



DECISION

Proposal No. 9

Section 19 of the Commons Act 2006

Duplication of dominant tenement in rights sheets

Background:

Please see attached Proposal which outlines the case.

Legislative requirements:

Section 19(2)(c) specifically allows for a commons registration authority to amend its registers of common land to remove a duplicate entry from the register.

The Proposal confirms that five fields have been duplicated by appearing in rights entries relating to both Trewint Farm (original application No.0250) and Tor Farm (original application No. 0233) in the parish of Advent.

Representations:

No representations were received.

Decision:

The Proposal is approved and 1907 Ordnance Survey field No's 94, 96, 118, 121 and 122 will remain attached to the dominant tenement of Trewint Farm, but be removed from the dominant tenement of Tor Farm.

Name: Martin Wright

Position: Commons and Greens Registration Officer

Date: 15 June 2015

A Proposal by Cornwall Council
Section 19 of the Commons Act 2006
Correction of the Register



Duplication of dominant tenement in Rights sheets

1 The land the subject of this proposal:

To remove five parcels of land described in rights entries:

100 and 122 of CL 113 - Church Hay Down, St. Breward

124 and 164 of CL 124 - St. Breward and Roughtor Downs,
St. Breward

100 and 119 of CL 195 - Additional land at St. Breward and
Roughtor Downs

100 and 117 of CL 197 - Additional land at St. Breward and
Roughtor Downs

92 and 112 of CL 198 - Additional land at St. Breward and
Roughtor Downs

12 and 46 of CL 763 – Hamatethy Manor Common, St. Breward

2 The land comprises approximately 4.608 hectares.

As indicated by green highlighting on the accompanying plan.

3 Application No. 0250 to register a right of common

Application No. 0250 was submitted to Cornwall County Council, dated 3rd April 1968 by Richard Leonard Piper of Trewint, Advent, in respect of an application for the registration of a right of common (CR Form 9).

The description of the land to which the right is attached, as described in part 6 of the application, includes Ordnance Survey 1907 field No's 94, 96, 118, 121 and 122 for the parish of Advent.

4 Application No. 0233 to register a right of common

Application No. 0233 was submitted to Cornwall County Council, dated 3rd April 1968 by Martin Joseph Fitzpatrick of Tor Farm, Advent in respect of an application for the registration of a right of common (CR Form 9).

The description of the land to which the right is attached, as described in part 6 of the application, includes Ordnance Survey 1907 field No's 94, 96, 118, 121 and 122 for the parish of Advent, thus duplicating the field numbers given in application 0250, or vice-versa.

5 Application No's 2901 and 2903 to register a declaration of entitlement to exercise a right of common

The commons registration authority has received applications to amend the rights entries described at 1 above, attaching to land at Trewint and Tor Farms.

6 Application No. 2901 to register a declaration of entitlement to exercise a right of common

Application No. 2901 concerns land at Trewint Farm in the parish of Advent. The application is accompanied by Land Registry Title No. CL 131287 which includes the five 1907 field numbers described at 3 and 4 above.

7 Application No. 2903 to register a declaration of entitlement to exercise a right of common

Application No. 2903 concerns land at Tor Farm in the parish of Advent. The application is accompanied by Land Registry Title No. CL 311562 which does not include the five 1907 field numbers described at 3 and 4 above.

8 Proposal

It is proposed that the duplicated fields remain attached to land at Trewint Farm, but be removed from the dominant tenement at Tor Farm, thus removing the duplicated fields from column 5 of the rights section sheets.

Lead officer:
Martin Wright
Commons and Greens Registration Officer
Countryside Access, Environment Dept.,
Cornwall Council, Carrick House, Truro.
22.04.2015

Land coloured green is that proposed to be removed from the supplemental map of dominant tenement at Tor Form, Advent.

