

From: Defra
Sent: 15 September 2014 17:20
To: Name redacted
Cc: Defra
Subject: RE: DEFRA GUIDANCE (APPLICATIONS UNDER SCHEDULE 2(4) OF THE 2006 COMMONS ACT)

Hi [name removed] – thanks for your email.

[out of scope information removed]

Defra recently wrote to [CLA name removed] to confirm that there is no reason to postpone hearings for waste land applications. Nor would we expect the Planning Inspectorate to postpone applications. You will likely be aware that some hearings/inquiries have taken place in Cornwall since you sent your email and I see no reason why that would not continue.

Thanks,

[name removed]

From: Name removed
Sent: 23 August 2014 14:58
To: Defra
Cc: [names removed]
Subject: DEFRA GUIDANCE (APPLICATIONS UNDER SCHEDULE 2(4) OF THE 2006 COMMONS ACT)

Dear [name removed]

Attachments (1) & (2) are copies of an e-mail exchange between the Planning Inspectorate (PI) and the Country Land & Business Association (CLA). They were passed to me by a member of a group ('Save Penwith Moors') with whom I am working on the public inquiry (COM 510) referred to at para 4 of Attachment (1).

There are no 'flaws' in the DEFRA *Guidance* of the kind referred to in Attachments (1) & (2). The problem lies elsewhere. And what CLA and its members actually object to is the statutory definition of common land to be found in the Commons Registration Act 1965; and the interpretation of that definition produced by the House of Lords in 1990 (in the *Hazeley Heath* judgement). What they want, then, is a change in the law. Failing that, their intention is to seek the private re-negotiation of a matter of public interest. It seems to me that the public have a right to know about these facts and about the related activities of this interest group.

[out of scope information removed]

It would seem from Attachments (1) & (2) that the aim in Cornwall is much the same – though it would of course be more convenient, and less costly, if the application process was to be properly 'guided' so as to dispose of any pretence that it is intended to serve the public interest.

[out of scope information removed]. They {the correspondents' briefing notes} have also been submitted to the ongoing Inquiry in Cornwall (COM 510) that is referred to at para 4 of the CLA e-mail. In each of these cases, the Inspector has been provided with copies of the court judgements and decision letters referred to in the *Briefing Notes* and with the relevant extracts from both editions of Gadsden. The intention is (or was) that these documents should be used as a point of reference in stating a case in favour of the applications that was as clear and succinct as possible.

[Out of scope information removed] they'd [the CLA] settle for privately-negotiated changes in the DEFRA *Guidance* that would better fit their conception of their members as the exclusive owners of the land. Given that the land – in terms of the public subsidies it has received over a number of decades – must have been bought several times over from the public purse this seems to me to be a pretty peculiar position to take.

I would be grateful for any comments you may have on the above; and any assurances you can give that changes of the kind referred to here will not be allowed to be negotiated behind closed doors.

Yours sincerely

[name and contact details removed]