



**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 could only prevent Definitive Map Modification Orders made based on evidence of public use and would not affect applications based on historical evidence.

What a statement / declaration is 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 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 (or 10 years if the statement was made prior to 1st October 2013), 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 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. Stamp the application with the date of receipt and 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 send the applicant or their agent a letter informing them and suggest they make the required changes. If the application is 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 we collect the notice.

Further Information

Is there a set form for these deposits?

Yes. Applications to deposit a highways statement or a highways declaration and / or a landowner statement must be made in the 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. Forms are available from: - www.oxfordshire.gov.uk/landownerdeposits

How much does it cost to make a deposit?

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.

The fee list can be found on our landowner deposit section of the website: www.oxfordshire.gov.uk/landownerdeposits

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

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 Definitive Map as the map to show the land boundaries for my application?

A: Yes. You may use a copy extract of the Definitive Map on which to show in colour the outline of the relevant land parcel boundary/ies. You can find it online at www.oxfordshire.gov.uk/definitivemap. The website also tells you where you can find paper copies.

The Definitive Map and Statement of Public Rights of Way, shows the legally recorded public rights of way in the County.

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 status.

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 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. They tell 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.