

Application to register land known as Walderslade Woods in the parishes of Boxley and Aylesford as a new Village Green

A report by the Head of Regulatory Services to Kent County Council's Regulation Committee Member Panel on Monday 21st January 2013.

Recommendation: I recommend that the County Council informs the applicant that the application to register the land known as Walderslade Woods in the parishes of Boxley and Aylesford has been accepted (with the exception of the small parcel of land situated in Medway Council's administrative area and the land falling within Land Registry title number K703174), and that the land (excluding the Medway section and title K703174) be formally registered as a Village Green.

Local Member: Mr. P. Carter and Mr. P. Homewood

Unrestricted item

Introduction

1. The County Council's Countryside Access Service has received an application to register land known as Walderslade Woods in the parishes of Boxley and Aylesford as a new Village Green from the County Council's Estates Section ("the applicant"). The application, dated 22nd May 2012, was allocated the application number VGA646. A plan of the site is shown at **Appendix A** to this report and a copy of the application form is attached at **Appendix B**.

Background

2. Members may recall that, on 17th July 2012, a meeting of the Regulation Committee Member Panel considered a report in relation to an application to register land known as Round Wood in the parish of Boxley as a Village Green. That application had been made by Boxley Parish Council and concerned an area of land that forms part of the current application. At the Parish Council's request, Members agreed to allow the previous application to be withdrawn on the basis that the current application is superior as it includes a vast tract of woodland that was missing from the Parish Council's original application.

Procedure

3. Traditionally, Town and Village Greens have derived from customary law and until recently it was only possible to register land as a new Town or Village Green where certain qualifying criteria were met: i.e. where it could be shown that the land in question had been used 'as of right' for recreational purposes by the local residents for a period of at least 20 years.
4. However, a new provision has been introduced by the Commons Act 2006 which enables the owner of any land to apply to voluntarily register the land as a new Village Green without having to meet the qualifying criteria. Section 15 states:
"(8) The owner of any land may apply to the Commons Registration Authority to register the land as a town or village green.

(9) An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the land."

5. Land which is voluntarily registered as a Town or Village Green under section 15(8) of the Commons Act 2006 enjoys the same level of statutory protection as that of all other registered greens and local people will have a guaranteed right to use the land for informal recreational purposes in perpetuity. This means that once the land is registered it cannot be removed from the formal Register of Town or Village Greens (other than by statutory process) and must be kept free of development or other encroachments.
6. In determining the application, the County Council must consider very carefully the relevant legal tests. In the present case, it must be satisfied that the applicant is the owner of the land and that any necessary consents have been obtained (e.g. from a tenant or the owner of a relevant charge). Provided that these tests are met, then the County Council is under a duty to grant the application and register the land as a Town or Village Green.

The Case

Description of the land

7. The area of land subject to this application ("the application site") consists of an area largely of woodland (with some open areas) in Walderslade which is approximately 90.5 acres (36.6 hectares) in size. The application site includes land known as Round Wood, Turnberry Wood and part of Impton Wood. It is roughly bounded to the north by Beechen Bank Road and to the south by the road known as Walderslade Woods, but excludes the residential developments in the vicinity of Forestdale Road and Impton Lane. The application site is an irregular shape that is best described by reference to the map at **Appendix A**.
8. Access to the application site is via several formal entrance points situated around the perimeter of the application site, as well as various recorded Public Rights of Way crossing the application site (as shown at **Appendix A**)
9. An aerial photograph of the application site is attached at **Appendix C**.

Notice of Application

10. As required by the regulations, Notice of the application was published on the County Council's website. In addition, copies of the notice were displayed on the application site itself. The local County Member was also informed of the application.
11. No responses to the consultation have been received.

Ownership of the land

12. A Land Registry search has been undertaken which confirms that the application site is wholly owned by the County Council. The vast majority of the site is held

under title number K370575, with a number of small pieces of land registered under title numbers K475300, K4888285 and K556778. A copy of the relevant Registers of Title are attached at **Appendix D** and a plan showing the ownership (which is too large to copy) will be available at the meeting.

13. The original application site also included a small section of land (Land Registry Title Number K703174). This land is registered under the County Council's ownership, but there is a registered caution contained in the title in favour of Hillreed Homes Ltd. This would require Hillreed Homes Ltd to be contacted and their consent obtained to the Village Green application being obtained. In light of the fact that this area represents only a very small part of the application site (approximately 0.2 acres or 0.09 hectares), and in order to prevent any further delay in processing the application, it has been agreed that this area should be excluded from any final registration of the land as a Village Green.
14. There are no other interested parties (e.g. leaseholders or owners of relevant charges) named on the other Registers of Title.

Exclusion of part of the application site

15. A small part of the application site situated at the northernmost point of the site and consisting of approximately 0.25 acres (0.1 hectares) is situated within Medway Council's administrative area.
16. The County Council does not have any power to register land situated within another Council's administrative area as a Village Green and as such this part of the application site would need to be excluded if the land were to be registered as a Village Green.

The 'locality'

17. DEFRA's view is that once land is registered as a Town or Village Green, only the residents of the locality have the legal right to use the land for the purposes of lawful sports and pastimes. It is therefore necessary to identify the locality in which the users of the land reside.
18. A locality for these purposes normally consists of a recognised administrative area (e.g. civil parish or electoral ward) or a cohesive entity (such as a village or housing estate).
19. In this case, the application site falls within the parishes of Boxley and Aylesford. Both are recognised administrative units however, following the decision in the *Oxfordshire*¹ case, a locality for the purposes of Village Green registration must be a single locality. Although it would be possible to specify one of the parishes as the relevant locality, the effect of this would effectively be to deprive residents of the other parish the legal right to use the land for recreational purposes. This would result in an unsatisfactory outcome.
20. The whole of the application site, and the neighbouring residential estates where the majority of the users are likely to reside, does however fall within the

¹ *Oxfordshire County Council v Oxfordshire City Council and another* [2006] UKHL 25 at [27] per Lord Hoffman

ecclesiastical parish of Holy Trinity South Chatham. It has been held that an ecclesiastical parish is a qualifying locality for the purposes of Village Green registration².

21. The relevant locality in this case is thus the ecclesiastical parish of Holy Trinity South Chatham.

Conclusion

22. As stated at paragraph 4 above, the relevant criteria for the voluntary registration of land as a new Town or Village Green under section 15(8) of the Commons Act 2006 requires only that the County Council is satisfied that the land is owned by the applicant. There is no need for the applicant to demonstrate use of the land 'as of right' for the purposes of lawful sports and pastimes over a particular period.

23. It can be concluded that all the necessary criteria concerning the voluntary registration of the land as a Village Green have been met.

Recommendations

24. I recommend that the County Council informs the applicant that the application to register the land known as Walderslade Woods in the parishes of Boxley and Aylesford has been accepted (with the exception of the small parcel of land situated in Medway Council's administrative area and the land falling within Land Registry title number K703174), and that the land (excluding the Medway section and title K703174) be formally registered as a Village Green.

Accountable Officer:

Mr. Mike Overbeke – Tel: 01622 221513 or Email: mike.overbeke@kent.gov.uk

Case Officer:

Ms. Melanie McNeir – Tel: 01622 221628 or Email: melanie.mcneir@kent.gov.uk

The main file is available for viewing on request at the Countryside Access Service based at Invicta House, County Hall, Maidstone. Please contact the Case Officer for further details.

Background documents

APPENDIX A – Plan showing application site

APPENDIX B – Copy of application form

APPENDIX C – Aerial photograph of the application site

APPENDIX D – Copy of the Register of Title from Land Registry

² *R (Laing Homes Ltd) v Buckinghamshire County Council* [2003] EWHC 1578 (Admin) at [151] per Sullivan J

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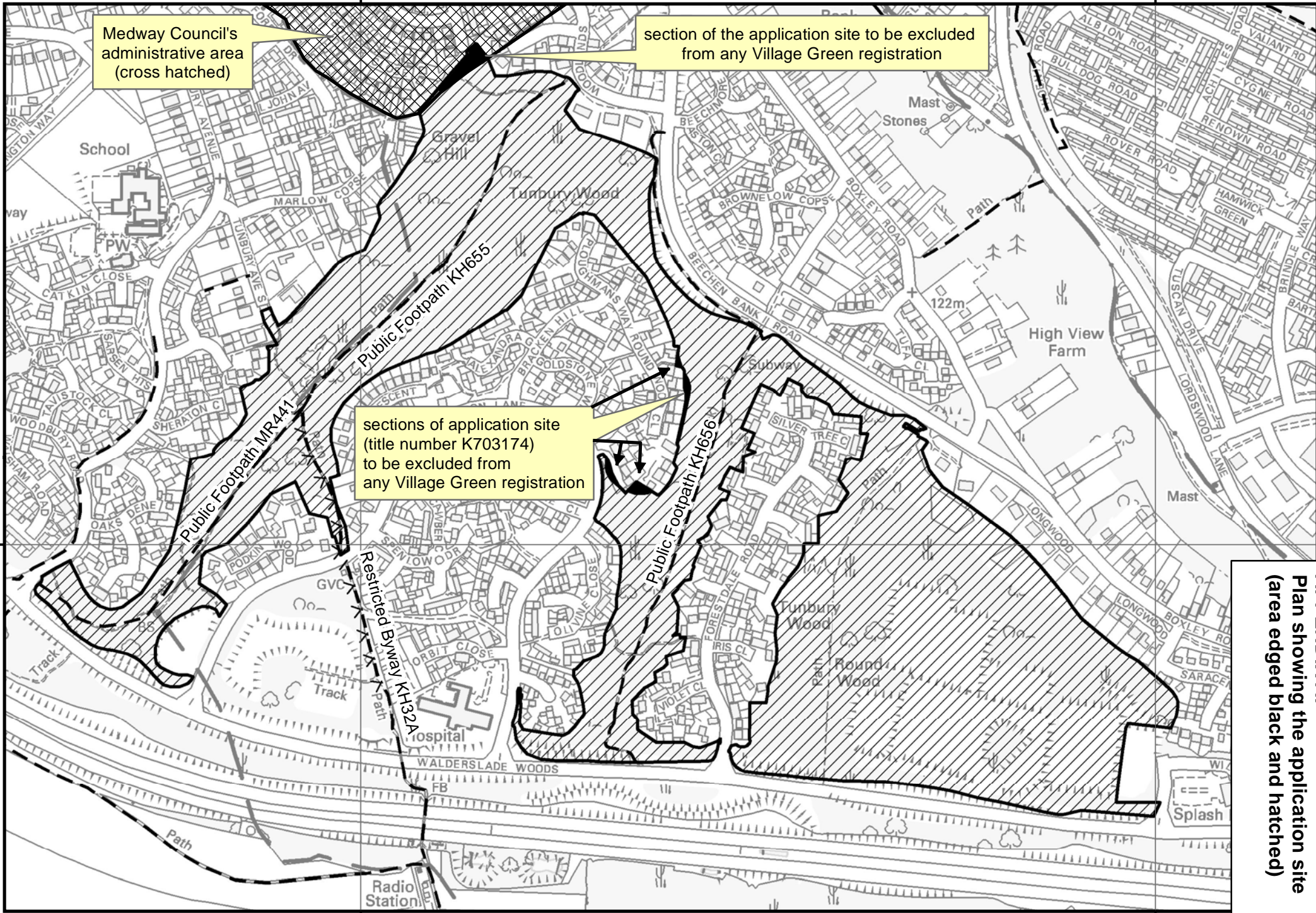
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Medway Council's administrative area (cross hatched)

section of the application site to be excluded from any Village Green registration

sections of application site (title number K703174) to be excluded from any Village Green registration

APPENDIX A:
Plan showing the application site (area edged black and hatched)



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FORM CA9

APPENDIX B:
Copy of the application form

Commons Act 2006: section 15

Application for the registration of land
as a new Town or Village Green



This section is for office use only

Official stamp of the Registration Authority
indicating date of receipt:



Application number:

VG1A646

VG number allocated at registration
(if application is successful):

Note to applicants

Applicants are advised to read the 'Part 1 of the Commons Act 2006 (changes to the commons registers): Guidance to applicants in the pilot implementation areas' and to note the following:

- All applicants should complete parts 1–6 and 10–12.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete parts 7 and 8. Any person can apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete part 9. Only the owner of the land can apply under section 15(8).
- There is no fee for applications under section 15.

Note 1
Insert name of Commons
Registration Authority

1. Commons Registration Authority

To the: KENT COUNTY COUNCIL

Note 2

If there is more than one applicant, list all names. Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or unincorporate. If you supply an email address in the box provided, you may receive communications from the Registration Authority or other persons (e.g. objectors) via email. If part 3 is not completed all correspondence and notices will be sent to the first named applicant.

2. Name and address of the applicant

Name: KENT COUNTY COUNCIL

Full postal address:

(incl. Postcode) SESSIONS HOUSE
COUNTY ROAD
MAIDSTONE ME14 1XQ

Telephone number:

(incl. national dialling code)

Fax number:

(incl. national dialling code)

E-mail address:

Note 3

This part should be completed if a representative, e.g. a solicitor, is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here. If you supply an email address in the box provided, you may receive communications from the Registration Authority or other persons (e.g. objectors) via email.

3. Name and address of representative, if any

Name: HENRY CLARK

Firm: KENT COUNTY COUNCIL (PROPERTY & INFRASTRUCTURE
SUPPORT - ESTATES)

Full postal address: SH1 4G
(incl. Postcode) SESSIONS HOUSE

COUNTY HALL
MAIDSTONE ME14 1XQ

Telephone number:

(incl. national dialling code)

Fax number:

(incl. national dialling code)

E-mail address:

Note 4

For further details of the requirements of an application refer to Schedule 4, paragraph 9 to the Commons Registration (England) Regulations 2008.

4. Basis of application for registration and qualifying criteria

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5. Application made under section 15(8):

If the application is made under section 15(1) of the Act, please tick one of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

Section 15(2) applies:

Section 15(3) applies:

Section 15(4) applies:

If section 15(3) or (4) applies, please indicate the date on which you consider that use 'as of right' ended and why:

**Section 15(6) enables any period of statutory closure where access to the land is denied to be disregarded in determining the 20 year period.*

If section 15(6)* is being relied upon in determining the period of 20 years, indicate the period of statutory closure (if any) which needs to be disregarded:

Note 5

This part is to identify the new green. The accompanying map must be at a scale of at least 1:2,500 and shows the land by means of distinctive colouring within an accurately identified boundary. State the Land Registry title number where known.

5. Description and particulars of the area of land in respect of which application for registration is made

Name by which usually known:

"WALDESLADE WOODS"

Location:

WALDESLADE KENT

Common Land register unit number (only if the land is already registered Common Land):

Please tick the box to confirm that you have attached a map of the land (at a scale of at least 1:2,500):

Note 6

It may be possible to indicate the locality of the green by reference to an administrative area, such as a parish or electoral ward, or other area sufficiently defined by name (such as a village). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly at a scale of 1:10,000.

6. Locality or neighbourhood within a locality in respect of which the application is made

Indicate the locality (or neighbourhood within the locality) to which the claimed green relates by writing the administrative area or geographical area by name below and/or by attaching a map on which the area is clearly marked:

THE LOCALITY RELATES TO THE WHOLE AREA SURROUNDING ROUNDWOOD, PARTICULARLY BOXLEY PARISH.

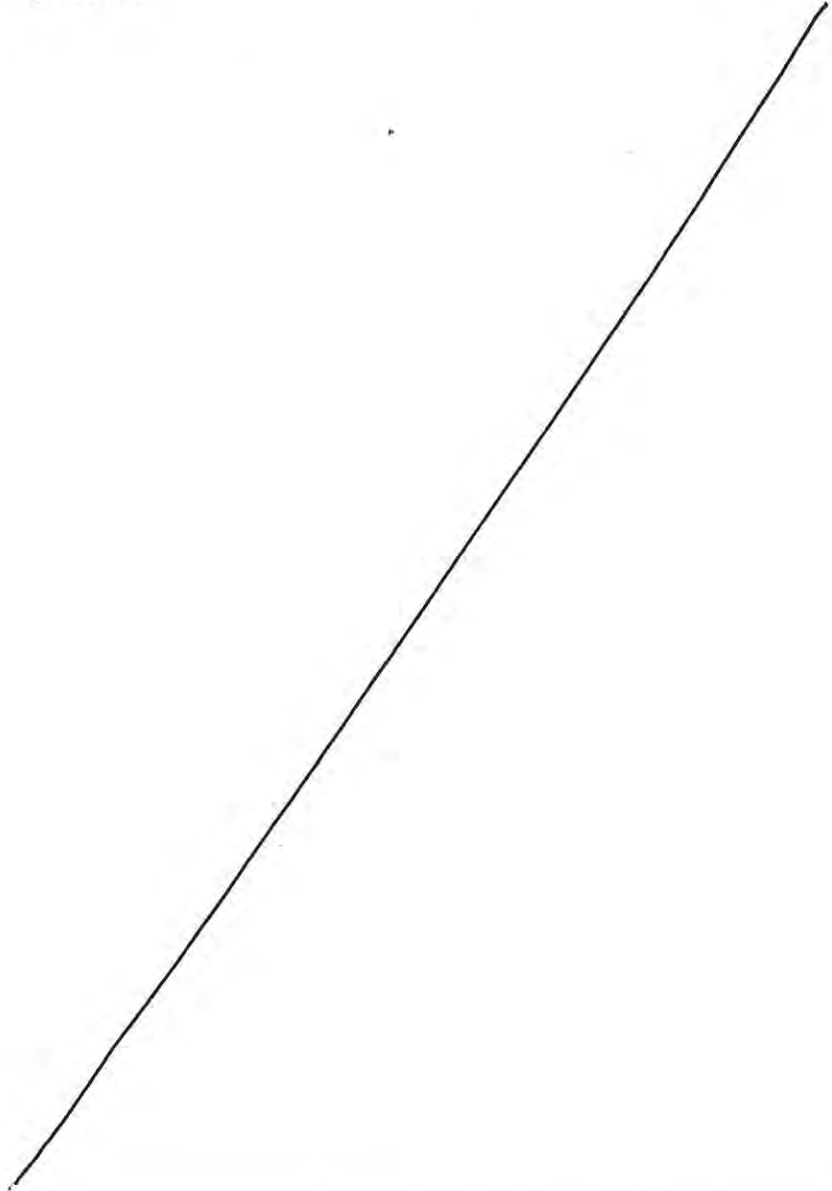
Please tick here if a map is attached (at a scale of 1:10,000):

Note 7

Applicants should provide a summary of the case for registration here and enclose a separate full statement and all other evidence including any witness statements in support of the application.

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

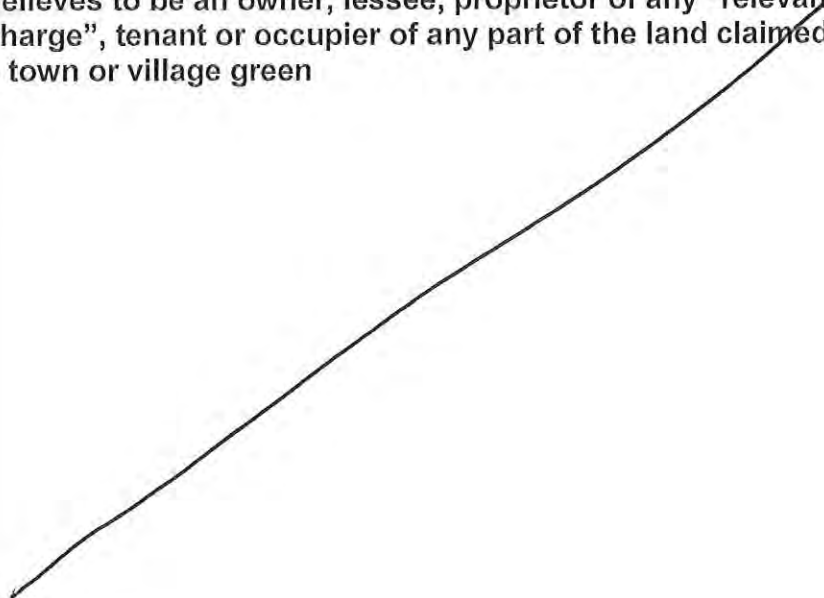
7. Justification for application to register the land as a Town or Village Green



Note 8

Use a separate sheet if necessary. This information is not needed if a landowner is applying to register the land as a green under section 15(8).

8. Name and address of every person whom the applicant believes to be an owner, lessee, proprietor of any "relevant charge", tenant or occupier of any part of the land claimed to be a town or village green



Note 9

List or enter in the form all such declarations that accompany the application. This can include any written declarations sent to the applicant (i.e. a letter), and also any such declarations made on the form itself.

9. Voluntary registration – declarations of consent from any relevant leaseholder of, and of the proprietor of any relevant charge over, the land

THERE ARE NO LEASES OR RELEVANT CHARGES OVER THE LAND.

Note 10

List all supporting consents, documents and maps accompanying the application. Evidence of ownership of the land must be included for voluntarily registration applications. There is no need to submit copies of documents issued by the Registration Authority or to which it was a party but they should still be listed. Use a separate sheet if necessary.

10. Supporting documentation

PROPRIETORSHIP REGISTER FOR TITLE No. 370575 RELATING TO THE MOST PART OF THE LAND ATTACHED.

PLAN TQ7562/42 INDICATES OTHER TITLES WITHIN THE BOUNDARY OF THE APPLICATION ALSO IN KCC OWNERSHIP. THESE ARE SMALL SLIVERS HOWEVER LEFT OVER WHEN LAND AROUND WAS DEVELOPED THAT WILL BE RETAINED IN THE BOUNDARY TOO AS THEY NOW FORM PART OF THE WOOD.

Note 11

List any other matters which should be brought to the attention of the Registration Authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

11. Any other information relating to the application

NONE.

Note 12

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

12. Signature

Signature(s) of applicant(s):



Date:

REMINDER TO APPLICANT

You are responsible for telling the truth in presenting the application and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted. You are advised to keep a copy of the application and all associated documentation.

Please send your completed application form to:

**The Commons Registration Team
Kent County Council
Countryside Access Service
Invicta House
County Hall
Maidstone
Kent ME14 1XX**

Data Protection Act 1998

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the Commons Registration Authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

A copy of this form and any accompanying documents may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000.



Based upon the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office.
(C) Crown Copyright & database right 2011.
Ordnance Survey 100019238.
Additional information copyright Kent County Council



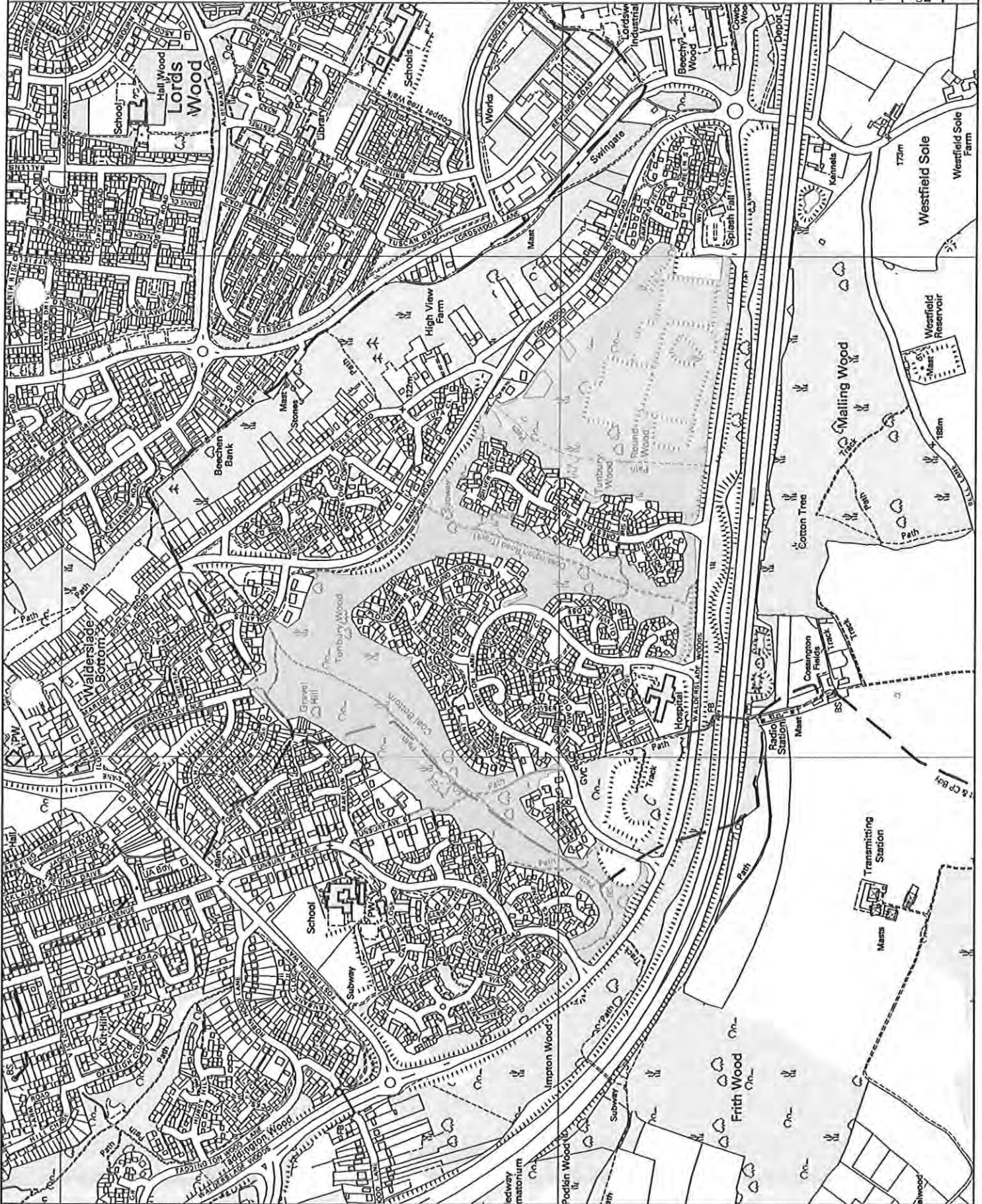
**PROPERTY AND
INFRASTRUCTURE SUPPORT**
County Hall, Maidstone
Kent ME14 1XQ
Tel:08458 247247

Drawing Title

WALDESLADE WOODS LOCATION PLAN

Drawn By	JTN	Date	MAY 2012
	100	Meters	200
			400
		Scale	1:10000
			@ A4

Drawing No. TQ7562/42A



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APPENDIX C:
Aerial photograph of the application site (edged in red dashed line)

A: Property Register continu

use of water soil gas electricity and telephone services by and through those sewers drains watercourses pipes wires cables and other service conduits which now or shall within the period of 80 years from the date hereof (which shall be the perpetuity period applicable thereto) serve the Retained Land and which now or shall within the said period of 80 years run under along or over the Property with full right and liberty for the Transferor and its successors in title to the Retained Land at all reasonable times and upon giving prior notice in writing except in cases of emergency to enter upon the Property with or without workmen and appliances for the purpose of constructing connecting to inspecting repairing cleansing maintaining renewing relaying or removing the said sewers drains watercourses pipes wires cables and other service conduits or removing therefrom any obstruction the Transferor and its successors in title making good at its or their own expense and to the reasonable satisfaction of the Transferee and the Transferee's successors in title to the Property all damage and disturbance caused by the exercise of such rights as aforesaid and also paying a fair proportion in common with all other persons having the like right to use the said sewers drains watercourses pipes wires cables and other service conduits of the expense of repairing cleansing maintaining and renewing the same"

- 34 (19.05.1999) The land edged and lettered X in green on the filed plan has been removed from the title.
- 35 (06.02.2003) The land has the benefit of the rights of way, drainage and other services reserved by the Transfer dated 23 December 2002 referred to in the Charges Register.
- 36 (04.02.2004) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of the land edged and numbered K865478 in green on the filed plan dated 17 December 2003 made between (1) The Kent County Council and (2) Kitewood Estates Limited.
- NOTE: Copy filed under K865478*
- 37 (19.03.2004) The edged and numbered 27 in blue on the title plan is no longer of any significance and should be ignored since the entry in the register which gave rise to this reference has been cancelled.
- 38 (06.03.2007) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of the land edged and numbered K918145 in green on the title plan dated 26 January 2007 made between (1) The Kent County Council and (2) William Harold Letley and Jean Patricia Letley.
- NOTE: Copy filed under K918145.*
- 39 (17.06.2011) The land has the benefit of the rights reserved by a Transfer of the land edged and numbered K981266 in green on the title plan dated 20 May 2011 made between (1) The Kent County Council and (2) Helen June Bell-Robinson.

NOTE: Copy filed under K981266.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 PROPRIETOR: THE KENT COUNTY COUNCIL of County Hall, Maidstone, Kent ME14 1XQ.
- 2 The Transfers to the Proprietor of the land edged and numbered 14, 16, 17, 19, 40, 53, 54, 57, 58, 62 to 89, 91 to 101, 103 to 119, 121 to 130 1 on the filed plan contain Purchasers' personal covenants.

NOTE: Copies filed.

A: Property Register continued

any of them or entitled thereto including the Local Authority and Statutory Undertakers:-

(a) the free and uninterrupted right of passage and running of water and soil gas electricity and other services into and through the service installations now constructed in or under the land hereby transferred or any part thereof with full rights of entry with or without workmen and appliances at all reasonable times and upon giving reasonable notice (except in the case of emergency) for the purpose of inspecting relaying cleansing renewing enlarging repairing removing maintaining and using such service installations the County Council or other the person exercising such rights causing as little damage as possible to the land hereby transferred and forthwith making good any damage thereby occasioned.

(b) a right of way for all purposes over upon and across the land hereby transferred for the purpose of maintaining any plant or other conducting media or service installation as may be in such land together with a right of support for the adjoining footpaths and the adjoining highways at Walderslade aforesaid."

- 10 (20.12.1995) The land has the benefit of the rights granted by a Deed dated 14 December 1995 made between (1) Maurice James Price and Marie Lynn Price (2) Nationwide Building Society and (3) The Kent County Council.

NOTE: Copy in Certificate. Original filed under K714882.

- 11 (01.03.1996) The land has the benefit of the rights granted by a Deed dated 27 February 1996 made between (1) Peter Ledger and Jocelyn Ledger (2) Abbey National Plc and (3) The Kent County Council.

NOTE: Copy in Certificate. Original filed under K706610.

- 12 (18.03.1996) The land has the benefit of the rights granted by a Deed dated 12 March 1996 made between (1) Angus Andrew Donald McDowall and Alison Jane McDowall (2) Halifax Building Society and (3) The Kent County Council.

NOTE: Copy in Certificate. Original filed under K690290.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 Proprietor: THE KENT COUNTY COUNCIL of County Hall, Maidstone, Kent ME14 1XQ.
- 2 The Transfer of the land edged and numbered 4, 5, 6, 7, 9, 10, 11, 12 and 13 in yellow on the filed plan contains purchasers personal covenants.

NOTE: Copy covenants filed under K370575.

- 3 The Transfer to the proprietor of the land edged and numbered 1 in yellow and edged and numbered 2 in yellow on the filed plan contains purchasers personal covenants.

NOTE: Copy covenants filed under K370575.

C: Charges Register

This register contains any charges and other matters that affect the land.

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 11 DEC 2012 AT 13:52:18. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE SUFFERS A LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN THE REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY LAND REGISTRY, NOTTINGHAM OFFICE.

TITLE NUMBER: K488285

There is no application or official search pending against this title.

A: Property Register

This register describes the land and estate comprised in the title.

KENT : MAIDSTONE

- 1 The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Housing Area 8C Tunbury Avenue, Walderslade, Chatham.
- 2 The filed plan has been amended.
- 3 The land edged and numbered in green on the filed plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 4 The land edged yellow on the filed plan is the area covered by a building scheme constituted under the provisions of transfers by The Kent County Council.

The first Transfer from this title was dated 13 September 1982 in favour of John Leonard Osborne and Janet Glenis Osborne and once was of the part edged and numbered K540502 in green on the filed plan.

A copy of the covenants and of an agreement and declaration contained in the said transfer is set out in the Schedule of restrictive covenants hereto.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 PROPRIETOR: THEKENTCOUNTY COUNCIL of County Hall, Maidstone, Kent.
 - 2 The Transfer of the land tinted brown on the filed plan contains Purchasers personal covenants.
- NOTE:-Copy of covenants in Certificate.*
- 3 The Transfer of the land tinted mauve on the filed plan contains a Purchasers personal covenant.

NOTE:-Copy of covenant in Certificate.

C: Charges Register

This register contains any charges and other matters that affect the land.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (03.06.1991) Proprietor(s): THEKENTCOUNTY COUNCIL of County Hall, Maidstone, Kent, ME14 1XQ.
- 2 (10.03.1993) CAUTION in favour of Hillreed Homes Limited of Hillreed House, 60 College Road, Maidstone, Kent, ME15 6SJ.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 The land edged and numbered 9 in yellow on the filed plan became vested in The Kent County Council by a general vesting declaration dated 30 May 1975 executed pursuant to the provisions of The Town and County Planning Act 1968 and no documents of the earlier title have been produced to the Land Registry. The land is accordingly subject to such restrictive covenants and easements as may have been imposed thereon prior to 8 July 1975 and are still subsisting and enforceable.
- 2 The land is subject to rights in respect of Post Office Services.
- 3 (26.05.1995) The deeds and documents, particulars of which are set out in the schedule of deeds and documents hereto, contain restrictive covenants relating to the parts of the land therein specified.
- 4 (12.04.1996) The land is subject to the following rights granted by a Deed dated 1 April 1996 made between (1) Hillreed Homes Limited (2) The Kent County Council (Owner) and (3) Southern Water Services Limited (Southern Water):-

"the Owner with full title guarantee from the date that the sewers constructed under the Agreement are adopted as public sewers pursuant to the Agreement or otherwise hereby grants and confirms unto Southern Water :-

(a) full right and liberty for Southern Water its servants and agents at all times and with or without vehicles plant machinery and apparatus upon giving twenty-four hours prior notice to the Owner except in an emergency when no prior notice need be given to enter upon the land six metres in width shown coloured pink on the attached plan (hereinafter called "the pink land") as required for the purpose of maintaining altering renewing inspecting cleansing and repairing the said sewer with all necessary manholes valves surface boxes marker posts pillars fittings and apparatus and a cable or cable duct along the line of the sewer (which sewer and ancillary fixtures and cables are hereinafter collectively called "the works") and

(b) full right at all times to the uninterrupted passage and running of water and soil through the said sewer

TO HOLD the said rights and liberties unto Southern Water in fee simple"

The said Deed also contains the following covenants by the grantor:-

"The Owner hereby covenants with Southern Water from the date that the sewers constructed under the Agreement are adopted as public sewers pursuant to the Agreement or otherwise for the benefit and protection of the works and Southern Water's undertaking and so as to bind the pink land into whosoever hands the same may come not to do or suffer or permit to be done upon the pink land any act or thing which might cause or is likely to cause damage or injury to the works or prevent hinder or obstruct access by Southern Water to the works in accordance with the terms of this grant and the Owner will take all reasonable

A: Property Register continued

- plan.
- 6 The land has the benefit of the following rights reserved by a Transfer of the land edged and numbered K581492 in green on the filed plan dated 22 November 1984 made between (1) The Kent County Council (Council) and (2) John Terence William Necker and Pauline Rita Necker (Purchasers):-

"Except and reserving unto the Council and its successors in title and Statutory Undertakers a right of way for all purposes over under and across the land hereby transferred for the purpose of maintaining any plant or such other conducting media as may be in such land together with a right of support for the adjoining footpaths and the adjoining highways at Walderslade aforesaid."
 - 7 The land has the benefit of the rights reserved by a Transfer of the land edged and numbered K590149 in green on the filed plan dated 5 June 1985 made between (1) The Kent County Council (Council) and (2) Robert John Boorer and Pearl Dorothy Boorer (Purchasers) in identical terms to those reserved by the Transfer dated 22 November 1984 referred to above.
 - 8 The land has the benefit of the rights reserved by a Transfer of the land edged and numbered K612337 in green on the filed plan dated 29 April 1986 made between (1) The Kent County Council (Council) and (2) Denis Charles Mayne and Sandra Lesley Mayne which are identical to those reserved by the Transfer dated 22 November 1984 referred to above.
 - 9 (19.05.1999) The land edged and lettered X in green on the filed plan has been removed from the title.
 - 10 (12.12.2000) The land edged and lettered Y in green on the filed plan has been removed from the title.
 - 11 (06.02.2003) The land has the benefit of the rights of running and use of water soil gas electricity and telephone services through the sewers watercourses pipes wires cables and other service conduits, and ancillary rights of entry, and other rights and easements or quasi-rights and quasi-easements, reserved by the Transfer dated 23 December 2002 referred to in the Charges Register.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 PROPRIETOR: KENT COUNTY COUNCIL of County Hall, Maidstone, Kent.
- 2 A Transfer of the land edged and numbered 1, 4, 5, 6, 7 and 8 in yellow on the filed plan dated 18 December 1974 made between (1) Walderslade Development Company Limited and (2) Kent County Council contains purchasers personal covenant(s) details of which are set out in the schedule of personal covenants hereto.
- 3 RESTRICTION:-Except under an order of the registrar no disposition by the proprietor of the land is to be registered unless authorised by statute.

Schedule of personal covenants

- 1 The following are details of the personal covenants contained in the Transfer dated 18 December 1974 referred to in the Proprietorship Register:-

The Council hereby covenants with WDC Miller Parham Wards and W.R.F. respectively to keep them the said WDC Miller Parham Wards and W.R.F. and each of them respectively indemnified from and against all claims