

Mr David Coles  
Save Penwith Moors  
Higher Gear  
Newmill  
PENZANCE  
TR20 8UT

**Your ref:**  
**My ref:** MW/App. 2864  
**Date:** 7 July 2014

By e-mail only

Dear Mr Coles,

**The Commons Act 2006 – Part 1 (Registration)**  
**The Commons Registration (England) Regulations 2008**  
**Application 2864 – Trendrine Hill, parish of Zennor and**  
**Amalveor Downs & Beagletodn Downs, parish of Towednack**

Further to our recent correspondence concerning the above-mentioned application I have re-visited the Regulations and Defra's Guidance concerning Schedule 2(4) applications.

I am of the opinion that Schedule 2 offers an opportunity to register land as common land only in certain prescribed circumstances. Those circumstances are set out in detail in Paragraph 4 of Schedule 2, being relevant to this application, and also briefly in paragraphs 118 and 119 of the Explanatory Notes to the Commons Act 2006.

It is evident that the Commons Commissioner, after determining the land was not subject to rights of common, went on to consider whether the land qualified instead for registration as waste land of the manor. I think it is immaterial as to whether other lands were also included within the same determination, or if the decision was based on a lack of information. Whilst Mr Miners withdrew the application at the outset of the hearing, this was not the reason for refusal of the application.

The Commissioner did not refuse the registration because it was not subject to rights of common, but rather, refused it on the grounds that after considering whether the land was waste land of a manor not subject to rights of common, concluded that it was not.

I further conclude that the application does not meet paragraph 4(3), (4) or (5) of Schedule 2, as is the legislative requirement, and therefore have no option but to refuse the application.



I acknowledge that you will be disappointed with this decision, but this is not the first application to be refused on the grounds of not meeting the prescribed regulatory requirements, as I have recently refused one of Mr Hills applications for land at Creegbrowse Common, Twelveheads on the same grounds.

Yours sincerely,

Martin Wright  
Senior Development Officer  
Common Land and Town & Village Greens  
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