



# Herefordshire Council

## Record of officer decision

Application to register land at Priory Wood Common, Clifford, Herefordshire as Common Land.

<b>Date of decision:</b>	16 <sup>th</sup> November 2016
<b>Decision maker (job title):</b>	Director of economy, communities and corporate
<b>Authority for delegated decision (eg cabinet decision or scheme of delegation – provide reference):</b>	Scheme of Delegation
<b>Ward:</b>	Golden Valley North
<b>If relevant, summarise cabinet member and/or ward member consultation:</b>	The ward member has been consulted and is supportive of the application.
<b>Decision made:</b>	Approve the application to register land at Priory Wood Common, Clifford, Herefordshire as Common Lane under Schedule 2, para 2(b) (iv).
<b>Reasons for decision (if a report was produced to support the decision, refer to and attach the same):</b>	<p>The application meets the criteria set out in Schedule 2, para 2 (b) (iv), that the land was otherwise recognised or designated as common land by or under an enactment.</p> <p>In this case the land was previously registered on 31<sup>st</sup> January 1929 as a common under the Commons Act 1899 with the authority of the minister of Agriculture and Fisheries. On the same date a scheme of regulation for the common had also been approved by the minister.</p> <p>The land subject to the application was previously registered under the Commons Act 1899 and incorporated 17 different parcels of land. Under the Commons Registration Act 1965, only one of these parcels was registered as common land. The present common is under the ownership of Clifford Parish Council and the additional parcels will also be under the ownership of Clifford Parish Council.</p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	Schedule 2 paragraph 2 Commons Act 2006 provides for registration of land not registered as Common Land under the Commons Registration Act 1965. The Planning Inspectorate has previously suggested that the application might be more appropriately submitted under the provisions of Schedule 2 (2) rather than under Section 19 which also permits certain corrections to the Commons

	<p>Registers and the application has been submitted accordingly,</p> <p>The application must comply with the prescribed requirements and be publicised in accordance with the Commons Registration (England) Regulations 2014. If any objections are received, the application must be referred to the Planning Inspectorate however no objections have been received. The land must still be legally recognised as a common by the relevant legislation that created it and this is the case. The application has been received prior to the deadline specified in the regulations for such applications, being 31<sup>st</sup> December 2020.</p> <p>Should the council make a decision which is opposed, there may be a risk of judicial review. If a court should find against the council in an application to the court for judicial review, these costs can be significant and can represent a financial risk to the council. This information must not influence the decision about whether the application is accepted or rejected; as such decision can only be based on the evidence before the council.</p> <p>In terms of mitigation, the procedure has followed the guidelines as set out in the Commons Registration (England) Regulations 2014, the application complies with the Commons Act 2006 and the council has received no objections to the application.</p> <p>The parish council will take ownership and management responsibilities of the additional areas.</p> <p>This proposal is not likely to generate any negative impacts as identified under the council's public sector equality duty.</p>
<p><b>Details of any alternative options considered and rejected (together with reasons):</b></p>	<p>Reject the application. This would not be in line with the requirements of the Commons Act 2006</p>
<p><b>Details of any declarations of interest made:</b></p>	<p>None</p>

Signed: **Geoff Hughes, Director of Economy Communities and Corporate** Date: **16<sup>th</sup> November 2016**