

**FORM CA17: NOTICE OF LANDOWNER DEPOSITS UNDER SECTION 31(6) OF
THE HIGHWAYS ACT 1980 AND SECTION 15A(1) OF THE COMMONS ACT 2006**

Nottinghamshire County Council

An application to deposit a map and statement and lodge a declaration under section 31(6) of the Highways Act 1980 has been made in relation to the land (or lands) described below and shown edged in red on the accompanying map.

PLEASE NOTE:

This deposit may affect rights over the land described below. Deposits made under section 31(6) of the Highways Act 1980 may prevent deemed dedication of public rights of way over such land under section 31(1) of that Act. For further information, please see guidance at; **www.gov.uk**.

Description of the land:

The Former Moorgreen Colliery Site, Eastwood and Brinsley

Name of the Parish in which the land(s) is situated:

Eastwood and Brinsley

The deposit was submitted by Fisher German LLP on behalf of the landowner Mr S Smith.

The authority maintains a register of maps, statements and declarations deposited under section 31A of the Highways Act 1980 and section 15B of the Commons Act 2006. This Landowner Declaration Register can be accessed online at: **<http://www.nottinghamshire.gov.uk>** or can be inspected free of charge by appointment at the Countryside Access Team, Nottinghamshire County Council, County Hall, West Bridgford, Nottingham. For further information please Contact Mary Mills Telephone 0115 977 5680 (Office opening hours: Mon. to Fri. 9:00am to 4:30pm).

Signed on behalf of Nottinghamshire County Council



Gary Wood: Group Manager, Highways and Transport

Date: 13 September 2019



SCHEDULE 1

Regulation 2(2)(a)

Application Form

Dated 15th August 2019

Statement

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 <http://www.defra.gov.uk/rural/protected/greens/>. 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:

Nottinghamshire County Council

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

Fisher German LLP, Unit 12 Halifax Court Fernwood Business Park, Balderton, Newark, NG24 3JP

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 **John Smith** who is the owner of the land(s) described in paragraph 4 and in my capacity as a Chartered Surveyor.

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

- **The Former Moorgreen Colliery Site, Eastwood, Brinsley. (site 1)**
- ~~Land on the north side of Sleights Lane, Pinxton, Nottingham (site 2)~~

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

- **SK45874820 (site 1)**
- ~~SK44675484 (site 2)~~

6. This deposit comprises the following statements. Sections B and D.

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

John Smith is the owner of the land described in paragraph 4 of Part A of this form and shown **edged red** on the map accompanying this statement.

Ways shown **Green** on the accompanying map are public bridleways.

Ways shown **Purple** on the accompanying map are public footpaths.

No ways over the land shown on the accompanying map have been dedicated as highways. Nor are there any other known ways around the land.

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

John Smith is the owner of the land described in paragraph 4 of Part A of this form and shown **edged red** on the map accompanying this statement.

John Smith 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 **edged red** on the accompanying map/map referenced above.

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: **JOHN STANLEY SMITH**

Date: **30/7/19.**

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.



SCHEDULE 1

Regulation 2(2)(a)

Application Form

Form CA16

Declaration

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 <http://www.defra.gov.uk/rural/protected/greens/>. 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:

Nottinghamshire County Council

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

Fisher German LLP, Unit 12 Halifax Court Fernwood Business Park, Balderton, Newark, NG24 3JP

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 **John Smith** who is the owner of the land(s) described in paragraph 4 and in my capacity as a Chartered Surveyor.

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

- **The Former Moorgreen Colliery Site, Eastwood, Brinsley.**

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

- **SK45874820**

6. This deposit comprises the following declaration: **part C**

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

1. **John Smith** is the owner of the land described in paragraph 4 of Part A of this form and shown outlined in **red** on the map lodged with Nottinghamshire County Council on 14/08/19

2. On the 14th day of August 2019 **John Smith** deposited with Nottinghamshire County Council, being the appropriate council, a statement accompanied by a map showing **John Smith's** property **edged red** which stated that:

the ways shown **green** on that map had been dedicated as bridleways

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

no other ways had been dedicated as highways over **John Smith's** property.

4. No additional ways have been dedicated over the land edged red on the map referenced in paragraph 1 above since the statement dated 14/08/2019 referred to in paragraph 2 above and at the present time **John Smith** has no intention of dedicating any more public rights of way over the property.

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: JOHN STANLEY SMITH

Date: 2 / 9 / 19

You should keep a copy of the completed form

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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.

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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.

Our Ref: RA/HW

Your Ref:

13th August 2019



Fisher German LLP
12 Halifax Court
Fernwood Business Park
Cross Lane
Newark
NG24 3JP

t 01636 642500
f 01636 700924
fishergerman.co.uk

Mary Mills
Countryside Access Team,
Nottinghamshire County Council,
County Hall,
West Bridgford,
Nottingham, NG2 7QP

Dear Mary,

DEPOSIT OF STATEMENTS AND STATUTORY DECLARATIONS

- **The Former Moorgreen Colliery Site, Eastwood, Brinsley (Site 1)**
- **Land on the north side of Sleights Lane, Pinxton, Nottingham (Site 2)**

Please find enclosed the deposit of statements application form and the declaration application form I have filled out in respect of the above land on behalf of Mr John Smith. Please find enclosed the site maps that I have included in the application for reference.

Please find enclosed a cheque for £154.00 made payable to Nottinghamshire County Council.

Yours sincerely,


Henry Walker

For and on behalf of Fisher German LLP

Tel: 01636 642500

Mob: 07912 085912

Email: henry.walker@fishergerman.co.uk



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Our Ref: RA/HW

Your Ref:

9th September 2019

Mary Mills
Countryside Access Team,
Nottinghamshire County Council,
County Hall,
West Bridgford,
Nottingham, NG2 7QP



Fisher German LLP
12 Halifax Court
Fernwood Business Park
Cross Lane
Newark
NG24 3JP

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fishergerman.co.uk

Dear Mary,

DEPOSIT OF STATEMENTS AND STATUTORY DECLARATIONS

- The Former Moorgreen Colliery Site, Eastwood, Brinsley

Please find enclosed the declaration application form I have filled out in respect of the above land on behalf of Mr John Smith. Please find enclosed the site map that I have included in the application for reference.

The cheque for £154.00 was enclosed with the statement.

I have taken this job over from Henry Walker so please direct any further queries to me.

Yours sincerely,

Rachel Ashworth RICS FAAY

For and on behalf of Fisher German LLP

Tel: 01636 642506

Mob: 07855 077152

Email: Rachel.ashworth@fishergerman.co.uk



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