

Application for landowner deposits

Under section 31(6) of the Highways Act 1980 and section 15A(1) of the Commons Act 2006.



This information is intended for guidance only. It is not a full statement of the law. If you require more detailed information you should contact a solicitor.

Landowners can deposit applications with North Somerset Council ("the Authority") to help protect their land against public rights being accrued, whether they be 'landowner statements' (to protect against registration as a Town or Village Green) and/or 'highways statements/declarations' (to protect against claims for Public Rights of Way).

Under section 31 of the Highways Act 1980, a route can become a public right of way if it: "...has been actually enjoyed by the public as of right and without interruption for a full period of 20 years...unless there is sufficient evidence that there was no intention during that period to dedicate it."

Additionally, under section 15 of the Commons Act 2006, any member of the public can apply to have land registered as a Town or Village Green if: "...a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years" and either they continue to do so at the time of the application or the application is made within one year of use ceasing.

The Authority has a statutory duty to process claims to record Public Rights of Way and register land as a Town or Village Green. Section 31(6) of the Highways Act 1980 allows landowners to deposit applications (highways declarations) with the Authority which state that no additional Public Rights of Way have been dedicated since the deposit of the application (highways statement). There is no time limit for Public Rights of Way claims but the relevant 20 year period would have to pre-date the depositing of the application. Additionally, if documentary evidence comes to light that shows that a public right of way came into existence at some time in the past, then a claim can still be made to have it recorded on the Definitive Map and Statement.

Section 15A of the Commons Act 2006 allows landowners to include sections in their application to bring an end to any period during which persons may have indulged as of right in lawful sports and pastimes on the land. As stated above, claims to register land as Town or Village Green must be made within one year of use ceasing.

If the landowner follows a highways statement with a declaration and renews this every 20 years, any public use of the land during the period of the declaration(s) will not count towards the 20 years necessary to establish new rights. This gives the landowner an effective way of protecting their property against new rights being accrued. Once lodged with the Authority, landowner statements and highways statements/declarations become public documents and are available for public inspection. Both the Country Land and Business Association and the National Farmers' Union have promoted wide use of these applications.

No reminders will be issued by the Authority: it is the landowner's responsibility to make any deposits within the defined timescales.

Applications must be submitted in substantially the same format as the form below, with such insertions or omissions as are necessary in any particular case. You may wish to consider consulting a solicitor to ensure that they are accurate and compliant.

Application fee

Applications submitting either a landowner statement or highways statement/declaration incur a fee of £119. Where a joint landowner statement and highways statement/declaration application is submitted, one joint fee of £156 will be payable. Include your cheque for the appropriate amount, made payable to North Somerset Council and send this with your completed application to:

Public Rights of Way
North Somerset Council
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

In accordance with the legislation, the Authority will post notice of the application on site, add a copy of the application to the relevant statutory register, advertise the making of the application on the Authority's website and serve notice of the making of the application on any interested parties who have registered an interest in receiving notification.

These applications are governed by the 'Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013' and the application form contains the statutory guidance from within these regulations.

Important guidance

1. Guidance relating to completion of this form is available from www.defra.gov.uk/rural/protected/greens. 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 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. 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 see above of the guidance notes for North Somerset Council's current fees
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:
North Somerset District Council

2. Name and full address (including postcode) of applicant:
Georgina Drewett, David James and Partners, Barley Wood Stables, Long Lane, Wrington, North Somerset, BS40 5SA as Agent For: Del Piero Limited, The Old School House, 75A Jacobs Wells Road, Clifton, Bristol, BS8 1DJ

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 Del Piero Limited(name of owner) who is the owner of the land(s) described in paragraph 4 and in my capacity as Agent.

4. Insert description of the land(s) to which the application relates (including full address and postcode):
Barrow Hospital, Barrow Gurney, Bristol, BS48 3SG

5. Ordnance Survey six-figure grid reference(s) of a point within the area of land(s) to which the application relates (if known):
ST540068

6. This deposit comprises the following statement(s) and/or declarations:
 part B: statement under section 31(6) of the Highways Act 1980
 part C: declaration under section 31(6) of the Highways Act 1980
 part D: statement under section 15A(1) of the Commons Act 2006

Part B: statement under section 31(6) of the Highways Act 1980

1.

I am

Del Piero Limited(name of owner) is

the owner of the land described in paragraph 4 of Part A of this form and shown Red(colour) on the map accompanying this statement.

2.

Ways shown (colour) on the accompanying map are byways open to all traffic.

Ways shown (colour) on the accompanying map are restricted byways.

Ways shown (colour) on the accompanying map are public bridleways.

Ways shown Green(colour) on the accompanying map are public footpaths.

No other ways over the land shown red(colour) on the accompanying map have been dedicated as highways.

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

1.

I am
 (name of owner) is

the owner of the land described in paragraph 4 of Part A of this form and shown (colour) on the map

accompanying this declaration
 lodged with (name of council) on (date DD/MM/YYYY)

2. On the (day) day of (month, year)

I
 my predecessor in title (name)
 (name of owner)
 (name of owner)'s predecessor in title (name)

deposited with (name of council), being the appropriate council, a statement accompanied by a map showing

my property in (colour) which stated that:
 (name of owner) 's property in (colour) which stated that:

the ways shown (colour) on that map and on the map accompanying this declaration had been dedicated as byways open to all traffic
 the ways shown (colour) on that map and on the map accompanying this declaration had been dedicated as restricted byways
 the ways shown (colour) on that map and on the map accompanying this declaration had been dedicated as bridleways
 the ways shown (colour) on that map and on the map accompanying this declaration had been dedicated as footpaths.

No ways had been dedicated as highways over

my property.
 (name of owner) 's property.

3. This may not be applicable. Complete or tick this box if not applicable.

On the (day) day of (month, year)

- I
- my predecessor in title (name)
- (name of owner)
- (name of owner) 's predecessor in title (name)

deposited with (name of council), being the appropriate council a declaration dated (date DD/MM/YYYY), stating that

- no additional ways
- no additional ways other than those marked in the appropriate colour on the map accompanying that declaration

had been dedicated as byways open to all traffic since the deposit of the statement referred to in paragraph 2 above.

4.

No additional ways have been dedicated over the land (colour) on the map accompanying this declaration

- since the statement dated (date DD/MM/YYYY) referred to in paragraph 2 above,
- since the date of the declaration referred to in paragraph 3 above,

tick if applicable

- other than those byways open to all traffic marked in the appropriate colour on the map accompanying this declaration,

and at the present time

- I have no intention of dedicating any more public rights of way over my property.
- (name of owner) has 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

1.

I am

Del Piero Limited (name of owner) is

the owner of the land described in paragraph 4 of Part A of this form and shown Red(colour) on the map

accompanying this declaration

deposited with (name of council) on (date DD/MM/YYYY)

2.

I wish

Del Piero Limited(name of owner) 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 Red(colour) on the map referenced above.

Part E: additional information relevant to the application

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):



Full name: Georgina Drewett

Date: 17/08/2020

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.