

Commons Act 2006: Schedule 2

Application to correct non-registration or mistaken registration

This section is for office use only

Official stamp

<p>COMMONS ACT 2006 HEREFORDSHIRE COUNCIL REGISTRATION AUTHORITY</p> <p>25 FEB 2019</p>

Application number

2019/CL61/001

Register unit number
allocated at registration
(for missed commons
only)

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Applicants are advised to read 'Part 1 of the Commons Act 2006: Guidance to applicants' and to note:

- Any person can apply under Schedule 2 to the Commons Act 2006.
- All applicants should complete boxes 1-10.
- Applications must be submitted by a prescribed deadline. From that date onwards no further applications can be submitted. Ask the registration authority for details.
- You will be required to pay a fee unless your application is submitted under paragraph 2, 3, 4 or 5 of Schedule 2. Ask the registration authority for details. You would have to pay a separate fee should your application relate to any of paragraphs 6 to 9 of Schedule 2 and be referred to the Planning Inspectorate.

Note 1

*Insert name
of commons
registration
authority.*

1. Commons Registration Authority

To the: Herefordshire Commons Registration Authority

Tick the box to confirm that you have:

enclosed the appropriate fee for this application:

or

have applied under paragraph 2, 3, 4 or 5, so no fee has been enclosed:

Note 2

If there is more than one applicant, list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or an unincorporated association. 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 box 3 is not completed all correspondence and notices will be sent to the first named applicant.

Note 3

This box 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, the representative may receive communications from the registration authority or other persons (e.g. objectors) via email.

2. Name and address of the applicant

Name:

Open Spaces Society

Postal address:

25a Bell Street,
Henley-on-Thames,
Oxfordshire

Postcode RG9 2BA

Telephone number:

01491 573535

Fax number:

E-mail address:

office2@oss.org.uk

3. Name and address of representative, if any

Name:

Richard Sanders

Firm:

Landman LLP

Postal address:

1B Oaklands Court,
Tiverton Way,
Tiverton Business Park,
Tiverton,
Devon

Postcode EX16 6TG

Telephone number:

01884 214052

Fax number:

E-mail address:

richardsanders@landmanllp.co.uk

Note 4

For further details of the requirements of an application refer to Schedule 4, paragraph 14 to the Commons Registration (England) Regulations 2014.

4. Basis of application for correction and qualifying criteria

Tick one of the following boxes to indicate the purpose for which you are applying under Schedule 2 of the Commons Act 2006.

- To register land as common land (paragraph 2):
- To register land as a town or village green (paragraph 3):
- To register waste land of a manor as common land (paragraph 4):
- To deregister common land as a town or village green (paragraph 5):
- To deregister a building wrongly registered as common land (paragraph 6):
- To deregister any other land wrongly registered as common land (paragraph 7):
- To deregister a building wrongly registered as town or village green (paragraph 8):
- To deregister any other land wrongly registered as town or village green (paragraph 9):

For waste land of a manor (paragraph 4), tick one of the following boxes to indicate why the provisional registration was cancelled.

The Commons Commissioner refused to confirm the registration having determined that the land was no longer part of a manor (paragraph 4(3)):

The Commons Commissioner had determined that the land was not subject to rights of common but did not consider whether it was waste land of a manor (paragraph 4(4)):

The applicant requested or agreed to cancel the application (whether before or after its referral to a Commons Commissioner) (paragraph 4(5)):

Please specify the register unit number(s) (if any) to which this application relates:

CL 61 (Herefordshire)

Note 5

Explain why the land should be registered or, as the case may be, deregistered.

5. Description of the reason for applying to correct the register:

To register land as common land that is subject to a scheme of regulation and management under Part I of the Commons Act 1899, but which was omitted from the registration of land as register unit CL61 in the register of common land prepared by the former Herefordshire County Council under the Commons Registration Act 1965.

The omitted land qualifies for registration as common land under paragraph 2 of Schedule 2 to the Commons Act 2006, being land which meets the criteria in sub-paragraph (2)(a), (2)(b)(ii) and (2)(c), and which, further to sub-paragraph (2)(d), does not trigger the requirement specified in paragraph 14(3) of Schedule 4 to the Commons Registration (England) Regulations 2014, viz, none of the land is land covered by a building or within the curtilage of a building.

Note 6

You must provide an Ordnance map of the land relevant to your application. The relevant area must be hatched in blue. The map must be at a scale of at least 1:2,500, or 1:10,560 if the land is wholly or predominantly moorland. Give a grid reference or other identifying detail.

Note 7

This can include any written declarations sent to the applicant (i.e. a letter), and any such declaration made on the form itself.

If your application is to register common land or a town or village green and part of the land is covered by a building or is within the curtilage of a building, you will need to obtain the consent of the landowner.

6. Description of land

Name by which the land is usually known:

Adley Moor Common [part of]

Location:

Adley Moor, Herefordshire, in the parishes of Buckton & Coxall and Leintwardine
Grid Ref. SO3874

Tick the box to confirm that you have attached an Ordnance map of the land:

7. Declarations of consent

No consent is required. Please see paragraph 2 of Section 5 above. As none of the land is covered by a building or within the curtilage of a building, then the requirement for consent specified in paragraph 14(3) of Schedule 4 to the Commons Registration (England) Regulations 2014 does not apply.

Note 8

List all supporting documents and maps accompanying the application, including if relevant any written consents. This will include a copy of any relevant enactment referred to in paragraphs 2(2)(b) or 3(2) (a) of Schedule 2 to the Commons Act 2006 or, in relation to paragraph 4 (waste land of a manor) evidence which shows why the provisional registration was cancelled. 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.

8. Supporting documentation

1. Copy of the scheme for the regulation and management of Adley Moor Common made by Wigmore Rural District Council on 3 July 1900 and confirmed by the Board of Agriculture on 7 August 1900.
2. Copy of the plan of the common regulated under the scheme, and referred to in paragraph 1 of the scheme.
3. Ordnance Survey application map of the land: the land already registered as common land is shown shaded green; the land omitted from registration, subject of this application and mentioned in Section 5 above is shown hatched in blue.

<p>Note 9 <i>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.</i></p>	<p>9. Any other information relating to the application</p> <div style="border: 1px solid black; padding: 10px; min-height: 200px;"> <p style="text-align: center;">None</p> </div>
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<p>Note 10 <i>The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or an unincorporated association.</i></p>	<p>10. Signature</p> <p>Date: 24/01/2019</p> <p>Signatures: </p>
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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.

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 or the Freedom of Information Act 2000.