

National Common Land Stakeholder Group

18 June 2009

Paper 1

Update on Part 1 registration

- Pilot implementation: the first six months
- Review of the pilot and national implementation
- Early implementation of paragraphs 6 & 8 of Schedule 2
- Commons Commissioners
- Stakeholder communications

1 Pilot implementation — the first six months

- 1.1 Pilot scheme began in England on 1st October 2008
- 1.2 Seven participating commons registration authorities:
 - Blackburn with Darwen Borough Council
 - Cornwall County Council
 - Devon County Council
 - County of Herefordshire District Council
 - Hertfordshire County Council
 - Kent County Council
 - Lancashire County Council
- 1.3 Part 1 of Commons Act 2006 fully in force in pilot areas (except s.25 - electronic registers).
- 1.4 Updated guidance to commons registration authorities and Planning Inspectorate published in February 2009; updated guidance to applicants due to be published later this summer.
- 1.5 About 20 applications to date, well below expectations (many of these were incomplete or inappropriate).
- 1.6 Good engagement from pilot authorities, although we and they have been slow to focus on Defra's priorities for action.
- 1.7 Mixed response to research requirements (to identify updates to registers): some pilot authorities have made good progress, but others made a poor start and slower to catch up.
- 1.8 Only one authority has made proposals (*i.e.* applications to itself) for amendment of the register, although most have candidates in train.
- 1.9 Planning Inspectorate: successful training event held in February for inspectors assigned to Part 1 casework, but no formal referrals of applications or proposals to date (though a small number are 'in the system').

- 1.10 Purpose of pilot is to test systems ahead of national roll-out: some aspects have worked well, but there are equally many lessons already learned, which will be applied during the second half-year of the pilot, and addressed in the review of the pilot later this year, to contribute to a successful national implementation.

2 Review of the pilot and national implementation.

- 2.1 Review of first year of pilot between October 2009 and end of year
- 2.2 Decision on national roll out from October 2010 onwards early in 2010.
- 2.3 Planned national roll-out in three regional tranches in October 2010, 2011 and 2012:
- October 2010: Area 1 — South East, South West, East Of England, London (comprising 101,948 ha registered common land, 2,265 town or village greens)
 - October 2011: Area 2 — West Midlands, North West (comprising 141,353 ha registered common land, 752 town or village greens)
 - October 2012: Area 3 — East Midlands, Yorkshire and the Humber, North East (comprising 130,193 ha registered common land, 1,353 town or village greens)
- 2.4 Aim to announce decision and (if appropriate) publish regulations in spring 2010, to give stakeholder maximum notice and time to prepare.

3 Early implementation of paragraphs 6 & 8 of Schedule 2

- 3.1 Paragraphs 6 and 8 of Schedule 2 enable the deregistration of, respectively, common land, and of town or village green, that was finally registered under the Commons Registration Act 1965, and which was and remains covered by buildings or was within the curtilage of buildings (the latter would include gardens, yards *etc.*).
- 3.2 Defra's response to the consultation on Part 1 (January 2008), concluded that:

"We are minded to make early provision for application under paragraphs 6 and 8 of Schedule 2 (buildings registered as common land or town or village green), and will reach a decision in the light of experience in implementing Part 1 in the pilot areas. The earliest date on which such provision is likely to be made is 1 October 2009."

- 3.3 No applications received under either provision in pilot areas (pilots cover one-fifth of common land in England).
- 3.4 Suggestive that there is no strong demand for early implementation elsewhere.
- 3.5 If no early implementation, application would be possible between October 2010 and October 2012, depending on location.
- 3.6 Early implementation would divert resources from, and weaken case for, national implementation.

- 3.7 Ministers have agreed that there should be no early implementation of paragraphs 6 and 8.

4 Commons Commissioners

- 4.1 Main outstanding business is conclusion to Swansea (Gower) provisional registrations, and hearings which took place in 2006 to 2008.
- 4.2 All decisions have now been issued, and awaiting final directions to registration authority (Swansea City and Borough Council).
- 4.3 Three further outstanding cases:
- issue direction in relation to CL116 Chelwood Gate, East Sussex
 - resolve CL10, Welsh Moor (possible outstanding provisional registrations)
 - resolve CL11, Mynydd Bach Y Cocs (Commissioner Burton died before a decision was issued)
- 4.4 Hopeful that early resolution of these cases will enable the Commissioners to be wound up (in relation to both England and Wales) by end 2009, but cannot rule out unexpected delays owing to unforeseen complications.

5 Stakeholder communications

- 5.1 Engagement from stakeholders in pilot implementation of Part 1 is patchy, both nationally and locally reflecting the low profile of common land management with national representative organisations, and because pilot affects only small part of the country.
- 5.2 At local level, some pilot authorities have secured good response from parish councils and civic amenity groups, but others are having to work hard to stimulate interest given the difficulties of rendering accessible and user-friendly some exceptionally complex legislation.
- 5.3 Stakeholder communication strategy will be prepared to guide national implementation.
- 5.4 How best can we communicate the implementation of Part 1 to those who most need to know about it: commoners, landowners (including affected householders), parish councils, rural practice solicitors etc?

4 June 2009