

DECISION

Application No. 2886

Section 11 of the Commons Act 2006

Application to re-allocate an attached right of common

Background:

Section 11 enables a right of common attached to a dominant tenement to be concentrated on part of the dominant tenement where another part is to be developed for non-agricultural use.

Legislative requirements:

Commons Act 2006 – section 11

- (1)(a) A right of common is registered in register unit No. CL137, entry no's 101 and 137 as attached to land at Outer and Higher Colvannick, Cardinham, Bodmin. The owner of the land has applied to the commons registration authority for the register to be amended so as to secure that the right does not attach to the relevant part.
- (1)(b) In this particular matter, it is confirmed that subsection (4) applies.
- (4)(a) An order authorising the compulsory purchase of part of the dominant tenement has been made (the A30 Temple to Higher Carblake Improvement, drawing TRXCP311_PA_2.03_02).
- (4)(b) The relevant part is not vested in the authority.
- (4)(c) The relevant part is required for a major road improvement, thus for use other than for agricultural purposes.

Commons Registration (England) Regulations 2014 - Schedule 4(5)

- (2)(a) The applicant has provided evidence of their ownership of the land by way of Conveyances of the land dated 17th May 1966 and 4th August 1972.
- (2)(b) The application relates to entry No's 101 and 137 of CL 137, Cardinham Moor.

- (2)(c) The right is attached to land described as Outer Colvannick and Higher Colvannick, Cardinham, Bodmin, Cornwall.
- (2)(d) The relevant part is that part of the dominant tenement required for a major road improvement, namely the A30 Temple to Higher Carblake Improvement.

Representations:

No representations were received.

Decision:

The application, meeting the legislative requirements as set out above is approved.

Signed: Martin Wright

Position: Commons and Greens Registration Officer

Dated: 19th May 2015