

# National Common Land Stakeholder Group

## 10 December 2007

### Part 1 emerging conclusions

This note records how we're developing our approach to the pilot regulations in light of the recent part 1 consultation. The text below sets out our intention where we expect to either amend or depart from a proposal, or what we intend to do for issues not discussed in the consultation.

Please note that none of these issues has been formally agreed as policy, and this paper should be treated as 'work in progress'.

#### Timetable

- Delay to original timetable and pilot will now commence October 2008 — this means a commensurate delay to national commencement, which will be set back to October 2010–October 2012;
- Early commencement of paragraphs 6 and 8, no earlier than October 2009.

#### Content of the registers

- retain regulation 16 of the Maps Regulations and regulations 17-20 and 22 of the General Regulations, but revoke regulations 23-25 of the General Regulations;
- allow commons registration authorities (CRAs) to charge for certified copies of the register.

We are giving further consideration to: the requirement of registering dominant tenement with Land Registry before making a declaration; the possibility of having two fees (a standard fee for applications where the land is registered with Land Registry and a higher fee where it is not); the possibility of multiple applications being put forward by a commoners' association; the circumstances in which registration officers should decline applications if they can see that the number of rights claimed are incorrect; to find out how the scale at which OS maps different areas (urban 1:1,250; rural 1:2,500; remote areas 1:10,000) relate to the registration of common land in the commons registers.

#### Applications (sections 6 to 15)

- application forms will not be prescribed but model forms (compliant with the requirements of regulations) will be made available by Defra;
- CRAs will have to draft and publish a notice of application on their website and copies of the notice must be emailed to any person who has requested to be informed of any applications and has supplied an email address for that purpose;
- CRAs will be able to direct the applicant to undertake further steps to advertise an application including publishing a copy of the notice in newspapers, display on the land affected and send copies of the notice to specified persons;
- Representations can be made within 42 calendar days (vice 28);

- CRAs will be able to set their own fees for applications so as to recover their costs, though there will be a cap (say £500) in any particular case;
- It will be mandatory to consult Natural England for section 6 & 7 applications, and the CRA will be obliged to have regard to its views;
- It should be possible to register apportionment on application (subject, as with other applications, to a fee being charged), subject to review of policy at the conclusion of the pilot implementation.

We are giving further consideration to: ways to notify people about applications; whether requirements should be made to notify Natural England of application for land which is SSSI.

#### Severance

- Temporary letting of rights: no firm proposals received for variations from the standard term of two years, and therefore no plans to make further provision at the present time;
- Permanent severance: no firm proposals received to enable permanent severance by order, and therefore no plans to make provision at the present time.

#### Corrections to and rectifications of the registers

- We will adopt a date no earlier than December 2017 as the cut-off date for applications under Schedule 2, will adopt a common cut-off date for both applications and proposals, and will keep the date under review to ensure that there is adequate time;
- Notice of applications under Schedule 2 will be required to be given more widely (*c.f.* sections 6–14), depending on the circumstances, but likely to include on site, to other local authorities, and to management bodies.

#### Electronic registers

- Considering taking a different approach to pilot conversion of electronic registers: pilot project would be taken in two parts: first, to provide recommendations and specification for the best approach to creating electronic registers, and second, to convert to electronic registers according to that specification.

#### The transitional period (Schedule 3)

- We aim to ensure that regulatory requirements are less onerous in relation to registration authorities which have few or no registered commons and greens.

#### Panel of inspectors

- The panel of inspectors will be established by the Planning Inspectorate, funded by Defra;
- We will consider whether there are circumstances in which applications under section 15 or Schedule 2 need not be referred to a person appointed from the independent panel (*e.g.* where an application might be rejected at preliminary consideration).

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