

**The Commons Act 2006  
Section 22 – Schedule 2 (4)  
To register waste land of the manor  
not registered as common land**



Notice is hereby given that an application has been made by Ian McNeil Cooke – Co-Ordinator of Save Penwith Moors to Cornwall Council as Commons Registration Authority concerning land at Carn Galver, in the parish of Zennor.

A summary of the application is as follows. At the time of the application, the land is considered to be waste land of a manor. The land was provisionally registered as common land under section 4 of the Commons Registration Act 1965. An objection was made in relation to the provisional registration. The West Cornwall Footpath Preservation Society on whose application the provisional registration was made withdrew their application.

If the application is granted, in whole or in part, the registration authority will give effect to the determination by registering the land in the register of common land.

**Representations:**

- must quote the Application No. 2792;
- must state the name and postal address of the person making them, and the nature of that person's interest (if any) in any land affected by the application, and may include an e-mail address;
- must be signed by the person making them;
- must state the grounds on which they are made; and
- must be sent to: The Commons Registration Officer, Cornwall Council, Room F2.06, Circuit House, St. Clement Street, Truro TR1 1DT or e-mail: [commonsandgreens@cornwall.gov.uk](mailto:commonsandgreens@cornwall.gov.uk)

Representations cannot be treated as confidential, but will be dealt with in accordance with regulation 26, and that where the application is referred to the Planning Inspectorate for determination in accordance with regulation 27, any representations will be sent to the Planning Inspectorate.

Documents relating to the application are available for inspection at the above address, however an appointment is required. Please telephone (01872) 224773.

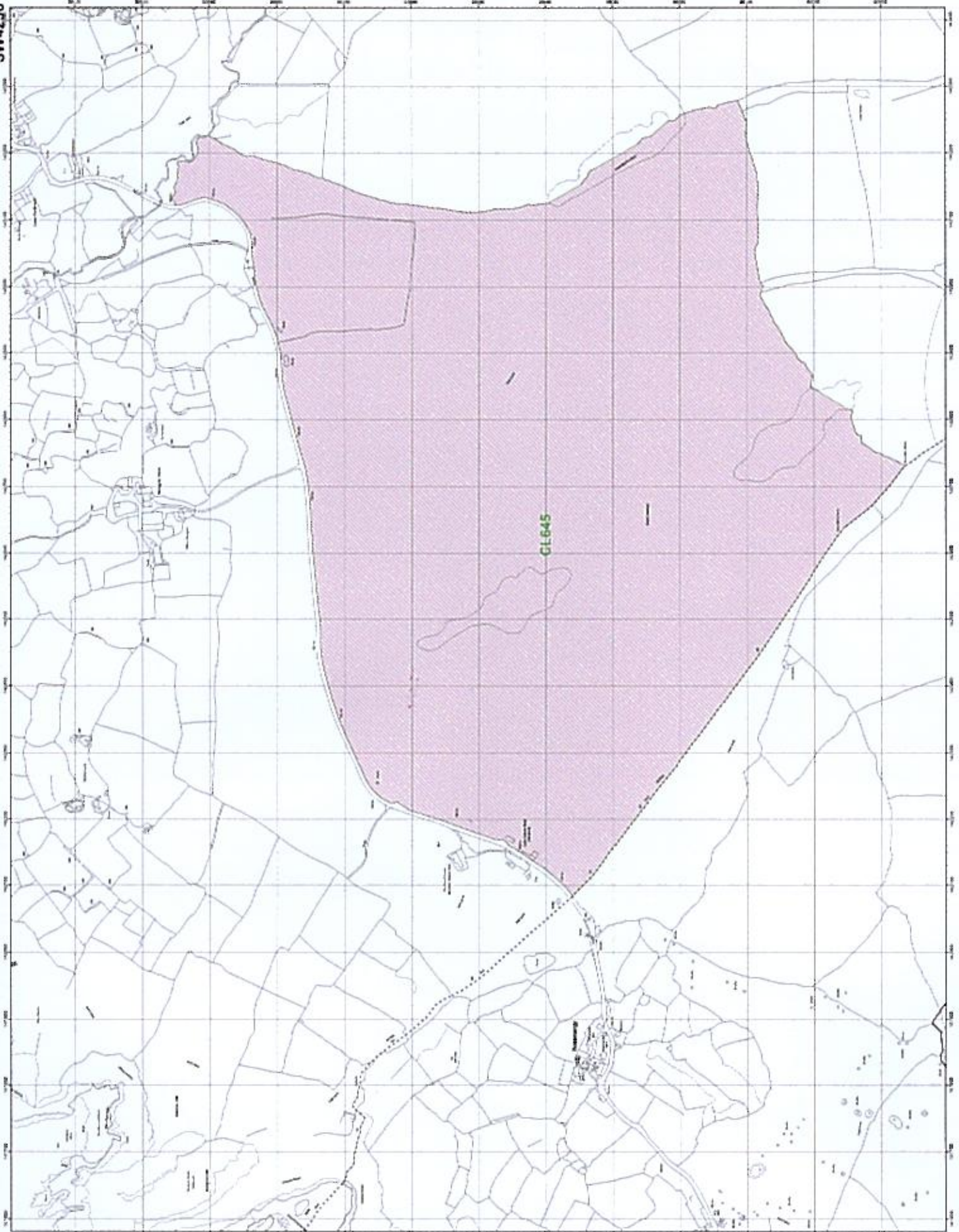
A copy of the application can also be viewed by accessing the Cornwall Council website, Common Land page; <http://www.cornwall.gov.uk/commonland>

The date on which the period for making representation expires is Friday 8<sup>th</sup> June 2012.

Dated: 23 April 2012  
Signed: Phil Mason

**Description of the land concerned:**

**Carn Galver, Zennor. Comprising approximately 71.049 hectares, between O.S. grid reference SW 427 358 and SW 432 368. As hatched/coloured purple on the accompanying plan.**



Index Map


 North  
 Scale  
 Legend  
 Legend

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CL 645

Form CA13



Commons Act 2006: Schedule 2

Application to correct non-registration or mistaken registration

This section is for office use only

Official stamp

COMMONS ACT 2006  
CORNWALL COUNCIL  
COMMONS REGISTRATION AUTHORITY

- 6 DEC 2011

Application number

2792

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

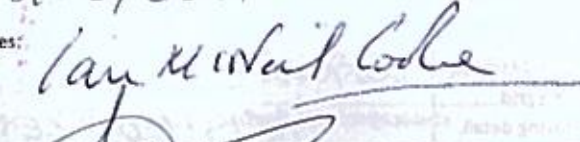
Applicants are advised to read the 'Part 1 of the Commons Act 2006 (changes to the commons registers): Guidance to applicants in the pilot implementation areas' and to note the following:

- All applicants should complete parts 1-10.
- Any person can apply under Schedule 2.
- Applications must be submitted on or before 31 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. From 1<sup>st</sup> April 2010 the fee is £1,000.

Note	Part
<p><b>Note 1</b></p> <p>Insert name of commons registration authority.</p>	<p><b>1. Commons Registration Authority</b></p> <p>To the: <b>CORNWALL COUNCIL</b></p> <p>Tick the box to confirm that you have:</p> <p>enclosed the appropriate fee for this application: <input type="checkbox"/></p> <p>or</p> <p>have applied under paragraphs 2 to 5, so no fee has been enclosed: <input checked="" type="checkbox"/></p>

<p><b>Note 2</b></p> <p>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 unincorporated. 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.</p>	<p><b>2. Name and address of the applicant</b>  CO-ORDINATOR OF SAVE PENWITH MOORS  Name: IAN McNEIL COOKE  Full postal address: MEN-AN-TOL STUDIO  BOSULLOW  PENZANCE  CORNWALL TR20 8NR  Telephone number (incl. national dialling code): 01736-368282  Fax number (incl. national dialling code):  E-mail address: menantolstudio@talktalk.net.</p>
<p><b>Note 3</b></p> <p>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.</p>	<p><b>3. Name and address of representative, if any</b>  Name: DAVID COLES  Firm:  Full postal address: HIGHER GEAR  NEWMILL  PENZANCE TR20 8UT  Telephone number (incl. national dialling code): 01736-365435  Fax number (incl. national dialling code):  E-mail address: davidcoles321@hotmail.co.uk</p>
<p><b>Note 4</b></p> <p>For further details of the requirements of an application refer to Schedule 4, paragraph 14 to the Commons Registration (England) Regulations 2008.</p>	<p><b>4. Basis of application for correction and qualifying criteria</b></p> <p>Tick one of the following boxes to indicate the purpose for which you are applying under Schedule 2.</p> <p>To register land not registered as common land (paragraph 2): <input type="checkbox"/></p> <p>To register land not registered as town or village green (paragraph 3): <input type="checkbox"/></p> <p>To register waste land of the manor not registered as common land (paragraph 4): <input checked="" type="checkbox"/></p> <p>To register a town or village green wrongly registered as a common (paragraph 5): <input type="checkbox"/></p> <p>To deregister a building wrongly registered as common land (paragraph 6): <input type="checkbox"/></p> <p>To deregister any other land wrongly registered as common land (paragraph 7): <input type="checkbox"/></p> <p>To deregister a building wrongly registered as town or village green (paragraph 8): <input type="checkbox"/></p> <p>To deregister any other land wrongly registered as town or village green (paragraph 9): <input type="checkbox"/></p> <p>If your application is to deregister land, specify the register unit number to which this application relates:</p>

<p><b>Note 5</b></p> <p>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.</p>	<p><b>5. Description of the reason for applying to correct the register:</b></p> <p>PLEASE SEE ATTACHED SUBMISSION</p>
<p><b>Note 6</b></p> <p>The accompanying map must be at a scale of at least 1:2,500, or 1:10,560 if the land is wholly or predominantly moorland, and shows the land by distinctive colouring to enable it to be clearly identified. Give a grid reference or other identifying detail.</p>	<p><b>6. Description of land</b></p> <p>Name by which the land is usually known: <b>CARN GATZ VAL</b></p> <p><b>142712.397, 36400.558</b></p> <p>as per the map coloured yellow</p> <p>Location: <b>PARISH OF ZENNOR</b> <b>CORNWALL</b></p> <p>Tick the box to confirm that you have attached a map of the land: <input checked="" type="checkbox"/></p>
<p><b>Note 7</b></p> <p>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.</p>	<p><b>7. Declarations of consent</b></p>

<p><b>Note 8</b></p> <p>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.</p>	<p><b>8. Supporting documentation</b></p> <p>PLEASE SEE ATTACHED SUBMISSION</p>
<p><b>Note 9</b></p> <p>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.</p>	<p><b>9. Any other information relating to the application</b></p> <p>IT IS CONCEIVABLE THAT THE NATIONAL TRUST MIGHT LODGE AN OBJECTION! REGIONAL OFFICE THE NATIONAL TRUST LIANHYDROCK BOOMIN PL30 4DE</p>
<p><b>Note 10</b></p> <p>The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.</p>	<p><b>10. Signature</b></p> <p>Date: 5/12/2011</p> <p>Signatures: Ian Michael Cohen</p> 

**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.**

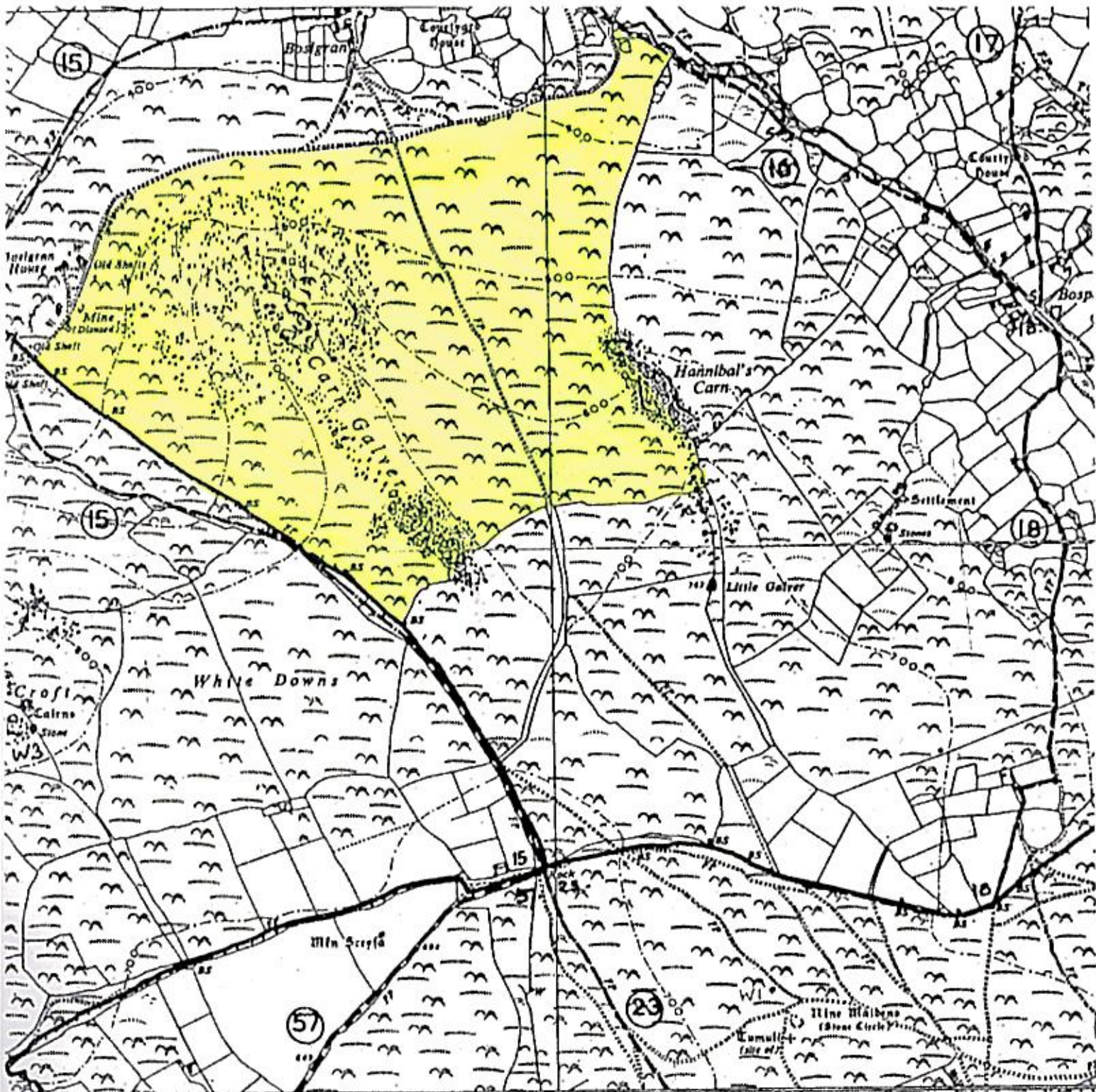
**Data Protection Act 1998**

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.

CARN GALVER

6" to the mile



## Re-registration of CL645

### Background

#### Applicant

- 1.1 The application relating to CL645 was received by Cornwall County Council as the registration authority (now Cornwall Council) and registered pursuant to application no.1851 dated 17<sup>th</sup> December 1969 under the Commons Registration Act of 1965.
- 1.2 The application is dated 16<sup>th</sup> February 1970.
- 1.3 The applicant was The West Cornwall Footpath Preservation Society, and Peter Aubrey Seymour Pool.
- 1.4 A definitive public footpath No.15 Morvah gold status runs along the western boundary of CL645.

#### Objection

- 2.1 An objection was received by Cornwall County Council no. x1134 dated 7<sup>th</sup> December 1972.
- 2.2 The objector was Mrs Andrews of 1 Marston Terrace, Exeter.
- 2.3 The application was withdrawn by the West Cornwall Preservation Society 14<sup>th</sup> July 1973.
- 2.4 The registration was cancelled 27<sup>th</sup> November 1974 with no need for a Commons Commissioners' determination. A copy of the land section sheet is enclosed.

#### Application of 2011

- 3.1 An application is being made under the Commons Act 2006.
- 3.2 To reinstate 'waste land of the manor' as common land where its provisional Registration was cancelled under the Commons Registration Act 1965.
- 3.3 It is reasonable to consider that CL 645 is waste land of a manor and common land.
- 3.4 The application concerns land marked previously per the original application.
- 3.5 A six inches to the mile map is attached with CL645 coloured yellow, also a satellite image. There are 4 photographs from ground level, facing North, South, East and West, with 4 photographs from the summit of Carn Galver facing North, South, East and West. A Cornwall Council copy of an extract from the register map of Common land showing CL645 coloured yellow. A copy of an OS 1:25000 map with CL645 outlined red.



#### 1844 Tithe map

- 4.1 CL645 falls entirely within the 1844 tithe map of the parish of Zennor.
- 4.2 The tithe map and apportionment are available to view at the County Records Office, Truro, Cornwall.
- 4.3 CL645 is entirely numbered 80 and described as Bossigran (now Bosigran) Common and Carn Gallowa (now Galver)
- 4.4 The land description 'common' records the land as a common.
- 4.5 Richard Eddy an occupier of Bossigran Farm has turbary rights over CL645.
- 4.6 The recorded landowners are Samuel Borlase and Mrs Sophia Praed the named Guardian of 3 minors.

#### Countryside and Rights of Way Act 2000 (CROW)

- 5.1 CL645 falls entirely within open access land under the Countryside and Rights of Way Act 2000 (CROW)
- 5.2 Under CROW the public can walk freely on mapped areas of mountain, moor, heath downland and registered common land, without having to remain on paths. Whilst CL 645 does not have formal status as a common, it is included as it primarily consists of heath.
- 5.3 The heathland demonstrates that the area has never been successfully enclosed and supports the existence of a common since time immemorial. The word heathland can be defined as barren or waste land, uncultivated with scrub vegetation.

#### The name Bossigran (Bosigran) Common

- 6.1 CL645 falls entirely within a site that has for centuries been recorded as Bossigran Common in written and verbal format.
- 6.2 It is unlikely that an area would be known as a common if one were not in existence.

Current Status as 'Waste Land of a Manor'

- 7.1 At the time of application (December 2011) the land was open, uncultivated and unoccupied. The central grid reference is 142772.397, 36400. It is subject to an Organic Entry Level & HLS stewardship agreement with R.T. & E.T. Scambler, Bosigran Farm, Pendeen, Penzance, TR20 8YX. The landowner is The National Trust, Regional office Lanhydrock, Bodmin, PL30 4DE. The photographs provided clearly show CL645 to be completely consisting of heathland.
- 7.2 Although the land is subject to grazing rights it is insufficient for it to qualify as occupied, (ref: DEFRA, Guidance to Commons Registration Authorities in the pilot areas (93 14)).
- 7.3 Since then, it is of a manor [in the required sense]; and since, at the time of this application the land was open, uncultivated and unoccupied it is 'waste land of a manor'.
- 7.4 In the light of the above, the land that is the subject of this application comes within the criteria defined by schedule 2 (4) of the Commons Act 2006, and should now therefore be registered under the provision by Cornwall Council in its register of Common Land.
- 7.5 In the event that an objection is made, I will confirm and affirm the above where appropriate.