

Commons and Town Greens Sub-Committee

Meeting to be held on 1 July 2013

Electoral Division affected: <u>Longridge with Bowland</u>

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 Abbot Barn Farm and Nickens Field, Chipping, being entry 43 in the Rights section of Register Unit CL 12

(Appendices 'A' and 'B' refer)

Contact for further information: Lindsay Campy, (01772) 530541, Office of the Chief Executive lindsay.campy@lancashire.gov.uk

Executive Summary

An application from Mr Paul Smith on behalf of St Bartholomew's Church for a Declaration of Entitlement to record the rights to graze 12 Sheep on CL12

Recommendation

That the application be accepted in full and a Declaration of Entitlement be recorded in the Commons Register in accordance with the Commons Registration (England) (Amendment) Regulations 2009 that the Applicant is entitled to exercise part of the right attached to Abbot Barn Farm and Nickens Field, namely the right to graze 12 Sheep over the whole of CL12.

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 provisions 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 the rights are attached.

In this matter the rights are attached to Abbot Barn Farm and Nickens Field, shown edged red on the supplemental map at Appendix 'A'. The rights attached to this land are to graze 45 Sheep over CL12.

A copy of the title number LAN90266 has been provided. This shows that part of CL12 as shown on the supplemental map is owned by Paul William Smith, Barbara Butters and John Vickers Scott, as shown on the plan marked Appendix 'B'. It has been calculated that this land is 27.040% of the Abbot Barn Farm and Nickens Field land on the supplemental map.

27.040% of the grazing rights is calculated as the right to graze 12 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 the correct entitlement is the rounded down figure of 12 Sheep. It is advised that the application be accepted.

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 3.661		Lindsay Campy, Office of the Chief Executive Ext 530541
Reason for inclusion in Part II, if appropriate N/A		