

CR FORM 30

Official stamp of registration authority  
indicating date of receipt

Application No

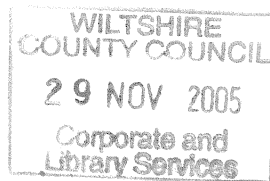
2005/4

Register unit (No(s))

VG

VG

*This section for official  
use only*



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**COMMONS REGISTRATION ACT 1965, SECTION 13**

**APPLICATION FOR THE REGISTRATION OF LAND WHICH BECAME  
A TOWN OR VILLAGE GREEN AFTER 2<sup>nd</sup> JANUARY 1970**

*<sup>1</sup> Insert name of  
registration  
authority.*

To the <sup>1</sup>

**WILTSHIRE COUNTY COUNCIL**

Application is hereby made for the registration as a town or village green of the land described below, which became so registerable after 2<sup>nd</sup> January 1970

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Part 1

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

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

Ernest Clive Rowland  
  
8 Wyatt Court  
Thomas Wyatt Road  
Devizes  
Wiltshire  
SN10 5FF

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Part 2

Name and address of solicitor, if any.

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

Bevan Brittan LLP  
35 Colston Avenue  
Bristol  
BS1 4TT

Ref: KC/KL/2249-327

Part 3

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

Name by which usually known

Open Space Amenity Land – Meadow and Orchard at the former Roundway Hospital, now known as Drews Park and as shown edged in red on Plan A which is attached to this application ('the Land').

Locality

Roundway Ward;  
Devizes South Ward; and  
Devizes East Ward.

Colour on plan herewith

The Locality is shown edged in blue on Plan B which is attached to this application.

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Part 4

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

1979 - use of the Land has continued uninterrupted from then to the present day.

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Part 5

How did the land become a town or village green?

The application for registration of the Land as a town or village green is being made under the Commons Registration Act 1965 s13 as amended by s98 Countryside and Rights of Way Act 2000 – the application is for a 'class c' green.

The Land has become registerable as a town or village green as it has been used for lawful sports and pastimes as of right for 26 years since 1979 by inhabitants of the Locality.

The activities that have taken place on the Land since 1979 include dog walking, apple picking, walking and exercise, conker collecting, playing games - for example football and cricket, bird spotting, kite flying and general family recreational use. These activities have taken place across the whole of the Land. Attached to this application are three individual statutory declarations given by inhabitants of the Locality who carry out, or have knowledge of the activities outlined above, and also completed questionnaires from inhabitants of the Locality who use the Land.

The use of the Land has been of right by the inhabitants of the Locality.

- At no time since 1979 has access to the Land been achieved by force.
  - At no time since 1979 has it been necessary to access the
-

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Land with stealth or secrecy, at night, or at a time when it is known the owners are unlikely to be present.

- At no time since 1979 has the use of the Land originated from, or relied upon, the permission of the owner.

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Part 6

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

On Plan C attached to this application is shown the area of land shaded pink and edged black owned by Lilac Investments Ltd, c/o Mr John Piper, Millstream House, Pig Lane, Bishop Stortford, Hertfordshire CM22 7PA

On Plan C attached to this application is shown the area of land shaded blue and edged green owned by Mr Alan Brown, Chestnut Cottage, South Horrington Village, Wells, BS5 3BW

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Part 7

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

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

Name by which usually known

Locality

Colour on plan herewith (if any)

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

Part 8

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

The statutory declarations of:

- Lisa Therese Penington;
- Stuart Gordon Hislop; and
- Michael John Underwood.

Questionnaires completed by inhabitants of the Locality who use the Land.

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Part 9

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

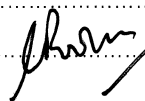
Interested parties known to be disputing the claim that the Land has become a town or village green are:

Lilac Investments Limited c/o Mr John Piper, Millstream House, Pig Lane, Bishop Stortford, Hertfordshire CM22 7PA.

Alan Brown Chestnut Cottage, South Horrington Village, Wells, BS5 3BW.

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<sup>2</sup> The application must be signed by or on behalf of each individual applicant, and by the secretary or some other duly authorised officer of any applicant which is a body corporate or unincorporated.

Date ..... 25<sup>th</sup> November ..... 2005  
Signatures<sup>2</sup> .....  .....

(See Note 9)

**STATUTORY DECLARATION IN SUPPORT**

To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or unincorporated, 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).  
<sup>2</sup> Delete and adapt as necessary.  
<sup>3</sup> Insert Name if applicable.

- 1. I,<sup>1</sup> Ernest Clive Rowland of 8 Wyatt Court, Thomas Wyatt Road, Devizes SN10 5FF solemnly and sincerely declare as follows:-  
  
I<sup>2</sup> am the person who has signed the foregoing application
- 2. I have read the Notes to the application form.
- 3. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 8 and 9 of the application.
- 4. The plan now produced and shown to me marked " A " Is the plan referred to in part 3 of the application.  
The plan now produced and shown to me marked " B " Is the plan referred to in part 3 of the application.  
The plan now produced and shown to me marked " C " Is the plan referred to in part 6 of the application.

<sup>4</sup> Insert "marking" as on plan.

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

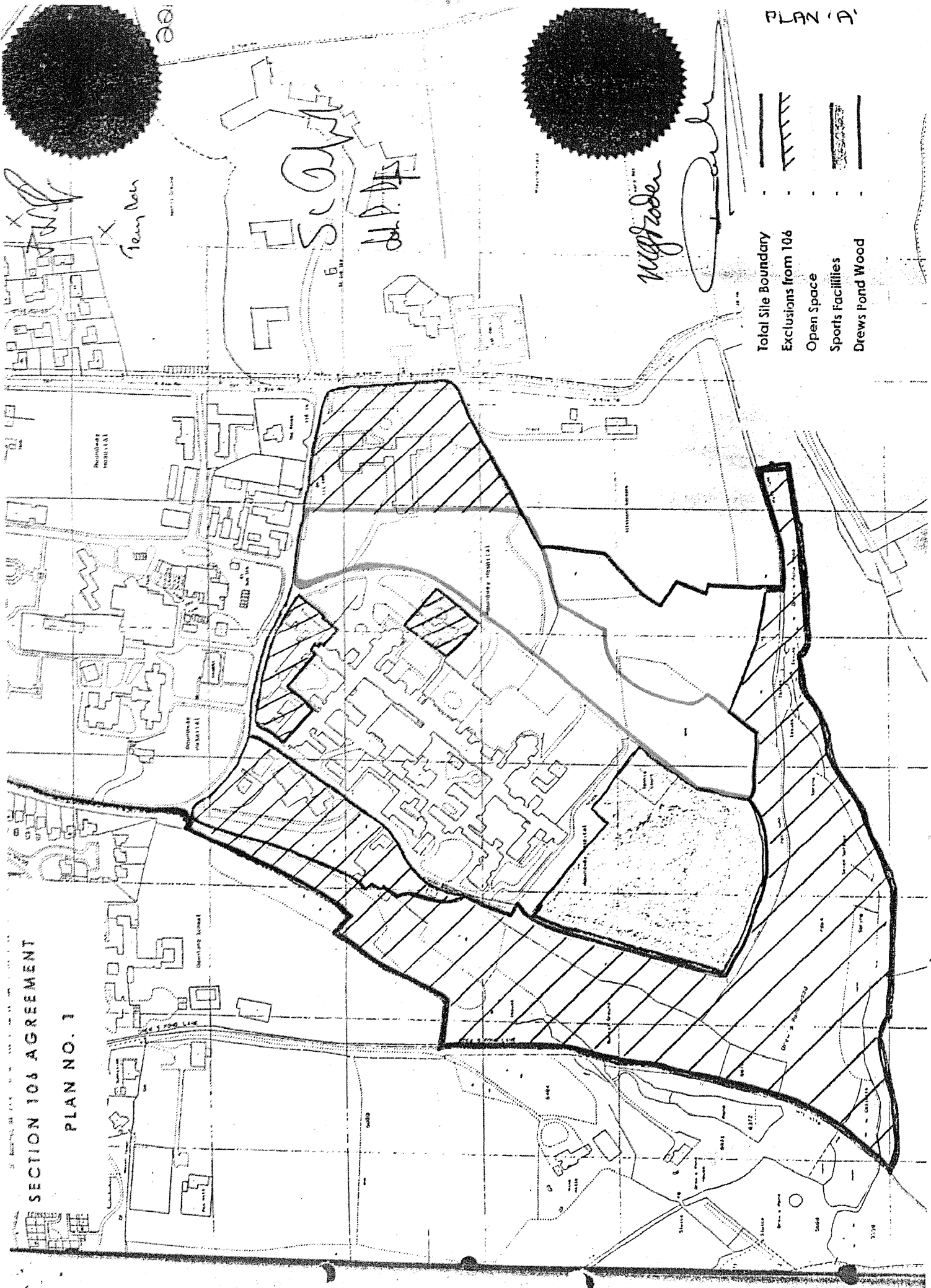
Declared by the said Ernest Clive Rowland )  
 )  
 )  
 At 30 Market Place, Devizes )  
 )  
 )  
 In the County of Wiltshire )  
 )  
 )  
 This 25<sup>th</sup> day of November 2005 )  
 )  
 )  
 Signature [Signature] Before me )  
 )  
 Address 30 Market Plce )  
Devizes )  
Wiltshire )  
 )  
 Qualification Solicitor )

[Signature]  
 Signature of Declarant

**REMINDER TO OFFICER TAKING DECLARATION:**

Please initial all alterations and mark any plan as an exhibit

SECTION 106 AGREEMENT  
PLAN NO. 1



Temple

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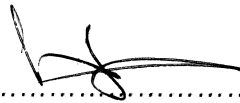
W. Stroder

PLAN 'A'

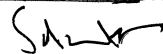
- Total Site Boundary
- Exclusions from 106
- Open Space
- Sports Facilities
- Draws Pond Wood

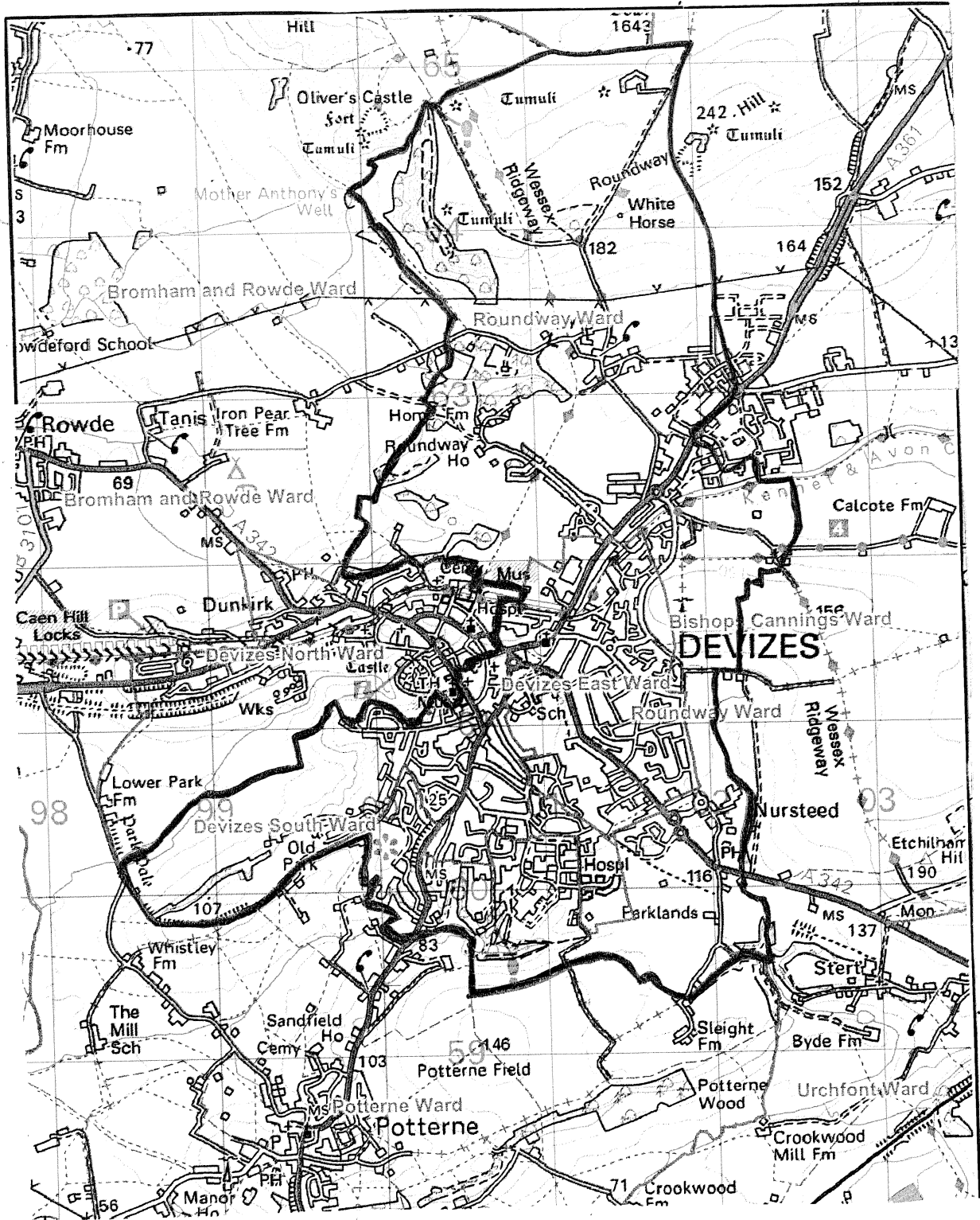
This is the exhibit marked "A" referred to in the  
statutory declaration of Ernest Clive Rowland  
made this 21 day of November 2005

before me

A handwritten signature in black ink, appearing to be 'S. M. ...', written above a dotted line.

.....  
Signature and Qualification

A handwritten signature in black ink, appearing to be 'S. M. ...', written below the text 'Signature and Qualification'.





This is the exhibit marked "B" referred to in the  
statutory declaration of Ernest Clive Rowland  
made this 25<sup>th</sup> day of November 2005

before me

A handwritten signature in black ink, appearing to be 'S. M. S.', written over a dotted line.

.....  
Signature and Qualification

S. M. S.



INDEX MAP PLAN



Plan prepared on 31/10/2005 at 00:00:01

ORDNANCE SURVEY MAP REFERENCE:

SU0099NE

SCALE 1:1250

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1607015002

This plan should be read in conjunction with result R70QPEB

This is the exhibit marked " C" referred to in the  
statutory declaration of Ernest Clive Rowland  
made this 25<sup>th</sup> day of November 2005

before me

A handwritten signature in black ink, appearing to be "John" or similar, written over a dotted line.

.....  
Signature and Qualification

A handwritten signature in black ink, appearing to be "John" or similar, written below the text "Signature and Qualification".

exd with original/exd abstract/ *Bevan Brittan LLP*  
certified copy

This 28 day of November 2005

BEVAN BRITTAN LLP

35 COLSTON AVE, BRISTOL BS1 4TT

**STATUTORY DECLARATION  
OF  
LISA THERESE PENINGTON**

## Statutory Declaration

I, Lisa Therese Penington of 6 Wyatt Court, Thomas Wyatt Road, Devizes SN10 5FF

Do solemnly swear and sincerely declare as follows:

- 1 My current occupation is Associate Consultant/Property working for Inventures, at NHS House, Newbridge Hill, Bath, BA1 3QE.
- 2 There is now produced and shown to me a plan marked 'LTP1' which indicates the amenity land edged red which is the subject of the Town Green application ('the Land'). The Land is part of the former Roundway Hospital Devizes.
- 3 I have known the Land since September 1979 when I was employed in the administration department of Roundway Hospital. In 1983 I was appointed Accommodation and Land Manager for the Bath Health District and was responsible (among other areas) for the ten units of family accommodation on the hospital site plus approximately forty nurses rooms in the Nurses Home. From approximately 1994 I was employed by the Regional Office of the Department of Health with the aim of disposing of various parts of the Hospital site. This concluded in April 2002 when the North end of the Hospital site was sold. I am not currently employed by anyone connected to the Land.
- 4 The Land, now known as the Meadow and the Orchard formed part of the landscaped area of Roundway Hospital. It belonged to the Bath Health District and was used by what is now known as Avon & Wiltshire Mental Health Partnership NHS Trust, until they moved to their new buildings known as Green Lane Hospital in late 1995.
- 5 My knowledge of Roundway Hospital commenced in 1979 and until its closure I was aware that the hospital implemented an 'open door' policy, according to NHS policy and patients were free to come to and leave the hospital grounds if they were well enough to do so. The local inhabitants of the area had unrestricted access to the Land while the overall Roundway site was used as a hospital, via open accesses leading from Pans Lane and Green Lane and other small access points around the site.
- 6 Throughout my employment at Roundway Hospital, I saw members of the public using the Land for recreational purposes such as dog walking, children playing football, young people picnicking, collecting conkers in autumn and apples from the orchard on a regular basis. Many of the local inhabitants used the Land daily to walk their dogs.
- 7 Whilst the Land formed part of the hospital grounds, there were no notices adjacent to the Land informing people that their use of the Land was not permitted or was restricted. In addition the Land has never been fenced so as to prevent access to the Land.
- 8 Following closure of the hospital, members of the public still had unrestricted access to the Land and continued to use it for recreational purposes. The Regional Office of the Department of Health employed Burns Security for a short period from approximately October 1995 up to late December 1995 when the Grade II listed part of the hospital was sold. The purchasers wrote to us to say they would be using their own security. C.I.S Security worked for both the new hospital and the retained part of the estate from January 1996 to September 1997, when we engaged the same security firm as Pinocraven (the developers of the hospital site), Mark 1 Security. The Regional Office provided accommodation for the security guard on the North end of the site when their development required the space. The guards brief from the Regional Office was to keep the buildings secure, but public access to the Land and the hospital grounds was never curtailed. I do

not know what instructions were given by the developers to Mark 1 Security. I did not observe a reduction in the number of the members of the public using the Land during the redevelopment of the former hospital site. I used the Land for recreational purposes and during the time that the hospital site was protected by security guards I was never approached by a security guard and informed that the use of the Land was restricted.


9 Throughout the redevelopment of the hospital site, public access to the Land was never prohibited. In 2000 works were carried out on the footpath leading along Byron Road to Green Lane, however, the local inhabitants were still able to use the Land and their recreational use of the Land was not restricted. During late 2003 and early 2004 the line of a drainage ditch across the meadow was fenced to protect walkers from falling in the ditch but the main part of the Land was still able to be used freely. I am aware that the planning consent for the redevelopment of the hospital includes a condition which requires the Land to remain as public open space, to be retained as open amenity land and not to be enclosed or used for any other purpose.

10 I visited the site regularly after the hospital closed and each time saw people using the Land to walk their dogs, collect conkers, play ball and use the Land as a general nature walk and bird spotting area. Since the closure of the hospital, the local inhabitants have continued to access the Land for recreational use. People have accessed the Land through the same access points as always, as although Byron Road is partially closed to vehicles it is still open to pedestrians and this has not affected the number of people using the Land. They also access it from Green Lane and from the woods in the opposite direction.

11 In March 2000 I purchased a house located within the Grade II listed building that formed part of the former hospital and which overlooks the Land. I have a full view of the Land from my lounge window. Since moving in I have seen children collect conkers from the chestnut tree on the Land every autumn and throughout the year. I have also witnessed children playing in the interior of a weeping lime tree on the Land, having picnics and participating in ball games. I see families out walking on the Land daily. I use the Land almost every day for walks and my hobby photography, collecting conkers for my grandson, picking wild roses, collecting blackberries and apples, and for walks with various members of my family when they come to visit.

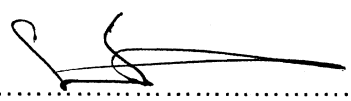
12 To the best of my knowledge members of the public have not been excluded from the Land from 1979 to 2005 and have used the Land for a wide range of recreational activities throughout this period.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act 1835

DECLARED by LISA THERESE PENINGTON: 

At: 30 Market Place, Dering - Whitby

On this 2<sup>nd</sup> day of Nov 2005

Before me: 

(Solicitor/Commissioner for Oaths)



This is the exhibit marked "LTP1" referred to in the  
statutory declaration of Lisa Therese Penington  
made this 23<sup>rd</sup> day of November 2005

before me

A handwritten signature in black ink, appearing to be "S. H. ...", written over a dotted line.

.....  
Signature and Qualification

S. H. ...



exd with original/exd abstract/  
certified copy *Bevan Brittan LLP*

This 28 day of November 2005

BEVAN BRITTAN LLP

35 COLSTON AVE, BRISTOL BS1 4TT

**STATUTORY DECLARATION  
OF  
STUART GORDON HISLOP**


## Statutory Declaration

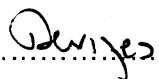
I, Stuart Gordon Hislop of 25 Sarum Drive, Devizes, Wiltshire SN10 5AT

Do solemnly swear and sincerely declare as follows:

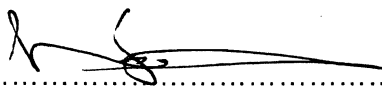
- 1 My present occupation is as a voluntary conservation worker in Drews Pond Woods, a local nature reserve which used to be part of the Roundway Hospital site.
- 2 There is now produced and shown to me a plan marked 'SGH1' which indicates the amenity land edged red which is the subject of the Town Green application ('the Land'). The Land is now known as Drews Park and was part of the former Roundway Hospital, Devizes.
- 3 I am a local resident in the area and my parents worked at Roundway Hospital. I have known of the Land for 46 years. I was employed as a psychiatric nurse by Bath District Health Authority at Roundway Hospital for 21 years from 1974 to 1995.
- 4 I know that the Land formed part of the general grounds of the hospital. I believe that it was originally owned by the Hospital Management Committee, which later became Bath District Health Authority. In 1992 the hospital became owned by the Trust, which is now called Avon and Wiltshire Partnership Mental Health NHS Trust.
- 5 While Roundway Hospital was in operation it was not a 'secure' hospital. In general, patients had no restrictions on where they could go unless they had been detained under the Mental Health Act. The majority of patients could come and go as they chose. There were no formal restrictions on the use of the Land by local inhabitants, in fact community involvement was actively encouraged to reduce the stigma associated with psychiatric illness. People used to come onto the Land and collect the apples and this was not discouraged. The Land was used for nature activities for school children and people used the Land to go walking. I have also seen, over the years, children playing football, kite flying and throwing frisbees on the Land.
- 6 There were security guards at the hospital site, but their duties were to ensure the security of the buildings. I never saw a security guard on the Land. Whilst the Land formed part of the hospital grounds, there were never any fences, notices, or security guards informing people that their use of the Land was not permitted or restricted.
- 7 I knew the Roundway site, including the Land, after the closure of the hospital and during the periods of construction and work undertaken on the hospital site. During this time access to the Land was never prohibited or limited. No notices or signs preventing access to the Land have ever been erected. There was minimal disruption to the use of the Land during the construction of the ditch that crossed the meadow to the attenuation pond to the rear of the orchard in 2004. The construction works did not prevent access to or use of the Land.
- 8 Following the redevelopment of the hospital I have been present at the Land many times due to my work on the adjacent woodlands and nature reserve. There have been no restrictions in the use of the Land by members of the public or any reduction in the use of the Land by the public.
- 9 In my experience members of the public have freely used the Land for recreational activities throughout the time that I have known the Land.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act 1835

DECLARED by STUART GORDON HISLOP:  .....

At: 30 Market Place  Wiltshire .....

On this 25<sup>th</sup> day of November 2005

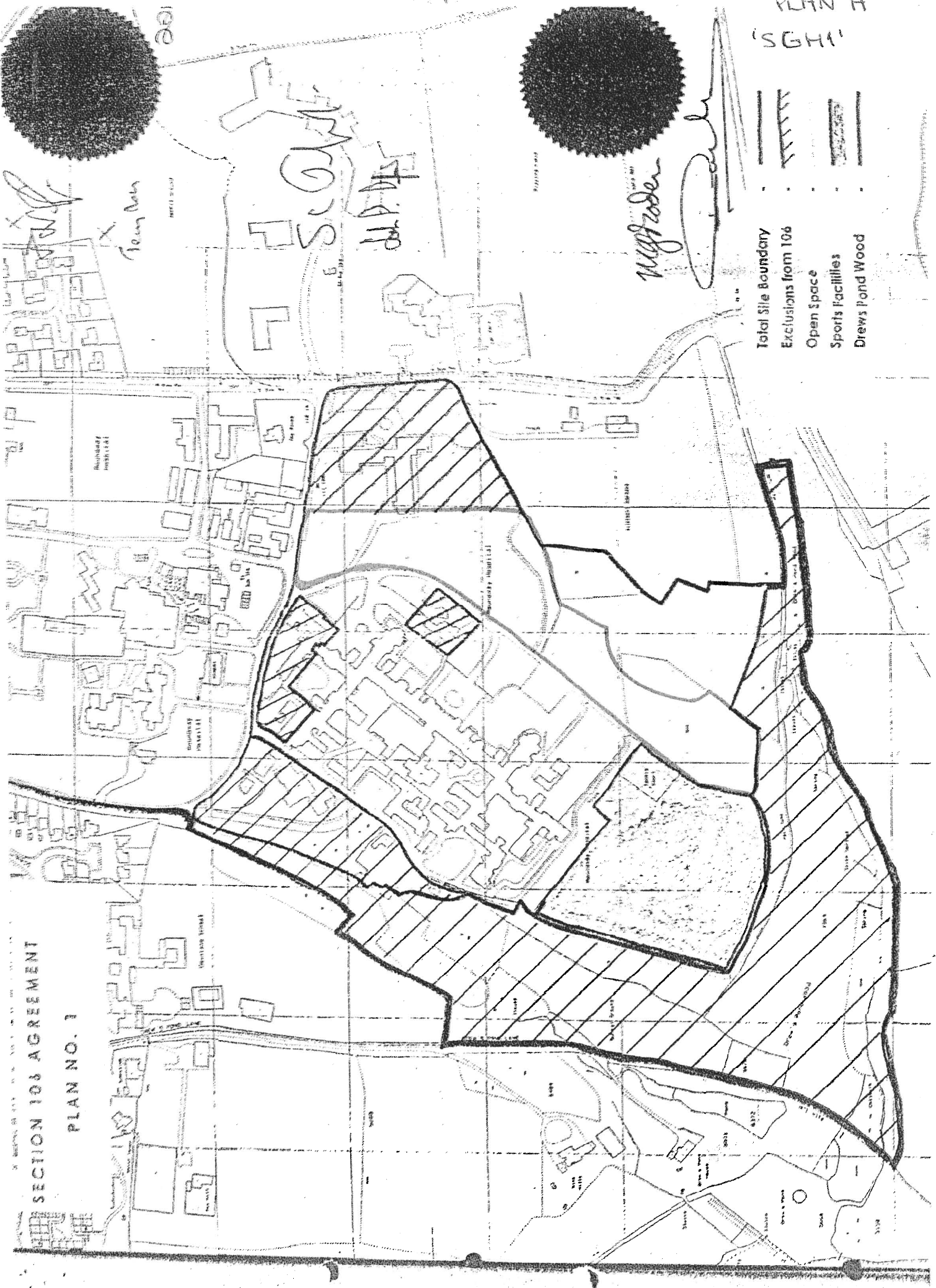
Before me:  .....

(Solicitor/Commissioner for Oaths)

SECTION 106 AGREEMENT

PLAN NO. 1


PLAN A  
'SGHI'



- Total Site Boundary
- Exclusions from 106
- Open Space
- Sports Facilities
- Draws Pond Wood

This is the exhibit marked "SGH1" referred to in the  
statutory declaration of Stuart Gordon Hislop  
made this 25<sup>th</sup> day of November 2005

before me

  
.....  
Signature and Qualification

S. Miller.

exd with original/exd abstract/ Bevan Brittan LLP  
certified copy

This 28 day of November 2005

BEVAN BRITTAN LLP

35 COLSTON AVE, BRISTOL BS1 4TT

**STATUTORY DECLARATION  
OF  
MICHAEL JOHN UNDERWOOD**

**Statutory Declaration**

I, Michael John Underwood of 2 Eastbourne House, Bridewell Street, Devizes, Wiltshire SN10 1NF

Do solemnly and sincerely declare as follows:

- 1 I am now retired. I was employed by the Roundway Hospital Management Committee as Head Gardener for the hospital from 1965 to 1989. During the latter part of my employment I was also responsible for overseeing the maintenance of grounds in the North Wiltshire Health District.
- 2 There is now produced and shown to me a plan marked 'MJU1' which indicates the amenity land edged red which is the subject of the Town Green application ('the Land'). I have known the Land since 1965 to the present date.
- 3 In 1965 when I started work at the hospital it was run by the Roundway Hospital Management Committee. In 1972 it came under Wiltshire Area Health Authority. After reorganisation in about 1974 it became part the Bath District Health Authority.
- 4 The hospital was not a 'secure' hospital. A large number of patients were at the hospital voluntarily and came and went freely in the grounds and in the town. Local people also regularly used the Land whilst it formed part of Roundway Hospital.
- 5 There were two main access roads to the Land from Pans Lane and Green Lane. There were also other open access points around the Land and local people were able to walk to the Land from various directions.
- 6 Local people came with their dogs and walked on the Land and others picked up apples. The local inhabitants were familiar with the Land and I often witnessed children kicking a ball about on the Land. Collecting conkers was another seasonal pastime.
- 7 It was part of my job to keep an eye on the buildings and the estate generally but that was the limit of security. There were no official security guards during my employment from 1965 to 1989. As far as I am concerned there were no fences or notices saying that the land was restricted or that access was not permitted. Access by members of the public was constant throughout this time.
- 8 I have been down to the Land from time to time since the hospital was sold and redeveloped. During these visits I did not see any fences, guards or notices preventing or restricting access to the Land and people were using the Land for recreation as before.

**AND** I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act 1835

DECLARED by MICHAEL JOHN UNDERWOOD: 

At: 30 Market Ave Devizes - Wiltshire

On this 25<sup>th</sup> day of November 2005

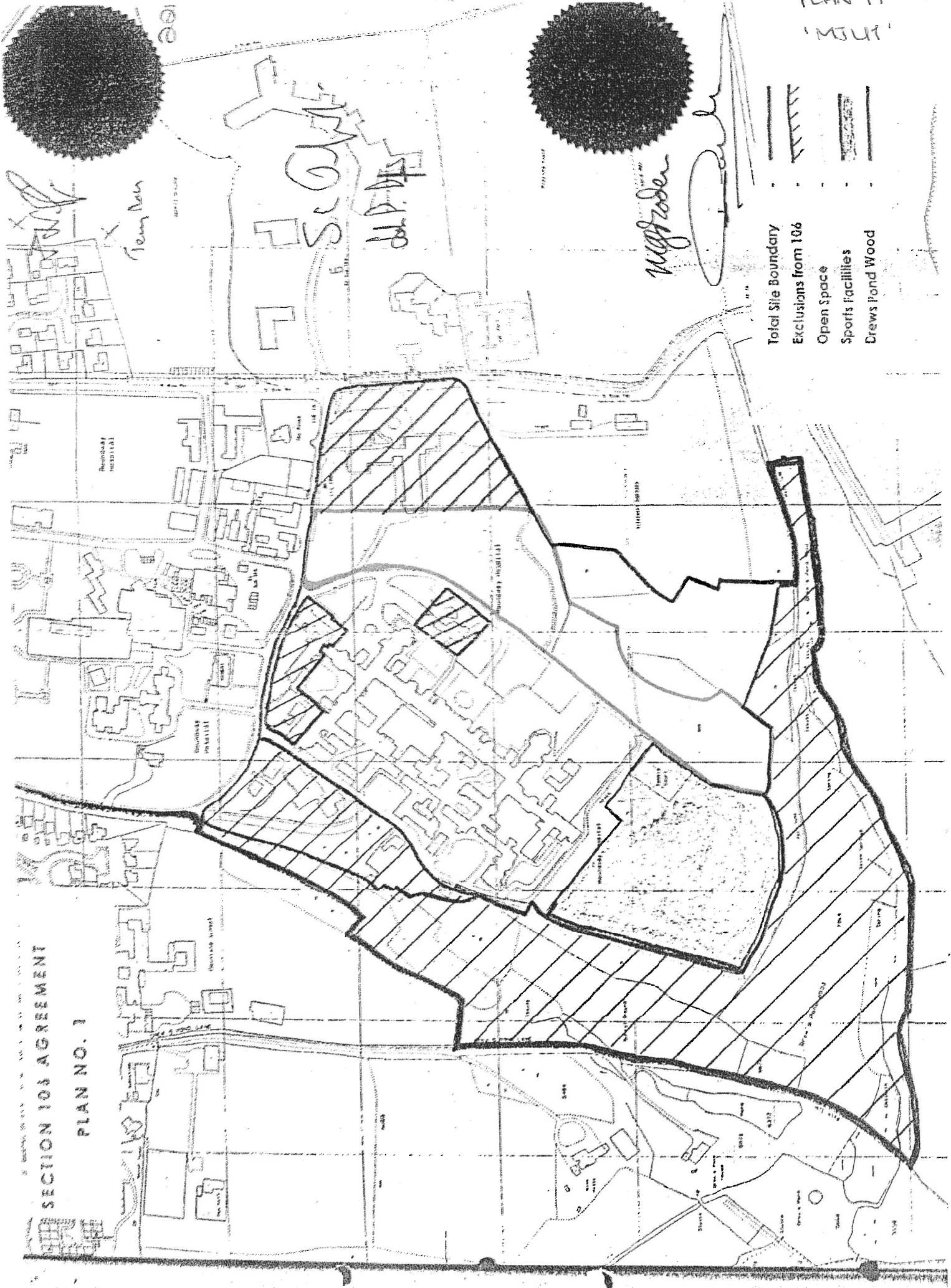
Before me: 

(Solicitor/~~Commissioner~~ for Oaths)

SECTION 106 AGREEMENT

PLAN NO. 1

PLAN A  
'MOUT'



- Total Site Boundary
- Exclusions from 106
- Open Space
- Sports Facilities
- Drews Pond Wood

Temp Park

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This is the exhibit marked "MJU1" referred to in the  
statutory declaration of Michael John Underwood  
made this 25<sup>th</sup> day of November 2005

before me

A handwritten signature in black ink, appearing to be 'S. J. Underwood', written over a dotted line.

.....  
Signature and Qualification

S. J. Underwood

ALL DOCUMENTS ACCOMPANYING THE APPLICATION  
MADE BY ERNEST CLIVE ROWLAND  
TO REGISTER THE LAND AT DREWS PARK AS A  
TOWN OR VILLAGE GREEN ARE:

exd with original/exd abstract/  
certified copy

This 28 day of November 2005

BEVAN BRITTAN LLP  
35 COLSTON AVE, BRISTOL BS1 4TT

*Bevan Brittan LLP*