

National Common Land Stakeholder Group
10 December 2007

Report on part 1 consultation (updating the commons registers)

This report summarises significant departures from proposals set out in the part 1 consultation paper. Please note that no policies have yet been approved

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;
- Early commencement of paragraphs 6 and 8, no earlier than October 2009.

Content of the registers

- enable declarations of entitlement to be made *subject to registering the dominant tenement with Land Registry beforehand*
- retain regulation 22 of the General Regulations

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 and commons registration authorities (CRAs)
- CRAs must publish a notice of an 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 of £500 in any particular case
- It will be mandatory to consult Natural England for section 6 & 7 applications. Its views should be given as much weight as any other specialist and the final decision will be the CRA's
- It should be possible to register apportionment on application (subject, as with other applications, to a fee being charged), subject to review at the conclusion of the pilot implementation

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 will be required to be given more widely, depending on the circumstances, but likely to include on site, to other local authorities, and on management bodies.

Electronic registers

- Considering taking a different approach to electronic registers which would entail splitting the contract into 2 parts: firstly, to look at the best approach to creating electronic registers, including how they link in with other GIS systems such as access maps, and secondly, to create the electronic registers.

The transitional period

- We plan to ensure that regulatory requirements are not 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, at Defra's expense
- 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)