

Application to amend the Register of Common Land for land known as 'The Lees' at Yalding (CL41)

A report by the Head of Regulatory Services to Kent County Council's Regulation Committee Member Panel on Tuesday 24th September 2013.

Recommendation: I recommend that the County Council informs the applicant that the application to amend the Register of Common Land to register additional areas of Common Land (as shown at Appendix D) has been accepted and that the Register of Common Land for unit number CL41 be amended accordingly.

Local Member: Mrs. P. Stockell

Unrestricted item

Introduction

1. Kent County Council is the 'Commons Registration Authority' for the purposes of the Commons Act 2006 (and, previously, the Commons Registration Act 1965). In this capacity, it is responsible for holding the legal record of Common Land and Town or Village Greens for the county, known as the Registers of Common Land and Town or Village Greens, and for making any necessary amendments to the Registers using the requisite legal processes.
2. The County Council has received an application to amend the Register of Common Land from Mr. H. Craddock ("the applicant"). The application, received on 6th March 2013, has been made under paragraph 2 of Schedule 2 of the Commons Act 2006 and seeks to amend unit number CL41 of the Register of Common Land to register additional areas of Common Land. A copy of the Register of Common Land for unit CL41 is attached at **Appendix A** to this report and a copy of the application form is attached at **Appendix B**.

Background

3. Common Land was defined in the Commons Registration Act 1965 as land subject to certain traditional rights (known as 'rights of common') or waste land of a manor not subject to rights of common. The most widely exercised right of common remaining today is the common of pasture (a right to graze animals), but other examples of rights of common include pannage (a right to turn out pigs in woodland to graze on acorns), piscary (a right to fish), turbary (a right to dig peat or turf) and estovers (a right to collect firewood).
4. In some parts of the country, particularly in moorland areas, rights of common are widely exercised and form an important asset to the local farming community. In lowland counties, such as Kent, they are far less prevalent because Common Land here consists mainly of manorial waste. Nonetheless, there are still several areas of Common Land in the county over which these rights are exercisable.

5. Until relatively recently, there was no public right of access to registered Common Land. However, under the Countryside and Rights of Way Act 2000, registered Common Land was included within the definition of 'Open Access Land', which now provides for a public right of access on foot only.

Procedure

6. Paragraph 2 of Schedule 2 of the Commons Act 2006 enables anyone to apply to the County Council to amend the Register of Common Land in cases where it can be shown that that common land has been omitted from inclusion on the Register. The application must be made in accordance with the provisions of the Commons Registration (England) Regulations 2008 ("the 2008 Regulations").
7. In determining the application, the County Council must be satisfied that:
 - the land is not currently registered as Common Land or Town or Village Green;
 - the land has never been finally registered as Common Land or Town or Village Green;
 - the land is either:
 - regulated by an Act made under the Commons Act 1876, or
 - subject to a scheme under the Metropolitan Commons Act 1866 or the Commons Act 1899, or
 - regulated as common land under a local or personal Act, or
 - otherwise recognised or designated as common land by or under an enactment.
8. As a standard procedure set out in the 2008 Regulations, the County Council must put a copy of the Notice of Application on its own website and send a copy of the notice to interested parties. The publicity must state a period of at least six weeks during which objections and representations can be made. In addition, the applicant must serve notice on any owner(s) and/or occupier(s) of the land.

The Case

9. The applicant's case is made on the basis that the land that is subject to this application was included in a scheme of regulation and management made under the Commons Act 1899 ("the scheme of management").
10. The Commons Act 1899 enabled District Councils to make schemes of management for common land in order to formalise public access to the land¹, to provide for the management of the land, and to regulate the activities taking place thereon.
11. In this case, a scheme of management was made in relation to the land known as 'The Lees' in the parish of Yalding by the Maidstone Rural District Council on 24th May 1949 and approved by Order of the Minister of Agriculture and Fisheries on 27th May 1949. The scheme of management provided that the District Council could undertake any works 'for the protection and improvement of the common' (clause

¹ As noted above, prior to the Countryside and Rights of Way Act 2000 there was no public right of access to Common Land.

3), that the 'inhabitants of the district and neighbourhood shall have a right of free access... and a privilege of playing games and enjoying other species of recreation' (clause 5) and that the District Council could also make byelaws 'for the prevention of nuisances and the preservation of order on the common' (clause 9). A full copy of the scheme of management, including the plan, is attached at **Appendix C**.

12. The reason for the current application is that the applicant contends that certain parts of the land included within the scheme of management (and shown on the accompanying map) were omitted from the formal registration of the land as common land and the Register of Common Land should therefore be amended accordingly.

Land to be added to the Register of Common Land

13. The area of land that is the subject of this application ("the application site") consists of a number of small parcels of land situated on the peripheries of the registered Common Land, with a more substantial piece of land at the southern end of the existing registration, and includes parts of the public highways known as The Lees and Hampstead Lane. The total area of land to be registered is roughly 2.8 acres (1.13 hectares).

14. The application site is not currently registered as Village Green, nor has it ever been finally registered as Common Land or Town or Village Green.

15. A plan showing the areas of common land which the applicant contends should be added to the Register of Common Land for unit number CL41 is attached at **Appendix D**. A coloured, A3-sized version will be available at the meeting.

Consultation

16. As required by the 2008 Regulations, notice of the application was published on the County Council's website. No objections have been received.

17. The applicant has also, as required, served notice of the application on the Maidstone Borough Council (as the council in which management and regulation of the land is vested), Yalding Parish Council (as landowner) and Kent County Council (as highway authority in which management of the highway parts of the land is vested).

18. No responses have been received from either Maidstone Borough Council or Yalding Parish Council.

Objection

19. One objection to the application has been received from the Governance and Law department of Kent County Council, on behalf of the County Council's Highways and Transportation team ("the objector").

20. The objection is made on the grounds that the definition of 'common land' under the Commons Registration Act 1965 does not include land that forms part of the public

highway and therefore the sections of the application site that form part of the public highway should not be included within any subsequent registration.

21. The objector also raised concerns on the impact of the application, if successful, on the County Council's statutory duty to assert and protect the rights of the public in relation to the public highway.

Applicant's comments on the objection

22. As required, a copy of the objection was referred to the applicant for comment.

23. The applicant's view is that the objection is irrelevant because if the application site is shown as included within the Scheme of Management (regardless of whether or not it is highway land) then it is registrable as common land under paragraph 2 of Schedule 2 of the Commons Act 2006. The definition of common land set out in the Commons Registration Act 1965 applied only for the purposes of registering common land under that Act and does not apply in relation to this application.

24. The applicant adds that, in any event, both sets of rights (i.e. rights of common and highway rights) are probably rooted in the medieval period, during which commoners animals would have grazed on the highway land as part of the available grazing area. The exclusion of highway land from being registrable as common land under the 1965 Act was a political compromise and did not mean that highway land did not, as a matter of fact, form part of the common land.

25. The applicant also states that there would be little adverse impact on the discharge of highway functions as highway maintenance would not require special consent² unless it involved fencing or widening schemes.

Discussion

26. Section 22(1) of the Commons Registration Act 1965 provides that, 'in this Act' the definition of Common Land includes land subject to rights of common and waste land of a manor not subject to rights of common, 'but does not include a town or village green or any land which forms part of a highway'. The term 'common land' is not defined in the Commons Act 2006, perhaps in part because it is no longer possible to register new common land unless rights of common are exercisable over that land.

27. In any event, the test to be applied in relation to applications made under paragraph 2 of Schedule 2 of the 2006 Act is not whether the land falls within the definition of common land; rather, the test to be applied is whether any of the circumstances set out in paragraph 2(2) applies. Accordingly, the County Council is concerned only with whether the land is regulated by an Act made under the Commons Act 1876, subject to a scheme under the Metropolitan Commons Act 1866 or the Commons Act 1899, regulated as common land under a local or

² Section 38 of the Commons Act 2006 makes it an offence to undertake 'restricted works' (i.e. works which have the effect of impeding access or resurfacing the land other than repair of an existing surface) on any common land without first obtaining the consent of the Secretary of State for such works.

personal Act, or otherwise recognised or designated as common land by or under an enactment.

28. In this case, it is clear that the land subject to this application is subject to a scheme of management made under the Commons Act 1899. The description given in the scheme of management for the land to which it applies reads: ‘the piece of land with the ponds, streams, paths and roads thereon, commonly known as The Lees, situate in the parish of Yalding... [and] delineated in a plan sealed and deposited at the offices of the Rural District Council of Maidstone’ (emphasis added). There can be no dispute that the scheme of management clearly intended the inclusion of the roads, regardless of whether or not they would have been subsequently capable of formal registration as common land under the Commons Registration Act 1965.

29. Furthermore, the concerns raised regarding the future maintenance of the land are not a material consideration under paragraph 2 of the Schedule 2 of the 2006 Act and therefore not a matter that the County Council is able to take into account in determining this particular application.

Conclusion

30. As is noted above, the only issue which the County Council needs to be satisfied of in this case is that the land is subject to a Scheme of Management under the Commons Act 1899. The plan accompanying the Scheme of Management (at Appendix C) shows that the application site has been missed off from the formal Register of Common Land. It would therefore appear that the necessary criteria concerning the amendment of the Register of Common Land for unit number CL41 have been met.

Recommendation

31. I recommend that the County Council informs the applicant that the application to amend the Register of Common Land to register additional areas of Common Land (as shown at **Appendix D**) has been accepted and that the Register of Common Land for unit number CL41 be amended accordingly.

Accountable Officer:

Mr. Mike Overbeke – Tel: 01622 221500 or Email: mike.overbeke@kent.gov.uk

Case Officer:

Ms. Melanie McNeir – Tel: 01622 221628 or Email: melanie.mcneir@kent.gov.uk

The main file is available for viewing on request at the Countryside Access Service, Invicta House, County Hall, Maidstone. Please contact the case officer for further details.

Background documents

APPENDIX A – Copy of the Register of Common Land for CL41

APPENDIX B – Copy of application form

APPENDIX C – Copy of the scheme of management relating to The Lees at Yalding

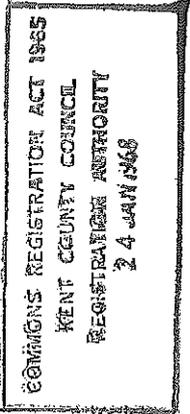
APPENDIX D – Plan showing land to be added to the Register of Common Land

Register of

COMMON LAND

Register unit No. CL44

Edition No.



See Overleaf
for Notes

LAND SECTION—Sheet No.

No. and date of entry	Description of the land, reference to the register map, registration particulars, etc.
1. 24.1.68 24.1.68	<p>An area of land of approximately 31 acres in extent known as the Lee in the Parish of Yalding in the Rural District of Maidstone, so marked with a green verge line inside the boundary on Sheet 27 of the register map and distinguished by the number of this register unit. Registered pursuant to application No.153 made on 8th December, 1967 by the Yalding Parish Council. (Registered Provisionally)</p> <p>The registration entry above, being undisputed, became final on 1st October, 1970</p>

**APPENDIX A:
Copy of the Register of Common
Land for CL41 at Yalding**

No. and date of note	Notes	No. and date of note	Notes
<p>1 19.11.68</p>	<p>"The Trustees of the late Mrs. M.A. Shepherd, c/o Messrs. Gregory, Rowcliffe and Co., 1, Bedford Row, London, W.C.1. claim the right of access from the public highway across land comprised in this register unit to O.S. Parcel 140 (Parish of Yalding).</p>		

Note: This section contains the registration of every person registered under the Act as owner of any of the land described in the land section of this register unit. It does not contain any registration in respect of land of which the freehold is registered under the Land Registration Acts 1925 and 1936, but the absence from this section of a registration in respect of any land described in the land section does not necessarily indicate that the freehold of that land is registered under those Acts.

Register unit No. CL.41
Edition No.

Register of COMMON LAND

See Overleaf for Notes

OWNERSHIP SECTION—Sheet No.

1 No. and date of entry	2 No. and date of application	3 Name and Address of person registered as owner	4 Particulars of the land to which the registration applies
1 23.3.74		<p>As directed by the Chief Commons Commissioner in pursuance of Section 8(2) of the Commons Registration Act 1965, Maidstone Rural District Council is hereby registered as owner of the land known as The Lees, Yalding comprised in the Land Section of Register Unit No. CL.41. See entry below</p>	
2 18.6.74		<p>The registration at entry No. 1 above has been deleted under (4) Section 12 of the Act, the land to which it applied having been registered under the Land Registration Acts 1925 to 1966. (K.4.13596)</p>	<p>All the land comprised in the registration on Unit</p>

1:10,560 or 6 Inches to 1 Mile

160

240 Chains

KENT

Nettlestead Green 3/4 Mile

NETTLESTEAD PH 68

Nettlestead Green 1 Mile

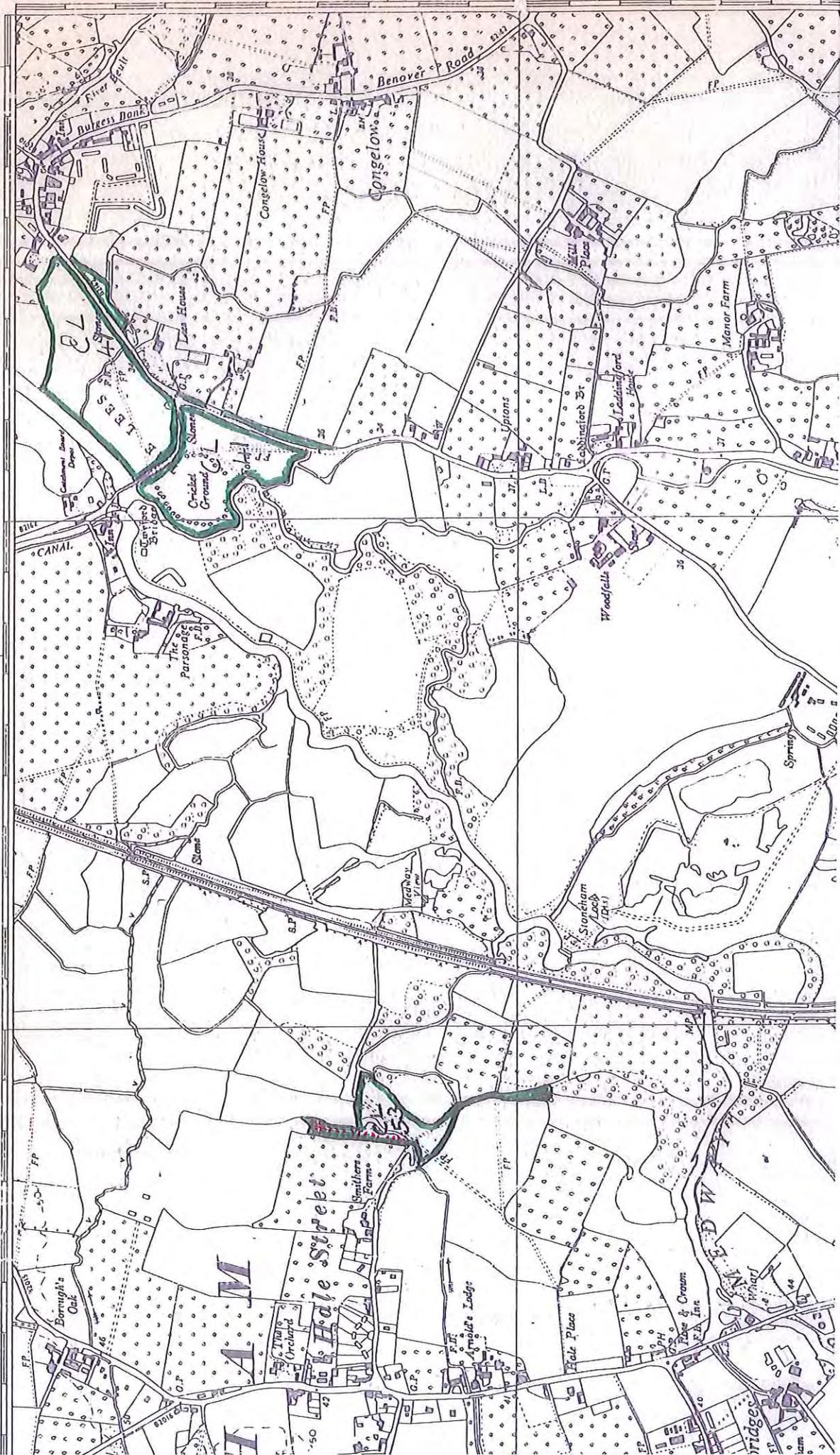
25

69

Yalding LONG 0° 20' E

570 000

50 000



3

Commons Act 2006: Schedule 2

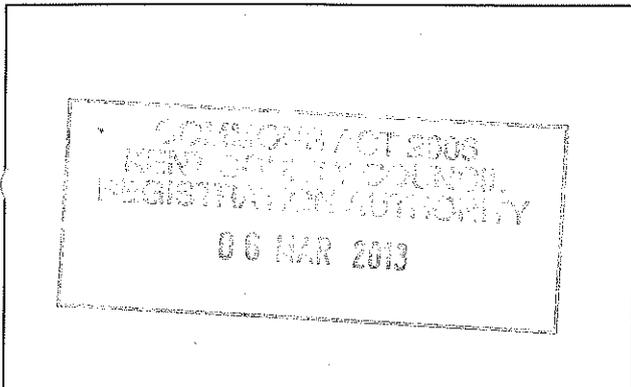
APPENDIX B:
Copy of the application form

Application to correct non-registration or
mistaken registration of Common Land
or a Town or Village Green



This section is for office use only

Official stamp of the Registration Authority
indicating date of receipt:



Application number:

CAA18/CL41

Register unit number allocated at registration
(for missed commons only):

[Empty box for register unit number]

Note to applicants

Applicants are advised to read the 'Part 1 of the Commons Act 2006 (changes to the commons registers):
Guidance to applicants in the pilot implementation areas' and to note the following:

- All applicants should complete parts 1–10
- Any person can apply under Schedule 2
- Applications must be submitted on or before 31st December 2020 – from that date onwards no further applications can be submitted
- The application must be accompanied by a fee except for applications under Schedule 2, paragraphs 2, 3, 4 or 5. Ask the Registration Authority for details of the fee.

Note 1
Insert name of Commons
Registration Authority

1. Commons Registration Authority

To the:

Please tick the box to confirm that you have:

enclosed the appropriate fee for this application

or

have applied under paragraphs 2 to 5,
so no fee has been enclosed

Note 2

If there is more than one applicant, list all names. Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or unincorporate. If you supply an email address in the box provided, you may receive communications from the Registration Authority or other persons (e.g. objectors) via email. If part 3 is not completed all correspondence and notices will be sent to the first named applicant.

2. Name and address of the applicant

Name: Hugh Craddock

Full postal address:

(incl. Postcode)

████████████████████
 ████████████████████
 ████████████████████

Telephone number:

(incl. national dialling code)

████████████████████

Fax number:

(incl. national dialling code)

E-mail address:

████████████████████

Note 3

This part should be completed if a representative, e.g. a solicitor, is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here. If you supply an email address in the box provided, you may receive communications from the Registration Authority or other persons (e.g. objectors) via email.

3. Name and address of representative, if any

Name:

Firm:

Full postal address:

(incl. Postcode)

Telephone number:

(incl. national dialling code)

Fax number:

(incl. national dialling code)

E-mail address:

Note 4

For further details of the requirements of an application refer to Schedule 4, paragraph 14 to the Commons Registration (England) Regulations 2008.

4. Basis of application for registration and qualifying criteria

Please tick one of the following boxes to indicate the purpose for which you are applying under Schedule 2.

To register land not registered as common land (paragraph 2):

To register land not registered as town or village green (paragraph 3):

To register waste land of the manor not registered as common land (paragraph 4):

To register a town or village green wrongly registered as a common (paragraph 5):

To deregister a building wrongly registered as common land (paragraph 6):

To deregister any other land wrongly registered as common land (paragraph 7):

To deregister a building wrongly registered as town or village green (paragraph 8):

To deregister any other land wrongly registered as town or village green (paragraph 9):

If your application is to deregister land, please specify the register unit number to which this application relates:

Note 5
Explain why the register must be amended to take account of either land and buildings that were wrongly registered or land that was not registered.

5. Reason(s) for the application

Please describe the reason(s) for applying to correct the register

To secure the registration of land as common land, which is subject to a scheme of regulation and management under Part I of the Commons Act 1899, but which was omitted from the registration of land as register unit CL41 in the register of common land prepared by Kent County Council under the Commons Registration Act 1965.

The omitted land qualifies for registration as common land under paragraph 2 of Schedule 2 to the Commons Act 2006, being land which meets the criteria in sub-paragraph (2)(a), (2)(b)(ii) and 2 (c) of that paragraph, and which meets the further condition specified under subparagraph (2)(d), viz, that it is not land covered by a building or within the curtilage of a building for the purposes of paragraph 14(3) of Schedule 4 to the Commons Registration (England) Regulations 2008.

Note 6
The accompanying map must be at a scale of at least 1:2,500 and shows the land by distinctive colouring to enable to it to be clearly identified. Give a grid reference or other identifying detail.

6. Description of the land

Name by which the land is usually known:

The Lees [part of]

Location:

Lees Road, Yalding

Please tick the box to confirm that you have attached a map of the land (at a scale of at least 1:2,500):



Note 7

The only applications which require consent under Schedule 2 to the Commons Act 2006 are those submitted under paragraphs 2 or 3 to register land as common land or town or village green which includes land covered by a building or which is within the curtilage of a building; such applications must have the consent of the owner of that land. This can include any written declarations sent to the applicant (i.e. a letter), and any such declaration made on the form itself.

7. Declarations of consent

No consent is required.

Note 8

List all supporting consents, documents and maps accompanying the application. This will include a copy of any relevant enactment referred to in paragraphs 2(2)(b) or 3(2)(a) of Schedule 2 to the Commons Act 2006. There is no need to submit copies of documents issued by the Registration Authority or to which it was a party but they should still be listed. Use a separate sheet if necessary.

8. Supporting documentation

1. Copy of scheme for the regulation and management of The Lees made by Maidstone Rural District Council on 24 May 1949 and confirmed by the Minister of Agriculture and Fisheries on 27 May 1949.
2. Copy of plan of the common regulated under the scheme, and referred to in paragraph 1 of the scheme.
3. Ordnance Survey application map of common: the several parcels of omitted land referred to in Section 5 above are marked on the map edged red; land already registered as common land is included for reference purposes only and edged green.
4. Copy of register of title and title plan for The Lees, showing ownership of the land subject to the scheme.
5. Map contained in register unit CL41 (The Lees) of the register of common land held by Kent County Council, showing extent of registration of The Lees as registered common land (not submitted by virtue of r.16(3)).

Note 9

List any other matters which should be brought to the attention of the Registration Authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

9. Any other information relating to the application

Note 10

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

10. SignatureSignature(s) of applicant(s): Date: 1st March 2013**REMINDER TO APPLICANT**

You are responsible for telling the truth in presenting the application and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted. You are advised to keep a copy of the application and all associated documentation.

Please send your completed application form to:

The Commons Registration Team
Kent County Council
Countryside Access Service
Invicta House
County Hall
Maidstone
Kent ME14 1XX

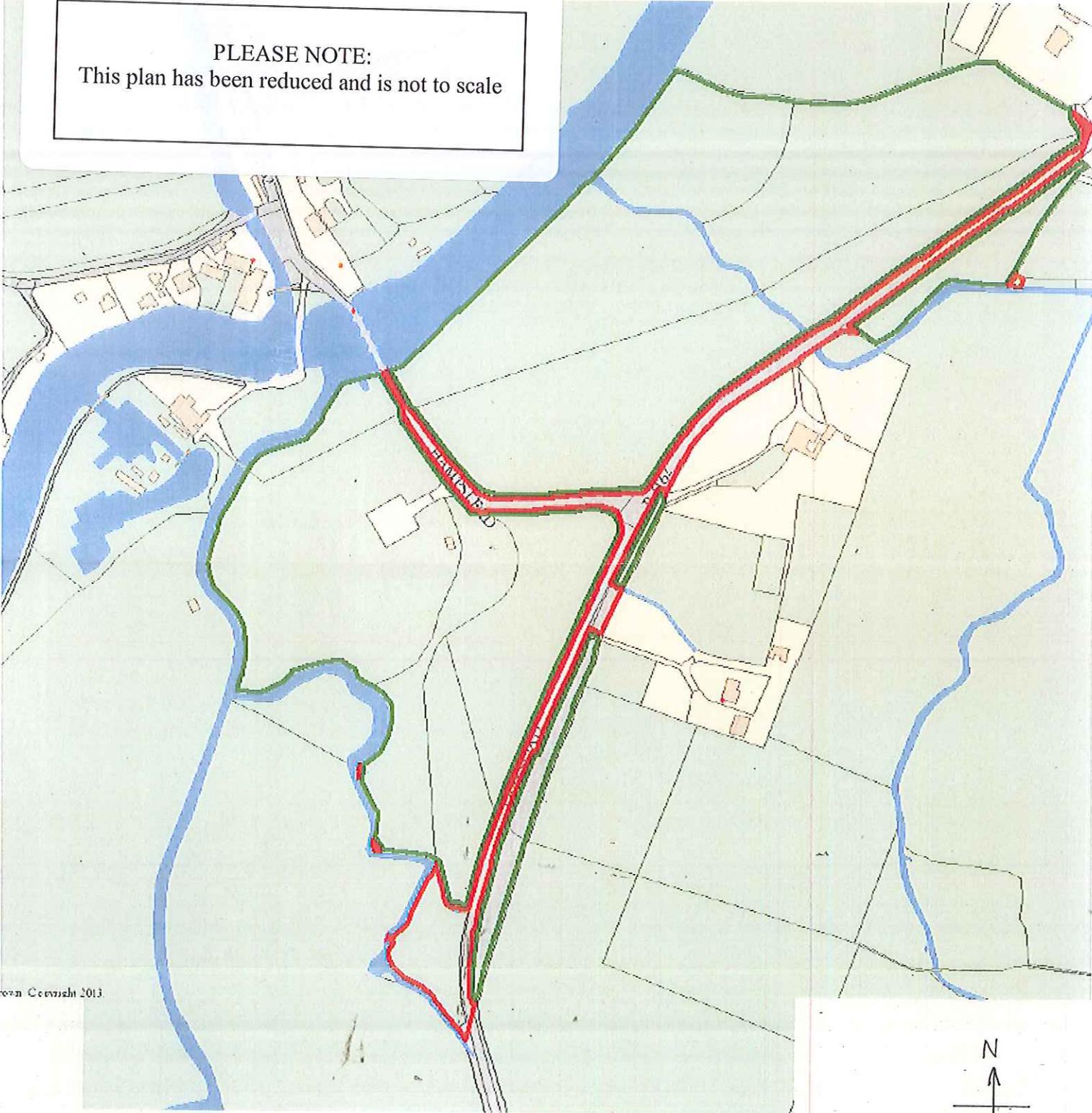
Where a fee is enclosed, please make the cheque payable to "Kent County Council"

Data Protection Act 1998

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the Commons Registration Authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

A copy of this form and any accompanying documents may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000.

PLEASE NOTE:
This plan has been reduced and is not to scale



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Centred on TQ692496

100m



MAIDSTONE RURAL DISTRICT COUNCIL

APPENDIX C:
Copy of the Scheme of Management
for The Lees at Yalding

COMMONS ACT, 1899

Scheme for the Regulation and Management of

"THE LEES" COMMON IN THE PARISH OF YALDING IN THE COUNTY OF KENT

Description of
Common and
Management
by District
Council.

1.—The piece of land with the ponds, streams, paths and roads thereon, commonly known as "THE LEES," situate in the Parish of Yalding in the County of Kent, and hereinafter referred to as "The Common," as the same is delineated in a plan sealed by and deposited at the Office of the Rural District Council of Maidstone, hereinafter called "The Council" and thereon coloured green, being a "Common" within the meaning of the Commons Act, 1899, shall henceforth be regulated by this scheme, and the management thereof shall by resolution of the Council be vested in the Council.

Appointment
of Officers.

2.—The powers of the Council generally as to appointing or employing officers and servants and paying them under the general Acts applicable to the Council shall apply to all such persons as in the judgment of the Council may be necessary and proper for the preservation of order on and the enforcement of byelaws with respect to the Common and otherwise for the purposes of this scheme, and the Council may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed and may alter such rules as occasion may require.

Protection and
Improvement
of Common.

3.—The Council may execute any necessary works of drainage, raising, levelling or other works for the protection and improvement of the Common and may for the prevention of accidents, fence any quarry pit pond stream or other like place on the common, and shall preserve the turf, shrubs, trees, plants and grass thereon and for this purpose may, for short periods, enclose by fences such portions as may require rest to revive the same, and may plant trees and shrubs for shelter or ornament, and may place seats upon and light the Common and otherwise improve the Common as a place for exercise and recreation. Save as hereinafter provided, the Council shall do nothing that may otherwise vary or alter the natural features or aspects of the Common or interfere with free access to any part thereof, and shall not erect upon the

Common any shelter, pavilion, drinking fountain, convenience or other building without the previous consent of the Minister of Agriculture and Fisheries (in this Scheme referred to as "the Minister"). The Minister, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act, 1876, to be taken into consideration and held by the Minister before forming an opinion whether an application under the Inclosure Acts, 1845 to 1882, shall be acceded to or not.

Against
Encroachments. 4.—The Council shall maintain the Common free from all encroachments, and shall not permit any trespass on or partial or other enclosure of any part thereof.

Public Right of
Access and
Recreation. 5.—The inhabitants of the district and neighbourhood shall have a right of free access to every part of the Common and a privilege of playing games and of enjoying other species of recreation thereon, subject to any byelaws made by the Council under this scheme.

Maintenance and
Construction of
Paths and
Roads. 6.—The Council shall have power to repair and maintain the existing paths and roads on the Common other than highways repairable by the inhabitants at large, and to set out, construct and maintain, or authorise the construction and maintenance of such new paths and roads on the Common as appear to the Council to be necessary or expedient, and to take any proceedings necessary for the stopping or diversion of any highway over the Common.

Games, etc. 7.—The Council may set apart for games any portion or portions of the Common as they may consider expedient, and may form grounds thereon for cricket, football, tennis, bowls, and other games, and may allow such grounds to be temporarily enclosed with any open fence, so as to prevent cattle and horses straying thereon; but such grounds shall not be so numerous or extensive as to affect prejudicially the enjoyment of the Common as an open space or the lawful exercise of any right of common, and shall not be so near to any dwelling house or road as to create a nuisance or an annoyance to the inhabitants of the house or to persons using the road.

Parking Places. 8.—The Council may with the consent of the Minister temporarily set apart and fence such portion or portions of the Common as they may consider expedient for the parking of motor and other vehicles, and may make such charges for the use of such part as they may deem necessary and reasonable provided that any area so set apart shall not be so near to any dwelling house as to create a nuisance or be an annoyance to the inhabitants of the house. The Minister, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act, 1876, to be taken into consideration and held by the Minister before forming an opinion whether an application under the Inclosure Acts, 1845 to 1882, shall be acceded to or not.

Byelaws. 9.—The Council may, for the prevention of nuisances and the preservation of order on the Common, and subject to the provisions of Section 10 of the Commons Act, 1899, make, revoke and alter byelaws for any of the following purposes, viz. :—

(a) For prohibiting the placing or depositing and leaving on the Common, without lawful authority of road-sand, materials for repair of roads, wood, glass, china, earthenware, tin, carton, paper or other rubbish so as to create or tend to create a litter.

(b) For prohibiting any person without lawful authority from digging, cutting or taking turf, sods, gravel, sand, clay or other substance on or from the Common, and from cutting, felling or injuring any gorse, heather, timber, or other tree, shrub, brushwood or other plant growing on the Common.

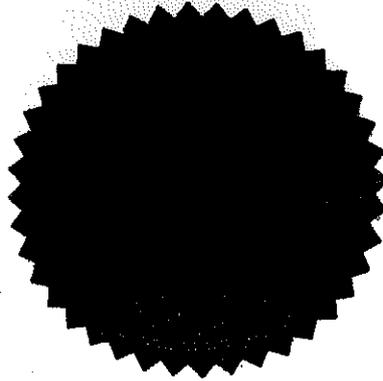
- (c) For regulating the place and mode of digging and taking turf, sods, gravel, sand, clay, or other substance, and cutting, felling, and taking trees or underwood on or from the Common in exercise of any right of common or other right over the Common.
- (d) For prohibiting the injury, defacement or removal of seats, shelters, pavilions, drinking fountains, fences, notice-boards, rubbish receptacles or any works erected or maintained by the Council on the Common.
- (e) For prohibiting or regulating the posting or painting of bills, placards, advertisements, or notices, on trees or fences, erections or notice-boards on the Common.
- (f) For prohibiting any person without lawful authority from bird catching, setting traps or nets, or laying snares for birds or other animals, taking birds' eggs or nests, and shooting or chasing game or other animals on the Common.
- (g) For prohibiting the drawing, driving or placing without lawful authority upon the Common of any carriage, cart, caravan, truck, motor cycle or other vehicle, or any aircraft (except in the case of accident or other sufficient cause): or camping or the lighting of any fire thereon.
- (h) For prohibiting or in the case of a fair lawfully held for regulating, the placing on the Common of any show, exhibition, swing, roundabout, or other like thing.
- (i) For prohibiting or regulating the firing or discharge of firearms or the throwing or discharge of missiles on the Common
- (j) For regulating games to be played and other means of recreation to be exercised on the Common and assemblages of persons thereon.
- (k) For regulating the use of any portion of the Common temporarily enclosed or set apart under this scheme for any purpose.
- (l) For prohibiting or regulating the driving exercising or breaking in of horses without lawful authority on any part of the Common.
- (m) For prohibiting any person without lawful authority from turning out or permitting to remain on the Common any cattle, sheep, or other animals.
- (n) For prohibiting any person from bathing in any pond or stream on or from the Common save in accordance with the byelaws.
- (o) Generally, for prohibiting or regulating any act or thing tending to injury or disfigurement of the Common or to interference with the use thereof by the public for the purposes of exercise and recreation.
- (p) For authorising any officer of the Council, after due warning, to remove from the Common any vehicle or animal drawn, driven or placed, or any structure erected or placed thereon, in contravention of this Scheme or of any byelaw made under this Scheme, or to exclude from the Common any person who within his view commits or whom he reasonably suspects of committing, an offence against any such byelaw or against the Vagrancy Acts.
- (q) For prohibiting the hindrance or obstruction of an officer of the Council in the exercise of his powers or duties under this Scheme or under any byelaw made thereunder.

Saving of Rights,
etc., in the
Soil and
Highways.

11.—Nothing in this Scheme or any byelaw made thereunder shall prejudice or affect any right of the person entitled as lord of the manor or otherwise to the soil of the Common or of any person claiming under him which is lawfully exercisable in, over, under, or on the soil or surface of the Common in connection with game, or with mines, minerals, or other substrata or otherwise, or prejudice or affect any rights of the commoners in or over the Common or the lawful use of any highway or thoroughfare on the Common, or affect any power or obligation to repair any such highway or thoroughfare.

12.—Printed copies of this Scheme shall at all times be sold at the Office of the Council to all persons desiring to buy the same at a price not exceeding sixpence each.

THE COMMON SEAL OF THE MAIDSTONE
RURAL DISTRICT COUNCIL was hereunto
affixed at a meeting of the Council held on the
24th day of MAY
1949, by direction of the Council in the
presence of



A. Weaver
Presiding Chairman.

Geo. G. Lettichford
Clerk of the Council.

Approved by Order of the Minister
of Agriculture and Fisheries this
twenty-seventh day of May, 1949.

[Signature]

AUTHORISED BY THE MINISTER.

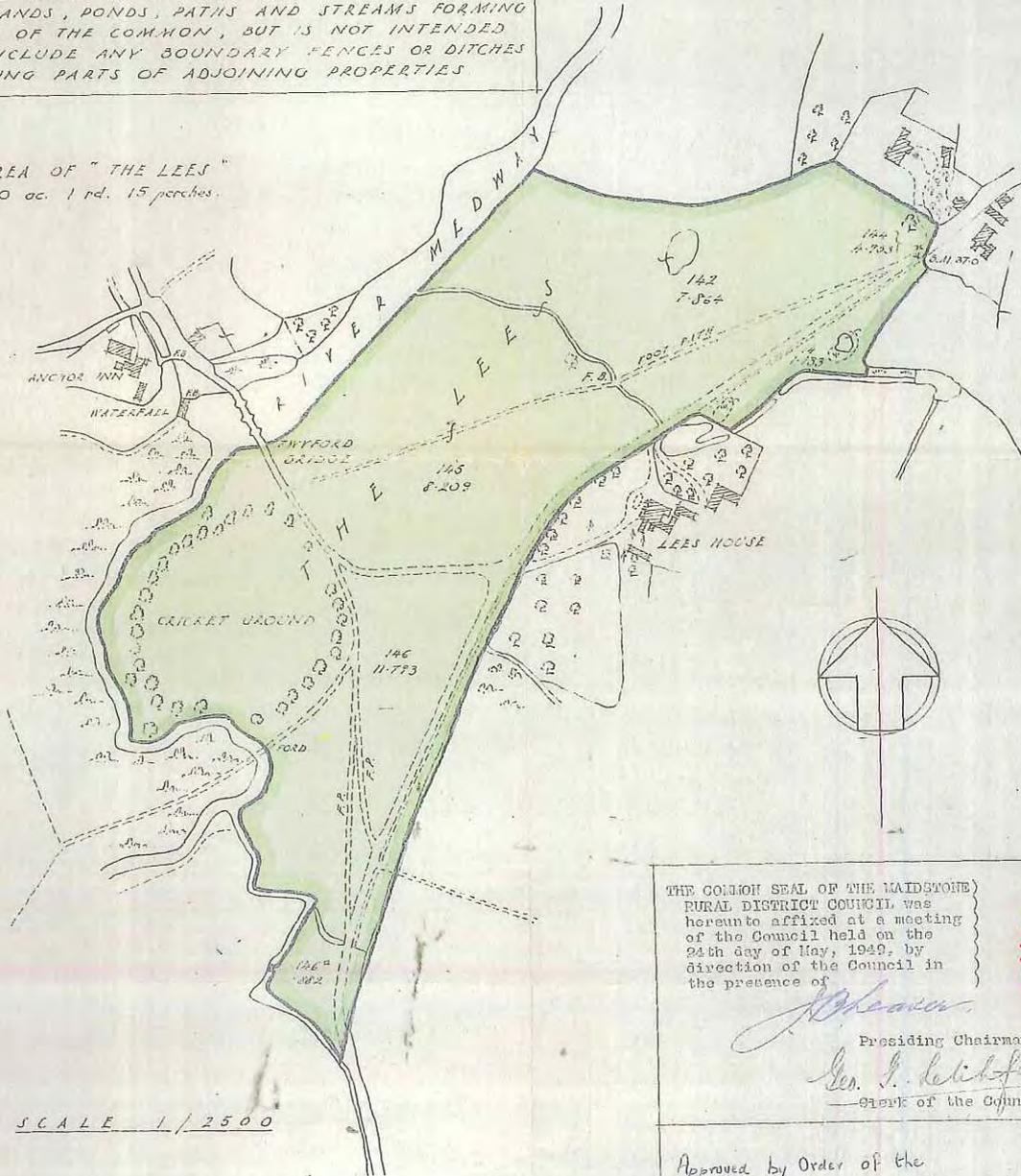
al.

MAIDSTONE RURAL DISTRICT COUNCIL COMMONS ACT 1899

THIS IS THE PLAN REFERRED TO IN THE REGULATION SCHEME FOR
"THE LEES" IN THE PARISH OF YALDING IN THE COUNTY OF KENT
DATED THE TWENTY-SEVENTH DAY OF MAY, 1949

THE GREEN COLOUR INCLUDES THE WHOLE OF THE LANDS, PONDS, PATHS AND STREAMS FORMING PARTS OF THE COMMON, BUT IS NOT INTENDED TO INCLUDE ANY BOUNDARY FENCES OR DITCHES FORMING PARTS OF ADJOINING PROPERTIES

AREA OF "THE LEES"
50 ac. 1 rd. 15 perches.



THE COMMON SEAL OF THE MAIDSTONE RURAL DISTRICT COUNCIL was hereunto affixed at a meeting of the Council held on the 24th day of May, 1949, by direction of the Council in the presence of



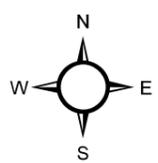
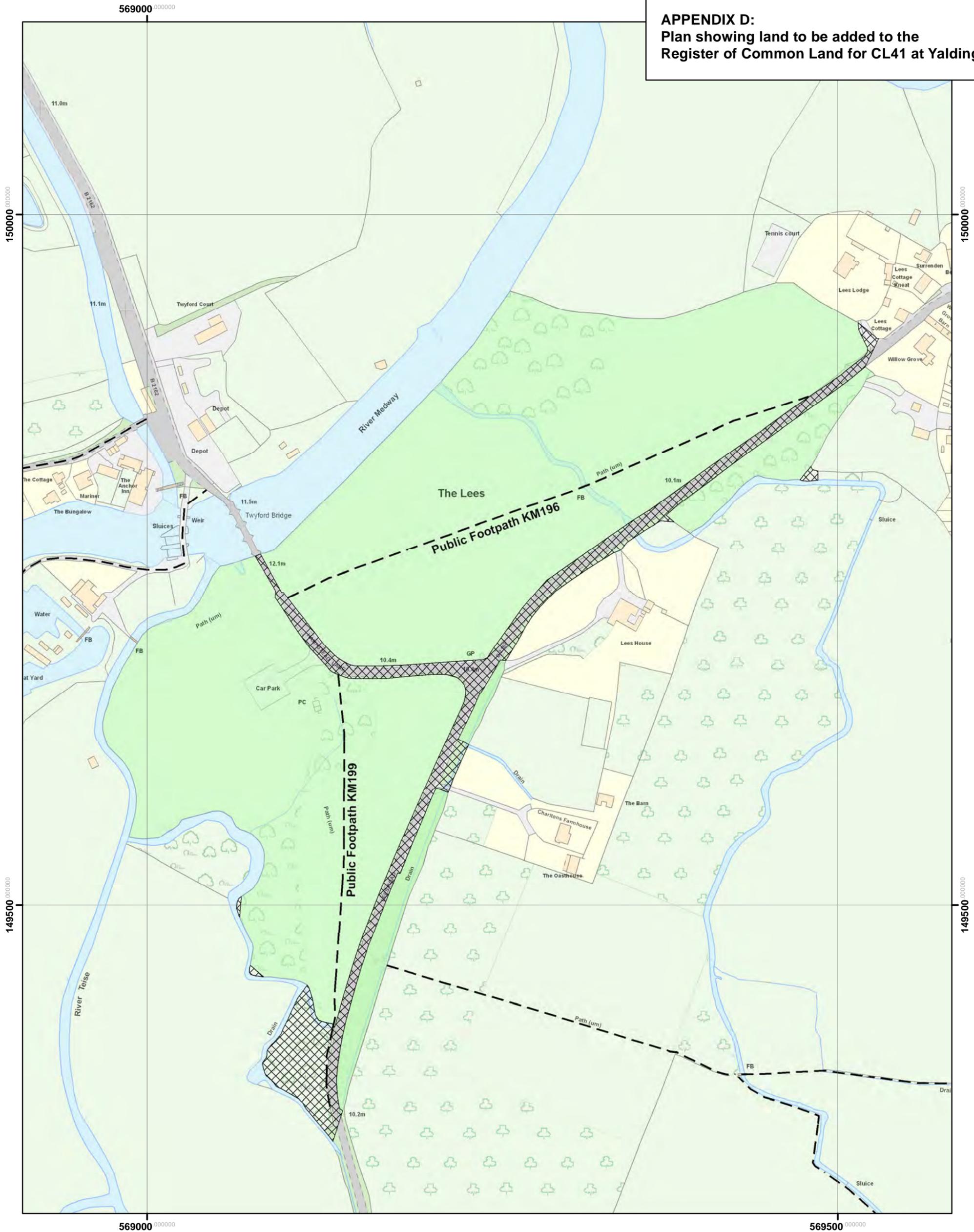
J. Shearer
Presiding Chairman.
Geo. J. Belliford
Clerk of the Council.

Approved by Order of the Minister of Agriculture and Fisheries this twenty-seventh day of May, 1949.

W. Morrison
AUTHORISED BY THE MINISTER.

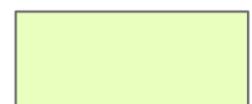
PLEASE NOTE:
This plan has been reduced and is not to scale

APPENDIX D:
Plan showing land to be added to the
Register of Common Land for CL41 at Yalding

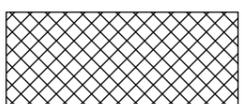


Scale = 1:2500 @ A3

Application to amend the Register of Common Land for The Lees at Yalding (CL41)



= existing extent of registered Common Land



= land to be added to Common Land registration

