

Commons Act 2006: Section 15

Application for the registration of land as a Town or Village Green

COMMONS REGISTRATION ACT 1965
BATH AND NORTH EAST SOMERSET COUNCIL

1. Registration Authority
To the:

Bath & North East Somerset [B&NES] Council
Guildhall
High Street
Bath
BA1 5AW

20 APR 2010

REGISTRATION AUTHORITY

Application is hereby made for the registration as a town or village green of the land described below.

2. Name and address of the applicant

Name: John Frederick Rory Weston
Full postal address: 44 Old Newbridge Hill, Bath, BA1 3LU

Telephone number: 01225 423479

Fax number:

E-mail address: jfrweston@talktalk.net

3. Name and address of solicitor, if any
None

4. Basis of application for registration and qualifying criteria

Section 15(2) applies.

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

Site indicated by Ordnance Survey Map with Hatched Area - Exhibit A.

Name by which usually known:

Newbridge Meadows

Location:

South of gardens belonging to properties in Kelston Road, north west of privately owned field situated due west of Old Newbridge Hill, and north and north west of existing Newbridge park and ride.

Site shown in hatched on the map which is marked 'Exhibit A' and which is attached to the statutory declaration.

6. Locality or neighbourhood within a locality in respect of which the application is made

The locality is Newbridge which is an Electoral Ward of the Borough of Bath and North East Somerset.

~~The neighbourhood within that locality is Lower Weston and Newbridge.~~

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

The land known as 'Newbridge Meadows' has been used by the inhabitants of the neighbourhood as described and set out in Section 6 above since 1940 and almost certainly before this date to the present date for lawful sports and pastimes, which are set out in the accompanying statement (Exhibit C) and supporting evidence, as of right, and in the belief that the land was and is a Village Green for the purposes of prescription obtained at Common Law and of the relevant Act and Regulations.

A significant number of the inhabitants of the neighborhood, both past and present, have used the Village Green for a range of sports and pastimes which are set out in brief within the Schedule attached (Exhibit C).

The Applicant and others will and do aver that they have used the land as a Village Green without let or hindrance.

In relation to the locality then reference should be made to the comments of Lord Hoffman in *Oxfordshire County Council v Oxford City Council* where he stated that locality should be viewed as localities, and therefore where the catchment zone of the locality appears to refer to more than one defined locality then it should and does intend to be a reference to localities.

As such the Applicant believes that all relevant criteria required to be demonstrated in order for the land to be entered in the register of Village Green has been met.

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.

Bath & North East Somerset [B&NES] Council
Guildhall
High Street
Bath
BA1 5AW

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

[Not Known]

10. Supporting documentation

Exhibit A: Map of Village Green site
Exhibit B: Schedule of broad use of Village Green
Exhibit C: Schedule of uses of Village Green during qualifying period
Exhibit D: Topography and Layout of the Land
Exhibit E: Schedule of Witness Statements of Support and Originals
Exhibit F: Statement and Letter of support from John F.R. Weston
Exhibit G: Photographs of Village Green site and Public Footpaths

11. Any other information relating to the application

The site of the proposed Village Green has as can be seen from the evidence submitted, been used by the inhabitants of the neighbourhood for 70 years or more. Due to its environmental qualities it is eminently suitable for a multitude of Village Green activities including the exploration of nature, rambling for the enjoyment of the environment, fruit picking, bird watching dog walking and other pursuits as listed in the evidence now submitted.

The natural ground water table of this site is at ground level or only just below for the majority of the year and whilst it is eminently suited for the exploration of nature including the discovery of many rare water seeking plants, it is completely unsuitable for the Proposed Park and Ride Car Park by B&NES Council due to many things including the fact that it will flood as stated by B&NES Council's consultants.

2015 JFW. [REDACTED]
Date: 4th April 2010

Signature of John Frederick Rory Weston [REDACTED]

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 organizations 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.

I John Frederick Rory Weston do solemnly and sincerely declare as follows:—

1. I am the person who has signed the foregoing application.

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.

3. The map now produced as part of this declaration is the map referred to as 'Exhibit A.'

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 John Frederick Rory Weston

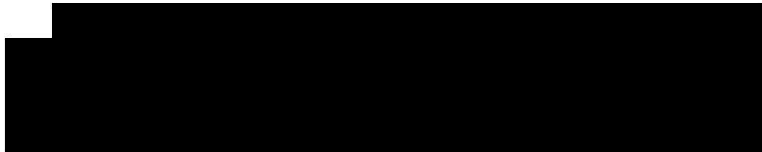
At

WITHY KING Solicitors
5/6 Northumberland Bldgs
Queen Square, Bath BA1 2JE
Telephone: (01225) 425731

this 20th day of April 2010

4

Signature of Declarant



Before me *

Signature:



Address:

WITHY KING Solicitors
5/6 Northumberland Bldgs
Queen Square, Bath BA1 2JE
Telephone: (01225) 425731

Qualification:

Legal Executive / Commissioner of Oaths

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

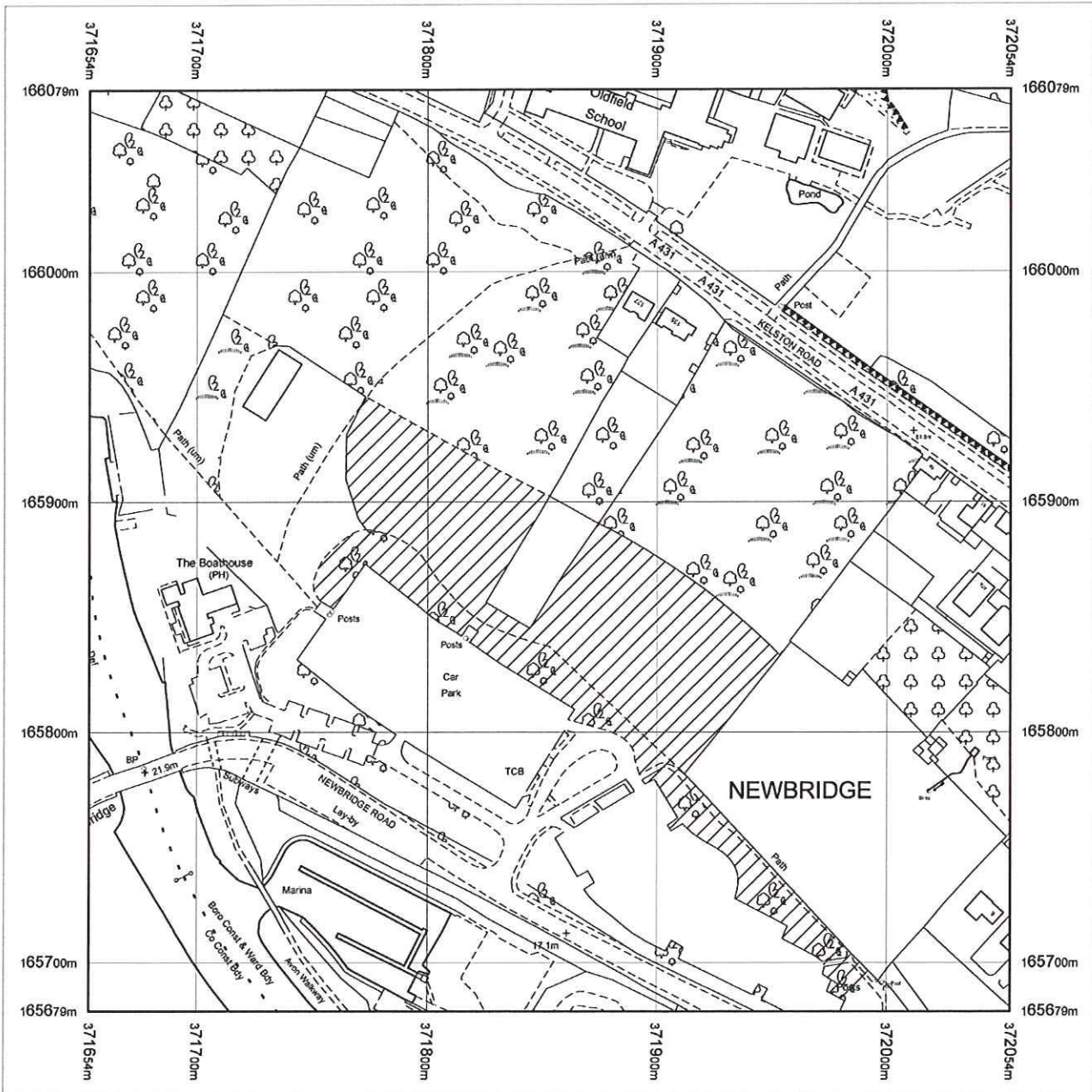
Signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence.

REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any map as an exhibit



PROPOSED VILLAGE GREEN ON NEWBRIDGE MEADOWS - BATH



SITE SHOWN HATCHED

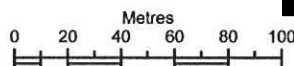
Produced 04.03.2010 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2010.

Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey, the OS Symbol and OS Sitemap are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



Scale 1:2500

Supplied by: **Mail Boxes Etc Bath**
Serial number: 00016400
Centre coordinates: 371853.5 165878.75

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site: www.ordnancesurvey.co.uk



Declared.

*Declared as an exhibit to his statutory declaration this 20th day of April 2010 before me
Merrinel (commissioner of oaths)*

WITHY KING Solicitors
5/6 Northumberland Bldgs
Queen Square, Bath BA1 2JE
Telephone: (01225) 425731