

REPORT OF CORPORATE DIRECTOR (ENVIRONMENT AND RESOURCES)**APPLICATION TO AMEND THE REGISTER OF COMMON LAND:
NORMANTON ON TRENT****Purpose of the Report**

1. To consider an application from Maples Solicitors, 23 New Road, Spalding, Lincolnshire to amend the County Council's Register of Common Land in respect of land in Normanton on Trent, Nottinghamshire (register entry CL14). A copy of the relevant map as contained in the register is shown as Appendix A.

The Law

2. The County Council is the Registration Authority for the purposes of the Commons Act 2006 and the Commons Registration Act 1965. The 1965 Act established commons registers as a means of recording the existence of common land. The council is also responsible for keeping and maintaining this statutory register. This requires the authority to 'update' the register when the ownership of common rights change (currently under Section 13(c) of the Commons Registration Act 1965 where 'rights in gross' are transferred).
3. Common land is land, usually in private ownership, which has rights of common over it. These rights of common are held by persons other than the landowner and relate either to doing something on the land or taking something from it (i.e. the right to graze animals or to take wood). Such rights do not have a recreational aspect although the general public do have the right to walk on common land by virtue of the Countryside and Rights of way Act 2000 (although the right must be exercised reasonably and with respect to other rights which exist).

Reason/s for Recommendation/s

4. The applicant has stated that their client, Charlotte Truswell Pennington of Oakham, Rutland is the lawful successor to rights of common currently registered in the name of the late Mrs Clarice Thurston of Normanton on Trent (being recorded at entry 21 (Rights Section) on 26 June 1968). This right of common is held 'in gross' (not bound to ownership of a specified property) and entitles the holder to "the right of pasture for 2 beasts or other permitted animals on 2 beastgaits" (a 'beastgait' relates to the number of animals which the right holder is entitled to put on the land).
5. Officers are satisfied that the register entry should be amended as requested to transfer the rights in common to Charlotte Pennington having examined certified copies of the documents submitted in support of the application namely;
 - A conveyance from 1979 between the representatives of G Thurston and the representatives of F P Pennington

- An assent from 1979 to Mrs DD Pennington
- A Grant of Probate from 2005 in respect of Mrs DD Pennington

Statutory and Policy Implications

6. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

7. It is RECOMMENDED that Committee accept the application and authorise officers to amend the Register of Common Land for Normanton on Trent (CL14) by striking out entry No. 21 (Rights Section) in respect rights of common owned by Clarice Thurston of Normanton on Trent, and to add Charlotte Truswell Pennington, of Oakham, Rutland as now holding those rights of common.

Eddie Brennan
Definitive Map Officer

For any enquiries about this report please contact:

Eddie Brennan (0115 9774709)
 Commons and Village Greens Officer

Constitutional Comments (SJE – 12/02/2013)

8. This decision falls within the terms of reference of the Rights of Way Committee to whom the exercise of the Authority's powers relating to common land has been delegated

Financial Comments (DJK 08.02.2013)

9. The contents of this report are duly noted; there are no financial implications.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Normanton on Trent Common Land (CL14) case file.

The Nottinghamshire County Council Register of Common Land (Commons Registration Act 1965).

Electoral Division(s) and Member(s) Affected

Tuxford Councillor John Hempsall