



APPLICATION TO DEREGISTER, OR TO DEREGISTER AND EXCHANGE, COMMON LAND OR TOWN OR VILLAGE GREENS

Commons Act 2006: Section 16

Return completed application to:

E-mail: commonlandcasework@planninginspectorate.gov.uk

Where possible, please send in your application by e-mail. If you are unable to submit your application by email and require a postal address please telephone: 0303 444 5340.

Please ensure you refer to the current Notes for making an application when completing this form and advertising your proposals. Failure to do so may delay your application and you may be asked to re-advertise if you do not follow the current guidance in full.

PLEASE READ THE FOLLOWING CAREFULLY BEFORE COMPLETING THIS FORM:-

- Section 16(9) of the Commons Act 2006 requires that an application to deregister and exchange common land or town or village greens may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the release land and any replacement land. When completing this form you will be asked to confirm that such consent has been obtained and that you have consulted any relevant leaseholder of, and the proprietor of any relevant charge over, the release land/any replacement land about the application.
 - Answer all the questions on this form in full and only use a separate sheet where there is insufficient space for your answer.
 - Refer to "*Notes on completing an application to deregister, or to deregister and exchange, common land or town or village greens*" (the "Notes") when completing this form.
 - References throughout this form to 'common land' apply equally to 'town or village green'.
 - A non-refundable fee of £4,900 is payable for all applications under section 16 to deregister/exchange common land and must accompany every application. To pay by BACS the Planning Inspectorate's bank details are available on request.
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SECTION A – The common land to be deregistered (i.e. the release land)

Section A1 – The Common

1. Name and full address of common **Foulride Green
Lower Willingdon
Eastbourne
East Sussex
BN20 9NY**

CL no or VG no **Register Unit Numbers CL57 & CL96**

Commons Registration Authority **East Sussex County Council**

Section A2 – The owner of the release land

2. Forename **(1) Peter AND (2) Robert**

Surname **Vine**

Organisation (if appropriate)

Title (Mr/Mrs/Miss/Dr) **Messrs.**

Full Postal Address	(1)	Peter J A Vine Raylands Farm Tye Hill Road Polegate
	(2)	Robert D Vine Sessingham Farmhouse Sessingham Lane, Berwick, Polegate East Sussex
Postcode	(1)	Peter Vine: BN26 6SG
	(2)	Robert Vine: BN26 6TP
Telephone No/Mobile		
E-mail address		

3. Do you prefer to be contacted by Post E-mail

4. Please note that unless you tick the box below we will send all correspondence to the person named above and not to the owner of the replacement land shown in Section B1.

Please send all correspondence to the owner of the replacement land named in section B1

Section A2a – The agent (where applicable)

4a Forename	James
Surname	Ryan
Organisation (if appropriate)	Acuity Law Limited
Title (Mr/Mrs/Miss/Dr)	Mr
Full Postal Address	The Generator Finzels Reach Counterslip Bristol
Postcode	BS1 6BX
Telephone No/Mobile	07539 865192

E-mail address **james.ryan@acuitylaw.com**

Do you prefer to be contacted by 1. **E-mail*** 2.

Section A3 – Area of common and common rights

5. What is the total area of common land as registered? **CL57: 11,380 sqm as per the register (measured on our plans as 15,588 sqm)**

CL96: 2,020 sqm as per the register (measured on our plans as 3,137 sqm)

Total: 13,400 sqm (measured on our plans as 18,725)

What common rights, if any, are registered? (e.g. number and type) If the land is a town or village green, what kind of recreation is it used for?

None

6. If there are common rights registered are they exercised? **Yes** **No**

If yes, please give details e.g. which commoners are active, which rights are exercised and how often.

N/A

Section A4 – Description of the release land

7. Area of release land in m²

CL57: 4,544 sqm

CL96: 658 sqm

Total: 5,202 sqm

Description (including location) of the release land

A portion of the release land forms part of the highway verges alongside Eastbourne Road and is included within the highway maintainable at the public expense by East Sussex County Council, which is the local highway authority for the area, as well as being the Commons Registration Authority.

Although the release land is open access land, and it benefits from existing footways for the benefit of local pedestrian traffic, it has little or no recreational value.

The release of the common land is necessary to provide access to and egress from a proposed mixed-use development of land from the A2270 Eastbourne Road at Mornings Mill Farm.

Planning permission was granted for the proposed development by the decision letter from the Secretary of State's Inspector, Michael Boniface MSc MRTPI, dated 28th September 2022 (a copy of which is at Annex A).

The description of the proposed development is: a comprehensive development of a mixed-use urban extension comprising up to 700 dwellings including affordable housing, 8,600 square metres of employment floorspace, medical centre, school, community centre, retail, playing fields, children's play space, allotments, amenity open space, internal access roads, cycle and footpath routes and associated landscaping and infrastructure.

The proposed road works include the provision of two new access roads on the east side of the A2270 Eastbourne Road to provide routes for traffic entering and exiting the new development in due course. The most northerly access will take the form of a priority junction and the southern access will be a signal-controlled junction. The works would involve widening the carriageway of Eastbourne Road itself on the east side of the road, provision of a footway/cycleway and a southbound bus lane, as well as the installation of traffic signals, a short stretch of footway and street furniture on the west side of Eastbourne Road where indicated on the Application Plan (Annex B).

The detailed design of the proposed highway works has not yet been completed. However, it is envisaged that traditional construction methods and materials will be used. The proposed widened road including the proposed bus lane and the new footway/cycleway will be provided in a flexible tarmac material with concrete kerbs. The carriageway construction will conform to the specification of East Sussex County Council and it is expected to become highway maintainable at the public expense. There are existing underground services running through the area of the works along with lighting columns and service cabinets. Subject to detailed design in due course, it may be necessary to relocate some of the over and underground apparatus.

A concurrent section 38 application is being submitted to provide a safe working space area for workers, construction vehicles and storage of materials to access the release land to carry out the construction. That section 38 application is thus parasitic on this section 16 application being approved.

If this application is approved, the proposed works will affect the south eastern part of Register Unit CL96 and the part of CL57 which is on the north eastern side of Eastbourne Road. The release land is identified by a red line on the application plan.

SECTION B – The land to be given in exchange (i.e. the replacement land)

8. Are you proposing to provide replacement land in exchange for the release land? You must propose replacement land if the area of the release land is more than 200m². **Yes**
- If **Yes**, go to Question 9. If **No**, please explain below why you are not providing replacement land and then go to Question 14.

Section B1 – The owner of the replacement land

9. Forename **(1) Peter AND (2) Robert**
- Surname **Vine**
- Organisation (if appropriate)
- Title (Mr/Mrs/Miss/Dr) **Messrs.**
- Full Postal Address
- (1) Peter J A Vine
Raylands Farm
Tye Hill Road
Polegate**
- (2) Robert D Vine
Sessingham Farmhouse
Sessingham Lane,
Berwick, Polegate
East Sussex**
- Postcode
- (1) BN26 6SG**
- (2) BN26 6TP**
- Telephone No/Mobile **Contact through Agent James Ryan of Acuity Law details provided above**

Only complete Question 10 if Question 4 has been ticked.

10. Do you prefer to be contacted by Post E-mail

Section B2 – Description of the replacement land

11. Name of replacement land (if any) **Replacement land at Mornings Mill Farm, Polegate**

Area of proposed replacement land (in m²) **6,763 sqm**

Description (including location) of the replacement land.

As will be seen from the application plan at Annex B, the majority of the replacement land is existing pasture, although part of the exchange land is to be provided on the south western side of Eastbourne Road, alongside existing highway verge.

The greater part of the replacement land (5,950 sqm) is adjacent to the southern extremity of CL96 and instead of being partly linear highway verge, it will form part of the amenity land to be provided within the development and adjacent to the water feature which has a dual role as a surface water drainage basin. More of the replacement land will be further from the carriageway than the release land, thus increasing the recreational potential of the land available to be more safely utilised by the public. The replacement land will thus improve the quality and usefulness of the common.

A small part of the replacement land is adjacent to the existing highway verge on the south western side of Eastbourne Road and will share its characteristics.

12. Please confirm that the proposed replacement land is not already registered as common land or town or village green. **Confirmed**

Section B3 – Rights over the replacement land

13. Give details of any relevant leaseholders, other occupiers, rights of access and easements, those holding any relevant charges over the replacement land, or any other rights or easements. Explain why such rights will not materially interfere with the public's right to use the land (should the application be successful). **(see Note 8).**

Save for the public footways which traverse the replacement land, which will improve the accessibility of the replacement land for potential users, no other rights or easements are known to exist.

SECTION C - Access arrangements and current features of the lands

Section C1 – Access to the lands:

14. To what extent is there **existing** public access over the land(s) e.g. public rights of access under Section 193 of the Law of Property Act 1925?

(a) The release land

A search of the East Sussex County Council Public Rights of Way Definitive Map (Annex H), reveals that the release land is intercepted by a footpath named Willingdon and Jevington 5 (code WIL/5/1) at the south eastern end of the common land hatched dark green on the application plan. The proposed works on the release land to create new hard-surfaced highways will ultimately accommodate this existing pathway. As seen at Annex B, the proposed works around the south eastern signal-controlled junction incorporate a newly planned pelican crossing with a guard railing protected island in the middle of Eastbourne Road. This new crossing system will provide greater protection for members of the public making use of the footpath when crossing Eastbourne Road. As shown on the Application Plan at Annex B, there are two versions of the route on the plan, noting a divergence between the walked route and the official route on the Definitive Map. Whilst works are taking place, temporary diversions of this footpath will be put in place where appropriate before construction proceeds. Access for users of the path will be maintained, via temporary diversions, whilst works are ongoing.

(b) The replacement land (including any existing informal public access)

The Commons Registration Authority (East Sussex County Council) also identifies that the proposed replacement land is intercepted by a footpath named Willingdon and Jevington 6 (code WIL/6/1), as shown on the Application Plan (Annex B), which will enable users of the footpath to easily locate/access the new common land and the existing environment will not need to be altered to accommodate entry to the areas.

15. What are the intended access arrangements for the replacement land?

The replacement land on the eastern side of the Eastbourne Road will be accessed from the existing, well-situated footpath Willingdon and Jevington 6 (code WIL/6/1), as shown on the Application Plan at Annex B. Further, this land will form part of the public open space to be delivered as part of the development and thus, will be readily accessed from within the development itself.

The replacement land on the south western side of the Eastbourne Road will be easily accessed from the north by a footpath named Willingdon and Jevington 22 (code WIL/22/1), which the previously discussed Willingdon and Jevington 5 leads to on the eastern side of the road. From the south, the land will be accessed from the 1066 Country Walk (the yellow marked route shown on the Public Rights of Way Definitive Map at Annex H) at the point at which it crosses the Eastbourne Road from the western side.

The replacement land on the north eastern side of Eastbourne Road will be readily accessible from the proposed access road into the development.

Section C2 - Current condition of the lands

16. Describe the current condition and use of the lands, including any biodiversity, landscape, archaeological, agricultural and recreational interests:

(a) The release land

As shown on the Application Plan at Annex B, this is currently partly highway verge with little or no recreational value, although it does provide footways for the benefit of pedestrian traffic along Eastbourne Road.

(b) The replacement land

This is wholly existing pasture on the north eastern side of Eastbourne Road, and the part of the replacement land on the south western side of Eastbourne Road is open land which can in effect extend the highway verge although it is not currently part of the highway maintainable at the public expense.

17. What structures (e.g. buildings, roads, bridleways, footpaths, walls, fences) are currently on the land?

(a) The release land

As shown on the Application Plan at Annex B, the release land consists of a segment of the existing Eastbourne Road highway verge on its eastern side. Streetlamps feature along the verge and an overhead line crosses perpendicular to the road with a single pole within the release land on the east side.

(b) The replacement land

The replacement land on the south western side of the Eastbourne Road has few features apart from a footpath which runs adjacent to the road (and the eastern edge of the land) and two extended driveways which exist at the southern end.

The replacement land on the north eastern side features the previously mentioned Willingdon and Jevington 6 running through it.

18. What boundary features e.g. fences, hedges, walls (and access points such as stiles and gates) are currently on the perimeter of (or on land immediately adjoining) the land?

(a) The release land

None

(b) The replacement land

None

19. What, if any, boundary or other features are proposed to be removed from or erected on the replacement land as part of the exchange?

None

20. What, if any, works are to be carried out on the replacement land as part of the exchange?

None

SECTION D – Details of the exchange or deregistration

21. What are the reasons for the exchange or deregistration?

To facilitate the proposed development following the grant of planning permission following a successful planning appeal.

The Planning Inspector found that the proposed development will deliver a number of benefits, including a significant number of much-needed market and affordable homes. The scheme will also deliver economic benefits through job creation during construction and operation of the development, plus community benefits through the delivery of open space and sports facilities and a biodiversity net gain, amongst other things. The Inspector attached substantial weight to these benefits.

SECTION E – Designations

22. Are any of the lands subject of this application in or near a Site of Special Scientific Interest (SSSI), National Nature Reserve, a Special Area of Conservation (SAC), a Special Protection Area (SPA), or Wetland listed in accordance with the Ramsar Convention?

(a) the release land

No

If **Yes**, please give details and identify the location on the map

(b) the replacement land

No

If **Yes**, please give details and identify the location on the map.

23 Do any of the lands contain a Scheduled Ancient Monument?

(a) the release land

No

If **Yes**, give details and identify the location on the map.

(b) the replacement land

No

If **Yes**, give details and identify the location on the map

24 Are any of the lands in a National Park or Area of Outstanding Natural Beauty?

(a) the release land

No

If **Yes**, please give details.

(b) the replacement land

No

If **Yes**, please give details.

25 Are any of the lands subject of this application covered by any local designations, e.g. local nature reserve, area of special landscape value, heritage coast, conservation area or public open space?

(a) the release land

No

If **Yes**, please give details.

(b) the replacement land

No

If **Yes**, please give details.

SECTION F – Adjacent common land

26. Does any area of common land with a different registration number adjoin the common land subject of this application? **No**
If **Yes**, give details and identify them on the map

Be aware that this application is in respect of Release Land which forms part of two separate Common Land Units, namely, CL57 and CL96.

SECTION G – Procedure

27. Most applications are determined by the written representation procedure. This involves an exchange of written evidence and a site inspection by an Inspector.

Do you wish to be present or be represented at the site inspection? **Yes**
If yes, please suggest a suitable meeting point.

At the end of the lane leading from Mornings Mill Farm to Eastbourne Road (where the Willingdon and Jevington 6 Public Right of Way and the Eastbourne Road meet, as shown on the Application Plan at Annex B).

SECTION H – Advertisement and Consultation

28. **You must advertise your proposal** in one main local newspaper and at the main points of entry to the common (or, if there are none, at a conspicuous place on the boundary of the common). Please advertise your proposal at the same time as you make your application. Use the draft notice at **Annex B** of the **Notes**.

A notice has been prepared following the format at Annex B (Annex I to this application).

29. You **must** also send a copy of the notice (using the letter at **Annex C** of the **Notes**) to the following:

N/a	the commons council or commoners' association (if there is one)
N/a	all active commoners
N/a	others with a legal interest e.g. tenants, those with easements, or other rights over the land and any other person occupying the land
✓	the relevant Commons Registration Authority (usually the county council or unitary authority), District or Borough Council
✓	Parish Council (where known)
✓	Natural England (Please send only to enquiries@naturalengland.org.uk)
✓	Historic England
N/a	National Park Authority (if the proposal is in a National Park)

N/a	AONB Conservation Board or Joint Advisory Committee (if the proposal is in an AONB)
✓	Open Spaces Society (Please send only to office2@oss.org.uk)
✓	The local authority archaeological service

Even if you have consulted any of these bodies before making this application you still need to send them a copy of the notice.

A notice has been prepared following the format at Annex C (Annex J to this application).

30. Which newspaper has the advertisement appeared in? **The Eastbourne Herald**

On what date? **24th February 2023**

On what date will the representation period end?

This date must be at least 28 days from the date the application is advertised. Incorrect notices are a common problem and may result in you having to re-advertise, so please read Section H of the Notes carefully.

27th March 2023

SECTION I – Maps

31. Please enclose two copies of the map that meet the requirements set out in **Note 19.**

Two copies of the map are enclosed.

SECTION J – Checklist (tick to confirm)

32. I have read the **Notes** in full. ✓

33. I have answered all the questions (where appropriate) on this form in full. ✓

I have enclosed two copies of the map that meets the requirements of Note 19. ✓

I have enclosed a copy of the commons register or register of town and village greens. This should include details of the land, rights, ownership and the register map. ✓

I have obtained the consent to this application of any relevant leaseholder of, and the proprietor of any relevant charge over, the release land and any replacement land. **N/A**

I have enclosed a copy of any document mentioned in answering the questions on this form. ✓

I have completed and enclosed a copy of the health and safety questionnaire ✓

I understand that any of the application papers may be copied to interested parties on request and have informed people as necessary. ✓

I have enclosed my application fee of £4,900. ✓

34. I have:

advertised the proposal in one main local newspaper
posted a copy of the notice at the main entry points to the lands
sent a copy of the notice to all those listed at Section H
placed a copy of the notice, map and application at the inspection point
enclosed the letter based on the example at Annex D of the Notes confirming
that the advertising requirements have been met.

SECTION K – Declaration

I/We hereby declare that:

All the owner(s) of the land(s) to be deregistered or deregistered and exchanged
subject of this application have completed this Section.

*No person is a relevant leaseholder, or holds a relevant charge, over any of the
land(s) to be deregistered/exchanged.

*I/We have obtained the written consent to this application of every person who
is a relevant leaseholder, or holds a relevant charge, over any of the lands to be
deregistered/exchanged.

*delete as appropriate

**The contents of this application are true and complete to the best of my/our
knowledge and belief.**

Release Land:

Signature of owner

Name

Date

Position and name of
organisation (where
appropriate).

Signature of co-owner
(where applicable)

Name

Date

Position and name of
organisation (where
appropriate).

Replacement Land:

placed a copy of the notice, map and application at the inspection point enclosed the letter based on the example at Annex D of the Notes confirming that the advertising requirements have been met.

SECTION K – Declaration

I/We hereby declare that:

All the owner(s) of the land(s) to be deregistered or deregistered and exchanged subject of this application have completed this Section.

*No person is a relevant leaseholder, or holds a relevant charge, over any of the land(s) to be deregistered/exchanged.

~~*I/We have obtained the written consent to this application of every person who is a relevant leaseholder, or holds a relevant charge, over any of the lands to be deregistered/exchanged.~~

*delete as appropriate.

The contents of this application are true and complete to the best of my/our knowledge and belief.

Release Land:

Signature of owner



Name

PETER J. A. VINE

Date

24th February 2023

Position and name of organisation (where appropriate).

N/A

Signature of co-owner (where applicable)

Name

Date

Position and name of organisation (where appropriate).

Replacement Land:

Signature of owner



Name

PETER J. A. VINE

placed a copy of the notice, map and application at the inspection point enclosed the letter based on the example at Annex D of the Notes confirming that the advertising requirements have been met.

SECTION K – Declaration

I/We hereby declare that:

All the owner(s) of the land(s) to be deregistered or deregistered and exchanged subject of this application have completed this Section.

*No person is a relevant leaseholder, or holds a relevant charge, over any of the land(s) to be deregistered/exchanged.

~~*I/We have obtained the written consent to this application of every person who is a relevant leaseholder, or holds a relevant charge, over any of the lands to be deregistered/exchanged.~~

*delete as appropriate

The contents of this application are true and complete to the best of my/our knowledge and belief.

Release Land:

Signature of owner

Name

Date

Position and name of organisation (where appropriate).

Signature of co-owner (where applicable)

Name

Date

Position and name of organisation (where appropriate).

R Vine

ROBERT DAVID VINE

24/2/23

N/A

Replacement Land:

Signature of owner

Name

Date 24th February 2023

Position and name of organisation (where appropriate). N/A.

Signature of co-owner (where applicable)

Name

Date

Position and name of organisation (where appropriate).

You should keep a copy of the completed form

General Data Protection Regulation

Your application will be in the public domain. Therefore all documents (both paper and electronic) associated with it may be disclosed during the application process to others, including other Central Government Departments, public bodies, local authorities, other organisations and members of the public.

How we use your information

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

Date

Position and name of
organisation (where
appropriate).

Signature of co-owner
(where applicable)

Name

Date

Position and name of
organisation (where
appropriate).

R D Vine
ROBERT DAVID VINE

24/2/23

N/A

You should keep a copy of the completed form

General Data Protection Regulation

Your application will be in the public domain. Therefore all documents (both paper and electronic) associated with it may be disclosed during the application process to others, including other Central Government Departments, public bodies, local authorities, other organisations and members of the public.

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