

Deposit R298 – Declaration

Summary of Information provided in the Application Form for deposits under section 31(6) of the Highways Act 1980 and section 15A(1) of the Commons Act 2006.

This summary is provided for accessibility purposes only. The original application form and deposited plan are provided in full at the end of this document

PART A: Information relating to the applicant and land to which the application relates

1. Name of appropriate authority to which the application is addressed:

Worcestershire County Council

2. Name and full address (including postcode) of applicant:

Christopher Henry Bowen Smith of Gunnice Farm, Longdon, Tewkesbury, GL20 6A W and Timothy Adrian Bowen Smith of The Hill Farm, Berrow, Malvern, Worcestershire, WR13 6JR and Elizabeth Bowen Smith of The Pump House, Berrow, Malvern, Worcestershire, WR13 6JW

3. Status of applicant (tick relevant box or boxes):

I am

- (a) the owner of the land(s) described in paragraph 4.
(b) making this application and the statements/declarations it contains on behalf of [insert name of owner] who is the owner of the land(s) described in paragraph 4 and in my capacity as [insert details].

4. Description of the land(s) to which the application relates :

Hill Farm, Berrow, Near Malvern, Worcestershire, WR13 6JR (part of which is registered with HM Land Registry with title numbers WR31088 & HW99330 and part of which is unregistered) and Moor Court Farm, Upper Pendock, Malvern, WR13 6JW (registered with HM Land Registry with title number WR136457) as shown edged red (excluding the areas tinted green) on the three attached plans.

5. Ordnance Survey six-figure grid reference(s) of a point within the area of land(s) to which the application relates (if known):

SO7833; SO7834; SO8134NE

6. This deposit comprises the following statement(s) and/or declarations

Part C (Declaration under section 31(6) of the Highways Act 1980)

PART B: Statement under section 31(6) of the Highways Act 1980

This section does not need to be completed for a declaration and contains no relevant text.

PART C: Declaration under section 31(6) of the Highways Act 1980

PART C: Declaration under section 31(6) of the Highways Act 1980

1. We are the owners of the land described in paragraph 4 of Part A of this form and shown edged red on the three maps lodged with Worcestershire County Council on 1st February 2021.

2. On the 1st February 2021 we deposited with Worcestershire County Council, being the appropriate council, a statement accompanied by three maps showing our property edged red which stated that:

the ways shown purple on that map had been dedicated as footpaths;

no other ways had been dedicated as highways over our property.

3. No additional ways have been dedicated over the land edged red on the maps referenced in paragraph 1 above since the statement dated 1st February 2021 referred to in paragraph 2 above and at the present time we have no intention of dedicating any more public rights of way over the property.

PART D: Statement under section 15A(1) of the Commons Act 2006

This section does not need to be completed for a declaration and contains no relevant text.

PART E: Additional information relevant to the application

No information provided

PART F: Statement of Truth

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS FORM ARE TRUE

Statement signed by:

CHRISTOPHER HENRY BOWEN SMITH - 2 February 2021

TIMOTHY ADRIAN BOWEN SMITH - 2 February 2021

ELIZABETH BOWEN SMITH - 2 February 2021

Application Form

Form CA16

Application Form for deposits under section 31(6) of the Highways Act 1980 and section 15A(1) of the Commons Act 2006**Please read the following guidance carefully before completing this form**

1. *Guidance relating to completion of this form is available from <https://www.gov.uk/town-and-village-greens-how-to-register>. Please refer to these separate notes when completing this form.*
2. *Parts A and F must be completed in all cases.*
3. *The form must be signed and dated by, or by a duly authorised representative of, every owner of land to which the application relates who is an individual, and by the secretary or some other duly authorised officer of every owner of land to which the application relates which is a body corporate or an unincorporated association.*
4. *In the case of land in joint ownership all the joint owners must complete paragraphs 2 and 3 of Part A and complete and sign the application in Part F, unless a duly authorised representative completes and signs the form on behalf of all of the owners of the land. Paragraph 3 should be completed in full to clearly explain the capacity of each applicant e.g. trustee, landowner's managing agent, executor.*
5. *'Owner' is defined in section 61(3) of the Commons Act 2006 and section 31(7) of the Highways Act 1980 and means, broadly, a legal owner of the freehold interest in the land.*
6. *Where the application relates to more than one parcel of land, a description of each parcel should be included in Paragraph 4 of Part A and the remainder of the form should be completed to clearly identify which statement and/or declaration relates to which parcel of land. This may require the insertion of additional wording. See separate notes for further guidance. Multiple parcels of land should be clearly identified by coloured edging on any accompanying map.*
7. *Where a statement or declaration requires reference to colouring shown on an accompanying map or previously lodged map, the colouring must be clearly specified and must match that shown on the relevant map. For example, if a footpath is specified in a Part C declaration as shown coloured brown, the accompanying map or previously deposited map referred to must reflect that colouring.*
8. *An application must be accompanied by an ordnance map, or (in respect of declarations under Part C or statements under Part D of this form) refer to a map previously deposited in accordance with the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declaration) (England) Regulations 2013 or (if deposited before 1st October 2013) in accordance with section 31(6) of the Highways Act 1980. Any accompanying map must be an ordnance map at a scale of not less than 1:10,560 showing the boundary of the land to which the application relates in coloured edging.*
9. *An application must be accompanied by the requisite fee – please ask the appropriate authority for details.*

10. 'Appropriate authority' means (a) in relation to a map or statement deposited or declaration lodged under section 31(6) of that Act, an appropriate council (as defined in section 31(7) of the Highways Act 1980); and (b) in relation to a statement and map deposited under section 15A(1) of the 2006 Act, a commons registration authority (defined in section 4 of the Commons Act 2006 and section 2 of the Commons Registration Act 1965). In practice, the appropriate council and commons registration authority will usually be the same body.

**PART A: Information relating to the applicant and land to which the application relates
(all applicants must complete this Part)**

1. Name of appropriate authority to which the application is addressed:

Worcestershire County Council

2. Name and full address (including postcode) of applicant:

**Christopher Henry Bowen Smith of Gunnice Farm, Longdon, Tewkesbury, GL20 6AW and
Timothy Adrian Bowen Smith of The Hill Farm, Berrow, Malvern, Worcestershire, WR13 6JR and
Elizabeth Bowen Smith of The Pump House, Berrow, Malvern, Worcestershire, WR13 6JW**

3. Status of applicant (tick relevant box or boxes):

I am

(a) the owner of the land(s) described in paragraph 4.

(b) making this application and the statements/declarations it contains on behalf of [insert name of owner] who is the owner of the land(s) described in paragraph 4 and in my capacity as [insert details].

4. Insert description of the land(s) to which the application relates (including full address and postcode):

**Hill Farm, Berrow, Near Malvern, Worcestershire, WR13 6JR (part of which is registered with HM Land Registry with title numbers WR31088 & HW99330 and part of which is unregistered) and
Moor Court Farm, Upper Pendock, Malvern, WR13 6JW (registered with HM Land Registry with title number WR136457)**

5. Ordnance Survey six-figure grid reference(s) of a point within the area of land(s) to which the application relates (if known):

SO7833; SO7834; SO8134NE

6. This deposit comprises the following statement(s) and/or declarations (*delete Parts B, C, or D where not applicable*):

Part C (Declaration under section 31(6) of the Highways Act 1980)

PART B: Statement under section 31(6) of the Highways Act 1980

[I am [insert name of owner] is] the owner of the land described in paragraph 4 of Part A of this form and shown [insert colouring] on the map accompanying this statement.
(*delete wording in square brackets as appropriate and/or insert information as required*)

[Ways shown [insert colouring] on the accompanying map are byways open to all traffic.]

[Ways shown [insert colouring] on the accompanying map are restricted byways.]

[Ways shown [insert colouring] on the accompanying map are public bridleways.]

[Ways shown [insert colouring] on the accompanying map are public footpaths.]

No [other] ways over the land shown [insert colouring] on the accompanying map have been dedicated as

highways.

(delete wording in square brackets as appropriate and/or insert information as required)

PART C: Declaration under section 31(6) of the Highways Act 1980

1. We are the owners of the land described in paragraph 4 of Part A of this form and shown edged red on the three maps lodged with Worcestershire County Council on 1st FEBRUARY 2021.

2. On the 1st FEBRUARY 2021 we deposited with Worcestershire County Council, being the appropriate council, a statement accompanied by three maps showing our property edged red which stated that:

the ways shown purple on that map had been dedicated as footpaths;

no other ways had been dedicated as highways over our property.

3. No additional ways have been dedicated over the land edged red on the maps referenced in paragraph 1 above since the statement dated 1st FEBRUARY 2021 referred to in paragraph 2 above and at the present time we have no intention of dedicating any more public rights of way over the property.

PART D: Statement under section 15A(1) of the Commons Act 2006

{I am {insert name of owner} is} the owner of the land described in paragraph 4 of Part A of this form and shown {insert colouring} on the map {accompanying this statement/deposited with {insert name} Council on {insert day, month, year}}.

{I/{insert name of owner}} {wish/wishes} to bring to an end any period during which persons may have indulged as of right in lawful sports and pastimes on the whole or any part of the land shown {insert colouring} on the {accompanying map/map referenced above}.

(delete wording in square brackets as appropriate and/or insert information as required)

PART E: Additional information relevant to the application
(insert any additional information relevant to the application)

PART F: Statement of Truth
(all applicants must complete this Part)

WARNING: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS FORM ARE TRUE

Signature (of the person making the statement of truth):

Print full name: CHRISTOPHER HENRY BOWEN SMITH

Signature (of the person making the statement of truth):

Print full name: TIMOTHY ADRIAN BOWEN SMITH

Signature (of the person making the statement of truth):

Print full name: ELIZABETH BOWEN SMITH

Date: 2ND FEBRUARY 2021

You should keep a copy of the completed form

Data Protection Act 1998 - Fair Processing Notice

The purpose of this Fair Processing Notice is to inform you of the use that will be made of your personal data, as required by the Data Protection Act 1998.

The appropriate authority (see explanation of definition in above guidance notes) in England is the data controller in respect of any personal data that you provide when you complete this form.

The information that you provide will be used by the appropriate authority in its duties to process applications to deposit statements, maps and declarations under section 31(6) the Highways Act 1980 and statements under section 15A(1) of the Commons Act 2006. The information you provide will also be used by the appropriate authority in its duty to update the registers in which details of such deposits are recorded under the Dedicated Highways (Registers under Section 31A of the Highways Act 1980) (England) Regulations 2007 and the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013.

The appropriate authority is required by the legislation above to maintain a register which holds information provided in this form, which can be inspected online or in person by members of the public on request. It may also be required to release information, including personal data and commercial information, on request under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000. However, the appropriate authority will not permit any unwarranted breach of confidentiality nor will they act in contravention of their obligations under the Data Protection Act 1998.