

# **Proposals arising from the review of the Registers of Common Land and Town or Village Greens**

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A report by the Director of Environment and Waste to Kent County Council's Regulation Committee on Tuesday 25<sup>th</sup> January 2011.

## **Recommendation:**

**I recommend that the errors identified as a result of the review of the Registers of Common Land and Town or Village Greens are dealt with accordingly and that proposals are initiated under section 19 of the Commons Act 2006 to seek to rectify these errors.**

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## **Introduction**

1. Members will be aware of the ongoing review of the Registers of Common Land and Town or Village Greens as part of the pilot project for the implementation of Part I of the Commons Act 2006. As part of this review, Officers have identified a number of errors and anomalies in the Registers which now require correction.
2. Some of the anomalies identified are complicated and require further, more detailed, investigation. However, there are certain issues which have arisen as a result of errors made by the Commons Registration Authority, particularly in relation to transcribing application plans onto the Register maps. These issues are much more clear cut and should be rectified in order to ensure that the information contained in the Registers remains as accurate as possible.

## **The law**

3. The Commons Act 2006 has provided a range of powers to Commons Registration Authorities which allow for the Registers to be amended in a range of circumstances.
4. Section 19 of the 2006 Act states that a Commons Registration Authority may amend its Register of Common Land and Town or Village Greens for any of the following purposes:
  - correcting a mistake made by the Commons Registration Authority in making or amending an entry in the Register;
  - correcting any other mistake which would not affect the extent of the registered land or a right of common;
  - removing a duplicate entry from the Register;
  - updating any contact details contained in the registers; or
  - updating any entry to take account of accretion or diluvium.
5. Section 19 further provides that an amendment may be made by a Commons Registration Authority on its own initiative or on the application of any person. This means that, where appropriate, the County Council has the power to initiate an amendment of the Registers (known as a "proposal") without having to wait for an application to be made by a member of the public.
6. Proposals are dealt with in the same way as an application, and are required to undergo all of the usual advertising and formal consultation processes.

## **The proposals**

7. There are currently five proposals which it is proposed to resolve initially and others will follow at a later stage once further research has been carried out. All of the current proposals involve boundary errors arising from the transcription of application plans to the Register map. More specific details on each case are attached at the Appendices to this report.
8. Three of the proposals involve removing land from the Registers (see **Appendix A, B and C**) where land has been registered in error.
9. One proposal involves adding land to the Register (see **Appendix D**) where the original application intended for the land to be registered, but it was mistakenly omitted from the registration due a misinterpretation of the base mapping.
10. One proposal involves modifying the register so as to remove part of an existing registration and to register an alternative piece of land (see **Appendix E**). In this case the Register map does not accurately reflect the original application, or indeed the current position on the ground, and ought to be amended as such.

## **Determination of proposals**

11. In general, proposals are either determined by the County Council in its capacity as the Commons Registration Authority or, alternatively, they may sometimes be referred to the Planning Inspectorate for determination.
12. The circumstances in which a proposal must be referred to the Planning Inspectorate for determination are set out at Regulation 27 of the Commons Registration (England) Regulations 2008. One of those circumstances is where a proposal is made under section 19 of the 2006 Act and seeks to add or remove land from a Register.
13. The cases currently under consideration (as set out above and in the appendices) all fall within the remit of section 19 of the Commons Act and all involve either the removal of land from or the addition of land to the Register. Therefore, they would all need to be referred to the Planning Inspectorate, who would take the final decision with regard to any amendment of the Register.

## **Recommendation**

14. I recommend that the errors identified as a result of the review of the Registers of Common Land and Town or Village Greens are dealt with accordingly and that proposals are initiated under section 19 of the Commons Act 2006 to seek to rectify these errors.

## **Background documents:**

Appendix A – Common Land unit number CL28 at Lamberhurst  
Appendix B – Common Land unit number CL158 at Dartford  
Appendix C – Common Land unit number CL159 at Dartford  
Appendix D – Village Green unit number VG165 at Brasted  
Appendix E – Village Green unit number VG42 at Addington

## **Contact Officer:**

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**COMMONS ACT 2006**

**PROPOSAL UNDER SECTION 19 TO AMEND AN ERROR BY THE COMMONS  
REGISTRATION AUTHORITY**

**CL28 AT LAMBERHURST**

The Kent County Council is seeking to initiate a proposal under section 19(2)(a) of the Commons Act 2006 to amend the Register of Common Land for unit number CL28 at Lamberhurst on the following grounds:

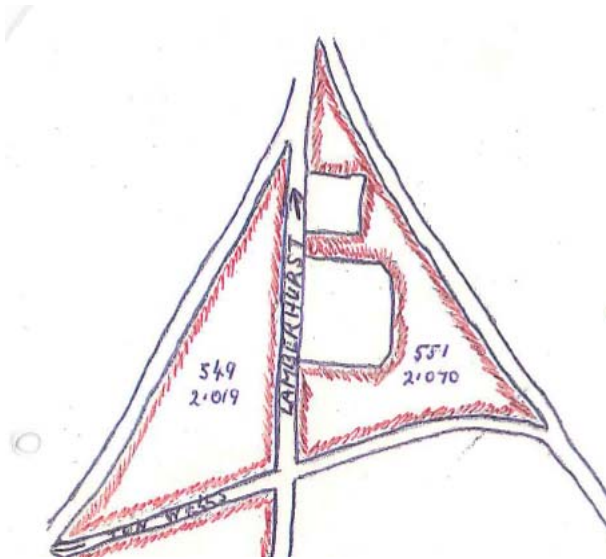
Description of proposal

The proposal is to delete from the Register an area of approximately 600 square metres of registered Common Land from unit number CL28 at Lamberhurst which forms part of the garden of the property known as 'Manor Down'.

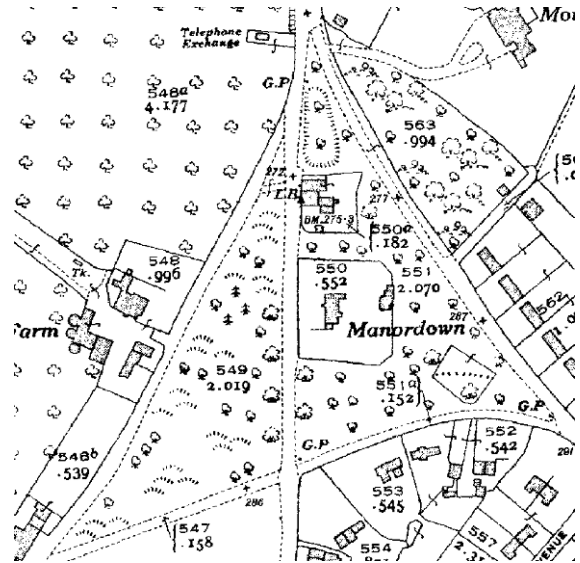
Justification for proposal

The reason for the proposal is that this land was registered as Common Land in error when the original processes for compiling the Registers of Common Land were undertaken during the 1970s. This error is clearly visible when comparing the original application plan with the map accompanying the Register of Common Land. The garden of the property known as 'Manor Down' was excluded from the original application plan and it was not the intention of the applicant that it be registered as Common Land. For this reason, there is no basis for this land being registered as such and it should now be removed from the Register of Common Land.

**CL28 at Lamberhurst: proposal under section 19 of Commons Act 2006**



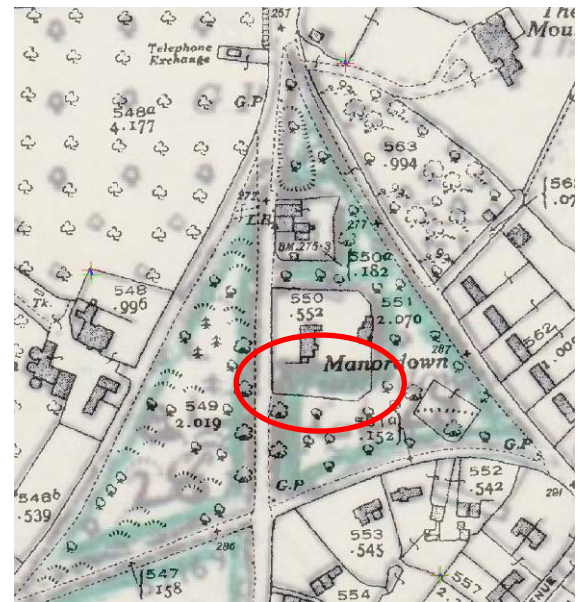
**1 - application plan**



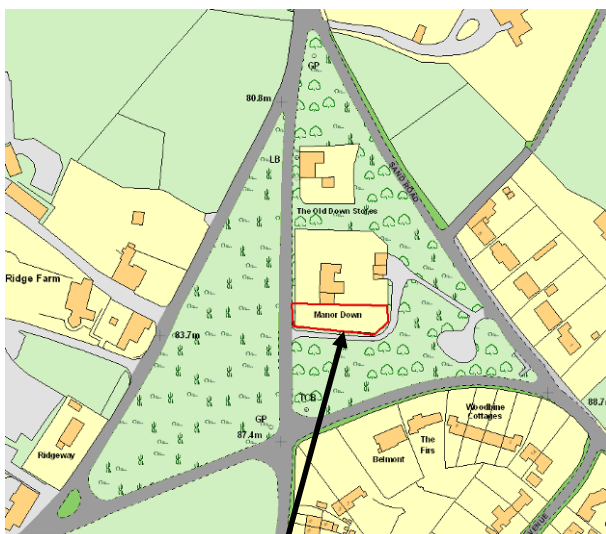
**2 - Fourth edition OS map**



**3 - Register plan**



**4 - Register plan overlaid by OS map**



**Area of land to be removed from the Register**

**COMMONS ACT 2006**

**PROPOSAL UNDER SECTION 19 TO AMEND AN ERROR BY THE  
COMMONS REGISTRATION AUTHORITY**

**CL158 AT DARTFORD HEATH**

The Kent County Council is seeking to initiate a proposal under section 19(2)(a) of the Commons Act 2006 to amend the Register of Common Land for unit number CL158 at Dartford Heath on the following grounds:

Description of proposal

The proposal is to delete from the Register an area of approximately 620 square metres of registered Common Land from unit number CL158 at Dartford Heath which forms part of the grounds of the property known as 'The Brethrens Meeting Room' (previously known as St. Barnabas Church).

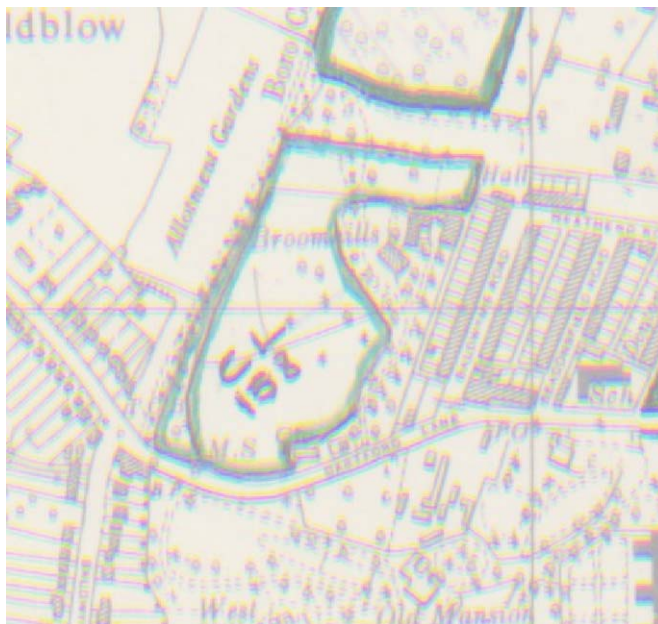
Justification for proposal

The reason for the proposal is that this land was registered as Common Land in error when the original processes for compiling the Registers of Common Land were undertaken during the 1970s. This error is clearly visible when comparing the original application plan with the map accompanying the Register of Common Land. The Register Plan shows registered Common Land in the grounds of the property known as 'The Brethrens Meeting Room', which does not comply with the original (and accepted) application plan. It was not the intention of the applicant that it be registered as Common Land and for this reason there is no basis for this land being registered as such and it should now be removed from the Register of Common Land.

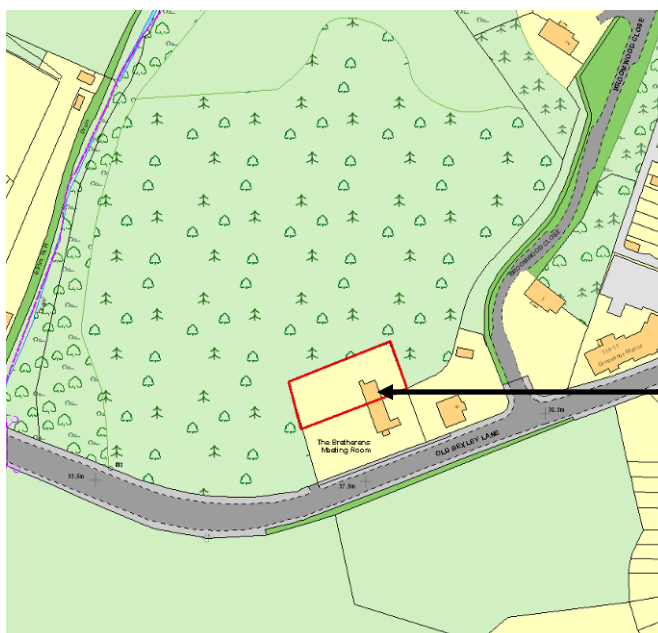
**CL158 at Dartford: proposal under section 19 of the Commons Act 2006**



**1 – application plan showing intended boundary around St. Barnabas Church**



**2 – extract from Register plan**



**Area of land to be removed from Register**

## **COMMONS ACT 2006**

### **PROPOSAL UNDER SECTION 19 TO AMEND AN ERROR BY THE COMMONS REGISTRATION AUTHORITY**

#### **CL159 AT OAKFIELD LANE, DARTFORD**

The Kent County Council is seeking to initiate a proposal under section 19(2)(a) of the Commons Act 2006 to amend the Register of Common Land for unit number CL159 at Dartford on the following grounds:

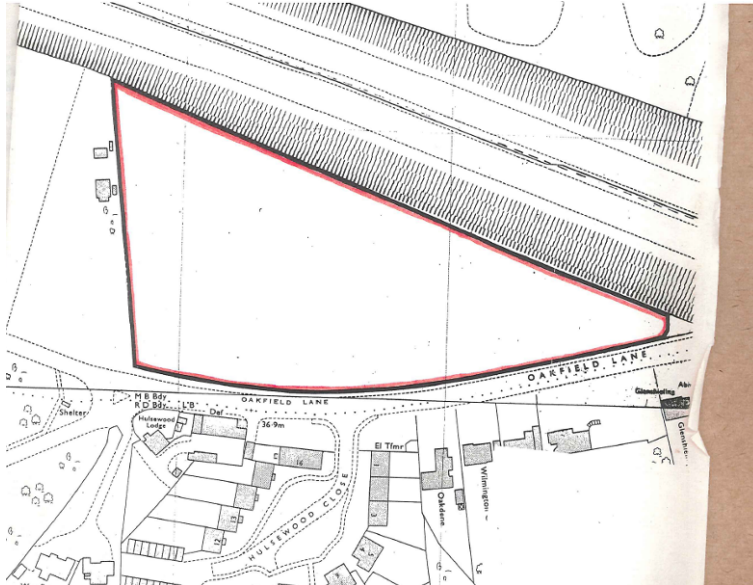
#### Description of proposal

The proposal is to delete from the Register an area of approximately 2.5 acres (1 hectare) of registered Common Land from unit number CL159 at Oakfield Lane, Dartford.

#### Justification for proposal

The land became Common Land by virtue of a Deed of Exchange dated 30<sup>th</sup> March 1983 as authorised by the Ministry of Transport Highways Compulsory Purchase Order (No.21) (London – Canterbury – Dover Trunk Road, Dartford Diversion) 1968. An application was made by Dartford Borough Council on 22<sup>nd</sup> March 1984, under Section 13 of the Commons Registration Act 1985 to effect this change on the Register. However, an error was made in transcribing the map accompanying the Deed of Exchange onto the Register of Common Land, which therefore does not comply with the Deed of Exchange plan. It was not the intention of the Deed of Exchange that this piece of land be registered as Common Land and for this reason there is no basis for this land being registered as such and it should now be removed from the Register of Common Land.

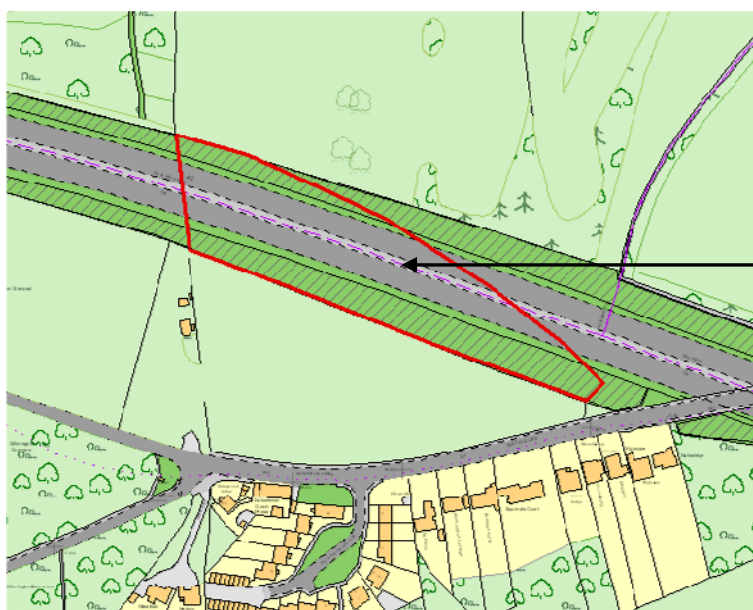
**CL159 at Dartford: proposal under section 19 of the Commons Act 2006**



**1 – application plan  
showing intended boundary  
to the south of the A2 trunk  
road**



**2 – extract from Register  
plan**



**Area of land to be  
removed from Register**

**COMMONS ACT 2006**

**PROPOSAL UNDER SECTION 19 TO AMEND AN ERROR BY THE COMMONS  
REGISTRATION AUTHORITY**

**VG165 AT BRASTED**

The Kent County Council is seeking to initiate a proposal under section 19(2)(a) of the Commons Act 2006 to amend the Register of Village Greens for unit number VG165 at Brasted on the following grounds:

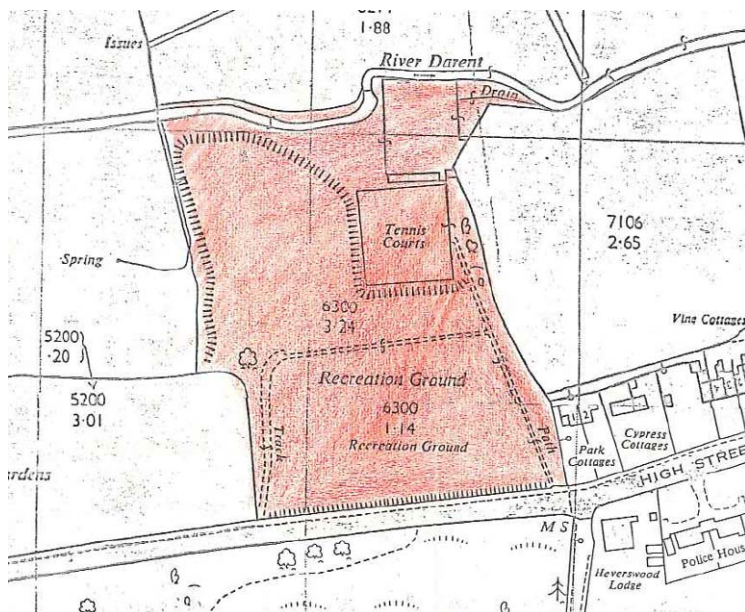
Description of proposal

The proposal is to add to the Register an area of approximately 430 square metres of unregistered land to unit number VG165 which forms part of the Recreation Ground at the High Street in Brasted.

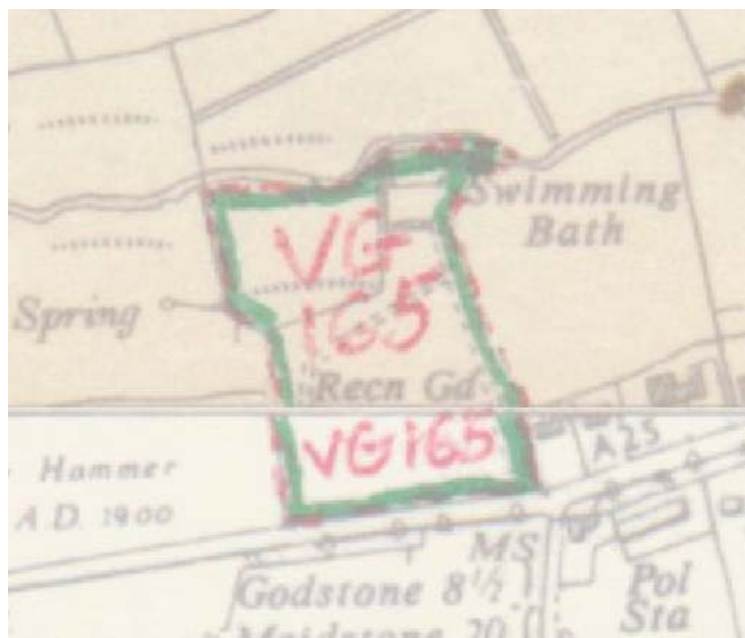
Justification for proposal

The reason for the proposal is that this land was mistakenly omitted when the original processes for compiling the Registers of Village Greens were undertaken during the 1970s. This error is clearly visible when comparing the original application plan with the map accompanying the Register of Village Greens. This part of the Recreation Ground was included on the original application plan and it was the intention of the applicant that it be registered as Village Green. For this reason, there is a firm basis for this land being registered as such and it should now be added to the Register of Village Greens.

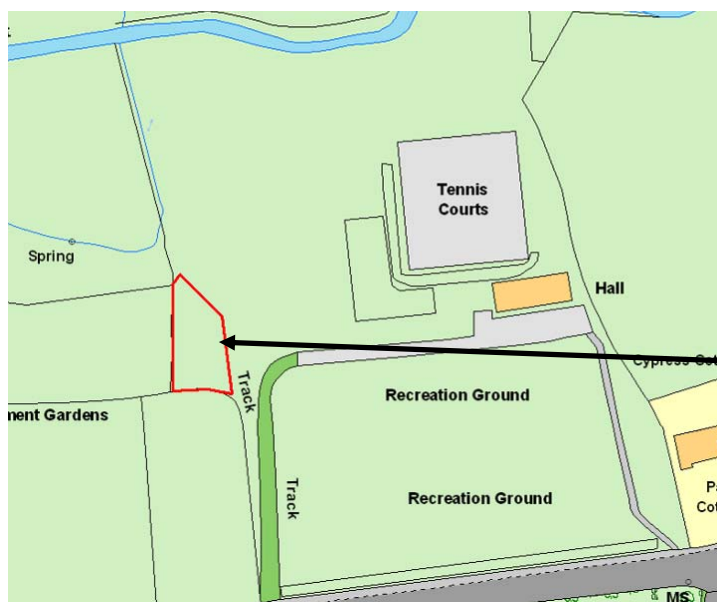
**VG165 at Brasted: proposal under section 19 of the Commons Act 2006**



**1 – application plan  
showing intended boundary**



**2 – extract from Register  
plan**



**Area of land to be  
registered as Village  
Green**

**COMMONS ACT 2006**

**PROPOSAL UNDER SECTION 19 TO AMEND AN ERROR BY THE COMMONS  
REGISTRATION AUTHORITY**

**VG42 AT ADDINGTON**

The Kent County Council is seeking to initiate a proposal under section 19(2)(a) of the Commons Act 2006 to amend the Register of Village Greens for unit number VG42 at Addington on the following grounds:

Description of proposal

The proposal is to add to the Register an area of land of approximately 85 square metres to unit number VG42 which forms part of Addington Village Green at Addington.

The proposal is also to delete from the Register an area of approximately 75 square metres of registered land from unit number VG42 which forms part of Addington Village Green at Addington.

Justification for proposal

The reason for the proposal is that this land comprising 85 square metres mistakenly omitted when the original processes for compiling the Registers of Village Greens were undertaken during the 1970s. This error is clearly visible when comparing the original application plan with the map accompanying the Register of Village Greens. This part of the Village Green was not included on the original application plan and it was the intention of the applicant that it be registered as Village Green. For this reason, there is a firm basis for this land being registered as such and it should now be added to the Register of Village Greens.

The area to be deleted was registered as Village Green in error when the original processes for compiling the Registers of Village Greens were undertaken during the 1970s. This error is clearly visible when comparing the original application plan with the map accompanying the Register of Village Greens. This part of the Village Green was included on the original application plan and it was not the intention of the applicant that it be registered as Village Green. For this reason, there is no basis for this land being registered as such and it should now be deleted from the Register of Village Greens.

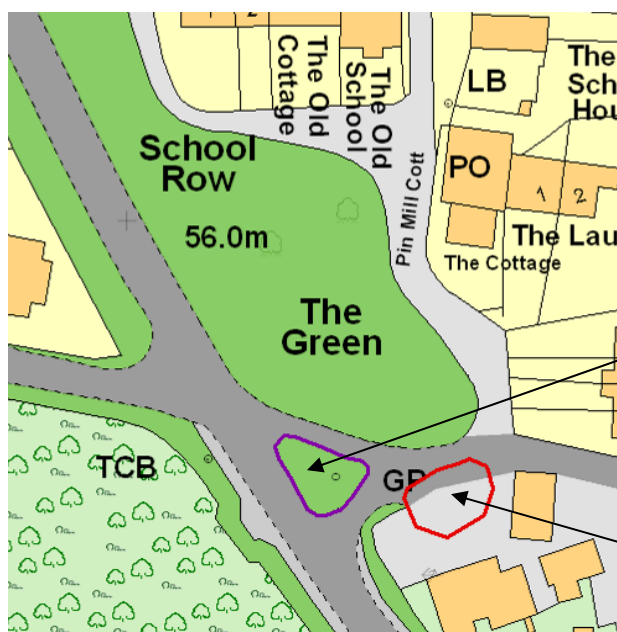
**VG42 at Addington: proposal under section 19 of the Commons Act 2006**



**1 – application plan showing intended boundary**



**2 – extract from register plan**



**Area of land to be registered as Village Green**

**Area of land to be removed from the Register**