

Application No. 2820

Application to correct non-registration of land To register land not registered as common land Schedule 2(2) of The Commons Act 2006

0.500 hectares of land at Carrine Common Situated in the parish of Kea

The Statutory Requirements

- 1 Paragraph 2(3) of Schedule 2 to the 2006 Act provides that any person may apply to the Commons Registration Authority to add land to the register of common land. The Commons Registration (England) Regulations 2008 (the 2008 Regulations) set out the procedures to be followed.
- 2 The Application was made on 14th January 2013. The application has been made in accordance with the provisions of Paragraph 2 of Schedule 2 to the 2006 Act which provides that land can added to the register of common land where:
 - (a) the land was not at any time finally registered as common land or as a town or village green under the Commons Registration Act 1965;
 - (b) is land which is
 - (i) regulated by an Act made under the Commons Act 1876 (c.56) confirming a provisional order of the Inclosure Commissioners;
 - (ii) subject to a scheme under Metropolitan Commons Act 1866 (c.122) of the Commons Act 1899 (c.30);
 - (iii) regulated as common land under a local or personal Act; **or**
 - (iv) otherwise recognised or designated as common land by or under an enactment
 - (c) is land to which this part applies; and
 - (d) satisfies such other conditions as regulations may specify.
- 3 An application must be made in accordance with the 2008 Regulations. Paragraph 16 of the 2008 Regulations requires that an application must –
 - (a) be made in writing on a form provided by the CRA to which the application is made; and
 - (b) be signed by, or by a representative of, every applicant who is an individual, and by the secretary or some other duly authorised officer of every applicant which is a body corporate or an unincorporated association.

- 4 In addition, Paragraph 14 of Schedule 4 to the 2008 Regulations requires that an application under Schedule 2 to the 2006 Act must include –
- (a) a description of the land to which the application applies; and
 - (b) evidence of the application of Paragraph 2(2) of Schedule 2 to the land to which the application relates.
- 5 The onus of proving the case in support of the correction of the register of common land rests with the person making the application, and the burden of proof is the normal, civil standard, namely, the balance of probabilities.

Representations

- 6 No representations were received in respect of the application.

Reasons

The Application

- 7 I am satisfied that the application was properly made.

The land was not at any time finally registered under the 1965 Act

- 8 I am satisfied the land was not at any time finally registered as common land or as a town or village green under the Commons Registration Act 1965.

Is land which is otherwise recognised or designated as common land by or under an enactment

- 9 I am satisfied that the land is recognised or designated as common land being part of parcel number 2188 described as Carrine Common on the Tithe Award made under the Tithe Commutation Act 1836.

Is land to which the Commons Act and Regulations applies

- 10 I am satisfied the statutory requirements apply to the application land.

Formal Decision

- 11 The criteria for the registration of the application land as common land have been satisfied and following the Planning Inspectors Decision in the matter concerning Rame Common (COM 322):

the application is granted and the land edged red on the attached plan shall be added to the register of common land.

Name: Andrew England

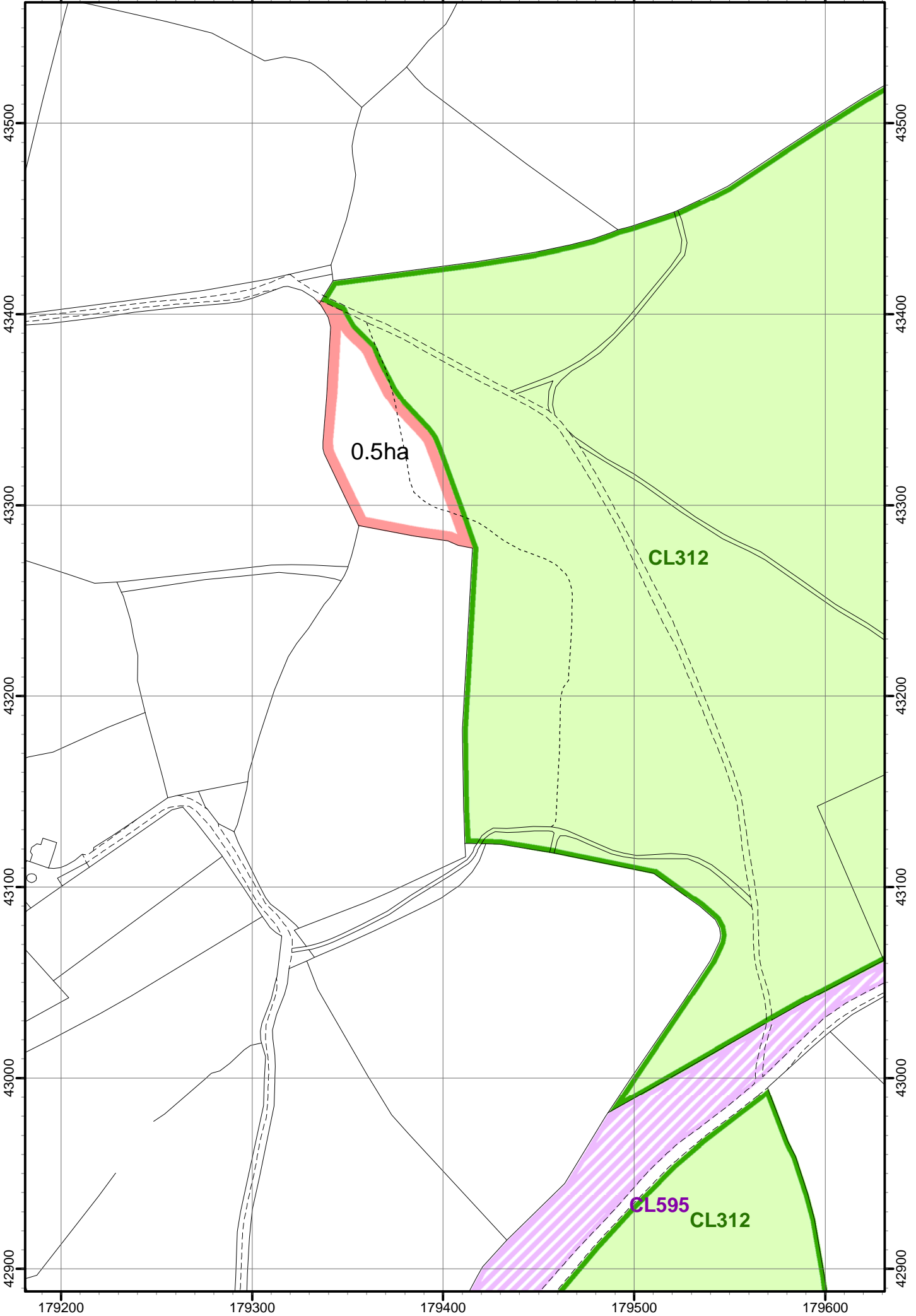


Title: Assistant Head of Planning, Housing & Regeneration

Date: 7 March 2008

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Key

Common Land/Village Green

Ownership Boundaries

Cancelled Common Land

Application Land