

Commons Act 2006: Schedule 2

Application number: 2994

Application to correct non-registration or mistaken registration

Commons Registration Authority:	The Cornwall Council
Application date:	08 January 2020
Applicant:	Mr Arthur Alway Mrs Mary Alway
Registered land:	CL333
(to which the Application relates)	Land called Feadon Wood, Nance Wood and Portreath Moor Portreath, Cornwall
Date of registration	
Provisional registration:	08 October 1968
Final registration:	09 October 1973

NOTICE OF DECISION TO HOLD A PUBLIC INQUIRY

TAKE NOTICE that the Cornwall Council, as commons registration authority in relation to the land concerned by the above mentioned application, has decided that a public inquiry is to be held in relation to the application pursuant to Regulation 27 of The Commons Registration (England) Regulations 2014.

- 1.1 The Cornwall Council has instructed an inspector to do the following:
- (1) To consider the contents of the application and the material accompanying it.
 - (2) To consider the written representations received in respect of the application.

- (3) To inspect the site and to consider any findings made at the site inspection.
 - (4) To consider any further written evidence and representations which may be provided in accordance with any further directions to be given by the Inspector.
 - (5) To hold a public inquiry which will be open to members of the public for the purpose of hearing evidence and representations about the application.
 - (6) To prepare a report to the Cornwall Council summarising the matters stated above and providing a recommendation as to whether the application should be approved or refused, in part or in whole.
- 1.2 The Inspector will act independently of the Cornwall Council and must prepare his report and decide upon his recommendation on an objective basis whether or not the Cornwall Council is likely to agree with its contents.

2. Name of Inspector

The name of the Inspector is: Sancho Brett, Barrister

3. Details of address to which any communications must be sent

- 3.1 The Inspector has asked that all correspondence is dealt with by the Cornwall Council to ensure that there is a record of correspondence sent and received and one point of contact. Therefore, any correspondence to the Inspector should be sent to:

Post: The Commons Registration Office
Countryside Access
Cornwall Council
New County Hall
Treyew Road
Truro TR1 3AY

Email: commonsandgreens@cornwall.gov.uk

Please state the following reference in all correspondence:

Nance Wood CL333

The telephone contact for the Council is:

01872 322222

(please ask to speak to Martin Wright)

4. Notice of the Public Inquiry

- 4.1 The date and venue for the inquiry will be confirmed at a later date.
- 4.2 The Council is required to ensure that the notice of the inquiry is—
- (a) published on its website;
 - (b) served on—
 - (i) the applicant;
 - (ii) any person who has made representations; and
 - (iii) any other person who has been invited by the Council or the Inspector to make written representations; and
 - (c) publicised by such other means or served on such other persons as the Council considers necessary as appropriate to bring the inquiry to the attention of persons likely to be affected by the application.

5. Procedure at the Inquiry

- 5.1 The following will apply to the public inquiry:
- 5.2 The procedure at the inquiry is to be determined by the Inspector.
- 5.4 The Inspector may give such directions in preparation for the inquiry as the Inspector considers are desirable.
- 5.5 The Inspector may direct any person wishing to give evidence to serve a written statement of that evidence on—
- (a) the Inspector; and
 - (b) such other persons as the Inspector may specify.
- 5.6 Any person interested in the subject-matter of the inquiry may appear at it in person or by a representative.
- 5.7 The Inspector may, at any stage of the inquiry, prevent any person from—
- (a) giving evidence;
 - (b) cross-examining a person giving evidence; or
 - (c) presenting any matter,

if the Inspector considers it to be irrelevant or repetitious.

5.8 Anyone is entitled to attend the inquiry. However, the Inspector may—

- (a) require a person to leave the inquiry;
- (b) prevent a person from participating in the inquiry by giving evidence, cross-examining a person giving evidence, or presenting any matter; or
- (c) permit a person to remain at, or participate in, the inquiry only on specified conditions.

5.9 The Inspector may proceed with the inquiry in the absence of any person entitled to appear at it.

5.10 The Inspector may take into account any written representations or evidence or any other document received by the Inspector from any person before or during the inquiry, provided that the Inspector discloses it at the inquiry.

5.11 The Inspector may—

- (a) adjourn the inquiry to another date;
- (b) adjourn the inquiry to the site of any land affected by the application, and conduct part of the inquiry at that site in conjunction with a site inspection.

5.12 At the start of the inquiry, the Inspector must—

- (a) identify the main issues to be considered at the inquiry;
- (b) identify any matters on which further explanation from any person appearing at the inquiry is required; and
- (c) explain the procedure to be followed at the inquiry.

This does not preclude other issues from being considered at the inquiry, or (subject to the Inspector's powers) raised by persons appearing at the inquiry.

5.13 If a person giving evidence at the inquiry has provided a written statement of evidence in accordance with a direction by the Inspector, the Inspector may direct that—

- (a) the written statement is to be treated as the person's evidence, or as part of the person's evidence; and

(b) other parties at the inquiry may cross-examine the person on the written statement.

5.14 The Inspector must inspect the land affected by the application before producing a report. Before such a site inspection takes place, the Inspector must ask the applicant whether they wish to be present or represented at the inspection. If the applicant expresses a wish to be present or be represented, the Inspector must give the applicant reasonable notice of the date and time of the inspection, and give the applicant or their representative the opportunity to be present. The inspection does not need to be postponed if the applicant or their representative is not present at the appointed time.

6. Documents

Copies of the application documents can be inspected online at:

<https://www.cornwall.gov.uk/environment/land-and-property/common-land-and-town-and-village-greens/>

under reference **Application 2994** and by appointment at:

The Commons Registration Office
Cornwall Council
Countryside Access
New County Hall
Treyew Road
Truro TR1 3AY

Please use the contact details in Section 3 above to request an appointment.

7. Extra Support

Please tell the Council if you have any health or personal circumstances that may make it difficult for you to take part in the inquiry process. For example, if you are not able to read or understand documents about the inquiry or if you require assistance to communicate with us then you should let the Council know.