

Form 44

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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: [REDACTED]

Fax number:

E-mail address: [REDACTED]

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
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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.

20K [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: M. M. M. M. M.

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:

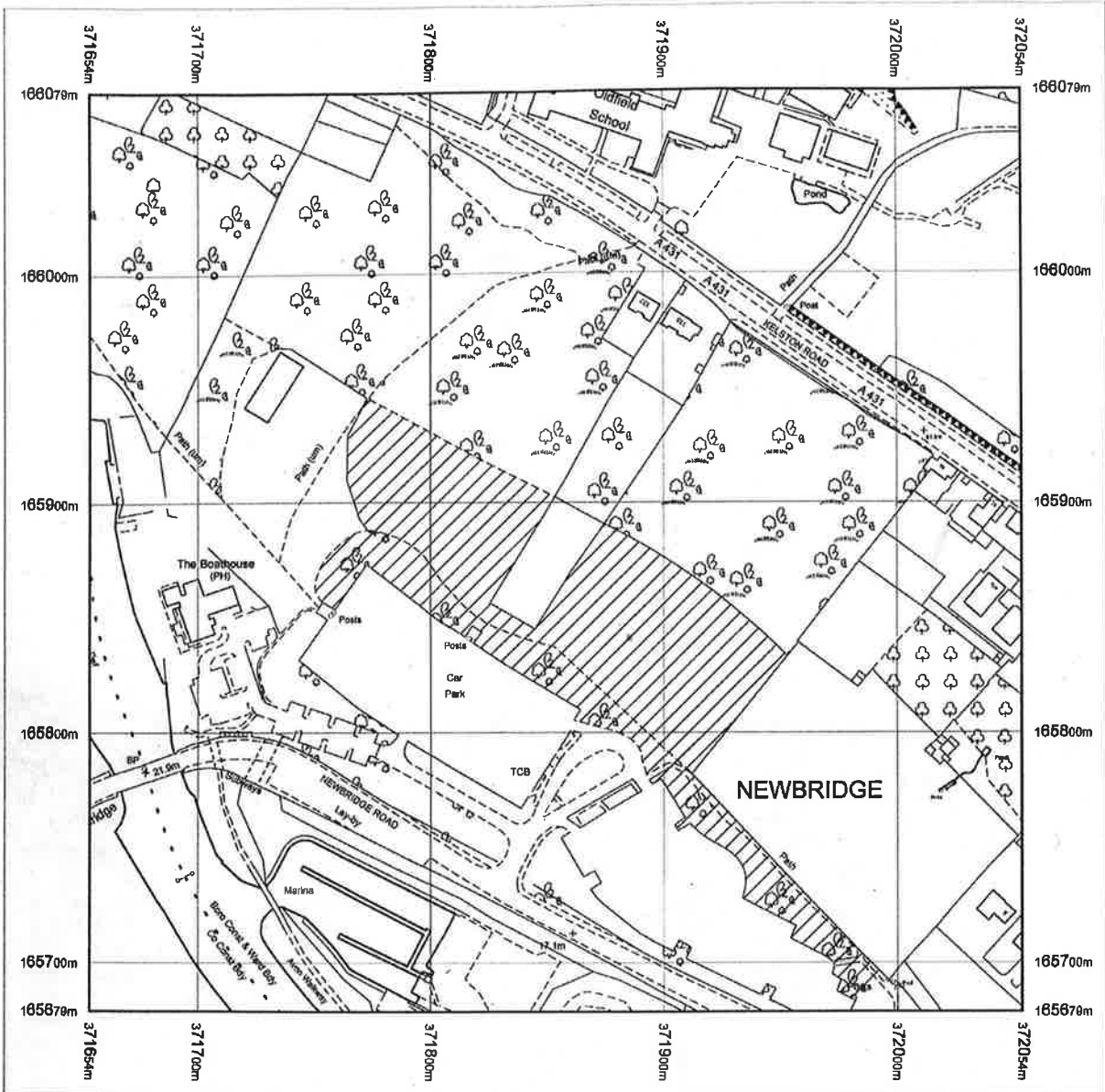
Please initial all alterations and mark any map as an exhibit

EXHIBIT A



OS Sitemap®

PROPOSED VILLAGE GREEN ON NEWBRIDGE MEADOWS - BATH



SITE SHOWN HATCHED

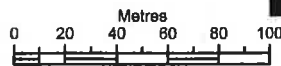
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The representation of a road, track or path is no evidence of a right of way.

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



Scale 1:2500

Supplied by: **Mail Boxes Etc Bath**
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Further information can be found on the OS Sitemap information leaflet or the Ordnance Survey web site: www.ordnancesurvey.co.uk

Declarant

*Declarant is in exhibit to his
statutory declaration this 20th day
of April 2010 before me
MCMANUS (commissioner of oaths)*

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

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

EXHIBIT B

Proposed Village Green
Newbridge Meadows – Bath

Schedule of broad use of Village Green

1. The site has been used by many generations of residents and visitors for the enjoyment of the environment including bird watching, observation of animals including badgers [a protected species] animals in general, insects and the examination of rare plants. Blackberry picking is a favourite past time and some local residents have been engaged in this activity on this site for over 70 years and continue to do so.
2. The site has and continues to be used as a very safe play area for generations of children being part of the countryside and within a reasonable distance for parental and guardian supervision, which is considered to be of vital importance at the present time.
3. Due to its proximity to the urban area it has and continues to be a prime area for dog walkers who do obey the law and pick up and dispose of dog faeces.
4. The site has and continues to be easily accessed with several Public Footpaths crossing the whole area. No vehicular access is available for the general public.
5. Although part of the site is waterlogged forming an excellent habitat for newts, other water loving creatures and rare plants, other parts are above continuous surface water levels and can continue to be used as a play area for children and for organised games. In winter time the water logged area becomes frozen and as the depth of water is only a few inches it has and continues to be an excellent safe site for skating.
6. Sledging in winter time has and continues to be enjoyed as an active past time.

7. The Operation of Remotely Controlled Toy Cars has and continues to be enjoyed by adults as well as children, there being no other safe available area for such activities in the vicinity.
- 8 .Family Gatherings on the site have and continue to be a source of great interest with the vast assortment of environmental studies, games to play and adventures available. 'Cow Boys and Indians' has and still continues to be an attraction even in these 'computer active' days, which is most pleasing bearing in mind the government's ruling on the minimum number of hours a week that children should engage upon 'active' pursuits.

John F. R. Weston CEng. MICE
44 Old Newbridge Hill
Bath
BA1 3LU

20th April 2010

EXHIBIT C

Proposed Village Green
Newbridge Meadows – Bath

Schedule of uses of Village Green during qualifying period

1. Walking to enjoy the Environment.
2. Watching and recording Bird, Animal and Insect life.
3. Fruit Picking including Blackberries.
4. Dog Walking.
5. Children's Games – organised Ball Games and other.
6. Sledging and Skating in winter time.
7. Childrens' Parties.
8. Operating Remote Controlled Toy Cars.
9. Various Recreational Pursuits.
10. Family Gatherings.
11. Watercress Picking.
12. Examination of and recording Rare Plants.

John F. R. Weston CEng. MICE
44 Old Newbridge Hill
Bath
BA1 3LU

20th April 2010

EXHIBIT D

Proposed Village Green
Newbridge Meadows – Bath

Topography and Layout of the Land

1. The location of the proposed Village Green is ideally sited for such and caters well for all the activities which have and continue to be undertaken on the land for many generations.
2. The area is almost flat accommodating Field Games and similar activities well.
3. The area is bounded by trees and hedges providing suitable screening.
4. The area is well away from roads and vehicular traffic providing a very safe area for children to play.
5. The area is sufficiently away from residential properties for users of same not to cause annoyance to residents.
6. The area being almost flat provides an excellent safe area for Skating during the winter period when the few inches depth of residual water on the surface is frozen.

John F.R. Weston CEng. MICE
44 Old Newbridge Hill
Bath
BA1 3LU

20th April 2010

(1)

EXHIBIT E

Proposed Village Green
Newbridge Meadows – Bath

Schedule of Witness Statements of Support and uses of Village
Green

Period of Use of Meadows

1...D. A. ANKETELL - 9 City View Bath BA1 5JQ	1984 - 2010 - 26years
2...Teresa BELMONT - 233 Newbridge Road Bath BA1 3HJ	1998 - 2010 - 12 years
3...M. Gina BERTUELLO-23 Kelston Road Bath BA1 3QH	1999 - 2010 -11years
4...Chester BERTUELLO-23 Kelston Road Bath BA1 3QH	1999 - 2010 -11 years
5...Roy A. BERTUELLO-23 Kelston Road Bath BA1 3QH	1999 - 2010 -11 years
6...Colin BROAD-18 Old Newbridge Hill Bath BA1 3LX	1971 - 2010 -39 years
7...I & S.G. CARDIFF-Lower Lodge Kelston Road Bath BA1 9AD	2005 - 2010 - 5 years
8...J. CHITTEM-137 Penn Hill Road Newbridge Bath	
9...A. B. COASTER-9 Yomedede Park Bath BA1 3LS	1986 - 2010 - 24years
10...P. COLLINS-9 Eastleigh Road Bath	1975 - 2010 -35years
11...Phil COTTRELL-30 Old Newbridge Hill Bath BA1 3LU	2004 - 2010 - 6 years
12...Anne COTTRELL-30 Old Newbridge Hill Bath BA1 3LU	2004 - 2010 - 6 years
13...Carol J. COX-40 Old Newbridge Hill Bath BA1 3LU	1960 - 2010 -50 years
14...K. COX-Westfield Park South Bath	1998 - 2010 -12 years

15...A.J. CROCKER-7 Cranwells Park Bath BA1 2YD	1961 - 1970 - 9 years
16...J. CURVINTALLY-Upper Lodge Cleeve Hill BA1 9HD	1909 - 2010-101years
17...A.J.L. CRUICKSHANK-9A Hayden Hill Radstock Bath BA3 3QX	1999 - 2010 -11 years
18...P. CURTIS-21 Old Newbridge Hill Bath BA1 3LX	1989 - 2010 - 21years
19...D. CURTIS-21 Old Newbridge Hill Bath BA1 3LX	1989 - 2010 - 21 years
20...H. DERRY-Brassmill Lane Newbridge Bath	1994 - 2010 - 16 years
21...B. GREENHAM-47 Kelston Road Newbridge Bath	1975 - 2010 - 35 years
22...L. HALL-40 Penn Lea Road Bath BA1 3RB	1993 - 2010 - 17 years
23...Rita HANCOCK-14 St John's Road Lower Weston Bath BA1 3BW	1989 - 2010 - 21 years
24...C. HARRISON-9 Badminton Gardens Bath BA1 2XS	1990 - 2010 - 20 years
25...Karen HILL-117 Newbridge Road Bath BA1 3HG	1990 - 2010 - 20 years
26...Colin C. MAGGS-8 Old Newbridge Hill Bath BA1 3LX	1940 - 2010 - 70 years
27...J. PAGE-10 Manor Park Weston Bath	1944 -2010 - 66 years
28...P. PAGE-135 Kelston Road Newbridge Bath	1985 - 2010 - 25 years
29...S. PAGE-135 Kelston Road Newbridge Bath	1988 - 2010 - 22 years
30...David PALZYNSKI-46 Old Newbridge Hill Bath BA1 3LU	1995 - 2010 - 15 years
31...Debra PALZYNSKI-46 Old Newbridge Hill Bath BA1 3LU	1995 - 2010 - 15 years
32...Michael PARR-59 Kelston Road Bath BA1 3QH	2007 - 2010 - 3 years
33...Janet PARR-59 Kelston Road Bath BA1 3QH	2007 - 2010 - 3 years
34...C. RICHARDSON-9 Yomed Park Bath BA1 3LS	1986 - 2010 - 24years

35...Leonard ROUTER-20 Old Newbridge Hill Bath BA1 3LX	1969 - 2010 - 41 years
36...Audrey ROUTER-20 Old Newbridge Hill Bath BA1 3LX	1969 - 2010 - 41 years
37...Helen SAMUEL-Newbridge House Kelston Road Bath BA1 3QH	1989 - 2010 - 21years
38...P. SARTAIN-5 The Macies Weston Bath	1955 - 2010 - 55 years
39...S. SCHLICHTKRULL-4 The Mews off Old Newbridge Hill Bath BA1 3LY	1985 - 2010 - 25 years
40...Robert SIDERFIN-39 Old Newbridge Hill Bath BA1 3LU	2000 - 2010 - 10 years
41...Jan SIDERFIN-39 Old Newbridge Hill Bath BA1 3LU	2000 - 2010 - 10 years
42...P. SIMPSON-22 Westfield Park Bath	1993 - 2010 -17 years
43...Roger SMITH-45 Old Newbridge Hill Bath BA1 3LU	1997 - 2010 - 13 years
44...Elizabeth SMITH-45 Old Newbridge Hill Bath BA1 3LU	1997 - 2010 - 13 years
45...E. & P. SPRUTE-305 Kelston Road Bath BA1 9AB	1998 -2010 - 12 years
46...J. & P. STACEY-11 Chelsea Road Lower Weston Bath	1971- 2010 - 39years
47...E. TYLLER-347 Kelston Road Bath BA1 9AD	2002 - 2010 - 8 years
48...M. WARD-22 Purlewent Drive Weston Bath BA14AZ	1955 - 2010 - 55years
49...John F.R.WESTON-44 Old Newbridge Hill Bath BA1 3LU	1962 - 2010 - 48 years

John F. R. Weston CEng. MICE.
44 Old Newbridge Hill
Bath
BA1 3LU

20th April 2010

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20 APR 2010

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EXHIBIT F

Proposed Village Green
Newbridge Meadows – Bath

Statement and letter of Support

Mr John F.R. Weston
44 Old Newbridge Hill
Bath
BA1 3LU

20th April 2010

Mr John Everitt
Chief Executive Officer
Bath and North East Somerset Council
Guildhall
High Street
Bath
BA1 5AW

Dear Mr Everitt

Application for a Village Green on Land at Newbridge Meadows Bath

Please find enclosed my Application for a Village Green on Land at Newbridge Bath.

The Application contains documents as listed and detailed on Form 44 namely:

- 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

I have lived at the above address for 48 years and have enjoyed using the area of land shown hatched on the Map forming Exhibit A with my family for Environmental and Nature pursuits and for Games and other recreational activities.

I wish this land to become a Village Green and have the support of many residents within Newbridge and Weston as indicated by Exhibits C and D.

The users from the local neighbourhood have gained the right to indulge in sports and leisure pursuits on the area of land shown hatched on the Map forming Exhibit A, as of right without let or hindrance for a period well in excess of the statutory 20 years, as can be shown by the Schedule of Witness Statements forming Exhibit E.

Will you please take all necessary action for my Application to be processed.

It would be much appreciated if you would acknowledge receipt of this Application by Post and by E mail.

I look forward to hearing from you as soon as possible.

Yours sincerely



John F. R. Weston CEng. MICE

E mail:



EXHIBIT F TO INCLUDE SUPPLEMENTARY EXHIBIT EProposed Village Green
Newbridge Meadows – BathStatement and letter of Support

Mr John F.R. Weston
44 Old Newbridge Hill
Bath
BA1 3LU

27th April 2010

Mr John Everitt
Chief Executive Officer
Bath and North East Somerset Council
Guildhall
High Street
Bath
BA1 5AW

Dear Mr Everitt

Application for a Village Green on Land at Newbridge Meadows Bath

Please find enclosed my Supplementary Exhibit E which I wish to be added to my Application for a Village Green on Land at Newbridge Bath.

Will you please take all necessary action for this supplement to be added to my Application and for it to be processed accordingly.

It would be much appreciated if you would acknowledge receipt of this Supplement by Post and by E mail.

I look forward to hearing from you as soon as possible.

Yours sincerely

(1)



John F. R. Weston CEng. MICE

E mail: [REDACTED]

(2)

