

## **Regulatory Committee**

Meeting to be held on 21<sup>st</sup> October 2015

Electoral Division affected: Rossendale West
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### **Commons Act 2006**

#### **The Commons Registration (England) Regulations 2014 Regulation 43**

#### **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 Todd Hall Farm, Haslingden, being entry 8 in the Rights Section of Register Unit CL82**

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

Contact for further information:

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#### **Executive Summary**

An application from Richard Ian Haworth for a Declaration of Entitlement to record the rights to graze 3 head of cattle and 8 sheep on Common Land Register Unit CL82.

#### **Recommendation**

That the application be accepted and a Declaration of Entitlement be recorded in the Commons Register in accordance with The Commons Registration (England) Regulations 2014 that Mr Richard Ian Haworth is entitled to exercise part of the right attached to Todd Hall Farm, Haslingden, namely the right to graze 3 head of cattle and 8 sheep over the whole of CL82.

#### **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. These powers are now with the Regulatory 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.

On the 15<sup>th</sup> December 2014 The Commons Registration (England) Regulations 2014 were brought into force to replace The Commons Registration (England) Regulations 2008. Although this application was submitted under Regulation 44 of the 2008 Regulations, the updated DEFRA Guidance of December 2014 states at paragraph 1.1.7 'All applications made to, and proposals made by, pioneer authorities under the 2008 Regulations automatically switch to the equivalent stage in the 2014 Regulations...'. Therefore from the 15<sup>th</sup> December 2014, this application automatically became an application under Regulation 43 of The Commons Registration (England) Regulations 2014.

Regulation 43(1) states that applications for a declaration of entitlement to exercise a right of common must be made by an owner of a freehold estate in land to which a right of common is attached or leasehold owner of any such land provided that the lease is held of more than six months

In this matter the rights are attached to Todd Hall Farm, Haslingden, shown edged red on the supplemental map at Appendix 'A'. The rights attached to this land are to graze 15 head of cattle and 40 Sheep over register unit CL82.

The Applicant has provided a copy of title number LAN45960. This shows that part of the farm, as shown on the supplemental map is owned by Richard Ian Haworth, as shown on the plan marked Appendix 'B'. It has been calculated that this land is 19.9% of the Todd Hall Farm land on the supplemental map.

19.9% of the grazing rights is calculated as the right to graze 3 Cattle and 8 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 two objections were received, the applicant has been given an opportunity to respond. The objections and the Applicant's response are attached at Appendix 'C'

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 3 Cattle and 8 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 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 3.697		Danielle Jay Legal and Democratic Services Ext 535526

Reason for inclusion in Part II, if appropriate

N/A