

NORTH YORKSHIRE COUNCIL

COMMONS ACT 2006 — SCHEDULE 2, PARAGRAPH 5

Notice of an application to deregister common land as a town or village green

Application Reference Number: CA13 031

Bogs and Hodgson Top, Winksley (CL360)

Application has been made to the North Yorkshire Council by Azerley Parish Council under Schedule 2(5) of the Commons Act 2006 and in accordance with Schedule 4(14) of the Commons Registration (England) Regulations 2014.

The application, which includes documentary evidence, can be viewed at:

<https://www.northyorks.gov.uk/environment-and-neighbourhoods/land-and-waterways/common-land-and-village-greens/common-land-applications-and-decision-notice>

or you can request a copy by contacting the Commons Registration Officer: -

email: commons.registration@northyorks.gov.uk , telephone: 01609 534753

or write to: North Yorkshire Council, Commons Registration, County Hall, Northallerton, North Yorkshire DL7 8AD

Any person wishing to make a representation regarding this amendment:

- should quote the Application No. CA13 031
- must state the name and postal address of the person making the representation and the nature of that person's interest (if any) in any land affected by the application.
- may include an e-mail address of the person making the representation
- must be signed by the person making the representation
- must state the grounds on which the representation is made
- should send the representation to: Commons Registration Officer, Commons Registration North Yorkshire Council, County Hall, Northallerton, North Yorkshire DL7 8AD or e-mail to commons.registration@northyorks.gov.uk on or before 12 April 2024

Representations cannot be treated as confidential, and a copy will be sent to the applicant in accordance with Regulation 25 of the 2014 Regulations. Should the application be referred to the Planning Inspectorate for determination, in accordance with Regulation 26 of the 2014 Regulations, any representations will be forwarded to the Planning Inspectorate.

A summary of the effect of the application (if granted) is as follows: the Registration Authority will cancel the registration of the application land as common land and register the application land as village green.

Dated: 23 February 2024

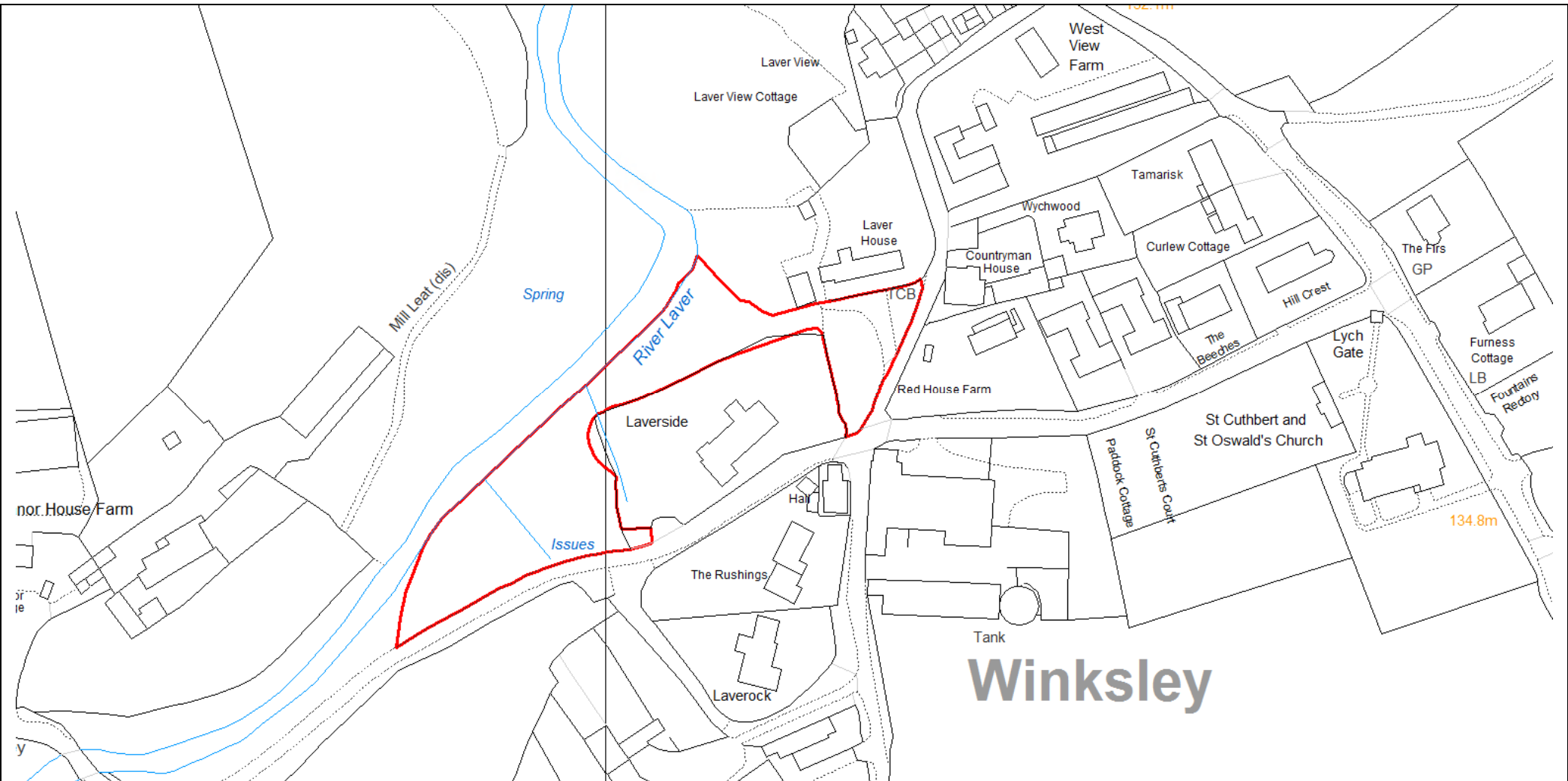
Karl Battersby

Corporate Director – Environment
North Yorkshire Council

Schedule

Description of the land seeking to be registered as village green


Bogs and Hodgson Top, Winksley, as edged red on the notice plan.



COMMONS ACT 2006

CA13 APPLICATION (Ref. No. CA13 031) SEEKING TO REGISTER LAND AS VILLAGE GREEN KNOWN AS BOGS AND HODGSON TOP, WINKSLEY LOCATION PLAN

NOTICE PLAN

 Application site

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	
NORTH YORKSHIRE COUNCIL	
COMMONS REGISTRATION AUTHORITY	
DATE:	- 7 DEC 2023

Application number

CA13 031
Register unit number allocated at registration (for missed commons only)

Applicants are advised to read 'Part 1 of the Commons Act 2006: Guidance to applicants' and to note:

- Any person can apply under Schedule 2 to the Commons Act 2006.
- All applicants should complete boxes 1-10.
- Applications must be submitted by a prescribed deadline. From that date onwards no further applications can be submitted. Ask the registration authority for details.
- You will be required to pay a fee unless your application is submitted under paragraph 2, 3, 4 or 5 of Schedule 2. Ask the registration authority for details. You would have to pay a separate fee should your application relate to any of paragraphs 6 to 9 of Schedule 2 and be referred to the Planning Inspectorate.

Note 1

Insert name of commons registration authority.

1. Commons Registration Authority

To the: *North Yorkshire Council* [REDACTED]

Tick the box to confirm that you have:

enclosed the appropriate fee for this application:

or

have applied under paragraph 2, 3, 4 or 5, so no fee has been enclosed:

Note 2

If there is more than one applicant, list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or an unincorporated association. 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 box 3 is not completed all correspondence and notices will be sent to the first named applicant.

Note 3

This box 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, the representative may receive communications from the registration authority or other persons (e.g. objectors) via email.

2. Name and address of the applicant

Name:

AZERLEY PARISH COUNCIL

Postal address:

C/O SUTTHILLS
GATE BRIDGE ROAD
GALPHAY
RIPON
Postcode HG4 3NT

Telephone number:

[Redacted]

Fax number:

[Redacted]

E-mail address:

[Redacted]

3. Name and address of representative, if any

Name:

[Redacted]

Firm:

[Redacted]

Postal address:

[Redacted]
Postcode

Telephone number:

[Redacted]

Fax number:

[Redacted]

E-mail address:

[Redacted]

Note 4

For further details of the requirements of an application refer to Schedule 4, paragraph 14 to the Commons Registration (England) Regulations 2014.

4. Basis of application for correction and qualifying criteria

Tick one of the following boxes to indicate the purpose for which you are applying under Schedule 2 of the Commons Act 2006.

- To register land as common land (paragraph 2):
- To register land as a town or village green (paragraph 3):
- To register waste land of a manor as common land (paragraph 4):
- To deregister common land as a town or village green (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):

For waste land of a manor (paragraph 4), tick one of the following boxes to indicate why the provisional registration was cancelled.

- The Commons Commissioner refused to confirm the registration having determined that the land was no longer part of a manor (paragraph 4(3)):
- The Commons Commissioner had determined that the land was not subject to rights of common but did not consider whether it was waste land of a manor (paragraph 4(4)):
- The applicant requested or agreed to cancel the application (whether before or after its referral to a Commons Commissioner) (paragraph 4(5)):

Please specify the register unit number(s) (if any) to which this application relates:

CL360

Note 5

Explain why the land should be registered or, as the case may be, deregistered.

5. Description of the reason for applying to correct the register:

THIS LOCATION HAS BEEN USED FOR THE BENEFIT OF THE COMMUNITY BY RESIDENTS FOR A VARIETY OF SOCIAL AND RECREATIONAL PURPOSES. IT IS THE OPINION OF RESIDENTS THAT THE LAND WAS INCORRECTLY REGISTERED AS A COMMON IN 1968. RESIDENTS HAVE REQUESTED THE PARISH COUNCIL TO APPLY FOR THIS COMMON TO BE DEREGISTERED AND CHANGED TO VILLAGE GREEN STATUS.

Note 6

You must provide an Ordnance map of the land relevant to your application. The relevant area must be hatched in blue. The map must be at a scale of at least 1:2,500, or 1:10,560 if the land is wholly or predominantly moorland. Give a grid reference or other identifying detail.

Note 7

This can include any written declarations sent to the applicant (i.e. a letter), and any such declaration made on the form itself.

If your application is to register common land or a town or village green and part of the land is covered by a building or is within the curtilage of a building, you will need to obtain the consent of the landowner.

6. Description of land

Name by which the land is usually known:

BOGS AND HODGSON TOP, WINKSLEY

Location:

LAND TO THE NORTH OF THE ROAD FROM WINKSLEY VILLAGE TO WINKSLEY BRIDGE, BETWEEN THE RIVER LAVER AND THE ROAD.

Tick the box to confirm that you have attached an Ordnance map of the land:



7. Declarations of consent

SEE TWO WRITTEN LETTERS OF CONSENT FROM RESIDENTS ATTACHED.
PARISH COUNCIL MINUTE 2023-24-094 PROVIDES CONSENT FOR THE PARISH COUNCIL TO SUBMIT THIS APPLICATION.

Note 8

List all supporting documents and maps accompanying the application, including if relevant any written consents. 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 or, in relation to paragraph 4 (waste land of a manor) evidence which shows why the provisional registration was cancelled. 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

TWO LETTERS FROM LONG STANDING RESIDENTS OF WINKSLEY, CONFIRMING THE LAND HAS BEEN USED FOR EVENTS, FUNCTIONS AND RECREATIONAL ACTIVITIES FOR THE BENEFIT OF ALL WINKSLEY RESIDENTS.

COMMON LAND REGISTRATION DOCUMENTS.

AZERLEY PARISH COUNCIL MINUTES EVIDENCING THAT THIS MATTER HAS BEEN DISCUSSED AND IT WAS AGREED TO SUBMIT THIS APPLICATION.

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

THE LAND HAS BEEN MAINTAINED BY VILLAGERS AS FAR BACK AS CURRENT RESIDENTS CAN REMEMBER .

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 an unincorporated association.

10. Signature

Date:

28TH NOVEMBER 2023

Signatures:



CLERK TO AZERLEY PARISH COUNCIL

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 or the Freedom of Information Act 2000.

AZERLEY PARISH COUNCIL

CLERK: MARTYN MILLER

azerleyparishcouncil.org.uk

Minutes of the Ordinary Meeting of the Parish Council held on
Thursday 28th September 2023 at 7.30pm
Galphay Village Institute.

(2023-24 – 076) Present were Cllr. Robert Weatherhead (Vice Chair), Cllr. Jan Lawson, Cllr. Sheila Miller, Cllr. Brian Thackray, Cllr. Patricia Harding and Cllr. Bernard Sanders.

(2023-24 – 077) Also present were Martyn Miller, Clerk and one member of the public.

(2023-24 – 078) There were **Apologies** from Cllr. Neal Topham and NYC Cllr. Felicity Cunliffe-Lister.

(2023-24 – 079) No **Declarations of Interest** were received and no dispensations were required.

(2023-24 – 080) It was **Resolved** that the minutes of the meeting held on 27th July 2023 are agreed and considered to be true and correct record and duly signed by the Vice Chair.

(2023-24 – 081) Report from NYC A written report had been forwarded by Cllr. Cunliffe-Lister for the Chair to read out. This included the following areas: Transport update, community partnership, annual canvas, HUG2, Parish Charter, Social housing allocation, household support fund, local plan, rural broadband, destination plan, Yorkshire Water, community resilience, highways & roads, locality budget, youth councils, NHS dentist and commuted sums. It was **Resolved** to accept the report and for the Clerk to circulate to Councillors.

(2023-24 – 082) The Clerk had sent out a report with the agenda which provided a detailed list of the Council's achievements over the past 12 months, highlighted several financial considerations and the ongoing formal complaint with Highways regarding drainage issues at Mickley.

Consideration was given to the following correspondence:

(2023-24 – 083) Email from William Connor regarding the siting of benches in the village, Galphay Pinfold and a hole in the village green – The Clerk informed the meeting that he had filled the hole in the green to prevent any accident. It was **resolved** to look at possible funding options for new benches and if funding is available investigate the sites listed. It was **resolved** to request a quotation from Farm & Land Services to cut down overgrown vegetation and tidy up the pinfold with a

view to a bi-yearly cut. It was also **resolved** that the Clerk would write to Mr. Connor advising him of the outcome.

(2023-24 – 084) Email from Hugo Fox regarding the introduction of charges for the website from 4th October 2023 – It was **resolved** to opt for the 'bronze' charging option, to request an annual invoice and to adjust the budget to reflect the new charges.

Matters requested by Councillors:

(2023-24 – 085) Galphay Village Green flagpole maintenance – Cllr. Sanders stated that the flagpole rope had seized o allow and the pole required lowering to allow maintenance. It was **resolved** that Cllr. Weatherhead would arrange a tractor to lower the pole.

(2023-24 – 086) Land & building on track to Skeaff Wood – Cllr. Miller advised that she had been contacted by a resident concerned that construction fencing had been erected around the building and a digger had been on site doing work. It was **resolved** that the Clerk would report the matter to NYC Planning Department.

(2023-24 – 087) Blocked drain near Mickley Church Hall – Cllr. Harding informed the meeting of this issue. It was **resolved** that the Clerk had reported this matter via the Highways portal.

(2023-24 – 088) Cold callers in Mickley – Cllr. Harding had been given advice to call 999 if callers were intimidating or threatening. It was **resolved** for Councillors to note and inform residents.

Ongoing issues:

(2023-24 – 089) Blocked drains causing street flooding in Mickley – the Clerk advised that an email update had been received from Highways in response to a formal complaint. Further work is to be completed but still no end date provided. It was **resolved** that the Clerk would continue to pursue the matter.

(2023-24 – 090) Blocked drainage gulley Galphay – The Clerk reported that this matter had been raised via the portal (order no. 101010047625) on 11.07.2023. It was **resolved** for the Clerk to expedite this matter.

(2023-24 – 091) Streetlight not working in Galphay – The Clerk reported that this matter had been raised via the portal (order no. 101010047566) on 11.07.2023. It was **resolved** for the Clerk to expedite this matter.

(2023-24 – 092) Tree survey work Galphay village green – It was **resolved** that this work had now been completed.

(2023-24 – 093) Storage solution for Azerley Councils paperwork – it was **resolved** that no further progress had been made on this issue.

(2023-24 – 094) Common land, changing Winksley common to village green – Cllr. Miller reported that letters had been received from two residents to support the Councils application for the change. It was **resolved** to progress and submit the application.

(2023-24 – 095) Commuted sums – The Clerk reported on the meeting with the NYC Officer, with various issues around spend sites being raised. It was **resolved** that a small working group be formed to look at all spend sites, making any amendments, adjustments or deletions that NYC can consider.

Financial matters:

(2023-24 – 096) The following accounts were **approved** for payment:

- I. HMRC (July)
- II. Clerk salary (July)
- III. APG Computers (July)
- IV. HMRC (Aug)
- V. Clerk salary (Aug)
- VI. N Topham (Groundwork)
- VII. APG ESET Antivirus
- VIII. APG Computers (Aug)
- IX. Yorkshire Accountants
- X. Office Expenses (stamps)

It was **resolved** that the Clerk would ask APG if an annual invoice could be raised for Microsoft 365 to replace the monthly invoice.

(2023-24 – 097) The bank reconciliation report for the period to 28th September 2023 was **resolved** to be correct.

(2023-24 – 098) The spending v budget report for the period to 28th September 2023 was **resolved** to be correct.

(2023-24 – 099) Missing cheques – A report had been issued by the Clerk. The report was accepted and it was **resolved** that no further action was required in respect of the £1.94 Lloyds Bank cheque.

(2023-24 – 100) Appointment of Internal Auditor for 2023/4 – It was **resolved** to retain the services of Elkerlodge Bookkeeping.

Planning Consultation:

**(2023-24 – 101) PARISH COUNCIL NOTIFICATION - PLEASE RETURN
NOT LATER THAN 1 October 2023**

APPLICATION NO: 6.37.KIOSK ZC23/03132/KIOSK
PROPOSAL: BT consultation on the proposed removal of payphone kiosk.
(01765 658221)
LOCATION: Telephone Box Winksley North Yorkshire
GRID REF: E 425091 N 471296
APPLICANT: BT Payphones
PUBLIC ACCESS:

<https://uniformonline.harrogate.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZSTOSHY0GA00>
It was **resolved** to state the Parish Council may wish to adopt the kiosk.

Planning Breach Notification:

(2023-24 – 102) PLANNING ENFORCEMENT

CASE NO: 23/00290/PR05

**LOCATION: Braithwaite Hall Nap Cote Lane Galphay Ripon North Yorkshire
HG4
3NL**

ALLEGED BREACH: Alterations to listed building.

I write to notify you of a communication received on 9 September 2023 which reports a possible breach of planning control at the above location.
It was **resolved** to note this matter.

To receive agenda items to be considered at the next ordinary meeting of the Parish Council:

(2023-24 – 103)

Drainage ditches at Mickley – Cllr. Harling

Number of signatures for Lloyds share account – Cllr. Sanders

(2023-24 – 104) To confirm the date, time and venue of the next ordinary meeting – 7:30pm 30th November 2023 at Mickley Church Hall.

These minutes were recorded and prepared by the Clerk to the Parish Council, Martyn Miller.

Signed as a true record by Cllr Neal Topham, Chairman

.....
Date: 30th November 2023

At the Regular Meeting of the Azerley Parish Council held on **30th November 2023** it was resolved by unanimous vote to approve these Minutes, copies of which had been previously circulated to Members, as a true and correct record. These Minutes were then signed by the Chairman accordingly.

The signed Minutes are held in the Parish Council minute book at the Clerk's address, below, and can be viewed by prior appointment.

Clerk : Martyn Miller, Sutthills, Gate Bridge Road, Galphay, HG4 3NT. Tel: 07729696302

When returning a standard form Parish Council Notification consultation decision there are four options that the Council can return. These are: -

Option A – The Parish Council has no objections.

Option B – The Parish Council objects on the planning grounds set out overleaf.

Option C – The Parish Council does not object to or support the application but wishes to make comments or seek safeguards set out overleaf.

Option D - The Parish Council supports the application.

Address: Manor Lodge,
Winkley,
Ripon, HG43PG.

Date: 25 Sept 2023

To whom it may concern,

I ^{JARBARA}_{TAYLOR} can confirm that I have been a resident of Winkley village since . 1954

During this time I recall that the grassed area north east of Winkley Bridge being used by residents on a regular basis prior to 1968 for various social gatherings and recreational purposes. These include: dog walking, football, cricket and other ball games, fishing, swimming and playing in the beck, national public celebrations, May day and other bank holiday events, picnics and an annual bonfire.

In addition an area of land to the east of the site was set out and regularly used for the game of Quoits.

This area has always been used and maintained by residents of the village as a community facility and I would like to see this continue as a village green.

Yours faithfully,



25. Sept. 2023

WEST VIEW FARM
WINKSLEY
RIPON.
Address: YORKSHIRE HIGH 3NR.

Date: 25. SEPT 2023.

To whom it may concern,

I *A Myers* can confirm that I have been a resident of Winksley village since 19.60

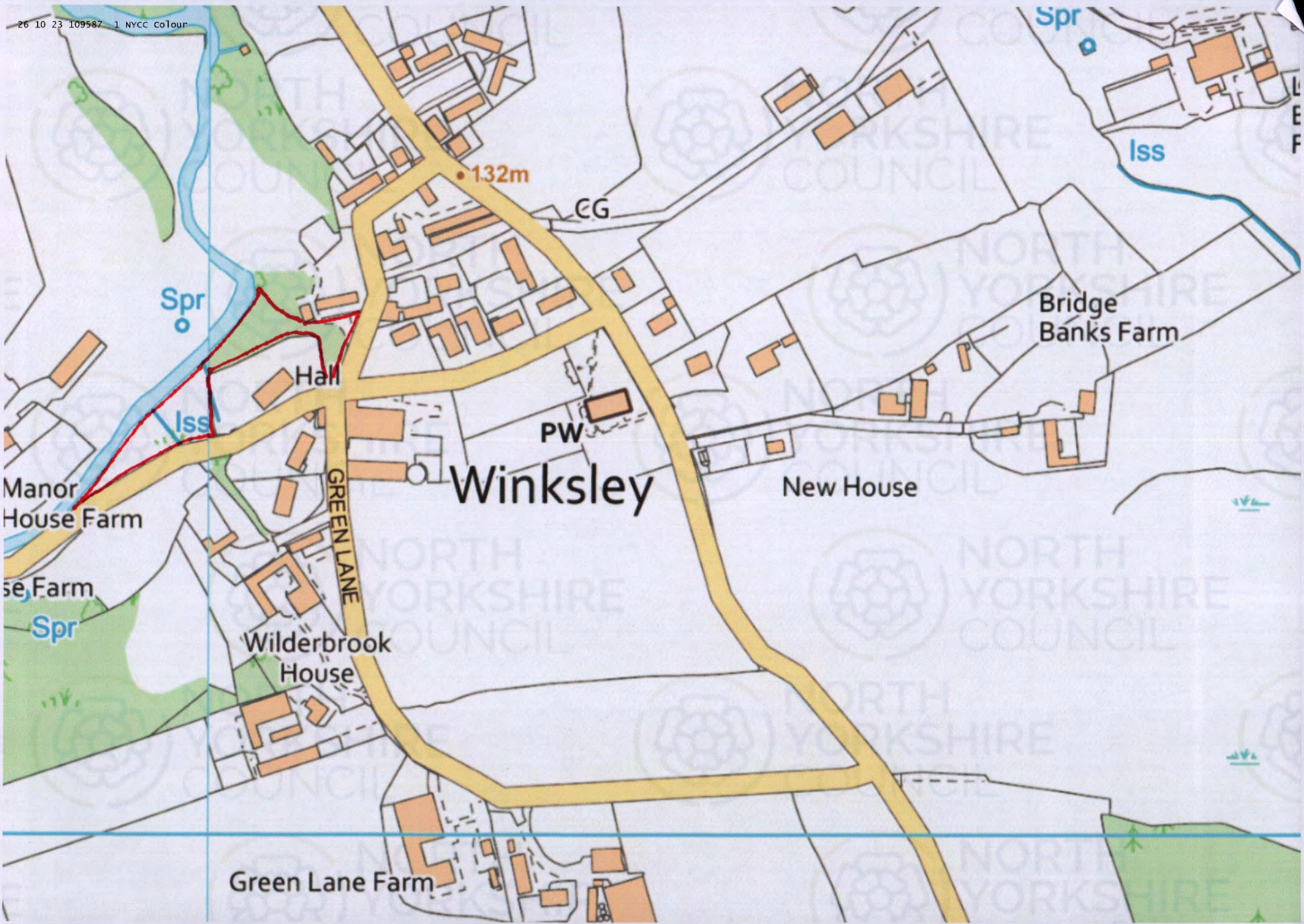
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In addition an area of land to the east of the site was set out and regularly used for the game of Quoits.

This area has always been used and maintained by residents of the village as a community facility and I would like to see this continue as a village green.

Yours faithfully,





• 132m

CG

Spr

Iss

Spr

Iss

Hall

PW

Winksley

New House

Bridge Banks Farm

Manor House Farm

se Farm

Spr

Wilderbrook House

Green Lane Farm

GREEN LANE

LE F

NORTH YORKSHIRE COUNCIL

NORTH YORKSHIRE COUNCIL

NORTH YORKSHIRE COUNCIL

NORTH YORKSHIRE COUNCIL

Register of COMMON LAND

See Overleaf
for Notes

LAND SECTION—Sheet No. 1

No. and date of entry	Description of the land, reference to the register map, registration particulars etc.
<p>1 12th March, 1969 (See entry No. 2 below & 3 below)</p>	<p>The piece of land known as Bogs and Hodgson Top in the Parish of Winksley in the Rural District of Ripon and Pateley Bridge in the West Riding of the County of York as marked with a green verge line inside the boundary on sheets 71 and 176 of the register map and distinguished by the number of this register unit. Registered pursuant to application number 1133 made 25th June, 1968 by Winksley Parish Meeting.</p> <p>(Registration provisional)</p>
<p>2 21st December 1972</p>	<p>The registration at entry No. 1 above, being undisputed, became final on 1st August 1972</p>
<p>3 27th February, 1973</p>	<p>The area of land in Entry No. 1 above is 0.417 hectares.</p>

C.R.

Form 4 COMMONS REGISTRATION ACT 1965

REGISTER OF COMMON LAND

OWNERSHIP SECTION – Sheet No 1

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 1986, 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.

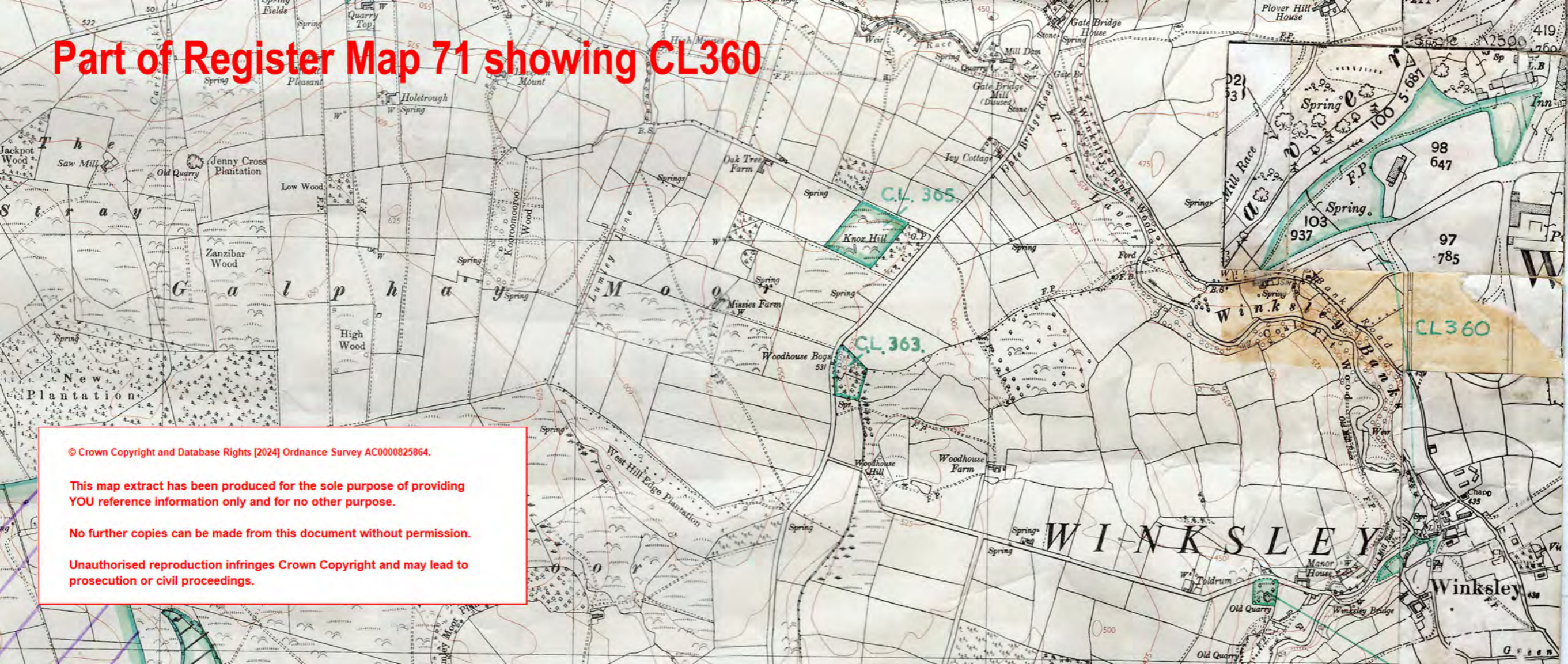
Registration Authority
WEST RIDING COUNTY COUNCIL

Register Unit No CL 360
Edition No 1

See Overleaf
for Notes

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 29 June 1975	N/A	The above registration was made in pursuance of Section 9 of the Commons Registration Act 1965 in accordance with a Direction made by G D Squibb, Chief Commons Commissioner, dated 10 June 1975. Ref: 45/U/145.	

Part of Register Map 71 showing CL360



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This map extract has been produced for the sole purpose of providing YOU reference information only and for no other purpose.

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This section for official use only.

Official stamp of registration authority indicating date of receipt

WEST RIDING COUNTY COUNCIL
REGISTRAR ON AUTHORITY
25 JUN 1968

Application No. 1133

Register Unit No(s):

CL 360
CL
CL

COMMONS REGISTRATION ACT 1965

Application for the registration of land as common land

IMPORTANT NOTE: Before filling in this form, read carefully the notes on the back. An incorrectly completed application form may be rejected.

Insert name of registration authority (see Note 1).

To the WEST RIDING COUNTY COUNCIL

Application is hereby made for the registration as common land of the land described below.

Part 1.

Name and address of the applicant.

(Give Christian names or forenames and surname or, in the case of a society or other body, the full title of the body. If part 2 is not completed all correspondence and notices will be sent to the applicant.)

WINKSLEY PARISH MEETING

PER MR. B. MYERS

WEST VIEW FARM,

WINKSLEY

RIPON.

Part 2.

Name and address of solicitor, if any.

(This part should be completed only if a solicitor has been instructed for the purposes of the application. If it is completed, all correspondence and notices will be sent to the solicitor.)

(This section is crossed out with a diagonal line.)

Part 3.

Particulars of the land to be registered, i.e. the land claimed to be common land.

(See Notes 2, 3 and 4).

Name by which usually known BOGS AND HODGSON TOP

Locality BETWEEN WINKSLEY VILLAGE AND BRIDGE. 103 ON MAP.

Delete reference to plan where none is submitted. A plan must be used except as mentioned in Note 4.

Colour on plan herewith ONE RED LINE ENCLOSED

Part 4.

(See Note 7.)

For applications submitted after 30th June, 1968 (to be disregarded in other cases).

Does the prescribed fee of £5 accompany this application? If not, state whether this is for reason (a) or (b) mentioned in Note 7, and give the appropriate particulars required by that note.

**The application must be signed by the applicant personally, unless the applicant is a body corporate or unincorporate, in which case it must be signed by the secretary or some other duly authorised officer.*

*Signature of applicant or of person on applicant's behalf.

Date

23. 6. 68

(See Note 5)

Statutory Declaration in Support

To be made by the applicant personally, unless the applicant is a body corporate or unincorporate, in which case the declaration must be made by the person who has signed the application. Inapplicable wording should be deleted throughout.

¹Insert full name.

I, **BERNARD MYERS**
solemnly and sincerely declare as follows:

1. I am the person who has signed the foregoing application.
2. ²I am **CLERK** to the applicant and am duly authorised by the applicant to make the foregoing application.
3. I have read Notes 2 and 3 on the back of the application form and believe that the land described in the application is common land.
4. ³The plan now produced and shown to me marked "**B**" is the plan referred to in the application.

²Strike out this paragraph if it does not apply.
³Insert capacity in which acting.

³Strike out this paragraph if there is no plan.
⁴Insert "marking" as on plan (see Note 5).

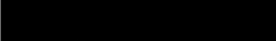
And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said **BERNARD MYERS**

at **Winklesley**
in the **County** of **York**
this **23rd** day of **June** 19**68**



Before me,

Signature 
Address **The Grange Skantley**
Ripon York
Qualification **Justice of the Peace**

REMINDER TO OFFICER TAKING DECLARATION:
Please initial all alterations and mark any plan as an exhibit.

1. Registration authorities

The applicant should take care to submit his application to the correct registration authority. This depends on the situation of the land which is claimed to be common land. Except where there is an agreement altering the general rule (see below), the registration authority for land in an administrative county is the county council; for land in a county borough, it is the county borough council, and for land in Greater London, it is the Greater London Council.

In the case of land which is partly in the area of one registration authority and partly in that of another, the authorities may by agreement provide for one of them to be the registration authority for the whole of the land. Public notice is given of such agreements, but an applicant concerned with land lying close to the boundary of an administrative area, or partly in one area and partly in another, should, if in doubt, enquire whether an agreement has been made and, if so, which authority is responsible for that land.

2. Meaning of "common land"

Common land is defined in the Commons Registration Act 1965 as—

- (a) land subject to rights of common (as defined in the Act—see Note 3 below) whether those rights are exercisable at all times or only during limited periods;
- (b) waste land of a manor not subject to rights of common.

It does not include a town or village green or any land forming part of a highway. (There is a separate form available for town or village greens, which are also registrable under the Act.) "Land" includes land covered with water, so that common land can, for instance, include ponds and lakes.

3. Meaning of "rights of common"

Rights of common are not exhaustively defined in the Act, but it is provided that they include cattlegates or beastgates (by whatever name known) and rights of sole or several pasture or herbage or of sole or several pasture. They do not, however, include rights held for a term of years or from year to year. Further information is contained in the official explanatory booklet "Common Land" available free from local authorities; the following extract is not an authoritative statement of the law, but is intended for general guidance only:

"A right of common is generally taken to mean a right which a person may have (generally in *common with* someone else) to take part of the natural produce of another man's land; for example, a right to the herbage (a right of common of pasture); a right to take tree loppings or gorse, furze, bushes or underwood (a right of estovers); a right to take turf or peat (a right of common of turbary); a right to take fish (a right of common of piscary); a right to turn out pigs to eat acorns and beechmast (pannage). There are various other types of rights of common, some existing only in particular areas, and it is impossible to give a complete list. The Act does not therefore attempt to give a comprehensive definition of the expression 'rights of common.'"

4. Land descriptions

Except where the land has already been registered under the Act (as to which see below and Note 6), the particulars asked for at part 3 of the form must be given, and a plan must accompany the application. The particulars in part 3 are necessary to enable the registration authority to identify the land concerned, but the main description of the land will be by means of the plan. This must be drawn to scale in ink or other permanent medium and be on a scale of not less, or not substantially less, than six inches to one mile. It must show the land to be described by means of distinctive colouring (a coloured edging inside the boundary will usually suffice), and it must be marked as an exhibit to the statutory declaration (see Note 5).

Where the land has already been registered and comprises *the whole of the land* in one or more register units, a plan is unnecessary provided the register and register unit number(s) are quoted (see Note 6). If the application concerns only part of the land comprised in a register unit, however, it will not always be possible to dispense with a plan. A plan will not be needed if the land can be described by reference to some physical feature such as a road, river or railway, so that the description might, for example, read "The land in register unit No. lying to the south of the road from A to B". Where this method is not practicable the land must be described by a plan prepared as mentioned above. In cases where the procedure of reference to an existing register unit is adopted, part 3 of the form should be adapted accordingly, and where no plan is submitted inappropriate references to a plan should be deleted.

5. Statutory declaration

The statutory declaration must be made before a justice of the peace, commissioner for oaths or notary public. Any plan referred to in the statutory declaration must be marked as an exhibit and signed by the officer taking the declaration (initialling is insufficient). A plan is marked by writing on the face in ink an identifying symbol such as the letter 'A'. On the back of the plan should appear these words:

This is the exhibit marked 'A' referred to in the statutory declaration of (name of declarant) made this (date)
19 before me,

.....
(Signature and qualification)

If there is more than one plan care should be taken to choose a different identifying letter for each.

6. Previous registration: inspection and search of registers

It is possible that the land has already been registered under the Act. If it has been registered as common land, it will not be registered as such again pursuant to a further application, but the further application will be noted on the register. This will entitle the applicant to notice of any objection to the registration. If the land has been registered as a town or village green, registration as common land will take effect as an objection to the earlier registration as a town or village green, and the latter will take effect as an objection to the later registration as common land. It is also possible that the land is exempt from registration; the registration provisions of the Act do not apply to the New Forest, Epping Forest or the Forest of Dean, nor to any land exempted by order under section 11. To ascertain whether land has been registered under the Act, or is exempt, anyone may inspect the registers at the office of the registration authority, or the copies of register entries affecting land in their areas held by other local authorities including parish councils. Alternatively, an official certificate of search may be obtained from the registration authority. A requisition for an official search must be made in writing on C.R. Form No. 21, a separate requisition being required for each register. If the land is registered, the certificate will reveal the register unit number(s) and whether any rights of common and claims to ownership are registered. If the land is exempt from registration, the certificate will say so, and it will not be possible to register it under the Act.

7. Submission of application: fees

The application must reach the registration authority properly completed during one of the registration periods allowed under the Act. The first registration period begins on 2nd January, 1967 and ends on 30th June, 1968, and the second begins on 1st July, 1968 and ends on 2nd January, 1970. There is no charge for applications made during the first registration period, but every application made during the second registration period must be accompanied by a fee of £5, unless—

- (a) during the first registration period the applicant gave the registration authority notice in C.R. Form No. 5 of his intention to make the application, or
- (b) the land did not become registrable as common land until after 30th April, 1968.

If (a) applies, the applicant should quote in part 4 of the application the number on the acknowledgment from the registration authority. If (b) applies, he should state in part 4 when and by what means the land became common land.

8. Action by registration authority

The registration authority will on receipt of the application send an acknowledgment. If this is not received within 10 days the applicant should communicate with the authority. Later, the applicant will be informed whether the application has been accepted or rejected. If it is accepted, then—

- (a) if the land is not already registered as common land, it will be provisionally registered as such, or
- (b) if it is already registered as common land, the application will be noted on the register.

The applicant will in either case be informed, and will in due course be notified of any objection to the registration. (As to objections, see the official explanatory booklet "Common Land", available free from local authorities.)

9. False statements: groundless applications

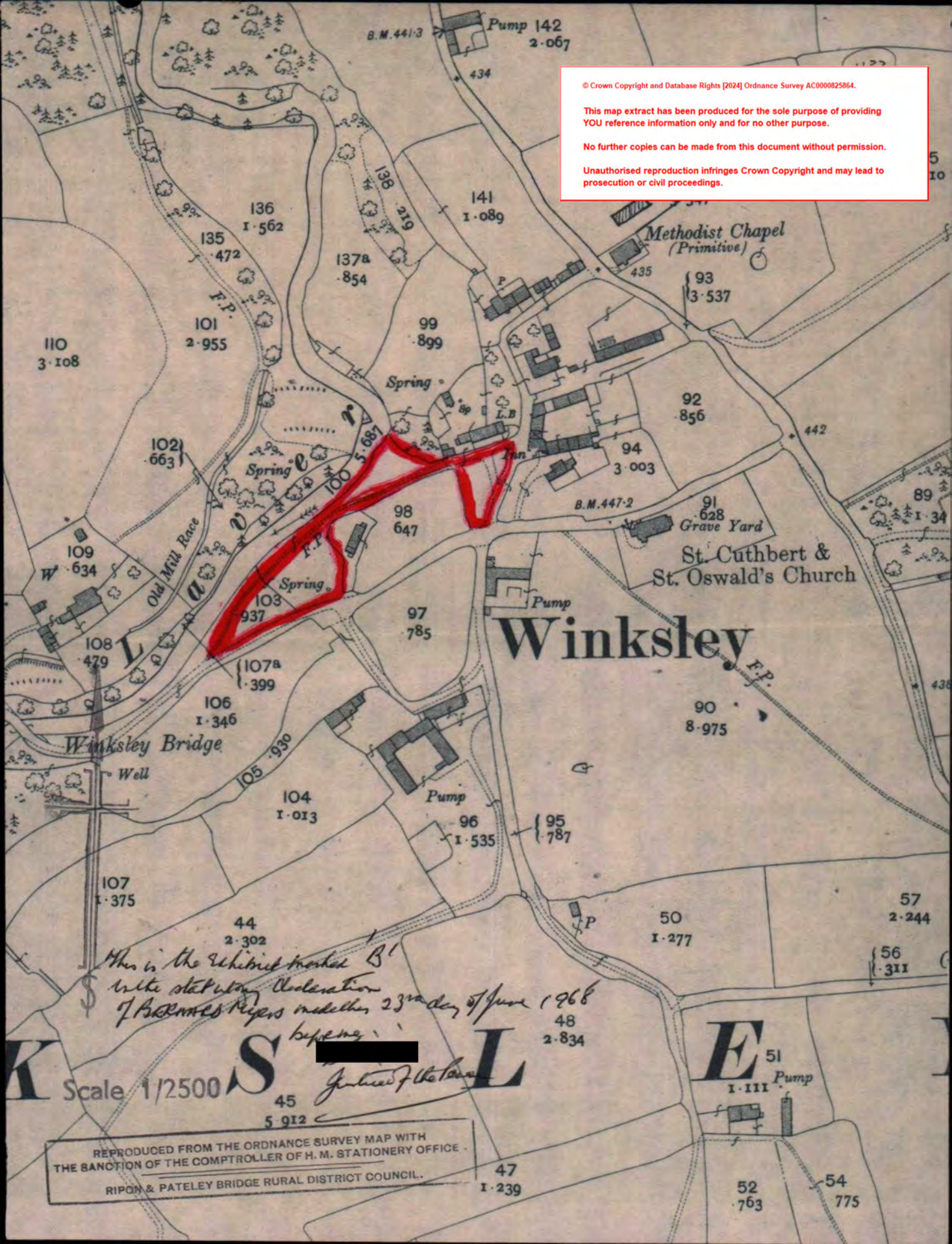
The making of a false statement to procure registration may render the maker liable to prosecution. Moreover, a registration which is objected to will, unless the registration authority permits it to be cancelled, or the objection is withdrawn, be referred to a Commons Commissioner. If, at the hearing before the Commissioner, the registration cannot be substantiated, it will be removed from the register, and the applicant may be ordered to pay the costs of the objector.

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*This is the white marked B1
with statutory declaration
of A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z. AA. AB. AC. AD. AE. AF. AG. AH. AI. AJ. AK. AL. AM. AN. AO. AP. AQ. AR. AS. AT. AU. AV. AW. AX. AY. AZ. BA. BB. BC. BD. BE. BF. BG. BH. BI. BJ. BK. BL. BM. BN. BO. BP. BQ. BR. BS. BT. BU. BV. BW. BX. BY. BZ. CA. CB. CC. CD. CE. CF. CG. CH. CI. CJ. CK. CL. CM. CN. CO. CP. CQ. CR. CS. CT. CU. CV. CW. CX. CY. CZ. DA. DB. DC. DD. DE. DF. DG. DH. DI. DJ. DK. DL. DM. DN. DO. DP. DQ. DR. DS. DT. DU. DV. DW. DX. DY. DZ. EA. EB. EC. ED. EE. EF. EG. EH. EI. EJ. EK. EL. EM. EN. EO. EP. EQ. ER. ES. ET. EU. EV. EW. EX. EY. EZ. FA. FB. FC. FD. FE. FF. FG. FH. FI. FJ. FK. FL. FM. FN. FO. FP. FQ. FR. FS. FT. FU. FV. FW. FX. FY. FZ. GA. GB. GC. GD. GE. GF. GG. GH. GI. GJ. GK. GL. GM. GN. GO. GP. GQ. GR. GS. GT. GU. GV. GW. GX. GY. GZ. HA. HB. HC. HD. HE. HF. HG. HH. HI. HJ. HK. HL. HM. HN. HO. HP. HQ. HR. HS. HT. HU. HV. HW. HX. HY. HZ. IA. IB. IC. ID. IE. IF. IG. IH. II. IJ. IK. IL. IM. IN. IO. IP. IQ. IR. IS. IT. IU. IV. IW. IX. IY. IZ. JA. JB. JC. JD. JE. JF. JG. JH. JI. JJ. JK. JL. JM. JN. JO. JP. JQ. JR. JS. JT. JU. JV. JW. JX. JY. JZ. KA. KB. KC. KD. KE. KF. KG. KH. KI. KJ. KK. KL. KM. KN. KO. KP. KQ. KR. KS. KT. KU. KV. KW. KX. KY. KZ. LA. LB. LC. LD. LE. LF. LG. LH. LI. LJ. LK. LL. LM. LN. LO. LP. LQ. LR. LS. LT. LU. LV. LW. LX. LY. LZ. MA. MB. MC. MD. ME. MF. MG. MH. MI. MJ. MK. ML. MM. MN. MO. MP. MQ. MR. MS. MT. MU. MV. MW. MX. MY. MZ. NA. NB. NC. ND. NE. NF. NG. NH. NI. NJ. NK. NL. NM. NN. NO. NP. NQ. NR. NS. NT. NU. NV. NW. NX. NY. NZ. OA. OB. OC. OD. OE. OF. OG. OH. OI. OJ. OK. OL. OM. ON. OO. OP. OQ. OR. OS. OT. OU. OV. OW. OX. OY. OZ. PA. PB. PC. PD. PE. PF. PG. PH. PI. PJ. PK. PL. PM. PN. PO. PP. PQ. PR. PS. PT. PU. PV. PW. PX. PY. PZ. QA. QB. QC. QD. QE. QF. QG. QH. QI. QJ. QK. QL. QM. QN. QO. QP. QQ. QR. QS. QT. QU. QV. QW. QX. QY. QZ. RA. RB. RC. RD. RE. RF. RG. RH. RI. RJ. RK. RL. RM. RN. RO. RP. RQ. RR. RS. RT. RU. RV. RW. RX. RY. RZ. SA. SB. SC. SD. SE. SF. SG. SH. SI. SJ. SK. SL. SM. SN. SO. SP. SQ. SR. SS. ST. SU. SV. SW. SX. SY. SZ. TA. TB. TC. TD. TE. TF. TG. TH. TI. TJ. TK. TL. TM. TN. TO. TP. TQ. TR. TS. TT. TU. TV. TW. TX. TY. TZ. UA. UB. UC. UD. UE. UF. UG. UH. UI. UJ. UK. UL. UM. UN. UO. UP. UQ. UR. US. UT. UU. UV. UW. UX. UY. UZ. VA. VB. VC. VD. VE. VF. VG. VH. VI. VJ. VK. VL. VM. VN. VO. VP. VQ. VR. VS. VT. VU. VV. VW. VX. VY. VZ. WA. WB. WC. WD. WE. WF. WG. WH. WI. WJ. WK. WL. WM. WN. WO. WP. WQ. WR. WS. WT. WU. WV. WW. WX. WY. WZ. XA. XB. XC. XD. XE. XF. XG. XH. XI. XJ. XK. XL. XM. XN. XO. XP. XQ. XR. XS. XT. XU. XV. XW. XX. XY. XZ. YA. YB. YC. YD. YE. YF. YG. YH. YI. YJ. YK. YL. YM. YN. YO. YP. YQ. YR. YS. YT. YU. YV. YW. YX. YY. YZ. ZA. ZB. ZC. ZD. ZE. ZF. ZG. ZH. ZI. ZJ. ZK. ZL. ZM. ZN. ZO. ZP. ZQ. ZR. ZS. ZT. ZU. ZV. ZW. ZX. ZY. ZZ.*

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RIPON & PATELEY BRIDGE RURAL DISTRICT COUNCIL.