

COMMON LAND, TOWN AND VILLAGE GREENS

TORFAEN
COUNTY
BOROUGH



BWRDEISTREF
SIROL
TORFAEN

The Registers of Common Land and Town and Village Greens were first established under the Commons Registration Act 1965. The Commons Act 2006 imposes a duty on registration authorities to continue to maintain the register established under the Act.

Due to the Coronavirus Pandemic, unfortunately you are unable to inspect the Registers of Common Land and Town and Village Greens, and any applications in respect of amending the registers due to the Common Registration Support Officers working remotely from home.

Please telephone 01495 742655 or e mail Julie.Jenkins@torfaen.gov.uk Tuesday to Thursday to make alternative arrangements.

1. Amendment of Register – Rights of Common

- 1.1 Section 13 of the Commons Registration Act 1965 gives the registration authority limited power to amend the information held in the register.
- 1.2 Rights Section: when grazing rights are apportioned, severed, extinguished or released, varied or transferred.
- 1.3 Whenever land with attached rights is subdivided and sold as separate plots, some rights of common must be apportioned on a pro-rata basis according to acreage.
- 1.4 Section 9 of the Commons Act 2006 prohibits the severance of rights of common (subject to several exceptions) with retrospective effect from the 28th June 2005.
- 1.5 Application to amend the Rights Section of the register must be made by means of a statutory CR Form 19, “Application for the amendment of a register in relation to a right of common”.
- 1.6 There is currently no fee for making a CR Form 19 application.

2. Registering a ‘New’ Town or Village Green

- 2.1 Regulation in respect of Section 15 of the Commons Act 2006 came into effect in Wales on the 6th September 2007. The regulations introduced interim arrangements and a new statutory application form, Form 44.

2.2 Applications to register a ‘new’ town or village green must be made on Form 44 = ‘Application for the registration of land as a Town or Village Green’ – supported by a statutory declaration and further evidence. This usually takes the form of witness statements.

2.3 There is currently no fee for making an application. If you would like further information, or have any comments to make about our service, please email Julie.Jenkins@torfaen.gov.uk or telephone 01495 742655 Tuesday to Thursday.

- The Town and Village Greens (Landowner Statements) (Wales) (No.2) Regulations 2018
- The Commons Act 2006
- The Town and Village Greens (Landowner Statement) (Wales) (No.2) Regulations 2018
- 2018 No. 1100 (W.230)

3. Application Fee

| Provision under, or for the purpose of which the application is made | Purpose of Application | Application Fee |
|--|---|-----------------|
| Section 15A(1) of the 2006 Act | Deposit of a landowner statement which brings to an end any period of recreational use “as of right” over the land. The effect of depositing a landowner statement is to prevent recreational users of the land reaching the 20 years use required by the registration criteria for new town and village greens | £623.00 |

4. Correction, Non-registration or Mistaken Registration – Regulations 2017 (Wales) Commons Act 2006

4.1 NOTE – Updating an entry in the Rights Section of the Register of Common Land, for example to record the new owner(s) of a farm and their entitlement to exercise a right of common (i.e. grazing), is NOT covered by these regulations. Further regulations are awaited from the Welsh Government to allow for updating the register.

4.2 Anyone can make an application to correct the registers of common land and town and village greens under section 19, 22 of, or Schedule 2 to the 2006 Act.

5. Welsh Government Guidance and Application Forms Link

5.1 <http://gov.wales/common-land>

6. Application Maps

6.1 Applicants will need to include an up-to-date Ordnance Survey map with their application at a scale of 1:2,500 or 1:10,000. The map must have the relevant area of land hatched in a distinctive colour, ideally red.

7. Torfaen County Borough Council – Correction Application Fee

7.1 Applicants may, depending on the application they are making, be required to pay an initial application fee and further instalments, to enable Torfaen County Borough Council to recover the full cost of determining the application.

7.2 Applications made under section 19(2)(a) (correcting a mistake made by the registration authority) and 19(2)(c) (removal of a duplicate entry from the register) do not attract an application fee as these are viewed as mistakes having been made historically by the Commons Registration Authority. Similarly, applications under Schedule 2, paragraphs 2-5 (inclusive) are also free of charge as their determination is seen as being in the public interest and costs incurred by the Commons Registration Authority will be reimbursed by the Welsh Government.

- The Commons Act 2006
- (Correction, Non-Registration or Mistaken Registration) (Wales) Regulations 2017
- 2017 No. 566 (W.135)

8. Application Fees

| Provision under, or for the purpose of which, the application is made | Purpose of Application | Initial Application Fee |
|--|--|--------------------------------|
| Section 19 of the 2006 Act | Correction for the purpose of section 19(2)(a), (of a mistake made by the registration authority) | No Fee |
| Section 19 of the 2006 Act | Correction for the purpose described in section 19(2)(b) (any other mistake) | £685.50 |
| Section 19 of the 2006 Act | Correction for the purpose described in section 19(2) (c) (removing a duplicate entry from the register) | No Fee |
| Section 19 of the 2006 Act | Correction for the purpose described in section 19(2)(d) (updating the details of any name or address) | £685.50 |
| Section 19 of the 2006 Act | Correction for the purpose described in section 19(2)(e) (accretion or diluvion) | £638.50 |
| Schedule 2, paragraph 2 or 3, to the 2006 Act | Non-registration of common land or town or village green | No Fee |
| Schedule 2, paragraph 4, to the 2006 Act | Waste land of a manor not registered as common land | No Fee |
| Schedule 2, paragraph 5, to the 2006 Act | Town or village green wrongly registered as common land | No Fee |
| Schedule 2, paragraphs 6-9, to the 2006 Act | Deregistration of buildings or other land registered as common land or as a town or village green | £855.50 |

All complex applications involving a referral to PINS will lead to additional officer time being charged at up to £89.00 per hour.

9. Referral to Planning Inspectorate (PINS Wales)

- 9.1 Torfaen County Borough Council, as Commons Registration Authority must refer an application or proposal to the Planning Inspectorate (PINS Wales) for determination if any of the following apply (regulation 15(2) and (3) of the 2017 Regulations):

- The Commons Registration Authority has an interest in the outcome of the application or proposal and it is unlikely that there would be confidence in its impartiality; or
- The Commons Registration Authority has received objections to the application or proposal from those with a legal interest in the land; and in either case:
 - The application or proposal is seeking to add or remove land from their register;
 - The application or proposal is seeking to correct an error in the number of rights of common in the register; or
 - The application or proposal is made under Schedule 2, paragraph 2 to 9 of the 2006 Act.
- Additional fees are payable by the applicant to the Planning Inspectorate: http://planninginspectorate.gov.wales/contact_us/?lang=en
- If Torfaen County Borough Council determines the application, it may be necessary to hold a public inquiry or a hearing, and the Council will seek to reimbursement from applicants for all additional costs.