

## **Commons and Town Greens Sub-Committee**

Meeting to be held on 1 July 2013

Electoral Division affected: <u>Longridge with Bowland</u>
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### **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 Out Head Lane Farm, Chipping, being entry 4 in the Rights Section of Register Unit CL12**

(Appendices 'A' and 'B' refer)

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#### **Executive Summary**

An application from Peter Joseph Rogerson and Elizabeth Susan Rogerson for a Declaration of Entitlement to record the rights to graze 35 Sheep on CL12.

#### **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 Peter Joseph Rogerson and Mrs Elizabeth Susan Rogerson are entitled to exercise part of the right attached to Out Head Lane Farm, Chipping, namely the right to graze 29 Sheep over the whole of CL 12.

#### **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 Out Head Lane Farm, Chipping, shown edged red on the supplemental map attached as Appendix 'A'. The rights attached to this land are to graze 70 Sheep over CL12.

A copy of the title number LA855369 has been provided. This shows that part of the farm, as shown on the supplemental map is owned by Peter Joseph Rogerson and Elizabeth Susan Rogerson, as shown on the plan at Appendix 'B'. It has been calculated that this land is 42.1% of the Out Head Lane Farm land on the supplemental map.

42.1% of the grazing rights is calculated as the right to graze 29 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 35 sheep the correct entitlement is the rounded down figure of 29 Sheep. 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 3.603		Lindsay Campy, Office of the Chief Executive Ext 530541

Reason for inclusion in Part II, if appropriate  
N/A