

Protecting your land against future claims for Public Rights of Way and/or Town/Village Greens

Quick Guide for Applicants

1 Before you apply

Please read this guide alongside the information on the County Council's website (www.oxfordshire.gov.uk/landownerdeposits). Our website: -

- Gives more details about the process
- Has a link to the official form which you must use (Form CA16)
- Has a link to the online register of deposits
- Details the fees to be paid

Form CA16 allows you to send us: -

- A Highways Statement showing the public rights of way which cross the land
- A Highways Declaration saying you have not dedicated any new public rights of way over your land since a previous Statement / Declaration and / or
- A Landowner Statement ending any use of your land as a Town or Village Green

For more detailed guidance

Defra has published a detailed guide for applicants which can be viewed at: - <https://www.gov.uk/government/publications/commons-act-2006-landowner-statements-highways-statements-and-declarations-form>

Finding out where public rights of way are

The County Council's Definitive Map and Statement (the legal record of public rights of way) can be viewed online. Alternatively, find out where to see paper copies at www.oxfordshire.gov.uk/definitivemap Or contact us by emailing landownerdeposits@oxfordshire.gov.uk

2 How to apply

You must: -

- Fill in the **relevant sections** of the form
- Make sure the **correct person signs** the form
- Include an Ordnance Survey **map of a scale of not less than 1:10,560** showing the land **with coloured edging** (for Highways Declarations, please see Defra's guidance)
- Request an invoice to make your payment. Details of current fees are at: - www.oxfordshire.gov.uk/landownerdeposits

You can use **one** form to send us: -

- A Highways and / or a Landowner Statement for the same area of land, or
- A Highways Declaration and / or a Landowner Statement for the same area of land

You must use **separate** forms to send us a Highways Statement and Declaration for the same area of land. These cannot be submitted at the same time.

- Each application attracts a separate fee
- Defra's guidance explains more about how much time you should leave between Highways Statements and Declarations

Send your completed application to: -

Countryside Access - Research and Legal Record
Oxfordshire County Council
County Hall
New Road
OXFORD
OX1 1ND

3 When we receive your application: -

- We will check you have correctly completed the form and provided a suitable map
- If the form and map are accepted, we will send you an invoice for the fee
- We will **not** check the content or the locations of rights of way.

We will return incorrectly completed or incomplete applications

The most common mistakes are: -

- Applicant's name / address not given
- Application has a Highways Statement and Highways Declaration on the same form
- Application is addressed to the wrong local authority

Once your application is complete, we will: -

- Record it on our legal register and write to you to confirm this
- Place notices on our website, and on site for Landowner Statements advertising your deposit (this is a legal duty). To find out more, see our FAQs section at: -
www.oxfordshire.gov.uk/landownerdeposits



**OXFORDSHIRE
COUNTY COUNCIL**

CA16 Applications – Protecting against future claims

Frequently Asked Questions

Section 13 of the Growth and Infrastructure Act 2013 amended section 31(6) of the Highways Act (HA) 1980. This has resulted in a change in the form and procedure for depositing highways statements and lodging highways declarations. The Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013 prescribe the form and process for depositing and recording of information.

A landowner or an authorised representative of a landowner can deposit a statement and lodge a declaration to prevent a public right of way being recorded on their land on the basis of presumed dedication. Deposits can only prevent Definitive Map Modification Orders being made based on evidence of public use and do not affect applications based on historical evidence.

What statements / declarations are and how they work

A landowner can deposit a highways statement and map which acknowledge any ways that have already been dedicated across their land as public highway. If ways do exist, then these will be shown with coloured marking and be referred to in the statement. We do not check the rights of way indicated on the deposited plans. Applicants should, therefore, refer to the Definitive Map and Statement.

The landowner may then, within 20 years of the statement, lodge a highways declaration that confirms they did not dedicate any additional ways over the land, or only those mentioned in the declaration, since the date of the highways statement. By completing both steps, they confirm their intention not to dedicate any ways, or only those ways mentioned, during the period between the date of the statement and the date of the declaration. Declarations do not affect any public use which may have taken place prior to the deposit of a statement.

If any highways statements, highways declarations or landowner statements have been made in relation to land which is then sold to another party, the deposits are still valid.

Landowner Statements under the Commons Act 2006 – Section 15A(1)

Any person can apply under section 15(1) Commons Act 2006 to register land as a town or village green. The applicant must show that the land was used by a significant number of the local inhabitants 'as of right' for lawful sports and pastimes for at least 20 years.

Section 15 of the Growth and Infrastructure Act inserted section 15A into the Commons Act which introduces landowner statements. These statements are made to prevent applications to register land as a town or village green, as they bring to an end any period of recreational use 'as of right' over land. Following the deposit of a statement, any person has one year from the date on which the duly made statement was received by Oxfordshire County Council in which they may make an application to register the land as a town or village green.

Following receipt of a duly made application we will:

1. Make a record of receipt of the application.
2. Check that the application has been duly made.
3. If the application is not duly made, we will inform the applicant or their agent and suggest they make the required changes. If the application is subsequently duly made we will scan the application form and plan and put them on the online register which is available for public view at: - www.oxfordshire.gov.uk/landownerdeposits
4. Write a letter to the applicant or their agent informing them that the application has been duly made and deposited.
6. Draft a notice and make it available with the plan on the register section of the County Council's website at: <https://www.oxfordshire.gov.uk/prowd>
7. Display the notice and plan on the affected land for not less than 60 days.
8. After 60 days the notice can be removed.

Further Information

Q: Is there a set form for these deposits?

A: Yes. Applications to deposit a highways statement or a highways declaration and / or a landowner statement must be made using standard form CA16 set out in Schedule 1 of The Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013 or in a form substantially to the same effect, with such insertions or omissions as are necessary in any particular case. A link to the form can be found at: -

www.oxfordshire.gov.uk/landownerdeposits

Q: How much does it cost to make a deposit?

A: The fee for depositing a highways statement or a highways declaration and / or a landowner statement is determined by the number of land parcels affected. We consider a parcel to be a discrete area of land that can be completely delineated with coloured edging.

Follow-up highways declarations cost less if submitted within 60 days of the initial highways statement, (and after confirmation that the Statement

was accepted as duly made, otherwise the full fee applies. The full fee list can be found on our landowner deposit section of the website at:

www.oxfordshire.gov.uk/landownerdeposits

Q: Can you make a highways statement and declaration simultaneously on the same form?

A: No. Paragraph 14 of Defra's 'Guidance for the completion of form CA16' (available on the County Council's website at www.oxfordshire.gov.uk/landownerdeposits) states: -

'You cannot simultaneously deposit a highways statement and lodge a highways declaration in relation to the same land. In order for a declaration to be effective as evidence against presumed dedication, the lodging of the declaration must take place after the deposit of a statement, no more than 20 years later.'

Q: How do you define a land parcel?

A: We define a single land parcel as:

- all land which is directly adjacent **and**
- can be continuously outlined, to meet back on itself, **and**
- has no break in ownership title

You can include land registered under different title numbers with the land registry in one parcel, so long as:

- it is under the same ownership **and**
- the titles are adjacent to each other

Q: Who can apply?

A: Either the landowner or a person authorised by the landowner may apply on the landowner's behalf.

If the latter, you must state the name of the landowner and give the capacity in which you are applying, e.g. land agent.

The person who makes the application must sign and complete Part F (Statement of Truth) of the application form.

Q: Can I use a copy of the County Council's online Countryside Access Map as the map to show the land boundaries for my application?

A: No, because at present the access map does not enable printing at a pre-defined scale. If you are unable to produce a suitable map yourself, please contact us by emailing landownerdeposits@oxfordshire.gov.uk

Q: Are Statements and / or Declarations linked with the land or the person who made the application?

A: They are attached to the land. The Statement and / or Declaration is valid until the expiry date associated with the deposit.

A new landowner (or their representative) does not need to send us a new application to continue protecting that land under the same deposit.

We suggest new landowners (or their representatives) check our register www.oxfordshire.gov.uk/landownerdeposits to make sure any deposits on the land are still valid and have not lapsed.

Q: Can I search for previous Statements and / or Declarations which have been deposited on a piece of land?

A: Yes. You can find them in our online register of landowner statements and declarations at <https://www.oxfordshire.gov.uk/prowd>

Q: Why do you put up site notices?

A: We have a legal duty to advertise these deposits on our website. We also have a legal duty to advertise Commons Act Landowner Statements on site at or near an obvious place of entry to, or on the boundary of, each parcel of land. The notices consist of the official notice and a copy of the map supplied with the deposit. These advise the public about your deposit but are not open for comment.

Please note there is an extra cost involved in placing notices. The fee list can be found at www.oxfordshire.gov.uk/landownerdeposits

If we have your contact details, we will contact you before we put them up.