

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:

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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		