

## **Regulatory Committee**

Meeting to be held on 26 July 2017

Electoral Division affected: Lancaster Rural East
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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 Upper Brow Top, Quernmore, Lancaster, being entry 1 in the Rights Section of Register Unit CL146**

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

Contact for further information:

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#### **Executive Summary**

An application from John Metcalfe for a Declaration of Entitlement to record the rights to graze 22 sheep on Common Land Register Unit CL146.

#### **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 John Metcalfe is entitled to exercise part of the right attached to Upper Brow Top, Quernmore, Lancaster, namely the right to graze 22 sheep over the whole of CL146.

#### **Background and Advice**

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 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 Upper Brow Top, Quernmore, shown edged red on the supplemental map at Appendix 'A'. The rights attached to this land are to graze 140 sheep with followers over register unit CL146

The Applicant has provided copies of title numbers LA632174 and LA607683. This shows that part of the farm, as shown on the supplemental map, is owned by John Metcalfe, as shown on the plans marked Appendix 'B' and Appendix 'C'. It has been calculated that this land is 15.98% of Upper Brow Top Farm on the supplemental map.

15.98% of the grazing rights is calculated as the right to graze 22.37 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.

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 22 Sheep. It is advised that the Application be accepted.

### **Consultations**

Regulation 15(2) states that the provisions requiring the County Council to give notice of an application on their website, and to all parties who have requested to be notified of applications under the 2006 Act which would usually apply in respect of applications received by the Commons Registration Authority do not apply to applications under Regulation 43. Notices of application are not necessary. Therefore there has been no consultation.

### **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 889.72		Amy Rose Legal and Democratic Services Ext 535604
Reason for inclusion in Part II, if appropriate N/A		