



Application Decision

Site visit on 9 October 2019

by **Mark Yates BA(Hons) MIPROW**

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date:

Application Ref: COM/3221457

Little Warley Common, Brentwood

Register Unit: CL 8

Registration Authority: Essex County Council

- The application, dated 3 April 2019, is made under Section 16 of the Commons Act 2006 ("the 2006 Act") to deregister land registered as common land.
 - The application was made on behalf of Brentwood Borough Council.
 - The release land comprises of approximately 49.2m² of land on the north eastern side of the Devils Head junction, at the intersection of Hartswood Road and The Avenue.
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Decision

1. The application is granted.

Main Issues

2. I am required by Section 16(6) of the 2006 Act to have regard to the following in determining this application:
 - (a) the interests of persons having rights in relation to, or occupying, the release land (and in particular persons exercising rights of common over it);
 - (b) the interests of the neighbourhood;
 - (c) the public interest¹;
 - (d) any other matter considered to be relevant.

Reasons

The interests of those occupying or having rights over the land

3. Whilst various rights of common are registered, there is some doubt regarding where these are exercised. The applicant has identified two parties who could potentially be affected by the deregistration of the land. However, no

¹ Section 16(8) of the 2006 Act provides that the public interest includes the public interest in: nature conservation; the conservation of the landscape; the protection of public rights of access to any area of land; and the protection of archaeological remains and features of historic interest.

representation has been made to indicate that this proposal would have an adverse impact on any person with an interest in the land.

The interests of the neighbourhood

4. There is nothing to suggest the deregistration of the land would have an adverse effect on the neighbourhood. The positive benefit for members of the public generally, addressed below, will also be applicable to local residents.

The public interest

5. The application has been made to deregister a strip of land adjacent to Hartswood Road and The Avenue to enable works to be undertaken in relation to the road junction. A highways report highlights various measures to address the current problems with the junction. It is also evident that some alternative proposals would impact on a greater part of the common. The information supplied is supportive of it being in the wider public interest for the release land to be deregistered to enable highway works to be undertaken to make the junction safer. This view is supported by the Open Spaces Society.
6. The release land generally comprises of highway verge and falls within the Thorndon Park Site of Special Scientific Interest ("the SSSI"). It is also located within a Special Landscape Area and a County Wildlife Site. Ecological and arboricultural studies have been undertaken and these make certain recommendations in relation to the proposed works. Natural England previously granted a license for the works and advised that provided the specified conditions are met no significant damage should be caused to the SSSI. I note that this licence expired in March 2019 and a new consent will need to be obtained. From the information provided and my observations of the site, I do not find that there would be any significant impact on the landscape or nature conservation should the land be deregistered.
7. There is nothing to suggest the deregistration of the release land will impact upon any other relevant matters.

Conclusions

8. The aim of the highways scheme is to provide a safer road junction which would be of benefit for the public. When weighed against the public benefits of the scheme, I do not find there are any relevant matters which indicate that the application should be refused. It follows that I conclude that the release land should be deregistered.

Mark Yates

Inspector

Order

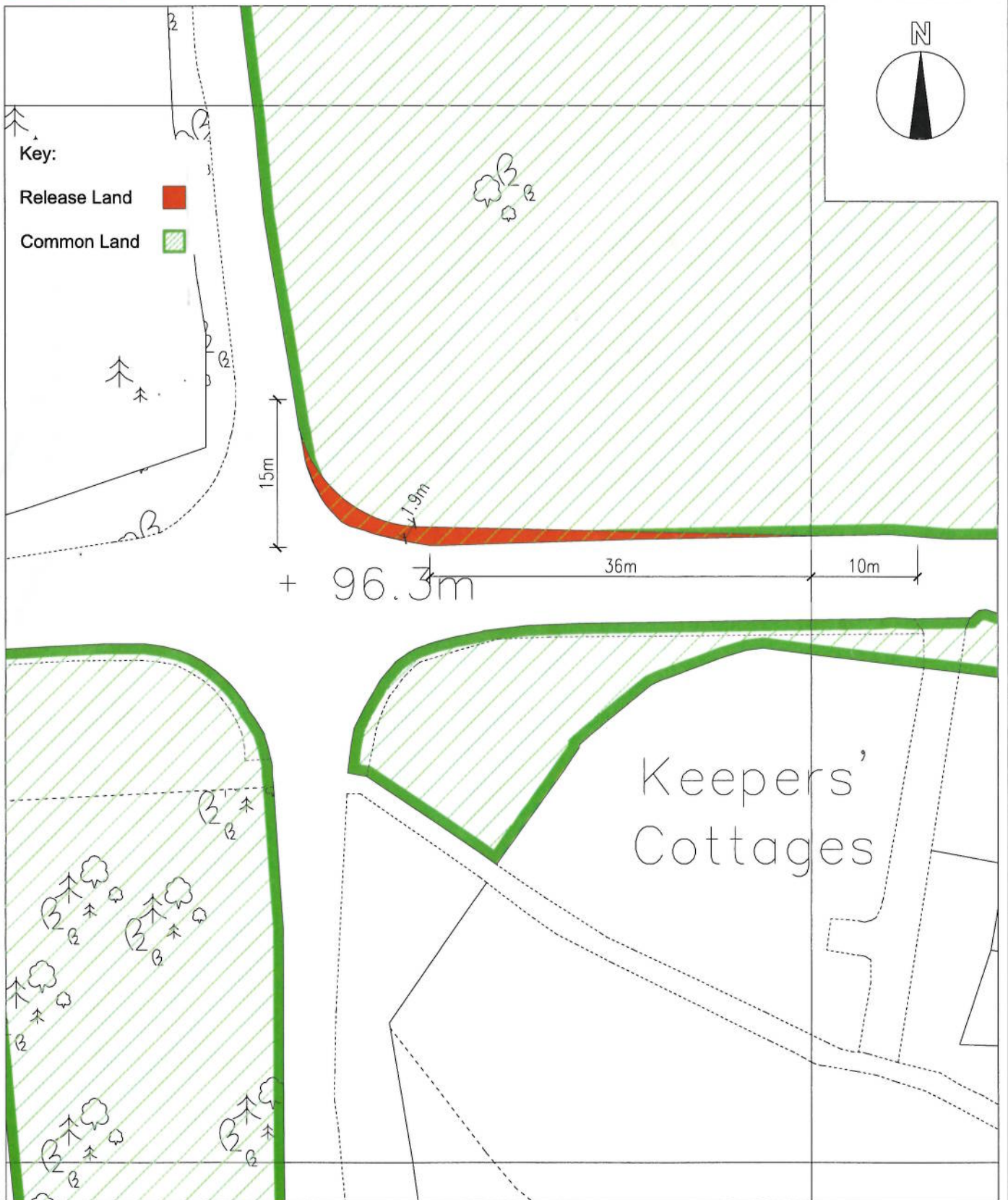
On behalf of the Secretary of State for Environment, Food and Rural Affairs and pursuant to Section 17(1) of the Commons Act 2006, **I HEREBY ORDER** Essex County Council, as commons registration authority for the area in which the release land is situated to remove the release land from its register of town or village greens, by amending register unit CL 8 to exclude the release land.

Schedule – the release land

Colour On Plan	Description	Extent
Edged red	Land on the north eastern side of the Devils Head junction at the intersection of Hartswood Road and The Avenue.	49.2m ²

Mark Yates

Inspector



Site Reference: -	Scale: 1:2500	Drawn By: DS	Date Drawn: 24/01/19	Paper Size: A4	Revision: --	Project Reference / Drawing Number: L1301	Title: SITE PLAN TQ 6091
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Property Name: Devils Head Crossroads Junction	Project Description: -
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Property Address: The Avenue, Brentwood, Essex CM13 3RZ.	Based upon the Ordnance Survey map with the Permission of The Controller of Her Majesty's Stationery Office. Crown © Copyright reserved. Licence No. 100019602.
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Site Reference: -	Scale: 1:2500	Drawn By: DS	Date Drawn: 24/01/19	Paper Size: A4	Revision: --	Project Reference / Drawing Number: L1298	Title: SITE PLAN TQ 6091
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