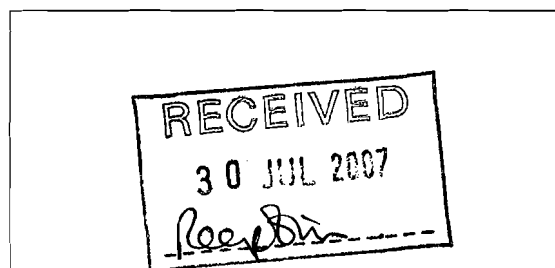


# **APPENDIX 1**

## 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

CHIEF EXECUTIVE  
WILTSHIRE COUNTY COUNCIL  
BYTHESSEA ROAD  
TROWBRIDGE  
WILTSHIRE BA14 8JF

**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:

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:

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) 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:

GEORGE WARD SCHOOL PLAYING FIELDS

Location:

GEORGE WARD SCHOOL, BATH ROAD (SHORNHOLD)  
MELKSHAM, WILTS SN12 8DQ

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

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:

SHORNHOLD AREA

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).*

SEE SEPARATE SHEET

**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).*

**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).*

**Note 10**

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

*Please use a separate sheet if necessary.*

**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**

WILTSHIRE COUNTY COUNCIL  
BETHESGA ROAD  
TROWBRIDGE  
WILTSHIRE  
BA14 8JF

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

**10. Supporting documentation**

SEE SEPARATE SHEET

**11. Any other information relating to the application**

**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.*

SEE SEPARATE SHEET

**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:

30<sup>th</sup> July 2007

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.*

<sup>1</sup> *Insert full name (and address if not given in the application form).*

ANDREW CHARLES FUSWAMAN<sup>1</sup>,<sup>1</sup> solemnly and sincerely declare as follows:—

<sup>2</sup> *Delete and adapt as necessary.*

1.<sup>2</sup> I am ((the person (one of the persons) who (has) (have) signed the foregoing application)) ((the solicitor to (the applicant) (<sup>3</sup> one of the applicants)).

<sup>3</sup> *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.

<sup>4</sup> *Complete only in the case of voluntary registration (strike through if this is not relevant)*

~~4.<sup>4</sup> 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/*

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

at 201207

this 30<sup>th</sup> day of July 2007



Signature of Declarant

Before me\*

Signature:

ROGER CHADWICK

Address:

33 ST JOHN'S STREET  
DEVIZES

Qualification:

SOLICITOR

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

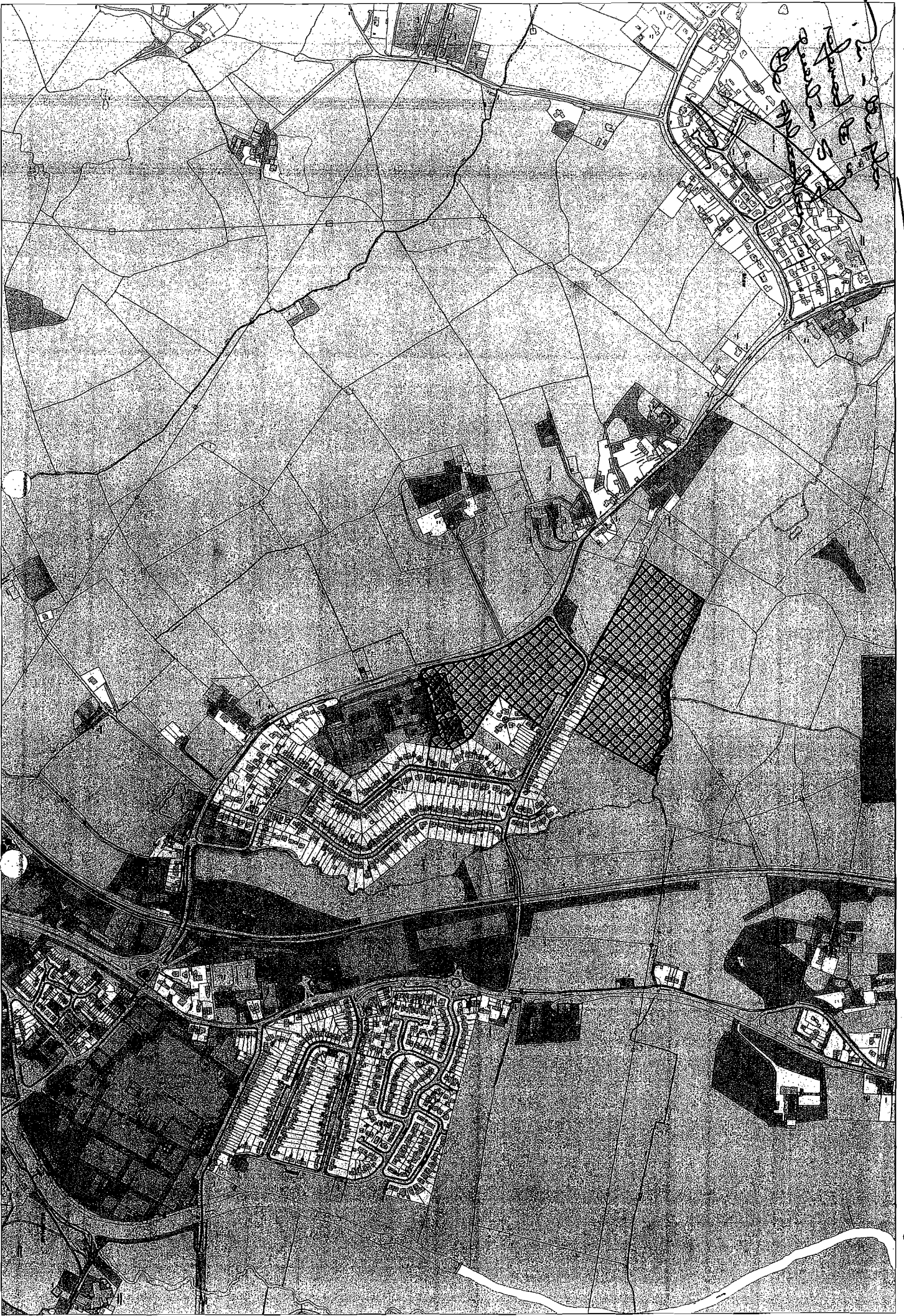
Signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence.

**REMINDER TO OFFICER TAKING DECLARATION:**

*Please initial all alterations and mark any map as an exhibit*

QUESTION 2

*Handwritten notes:*  
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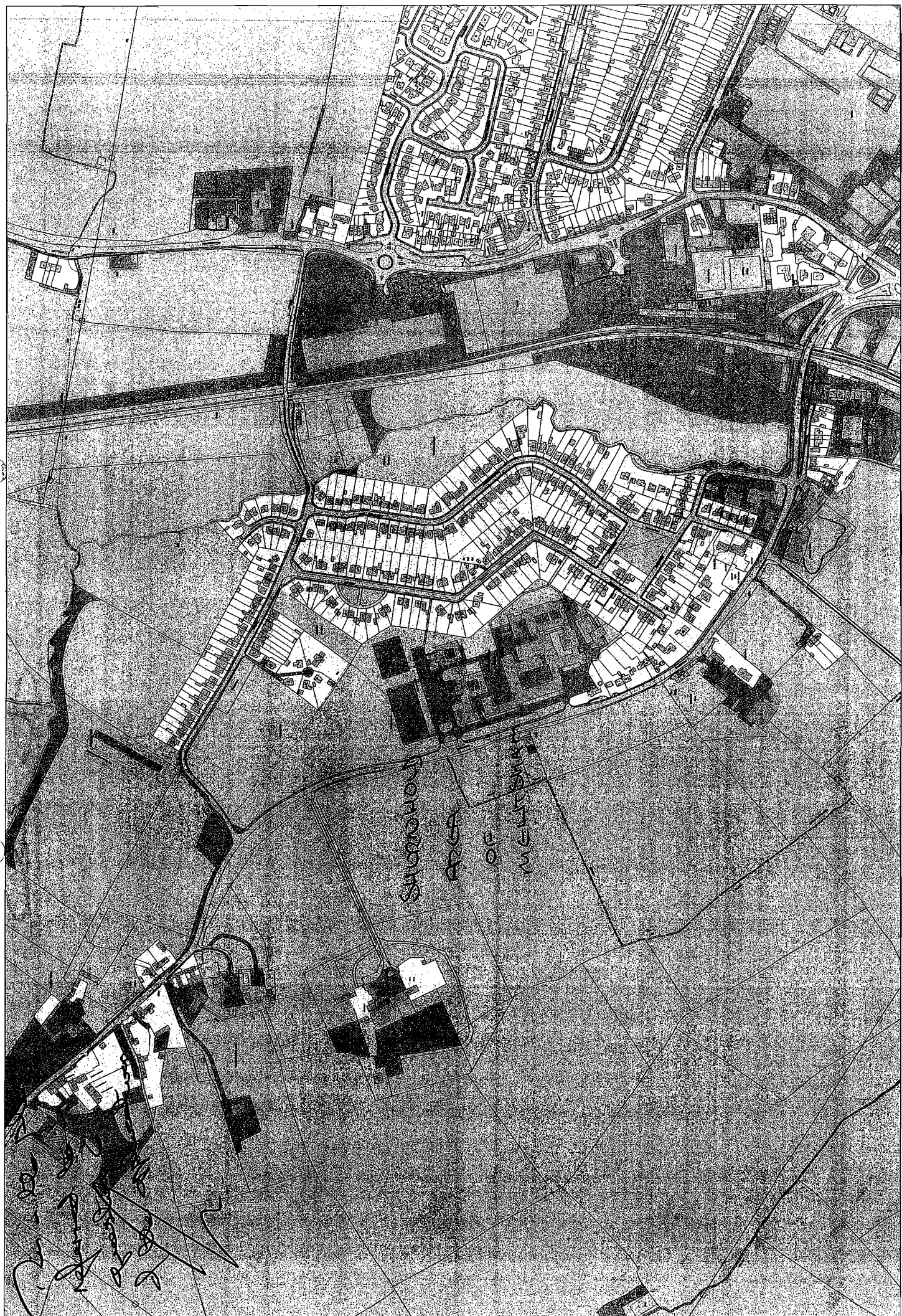


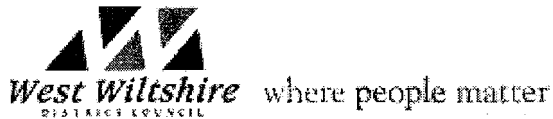


Question 6

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District Plan 1st Alteration June 2004

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## Chapter 2 - Policies for the Environment

### 2.5 Open Space and Recreation

#### Recreation Aim

To conserve existing resources and to allocate land for additional facilities to meet the increasing recreational needs of the District.

#### Recreational Space

- 2.5.1 Recreation and leisure pursuits are becoming ever more important elements of modern life with the increasing emphasis on healthy, active living and therefore pressures on and for local recreation provision are increasing. Over the years there has been an uneven development of recreational opportunities in the District, and a largely uncoordinated approach to securing further facilities. The urban areas have continued to expand without adequate provision being made for the recreational needs of the growing population.
- 2.5.2 The Government recognises the importance of sport and recreation as underpinning people's quality of life. It sets out in Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation (2002) the objective of ensuring that everyone has access to high quality and well maintained and managed open spaces, sports and recreational facilities. To achieve this, the Government advises that local authorities should undertake robust assessments of local need and audits of existing provision to enable the establishment of effective strategies for the future provision of open space, sports and recreational facilities.
- 2.5.3 West Wiltshire District Council published a Recreation Land Survey in November 2000, which compared the existing recreation provision in the District's five urban areas against the adopted open space standards for the District. This study identified that within the District's urban areas there is a deficiency in formal and informal playing space accessible to the general public, particularly of playing pitches and children's play areas. The study concluded that new housing provision that does not make provision for playing space will exacerbate the current shortfall. In addition, local needs for open space provision have emerged from a number of community planning workshops and the emerging Community Strategy has identified the provision of additional open space as a major objective. For the purposes of this Plan, therefore, the District Council has endorsed the adoption of a minimum standard for outdoor playing space of 6 acres per thousand population. However, the District Council is planning to undertake a comprehensive reassessment of recreation needs in the medium term and to review the current adopted standards as part of a future review of this Plan.

#### Adequacy of Provision

- 2.5.4 The Recreation Land Survey and other documents identify a number of ways to reduce the identified shortfall in provision in urban areas. These include maximising the use of dual use facilities and by providing all weather pitches, capable of intensive use. In rural areas the provision of playing fields and other outdoor facilities will be kept under review and the needs of individual communities will be monitored in association with Parish Councils and other local interest groups where this is appropriate. In villages, sport and recreation provision may need to be pursued by dual use of school facilities, provision of village halls or appropriate conversions of farm buildings and will be subject to the availability of financial

resources for such purposes. These facilities may be required to serve several villages to ensure they are viable and in such circumstances the transport implications for villagers will need to be assessed.

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## Recreational Space

**R1** The maintenance and improvement of formal and informal outdoor recreational facilities in the Plan area will be sought and the sports and recreational needs of local communities will be kept under review. The effective use of existing recreational areas and the creation of new amenities will be encouraged where needs and opportunities are identified.

- 2.5.5 Policy R1 commits the District Council to monitor the supply of and demand for outdoor sporting and recreational facilities, to seek to make the most effective use of existing facilities, and to identify deficiencies and opportunities for further provision. The Council will review the findings of the Recreation Land Survey (2002), in particular through the carrying out of a detailed and thorough needs assessment and an audit of existing provision, to ensure that future provision meets the needs of the people of West Wiltshire.

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## Protection of Recreational Space

**R2** Development will not be permitted where this would involve the loss of existing playing fields, play spaces and other recreational land, whether publicly or privately owned. These sites, including those listed in Appendix B and shown on the Proposals Map, will be protected from development, unless:

- (i) the sports and recreational facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- (ii) alternative provision of equivalent community benefit is made in the immediate locality; or
- (iii) it can be demonstrated that there is an excess of sports pitch provision and public open space in the area, taking account of the recreational and amenity value of such provision.

- 2.5.6 Policy R2 identifies existing recreational spaces and seeks, through positive safeguarding measures, to ensure that these important and scarce facilities are not lost through their development. These facilities have recreational and amenity value, and also make an important contribution to the green space of urban environments. They can help to meet the growing need for recreational land in local communities, while private facilities and education land can potentially reach wider public use, better utilising the total stock of facilities. Instances where this protection may be relaxed relate only to circumstances where an over supply of sports pitches or public open space can be demonstrated, where alternative provision is made, or where facilities are retained through development of part of the site only. The 'area' referred to in Policy R2 (iii) is the catchment area for any facility lost to the development, taking into account the development itself and any new provision it provides. The site at Sandpits Lane, Steeple Ashton, is temporarily protected under this policy but may be required by the County Council as a school site at a future date. The proposed link road at Bowerhill under Policy T4(E) across the existing Bowerhill Playing Fields will necessitate the relocation of the existing pavilion and basketball court in accordance with Policy R2 (i) above.

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## Dual Use of Education Land

**R3** Proposals for the dual use of school playing fields will be encouraged to help meet the demand from local communities for sports pitches and other formal sports provision. The development of such facilities, considered surplus to educational needs, for uses other than recreation will only be permitted if the criteria set out in Policy R2 are satisfied.

- 2.5.7 The dual use of school playing fields will be sought through negotiation with school boards of governors and the local education authority. In particular, dual use of playing fields provided at the proposed new secondary school, Trowbridge will be encouraged for the benefit of the local community. Central government is keen to make the best use of school facilities for community recreation purposes and has published guidance to local authorities on the matter. The disposal of sites considered surplus to educational needs has, in the past, not fully recognised the continuing important recreational and amenity value which the sites provide to the wider community. School playing fields should not be disposed of until it has been established that the sites will not be required in the longer term for school or community use. School sites are especially important in meeting the need for pitch sports.

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### Open Space in New Housing Developments

**R4** Residential development proposals of ten or more dwellings will not be permitted unless appropriate provision for public open space is made in accordance with the standard of 2.43 hectares (6 acres) per 1,000 population, as detailed in Appendix C. The provision of formal and informal facilities for children's use will be a particular requirement in new development. In other developments, where the achievement of the standard may be unrealistic or inappropriate, suitable arrangements will be considered such as contribution towards or the provision or improvement of facilities nearby, to be secured through legal agreements and planning obligations under Section 106 of the Town and Country Planning Act 1990. Sheltered housing schemes will be required to provide amenity open space consistent with the scale and kind of the development and with the character of the area.

- 2.5.8 The District Plan adopts the NPFA's 6 acre standard and the District Council will apply it to all major new housing developments. This is a minimum standard of provision for outdoor play space and is made up of elements of formal pitches for adult use as well as equipped playgrounds and informal play space for children's use. Survey work has revealed a consistent shortfall in provision, particularly of playing pitches and equipped children's play areas within West Wiltshire. Policy R4 requires that standards of provision be met in all new housing developments, with the minimum standard for children's use to be met at all times and in all circumstances. The NPFA has developed a hierarchy of children's play space, from local to neighbourhood provision, the principles of which should be incorporated within new developments where appropriate. Supplementary Planning Guidance will be produced to provide developers with a clear and accessible, step-by-step guide to the provision of open space in accordance with Policy R4.

- 2.5.9 In smaller housing developments and sheltered housing schemes where these standards cannot realistically be met or are inappropriate, other arrangements may be considered, such as are stated in Policy R4. Appendix C gives further guidance on this matter.

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### Further Provision of Recreation Space

**R5** Land is identified for recreational use, as broadly shown on the Proposals Map, suitable for and consistent with the character of the area at:-

- 1 Land east of Melksham (4.5 hectares/11 acres in new housing development)
- 2 Land east of Bowerhill, Melksham (4 hectares/10 acres in new housing development)
- 3 Open land adjacent to Pathfinder Way, Bowerhill (10.8 hectares/ 26.7 acres maximum increase)
- 4 Open land in Hilperton Gap, Trowbridge
- 5 Hammond Way, Trowbridge (0.6 hectares/1.5 acres)
- 6 Holbrook Park, Trowbridge (2 hectares/4.9 acres)
- 7 South of the River Biss, Trowbridge (0.2 hectares/0.5 acres in new housing development)

- 8 Staverton Triangle, Trowbridge (0.5 hectares/1.2 acres in new housing development)
- 9 New Terrace, Staverton (0.4 hectares/0.9 acres in new housing development)
- 10 Land north of Paxcroft Way, Trowbridge (1.4 hectares/3.5 acres in new housing development)
- 11 Land south of The Grange, Hilperton (0.8 hectares/2.0 acres in new housing development)
- 12 Blue Hills, Devizes Road, Hilperton (0.2 hectares/0.5 acres in new housing development)
- 13 North of Green Lane, Trowbridge
- 14 Land at Southview, Trowbridge (1.8 hectares/4.4 acres in new housing development)
- 15 Land at West Ashton Road, Trowbridge (0.6 hectares/1.5 acres in new housing development)
- 16 Land south of Paxcroft Mead, Trowbridge (3.3 hectares/ 8.2 acres in new housing development)
- 17 Land at Station Road, Westbury (1.1 hectares/2.7 acres in new housing development)
- 18 Land adjacent Westbury Hospital, Westbury (0.15 hectares/0.4 acres in new housing development)
- 19 South of Oldfield Park, Westbury (1 hectare/2.47 acres)
- 20 North of Westbury Leigh (Leigh Park) (6.2 hectares/15.3 acres in new housing development)
- 21 Vivash Park, Westbury (10 hectares/24.7 acres)
- 22 Fore Street, Warminster (1.4 hectares/3.5 acres)
- 23 Smallbrook, Warminster (3.6 hectares/8.9 acres)
- 24 Land north of Victoria Road, Warminster (1.2 hectares/3 acres in new housing development)

Proposals for new recreational space and facilities will be permitted having regard to landscape, environmental, residential amenity and highway considerations.

- 2.5.10 Policy R5 identifies new recreational spaces, often within new housing developments, which have been secured through legal agreement or are required in allocations elsewhere in the District Plan. These sites will help towards the achievement of improved facilities for outdoor recreation across the West Wiltshire towns, and will be protected from built development, where appropriate, in accordance with Policy R2. The recreation space requirement at Hammond Way, Hilperton is annotated diagrammatically to allow for development of land in this area to make appropriate siting of such facilities as part of a comprehensive development package between the County Council and District Council. This will allow for the recreation land to be provided on either or both of the land parcels and will be subject to the granting of planning permission for the development. The open space survey referred to in para 2.5.4 and 2.5.5 above identified a deficiency of provision particularly in formal sports pitches in the Melksham area. In addition, the proposed new infrastructure and economic growth in the Bowerhill area will require a reorganisation of local open space provision both committed in the District Plan (adopted 1996) and currently existing. Policy R5 (3) identifies land to the west of Pathfinder Way (some 10.8 hectares) which is accessible, appropriately located and capable of accommodating formal open space provision to address the above issues. At Land north of Westbury Leigh (Leigh Park) the residential capacity is anticipated to be 1030 so that an open space requirement of 6.2 hectares is required in accordance with R5(20). A further 1 hectare is also required of R5(19) in order to compensate for land lost at Oldfield Road when the link road was constructed. The additional 1 hectare will be provided as part of the Land north of Westbury Leigh (Leigh Park) development (Policy H13).



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## Trowbridge Football Stadium

**R6** Proposals for the development of a football stadium site within the District will be supported provided:-

- 1 That there is no conflict with Structure Plan or other District Plan 1st Alteration policies;
- 2 That the proposal does not conflict with the amenity of the surrounding area in terms of noise and visual intrusion;
- 3 That the design, highway, access and parking considerations can be resolved;
- 4 That this site is not within the Western Wiltshire Green Belt.

- 2.5.11 The District Council recognises the important role that a new football stadium could have in providing sporting and recreational facilities for the people of Trowbridge and the District as a whole. The former Frome Road football ground and adjacent land is allocated for housing development. The District Council supports the development of a new stadium site within the District having regard to the criteria contained in Policy R6.

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## Trowbridge Cricket Ground

**R7** The Trowbridge Cricket Ground area, as defined on the Proposals Map, is allocated specifically for cricket and associated recreational use unless an appropriate alternative provision is to be made in the locality. Part of the area adjacent to the main pitch, annotated on the Proposals Map, is in the ownership of the Health Authority. No development will be permitted on this particular area unless it is specifically required to be used for improved community health care facilities.

- 2.5.12 Trowbridge Cricket Ground is an important local facility and is used as the County Cricket Ground where a number of international cricket matches have been held in recent years. A part of the overall area in use for the cricket ground is in the ownership of the Health Authority. In order to secure the continued viability of the cricket ground, its practice facilities and its ability to stage major events, it is important that this part of the area remains in use in association with the existing pitch. It is acknowledged, however, that should the Health Authority require the land to provide enhanced health care facilities, then it ought to be utilised for that purpose.

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## Greenspace Network

**R8** The development of a greenspace network will be sought in and around the urban areas within the District. Development proposals will be permitted which extend and enhance existing riverside walks and recreational areas and seek to secure and maintain public access to the banks of rivers and canals where appropriate. The establishment of Local Nature Reserves as part of the network will also be considered.

- 2.5.13 The identification of green wedges, informal recreation spaces and networks of linear routes between recreational destinations within and on the edge of urban areas can serve to maximise the use of natural riversides, woodlands and meadows. This can be beneficial to local communities by providing a safe and pleasant network of green space away from road traffic and also to wildlife conservation by protecting habitats and wildlife corridors within urban areas. The provision of appropriate land and facilities in developing this network may be secured through legal agreements and planning obligations under Section 106 of the Town and Country Planning Act 1990 where appropriate. The District Council recognises the importance of the current public access and use of Longleat Estate and woodlands for recreational purposes and notes that the Longleat Estate has produced an 'Estate Plan' which includes a number of recreation proposals likely to come forward during the Plan

period. Any such proposals will be considered against the relevant Structure and District Plan policies.

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### Country Parks

**R9** Land is allocated in the following areas, as identified on the Proposals Map, for use as urban fringe country park:

- A** Land adjoining the River Biss and Blackball Brook, Trowbridge
- B** Land adjoining Paxcroft Brook, Trowbridge
- C** Land between Trowbridge and Southwick

Wildlife conservation will be facilitated through the protection and enhancement of aspects of wildlife interest.

2.5.14 The River Biss and its tributary the Blackball Brook at Trowbridge is an attractive recreational asset which also provides an important green wedge right into the town centre. It is considered that there are excellent opportunities to develop areas alongside the River Biss and its tributary the Blackball Brook into an urban fringe country park to be known as Biss Meadows Country Park with a riverside walkway into the town centre. It will also provide important community facilities for residents living in the new housing areas off West Ashton Road and south of Paxcroft Mead. The Park will provide a pedestrian and cycle route around to the Paxcroft Mead development. Land at Paxcroft Brook is also identified as a country park and is safeguarded for recreational uses. Urban fringe parks will be promoted in consultation with the Environment Agency to ensure that the efficiency of the flood plain corridor is maintained, flood storage provided for and that the ecological character of any riverside walkway is conserved and improved in an appropriate manner. Further consideration will be given to the establishment of Local Nature Reserves within such parks where appropriate.

2.5.15 The District Council is pursuing the concept of developing a country park on land between the built-up area of Trowbridge and the village of Southwick.

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### Poulton Field Bradford on Avon

**R10** More effective use of Poulton Field, Bradford on Avon will be sought for recreational purposes. Development proposals for recreational use will be permitted and the improvement of on-site facilities and the dual use of adjacent school fields for wider community use will be encouraged.

2.5.16 Poulton Field, Bradford on Avon comprises two areas totalling approximately 7 hectares, which are in use as playing fields. The western field is education authority land serving the Fitzmaurice Primary School; the eastern field is owned by the District Council. It is considered that more use could be made of the Poulton Field area if the reclaimed clay pit to the west were used for car parking (Policy CA4). The District Council recognises the interests and obligations of the education authority but feels that the two fields should be considered as a whole, for dual use by the general public, and include improved facilities such as changing rooms, formal courts etc providing enhanced sporting opportunities for the local area and the town as a whole.

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### Footpaths and Rights of Way

**R11** The protection, enhancement and use of the public rights of way system will be sought. Where appropriate, extensions and improvements to the network will be sought as part of development proposals. In addition:-

- A** A footpath will be provided along Clackers Brook, Melksham and land on either side of the watercourse is identified for informal recreation use, as defined on the Proposals Map.

- B A footpath will be provided along the east bank of the River Avon in Melksham, creating a riverside walkway between Murray Walk and Western Way.**

- 2.5.17 Within built up areas, footpaths, towpaths and bridleways play an important recreational role linking urban open spaces together. They also provide opportunities for access to and enjoyment of the open countryside. Footpaths and public rights of way also form part of a more general transportation network allowing people to choose a more sustainable means of transport to the private car when travelling between homes and local facilities. Policies R11 and T12 therefore seek to encourage the development and use of the public rights of way network, including further suitable provision within new developments particularly in urban fringe locations. The signposting of footpaths to recreational facilities such as the Wilts and Berks Canal to Lacock, is another issue which will be taken forward. Wiltshire County Council is the authority with powers over rights of way and as such will be involved in issues such as the requirement of legal agreements and planning obligations, under Section 106 of the Town and Country Planning Act 1990, to secure such facilities within new developments.
- 2.5.18 At Melksham the open land adjacent to Clackers Brook forms a green wedge through the residential area east of the town centre. Policy R11(A) will provide a small linear park in pursuance with the green space network Policy R8, with a footpath linking to the open area of the King George V Recreation Ground and the River Avon. The development of further residential land to the east of Melksham will provide for an extension of the footpath and greenspace network. Policy R11(B), together with this, will provide a pleasant and safe pedestrian network across town and along the riverside. The riverbank provides an excellent opportunity for the establishment of a walkway. The Council has provided a path north of town bridge along the edge of the park, and will extend this via a bridge link along the riverbank to Murray Walk. South of town bridge the development of Sainsburys has provided for a pathway through to the nature reserve at Challymead. The District Council will liaise with the Environment Agency in the development of these projects.

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### Allotments

**R12 Development proposals which involve the loss of existing allotment sites will not be permitted unless appropriate alternative provision is made elsewhere, or it can be demonstrated that there is no longer demand for such a use locally.**

- 2.5.19 Allotments can contribute to the greenspace of urban environments, as well as providing for a specific recreational demand from the public. Sites should not be lost unless replaced elsewhere or their use is proved to be no longer in demand.

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### Sailing Lakes

**R13 The recreational use of existing sailing lakes will be safeguarded and development proposals will be permitted which enhance such use, subject to environmental and highway considerations.**

**Proposals for further new sailing lakes and associated facilities will be permitted elsewhere in the District having regard to location, environmental and highway considerations, in consultation with the Environment Agency.**

- 2.5.20 The sailing lakes at Station Road, Westbury and Shearwater on the Longleat Estate are important recreational resources. The sailing lake at Station Road, Westbury is also an extremely attractive and important feature for wildlife interest on the northern edge of Westbury and on the approach to the station. The development of Policies H14 and E1C will afford the opportunity to provide better access to the lakeside, including pedestrian access along the southern edge of the lake and the water's edge. Shearwater is a very popular destination for local people and visitors providing a first class area for quiet informal recreation. This use should be safeguarded and enhanced with the provision of improved facilities for sailing and angling together with improvements to footpaths, interpretation, bird hides and picnic areas. The District Council will encourage the provision of facilities to

allow the disabled access for angling, sailing and informal recreation. Any proposals at Shearwater will be considered against relevant Structure and District Plan policies particularly those relating to the protection of the AONB.

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## Golf Courses

**R14** Proposals for golf courses and ancillary development essential to golfing should be located and designed to ensure harmony with the surrounding countryside, to conserve the natural environment and nature conservation interests. Proposals for development within the Cotswolds and Cranborne Chase and West Wiltshire Downs Areas of Outstanding Natural Beauty will be subject to particular scrutiny, in this regard. Proposals will be subject to the following considerations:

- 1 Any adverse impact of such proposals upon the Western Wiltshire Green Belt, Areas of Outstanding Natural Beauty, landscape setting to towns, Areas of High Ecological Value, areas of recognised archaeological importance, Scheduled Ancient Monuments, and other interests of acknowledged importance including the conservation of the natural beauty of the landscape and the protection of Special Areas of Conservation, Special Protection Areas for wild birds, Sites of Special Scientific Interest, Regionally Important Geological or Geomorphological Sites, Local Nature Reserves, protected species and Sites of Nature Conservation Importance;
- 2 The loss of high grade agricultural land where land of lower quality is available elsewhere;
- 3 The appropriateness of any other related development that may then or subsequently form part of any proposal in terms of visual, environmental and highway considerations;
- 3a The impact of the proposal upon the environment due to the provision of water supplies and the disposal of surface water;
- 4 Traffic generation, highway safety, parking provision and the effect on any public rights of way.

The use of imported material will be strictly controlled to avoid harm to the environment.

2.5.21 Over recent years there has been a marked increase in pressures for golf course and driving range developments, in response to increased consumer demand for such facilities. The large areas of land associated with golf courses and their pressure upon areas of high landscape quality has raised important planning issues. In West Wiltshire there have been similar pressures, the major area for the concern being considerations of golf course development proposals within the Cotswolds and Cranborne Chase and West Wiltshire Downs AONBs.

2.5.22 Policy R14 seeks to control these pressures by protecting areas designated for constraint, while allowing developments which will contribute to and enhance the character of the landscape and nature conservation value of the particular area. The Environment Agency requires that provision be made for summer irrigation by positive means through the collection and storage of winter rainfall and flows.

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## Development at Golf Courses

**R15** Proposals for development associated with golf course proposals, such as golf driving ranges, hotels and restaurants, will be considered as a separate issue to the main use and will be subject to the following considerations:-

- 1 The appropriateness of the proposal to any associated development or proposal;
- 1a The impact of the proposal upon the Western Wiltshire Green Belt, Areas of Outstanding Natural Beauty, landscape setting to towns, Areas of High Ecological Value, areas of recognised archaeological importance, Scheduled Ancient Monuments, and other interests of acknowledged importance including the conservation of the natural beauty of the landscape and the protection of Special Areas of Conservation, Special Protection Areas for wild birds, Sites of Special

Scientific Interest, Regionally Important Geological or Geomorphological Sites, Local Nature Reserves, protected species and Sites of Nature Conservation Importance;

- 2 The impact of the proposal upon the amenities of the countryside and nearby residents, including any visual or noise intrusion;
  - 3 The appropriateness of measures such as artificial lighting and fencing within these areas;
  - 3a The impact of the proposal upon the environment due to the provision of water supplies and the disposal of surface water;
  - 4 Traffic generation, highway safety and parking provision;
  - 5 The development does not conflict with other Structure Plan or District Plan 1st Alteration policies.
- 2.5.23 Golf driving ranges, hotels, restaurants and other associated development seek to locate at golf courses and in doing so create a development issue which is wider than that of the golf course use itself. Such facilities may be incongruous to a countryside setting and may also generate excessive traffic movements on country roads. Policies R14 and R15 will be used to determine the total impact of such developments upon the amenities of the local area.

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## Indoor Facilities

**R16 Development proposals for indoor sporting, leisure, cultural and recreational facilities will be permitted provided they are in scale and harmony with the character of their locality, do not detract from the local environment or create highway or parking problems.**

- 2.5.24 The provision of indoor facilities for sport and recreation is an important element of the wider provision for leisure opportunities. Indoor halls, courts, pools, etc offer all year round undercover facilities and help to meet a large public demand for sports activities. In West Wiltshire there are leisure centres and sports halls across the District, but these operations suffer from fragmentation resulting in a lack of better quality facilities.
- 2.5.25 There is a need for a major new sporting complex in the District and for a new sports hall in Bradford on Avon, as identified by Sport England. The dual use of school facilities is one area where existing facilities can be brought into wider public use, at reduced public expenditure. Such arrangements are particularly suitable for rural communities where indoor sports provision is scarcer and unlikely to be provided by a local leisure centre.
- 2.5.26 Other indoor leisure and recreational facilities, such as theatres, cinemas and art centres are also desired in the District for their contribution to the social wellbeing and leisure opportunities of the local population. Proposals for such developments, often privately funded, will be welcomed and normally permitted in appropriate locations. A leisure strategy has been produced by the District Council to help identify priorities for new provision.

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**Question 7**

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

Although I have only lived at my address since October 2002, I am aware from neighbours that the stated playing fields have been used without force or permission and openly for recreational purposes for over 20 years. Born in Melksham in 1962 I attended The George Ward School from September 1973 to July 1980 and as such had access to the school playing fields during school hours. In 1988 I joined the then Wiltshire Ambulance Service and being based in Devizes I would frequently transport patients to Bath passing by the playing fields. With the Ambulance Service providing 24 hour daily cover I would therefore frequently drive past these fields outside of the normal school day and witnessed them being used by individuals for recreational purposes. Whether these individuals were local or whether they had permission I could not say.

During the time I have lived at 82 Dunch Lane, Melksham I have witnessed many residents using all the playing fields for various recreational purposes including football, rugby, golf, kite flying, model aircraft flying, model car racing, cycling as well as general walking and dog walking. I have also witnessed groups of lads turn up for a game of football on both sets of playing fields. Both I and members of my family have used the playing fields behind Dunch Lane for recreational purposes including football, rugby and rounders. I have never sought or been given permission and conversely I have never been approached by a member of the school or the Police to cease such activity.

The houses from 80 Dunch Lane to 104 Dunch Lane, inclusive, all have rear entrances from their rear gardens to the playing fields behind. As far as I am aware there have been no objections or permission for these entrances and as such the local residents of these houses have gained access to the rear playing fields since the time they have lived in them up to the present time.

I have also accessed both sets of playing fields through the gates which although state 'Private Property' has either been left unlocked or have an additional entry point immediately next to them. Likewise, I have accessed the playing fields, in front of Dunch Lane, via the children's play area and walked across the fields and out through the main entrance to the School in Bath Road, again without permission and have never been approached by a member of the school.

The District Plan for West Wiltshire District Council (1<sup>st</sup> Alteration June 2004) Chapter 2 – Policies for the Environment Section 2.5.3 clearly states '*This study identified that within the District's urban areas there is a deficiency in formal and informal playing space accessible to the general public, particularly of playing pitches and children's play areas*'

Enclosed with this application are questionnaires signed and completed by local residents to confirm the above. Please note that as some of the residents are elderly, assistance has been given to them in completing the questionnaire. The list of those who have completed the questionnaire is as follows:

Andrews	4 Addison Road, Melksham
Banham,	63 Dunch Lane, Melksham
Bennett,	54 Dunch Lane, Melksham

*in the information  
referred to in  
question 7*

Butler,	102 Dunch Lane, Melksham
Chivers,	15 Roundponds, Melksham
Cleverley,	13 Addison Road, Melksham
Cleverley,	59 Addison Road, Melksham
Coles,	78 Dunch Lane, Melksham
Currey,	69 Dunch Lane, Melksham
Davis,	17 Addison Road, Melksham
Dobson,	80 Dunch Lane, Melksham
Drew,	3 Addison Road, Melksham
Edwards,	Addison Road, Melksham
Evans,	36B Roundponds, Melksham
Frith,	15 Addison Road, Melksham
Gardner,	96 Dunch Lane, Melksham
Hallett,	72 Dunch Lane, Melksham
Harding,	17 Southbrook Road, Melksham
Head,	61 Dunch Lane, Melksham
Helps,	51 Southbrook Road, Melksham
Herman,	77 Dunch Lane, Melksham
Hughes,	90 Dunch Lane, Melksham
Jones,	94 Dunch Lane, Melksham
Keeble,	19 Roundponds, Melksham
Kendall,	5 Addison Road, Melksham
King,	28 Roundponds, Melksham
Lamb,	86 Dunch Lane, Melksham
Lewis,	24 Roundponds, Melksham
Liston,	25 Southbrook Road, Melksham
MacMath,	73 Dunch Lane, Melksham
Mason,	74 Dunch Lane, Melksham
Millichip,	9 Northbrook Road, Melksham
Mitchell,	65 Dunch Lane, Melksham
Paradise,	41 Addison Road, Melksham
Phelps,	61 Southbrook Road, Melksham
Rathband,	8 Northbrook Road, Melksham
Rawlings,	100 Dunch Lane, Melksham
Ritchens,	5 Northbrook Road, Melksham
Roberts,	14 Northbrook Road, Melksham
Salt,	11 Southbrook Road, Melksham
Scammell,	12 Northbrook Road, Melksham
Scott,	71 Dunch Lane, Melksham
Shadwell,	65 Southbrook Road, Melksham
Sims,	43 Roundponds, Melksham
Smith,	50A Addison Road, Melksham
Smith,	70 Dunch Lane, Melksham
Smith,	52 Dunch Lane, Melksham
Snook,	22 Addison Road, Melksham
Toop,	38 Roundponds, Melksham
Trey-White,	59 Dunch Lane, Melksham
Wakeley,	2 Addison Road, Melksham
White,	2 Northbrook Road, Melksham
Willis,	49A Roundponds, Melksham

*In the information referred to in question 1*

**Question 10**

**Supporting documentation**

Map marked A for Question 5

Map marked B for Question 6

Document as per Question 7 marked C

Questionnaires as for Question 7 – listed below:

- |            |                              |
|------------|------------------------------|
| Andrews    | 4 Addison Road, Melksham     |
| Banham,    | 63 Dunch Lane, Melksham      |
| Bennett,   | 54 Dunch Lane, Melksham      |
| Butler,    | 102 Dunch Lane, Melksham     |
| Chivers,   | 15 Roundponds, Melksham      |
| Cleverley, | 13 Addison Road, Melksham    |
| Cleverley, | 59 Addison Road, Melksham    |
| Coles,     | 78 Dunch Lane, Melksham      |
| Currey,    | 69 Dunch Lane, Melksham      |
| Davis,     | 17 Addison Road, Melksham    |
| Dobson,    | 80 Dunch Lane, Melksham      |
| Drew,      | 3 Addison Road, Melksham     |
| Edwards,   | Addison Road, Melksham       |
| Evans,     | 36B Roundponds, Melksham     |
| Frith,     | 15 Addison Road, Melksham    |
| Gardner,   | 96 Dunch Lane, Melksham      |
| Hallett,   | 72 Dunch Lane, Melksham      |
| Harding,   | 17 Southbrook Road, Melksham |
| Head,      | 61 Dunch Lane, Melksham      |
| Helps,     | 51 Southbrook Road, Melksham |
| Herman,    | 77 Dunch Lane, Melksham      |
| Hughes,    | 90 Dunch Lane, Melksham      |
| Jones,     | 94 Dunch Lane, Melksham      |
| Keeble,    | 19 Roundponds, Melksham      |
| Kendall,   | 5 Addison Road, Melksham     |
| King,      | 28 Roundponds, Melksham      |
| Lamb,      | 86 Dunch Lane, Melksham      |
| Lewis,     | 24 Roundponds, Melksham      |
| Liston,    | 25 Southbrook Road, Melksham |
| MacMath,   | 73 Dunch Lane, Melksham      |
| Mason,     | 74 Dunch Lane, Melksham      |
| Millichip, | 9 Northbrook Road, Melksham  |
| Mitchell,  | 65 Dunch Lane, Melksham      |
| Paradise,  | 41 Addison Road, Melksham    |
| Phelps,    | 61 Southbrook Road, Melksham |
| Rathband,  | 8 Northbrook Road, Melksham  |
| Rawlings,  | 100 Dunch Lane, Melksham     |
| Ritchens,  | 5 Northbrook Road, Melksham  |



Roberts,	14 Northbrook Road, Melksham
Salt,	11 Southbrook Road, Melksham
Scammell,	12 Borthbrook Road, Melksham
Scott,	71 Dunch Lane, Melksham
Shadwell,	65 Southbrook Road, Melksham
Sims,	43 Roundponds, Melksham
Smith,	50A Addison Road, Melksham
Smith,	70 Dunch Lane, Melksham
Smith,	52 Dunch Lane, Melksham
Snook,	22 Addison Road, Melksham
Toop,	38 Roundponds, Melksham
Trey-White,	59 Dunch Lane, Melksham
Wakeley,	2 Addison Road, Melksham
White,	2 Northbrook Road, Melksham
Willis,	49A Roundponds, Melksham

**Question 11**

**Any other information relating to the application**

The registration authority i.e. Wiltshire County Council own the land and it has been stated, at a consultation day held at the George Ward School, that it needs to sell the land in order to help secure additional funding for the new school to be built at Bowerhill, Melksham. As such I believe they will challenge this application for registration.

*in the additional  
information referred  
to in question 11*