

## COMMONS ACT 2006

### Schedule 2 (6)

#### **Proposed by the Isle of Wight Council to correct the Commons Register by removing the land which forms part of common land parcel CL20 St Helen's Green, Ryde**

- 1) As Commons Registration Authority, the Isle of Wight Council is proposing to amend the Commons Register to remove that part of the common land parcel CL20, St Helen's Green, Ryde, shown edged and coloured red (the Land) on the plan accompanying this proposal (the Plan) (document 1\*). The proposal is being made in accordance with paragraph 6 of Schedule 2 to the Commons Act 2006 on the ground that the Land should never have been registered because at the time of the provisional registration of St Helen's Green as common land, the Land was covered by a building, namely a toilet block, or was within the curtilage of that building and has, since the date of the provisional registration at all times been and remains covered by a building or within the curtilage of that building.
- 2) It is not known when a toilet block was first erected on the Land, but it is shown in this location on the 1939 Ordnance Survey Map, a copy of which accompanies this proposal (document 2\*). The toilets were also shown in the same location on the 1947 Ordnance Survey Map, which was revised during 1938-1942 but not published until about 1947 (extract attached) (document 3\*) and on the larger 1:25,000 1961 edition (extract attached) (document 4\*). An aerial photograph, believed to have been taken in 1969 but certainly after 1964 when the canopy of the closed railway station was converted to a sun lounge, also shows a toilet block in this location (attached) (document 5\*).
- 3) St Helen's Green is subject to a scheme of management made on 29 September 1906 under the Commons Act 1899. This does not grant specific powers to erect public toilets either with or without the landowner's consent. The map accompanying that scheme is based on the 1897 Ordnance Survey edition. It does not show the presence of any public toilets (see

attached) (document 6\*). Similarly, none are shown on the 1909 edition. It is likely therefore, that public toilets were first constructed on the Land between 1909 and 1939.

- 4) The Land was provisionally registered on 31 December 1969, following an application by the Mayor, Aldermen and Burgesses of the Borough of Ryde dated 25 April 1968. The registration was confirmed on 6 January 1978, following a decision of the Chief Commissioner. Unfortunately, the papers relating to the application to register St Helen's Green as common and the Chief Commissioner's decision appear to have been mislaid, probably due to the various local government reorganisations which have taken place during the intervening years. However, it is apparent from the entries on the Commons Register (attached) (document 7\*) that the "objection" related to the fact that St Helen's Green had also been provisionally registered as town or village green. A dual registration of this nature was treated as an objection until disposed of by the Commons Commissioners. In this case, the final decision and status of the land as common land was not confirmed until 1978.
- 5) The Commons Map which accompanies the Register does not show the toilet block. This can be explained by the fact that the scale of the Ordnance Survey Map used as the base for the Commons Registration Map was too small to show details such as this. Regulation 16 of the Commons Registration (General) Regulations 1966 provided that the scale of the map to be used should not be less than or substantially less than 6 inches to 1 mile (equivalent to 1:10,560). However, the 1971 edition, at the larger 25 inch to the mile scale, clearly shows the toilets (see attached) (document 8\*).
- 6) On 16 November 1993 planning permission was granted for the demolition of the public conveniences and the erection of a new toilet block to include a disabled persons' toilet and cricket equipment store (reference TCP/21400/MB/1636). The works to replace the block were carried out in 1994 on the site of the previous toilet block. This is the block which exists today. A copy of the planning permission is attached (see document 9\*).
- 7) It is clear from the above information that there has been a toilet block on the Land continuously since before 1939 until the present day. The toilet block was on the Land at the time of the provisional registration of St Helen's Green and should have been excluded at the

time of registration since its presence meant that the Land did not fall within the definition of Common Land in the Commons Registration Act 1965.

- 8) As the toilet block was on the Land at the time of its provisional registration as common land and a toilet block has remained on the Land at all times since then, the current block having replaced the earlier block in 1994 in the same location, the criteria of paragraph 6 of Schedule 2 to the Commons Act 2006 are fulfilled such that the Land should be removed from the Commons Register.



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**Footnote\*:** The accompanying documents 1 to 9 can be viewed by accessing the Council website at: [www.iwight.com/StHelensGreen\\_PublicConvenienceConsultation](http://www.iwight.com/StHelensGreen_PublicConvenienceConsultation)