

To: County of Herefordshire District Council

Re: Brooklyn Farm, in the Parish of Eardisley

STATEMENT PURSUANT TO SECTION 31(6) HIGHWAY ACT 1980

On the 17<sup>th</sup> day of August 1994 We wish to deposit with the County of Herefordshire District Council being the appropriate Council, a statement accompanied by a plan delineating our property edged in red which states that no ways have been dedicated as highways with vehicular status, bridleways or footpaths over our property.

Signed: R.G. Bowen

Name: BROOKLANDS FARM ROGER GILBERT BOWEN

Address: BROOKLANDS FARM

KINNERSLEY

HEREFORDSHIRE HR3 6NZ

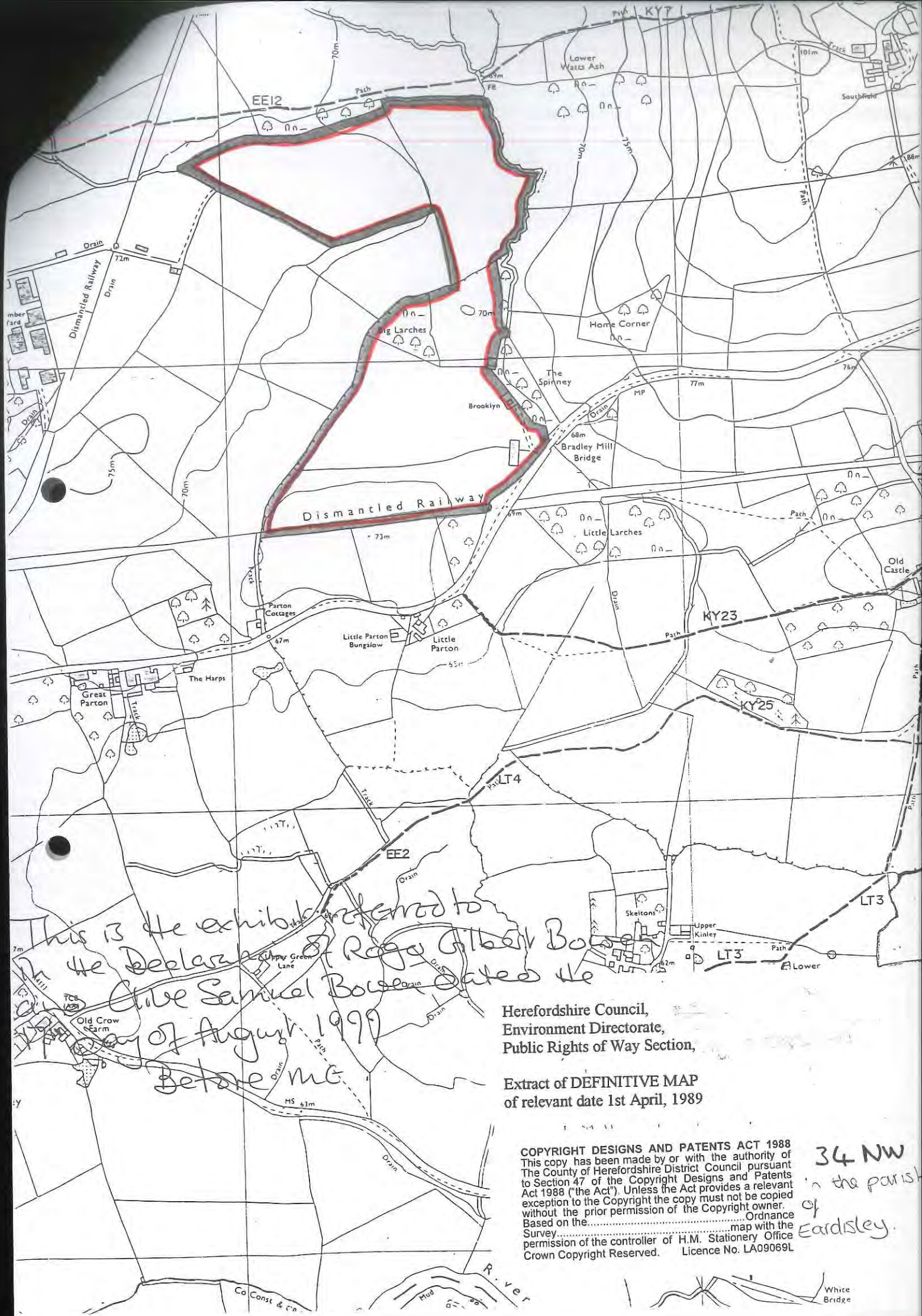
Signed: C.S. Bowen

Name: CLIVE SAMUEL BOWEN

Address: LITTLE BENFIELD

BREDWARDINE HEREFORDSHIRE

HR3 6BZ.



*This is the exhibit referred to  
 the Declaration of Roger Gilbert Boushel  
 of 1st day of August 1999  
 before me*

Herefordshire Council,  
 Environment Directorate,  
 Public Rights of Way Section,

Extract of DEFINITIVE MAP  
 of relevant date 1st April, 1989

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*34 NW  
 in the parish  
 of  
 Eardisley.*

Whice  
 Bridge

STATUTORY DECLARATION

SECTION 31(6) OF THE HIGHWAYS ACT 1980

ROGER GILBERT BOWEN and

We ~~Clive Samuel Bowen~~ DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. We are and have been since 1<sup>st</sup> April 1992 the owners of the land known as Brookly~~n~~<sup>ands</sup> Farm more particularly delineated on the plan accompanying this declaration and thereon edged red.

2. On the 17 day of August We Roger Gilbert Bowen and Clive Samuel Bowen deposited with the County of Herefordshire District Council, being the appropriate Council, a statement accompanied by a plan delineating our property by red edging which stated that no ways had been dedicated as highways with vehicular status, bridleways, or footpaths.

AND WE MAKE this solemn declaration on the seventeenth day of August conscientiously believing it to be true and by virtue of the Statutory Declarations Act 1835.

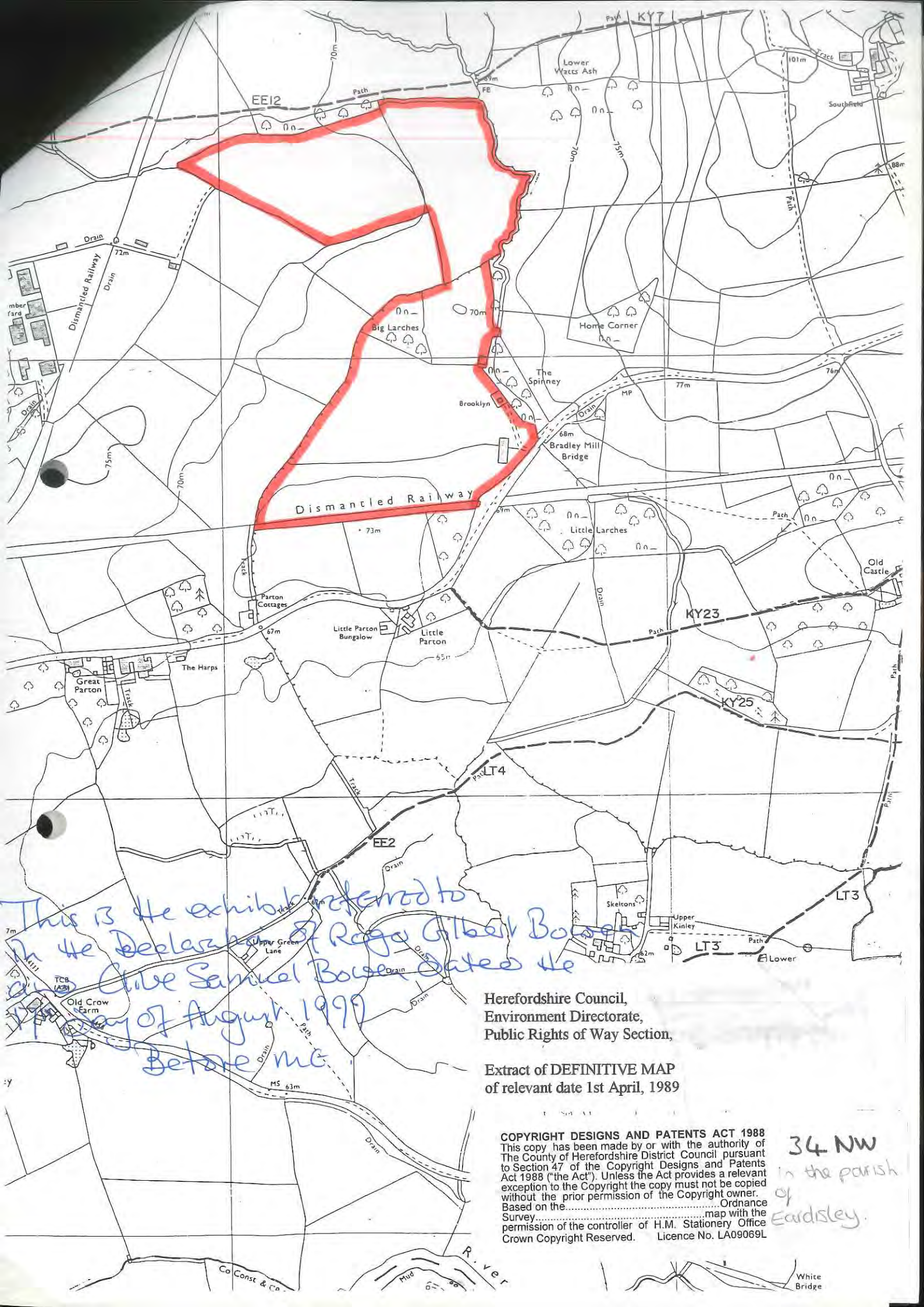
Declared at: Hay on Wye in the County of Powys

Signature of Landowner: R.G. Bowen

Signature of Landowner: C.S. Bowen

Before me [Signature] (Commissioner for Oaths or a Justice of the Peace or Solicitor)

Solicitor GIBBS & Co Hay on Wye



*This is the exhibit referred to  
 in the Declaration of Roger Gilbert Bowyer  
 of Sir Samuel Bowyer dated the  
 1st day of August 1999  
 Before me*

Herefordshire Council,  
 Environment Directorate,  
 Public Rights of Way Section,

Extract of DEFINITIVE MAP  
 of relevant date 1st April, 1989

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*34 NW  
 in the parish  
 of Eardisley.*



HEREFORDS  
HIRE  
COUNCIL

STATUTORY DECLARATION  
SECTION 31 (6) OF THE HIGHWAYS ACT  
1980

We <sup>Roger Gilbert Bowen and</sup>  
~~(landowner)~~ <sup>Celine Samuel Bowen</sup> DO SOLEMNLY AND SINCERELY DECLARE as follows:

✓

1. <sup>We</sup> ~~I~~ am and have been since (day, month, year) <sup>1<sup>st</sup> April 1992</sup> the owner of the land known as (name of farm, etc) <sup>Brooklands Farm, Kinnesley, Herefordshire</sup> more particularly delineated on the plan accompanying this declaration and thereon edged red.

✓

2. On the (day) <sup>17<sup>th</sup></sup> day of (month, year) <sup>August 1999</sup> <sup>We</sup> ~~I~~ (or my predecessor in title (name) ~~.....~~) deposited with the County of Herefordshire District Council, being the appropriate Council, a statement accompanied by a plan delineating my property by red edging which stated that [the ways coloured brown on the said plan and on the plan accompanying this declaration had been dedicated as highways with vehicular status], [the ways coloured green on the said plan and on the plan accompanying this declaration had been dedicated as bridleways]; [the ways coloured purple on the said plan and on the plan accompanying this declaration had been dedicated as footpaths]; [no [other] ways had been dedicated as highways over my property].

✓

3.\* On the (day) ~~.....~~ day of (month, year) ~~.....~~ I (or my predecessor in title (name) ~~.....~~) deposited with the County of Herefordshire District Council, being the appropriate Council, a statutory declaration dated (day, month, year) ~~.....~~ stating that no additional ways [other than those marked in the appropriate colour on the plan accompanying this declaration] had been dedicated as [highways with vehicular status] [bridleways] [footpaths] since the deposit of the Statement referred to in 2 above.

✓

4.\*\* No additional ways have been dedicated over the land edged red on the plan accompanying this declaration since the statement dated (day, month, year) <sup>17<sup>th</sup> August 1999</sup> referred to in 2 above [~~since the date of the statutory declaration referred to in 3 above~~] [other than those (highways with vehicular status) (bridleways) (footpaths) marked in the appropriate colour on the plan accompanying this declaration]

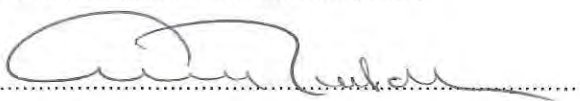
\* Delete paragraph 3 if submitting Statement and Statutory Declaration, of Section 31(6) Highways Act 1980 at the same time.

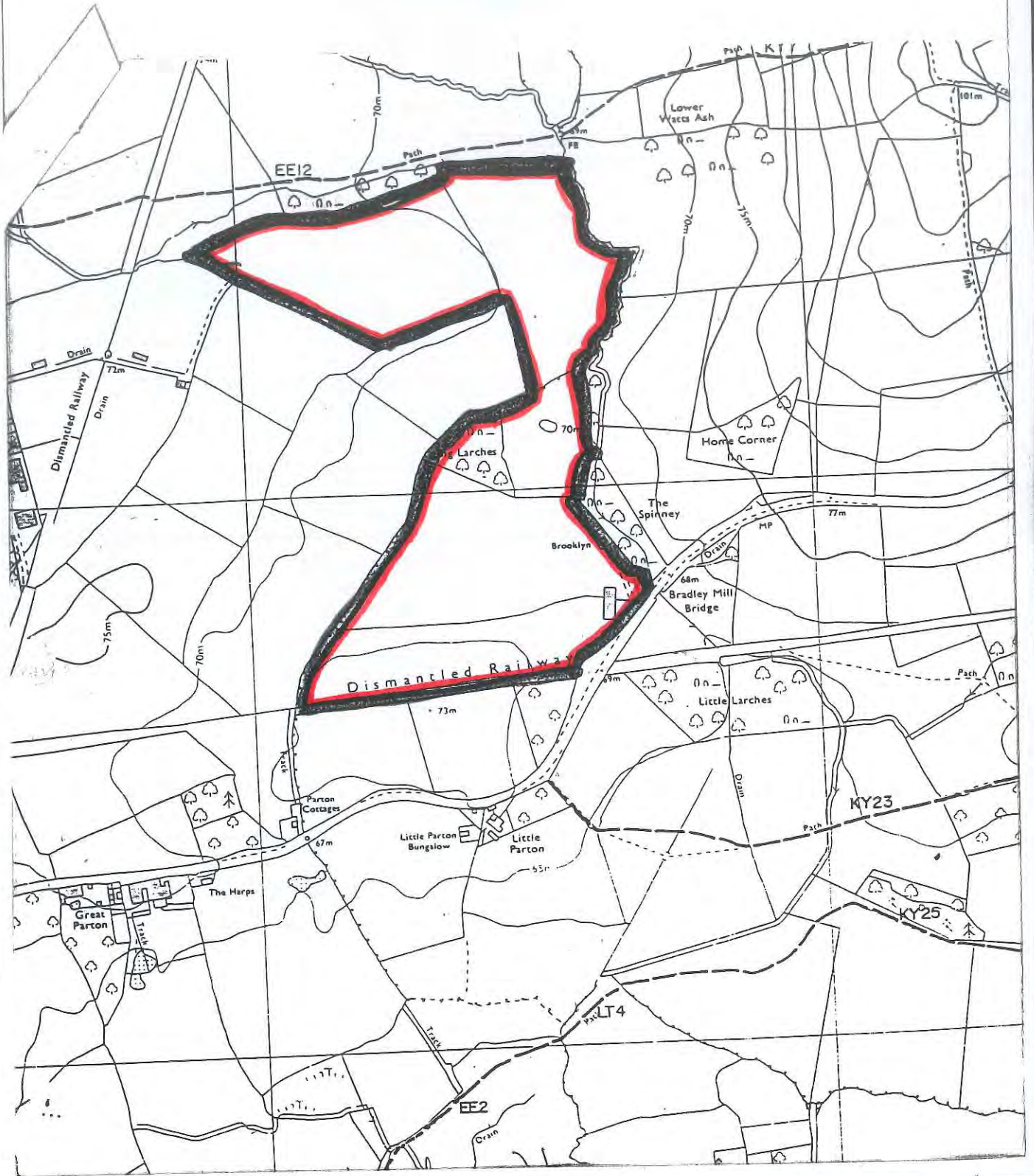
\*\* Delete paragraph 4 if this is the first Statement and Statutory Declaration, of Section 31(6) Highways Act 1980.

AND I MAKE this solemn declaration on the (day) <sup>27<sup>th</sup></sup> day of (month, year) <sup>June</sup> <sup>2007</sup> conscientiously believing it to be true and by virtue of the Statutory Declarations Act 1835.

Declared at (address) <sup>Gully</sup>  
~~Steeles~~ <sup>2 Chaucery Lane</sup>  
~~Hays wye~~ <sup>Hereford</sup>  
~~HR3 5QJ~~

Signature of landowner <sup>R.G. Bowen</sup>  
<sup>C.S. Bowen</sup>

Before me   
(Commissioner for Oaths or a Justice of the Peace or Solicitor)  
<sup>CAROLYN M. TITUSAW</sup>



This plan is for identification purposes only. Its accuracy can in no way be guaranteed.

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### Brooklands Farm

Scale: 1:10,000

Date: June 2007



Dolgarreg, North Road, Builth Wells, Powys LD2 3DD  
Tel: (01982) 553248 Fax: (01982) 553154

SCHEDULE 1

Regulation 2(2)(a)

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:

**Herefordshire Council**

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

**Roger Gilbert Bowen and Clive Samuel Bowen  
c/o Benfield Farm  
Bredwardine  
Herefordshire  
HR3 6BZ**

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):

**Brooklands Farm  
Kinnersley  
Herefordshire**

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

**SO 324489**

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

**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, Roger Gilbert Bowen and Clive Samuel Bowen, confirm that we are the owners of the property described in paragraph 4 of Part A of this form and shown edged red on the map (hereinafter referred to as the 'Land') that was lodged with Herefordshire Council on 26<sup>th</sup> June 2007.

2. On the *[insert day]* day of *[insert month, year]* *[I/my/[insert name of owner's]]* predecessor in title *[insert name]* deposited with *[insert name]* Council, being the appropriate council, a statement accompanied by a map showing *[my/[insert name of owner's]]* property *[insert colouring]* which stated that:

*[the ways shown [insert colouring] on that map [and on the map accompanying this declaration] had been dedicated as byways open to all traffic]*

*[the ways shown [insert colouring] on that map [and on the map accompanying this declaration] had been dedicated as restricted byways]*

*[the ways shown [insert colouring] on that map [and on the map accompanying this declaration] had been dedicated as bridleways]*

*[the ways shown [insert colouring] on that map [and on the map accompanying this declaration] had been dedicated as footpaths]*

*[no [other] ways had been dedicated as highways over [my/[insert name of owner's]] property]. (delete wording in square brackets as appropriate and/or insert information as required)*

3. We, Roger Gilbert Bowen and Clive Samuel Bowen confirm that on the 26<sup>th</sup> day of June 2007 we deposited with Herefordshire Council, being the appropriate council, a declaration dated 26<sup>th</sup> June 2007, stating that no additional ways over the Land (other than those marked in the appropriate colour on the map accompanying that declaration) had been dedicated as byways open to all traffic, restricted byways, bridleways, footpaths.

4. We, Roger Gilbert Bowen and Clive Samuel Bowen confirm that:

a) no additional ways have been dedicated over the Land (referred to in paragraph 1 above) since 26<sup>th</sup> June 2007 being the date that we lodged with Herefordshire Council both the statement dated 26<sup>th</sup> June 2007 and the declaration referred to in paragraph 3 above and

b) at the present time we have no intention of dedicating any more public rights of way over the Land.

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

We, Roger Gilbert Bowen and Clive Samuel Bowen are the owners of the land described in paragraph 4 of Part A of this form and shown edged on the map deposited with Herefordshire Council on 26<sup>th</sup> June 2007.

We, Roger Gilbert Bowen and Clive Samuel Bowen, wish 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 map referenced above.

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

None

**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): ..... *R.G. Bowen* .....

Print full name: Roger Gilbert Bowen

Date: *25-6-17*

Signature (of the person making the statement of truth): ..... *C.S. Bowen* .....

Print full name: Clive Samuel Bowen

Date: *25<sup>th</sup> June 2017*

**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.

# Form CA17

## Notice of landowner deposits under section 31(6) of the Highways Act 1980 and section 15A(1) of the Commons Act 2006

### Herefordshire Council

An application to 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 outlined 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. Deposits made under section 15A(1) of the Commons Act 2006 may affect the ability to register such land as a town or village green under section 15 of that Act. Please see guidance at <http://www.defra.gov.uk/rural/protected/greens/> for further information.**

Description of the land:

**Brooklands Farm  
Kinnersley  
Herefordshire  
HR3 6NZ**

Name of the Parish, Ward or District in which the land(s) is situated: Eardisley and Kinnersley

The deposit was submitted by Robert Gilbert Bowen and Clive Samuel Bowen and was received by this authority on 4 of July 2017.

The authority maintains a register of maps, statements and declarations deposited under section 31A of the Highways Act 1980.

This register can be accessed online at [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk) or can be inspected free of charge at the address below at the times indicated below:

Balfour Beatty Living Places  
Unit 3  
Thorn Business Park  
Rotherwas Industrial Estate  
Hereford  
HR2 6JT  
Monday-Friday 9.30am - 3.30pm  
Please telephone (01432) 349510 to ensure availability.

Signed on behalf of Herefordshire Council:



Name and Position of Signatory: Assistant Director, Environment and Place

Date: 6 July 2017