

# **National Common Land Stakeholder Group**

## **7 December 2009**

### **Paper 3**

#### **Part 1 of the Commons Act 2006**

- Part 1 was implemented in seven commons registration authority areas from 1 October 2009.
- Pilot authorities are the county councils of Cornwall, Devon (not Plymouth or Torbay), Hertfordshire, Kent (not Medway) and Lancashire (not Blackpool), the County of Herefordshire district council, and Blackburn with Darwen borough council.
- Pilot implementation is now in its second year.
- Transitional application period, which enables people to apply free of charge to update the commons registers under Schedule 3, was extended to 30 September 2010 (two years) in July 2009.
- Recent significant pick-up in activity: few applications were received in the first year of the pilot, however by the end of October there had been 97 duly made applications of which 39 were declarations of interest. A total of 25 applications have been determined by the pilot authorities. Further information is in annexe 1. To date no proposals have been determined.
- Initial review nearing completion: purpose of the review is to reflect on the experience of Defra and stakeholders thus far, the processes involved in managing the first year of the pilot and to consider what lessons can be learned from the exercise to help shape the form of national roll-out of Part 1 at a later date.
- Discussion of draft findings at focus group held on 20 November.
- Key findings in review on the operation of the pilot so far, with an eye to national implementation, are:
  - legislation works well
  - better communication needed at national level, with focus on identified key stakeholders/media
  - parish councils key at a local level
  - guidance to applicants needs to be easier to digest
  - reviews of registers need to be clear on priorities and process
  - application forms and fees generally worked well, but details need to be reviewed
  - no applications referred to Planning Inspectorate in first year (but cases now beginning to arrive)
  - many declarations of entitlement to register made, but consider also scope for 'whole farm apportionment'
  - straddling agreements must be reviewed ahead of implementation
  - pilot funding generated widely differing levels of activity
  - requirements on registration authorities with negligible or no entries in commons registers should be carefully considered
  - alternative mechanisms for national implementation should be considered: esp. regional commencement v. national serial

commencement (*i.e.* commencing selected provisions across the whole of England in phases)

- significant pick-up in recent activity suggests that more evidence is needed before the overall success of the pilot and the outcomes it has delivered can be fully appraised.
- Expect to make a decision on national implementation early in New Year.

ELM

27 November 2009