

Lancashire County Council

Commons and Town Greens Sub-Committee

Tuesday, 2nd October, 2012 at 10.30 am in Cabinet Room 'C' - County Hall,
Preston

Agenda

Part 1 (Open to Press and Public)

No.	Item	
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- | | | |
|----|---|-----------------|
| 1. | Apologies | |
| 2. | Constitution: Chair and Deputy Chair; Membership; Terms of Reference of the Commons and Town Greens Sub-Committee | (Pages 1 - 4) |
| 3. | Disclosure of Pecuniary Interests
Members are asked to consider any Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda. | |
| 4. | Minutes of the Meeting held on 31 January 2012 | (Pages 5 - 8) |
| 5. | Section 16 Commons Act 2006
Request for the County Council to join as Applicant to deregister common land near Reaps Moss, Lancashire and to offer replacement common land both crossed by Footpath 394, Bacup | (Pages 9 - 36) |
| 6. | Commons Act 2006
Commons Registration (England) (Amendment) Regulations 2009 as amended
Regulation 44 | (Pages 37 - 44) |

Application for a Declaration of Entitlement to be recorded in respect of some of the Rights of Common being grazing rights registered as attached to land at Manor House Farm, Overton, being Entry 1 in the Rights section of Register Unit CL193

7. **Commons Act 2006** (Pages 45 - 52)
Commons Registration (England) (Amendment)
Regulations 2009 as amended
Regulation 44

Application for a Declaration of Entitlement to be recorded in respect of some of the Rights of Common being grazing rights registered as attached to land at Colloway Farm, Overton, being Entry 3 in the Rights section of Register Unit CL193

8. **Commons Act 2006** (Pages 53 - 56)
Applications made to the Registration Authority yet to be determined

9. **Urgent Business**

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

10. **Date of Next Meeting**

The next meeting of the Sub-Committee has been scheduled to be held on the Monday and Tuesday, 28 and 29 January 2013, at 10am, at County Hall, Preston.

I M Fisher
County Secretary and Solicitor

County Hall
Preston

Agenda Item 2

Commons and Town Greens Sub-Committee

Meeting to be held on 2 October 2012

Electoral Division affected: N/A

Commons and Town Greens Sub-Committee

Constitution: Chair and Deputy Chair; Membership; Terms of Reference
(Appendix 'A' refers)

Contact for further information:

Gary Halsall, 01772 533419, Office of the Chief Executive

gary.halsall@lancashire.gov.uk

Executive Summary and Recommendation

The Sub-Committee is asked: to note:

- i. The appointment of County Councillor A Thornton and County Councillor S Leadbetter as Chair and Deputy Chair of the Sub-Committee for the remainder of the 2012/13 municipal year;
- ii. The membership of the Sub-Committee following the County Council's annual meeting; and
- iii. The Terms of Reference of the Sub-Committee.

Background and Advice

The County Council at its annual meeting on 24 May 2012 agreed that the Sub-Committee shall comprise 11 County Councillors (on the basis of 6 Conservative members, 2 Labour members, 1 Liberal Democrat member, 1 Green member and 1 Idle Toad member). It was also agreed that nominations of County Councillors to serve on the Sub-Committee should be submitted to the County Secretary and Solicitor by the respective political groups.

The following County Councillors have subsequently been nominated to serve on the Sub-Committee for the following year:

County Councillors (11):

T Brown	M Parkinson
C Coates	P Rigby
J Jackson	T Sharratt
T Jones	P Steen
S Leadbetter	J Sumner
A Thornton	

The Full Council also appointed County Councillor A Thornton and County Councillor S Leadbetter as Chair and Deputy Chair of the Sub-Committee for the remainder of the 2012/13 municipal year.

A copy of the Sub-Committee's Terms of Reference is attached at Appendix 'A'.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no risk management implications arising from this item.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Directorate/Tel
Full Council papers	24 May 2012	Janet Mulligan, Office of the Chief Executive, 01772 533361

Reason for inclusion in Part II, if appropriate

N/A

Commons and Town Greens Sub-Committee

Composition and role

The Sub-Committee shall be established by the Regulatory Committee and comprise eleven County Councillors to authorise appropriate alterations to the Registers of Common land and Town Greens.

Meetings are open to the public but they may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Procedure Rules set out at Appendix 'H' to this Constitution.

Terms of Reference

The Committee shall carry out the following functions:

1. To exercise the Council's powers under the Commons Registration (New Land) Regulations 1969 to register common land or town or village greens (except where the power is to be exercised solely for the purpose of giving effect to an exchange of land by an order under Section 19(3) or Schedule 3 of the Acquisition of Land Act 1981, or an order under Section 147 of the Inclosure Act 1845).
2. To make recommendations to the Cabinet Member for Economic Development, Environment and Planning on matters under the Commons Registration Act 1965 as amended and Regulations thereunder where responsibility lies with the Cabinet.
3. To amend the register in respect of rights of common under Regulation 29 of the Commons Registration (General) Regulations 1966, namely to apportion, vary, extinguish, release or transfer a right of common.
4. To exercise the duties powers and functions of the County Council as Registration Authority under Part 1 Commons Act 2006.

Agenda Item 4

Lancashire County Council

Commons and Town Greens Sub-Committee

Minutes of the Meeting held on Tuesday, 31st January, 2012 at 10.00 am in Cabinet Room 'C' - County Hall, Preston

Present:

County Councillors

T Brown	P Rigby
C Coates	T Sharratt
J Jackson	P Steen
A Jones	J Sumner
M Parkinson	

1. Election of Chairman

Due to apologies being received by the Chairman and the absence of the Deputy Chairman, it was proposed that County Councillor T Jones be the Chairman for this meeting only.

Resolved: That County Councillor T Jones be the Chairman for this meeting only.

2. Apologies

Apologies were received from County Councillor A Thornton.

3. Disclosure of Personal and Prejudicial Interests

There were no personal/prejudicial interests declared.

4. Minutes of the Meeting held on 22 September 2011

Resolved: That, the Minutes of the meeting held on the 22 September 2011, be confirmed and signed by the Chairman.

**5. Commons Act 2006
Commons Registration Act 1965
Commons Registration (General) Regulations 1966 (as amended)**

Application for the Amendment of the Register in relation to Rights of Common on Common Land registered as Entry 9 in the Rights Section of Register Unit CL23

A report was presented on an Application from John Mark Lawson and Doreen Lawson trading as 'J & A Lawson & Son' of High Threaber Farm, Westhouse, to register a transfer of rights of common away from the land.

The Sub-Committee had previously considered a report regarding the Rights Section of Register Unit CL23 at its meeting on 24 September 2010 in which it had expressed concern that a mistake had perhaps been made by the Solicitors acting on behalf of Mrs Bracken in 1995 and therefore agreed to defer the Application for a period of 3 months on the grounds that a deed could perhaps be found in relation to the severance of 33 sheep gaits on Ireby Fell. The Sub-Committee requested that Jane Turner, Senior Solicitor, write to the Solicitors acting on behalf of the Applicant detailing the Sub-Committee's decision.

It was reported that the Solicitors for the applicant were informed and they said they were instructed to contact Mr Haslam's Solicitors to see if he would assist by providing the copy of the 1970 Conveyance. Despite reminders nothing further was submitted and it was therefore thought appropriate that the matter be returned to the Sub-Committee for determination.

The Sub-Committee was reminded that as previously stated, the sale of the rights without the land was evidenced only by the receipt from Mr Diggle in 1971. This appeared to be after at least some of the land passed to Mr Haslam and no Deed had been found.

The Sub-Committee was advised that there was still not sufficient evidence of legal severance and although purchased by the Applicants there was not sufficient evidence that Mrs Bracken held the rights in gross to sell them.

Resolved: That the Application be not accepted and that the register be not amended.

**6. Commons Act 2006
Commons Registration (England) Regulations 2008
Amended by Commons Registration (England) (Amendment)
Regulations 2009**

Opportunity to make oral representations under Regulation 28

The Sub-Committee considered a report on how an applicant or other party should be offered the opportunity to make oral representations and the options

available to Registration Authorities. Guidance from DEFRA on the matter of oral representations was also provided in the report.

The Sub-Committee was advised that the procedure adopted by the County Council as the Commons Registration Authority should satisfy the Statutory Regulations and be fair and reasonable. Concerns raised by the County Secretary and Solicitor were also presented in the report.

The Sub-Committee was asked to consider the options available and the concerns raised in the report and to decide how best to put in place a procedure that was fair and reasonable and which satisfied Regulation 28.

Two options were then presented to the Sub-Committee for consideration, these were;

1. Should representations be made to an officer/Solicitor and a Member of the Sub-Committee; or
2. Should representations be made to the full Sub-Committee

The Sub-Committee agreed that all representations should be made to the full Sub-Committee.

In relation to oral representations which might raise something previously unknown yet relevant, with any subsequent decision needed to be deferred, the Sub-Committee suggested that a draft procedure note on making oral representations be produced. Some discussion was had at the meeting on who should be given speaking rights and at what stage offers should be made.

The Sub-Committee agreed that applicants, or their representatives and any interested/other parties be given speaking rights. The Sub-Committee also agreed that the offer be made 14 days prior to the Sub-Committee meeting to determine the application and that speakers be given five minutes each to make their oral representations or such longer time as agreed. The Sub-Committee suggested that these matters be also included in the draft procedure note.

It was proposed that the draft procedure note be sent to the Chair of the Regulatory Committee for approval. Where upon it was;

Resolved: That, the County Secretary and Solicitor be asked to prepare a procedure note on the making of oral representations to be agreed in consultation with the Chair of the Regulatory Committee.

7. Date of Next Meeting

The next meeting of the Commons and Town Greens Sub-Committee will be held on Monday and Tuesday, 23 and 24 April 2012 at 10am, County Hall, Preston.

County Hall
Preston

I M Fisher
County Secretary and Solicitor

Commons and Town Greens Sub-Committee

Meeting to be held on 2 October 2012

Electoral Division affected: Whitworth

Section 16 Commons Act 2006

Request for the County Council to join as Applicant to deregister common land near Reaps Moss, Lancashire and to offer replacement common land both areas of land crossed by Footpath 394, Bacup

(Appendices 'A', 'B', 'C' and 'D' refer)

Contact for further information:

Jane Turner, 01772 532813, Office of the Chief executive,
jane.turner@lancashire.gov.uk

Executive Summary

Coronation Power Ltd is requesting that Lancashire County Council, as Highway Authority, joins in the application for the de-registration of small areas of common land unit CL472. Part of Public Footpath 394 crosses one of these areas and crosses the land offered in exchange. The surface of Footpath 394 Bacup is publicly maintainable and its surface vests in the highway authority

Recommendation

- i. That the Sub-Committee agrees to Lancashire County Council becoming a joint applicant with Mr J Dearden and Mr P Harman in the application to DEFRA Number COM351 under section 16 of the Commons Registration Act for the de-registration of that part of CL472 crossed by Footpath 394 Bacup to allow the construction of a wind farm on Inchfield Moor by Coronation Power and for the designation of replacement land.
- ii. That representations are made to express concerns that public access and re-registration is secured.

Background and Advice

Coronation Power is proposing to develop a wind farm at Crook Hill which is situated on the edge of the County of Lancashire. The proposed development site covers registered common land within the boundaries of Lancashire County Council, Calderdale Metropolitan Borough Council CL472 (the registration papers are held at Calderdale).

Most of the area where the wind farm access road and areas for the turbines are to be constructed has already been deregistered from the common (Application COM 135). The new boundary of common land is shown on the plan attached at Appendix 'A'. At that time it was not appreciated that highway authorities may be an owner which ought to have joined the application.

The Sub Committee will recall that this is now the case. It will recall its decision in September 2011 following which the County Council joined in an application to de-register common land because of its ownership of highways on the land as highway authority.

Small areas of common land CL472 (twelve in number) shown edged red on the application plan attached hereto as appendix 'A') are now required to be de-registered and a second application has been made to DEFRA (appendix 'C' refers). DEFRA's reference is COM 351.

Owners of the common land (release land) may apply to de-register their land as common land and offer exchange land to replace the de-registered land (replacement land). An application has been made to DEFRA (appendix 'C' refers) and is done so under section 16 of the Commons Act 2006.

Under S16 Commons Act 2006 the owner of any land registered as common land is the only person who can apply to the Secretary of State for the land to cease to be so registered. If the release land is more than 200 square metres the application must include a proposal that some replacement land be registered as common land in place of the release land. In determining the application the Secretary of State shall have regard to interests of those having rights on or occupying the release land; the interests of the neighbourhood; the public interest (including nature conservation, conservation of landscape, protection of public rights of access and protection of archaeological remains and features of historic interest); and any other relevant matter. Consents of any leaseholders or charge holders of the land are required and owners of replacement land have to join in the application.

Under S61 Commons Act an "owner" is the holder of the legal estate in fee simple. It is advised that although the surface of publicly maintainable highways is vested in the County Council, the title is not a pure fee simple but is a determinable fee simple. It is considered that this is sufficient title to be an "owner" under the Commons Act.

The two owners of the Common land to be de-registered under this application are shown on the application as Mr J Dearden and Mr P Harman but the County Council is also regarded as having sufficient ownership interest in the surface of Public Footpath 394 such that Coronation Power have been advised by the Planning Inspectorate that Lancashire County Council as highway authority should be a joint signatory to the application. Coronation Power therefore ask that the County Council consider the matter and become a joint signatory. (Appendix 'D' refers)

This application, if successful, will result in the release of 14,720m² of common land (which includes the area of highway being footpath 394 Bacup). An area of 15,305m² is being offered as replacement land immediately adjacent to CL472 and

within the County boundary. This is also crossed by Footpath 394 Bacup. Plan at appendix 'A' refers.

Following completion of the construction work the Committee will note that public access will be permitted and it is planned to re-register the released land that is not required for the day to day operation of the wind farm. An unilateral undertaking has been offered under S106 Town and Country Planning Act 1990.

Attached at Appendix 'A' is a plan of the application land showing the area of CL472 and the area of replacement land within Lancashire.

Attached at Appendix 'B' is a plan showing the location of Footpath 394 Bacup.

The application form and its Appendix is attached as Appendix 'C'.

The letter from the planning Inspectorate is at Appendix 'D'.

If the Highway Authority does not join in the application it is thought unlikely that the part of the small red triangle affected by the footpath in County Council ownership, required for construction would not be able to be de-registered by the Secretary of State. The developer would presumably need to then apply for consent to do works. It is thought that the other small pieces of application land could proceed to be considered. The County Council's discretion must be exercised reasonably and in this matter should not be based on whether a wind farm is thought to be appropriate. It is advised that Footpath 394 remaining on common land or not, or being on land which becomes new common land does not unduly affect the County Council's powers or duties in respect of footpath 394 although if major works of maintenance were required consent for works may be required if it were a section on common land.

The Committee will note that Coronation Power offers to permit public access and re-register common land. This is as similar to what was offered in the matter previously considered. The sub committee had their concerns. In the decision on COM 283 the Inspector considering the matter for the Secretary of State was content with the unilateral undertaking to provide for public access and refers to it granting a non revocable licence to the public for access and a similar licence to the commoners. He did however find that the S106 unilateral undertaking demonstrated the landowner intention to re dedicate re-dedication of land was a matter for the landowner.

It is suggested that the Committee may once again wish to express concerns as to how such access and re-registration is secured.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

Legal

The section 16 application is required to allow the construction of a wind farm for which there is planning approval in place from the Secretary of State. Should a decision be taken to not join the application with Coronation Power then Lancashire County Council could be seen to be frustrating the planning process and preventing approved development leading to legal challenges and possible financial penalties along with damage to Lancashire County Council's reputation.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Tel
File 3.669		Jane Turner/Office of Chief Executive/ 01772 532813

Reason for inclusion in Part II, if appropriate

N/A

Legend

- Release Land
- Replacement Land
- New Extent of Common

Fortune Locations:
 1. 389300 423150
 2. 389315 422870

NOTES:
 Fortune and Met Mast locations have been provided to an accuracy of 1m using 12 figure OS co-ordinates. All areas have been calculated on plan.

Scale (at A1): 1: 2500

Date: 16 February 2012

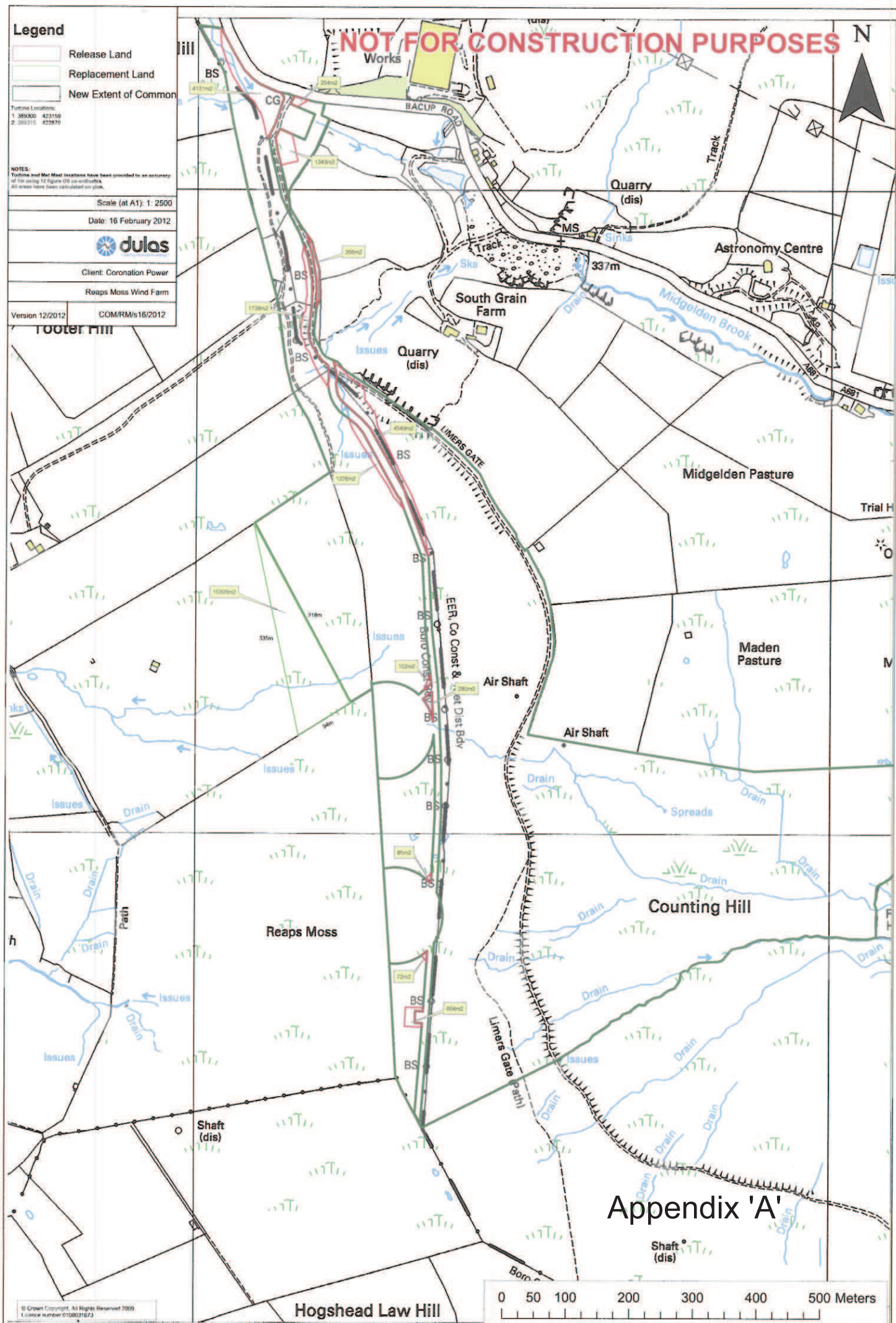


Client: Coronation Power

Reaps Moss Wind Farm

Version 12/2012 COM/RM/s/16/2012

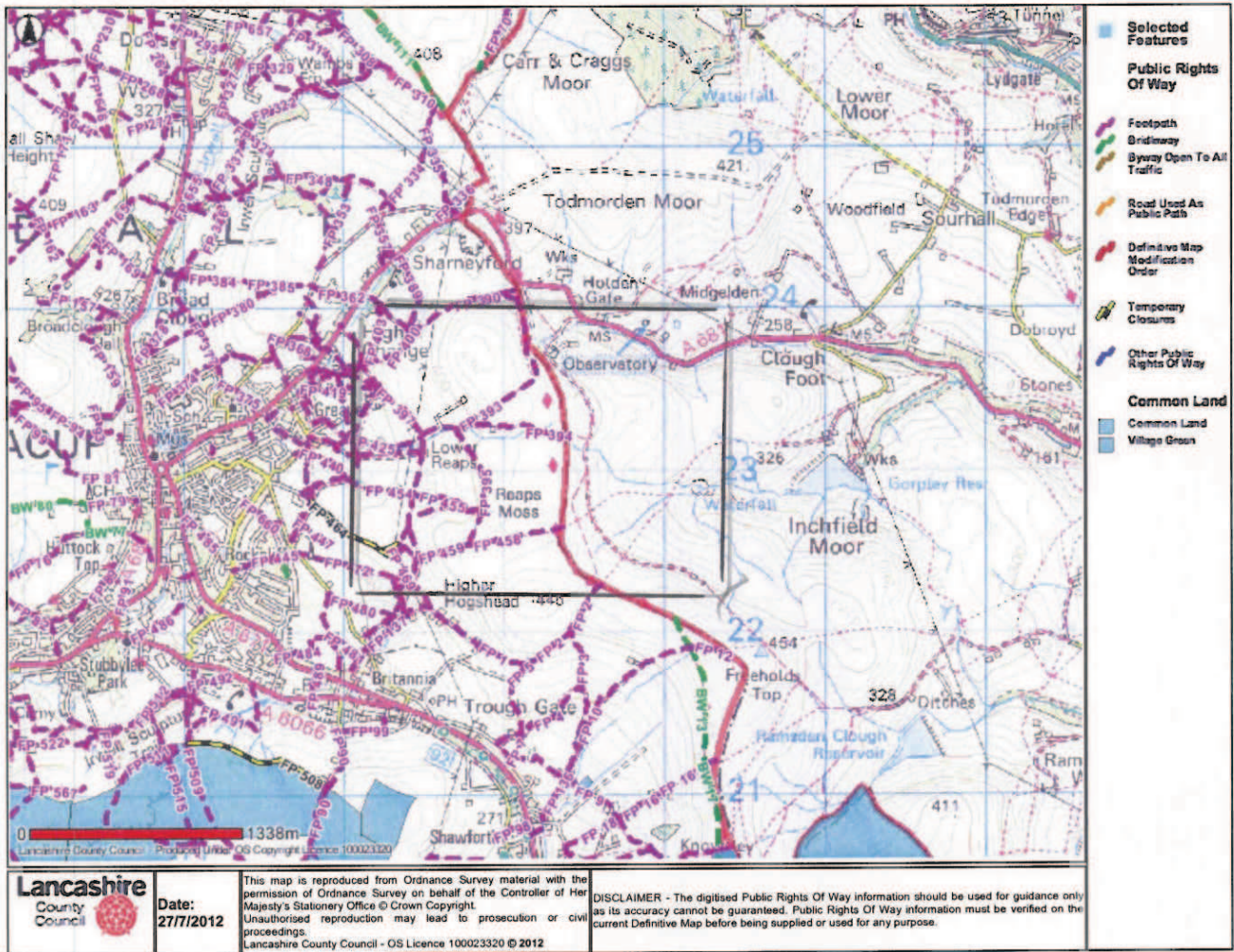
NOT FOR CONSTRUCTION PURPOSES

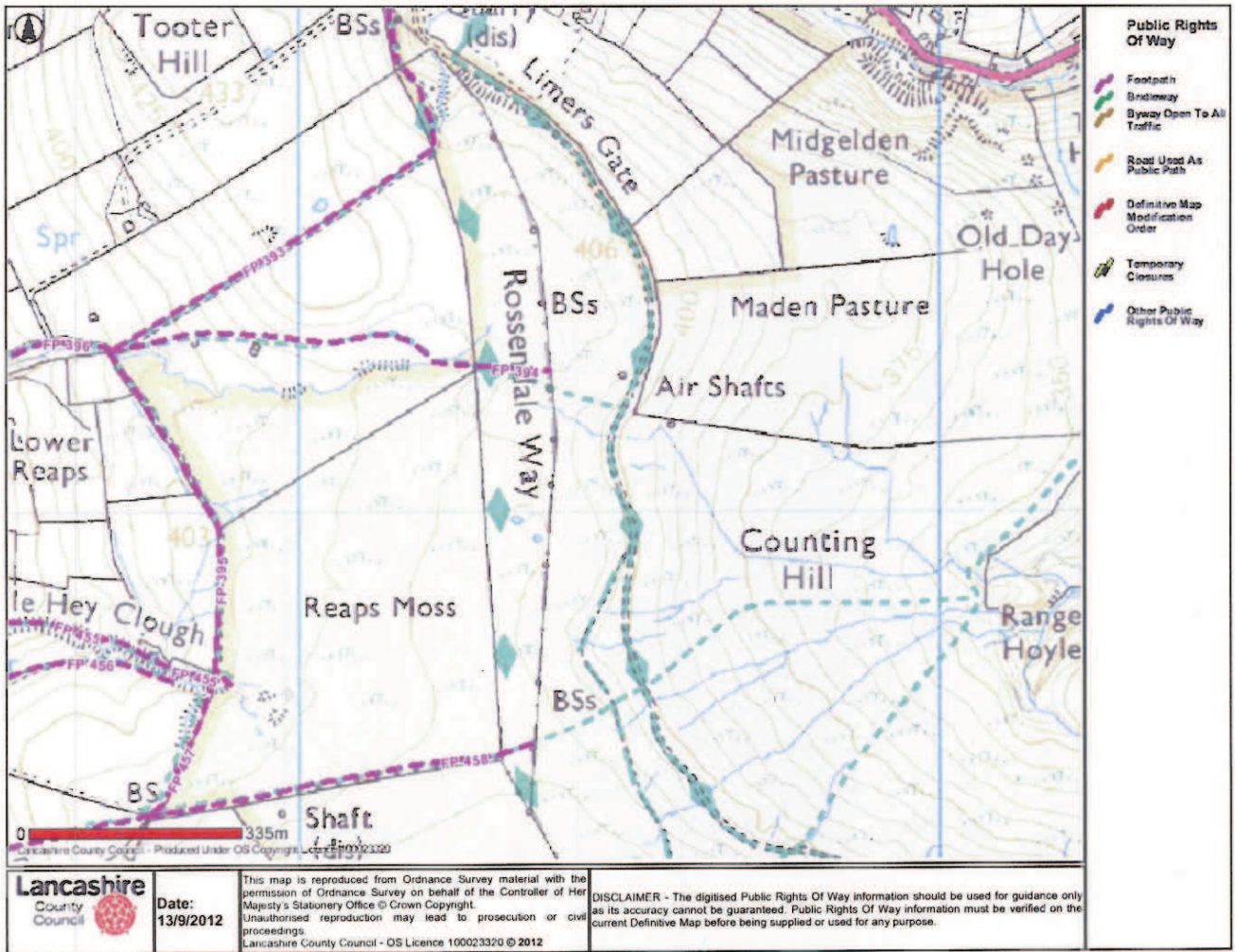


Appendix 'A'

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Appendix 'B'





Lancashire
County
Council

Date:
13/9/2012

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The Planning Inspectorate

Appendix 'C'

**Application to deregister or to deregister
and exchange common land or town or
village greens**

Commons Act 2006: Section 16

Return completed application to:

**The Planning Inspectorate
Zone 4/05 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN**

Tel: 0117 372 8956, 0117 372 8768 or 0117 372 6387

Fax: 0117 372 6241

E-mail: commonlandcasework@pins.gsi.gov.uk

Application to deregister or to deregister and exchange common land

- 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 the separate "Note on completing this form" (the "Notes") when applying
- Consult informally and widely about your ideas before developing a formal proposal
- References throughout this form to 'Common Land' apply equally to 'town or village green'

SECTION A – The common land (or village green) – to be deregistered - the "release land" (see Notes 1, 2, 3, 4, and 5)

Section A1 – The common:

1. Name of common CL/VG No.
2. Located in the:
- (a) Parish/Town of
- (b) Borough/District/City of
3. Commons Registration Authority

Section A2 – The owner (see Note 1):

4. Title (e.g Mr/Mrs/Miss/Ms/Dr)
- (a) Forename (s)
- (b) Surname
- (c) Position/Organisation (if appropriate)

5. Full Postal Address

Postcode

Telephone number (incl national dialling code)

Mobile No

Fax number (incl national dialling code)

E-mail address

I prefer to be contacted by Email Post

Please note that unless you tell us otherwise, we will send all correspondence to the person named above – not to the owner of the replacement land shown in Section B2.

Please tick as appropriate:

Please send all correspondence to the owner above in question 4.....

Please copy all correspondence to the person named in question 15.....

Application to deregister or to deregister and exchange common land

- 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 the separate "Note on completing this form" (the "Notes") when applying
- Consult informally and widely about your ideas before developing a formal proposal
- References throughout this form to 'Common Land' apply equally to 'town or village green'

SECTION A – The common land (or village green) – to be deregistered - the "release land" (see Notes 1, 2, 3, 4, and 5)

Section A1 – The common:

1. Name of common CLVG No.
2. Located in the:
- (a) Parish/Town of
- (b) Borough/District/City of
3. Commons Registration Authority

Section A2 – The owner (see Note 1):

4. Title (e.g Mr/Mrs/Miss/Ms/Dr)
- (a) Forename (s)
- (b) Surname
- (c) Position/Organisation (if appropriate)

5. Full Postal Address

Postcode

Telephone number (incl national dialling code)

Mobile No

Fax number (incl national dialling code)

E-mail address

I prefer to be contacted by Email Post

Please note that unless you tell us otherwise, we will send all correspondence to the person named above – not to the owner of the replacement land shown in Section B2.

Please tick as appropriate:

- Please send all correspondence to the owner above in question 4.....
- Please copy all correspondence to the person named in question 15.....

Application to deregister or to deregister and exchange common land

- 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 the separate "Note on completing this form" (the "Notes") when applying
- Consult informally and widely about your ideas before developing a formal proposal
- References throughout this form to 'Common Land' apply equally to 'town or village green'

SECTION A – The common land (or village green) – to be deregistered - the "release land" (see Notes 1, 2, 3, 4, and 5)

Section A1 – The common:

1. Name of common CLVG No.
2. Located in the:
(a) Parish/Town of
(b) Borough/District/City of
3. Commons Registration Authority

Section A2 – The owner (see Note 1):

4. Title (e.g Mr/Mrs/Miss/Ms/Dr)
- (a) Forename (s)
- (b) Surname
- (c) Position/Organisation (if appropriate)

5. Full Postal Address

Postcode

Telephone number (incl national dialling code)

Mobile No

Fax number (incl national dialling code)

E-mail address

I prefer to be contacted by Email Post

Please note that unless you tell us otherwise, we will send all correspondence to the person named above – not to the owner of the replacement land shown in Section B2.

Please tick as appropriate:

Please send all correspondence to the owner above in question 4.....

Please copy all correspondence to the person named in question 15.....

Application to deregister or to deregister and exchange common land

- 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 the separate "Note on completing this form" (the "Notes") when applying
- Consult informally and widely about your ideas before developing a formal proposal
- References throughout this form to 'Common Land' apply equally to 'town or village green'

SECTION A – The common land (or village green) – to be deregistered - the "release land" (see Notes 1, 2, 3, 4, and 5)

Section A1 – The common:

1. Name of common CL/VG No.
2. Located in the:
(a) Parish/Town of
(b) Borough/District/City of
3. Commons Registration Authority

Section A2 – The owner (see Note 1):

4. Title (e.g Mr/Mrs/Miss/Ms/Dr)
- (a) Forename (s)
(b) Surname
(c) Position/Organisation (if appropriate)

5. Full Postal Address

Postcode

Telephone number (incl national dialling code)

Mobile No

Fax number (incl national dialling code)

E-mail address

I prefer to be contacted by Email Post

Please note that unless you tell us otherwise, we will send all correspondence to the person named above – not to the owner of the replacement land shown in Section B2.

Please tick as appropriate:

- Please send all correspondence to the owner above in question 4.....
Please copy all correspondence to the person named in question 15.....

Section A3 – Area of common and common rights:

6. What is the total area of common as registered? (see Note 2)

7. What common rights, if any, are registered (e.g number and type)? If the land is a town or village green, to what recreational use is it put?

Cowtoot Farm – 7 Cows with followers
Parrock Farm – 17 Cows and followers
Shackleton Holme Farm – 100 Sheep

8. If common rights are registered, are they ever exercised?.....Yes No

9. If Yes, to what extent (e.g which commoners are active, which rights are exercised, and how frequently)?

Some of the Inchfield Moor Commoners exercise their rights. Consultation has not revealed the level of grazing. Sites visits indicate that the area at the entrance to the moor appears to be infrequently grazed. The area where turbines will be placed is very undergrazed.

Section A4 – Other rights over the common:

10. Give details of any relevant leaseholders, other occupiers, or those holding any relevant charges over the release land (see Note 4) and enclose copies of their written consent to this application (see Note 3).

Over land relating to Mrs Heaps: there is the right to draw water and other subsiding rights in favour of James Peregrine Dearden (title now passed to Jeremy James Dearden) and Thomas Temperley and Son Limited (Companies House reveals that company no longer exists).
All three titles have a charge on them in favour of Reaps Moss Limited. A letter of consent is included with this application.
All three titles have a charge on them in favour of CEP Wind 1 Limited. A letter of consent is included with this application.

Section A5 – Description of the release land:

11. Area of release land (m² or hectares)

12. Description (including location) of release land (see Note 5).

Differing parcels of land along Limers Gate and on Reaps Moss, sitting immediately adjacent to the area deregistered under COM135 edged red on the plan accompanying this application.

SECTION B – The land to be given in exchange – the “replacement land”
(see Notes 6, 7, 8, and 9)

13. Are you proposing to provide replacement land in exchange for the release land?.....Yes No

If Yes, go to Question 14. If No, please explain here why you are not providing replacement land (see Note 6) and then go to Question 22.

Section B1 - Location of the replacement land:

14. Name, if any, of the replacement land:
The replacement land is located in the:

- (a) Parish/Town of
- (b) Borough/District/City of
- (c) County of

Section B2 – The owner of the replacement land (see Note 1):

- 15. Title (e.g Mr/Mrs/Miss/Dr)
- (a) Forename (s)
- (b) Surname
- (c) Position/Organisation (if appropriate)

16. Full Postal Address

Postcode

Telephone No (incl national dialling code)

Mobile No

Fax No (incl national dialling code)

E-mail address

I prefer to be contacted by Email Post

Please note that unless you tell us otherwise, we will send all correspondence to the person shown in Section A2.

Section B3 – Description of replacement land:

17. Area of land proposed as replacement land (m² or hectares)

18. Description (including location) of land proposed as replacement land (see Note 5).

The land forms part of the area of peat grass land located at Reaps Moss. It is grazed by livestock. It is on the western edge of the area of Inchfield Moor known as Reaps Moss as shown on the accompanying plan edged in light green.

19. Please confirm that the proposed replacement land is not already registered as common land or town or village green (See Note 7).....

20. Is the proposed replacement land subject to any other formal designation (for example, as public open space)? (See Note 8)..... Yes No

If Yes, give full details:

A section of the southern part of the replacement land is CROW access land.
It is also partially within the Reaps Moss BHS and Reaps Moss RIGS.

21. Give details of any relevant leaseholders, or other occupiers, or those holding any relevant charges over the replacement land: (see Note 9).

n/a

SECTION C - Access arrangements and current features of the lands (see Notes 10, 11 and 12)

For questions 22 to 28 complete both parts of each question if replacement land is being provided. If no replacement land is being provided, complete part (a) of each question.

Section C1 – Access to the lands:

22. To what extent is there public access over the lands to be exchanged?

(a) The release land

A bridleway (Todmorden 096) crosses north east to south west through two release land areas (that are required for the site entrance). These can be identified on the plan as the areas that have a land take of 4231m² and 1343m²

Foot path 394 crosses the triangular area east to west located at the spur to Turbine 1

(b) The replacement land

Foot path 394 crosses the replacement land north east to southwest

Part of the southern part of the replacement area is CROW access Land

23. What will the access arrangements be after the exchange?

(a) The release land

The exchange is to allow turbines to be constructed. This will take 6 months. Before construction access will continue as normal. Once construction starts, the release land and the area deregistered under COM135 is likely to be temporarily fenced for safety purposes. Land alongside the access tracks which is being used to place peat shall remain fenced off until re-vegetation has taken place. Again this is temporary. After construction and re-vegetation fencing shall be removed. Access will then continue as before the exchange except access will be restricted to the turbine and met mast bases and the substation. Please see extension in Appendix 1 to this form.

(b) The replacement land

This land will become Common Land and therefore will have corresponding rights and access over it.

Section C2 - Current condition of the lands:

24. Describe the current condition and use of the:

(a) release land

Currently the condition of the affected land is mixed. Some of the land is ungrazed peat moss. It also included several fields of agriculturally improved grass lands with small areas of moss vegetation. Some of the area is made up of the Limers Gate path. Apart from the central area known as Reaps Moss all fields are grazed. The Reaps Moss area is peat land habitat.

(b) replacement land

The land is semi improved grass land grazed by livestock.

25. What structures, (e.g buildings, roads, bridleways, footpaths, walls, fences or other constructions currently exist on the:

(a) release land

Some of the area is Limers Gate path. There is also a fence denoting the borough and county boundaries.

(b) replacement land

none

26. What boundary features e.g. fences, hedges, walls (and access points such as stiles and gates) currently exist on (or on land immediately adjoining) the:

(a) release land

The land is common land with open access so there is no boundary features in the centre of the common. Fences are present along some but not all of the commons boundary with stiles on the public foot paths.

(b) replacement land

Fencing and walls to denote landowner boundaries.

27. What, if any, boundary features are proposed to be removed or erected as part of the exchange?

(a) release land

Part of the borough and county boundary fence will be removed.
As part of construction temporary fences may well be erected for health and safety to the general public. Where peat is disturbed these areas are likely to be fenced off to allow for regeneration of the peat for up to three years. Three years is a maximum time limit and as areas revegetate and restore fences will be removed. This approach was found to be acceptable under COM135

(b) replacement land

As part of COM135 part of the dry stone wall will be removed to allow access from the old common. There is no current boundary between the land that is now common (the replacement land for COM135) and the replacement land for this application. A new boundary will be created along the most western extent of this replacement land with fencing.

28. Are any works or other things to be done by any party as part of the exchange?.....Yes No

If Yes, give details:

(a) release land

Construction of the wind farm is proposed for the release land.

(b) replacement land

none

29. Are any of the lands subject to any other rights or easements not already mentioned on this form?.....Yes No

If Yes, give full details:

On title WYK186420 (Heap) there are rights granted to Fred Temperly and Sons Limited to work Inchfield Moor for Fireclay, ironstone, ganister and shale. Fred Temperly and Sons Limited was dissolved in December 1960 and the rights have not been exercised for many years.

Over land relating to Mrs Heaps: there is the right to draw water and other subsiding rights in favour of James Peregrine Dearden (title now passed to Jeremy James Dearden) and Thomas Temperley and Son Limited (Companies House reveals that company no longer exists).

SECTION D – Details of the exchange or deregistration, and any informal consultations (see Notes 13, 14 and 15)

30. What are the reasons for the exchange or deregistration and the circumstances surrounding it?

See Appendix 1

31. It is strongly recommended that you consult informally on your proposals at an early stage in their development (see Annex A of the Notes). What informal consultation (e.g with local inhabitants) have you carried out? Give details below and provide written evidence.

COM135 was consulted on, and inquiry held in July 2010 and determined in April 2011.

A pre-application consultation was carried out for this application. The results of this are included with this application.

SECTION E – Designations (see Notes 16 and 17)

32. Are any of the lands subject to this application in or near a Site of Special Scientific Interest (SSSI), a Special Area of Conservation (SAC), a Special Protection Area (SPA), or Wetland listed in accordance with the Ramsar Convention?.....Yes No

If Yes, please give details, identify on the map (see section J), and provide evidence of any consultation you have consulted Natural England (see Note 16).

33. Do any of the lands contain a Scheduled Ancient Monument?.....Yes No

If Yes, give details, identify on the map (see section J), and provide evidence of any consultation you have carried out with English Heritage (see Note 17).

34. Are any of the lands subject to this application in a National Park or Area of Outstanding Natural Beauty?.....Yes No

SECTION F – Adjacent Common Land (see Note 18)

35. Does any area of common land or village green, of a different registration number, adjoin the common land or green subject to this application?.....Yes No

If Yes, give details and identify them on the map (see Section J):

SECTION G – Public Access (see Notes 19, 20 and 21)

36. Do the public have a right of access to the release land for air and exercise under section 193 of the Law of Property Act 1925?.....Yes No

37. Is the release land subject to an Order of Limitation made under section 193?.....Yes No

If Yes, give its date and other details, and send us a copy:

SECTION H – Scheme of management and local Acts (see Note 22)

38. Is there a Scheme of Management for the release land, made under the Metropolitan Commons Act 1866 or the Commons Act 1899?.....Yes No

39. Is the release land subject to any other regulatory Scheme or Act (e.g a Provisional Order Confirmation Act made under the Commons Act 1876) ?.....Yes No

If **Yes**, to either question, give its date and other details below, and send us a copy of the Scheme or Act. Do you wish to seek any special arrangements to be made in relation to any of these provisions?

SECTION I – Advertisement and Consultation (see Notes 23, 24 and 25)

You must advertise your proposal in one main local newspaper and at the main points of entry to the lands within 7 days of making your application. Use the draft notice at Annex B of the Notes.

You must also send a copy of the notice (using the letter at Annex D of the Notes) to the following:

- the commons council or association (if there is one)
- all active commoners
- others with an interest in the lands e.g tenants, those with easements or other rights over the lands
- any relevant parish, district, city or county council
- Natural England (if applicable)
- English Heritage (if applicable)
- National Park Authority (if the lands are in a National Park)
- AONB Conservation Board or Joint Advisory Committee (if the lands are in an AONB)
- Open Spaces Society (see Note 25)

40. Which newspaper will the advertisement appear in, and on what date?

Todmorden News
Rossendale Free Press

SECTION J – Maps (see Note 26)

You must include with your application **two copies** of a map which fully meets the requirements set out in **Note 26**.

41. Two copies of the map that meets the requirements set out in **Note 26** are enclosed.....

SECTION K – Public inquiry or hearing (see Note 27)

42. Give the name and address of a suitable place in the locality for holding a public local inquiry or hearing, should this be needed:

Contact name/Telephone number:

Checklist (tick to confirm)

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

I have:

- answered all the questions on this form in full.....
- enclosed two copies of the map that meets the requirements of Section J.....
- enclosed a copy of the commons register in respect of this common (i.e details of the land, rights, and ownership, and the register map).....
- enclosed a copy of any document mentioned in answering the questions on this form (e.g scheme of management, written permission of any relevant leaseholders, letters from informal committees etc).....
- understood that any of the application papers may be copied to interested parties on request, and have informed people as necessary.....
- enclosed my application fee of £4,900.00.....

I will, within 7 days:

- advertise the proposal in one local newspaper.....
- post a copy of the notice at the main entry points to the lands.....
- send a copy of the notice to all those listed in Section I.....
- place a copy of the notice, map and application at the inspection point.....

I will write to you as soon as possible, using the letter at **Annex E** of the **Notes**, to confirm that the advertising requirements have been met.....

SECTION L – Declaration

I/We hereby declare that:

- (a) I/We am/are the owner/s of the land/s to be deregistered/exchanged as detailed in this application.
- (b) [No person is a relevant leaseholder, or holds a relevant charge, over any of the land/s to be deregistered/exchanged.]
Or
[I/We enclose the written consent of every person who is a relevant leaseholder, or holds a relevant charge, over any of the lands to be deregistered/exchanged.]
- (c) The contents of this application are true and complete to the best of my/our knowledge and belief.

Signatures of the parties to the deregistration/exchange:

Release Land:

Signature of owner

Name
(in BLOCK letters)

Jeremy James Dearden

Date

Signature of co-owner
(if applicable)

Name of co-owner
(if applicable)

Date

Replacement Land:

Signature of owner

Name
(in BLOCK letters)

Harold Isherwood

Date

Signature of co-owner
(if applicable)

Name of co-owner
(if applicable)

Anne Alice Isherwood

Date

You must keep a copy of your completed form

Data Protection Act

To process your application, we may need to disclose information we receive from you to others, including other Central Government Departments, public bodies, local authorities, other organisations and members of the public.

SECTION L – Declaration

I/We hereby declare that:

- (a) I/We am/are the owner/s of the land/s to be deregistered/exchanged as detailed in this application.
- (b) [No person is a relevant leaseholder, or holds a relevant charge, over any of the land/s to be deregistered/exchanged.]
Or
[I/We enclose the written consent of every person who is a relevant leaseholder, or holds a relevant charge, over any of the lands to be deregistered/exchanged.]
- (c) The contents of this application are true and complete to the best of my/our knowledge and belief.

Signatures of the parties to the deregistration/exchange:

Release Land:

Signature of owner

Name
(in BLOCK letters)

Date

Signature of co-owner
(if applicable)

Name of co-owner
(if applicable)

Date

Replacement Land:

Signature of owner

Name
(in BLOCK letters)

Date

Signature of co-owner
(if applicable)

Name of co-owner
(if applicable)

Date

You must keep a copy of your completed form

Data Protection Act

To process your application, we may need to disclose information we receive from you to others, including other Central Government Departments, public bodies, local authorities, other organisations and members of the public.

Appendix 1

Extension to Question 23

- (a) The applicants' are aware that when the common land is deregistered the public's rights to access the release land will cease. To deal with this and to ensure that so far as is possible the public's access to this area of land does not cease, the following is proposed:

Granting Public Access

The applicants will enter into a public access agreement with Calderdale and Rossendale MBC to grant public access over all areas of the deregistered land except:

1. The areas of the turbine bases, the substation and the met mast will be excluded.
2. There will be the ability to temporarily restrict access to enable construction, operations or maintenance to be carried out to the wind farm as and when necessary.

Granting of a licence to the Commoners

The applicants will grant an irrevocable licence for the life of the wind farm (25 years) for the Commoners and their animals to cross, re-cross and use the deregistered land for movements of their animals and grazing except:

1. The areas of the turbine bases, the substation and the met mast will not be covered by the licence.
2. There will be the ability to temporarily restrict the licence to enable construction, operations or maintenance to be carried out to the wind farm as and when necessary.

Re- Registration

Please see details in the extension to Question 30 below regarding the re-registration of land back to the common. Once re- registered, the public's right to access this land will continue as it had in the past. The re- registration will also ensure that the commoners' rights to graze live stock over the original common land are restored to this reregistered common land.

The overall outcome of the application being that the public will be able to access all areas of the release land even though it has been deregistered. The exception being the physical impediments of the turbine towers, the substation and the base of the met mast.

S16(6)(c)

(i) Nature Conservation

The effect of the wind farm on nature conservation were considered in great detail by Mr Baird and the Secretary of State (**SoS**) when they were considering whether to grant planning permission for the wind farm. This was done and Mr Baird's conclusions and the decision of the SoS are included with this application. Mr Elliot also assessed the effects of granting COM135 on peat.

As a result of this application there will be a loss of vegetation under the access tracks, turbine bases and substation. There will be a need to excavate peat but this can be stored on site and there will be fencing placed where necessary to allow disturbed and replaced peat to re-vegetate. Best practice will be employed to ensure that the wind farm construction and operation has minimal impact on peat.

(ii) Conservation of the landscape

If granted this application will allow the construction of a wind farm. This wind farm will have an effect on the landscape of the common land adjacent to the release land. The acceptability of the effect on landscape and its visual impact was considered by Mr Elliot and the SoS. It was also considered by Mr Elliot. However it must be pointed out that this application relates solely to areas that will either be tracks or earthworks.

(iii) Protection of Public Rights of Access to any Area of Land

This is addressed at question 23.

(iv) Archaeology

The application will not lead to any direct or indirect effects on known heritage assets.

The planning permission for the wind farm has in place a condition ensuring that a suitable ground investigation is carried out to ensure that unknown archaeology is protected. This is standard in terms of wind farm development and development in these areas.

S16(6)(d)

As this application will allow the construction of a wind farm the need for the development must be considered in the balance. Nationally the UK government is signed up to producing 20% of all energy through renewables by 2020. The wind farm that will be built if this application is successful will go towards meeting this target.

The need for such developments and the reason for the national targets stems from the need to reduce the release of carbon from fossil fuel sources and delivering energy security. Support for these policy objectives is still on going as is the support for the development of onshore wind farms.

When this application is considered the importance of government policy on climate change and renewables must be considered.

It is also worth of note that the Defra Consents guidance 2009 specifically mentions the use of commons by renewable energy installations recognising that they are often considered appropriate for this type of development.

A detailed discussion on need and benefits is found at paragraph 11.1511.36 of Mr Baird's report and paragraph 229 of Mr Elliot's report.



3/25 Hawk Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0117 372 6387
Customer Services: 0117 372 6372
e-mail: Naoual.Margoum@pins.gsi.gov.uk

Mr Edward Romaine
Coronation Power Limited
Crown House
108 Aldersgate Street
London
EC1A 4JQ

Our Ref: COM 351
Date: 30 April 2012

Dear Mr Romaine

**COMMONS ACT 2006 – SECTION 16
PROPOSED DEREGISTRATION OF LAND AT INCHFIELD MOOR
APPLICATION REFERENCE NUMBER COM 351**

1.) Thank you for your application received on 22 March. Receipt of the application fee of £4,900 is also acknowledged. I am the case officer for the above application.

2.) I have now checked the application. I would be grateful if you could please ensure that the following points are clarified within 21 days:

- I note that the area of release land has been advertised as 1.5 hectares. However the maps accompanying the application COM/RMs/16/2012 (Version 12/2012) indicates 12 plots totalling 14,720 square metres. I would be grateful if you could please advise as to whether it is intended to deregister 14,720 square metres as shown on the maps accompanying the application and the reason for the discrepancy.
- it is not clear from your letter of 30 March 2012 confirming that the advertising requirements have been met that English Heritage (as listed in section I of the application form) has been consulted about your application. You need to send them details of your application and allow 28 days for a response.
- I note that at C1 of the application form (access to lands) that a bridleway (Todmorden 096) and footpath (394) crosses the release land and that footpath (394) also crosses the replacement land. If any of the lands are crossed by a publicly maintainable public right of way such as a highway, bridleway, carriageway or footpath the relevant highway authority should be a joint signatory to the application.
- The land section of the commons register sheets refers to sheet 52 of the register maps. I would be grateful if you could please provide a copy of sheet 52 please.

3.) Thank you for your letter of 30 March 2012 confirming that the advertising requirements have been met. The closing date for representations to be sent to us was 26 April 2012 and we received 5 letters of representation. Copies are enclosed for your information and comment. Your comments should be in the form of a single statement



which can be copied to those that sent in letters of representation and which addresses all the points raised by them. Your comments should be sent to us within 21 days of the date of this letter.

4.) A site visit has been charted to consider the application. I can confirm that the site inspection has been arranged for Tuesday 25 September 2012. The Inspector appointed is Barney Grimshaw. I should be grateful if you could please confirm as early as possible whether you or a representative wishes to attend the site visit. If you or a representative does wish to be present, then I should be grateful if you would please supply the names of those attending and suggest a suitable meeting point near the site. I will then confirm the time of the site visit. If no one wishes to be present then the Inspector will conduct the visit unaccompanied.

5.) Please note that as the Inspector will proceed to his final decision after this site visit, all evidence must be submitted in documentary format prior to the above date. The Inspector is unable to accept any further evidence at that time, nor is he able to discuss the merits of the case. Any observations brought to the Inspector's attention must be restricted to those of a geographical nature.

6.) We will not be in a position to make any significant progress in processing your application until the above issues are resolved. We therefore look forward to a response within 21 days of the date of this letter please.

Yours sincerely,

Naoual Margoum
Common Land Casework Officer

Commons and Greens Sub-Committee

Meeting to be held on 2 October 2012

Electoral Division affected: Heysham

Commons Act 2006

Commons Registration (England) (Amendment) Regulations 2009 as amended Regulation 44

Application for a Declaration of Entitlement to be recorded in respect of some of the Rights of Common being grazing rights registered as attached to land at Manor House Farm, Overton, being Entry 1 in the Rights section of Register Unit CL193

(Appendices 'A' and 'B' refer)

Contact for further information:

Jane Turner, (01772) 532 813, Office of the Chief Executive

jane.turner@lancashire.gov.uk

Executive Summary

An Application from AJ Bargh for a Declaration of Entitlement to record his rights to graze 34 cattle on CL193.

Recommendation

That the application be accepted in part and a Declaration of Entitlement be recorded in the Commons Register in accordance with the Commons Registration (England) (Amendment) Regulations 2009 that Mr Alan John Bargh is entitled to exercise part of the right attached to Manor House Farm namely the right to graze 33 head of cattle over the whole of CL193.

Background and Advice

The Commons Act 2006 (the 2006 Act) makes provision for the registration of common land and of town and village greens. Registration Authorities were created to maintain two registers, one for common land and the other for village greens. The County Council is the Registration Authority for the County of Lancashire and has previously delegated powers and functions concerning alteration of the registers to the Commons and Town Greens Sub-Committee.

The 2006 Act makes provision by Regulations for commons registration authorities to record in their registers of common land that a person is entitled to exercise some or all of the rights attached to a particular piece of land. The rights remain attached to the land but can at the moment be exercised by the owner and the application in this matter is that this is the case and should now be registered.

Regulation 44 states that applications for a declaration of entitlement must be made by a freehold or leasehold owner of the land to which rights are attached

In this matter rights are attached to Manor House Farm shown edged red on the supplemental map appendix 'A' refers. The rights attached to this land are to graze 100 head of cattle over CL193.

A copy of Land registry title LAN 43529 has been provided. These show that part of the farm as shown on the supplemental map is owned by Alan John Bargh as shown on the plan marked Appendix 'B'. It has been calculated that this land is 33.3% of the Manor House farm land on the supplemental map.

33.3% of the grazing rights is calculated as the right to graze 33 cattle. Mathematically it actually produces a fractional quantity but, following guidance from DEFRA it is advised that a right to graze a fractional animal is not recognised in law and the fractional right has been rounded down. The Applicant is aware of this.

Notice of the application has been duly given according to the Regulations and no response has been received.

It is advised that if the application is well founded the appropriate amendment to the register shall be made. Here it is advised that although the application was to record 34 cattle the correct entitlement is the rounded down figure of 33 cattle. It is advised that the Application be accepted in part.

Consultations

Notice of the application was given on the County Council web site and also to all parties who have requested to be notified of applications under the 2006 Act.

Implications:

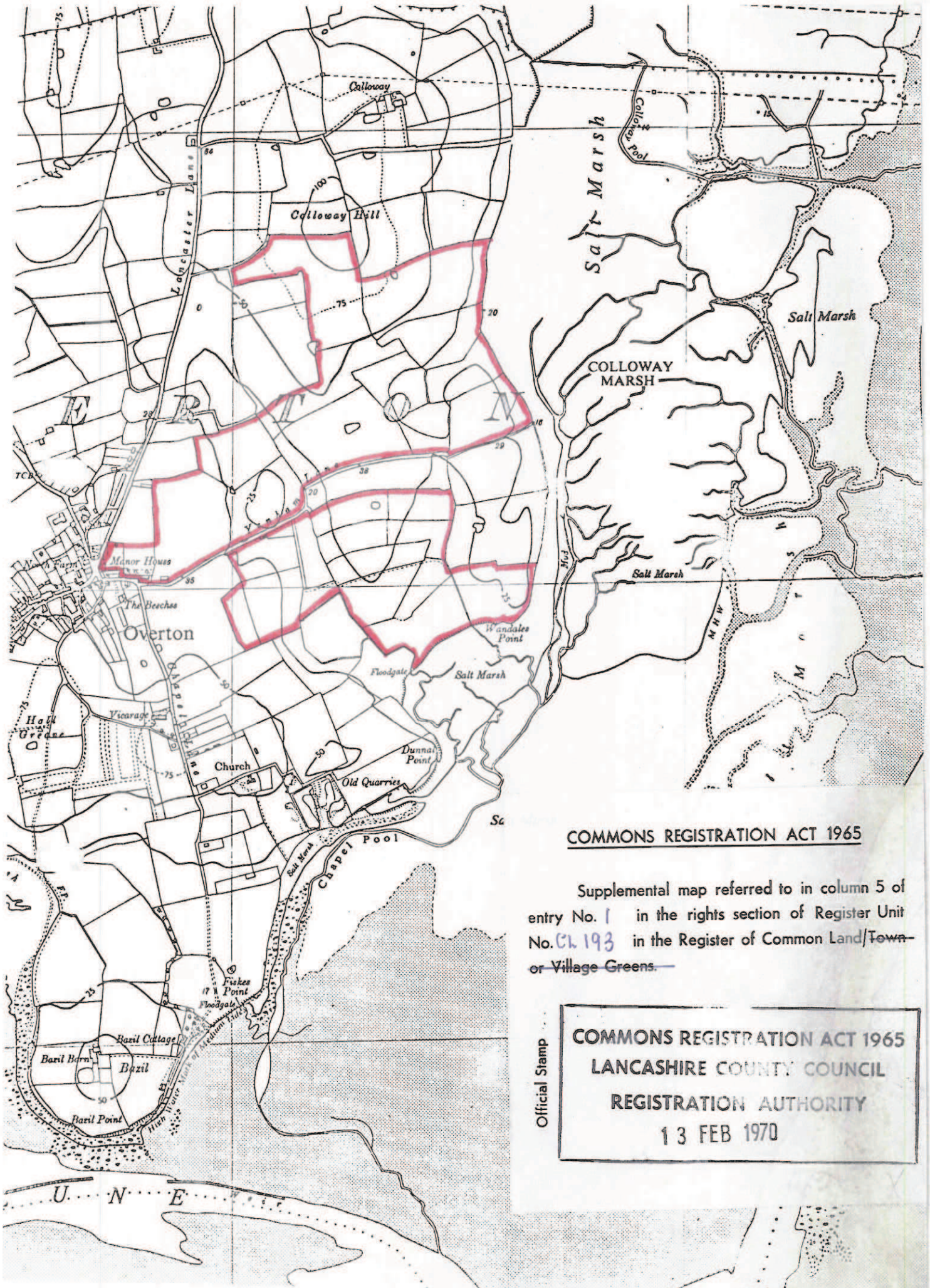
This item has the following implications, as indicated:

Risk management

Consideration has been given to the risk management implications associated with this proposal. The Sub-Committee is advised that, provided the decision is taken in accordance with the advice and guidance given, and is based upon relevant information contained in the report, there are no significant risks associated with the decision-making process.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Directorate/Tel
File of papers denoted 3.614		Jane Turner Office of Chief Executive Ext 32813
Reason for inclusion in Part II, if appropriate		
N/A		



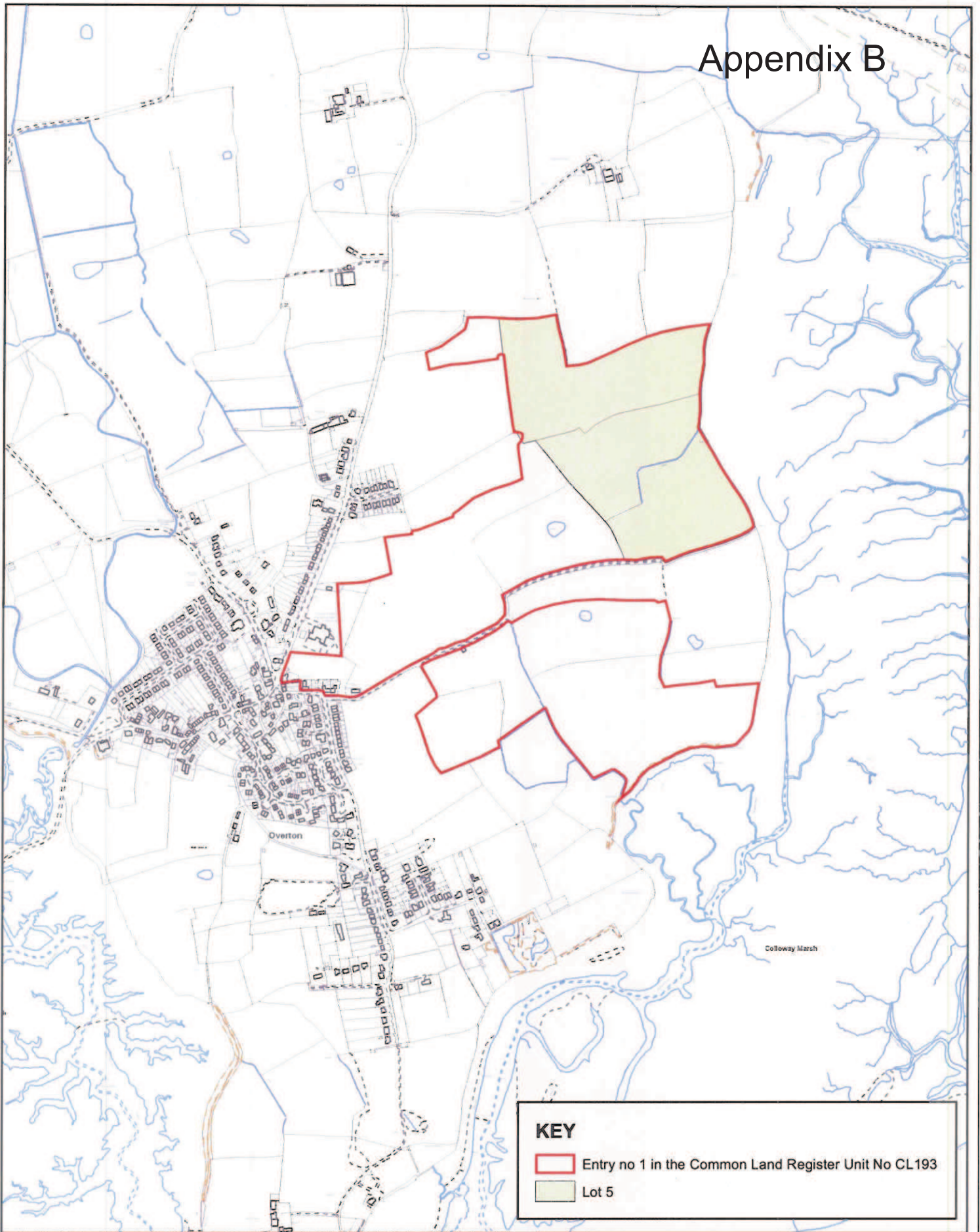
COMMONS REGISTRATION ACT 1965

Supplemental map referred to in column 5 of entry No. 1 in the rights section of Register Unit No. CL 193 in the Register of Common Land/Town- or Village Greens.

COMMONS REGISTRATION ACT 1965
LANCASHIRE COUNTY COUNCIL
REGISTRATION AUTHORITY
13 FEB 1970

Official Stamp

Appendix B



KEY

- Entry no 1 in the Common Land Register Unit No CL193
- Lot 5



OVERTON
Land at Manor House Farm

Original scale: 1:10,000@ A4

Scale should always be verified in case of unintentional distortion during reproduction

Grid Ref: SD4458	Plan Ref: v1.0p
File Ref: PG/LEGAL/LC	Date: 15.03.12
Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. OS Licence No. 100023320	



Commons and Greens Sub-Committee

Meeting to be held on 2 October 2012

Electoral Division affected: Heysham

Commons Act 2006

Commons Registration (England) (Amendment) Regulations 2009 as amended Regulation 44

Application for a Declaration of Entitlement to be recorded in respect of some of the Rights of Common being grazing rights registered as attached to land at Colloway Farm, Overton, being Entry 3 in the Rights section of Register Unit CL193

(Appendices 'A' and 'B' refer)

Contact for further information:

Jane Turner, (01772) 532 813, Office of the Chief Executive

jane.turner@lancashire.gov.uk

Executive Summary

An Application from AJ Bargh for a Declaration of Entitlement to record his rights to graze 21.57 cattle and 7.19 sheep on CL193.

Recommendation

That the application be accepted in part and a Declaration of Entitlement be recorded in the Commons Register in accordance with the Commons Registration (England) (Amendment) Regulations 2009 that Mr Alan John Bargh and Mr John Jacob Bargh are entitled to exercise part of the right attached to Colloway Farm namely the right to graze 21 head of cattle and 7 sheep over the whole of CL193.

Background and Advice

The Commons Act 2006 (the 2006 Act) makes provision for the registration of common land and of town and village greens. Registration Authorities were created to maintain two registers, one for common land and the other for village greens. The County Council is the Registration Authority for the County of Lancashire and has previously delegated powers and functions concerning alteration of the registers to the Commons and Town Greens Sub-Committee.

The 2006 Act makes provision by Regulations for commons registration authorities to record in their registers of common land that a person is entitled to exercise some or all of the rights attached to a particular piece of land. The rights remain attached to the land but can at the moment be exercised by the owner and the application in this matter is that this is the case and should now be registered.

Regulation 44 states that applications for a declaration of entitlement must be made by a freehold or leasehold owner of the land to which rights are attached.

In this matter rights are attached to Colloway Farm shown edged red on the supplemental map appendix 'A' refers. The rights attached to this land are to graze 150 head of cattle and 50 sheep over CL193.

Copies of various Deeds have been provided. These show that the farm as shown on the supplemental map, along with its grazing rights, was purchased in 1961 by Mr and Mrs Jackson. In 1981 part of the land was purchased by John Jacob Bargh and Alan John Bargh in partnership as J Bargh and Son. The part purchased was shown on the Conveyance plan (Appendix 'B' refers). It has been calculated that this land is 14.5% of the Colloway farm land on the supplemental map.

14.5 % of the grazing rights is calculated as the right to graze 21 head of cattle and 7 sheep. Mathematically it actually produces a fractional quantity but, following guidance from DEFRA it is advised that a right to graze a fractional animal is not recognised in law and the fractional right has been rounded down. The Applicant is aware of this.

Notice of the application has been duly given according to the Regulations and no response has been received.

It is advised that if the application is well founded the appropriate amendment to the register shall be made. Here it is advised that although the application was to record 21.57 cattle and 7.19 sheep the correct entitlement is the rounded down figures of 21 cattle and 7 sheep. It is advised that the Application be accepted in part.

There is a further difficulty in this matter as the evidence of ownership indicates that the applicant is a joint owner not a sole owner and it is therefore advised that the Declaration of entitlement be in both names of the owners.

Consultations

Notice of the application was given on the County Council web site and also to all parties who have requested to be notified of applications under the 2006 Act.

Implications:

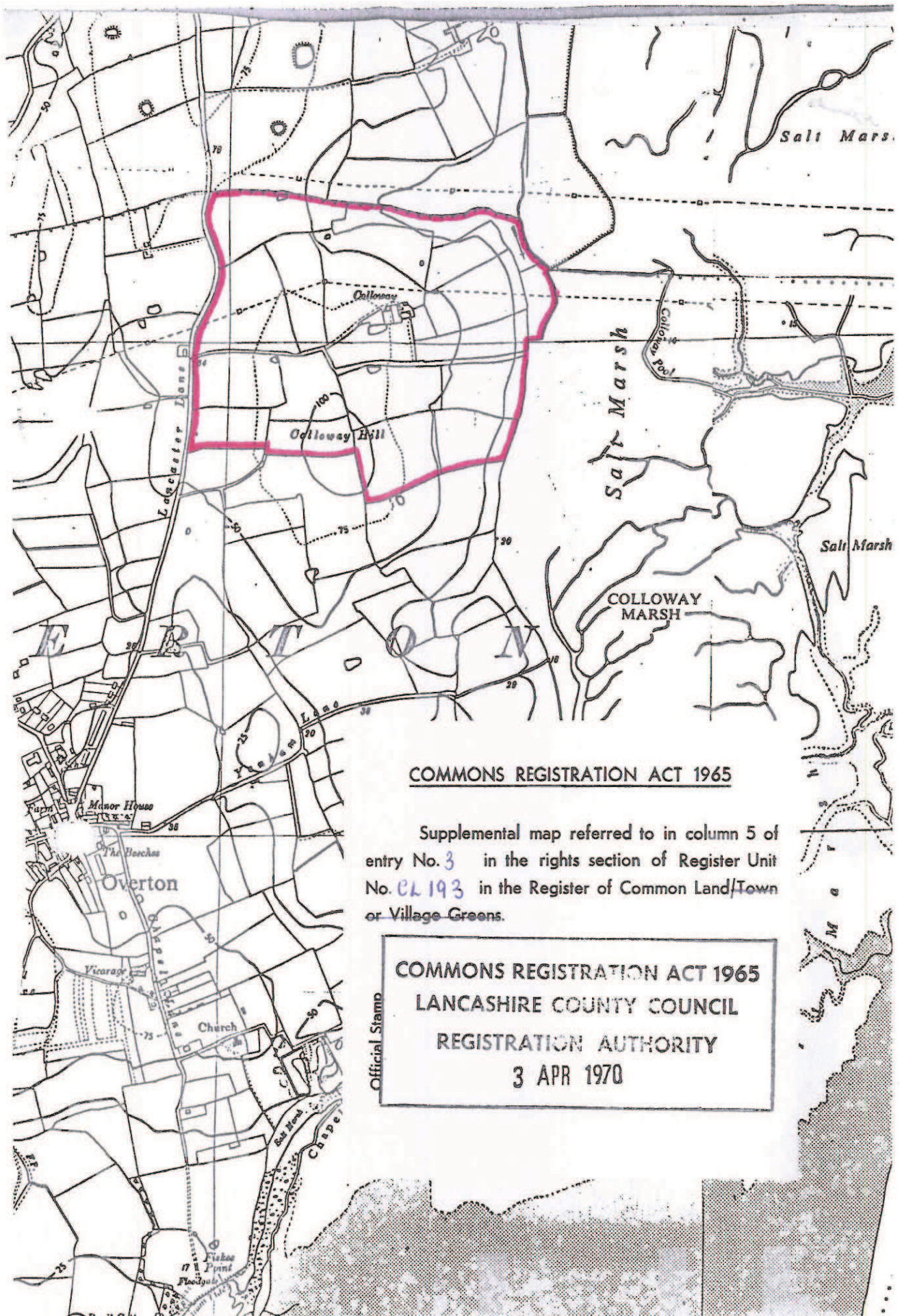
This item has the following implications, as indicated:

Risk management

Consideration has been given to the risk management implications associated with this proposal. The Sub-Committee is advised that, provided the decision is taken in accordance with the advice and guidance given, and is based upon relevant information contained in the report, there are no significant risks associated with the decision-making process.

Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Directorate/Tel
File of papers denoted 3.613		Jane Turner Office of Chief Executive Ext 32813
Reason for inclusion in Part II, if appropriate		
N/A		



Appendix 'A'

Agenda Item 8

Commons and Town Greens Sub-Committee

Meeting to be held on 2 October 2012

Electoral Division affected: All

Commons Act 2006

Applications made to the Registration Authority yet to be determined

(Appendix 'A' refers)

Contact for further information:

Jane Turner, (01772) 532 813, Office of the Chief Executive,

jane.turner@lancashire.gov.uk

Executive Summary

This report sets out details of applications made to the Registration Authority to alter the register of common land or the register of town greens which are yet to be determined.

Recommendation

The Sub-Committee is asked to note the Schedule of Applications yet to be determined as set out in the report.

Background and Advice

The Sub-Committee will note that the applications listed in Appendix 'A' have been received under the Commons Act 2006 and are yet to be determined by the Authority and some may not ever be considered to be duly made. Those with Application numbers are considered to be duly made and will be at some stage of the procedure set out in Regulations under the Commons Act.

These matters will be progressed as time and resources allow.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

No significant risks have been identified in relation to the proposals contained within this report.

Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Directorate/Tel
-------	------	-------------------------

N/A

Reason for inclusion in Part II, if appropriate

N/A

Applications to register land as town green

1. There are still three applications made prior to 2008 but which will be dealt with under the 2008 Regulations.
2. Duly made Applications since 2008 are in respect of land at:
 - Simonstone (VG102)¹
 - Lancaster (VG103)
 - Woodplumpton (VG104)
 - Ecclestone (VG105)
3. Those not yet duly made are in respect of land at:
 - Poulton
 - Whittingham
 - Ireby
 - Staining
 - Kilnhouse
4. There are 10 Applications to record an event which happened 1970 – 2008 under Schedule 3 e.g. a severance of rights, new common rights by prescription:
 - 7 are duly made
 - 3 are not yet duly made.
5. There is one application under S10.
6. There is one application under S19 (CA017).
7. There are 12 applications to record a Declaration of Entitlement:
 - 6 duly made (CA003, CA016, CA004, CA005, CA015 and CA014)
 - 6 not yet duly made.

¹ The Sub-Committee will note that the Regulatory Committee at its meeting held on 7 March 2012, agreed to establish a Special Sub-Committee with the power to act in respect of Application No. VG102 relating to land at Simonstone, Ribble Valley. The site visit and a hearing have yet to be organised. The three members of the Special Sub-Committee for VG102 are County Councillors; T Jones (Chair), M Parkinson and P Rigby.

8. There are 12 applications to register waste land of a manor which should now be registered as common land (The Planning Inspectorate will determine these):
 - 1 is duly made (CA013).
9. There are 4 notifications of decisions by the Secretary of State in respect of de-registration and exchange land.