

## SCHEDULE 1

Regulation 2(2)(a)

### 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. Guidance relating to completion of this form is available from <https://www.gov.uk/town-and-village-greens-how-to-register>. 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 – please ask the appropriate authority for details.

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:  
CORNWALL COUNCIL

2. Name and full address (including postcode) of applicant:  
D.L. & M.A. Hawkins  
New Horizons, 12 Park Enskellaw  
Mullion, Helston TR12 7 JG

3. Status of applicant (tick relevant box or boxes):  
We are

- (a) ☒ the owner of the land(s) described in paragraph 4.
- (b) ☐ making this application and the statements/declarations it contains on behalf of [*insert name of owner*] who is the owner of the land(s) described in paragraph 4 and in my capacity as [*insert details*].

4. Insert description of the land(s) to which the application relates (including full address and postcode):  
Land to the East of Tremarne, Ruan Minor, Helston, TR12 7JT  
(now known as Ella & Cara's Field, previously Ella's Field)

5. Ordnance Survey six-figure grid reference(s) of a point within the area of land(s) to which the application relates (if known): 722149

6. This deposit comprises the following statement(s) and/or declarations *Parts C,E and F*.

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

1. We David Leslie Hawkins and Margaret Anne Hawkins are the owners of the land described in paragraph 4 of Part A of this form and shown red on the map lodged with Cornwall Council on 10<sup>th</sup> October 2009 . (Cornwall Council ref: CC/201.1)

2. On the 10th day of *October 2009* we *D.L. & M.A. Hawkins* deposited with Cornwall Council, being the appropriate council, a statement accompanied by a map showing our D.L. & M.A. Hawkins property coloured red which stated that:  
no ways had been dedicated as highways over our D.L. & M.A. Hawkins property.

4. No additional ways have been dedicated over the land coloured red on the map referenced in paragraph 1 above since the statement dated *10<sup>th</sup> October 2009* referred to in paragraph 2 above and at the present time we David Leslie Hawkins and Margaret Anne Hawkins have no intention of dedicating any more public rights of way over our property.



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

*This statement is made to ensure that no public rights of access are claimed in future across the field. Since approximately two years prior to our purchase of the field in July 2009 local people have walked across the field from Ruan Minor to access the coast path above Cadgwith. This started when the landowner / grazier verbally granted permission to one individual to cut through the field when dog walking, other local people soon followed. This has led to the National Trust erecting a stile between their land and our field delineated in red on the map lodged with Cornwall Council. As landowner we have no wish to prevent local people from following the route now being used by local residents through the field to the National Trust stile. However, we have no intention of dedicating this as a public right of way and wish to ensure that no claim for a public footpath based on 20 years unchallenged use can be made in the future. We are amenable to negotiating a permitted footpath agreement with Cornwall Council on the basis that the route is not signed from the public highway; Ruan Minor and Cadgwith are busy tourist areas and we wish the use to remain low-key i.e. local people.*

**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**

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**Print full name:** David Leslie Hawkins

Margaret Anne Hawkins

**Date:** 17<sup>th</sup> July 2019

**You should keep a copy of the completed form**

**Data Protection Act 1998 - Fair Processing Notice**