

THE COMMONS ACT 2006: SECTION 19(2)(a)

**NOTICE OF PROPOSAL TO CORRECT A MISTAKE MADE BY THE COMMONS REGISTRATION  
AUTHORITY IN MAKING AN ENTRY IN THE REGISTER OF COMMON LAND**

To every reputed owner, lessee, tenant or occupier of any part of the land described below, and to all others whom it may concern.

A proposal has been made by **the Commons Registration Authority, Herefordshire Council, Plough Lane, Hereford HR4 0LE** under Section 19(2)(a) of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2008. The proposal seeks to correct a mistake in the Register which was made by the Registration Authority. The mistake to be corrected is to the plan only of CL57 Bircher Common in that the Registration Authority included, on the original plan, part of the Common which should have been omitted, as shown on the plan below. The description of the Common in writing is correct.

The proposal, which includes a plan of the land that it is proposed to exclude, may be inspected at the following offices: Commons Registration Office, Herefordshire Council, Plough Lane, Hereford HR4 0LE, by appointment between the hours of 9am and 4pm, Monday to Friday. A copy of the proposal can also be viewed by accessing the Herefordshire Council website, Common Land & Village Green page: <http://www.herefordshire.gov.uk/environment/land/40885.asp>

Any person wishing to object to this proposal should send a written signed statement of the facts upon which the objection is based to the **Commons Registration Officer, Herefordshire Council, PO Box 4, Plough Lane, Hereford HR4 0XH** or via email to [commonsregistration@herefordshire.gov.uk](mailto:commonsregistration@herefordshire.gov.uk) to arrive no later than **midday Monday 20<sup>th</sup> June 2011**.

In accordance with paragraph 26(2) of The Commons Registration (England) Regulations 2008, representations:

- must state the name and postal address of the person making them, and the nature of that person's interest (if any) in any land affected by the proposal or proposal;
- may include an email address of the person making them;
- must be signed by the person making them, and
- must state the grounds on which they are made.

Any representations that are to be taken into account in reaching a decision on the proposal cannot be treated as confidential and will be copied to the applicant for comment and may be disclosed to other interested parties, and dealt with in accordance with the Regulations.

Where applicable and in accordance with paragraph 27(3)(c) of the 2008 Regulations, the proposal, together with any representations, will be referred to the Planning Inspectorate (PINS) for determination. Additionally, in accordance with paragraph 37(1) of the 2008 Regulations, if the proposal is granted, in whole or in part, the Registration Authority will give effect to the determination by registering the land in the Register of Common Land.

Date: **20<sup>th</sup> April 2011**

Signed:



**Schedule**

Description of the land to be corrected: Two (2) buildings to the south of CL57 Bircher Common. The grid reference is approximately SO 465 661.

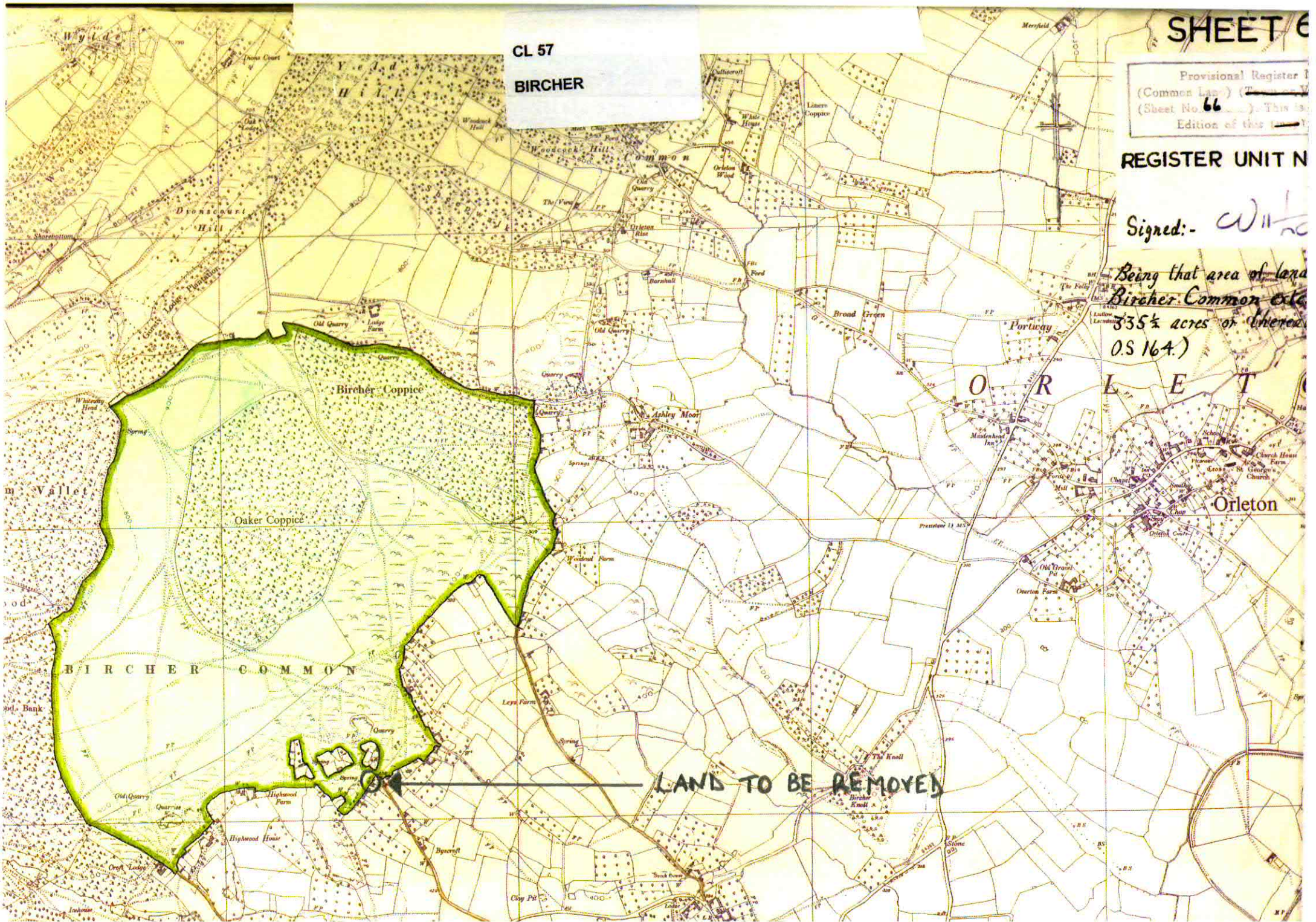
CL 57  
BIRCHER

Provisional Register I  
(Common Law) (Sheet No. 66) This is  
Edition of this

REGISTER UNIT N

Signed: - *W H*

Being that area of land  
Bircher Common ext  
335 1/2 acres or thereabouts  
(OS 164.)



BIRCHER COMMON

LAND TO BE REMOVED

O R L E T

Orleton

**Form CA10**

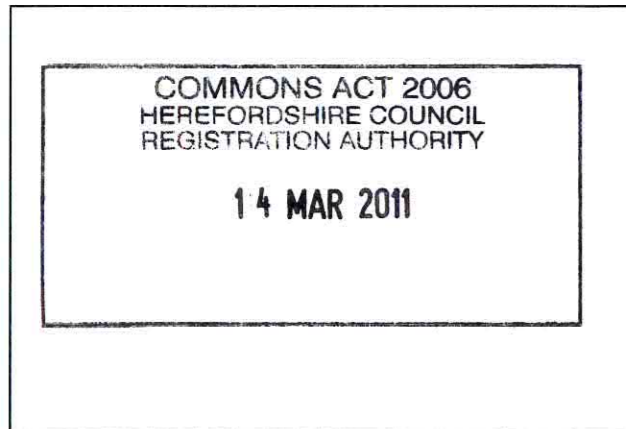
**Commons Act 2006: section 19**

Application to correct the register

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**This section is for office use only**

Official stamp



Application number

20011/CL/006

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**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 1–8.
- Any person can apply under section 19.
- An application submitted for a purpose described in Section 19(2) (a) is free, but applications under 19(2)(b), (c), (d) and (e) must be accompanied by a fee. Ask the registration authority for details of the fee.

Note	Part
<p><b>Note 1</b></p> <p>Insert name of commons registration authority.</p>	<p><b>1. Commons Registration Authority</b></p> <p>To the: <u>HEREFORDSHIRE COUNCIL</u></p> <p>Tick one of the following boxes to confirm that you have:</p> <p>enclosed the appropriate fee for this application: <input type="checkbox"/></p> <p>or</p> <p>applied for a purpose in section 19(2)(a), so no fee is enclosed: <input checked="" type="checkbox"/></p>
<p><b>Note 2</b></p> <p>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.</p>	<p><b>2. Name and address of the applicant</b></p> <p>Name: <u>HEREFORDSHIRE COUNCIL</u></p> <p>Full postal address:  <u>FRANKLIN HOUSE</u>  <u>A COMMERCIAL ROAD</u>  <u>HEREFORD HR1 2BB</u></p> <p>Telephone number (incl. national dialling code): <u>(01432) 261991</u></p> <p>Fax number (incl. national dialling code):</p> <p>E-mail address: <u>georget@herefordshire.gov.uk</u></p>
<p><b>Note 3</b></p> <p>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.</p>	<p><b>3. Name and address of representative, if any</b></p> <p>Name: <u>N/A</u></p> <p>Firm:</p> <p>Full postal address:</p> <p>Telephone number (incl. national dialling code):</p> <p>Fax number (incl. national dialling code):</p> <p>E-mail address:</p>
<p><b>Note 4</b></p> <p>For further details of the requirements of an application refer to Schedule 4, paragraph 11 to the Commons Registration (England) Regulations 2008.</p>	<p><b>4. Basis of application for registration and qualifying criteria</b></p> <p>Specify the register unit number to which this application relates: <u>CL57</u></p> <p>Specify the rights number to which this application relates (if relevant):</p> <p>Tick one of the following boxes to indicate the purpose (described in section 19(2)) of your application. Are you applying to:</p> <p>Correct a mistake made by the commons registration authority: <input checked="" type="checkbox"/></p> <p>Correct any other eligible mistake: <input type="checkbox"/></p> <p>Remove a duplicate entry from the register: <input type="checkbox"/></p>

	Update the details of any name or address referred to in an entry: <input type="checkbox"/> Accretion or diluvion: <input type="checkbox"/>
<b>Note 5</b>  Explain why the register should be amended and how you think it should be amended.	<b>5. Describe the purpose for applying to correct the register and the amendment sought</b> <i>There was a mistake in the column of the plan of the common by the Council, two small areas of enclosed land were coloured as common land. The two small areas should be removed from the common.</i>
<b>Note 6</b>  List all supporting consents, documents and maps accompanying the application, including evidence of the mistake in the register. 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.	<b>6. Supporting documentation</b> <i>The plans The original registration application</i>
<b>Note 7</b>  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.	<b>7. Any other information relating to the application</b>
<b>Note 8</b>  The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.	<b>8. Signature</b> Date: <i>21/03/2011</i> Signatures: <i>[Signature]</i>

**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 and the Freedom of Information Act 2000.

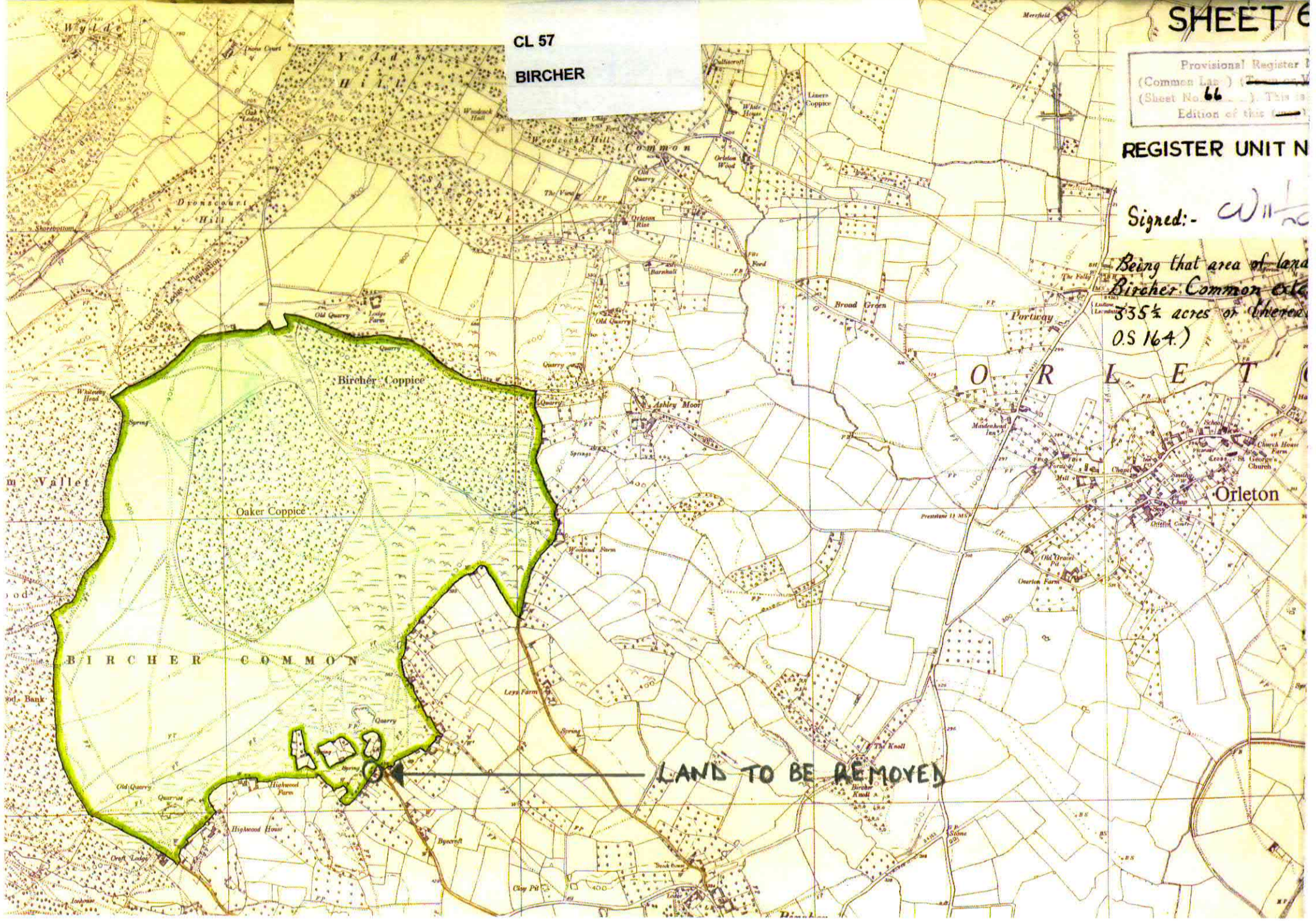
CL 57  
BIRCHER

Provisional Register I  
(Common Law) (2nd Edition)  
(Sheet No. 66) This is  
Edition of this

REGISTER UNIT N

Signed: - *W. H. ...*

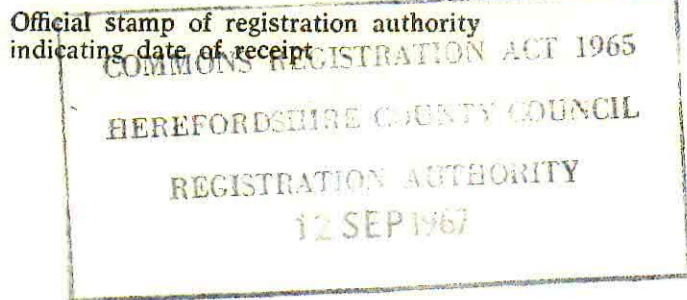
Being that area of land  
Bircher Common etc  
335 1/2 acres or thereabouts  
(OS 164.)



LAND TO BE REMOVED

**CR Form 7**

*This section for official use only.*



Application No. 176

Register Unit No(s):

CL 57  
CL  
CL

**COMMONS REGISTRATION ACT 1965**

**Application for the registration of  
land as common land**

*IMPORTANT NOTE: Before filling in this form, read carefully the notes on the back. An incorrectly completed application form may be rejected.*

*Insert name of registration authority (see Note 1).*

To the Herefordshire County Council

Application is hereby made for the registration as common land of the land described below.

**Part 1.**

**Name and address of the applicant.**

*(Give Christian names or forenames and surname or, in the case of a society or other body, the full title of the body. If part 2 is not completed all correspondence and notices will be sent to the applicant.)*

The National Trust for Places of Historic Interest or Natural Beauty,  
West Midland Area Office,  
12 Church Street,  
Ross-on-Wye.

**Part 2.**

**Name and address of solicitor, if any.**

*(This part should be completed only if a solicitor has been instructed for the purposes of the application. If it is completed, all correspondence and notices will be sent to the solicitor.)*

**Part 3.**

**Particulars of the land to be registered, i.e. the land claimed to be common land.**

*(See Notes 2, 3 and 4).*

Name by which usually known Bircher Common,

Locality Yarpole, Leominster, Herefordshire

*Delete reference to plan where none is submitted. A plan must be used except as mentioned in Note 4.*

Colour on plan herewith Outlined in red



Part 4.

(See Note 7.)

For applications submitted after 30th June, 1968 (to be disregarded in other cases).

Does the prescribed fee of £5 accompany this application? If not, state whether this is for reason (a) or (b) mentioned in Note 7, and give the appropriate particulars required by that note.

*\*The application must be signed by the applicant personally, unless the applicant is a body corporate or unincorporate, in which case it must be signed by the secretary or some other duly authorised officer.*

Signature of applicant or of person on applicant's behalf.

*[Handwritten signature]*

Date

*8<sup>th</sup> September 1967*

(See Note 5)

Statutory Declaration in Support

*To be made by the applicant personally, unless the applicant is a body corporate or unincorporate, in which case the declaration must be made by the person who has signed the application. Inapplicable wording should be deleted throughout.*

*\*Insert full name.*

I, Colin Jones  
solemnly and sincerely declare as follows:

*\*Strike out this paragraph if it does not apply.  
\*Insert capacity in which acting.*

- I am the person who has signed the foregoing application.
- I am the Area Agent to the applicant and am duly authorised by the applicant to make the foregoing application.
- I have read Notes 2 and 3 on the back of the application form and believe that the land described in the application is common land.
- The plan now produced and shown to me marked " B " is the plan referred to in the application.

*\*Strike out this paragraph if there is no plan.  
\*Insert "marking" as on plan (see Note 5).*

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said Colin Jones

at Ross-on-Wye

in the County of Hereford

this 8<sup>th</sup> day of September 1967

*[Handwritten signature]*

Before me,  
 Signature Shirley A. Preece  
 Address Telford House  
 Ross-on-Wye  
 Qualification Justice of the Peace

REMINDER TO OFFICER TAKING DECLARATION:  
Please initial all alterations and mark any plan as an exhibit.

APPLICATION NO. 176.....

COMMONS REGISTRATION ACT 1965.

REGISTRATION DRILL.

~~VILLAGE GREEN~~  
COMMON

KNOWN AS Bircher Common.....

(1) Application received on 12/9/67.

Name & Address of applicant

National Trust (C. Jones)  
12 Church St  
Rpss.

(2) Any obvious errors YES/NO

Type of application :- GENERAL/RIGHTS/OWNERSHIP /LAND

(3) Has Common been previously registered as a YES/NO

Common/Village Green

(4) If YES, details of action taken :-

Application NO :- \_\_\_\_\_

Register Unit No:- \_\_\_\_\_

(5) Form No. 6 Acknowledgement sent 12/9/67

(6) Provisional Registration of Common

entered in Register Land Section  
and Register Unit formed 12/9/67  
under Register Unit No. CL 57.....

(7) Ownership Claim

Search form sent to Land Registry / / 67.

Received from Land Registry / / 67.  
ELIGIBLE/EXEMPT

(8) Provisional Registration of

Ownership Claim } / / 67.

or Claim Noted }

(9) Rights Claim }

Provisional Registration of } / / 67.  
Rights Claim }

(10) Application for a note to be  
made in Register

/ / 67.

Details of Notes:-

(11) Confirmation of Registration

Forms 11 or 12 or 13

sent to applicant 21/9/67.

(12) Conflicting Claims

Form 14 sent to other claimants / / 67

(13) Appropriate District and

Parish Councils provided 22/9/67

with copy of registration details  
with plan.

(not later than 28 days after (5)

Copy letters to

.....*Ken & Wipson*.....District Council

.....*Geppole*.....Parish Council

filed.

(14) Subsequent notifications to above Local Authorities

regarding :-

Conflicting registrations

Cancelled or modified registrations

Amendments to Registers

Applications that land has ceased to be

common or a green.

Details below :-

(15) General Remarks and Enquiries

(a) Official Searches.

Received :-

Replied :-

Application No(s) .....176.....

HEREFORDSHIRE COUNTY COUNCIL.

W.H. Edwards, B.Sc., (Est.Man.)  
F.L.A.S., A.R.I.C.S.,  
County Land Agent and Valuer.  
Tel. No. Hereford 2636.

County Land Agent's Office,  
Shirehall, Hereford.

Date. 22 Sep 1967

Dear Sir/Madam,

Commons Registration Act, 1965  
The Commons Registration (General) Regulations, 1966.

As required under Regulation 11 of the above, I enclose copy/  
copies of provisional registration(s) dated 12th September, 1967  
and relevant plan(s) concerning land in the area of your Council.

Please arrange for the copy/copies to be available for public  
inspection at all reasonable times.

Yours faithfully,

  
County Land Agent.

Land

~~Rights~~

Registration

Re: Bircher Common

Ownership

C. B. Smith, Esq.,  
Clerk to the Yarpole Parish Council,  
Grey Cott.  
Croft Lane,  
Yarpole, Leominster.

20th September, 1967.

HEREFORDSHIRE COUNTY COUNCIL  
COMMONS REGISTRATION ACT 1965

Notification of Disposal of an Application for Registration (Land)

Application No.....176..... Register.....Common Land  
Short description of land.....Bircher Common (Yarpole)  
To (name of applicant).....C. Jones Esq.....or his solicitor.  
Your Reference.....

- \* 1. ~~(Part)~~ (The whole)\* of the land has, pursuant to your application been provisionally registered as (common land)(~~a town or village green~~)\* under register unit No(s)(CL)(~~VG~~)\*.....57.....
- \* 2. ~~(The remainder)~~ (The whole)\* of the land having already been provisionally registered as (common land)(a town or village green)\* under register unit No(s) (CL) (VG)\*..... your application has been noted in the land section of (that) (those)\* register unit(s).
- \* 3. (Part) (The whole)\* of the land provisionally registered (pursuant to your application) (as mentioned in paragraph 2 above)\* had previously been provisionally registered as (common land)(a town or village green)\* under register unit No(s) (CL)(VG)\*.....and the registrations therefore conflict to the extent that they comprise the same land. To that extent each has to be treated as an objection to the other, and the registers have been so noted. If you consider that the registration made (pursuant to your application) (as mentioned in paragraph 2 above)\* should be cancelled or modified, you may make a request to this effect to the Council as registration authority, and the Council may, if it thinks fit, cancel or modify it accordingly. Unless this registration, or the one with which it conflicts, is cancelled, the matter will be referred to a Commons Commissioner for decision, and you will be entitled to appear at the hearing before him. You will be notified of the time and place of the hearing, which will not in any case take place before 1st January 1971. If there are registrations during the second registration period affecting the land the hearing will not take place before 1st July 1972.

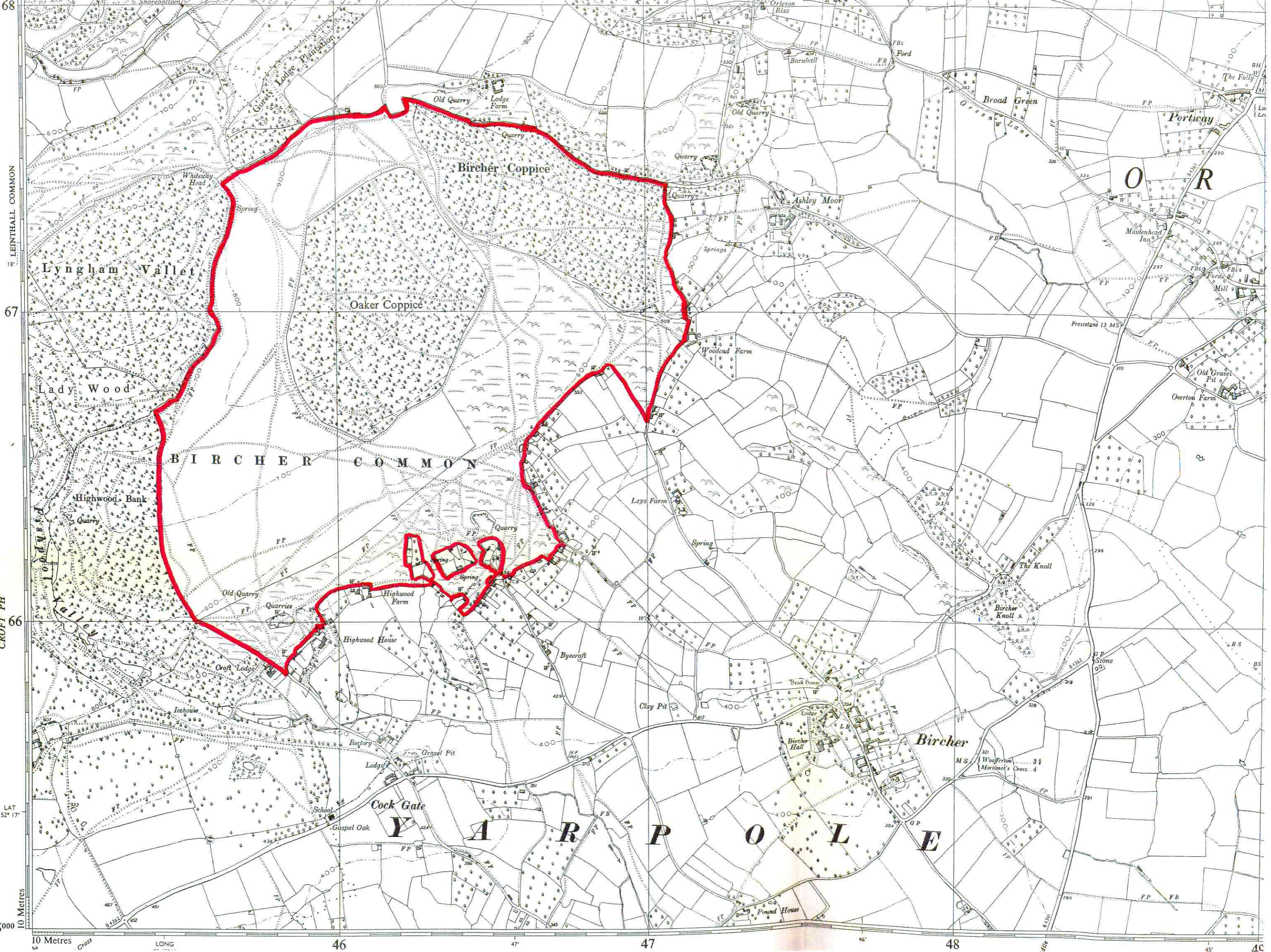
  
County Land Agent.  
Shirehall,  
Hereford.

\* Delete as necessary.

C. Jones Esq.,  
National Trust,  
12, Church Street,  
Ross on Wye.

6000  
3000  
0  
1500  
Feet 3000  
10 Metres  
65000

HEREFORDSHIRE  
LEOMINSTER CO CONST  
CROFT PH  
LAT 52° 17'



LONG 46 47 48 49