



# Commons & Greens

Association of Commons Registration Authorities

## EVIDENCE QUESTIONNAIRE IN SUPPORT OF REGISTRATION OF LAND AS A NEW GREEN

Please complete in block capitals:

Name: (Mr/Mrs/Miss/Ms)	RICHARD AMY
Address:	MADRYN, HILLCREST, ABERHAFESP, NEWTOWN, POWYS
Post code:	SY16 3HL
Telephone No:	[REDACTED]
Mobile No:	[REDACTED]

Please attach a map showing the claimed land.

### Guidance Notes on the completion of Evidence Questionnaire Form.

1. The references in this form to land mean the land claimed to be a green, and 'green' means either a village green or town green.
2. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If anyone else completes the form on the witness's behalf he or she should indicate this at the end of the form.
3. The witness should answer all questions fully with as much detail as possible.
4. The area of land claimed to be a green should be clearly shown on a map. The map of the claimed green should be attached to this form and the witness should initial the map on the rear. The area of land believed to be the neighbourhood or locality, whose inhabitants use the land as a green, should also be clearly defined. A copy of the application map may suffice, or may need to be altered, depending on individual circumstances.
5. The witness should indicate whether he or she is prepared to give evidence at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross-examination).
6. If a witness would be unable to give evidence at a hearing because of ill health, work commitments, etc, it would be helpful if he or she could provide a written statement giving further details; alternatively, the person obtaining the statement should confirm the circumstances on the back of the form.
7. The witness may also provide further information on a separate sheet if he or she so wishes, which would be useful in assisting determination of the matter.
8. Please note: Information that you supply may be disclosed to any person making the appropriate request. (Environmental Information Regulations 2004)

Please take time to answer the questions carefully and in full

Questions 1 to 7 are designed to help the determining authority establish whether the 'locality or neighbourhood within a locality' requirement of the legislation has been satisfied.

1. Is there a map attached to this form showing the area of land you support being claimed as a green?	<input checked="" type="radio"/> YES / NO
2. Is there a map attached to this form showing the area of land which you believe comprises the neighbourhood or locality?	<input checked="" type="radio"/> YES / NO
3. Have you signed the reverse of the attached map confirming it relates to the evidence submitted by you?	<input checked="" type="radio"/> YES / NO
4. Please mark the location of your house with an X on the attached map.	
5. Does the neighbourhood or locality have an identifiable name? (This may for example be the administrative area, a geographical area or a name known to define an area locally)	<input checked="" type="radio"/> YES . . HILLCREST  NO
6. Do you consider yourself to be a local inhabitant in respect of the land? If YES why?	<input checked="" type="radio"/> YES / NO I HAVE LIVED ON HILLCREST FOR 28 YEARS
7. Where do the people who use this land come from?	THE PROPERTIES ON HILLCREST

Questions 8 to 17 are designed to help the determining authority establish whether claimed use is 'as of right'.

Please note: 'As of right' has a particular legal meaning. For use to be as of right, the use must be without force (i.e. not breaking in, nor ignoring requests from the landowner to leave), without secrecy (use should be open so the landowner is aware of its use) and without permission.

8. Are there any Public Rights of Way crossing the land? If so please mark the route(s) on the attached map.	YES / <input checked="" type="radio"/> NO If yes, its designation (if known)...
9. Has the owner/occupier or an employee or representative of the owner/ occupier ever seen you on the land?	YES / NO If yes, what did they say?... I DON'T KNOW IF THEY HAVE SEEN ME ON THE LAND
10. Were you ever told by any owner occupier, or their representative, that the land was private land?	YES / <input checked="" type="radio"/> NO If Yes,

<p>If YES, (a) who told you?  (b) When were you told?  (c) What were you told?</p>	<p>10.a  10.b  10.c</p>
<p>11. Have you ever been given permission to use the land for any activities? (Whether or not you asked for it)</p> <p>If YES</p> <p>(a) Who gave you permission?  (b) When were you given permission?  (c) For what purpose were you given permission to use the land?</p>	<p>YES // <input checked="" type="radio"/> NO</p> <p>11a  11b  11c</p>
<p>12. Have you ever asked permission to use the land for any activities?</p> <p>If YES,</p> <p>(a) Whom did you ask?  (b) Were you then given permission?  If he or she gave you permission  (c)(i) When were you given permission?  (c)(ii) For what purpose/activity did you request permission, or (if different) for what purpose/activity were you given permission to use the land?</p>	<p>YES // <input checked="" type="radio"/> NO</p> <p>12a  12b  12c i  12c ii</p>
<p>13. Has your use of the land ever been restricted or prevented in any way?</p> <p>If YES (a) by whom or what?  (b) When was this?  (c) Was any reason given for this?  (d) Have you continued to use the land despite this?  (e) If yes to (d) how did you do this?  (f) Is the hindrance or obstruction still in existence?</p>	<p>YES // <input checked="" type="radio"/> NO</p> <p>If yes,</p> <p>13.a  13.b  13.c  13.d  13.e  13.f</p>
<p>14. Do you know, or have you heard of, anyone else having been hindered or prevented from using the land?</p>	<p><input checked="" type="radio"/> NO / YES (please give dates):</p>
<p>15. Have you ever seen any notices, such as "Private", "No Public Access", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the land?</p> <p>(a) If YES, please state what the notices said and show their approximate position on the</p>	<p>YES // <input checked="" type="radio"/> NO</p> <p>If yes,</p> <p>15.a</p>

attached plan. (b) When were these notices erected? (c) By whom were these notices erected? (d) Did you consider these notices to be designed to prevent your use of the land? (e) Did you consider these notices were intended to discourage or prevent use by the local inhabitants?	15.b 15.c 15.d 15.e
16. Has any attempt ever been made by fencing, obstruction or by any other means to prevent or discourage use of the land?	YES / <input checked="" type="radio"/> NO If yes, please give details...dates...
17. Do you have any documentary evidence about the land? If YES, (a) in what form is this? (i.e. maps, photos, etc please attach a copy if possible) (b) Would you be willing to make the original document available if necessary?	<input checked="" type="radio"/> YES / NO If yes, 17.a PHOTO, LETTERS FROM CURRENT RESIDENTS 17.b YES

Questions 18 to 27 are designed to help the determining authority establish whether the 'lawful sports and pastimes' requirement of the legislation has been satisfied.

18. For what purpose have you gone onto the land?	TO PLAY BALL GAMES WITH MY CHILDREN FIREWORK DISPLAYS, SOCIAL GATHERINGS MAKE SNOWMEN, RESIDENTS ASSOCIATION MEETINGS
19. What activities did you take part in when using the land?	SEE 18 (ABOVE)
20. What activities do you take part in when using the land now?	SOCIAL GATHERINGS, RESIDENTS ASSOCIATION MEETINGS.
21. Have your family used the land in the past? (a) If Yes, which members? (b) What did they use the land for? (c) Do they still use it? (d) What do they use the land for? (e) If No to (c), why and when did they stop using the land?	<input checked="" type="radio"/> YES / NO If yes, 21.a ALL OF US (2 ADULTS, 2 CHILDREN) 21.b CHILDREN FOR SPORT & RECREATION. ME FOR RECREATION 21.c NOT MY CHILDREN, BUT MY WIFE AND I. 21.d WIFE AND I FOR SOCIAL GATHERINGS 21.e AND MEETINGS CHILDREN GOT TOO OLD TO PLAY
22. When using the land did you ever see	<input checked="" type="radio"/> YES / NO

<p>any other person(s) using the land? If YES,</p> <p>(a) how often (e.g. daily, weekly)</p> <p>(b) What were these person(s) using the land for?</p> <p>(c) Were they accompanying you? If so, please give details. (i.e. companions, club, association, group, family, etc)?</p> <p>(d) If they were not accompanying you, were they known to you?</p> <p>(e) Were these person(s) from the locality or neighbourhood?</p>	<p>If yes,</p> <p>22.a DAILY</p> <p>22.b CHILDREN - SPORT ADULTS - SOCIAL GATHERINGS</p> <p>22.c CHILDREN - PLAYING BALL GAMES WITH OTHER RESIDENT CHILDREN ADULTS - EATING, DRINKING, CHATTING</p> <p>22.d YES</p> <p>22.e ALL FROM THIS ESTATE</p>
<p>23. Do you know of any community activities that take place or have taken place on the land? If so,</p> <p>(a) What are these activities?</p> <p>(b) How long have these activities been taking place?</p> <p>(c) Do these activities been take place on a regular basis?</p> <p>(d) If YES how often do they take place?</p>	<p><input checked="" type="radio"/> YES / <input type="radio"/> NO</p> <p>If yes,</p> <p>23.a CHILDREN PLAYING BALL GAMES AND CYCLING . SOCIAL GATHERINGS</p> <p>23.b AT LEAST 28 YEARS</p> <p>23.c CHILDREN PLAYING ALL YEAR AROUND ADULT GATHERINGS OCCASIONAL</p> <p>23.d CHILDREN PLAYING VERY OFTEN ADULT GATHERINGS OCCASIONAL</p>
<p>24. Have you taken part in any community activities that have taken place on the land?</p>	<p><input checked="" type="radio"/> YES / <input type="radio"/> NO</p> <p>If yes, which activities (and dates): SOCIAL GATHERINGS, RESIDENT ASSOCIATION MEETINGS, PLAYING WITH MY CHILDREN</p>
<p>25. Do any organisations or groups (local or national) use the land for sports or pastimes of any kind?</p> <p>(a) If YES what are the names of the organisations or groups?</p> <p>(b) What were these sports or pastimes?</p>	<p><input checked="" type="radio"/> YES / <input type="radio"/> NO</p> <p>If yes,</p> <p>25.a CHILDREN OF HILLCREST</p> <p>25.b FOOTBALL, RUGBY, CRICKET, FRISBEE THROWING, CYCLING, KITE FLYING, MAKING CAMPS ETC..</p>
<p>26. Do any seasonal activities take place on the land (i.e. activities which tend to take place only at particular times each year? If yes,</p> <p>(a) What are these?</p> <p>(b) When do these take place?</p> <p>(c) How often do these occur?</p> <p>(d) How long has this been occurring for?</p>	<p><input checked="" type="radio"/> YES / <input type="radio"/> NO</p> <p>If yes,</p> <p>26.a FIREWORKS</p> <p>26.b AROUND NOV. 5th</p> <p>26.c MOST BUT NOT ALL YEARS</p> <p>26.d 28 YEARS</p>
<p>27. What activities have you seen taking</p>	

place on the land?	CHILDREN PLAYING DIFFERENT SPORTS AND CYCLING. CHILDREN SOCIALISING. ADULTS PLAYING BALL GAMES WITH THEIR CHILDREN. ALSO ADULT SOCIAL (EATING & DRINKING) GATHERINGS. MEETINGS, FIREWORKS, WALKING DOGS
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Questions 28 to 34 are designed to help the determining authority establish whether the 'on the land' requirement of the legislation has been satisfied.

28. Does the claimed land have a popular name?	THE GREEN
29. Has the land ever to your knowledge been known by any other name? If so please specify.	SOMETIMES ALSO REFERRED TO AS "THE MIDDLE"
30. When using the land where did you live? (a) If at different places please provide details and years.	IN MY PROPERTY 7metres FROM THE GREEN
31. When at this (these) previous address('s), did you know the land was being used by the local inhabitants?	YES / NO
32. How many years have you known of this area of land? (Not just years of use)	From: OCTOBER 1988 To: PRESENT DAY 28 YEARS
33. Did you only use part of the land? If Yes, (a) Which area? (Please clearly mark on attached map) (b) Why did you only use part of the land?	<input checked="" type="radio"/> YES / NO If Yes, 34.a AREA IN RED 34.b SPACE BETWEEN No.11 & No. 13 TOO OVERGROWN FOR ME BUT CHILDREN USE IT.
34. Do you still use the land? (a) If not why not, and when?	<input checked="" type="radio"/> YES / NO

Questions 35 to 38 are designed to help the determining authority establish whether the 'for a period of at least twenty years' requirement of the legislation has been satisfied.

35. During which years have you actually used the land?	From: OCTOBER 1988 To: PRESENT DAY Then from: To:
36. How often did you use the land (apart from any public routes)?	FREQUENTLY WHEN MY CHILDREN WERE YOUNG, NOWADAYS A FEW TIMES PER YEAR

(e.g. daily, weekly, seasonal)	HOWEVER THE CHILDREN OF CURRENT RESIDENTS USE THE GREEN DAILY WHEN WEATHER PERMITS.
37. How often do you use the land now?	A FEW TIMES PER YEAR, BUT OTHERS USE IT FREQUENTLY
38. Do you consider the claimed green to be historical in nature, (e.g. due to an Inclosure Award)?  (a) If YES are you aware of any evidence/documents to support this?  (b) If YES please give details of this evidence or documents	YES <input checked="" type="radio"/> NO

Questions 39 to 41 are designed to help the determining authority establish whether the 'and continue to do so at the date of the application, or where the use ended no more than two years ago, or no more than five years since before 6 April 2007 in England, or 1 October 2007 in Wales' requirement of the legislation has been satisfied.

39. Is the land enclosed?  (a) If YES how and when?	YES <input checked="" type="radio"/> NO
40. How have you gained access to the land? (Please mark on the attached map any entrances you may have used)	WALKED 7 METRES FROM MY PROPERTY ENTRANCE.
41. Have there, to your knowledge, ever been any stiles and/or gates on the land? If Yes (a) Please mark on the attached map the location of the stiles or gates. (b) When were the gates or stiles erected and/or removed? (c) If any gates on the land were ever locked please state, how often, and if known, by whom?	YES <input checked="" type="radio"/> NO If yes, which?  41a 41b erected; 41b removed: 41c

Questions 42 to 46 are designed to help the determining authority establish whether there is any connection between you and the owner/occupier of the land.

42. Were you ever an owner or tenant of the land, or related to the owner or tenant?  (a) If YES, please give dates and relationship to relative.	YES <input checked="" type="radio"/> NO
43. Have you, or any relative worked for any owner or tenant of the land?  (a) If YES what was your/their employment?  (b) Between what years were you/ they	YES - me / YES - relative <input checked="" type="radio"/> NO  43.a

employed?  (c) If a relative, please confirm their relationship to you.	From:  To:
44. If you were employed by the owner/tenant  (a) Did you receive any instructions from the owner/tenant as to the use of the land by the public?  (b) If YES, please provide dates and what were your instructions?	YES / NO
45. Do you know who owns or occupies the land?  (a) If YES please can you provide names and contact details	<input checked="" type="radio"/> YES / NO Mr. G.P.P. DAVIES & Mr. F. DAVIES NEW MILLS, NEWTOWN POWYS SY16 3NQ
46. Do you know of any previous landowners?  If so, please provide dates, names and contact details.	YES / <input checked="" type="radio"/> NO

Questions 47 to 48 are designed to help the determining authority help determine the application, of which this evidence questionnaire is a part.

47. Would you be prepared to give evidence of your use of the land at a public inquiry if necessary?	<input checked="" type="radio"/> YES / NO
48. Have you made a separate written statement?	<input checked="" type="radio"/> YES / NO

Please note that this form may be available to members of the public including affected owners or occupiers of the land.

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signed:



Date: 15 NOVEMBER 2016

Person taking this statement (if applicable)