

KENT COUNTY COUNCIL
REGISTER OF DEPOSITS



KCC Reference number: **07/24**

- ✓ Highways Statement
- ✓ Landowner Statement
- ✓ Highways Declaration

Date Deposit application received: **12/02/2024**

Date on which any Highways Declaration expires: **20/02/2044**

.....
Details of the land:

Districts	Folkestone & Hythe
Parishes	Lympne
Address & postcode of buildings on land parcels	Land formerly known as Ashford Airport lying north of Aldington Road and east of Otterpool Lane, Lympne, Kent, CT21 4LR. Land lying to the west of Otterpool Lane, Lympne, Kent, CT21 4LP.
Nearest town/city	Lympne
OS 6-figure grid reference	TR 114 356

KCC Contact: Definitive Map Officer

Tel: 03000 41 71 71

Email: prow@kent.gov.uk

Form CA17

Notice of landowner deposit statement under section 31(6) of the Highways Act 1980 and/or section 15A(1) of the Commons Act 2006

The Kent County Council

An application to deposit a map and statement and subsequently lodge a declaration under section 31(6) of the Highways Act 1980 and deposit a statement under section 15A(1) of the Commons Act 2006 has been made in relation to the land described below and shown edged red on the accompanying map, reference **07/24**. Deposit applications enable a landowner to protect their land against the establishment of any/further public rights of way and/or registration of the land as a village green.

PLEASE NOTE:

This deposit does not affect existing recorded public rights of way but may affect any unrecorded 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.

There is no means of objection to this statement.

Description of the land:

Land formerly known as Ashford Airport lying north of Aldington Road and east of Otterpool Lane, Lympne, Kent, CT21 4LR; Land lying to the west of Otterpool Lane, Lympne, Kent, CT21 4LP.

Name of the Parish, Ward or District in which the land is situated:

Lympne – Folkestone & Hythe

The deposit was submitted by Elizabeth Nuttall (Pinsent Masons LLP) for Homes and Communities Agency and was received by this authority on 12/02/2024.

The authority maintains a register of maps, statements and declarations deposited under section 31(6) of the Highways Act 1980 and section 15B of the Commons Act 2006.

This register can be accessed online at: <http://www.kent.gov.uk/environment-waste-and-planning/public-rights-of-way/managing-public-rights-of-way/landowner-protection> or can be inspected free of charge at the address below at the times indicated below:

PROW & Access Service, Invicta House – County Hall, Maidstone, Kent, ME14 1XX
Monday-Friday between the hours of 10.00am-4.00pm. For further information on this subject or to make an appointment to view the register in the office, please contact **Maria McLauchlan** on **03000 41 34 20**.

Signed on behalf of **The Kent County Council:**



Name and Position of Signatory: Graham Rusling,
PROW & Access Service Manager

Date: 9 April 2024



This notice may be removed after 9 June 2024

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. Further 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.

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:

Kent County Council

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

Pinsent Masons LLP, 3 Hardman Street, Manchester M3 3AU
FAO: Elizabeth Nuttall

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 Homes and Communities Agency who is the owner of the land(s) described in paragraph 4 and in my capacity as the owner's solicitor.

Address of the owner: One Friargate, 4th Floor, Coventry, England CV1 2GN
FAO: Sarah Hayes/Jen Mori

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

- Land formerly known as Ashford Airport lying north of Aldington Road and east of Otterpool Lane, Lympne, Kent, CT21 4LR
- Land lying to the west of Otterpool Lane, Lympne, Kent, CT21 4LP

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

Land east of Otterpool Lane: TR115356 and land west of Otterpool Lane:
TR109353

6. This deposit comprises the following statement(s) and/or declarations (tick all that apply):

☒ Part B (Highways Statement)

☐ Part C (Highways Declaration)

☒ Part D (Landowner Statement)

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

Homes and Communities Agency is the owner of the land described in paragraph 4 of Part A of this form and shown edged in red on the map accompanying this statement (Appendix A).

No ways over the land shown edged in red on the accompanying map have been dedicated as highways.

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

Homes and Communities Agency is the owner of the land described in paragraph 4 of Part A of this form and shown edged in red on the map accompanying this statement (Appendix A).

Homes and Communities Agency 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 in red on the accompanying map.

PART E:
Additional information relevant to the application

(insert any additional information relevant to the application)

1. During the Homes and Communities Agency's period of ownership signs stating "Private Land No public access or right of way" have been in place in the locations marked in blue on the plan accompanying (Appendix C) and as shown on the photographs accompanying this statement (Appendix D).
2. During the Homes and Communities Agency's period of ownership fences have been in place at the locations shown on the plan accompanying this statement (Appendix C) and as shown on the photographs accompanying this statement (Appendix E).
3. On 28 July 2021 the Homes and Communities Agency sent letters to adjoining landowners confirming that they had no right to access the land unless for the purpose of maintaining planting on their boundary or maintaining and repairing their boundary fences (please see attached letters at Appendix F).
4. On 4 September 2023, Pinsent Masons LLP acting as the owner's solicitor received an email from Kent County Council (being the appropriate authority) confirming that there have been no deposits relevant to the land since Geoffrey Hudson's (as referred to in paragraph 2 of Part C of this form) (please see attached email at Appendix G).

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):

Elizabeth Nuttall (signed electronically)

Print full name: Elizabeth Nuttall

Date: 29 January 2024

You should keep a copy of the completed form

Signature (of duly authorised officer of Homes and Communities Agency who is the owner of the land described in paragraph 4 of Part A of this form):



C77633

Print full name: Margaret Harris, Legal Operations Manager

Date: 7th January 2024

**General Data Protection Regulations (Data Protection Act 1998) – Fair
Processing Notice**

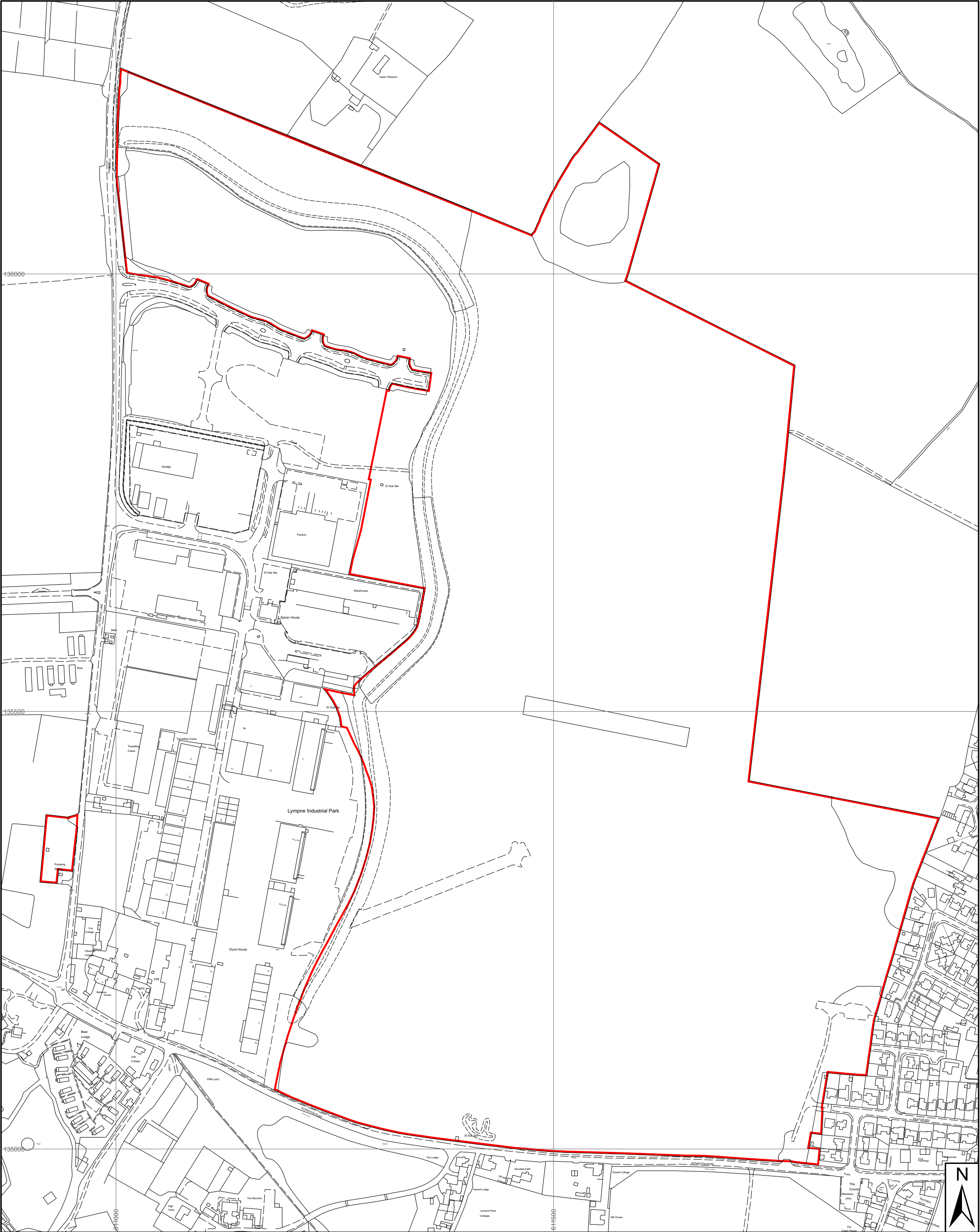
How and why are we processing your personal data?

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.

You are providing your personal details which include your name and address to enable the processing of 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 (processing is necessary for compliance with a legal obligation). The information you provide will also be used to fulfil 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. KCC's Public Rights of Way & Access Service 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, KCC's Public Rights of Way & Access Service will not permit any unwarranted breach of confidentiality nor will they act in contravention of their obligations under the General Data Protection Regulations (Data Protection Act 1998).



Title
Reference Plan
Otterpool Main Site and additional West Site
Shepway
Kent

TMS Ref
-
Plan Ref
64028_002

Parcel Ref
18393 (part)

Date
31/10/2023

Scale
1:4,000

Size
A3



Homes
England

The Housing and Regeneration Agency

Information shown is correct to the best of Homes England's knowledge at date of issue.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on
behalf of the Controller of His Majesty's Stationary Office. © Crown Copyright and database rights 2023.
Homes England GD 100024393
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

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. Further 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.
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:

Kent County Council

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

Pinsent Masons LLP, 3 Hardman Street, Manchester M3 3AU
FAO: Elizabeth Nuttall

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 Homes and Communities Agency who is the owner of the land(s) described in paragraph 4 and in my capacity as the owner's solicitor.

Address of the owner: One Friargate, 4th Floor, Coventry, England CV1 2GN
FAO: Sarah Hayes/Jen Mori

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

- Land formerly known as Ashford Airport lying north of Aldington Road and east of Otterpool Lane, Lympne, Kent, CT21 4LR
- Land lying to the west of Otterpool Lane, Lympne, Kent, CT21 4LP

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

Land east of Otterpool Lane: TR115356 and land west of Otterpool Lane:
TR109353

6. This deposit comprises the following statement(s) and/or declarations (tick all that apply):

- ☐ Part B (Highways Statement)
☒ Part C (Highways Declaration)
☐ Part D (Landowner Statement)

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

1. Homes and Communities Agency is the owner of the land described in paragraph 4 of Part A of this form and shown edged in red on the map accompanying this declaration (Appendix A) and on 12 February 2024 deposited with Kent County Council the information set out at paragraph 2 below.
2. On the 12th day of February 2024 the Homes and Communities Agency deposited with Kent County Council, being the appropriate council, statements accompanied by a map showing Homes and Communities Agency's property edged in red which stated that there are not any:- (1) public rights of way; or (2) ways dedicated as highways of any sort over the land as evidenced by the Kent County Council's Definitive Map, nor do they recognise any public right of way or ways dedicated as highways whatsoever.
3. On the 24th day of January 2002 and 11 January 2012 Homes and Communities Agency's predecessor in title, Phides Estates (Overseas) Limited (in the name of Geoffrey Hudson on behalf of Phides Estates (Overseas) Limited) deposited with ~~Shepway District~~ Kent County Council, being the appropriate council, statements accompanied by a map showing Homes and Communities Agency's property edged in red which stated that there are no public rights of way of any sort over the land as evidenced by the Kent County Council's Definitive Map, nor do they recognise any public right of way whatsoever (copies attached to this statement at Appendix B).
4. No additional ways have been dedicated over the land edged in red on the map accompanying this declaration since the statement deposited on 12 February 2024 referred to in paragraph 2 above and at the present time Homes and Communities Agency has no intention of dedicating any more public rights of way or ways dedicated as highways over the property.

Kent County
PM

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):

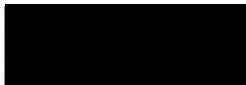
Elizabeth Nuttall (signed electronically)

Print full name: Elizabeth Nuttall

Date: 13 February 2024

You should keep a copy of the completed form

Signature (of duly authorised officer of Homes and Communities Agency who is the owner of the land described in paragraph 4 of Part A of this form):



Print full name: Margaret Harris, Legal Operations Manager C77941

Date: 15th February 2024

General Data Protection Regulations (Data Protection Act 1998) – Fair Processing Notice

How and why are we processing your personal data?

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.

You are providing your personal details which include your name and address to enable the processing of 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 (processing is necessary for compliance with a legal obligation). The information you provide will also be used to fulfil 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. KCC's Public Rights of Way & Access Service 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, KCC's Public Rights of Way & Access Service will not permit any unwarranted breach of confidentiality nor will they act in contravention of their obligations under the General Data Protection Regulations (Data Protection Act 1998).