

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:

COMMONS REGISTRATION ACT 1985
BATH AND NORTH EAST SOMERSET COUNCIL

01 APR 2010

REGISTRATION AUTHORITY

Application number: TVGIO/I

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.

Note 1

Insert name of
registration
authority.

1. Registration Authority

To the

Bath and North East Somerset Council
The Guildhall
High Street
BATH BA1 5AW

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:

See attached note - APPLICANTS

Full postal address:

See attached note - APPLICANTS

Postcode

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.

5th April 2008

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 to 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:

The Track, Kaynton Mead

Location:

Kaynton Mead, Lower Weston, Bath

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 neighbourhood of Lower Weston and Newbridge is situated in the localities that comprise the electoral wards of Newbridge and Kingsmead of Bath and North East Somerset District Council

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 has been used by the inhabitants of the locality as described and set out in Section 6 above for a period of 20 years from the 5th April 1988 until the 5th April 2008 (and continue to do so) for lawful sports and pastimes, which are set out in greater detail within the accompanying statements (Appendix E) 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 both past and present have used the village green for a range of sports and pastimes which are set out in brief within the supporting statements from residents attached at Exhibit B to this application.

The Applicants and others will and do aver that they have used the land as a village green as of right without let or hindrance, except to the extent set out in the accompanying statement of support (Exhibit G).

As such the Applicants believe 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.

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).

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 and North East Somerset Council
The 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

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).

10. Supporting documentation

Note 10

List all supporting documents and maps accompanying the application. If none, write "none"

Please use a separate sheet if necessary.

See attached list of supporting documents Appendix A Section 2

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**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:

1st March 2010

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.

APPLICANTS

Section 2 of application form.

The names and addresses of those applying for the registration of The Track at Kaynton Mead are:

Applicant 1:

Vanessa Lopez
30 Ashley Avenue
Lower Weston
BATH
BA1 3DS

Applicant 2:

Pam Richards
1 Station Road
Lower Weston
BATH

Applicant 3:

Karen Hill
117 Newbridge Road
Lower Weston
BATH

Applicant 4:

Suzanne Davies
29 Kaynton Mead
Lower Weston
BATH


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, Vanessa Lopez,¹ solemnly and sincerely declare as follows:—
30 Ashley Avenue
Bath
BA1 3DS

² Delete and adapt
as necessary.

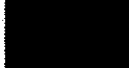
1.² I am ~~((the person (one of the persons) who (has) (have) signed the foregoing application)) ((the solicitor to (the applicant) (one of the applicants))~~ 

³ Insert name if
Applicable

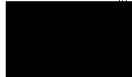
2. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating 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/

~~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 Vanessa Lopez

at 29 Kipling Avenue Bortu

this 28th day of March 2010.

Signature of Declarant

Before me *

Signature:

Address: 29 Kipling Avenue Bortu

Qualification: Solicitor

* 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



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OS Sitemap®

EXHIBIT A



*This is the exhibit referred to in the
Statutory Declaration of Vanessa Lopez.*

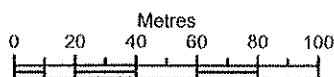
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The representation of a road, track or path is no evidence of a right of way.

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



Scale 1:2500

Supplied by: **Latitude - Southampton**
Serial number: 03085300
Centre coordinates: 372835.5 165006.75

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

email:

nessauk@aol.com

30 Ashley Avenue
BATH BA1 3DS

24th May 2010

Dear Graeme,

Please find enclosed my replacement map and statutory declaration. These replace those submitted with the original Village Green application for the land at Kaynton Mead, Bath.

I hope that I have understood correctly the advice you sent me via email on how to rectify the error I made when I drew the outline of the Village Green land on the original application.

Yours sincerely,



VANESSA LOPEZ

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, Vanessa Lopez,¹ solemnly and sincerely declare as follows:—
30 Ashley Avenue
Bath
BA1 3DS

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) (one of the applicants))~~ [REDACTED]

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, and is produced in substitution for the plan attached to my Statutory declaration sworn on 28th March 2010. ("my original declaration")

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~~

4. In all other respects I confirm that my original declaration shall remain in full force and effect. 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 Vanessa Lopez

at 29 Kipling Avenue
Bath

this 22nd day of May 2010

Signature of Declarant

Before me *

Signature:

Address: 29 Kipling Avenue Bath

Qualification: Solicitor

* 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



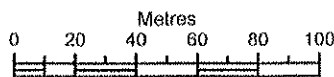
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The representation of a road, track or path is no evidence of a right of way.

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



Supplied by: **Latitude - Southampton**
Serial number: 03085300
Centre coordinates: 372835.5 165006.75

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

*This is the exhibit - plan
referred to in the
Statutory declaration of
Veneranda Lopez dated
22nd May 2010*

APPENDIX A

VILLAGE GREEN REGISTRATION

"THE TRACK" KAYNTON MEAD, LOWER WESTON, BATH

INFORMATION NOTES FOR INCLUSION IN FORM 44

1. Note on Section 4

(In setting out both the above date and the section in 4 above we would remind you of the advice of DEFRA in that such information can be amended at a later date if it is found to be appropriate to do so. And therefore your authority should if it is dissatisfied with that date for any reason should in the first instance seek clarification from the Applicant in order that if need be the relevant section and date can be amended.)

2. List of attached documents Section 10

Additional information unable to be included within the application form due to space restraints (in no particular order):

Exhibit A: Map of Village Green site

Exhibit B: Further Statements of Support from 79 local residents who collectively have used The Track for lawful pastimes as of a perceived right since the 1960s until the present day and continue to do so.

Exhibit C: Letter and additional evidence from Pam Richards.

Exhibit D: Further evidence – newspaper article dated 28th May 1998

Exhibit E: Witness statements of support from the applicants:

Exhibit E1: Witness Statement of Vanessa Lopez

Exhibit E2: Witness Statement of Pam Richards

Exhibit E3: Witness Statement of Karen Hill

Exhibit E4: Witness Statement of Suzanne Davies

Exhibit F: Photographic evidence showing resident use of The Track dated 28th April 2008

Exhibit G: Supporting Statement on behalf of the applicants.

Village green application – Linear Park behind Kaynton Mead

My husband and I have lived in Station Road, Locksbrook for over 35 years.

In the late 1970s we were involved in a Bath City Council planning consultation exercise which culminated in 1980 in the Western Riverside Area Plan. Objectives of this exercise for Locksbrook were to tackle the traffic problems caused by industrial traffic in narrow streets, increase and improve the landscaping and recreational space and to safeguard and consolidate the residential area. Amongst the recommendations was a proposal to construct a cycle path and walkway along the old railway line and to enhance this with landscaping. Although the cycle path has not been built, there has been access to the reserved strip and the adjacent land since that time and this has been informally used by local people.

In the early 1989 a planning brief was written for the development of the old BT depot (development of social housing now called Kaynton Mead). The brief stresses the need to retain and enhance the embankment as an important landscape feature and to improve access for local residents. The planning application (ref.113696-1) was submitted and granted in 1995 .

Documentation relating to the planning application demonstrates that the old railway land had been used by residents for sometime before the negotiations re: the new development commenced. Drawings by the architect Aaron Evans show several properties in Newbridge Road and Clarence Place with gates giving access on to the land. A letter dated 07.02.1995 from the Council's landscape architect states that 'Public pedestrian access can be gained already through an especially designed 'gap' in the fence.' It is via these access points that local residents gained access to walk dogs, gather blackberries, build dens etc. on the 'village green' area.

The planning application report for Kaynton Mead states that -
'The railway embankment was originally designated as providing the route of the cycle path. In view, however, of the difficulties in gaining control over the land to the west to provide a continuous route, this designation was recently amended to 'public open space'. Policy LR8 seeks to protect such open space from development and Policy LR13 seeks through tree planting and landscaping on open spaces to enhance the conservation area. Thus since the early 1990s the 'village green' area has been designated public open space.

Pam Richards
1, Station Road
Lower Weston
Bath BA1 3DX

the general principles for its development. At that time, it was anticipated that elderly persons dwellings would be provided, in view of the general need for such accommodation at that time and the locational advantages (level site, proximity to bus services, local shops etc). The Brief also indicated that both of the existing accesses should be retained, that landscape proposals for the site should be included and that the future of the disused railway embankment should be considered in conjunction with the development. At that time, it was envisaged as a wildlife corridor, planted with trees which would provide part of the cyclepath network.

Of particular note is the Brief's aspiration to address the issue of on-street parking in the area, and it states in paragraph 4.8 that rear access to the properties in Locksbrook Road and Clarence Place should be provided in any redevelopment proposals.

Policy H(a) in the Draft Replacement Plan sets out general criteria for residential development.

Policy H4 seeks to achieve housing development at a density appropriate to the character and amenity of the area.

Policy H(c) states however that the Council may grant permission for higher densities in appropriate circumstances where the proposal provides affordable on special needs housing but not if this should conflict with other standards or policies.

The site is located within the Conservation Area and hence policies C2, and C4 generally seek to ensure that development proposals enhance and preserve its character.

The railing embankment was originally designated as providing the route of the cyclepath. In view however of the difficulties in gaining control over the land to the west to provide a continuous route, this designation was recently amended to 'public open space'. Policy LR8 seeks to protect such open space from development and Policy LR13 seeks through tree planting and landscaping on open spaces to enhance the Conservation Area. Policy T(a) seeks to ensure that development proposals achieve a high standard of road safety.

Consultation Responses

Director of Highways

The internal scheme is now in a form that can be recommended. However, having considered a number of external off-site proposals the County Council have come to the view that the existing traffic pattern must remain in place with clarification of one way status of Locksbrook Road being reinforced into signs down to the westerly access as shown on the revised drawings.

It is noted that all parking is communal, as it has been provided at 150 percent and that the elderly persons units have substandard provision. An agreement will have to be entered into in respect of these units to limit age to 60 years and above.

Wessex Water

No objection in principle.

It is likely that surface water drainage from at least half of the site may drain by gravity to the existing public surface water sewer. It will be necessary for our precise requirements to be ascertained regarding the particular public surface water sewer to which connection can be permitted and the method to be used in connection.

Department of Property and Engineering Services

The development will be subject to a Section 38 Agreement for highway adoption

Bath City Council



Department of Environmental Services
Colin Fudge B.Arch, MA, MRTPI

Trimbridge House, Trim Street
Bath BA1 2DP
Tel: Bath (01225) 477000
Fax: Bath (01225) 477674

Memorandum

Extension: 7586
Your Ref:
Our Ref: CJC/GCL/S244
Date: 7 February 1995

To: Alison Hayes - DPES

LOCKSBROOK ROAD - BT DEPOT AND ADJACENT OPEN SPACE (REAR OF NEWBRIDGE ROAD)

I am responding to your memorandum of 20th January 1995. I have delayed response in the hope of being able to give you definitive answers, but this is not possible in all areas.

As you may be aware my team are working with Aaron Evans to try and resolve a satisfactory arrangement (in landscape design terms) between the proposed residential area and the open space comprising the old railway line behind Newbridge Road. This has been undertaken with the agreement of David Littlewood, on whose behalf we have also been working.

In order to provide an appropriate area of open space for the residential development (as required by our Planners), it has been accepted that access to and improvement of the old railway line, as an open space and footpath link, should be pursued. This aspect of developing the BT site was flagged up in the Planning Brief for the site, dated March 1989.

Whilst a scheme has been prepared for the design of the whole park by Phillip Black of my team and has, in part, been incorporated into Aaron Evan's drawings, Margaret Maxwell is negotiating still with the developers regarding how much of that scheme can be paid for or undertaken as part of the development proposed. It is not anticipated that the whole design will be implemented in this way. However, as the City Council has no matching funding, nor budgets in existing programmes to complete the scheme, anything paid for by the developer needs to "stand alone", work in functional and visual terms and mitigate any impact of the development being placed here and taking advantage of the open space provision.

In my view, the fencing of the northern boundary is important (although difficult to resolve) and Jonathan Peters (DLTED Parks) has recently confirmed his agreement. However, as this is something that cannot be resolved quickly and cannot be directly attributable to the effects of the proposed development, it is unlikely we would be seeking a contribution to its erection from the developers. Nevertheless, it is a matter which the City Council should pursue in the longer run. I believe we could lose valuable open space land if we do not, as we have elsewhere in the city.

The current scheme prepared by Phillip Black, indicates the need to resolve the boundary between the park and the development site. Some of the hard surfacing proposed is part of the park. However, in places it is debatable as to where the residential open space ends and the park begins. If anything, under the existing scheme, the park is encroaching more onto the residential area than the other way round. We were about to seek advice on the conveyancing

issue ourselves. The scheme has been agreed with Jonathan Peters including the implications of boundary resolutions. However, I should point out that we are about to embark on a revision to the scheme to reduce estimated costs. This is likely to affect the area in question. Until a final scheme is settled, details of any boundary issues cannot be taken forward.

It is anticipated that long term maintenance of the open space will remain with DLTED, although obviously it will have to change. Jonathan Peters has provided us with an estimate of annual costs, which could provide a basis for any commuted payment, should this be decided upon.

Public pedestrian access can be gained already from Station Road through an especially designed "gap" in the fence. This will probably need amending to reflect the upgrading of the footpath, but arrangements will still have to be made to prevent any vehicular access other than for maintenance. This is a design issue which can be resolved easily. I do not see it as a problem.

You mention a storage compound. Have the developers requested using the open space area specifically for storage? Personally I think this should be resisted strongly. My understanding is that they wish to gain access to the open space to secure works to the boundary and are therefore proposing to include parts of it within the site compound for safety and security reasons. All access would be from the development site. In addition I shall be advising our planners that access to our land should be limited only to allow this work to proceed and only if work cannot be reasonably done from the residential site side.



CHERRILL COPPERWHEAT
Principal Landscape Architect

cc: Rosie Bowyer - DOH
Martin Flowers - CSS
Jonathan Peters - DLTED
Margaret Maxwell - DES (Planning)

FR27981

war veterans. The flag was set alight in London as museum.

many. She said they were reduced to tears in a German war museum.

She said: "Those who are not interested in the past are not interested in the future."

Community First and Rural Action.

Thursday May 28 1998

Bath News

CLUE BENEDICT

31/3/08

12 RESOLUTION ARCHIVES -

Family Announcements

952 Thank You

WHITE, Chalky and Teresa

Would like to thank all family and friends for a super party and all the presents and cards. Once again, thank you very very much. And if you missed it, unlucky!!!

954 Birthday Greetings

40 BURNS, Jer
Happy 40th Birthday May 28th, 1958
Lots of love Donna, Jack, Samuel, Freddie

For all your Family Announcements

Whatever the Occasion!

* Acknowledgments

* Anniversaries

* Births

* Birthdays

* Congratulations

* Engagements

* Marriages

959 Deaths

PALMER, Joyce, passed peacefully away on Monday, May 25, 1998 at St Martin's Hospital, aged 74. Dearest wife of Pat and Mother of the late Glyn. Will be sadly missed by us all. The funeral service will be held at Haycombe Cemetery Chapel on Thursday June 4th at 2.30 p.m. followed by interment. Flowers and enquiries to G.F. Hunt Funeral Directors - Telephone 01225 424376. WILLIAMS, Jean. In loving memory of a dear wife and friend. Forever in my heart. Alex.

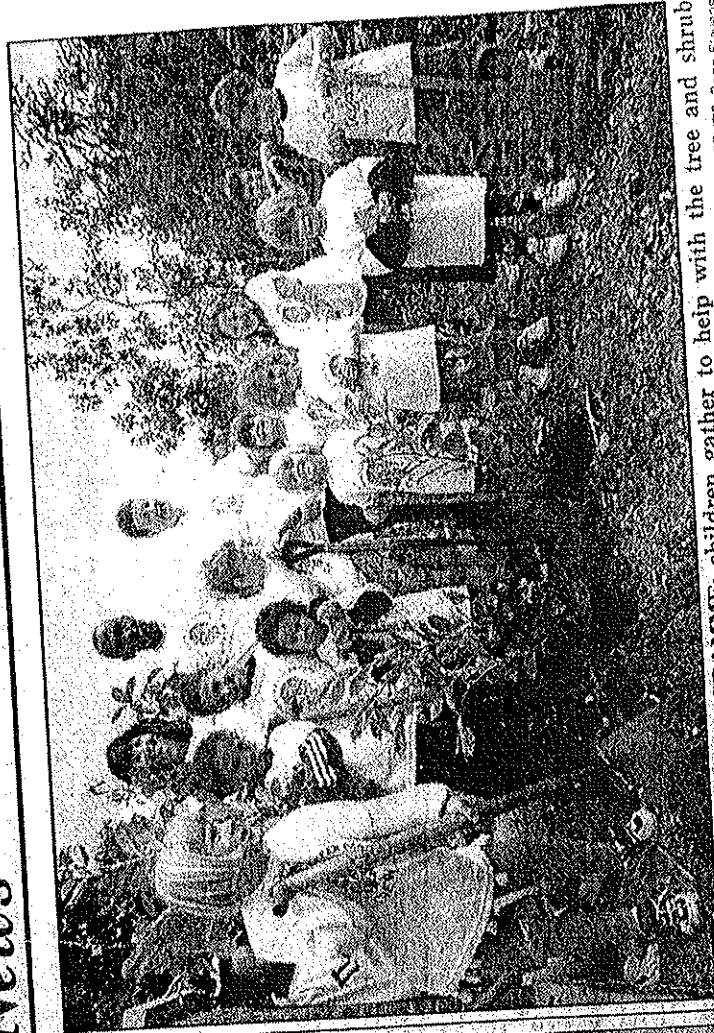
WILLIAMS, Jean. My dear loving Mum, my thoughts for you will never end. Your peace is our peace. Good-bye and God bless. Your Son, Chris and Lisa.

Kisses. WILLIAMS, Jean. My Mum my best friend, you were the wind beneath my wings. I'll always love you. Your Daughter Jackie, Son in Law John.

WILLIAMS, Jean. Dear Mum, and Nan you were one of the best, greatly missed by all of us. Your Daughter Nicola, Andrew, Bradley and Jodie.

WILLIAMS, Jean. Mum, a long battle bravely fought. Until we meet again. Much love. Kim, Duncan and children.

WILLIAMS, Jean. To my Mum, your pain has now gone. I'll always miss you and love you forever. Rest.



LANDSCAPING PROGRAMME: children gather to help with the tree and shrub planting at Station Road

Planting to develop community pride

By Crispin Gillbard
Chronicle correspondent

A SCHEME to encourage local children to appreciate their environment more fully has been started in Lower Weston, Bath.

The old railway track at Station Road has been turned into another linear walk for the city. Under the guidance of Bath and North East Somerset councillor Lorraine Brinkhurst, and community policeman Bob Hope, trees and shrubs are now being planted along the route.

It is hoped that these will promote a sense of pride and responsibility towards what local people say could be a charming backdrop. "The planting day is designed to bring the whole community together for this venture," said Cllr Brinkhurst.

SUBMITTED: transfer to Western Riverside

Commons Act 2006

Application to Register Land as a Village Green Under Section 15(1)

KAYNTON MEAD TRACK, LOWER WESTON, BATH

WITNESS STATEMENT OF VANESSA LOPEZ

I VANESSA LOPEZ of 30 ASHLEY AVENUE, LOWER WESTON, BATH make the following statement in support of the application to register the land known as KAYNTON MEAD TRACK as a village green.

1. The land facing the homes in Kaynton Mead has been used for at least 20 years as a recreation area.
2. I have lived in this area for 9 years and in that time have only ever known the Track at Kaynton Mead as a local recreational green space.
3. I have seen local residents' children regularly using the land for play activities.
4. I and other local residents have used the area for observing wildlife and similar educational and relaxation purposes.
5. I have attended resident-organised November 5th bonfire night celebrations at this location.
6. I regularly see local residents using the area to exercise their dogs.
7. For all of the above reasons I ask that the registration authority enter into the register of village greens the land set out in this application.

I believe that the contents of this statement is to the best of my knowledge and believe a true statement of the facts therein set out.

Signature



..... Date:.....

04/03/2010

Vanessa Lopez

Commons Act 2006

Application to Register Land as a Village Green Under Section 15(1)

KAYNTON MEAD TRACK, LOWER WESTON, BATH

WITNESS STATEMENT OF PAM RICHARDS

I PAM RICHARDS of 1, STATION ROAD, LOWER WESTON, BATH make the following statement in support of the application to register the land known as KAYNTON MEAD TRACK as a village green.

1. I have lived in Station Road for 36 years and since the late 1980s the old railway line facing what is now Kaynton Mead has been accessible by local residents for recreation.
2. Several houses in Newbridge Road and Clarence Place have or had gates giving access to the land.
3. I have seen local residents' children regularly using the land for den-making and play activities. My own children came blackberrying with me on this land when they were small.
4. I and other local residents have used the area for walking and enjoying the trees and wildlife.
5. I regularly see local residents using the area to exercise their dogs.
6. For all of the above reasons I ask that the registration authority enter into the register of village greens the land set out in this application.

I believe that the contents of this statement is to the best of my knowledge and belief a true statement of the facts therein set out.

Signature  Date: 04.03.2010

Pam Richards

COMMONS ACT 2006

**APPLICATION TO REGISTER LAND AS A VILLAGE GREEN UNDER
SECTION 15(1)**

KAYNTON MEAD TRACK, LOWER WESTON, BATH

**I KAREN HILL OF 117, NEWBRIDGE ROAD, LOWER WESTON, BATH
MAKE THE FOLLOWING STATEMENT IN SUPPORT OF THE
APPLICATION TO REGISTER THE LAND KNOWN AS KAYNTON MEAD
TRACK AS A VILLAGE GREEN.**

This aforementioned land has been used for more than 20 years as a recreational area.

I and other local residents have used this land to congregate for parties and festivals
e.g. Summer bbq's, the Queens Jubilee and annual Bonfire Night Celebrations.

Children use the land to play, explore, make dens and enjoy the natural outside
environment, both alone and with their friends and parents.

The abundance of wildlife has meant the land has been used to observe and learn
about nature, to relax and enjoy the tranquil surroundings away from busy nearby
main roads, and to observe peaceful moments alone.

The land is used to walk dogs and for exercise.

Please register the land set out in this application as having Village Green Status, to
protect it for the local residents.

I believe the contents of this statement to be true.

SIGNATURE



DATE

1st March 2010

EXHIBIT E4

Commons Act 2006

Application to Register Land as a Village Green Under Section 15(1)

KAYNTON MEAD TRACK, LOWER WESTON, BATH

WITNESS STATEMENT OF Suzanne Davies

I SUZANNE DAVIES of 29, KAYNTON MEAD, LOWER WESTON, BATH make the following statement in support of the application to register the land known as KAYNTON MEAD TRACK as a village green.

1. The land facing my home in Kaynton Mead has been used for at least 20 years as a recreation area.
2. I have lived in this area for 13 years and in that time have only ever known the Track at Kaynton Mead as a local recreational green space.
3. My children and my neighbours children regularly use the land for play activities.
4. I and other local residents have used the area for observing wildlife and similar educational and relaxation purposes.
5. Kaynton Mead Resident's association held a Jubilee Celebration Party there which was attended by the then Mayor of Bath.
6. I have attended resident-organised November 5th bonfire night celebrations at this location.
7. I regularly see local residents using the area to exercise their dogs.
8. For all of the above reasons I ask that the registration authority enter into the register of village greens the land set out in this application.

I believe that the contents of this statement is to the best of my knowledge and believe a true statement of the facts therein set out.

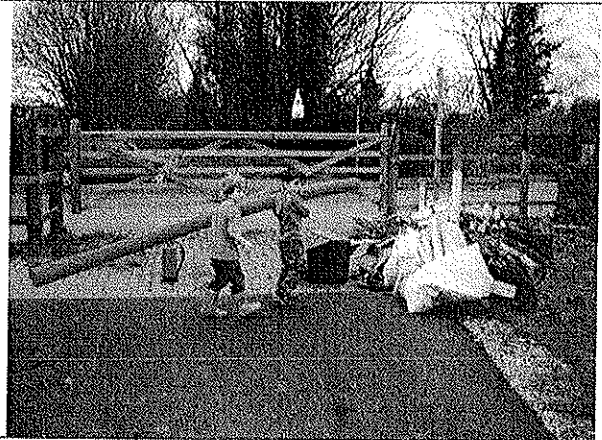
Signature *Suzanne Davies*

Date: March 24th 2010

Suzanne Davies

EXHIBIT F

Photographic evidence showing community use of The Track



Local residents cleaning up the Track on Sunday 28th April 2008. Note newly planted trees in the photos to the left and below – many were planted by local children.



The remains of an old tree house on the Track.

Commons Act 2006

Application to Register Land as a Village Green Under Section 15(1)
KAYNTON MEAD TRACK, LOWER WESTON, BATHSUPPORTING STATEMENT ON BEHALF OF APPLICANTS

The following statement is submitted in support of the application to enter into the Register of Village Greens the land known as **KAYNTON MEAD TRACK**

The land has been used by the inhabitants of the locality as described and set out in Section 6 of Form 44 which accompanies the application for a period of 20 years starting from the 5th April 1988 until and including the 5th April 2008 for lawful sports and pastimes, as set out below and contained within other supporting evidence submitted with the application, as of right, and in the belief that the land was and is a village green for the purposes of prescription at Common Law and of the Commons Act 2006 and The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007.

1. A significant number of the inhabitants of the locality both past and present have used the village green for a range of sports and pastimes which are set out in brief within the Statements of Support at Exhibit B (*but is not exclusively limited to the uses therein set out*) to the application.
2. It is the case of the Applicants then they are not required to demonstrate every use on every occasion, or that such use is exclusively by inhabitants of the locality, therefore the evidence submitted with the application is such that it is intended to be viewed solely as examples of the use and extent of that use. Such evidence can and will be submitted by the Applicants if such information is requested by the Authority, and/or through an oral presentation of evidence at a local inquiry before an inspector appointed by the Authority.
3. The Applicants and others will and do aver that they have used the land as a village green as of right without let or hindrance, except to the extent set out in the accompanying statement of support. As a fact it is the case of the Applicants that on no occasion have the owners or controllers of the land challenged their use of the land, or the use of the land by any other inhabitant of the locality.
4. The Applicants rely in chief on the evidence contained within the attachments to the application, the witness statements of the applicants and other letters of support, which does not require further expansion within this statement other than to set out the general thrust of the case being forwarded.
5. The application land has been used by the inhabitants for recreational and leisure purposes going back to the 1970s, this use has included formal and informal sports, the walking of dogs, other walking activities, for play of younger members of the community, as a picnic area by families as well as for kite flying, blackberry picking (in season), watching of wildlife and various other uses. These uses continued and heightened during the period from 05/04/1988 to 05/04/2008, and continue to this day, with natural fluctuations based upon seasonal usage.
6. As such the Applicants believe 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.

Signature

..... date..... 4th March 2010

Name VANESSA LOPEZ

