

KENT COUNTY COUNCIL
REGISTER OF DEPOSITS



KCC Reference number: **01/21**

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

Date Deposit application received: **06/01/2021**

Date on which any Highways Declaration expires: **11/01/2041**

.....

Details of the land:

Districts	Tunbridge Wells
Parishes	Brenchley & Matfield
Address & postcode of buildings on land parcels	The Nurseries, Maidstone Road, Matfield. Kent, TN12 7DX
Nearest town/city	Matfield
OS 6-figure grid reference	TQ 660 426

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 **01/21**. 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:

The Nurseries, Maidstone Road, Matfield, Kent, TN12 7DX

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

Brenchley & Matfield – Tunbridge Wells

The deposit was submitted by Nicholas Overy and was received by this authority on 06/01/2021.

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/waste-planning-and-land/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 **Mrs Maria McLauchlan on 03000 413420**.

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



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

Date: 28 January 2021



This notice may be removed after 28 March 2021

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. 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:

Nicholas Stuart Overy
Mile Oak Oast
Mascalls Court Lane
Paddock Wood
Tonbridge
Kent
TN12 6NR

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 Fallopian Farmers (Ernest Ian Overy, Timothy Henry Overy, Nicholas Stuart Overy, Thomas Patrick Overy) who are the owners of the land described in paragraph 4 and in my capacity as joint owner.

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

The Nurseries'
Maidstone Road,
Matfield,
Tonbridge,
Kent
TN12 7DX

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

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

Part B (Highways Statement)

Part D (Landowner Statement)

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

Ernest Ian Overy, Timothy Henry Overy, Nicholas Stuart Overy, Thomas Patrick Overy (Fallopian Farmers) are the owners of the land described in paragraph 4 of Part A of this form and shown edged in red on the map accompanying this statement.

Ways shown yellow on the accompanying map are public footpaths.

No other 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

Ernest Ian Overy, Timothy Henry Overy, Nicholas Stuart Overy, Thomas Patrick Overy (Fallopian Farmers) are the owners of the land described in paragraph 4 of Part A of this form and shown edged in red on the map accompanying this statement.

Ernest Ian Overy, Timothy Henry Overy, Nicholas Stuart Overy, Thomas Patrick Overy (Fallopian Farmers) 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.

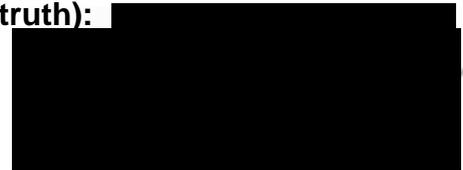
PART E:
Additional information relevant to the application
(insert any additional information relevant to the application)

PART F:
Statement of Truth
(all applicants must complete this Part)

WARNING: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS FORM ARE TRUE

Signature (of the person making the statement of truth):



Print full name: Nicholas Stuart Overy

Date:

6th January 2021

You should keep a copy of the completed form

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

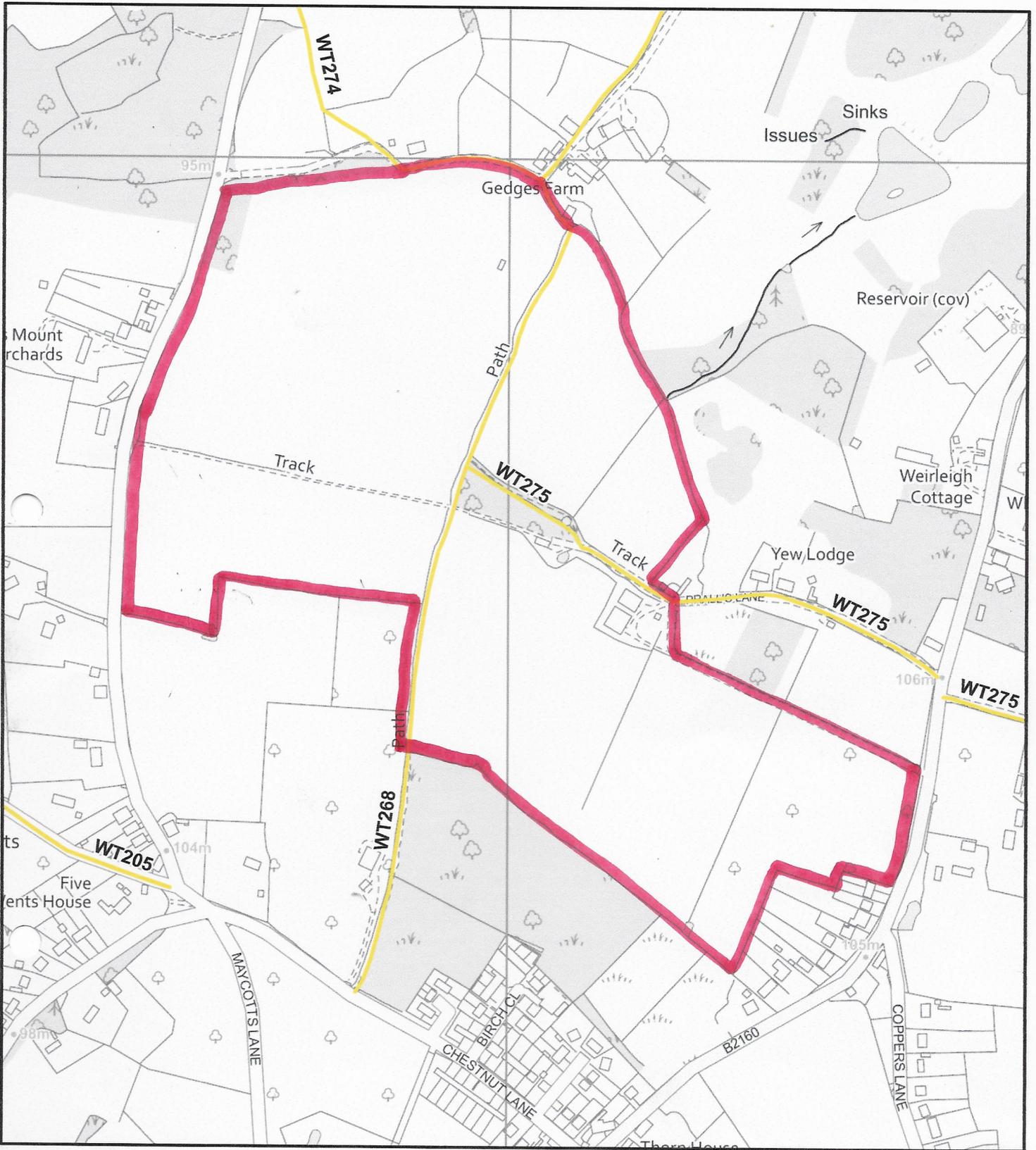
How and why are we processing your personal data?

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).



Key

- Public Footpath
- Public Bridleway
- Restricted Byway
- Byway Open to All Traffic

MAP D

Produced by the KCC Public Rights of Way and Access Service

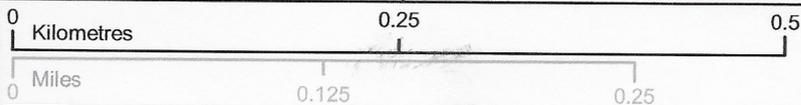
Please note: this map extract is not a legal record of the alignment or existence of a public right of way. No measurements should be taken from it.

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N



1:5,000



Created by:	MMcL	Issue Date:	04/12/2020
Reference:	Overy Farms Deposit		



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. 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:

Nicholas Stuart Overy
Mile Oak Oast
Mascalls Court Lane
Paddock Wood
Tonbridge
Kent
TN12 6NR

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 Fallopian Farmers (Ernest Ian Overy, Timothy Henry Overy, Nicholas Stuart Overy, Thomas Patrick Overy) who are the owners of the land described in paragraph 4 and in my capacity as joint owner.

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

MAP D

The Nurseries'
Maidstone Road,
Matfield,
Tonbridge,
Kent
TN12 7DX

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

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

Part C (Highways Declaration)

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

1. Ernest Ian Overy, Timothy Henry Overy, Nicholas Stuart Overy, Thomas Patrick Overy (Fallopian Farmers) are the owners of the land described in paragraph 4 of Part A of this form and shown edged in Red on the map lodged with Kent County Council on 9th January 2021.

2. On the 9th day of January 2021 Ernest Ian Overy, Timothy Henry Overy, Nicholas Stuart Overy, Thomas Patrick Overy (Fallopian Farmers) deposited with Kent County Council, being the appropriate council, a statement accompanied by a map showing their property edged in red which stated that:

the ways shown Yellow on that map had been dedicated as footpaths.

No other ways had been dedicated as highways over the property.

4. No additional ways have been dedicated over the land edged in Red on the map referenced in paragraph 1 above since the statement deposited on 9th January 2021 referred to in paragraph 2 above and at the present time Ernest Ian Overy, Timothy Henry Overy, Nicholas Stuart Overy, Thomas Patrick Overy (Fallopian Farmers) have no intention of dedicating any more public rights of way over the property.

PART F:
Statement of Truth
(all applicants must complete this Part)

WARNING: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS FORM ARE TRUE

Signature (of the person making the statement of truth):

A large black rectangular redaction box covering the signature of the person making the statement of truth.

Print full name: Nicholas Stuart Overy

Date: 9th January 2021

You should keep a copy of the completed form

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).