly), and nec precario (without the owner's permission). It is irrelevant whether the users believe that they are entitled to do what they are doing, or know that they are not so entitled.

The use relied on must be 'of such a character, degree and frequency as to indicate an assertion by the claimant of a continuous right, and of a right of the

measure of the right claimed'. Use that is 'trivial and sporadic' will not be enough.

Landowners must be able to see that the land is being used and be able to resist that use if they wish to. For example, the following types of use do not qualify:

- in darkness
- in dense vegetation
- use that only takes place when the users know that the owner is away (but use that happens when the owner is away would qualify if it is merely a part of the continuing pattern of use).

Users must not break or cut through any barriers such as fences, walls, gates or hedges to get on to the land.

Landowners can end a period of use through continuous and unmistakeable verbal challenges. They can also bring an end to use as of right by putting up suitably worded notices in obvious places. By way of example, in a series of decided cases the following notices were considered to have been inadequate because they did not clearly forbid the use of the land:

- 'Warning. It's dangerous to trespass on the golf course.'
- 'No public right of way.'

Whereas, in contrast, the following notices are clear:

- 'Private property. Keep out.'
- 'Do not trespass.'
- 'Private property. Access prohibited except with the express consent of [the landowner].'

In the case of Tunstall Hills, the applicant has submitted evidence that shows the land to have been openly used by a large number of people. It is likely that members themselves will be aware of the use of the land by the public as a result of their own local knowledge and there is no evidence that the Council, as landowner, has taken any steps to prevent this use.

Before moving on, however, it is important to clarify that the land must be used 'as of right' and not 'by right'. Use 'as of right' is the use of land as if a right to use it in that way had been granted, when in fact no such grant had been made. In contrast, use 'by right' is the use of land in exercise of a right actually granted. In the Supreme Court case of Barkas, land owned by a local authority and held by that authority for the very purpose of being used by the public for that recreational use such as land acquired under the Public Health Acts and Open Spaces Act or land which was laid out and maintained as public recreational land was used 'by right' rather than 'as of right'. The land at Tunstall Hills was not acquired under the statutory provisions referred to and is not laid out and maintained as formal land which the public have a statutory

entitlement to use. It would therefore be reasonable for members to find that the land that is the subject of this application is used 'as of right' (i.e. as a trespasser, albeit a tolerated one) and not 'by right'.

Next, the use of the land for '**lawful sports and pastimes**' should be interpreted in a common-sense way. The sports and pastimes do not have to be organised sports or communal activities. Solitary and informal activities such as dog walking and children playing will qualify. There is also no requirement for local inhabitants to have taken part in a range of different sports and pastimes although the use should be continuous and use for an activity such as an annual bonfire would be too sporadic to be considered as such.

'Lawful' means that the sports and pastimes must not cause injury or damage to the owner's property (and excludes activities that are criminal offences, whether or not damage is caused).

'Lawful' also excludes breaches of the civil law, even though use 'as of right' is a form of trespass. Trespass that is intended to intimidate, obstruct or disrupt a lawful activity on the land is the criminal offence of aggravated trespass, and therefore might fail to qualify as lawful use.

The evidence questionnaires submitted demonstrate that the land has been used without permission for a wide variety of sports and pastimes, including walking, cycling, ball games and picnics, there is no evidence to suggest that such use has resulted in damage to the Council's property or the commission of any criminal offence or breach of civil law. It would therefore appear that this limb of the registration criteria is also satisfied.

- 2.5 The final requirement is that the use of land in question must have subsisted **for a period of at least 20 years** and that it has **continued up until the time of the application**.

It is enough that the local inhabitants, rather than particular individuals, have used the land for the full 20 years. The historic document accompanying the application seems to show that Tunstall Hill has been used for recreational purposes as of right for over 100 years. The more recent usage as per the petition and more specifically the evidence questionnaires supports the applicant's claim that the land subject to the application has been used for an unbroken period well in excess of the 20 years required and that it continues to be so used. Members may therefore reasonably consider that on a balance of probabilities, this final aspect of the requirements for registration is also satisfied.

3.0 Recommendation

- 3.1 Subject to consideration of the above, members are recommended to:-

Agree to register as a town or village green the land which is the subject of application VC/1/2017 made under Section 15 of the Commons Act 2006 on the basis that the application site at Tunstall Hills has been used by a

significant number of the inhabitants of the locality of the wards of Silksworth, St Michael's and Ryhope (and the neighbourhood of Silksworth ward within that locality), who have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years and have continued to do so up until the time of the application.

4.0 Alternative Option

4.1 None submitted.

5.0 List of Appendices

1. - Report of Regulatory Committee on 24th July 2017
2. - Notice in Form 45 (Press)
3. - Application Form 44
4. - Maps of application site and Council Ward Maps

6.0 Background Papers (sent electronically to members prior to the meeting but with a reminder that any personal information/details of names addresses etc. which can identify a living individual contained in the papers has to remain confidential to the Committee member due to the new Data Protection Act 2018 requirements. The information will also be available for inspection on request to others and available at the hearing).

- 1 - Historic Documents
2. - Petition
- 3 - Evidence Sheets

APPENDIX 1

SPECIAL REGULATORY COMMITTEE

10.00A.M. – MONDAY 24TH JULY 2017

COMMONS ACT 2006 – SECTION 15

APPLICATION TO REGISTER LAND AT TUNSTALL HILLS, SUNDERLAND AS A TOWN OR VILLAGE GREEN

REPORT OF HEAD OF LAW AND GOVERNANCE

1.0 Purport of the Report

- 1.1 The purpose of this report is to inform Members of an application to register land at Tunstall Hills which is not already designated as a Site of Special Scientific Interest (SSSI) (as shown on the Map at Appendix A) as a town or village green. The application (Appendix B) has been submitted by Mr. Allan White Chairman of Tunstall Hills Protection Group. The application was initially submitted last year but did not contain all the required information and has consequently been amended and resubmitted this year.
- 1.2 The procedure for applications of this is governed by the Commons (Registration of Town or Village Greens)(Interim Arrangements)(England) Regulations 2007. The Regulations require Registration Authority to publish a notice of the application in the concerned area and Notice given to every reputed owner, lessee, tenant or occupier of any part of the land. The published Notice must allow a minimum of 6 weeks for any objection to the application to be received (Appendix C). The ownership of the land involved has been checked with the Land Registry and the Certificates show that the Council is the owner of the various pockets of land covered by the application. The Notice published in the Sunderland Echo on the 28th June 2017 and available for inspection at the Customer Service Centre in Fawcett Street gives between the 30th June 2017 until the 14th August 2017 to submit an objection to the proposal in the form of a Statement of Facts.
- 1.3 The land concerned, as stated is owned by the Council and Notice has therefore been sent to the Council's, Head of Property and, Head of Planning and Regeneration. If there is an objection from the Council, being both the land owner and Registration Authority accepted practice and case law requires the Council to hold a non-statutory public inquiry under the control of an independent inspector. This inspector will hear all the evidence and assess the factual content of it, relate to the law concerning registrations and make a recommendation as to whether or not the criteria for registration are met.

If there is no objection from the Council in its capacity as landowner there will be no potential conflict in interest and no need for a non-statutory public inquiry. In either case the final decision to register or not rests with this Committee. A further report will be brought to Committee for decision following the end of the period for objections and containing the details of any recommendation from an inquiry if it is necessary to hold one.

2.0 Background and Criteria for Registration

2.1 The requirements for registration of land as a town or village green are now found under Section 15 of the Commons Act 2006. Section 15(1) allows any person to apply to the registration authority to register land as a town or village green. The application here is made under Section 15(2) which applies where:-

(a) a significant number of the inhabitants of any locality, or 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 and;

(b) they continue to do so at the time of the application.

2.2 The application submitted includes historic articles and documents plus completed user forms from 134 individuals claiming a variety of uses of the land for periods covering and exceeding the required 20 year requirement. This evidence and any objections will be analysed more fully by Officers or within a non statutory inquiry with the results being brought back to Members for decision with a recommendation regarding registration.

3.0 Reasons for the Decision

3.1 The Council, as registration authority, has to make a decision with regard to registration or otherwise of the application site. The authority must base its decision upon the statutory criteria and the evidence to show that those criteria have been met. The Committee are at present not being asked to make a decision on registration but simply note the contents of the report and authorise the Head of Law and Governance to appoint an independent inspector and make arrangements for holding an inquiry if it becomes necessary to do so, A further report will be brought back to Committee for decision once the required procedure has been followed and completed.

4.0 Alternative Option

4.1 None submitted.

5.0 List of Appendices

Appendix A – Map of Application Site.

Appendix B – Application Form 44.

Appendix C- Notice.

APPENDIX 2

SUNDERLAND CITY COUNCIL

COMMONS ACT 2006 – SECTION 15(1)

**NOTICE OF APPLICATION FOR REGISTRATION OF LAND AS A TOWN OR
VILLAGE GREEN**

To every reputed owner, lessee, tenant or occupier of any part of land described below and to all other whom it may concern.

Application has been made to Sunderland City Council of Civic Centre, Sunderland, SR2 7DN as Registration Authority by Mr Allan White of Holmlands Park South, Ashbrooke Sunderland. Chairman of the Tunstall Hills Protection Group C/o16 Holmlands Park North Sunderland, SR2 7GE under section 15(1) of the Commons Act 2006 and in accordance with the Commons (Registration of Town or Village Greens)(Interim Arrangements)(England) Regulations 2007. The application seek the inclusion in the register of town and village greens of the land described in the schedule below which is claimed to have qualified for registration as a town or village green on the 5th April 2016 by virtue of the use of the land for a period in excess of twenty year by a significant number of the inhabitants of the locality who have indulged in lawful sports and pastimes as of right.

The application, which includes a plan of the land proposed for registration, may be inspected at the Customer Service Centre, 31 – 32 Fawcett Street, Sunderland, SR1 1RE, 8:30 am to 5:15 pm, Monday to Thursday and 8:30 am to 4:45 pm on Fridays between 30 June 2017 and 14 August 2017.

If the Registration Authority is satisfied the land described below has become a town or village green, it will so register it. Registration provides protection, which includes but is not limited to, from it being damaged or encroached upon or fenced to prevent access or the erection of any structure on it other than in a very limited way for the purpose of better enjoyment of the green.

Any person wishing to object to the registration of the land as a town or village green should send a statement of the facts of which that objection is based to the Head of Law and Governance, PO BOX 100, Civic Centre, Sunderland, SR2 7DN on or before 14 August 2017 reference JW/76780/VG/1/2017, email jim.wotherspoon@sunderland.gov.uk . Any representations that are to be taken into account by the Registration Authority in reaching a decision on the application cannot be treated as confidential and will be copied to the applicant for comment and may be disclosed to other interested parties.

Dated the 28th day of June 2017

Irene Lucas
Chief Executive
Sunderland City Council

SCHEDULE

Land Known as Tunstall Hills (those part enclosed by Leechmere Road running into Toll Bar Road to be properties Sandsay Close and to the LNR boundary excluding those parts assigned as SS81 and as far as but not including Rock Cottage Farm to the North West as better defined on the map (exhibit A).

Classified

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PUBLIC NOTICES

PUBLIC NOTICES

SUNDERLAND CITY COUNCIL, COMMONS ACT 2006 - SECTION 15(1) NOTICE OF APPLICATION FOR REGISTRATION OF LAND AS A TOWN OR VILLAGE GREEN

Application has been made to Sunderland City Council of Civic Centre, Sunderland, SR2 7DN as Registration Authority by Mr Alan White of Hillside Properties Ltd, 10/10 Hillside Park, North Sunderland, SR2 7BE under section 15(1) of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014. The application seeks the inclusion in the register of town and village greens of the land described in the schedule below which is claimed to have qualified for registration as a town or village green on the 24th April 2016 by virtue of the use of the land for a period in excess of twenty years by a significant number of the inhabitants of the locality who have indulged in lawful sports and pastimes as of right.

The application, which includes a plan of the land proposed for registration, may be inspected at the Customer Service Centre, 31 - 32 Rectory Street, Sunderland, SR1 1TE, 8.30 am to 5.15 pm, Monday to Thursday and 8.30 am to 4.45 pm on Fridays between 30 June 2017 and 14 August 2017.

If the Registration Authority is satisfied the land described below has been a town or village green, it will so register it. Registration provides protection from it being damaged or encroached upon or forced to prevent access or the erection of any structure on it other than for the purpose of better enjoyment of the green amongst other things.

Any person wishing to object to the registration of the land as a town or village green should send a statement of the facts of which that objection is based to the Head of Law and Governance, PO Box 100, Civic Centre, Sunderland, SR2 7DN on or before 14 August 2017 (reference JW/6780/NG/2017) email jw.white@sunderland.gov.uk. Any representations that are to be taken into account by the Registration Authority in reaching a decision on the application cannot be treated as confidential and will be copied to the applicant for comment and may be disclosed to other interested parties.

SCHEDULE

Land known as Tunstall Hill (those part enclosed by Leachmere Road running into Hill Bar Road to be properties Sunderland Close and to the ULR boundary excluding those parts assigned as SSRI and as far as but not including Block Cottage Farm to the North West as better defined on the map (exhibit A)

Dated 28/06/2017

John Lucas c/o, Chief Executive, Civic Centre, Burdon Road, Sunderland SR2 7DN

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2006 22,100 omo

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Stans Personal

06 FORD FOCUS 1.6 ZETEC
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£3500
Services provided: engine repairs, wipers, oil, engine lights, hydro-bor, oil, engine lights
Stans Personal

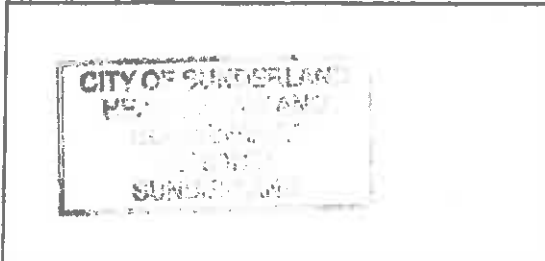
06 FORD FOCUS 1.6 ZETEC C-MAX
5 door hatch, one owner full MOT, 82K miles, 2 keys, PAS, AB, RCL, CD EIW, a nice family car. Test drives welcome
£1150
Services provided: engine repairs, wipers, oil, engine lights, hydro-bor, oil, engine lights
Stans Personal

APPENDIX 3

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:

VG/1/2017

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

CITY OF SUNDERLAND COUNCIL

Note 1
Insert name of
registration
authority.

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.

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.

2. Name and address of the applicant

Name:

Full postal address:

Postcode

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

3. Name and address of solicitor, if any

Name:

Firm:

Full postal address:

Post code

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

Note 4

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

* Section 15(6) tables 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.

N/A

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

N/A,

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

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

Name by which usually known:

TUNSTALL HILLS (THOSE PARTS ENCLOSED BY THE LNR BOUNDARY BUT EXCLUDING THOSE PARTS WHICH ARE DESIGNATED SSSI.)

Location:

SEE MAP, EXHIBIT A (SECTION 2 OF THIS FOLDER)

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:

SEE MAP, EXHIBIT A (SECTION 2).
THE AREA DEFINED IN THIS MAP IS SITUATED IN THE SILKSNORTH WARD. IT IS USED BY RESIDENTS IN THIS WARD AS WELL AS THE ADJOINING WARDS OF RYHOPE, ST. MICHAEL'S BUT USE IS NOT LIMITED TO THESE WARDS.

Tick here if map attached:



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).

Tunstall Hills are uniquely important for their geology, habitats, species diversity, as well as their amenity, educational, public health and recreational value.

Significant areas of Tunstall Hills have no protection from inappropriate development nor activities likely to cause habitat damage or degradation and loss of amenity value.

There is ample evidence to support their having been used continuously 'as of right' for well over a hundred years.

The purpose of this application is to achieve protection via Town Green status, for those areas of the Hills that are not already protected by SSSI status.

See also Section 3 of this folder, this being a further development of this statement of justification.

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

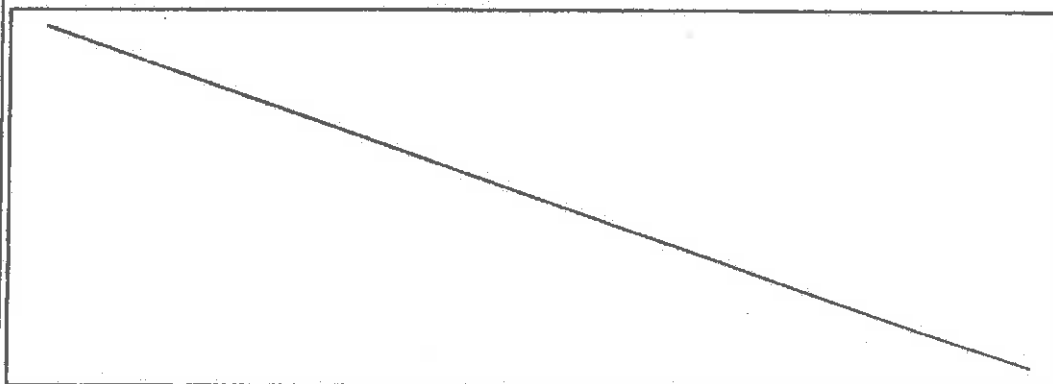
CITY OF SUNDERLAND COUNCIL.

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).

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

**Note 10**

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

Please use a separate sheet if necessary.

10. Supporting documentation

See enclosed list of supporting evidence
(sections 4-15).

Note 11

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.

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.

11. Any other information relating to the application

Date:

5th April 2016

Signatures:


CHAIRMAN
TUNSTALL HILLS PROTECTION GROUP

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, ALLAN WHITE,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) (³ 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


ALLAN WHITE

at

HOLLANDS PARK SOUTH
KEMBRIDGE, SUNDERLAND

this

10th day of May 2016



Signature of Declarant

Before me *

Signature:



KEITH SWAN

Address:

12 HOLLANDS PARK SOUTH
KEMBRIDGE, SUNDERLAND, SR2 7SG

Qualification:

SOLICITOR
P68 LAW LLP
CORONATION CHAMBERS, SOUTH SHIELDS

* 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

APPENDIX 4



LNR Boundary

SSSZ Boundary

AREA SUBMITTED FOR
'TOWN GREEN' STATUS

This map is submitted for the Town Green status with the intention of being included in the City of Sunderland's Local Nature Reserve Strategy. It is not a guarantee of the status of the area and the City of Sunderland reserves the right to change the status of the area at any time.

City of SUNDERLAND *Development & Regeneration*

Paul Barrett,

Director of Development & Regeneration,

City of Sunderland,

P.O. Box 102, Civic Centre,

Sunderland S23 7DN

Tel (0191) 553 1000 Fax (0191) 553 1460

Project

**TUNSTALL HILLS
LOCAL NATURE RESERVE**

Scheme

**LOCAL NATURE RESERVE
BOUNDARY**

Contact C. DEWSON

Scale 1:5000

Date June 2002

Drawing No. UF 1.4.10.01 / 1

Revision





