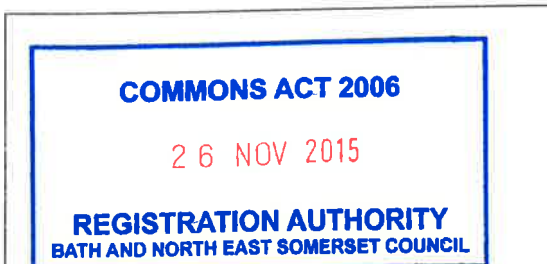


Commons Act 2006: Section 15

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

Environmental Services
Bath and North East Somerset Council
Manvers Street Bath BA1 1JQ

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:
Post code

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.

The fencing round the land was effective in excluding the public about March 2015 when the locked gate was installed.

If **section 15(6)*** applies please indicate the period of statutory closure (if any) which needs to be disregarded.

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.

5. Description and particulars of the area of land in respect of which application for registration is made

Name by which usually known:

Land is known as Withy Bed

Location:

Immediately south of Bathford Railway Bridge between the confluence of the Rivers Avon and Bybrook.

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

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:

The land in question is situated in the Parish of Bathford and the evidence is mainly given by people who live in Bathford though there is some evidence from people who now live elsewhere but did live in Bathford or who are Ward Councillors . There is attached a map of the Parish. To be explicit, the locality is the Parish of Bathford

Tick here if map attached:

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).

The land should be registered as a TVG by reference to the statutory test in the Commons Act. That is 'a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least twenty years'. We have provided evidence and documentation to that effect. As far as local people were concerned it was public land though to the surprise of many it came up for sale in 2013. The land was transferred to the new owner in June 2013 but there was local astonishment that in January 2015 fences were erected. Councillor Martin met the new owner on the land on 14th January 2015 and requested that the owner desisted. Mr Martin has made a statutory declaration* that this was the first date in which he and the public were aware that the owner intended to exclude the public.

*attached

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



Their property is Land Registry Number ST140194

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

[Empty box for voluntary registration declarations]

10. Supporting documentation

- Map of site (includes new fencing)
- Map of Parish
- Statutory Declaration by Councillor Martin
- List of names and addresses of those providing evidence inc 2 letters from Ward Councillors
- Documents from PC archives attached to [redacted] s evidence

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.

11. Any other information relating to the application

The owner will probably challenge the application but the village is determined that the land will be reopened for public access and there has been great anger at its enclosure.

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:

25th November 2015

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.

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

I...Hugh Baker.....¹ solemnly and sincerely declare as follows:—

² *Delete and adapt as necessary.*

1.² I am ((the person (one of the persons) who (has) (have) signed the foregoing application)) ((the solicitor to (the applicant) (³ one of the applicants)).

³ *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.

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

4.⁴ 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/

⁴ Continued

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 BATHFORD

this 26th day of November 2015



Signature of Declarant

Before me *

N.B. CLUTTERBUCK

Signature:



Address:

52 NORTHEND
BATHFORD
BATH BA1 7ES

Qualification:

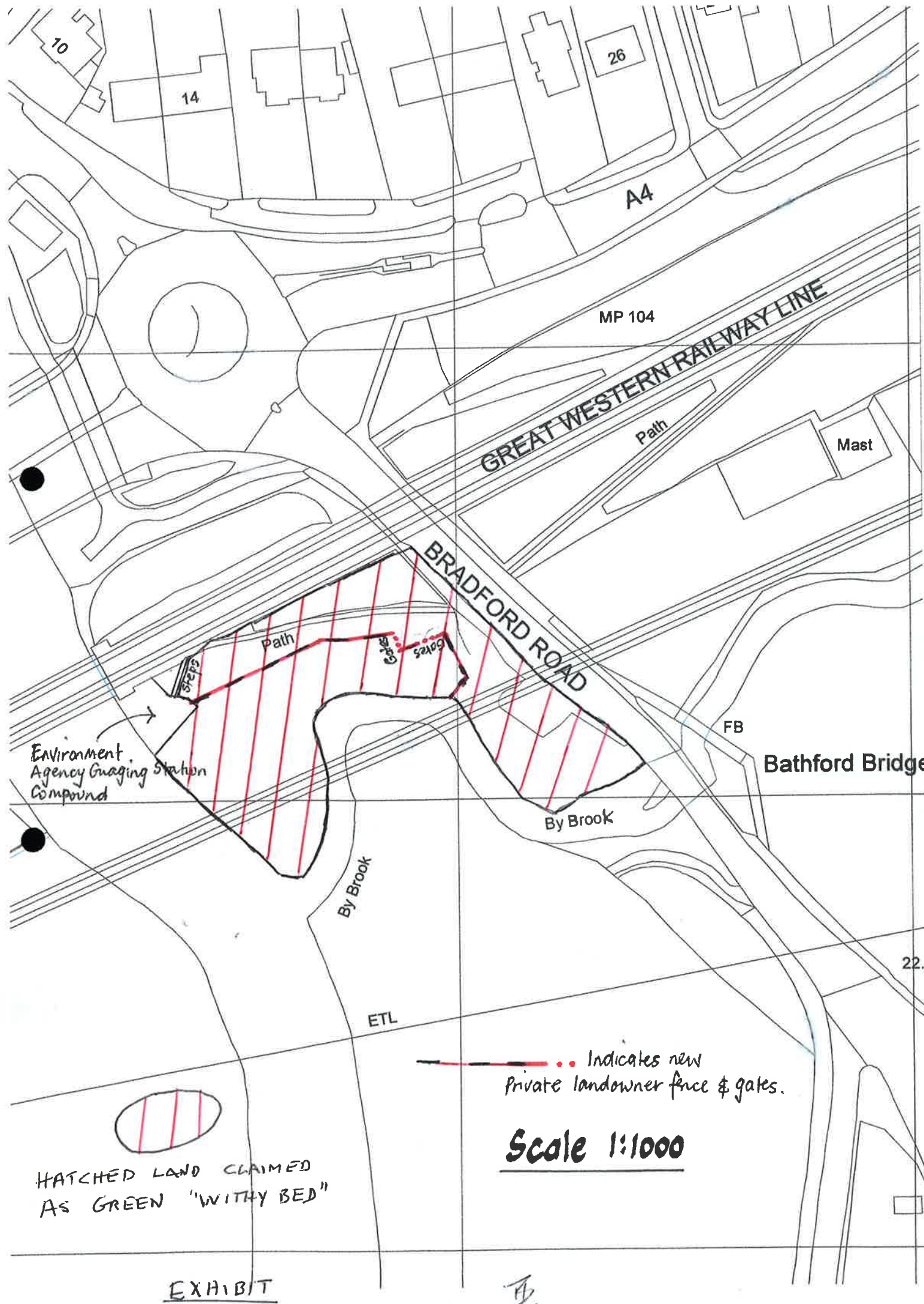
JUSTICE OF THE PEACE
BATH.

* 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



Environment Agency Gauging Station Compound

HATCHED LAND CLAIMED AS GREEN "WITHY BED"

--- Indicates new private landowner fence & gates.

Scale 1:1000

EXHIBIT

FB

Statutory Declaration

I, Peter John Martin of 26 Box Road, Bathford, Bath BA1 7QD, Bathford Parish Councillor, MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and by virtue of the Provisions of the Statutory Declarations Act 1835 that

on 14TH January 2015 I met with Malcolm Waterman, owner of land immediately besides Bathford Bridge and known as the Withy Bed on which he had started to erect fencing to remove access to the public from that same Withy Bed. I challenged him as to why he was doing so and said that the public had enjoyed access to that land for very many years. I know this date accurately because I recorded it in my diary as follows

14.1.15 went with Geoff (Gay of 28 Box Road, Bathford) opposite to look at the fence that Malcom Waterman was erecting by the bridge. He was very pleasant but I do not like his metal fence and I told him so

The date is important because Bathford Parish Council is applying for the said land to be registered as a green under the Commons Act 2006.

Declared before me

IAN TOMLINSON

Solicitor's name

signature

At MOWBRAY WOODWARDS
17 NOVEMBER 2015

Solicitor's stamp

MOWBRAY WOODWARDS
3 QUEEN SQUARE
BATH BA1 2HQ

