

COMMON LAND GUIDANCE SHEET 1c

WORKS EXEMPT FROM SECTION 38 CONSENT PROCESS

Category B Works – Works that are Exempt from the Section 38 consent Process

The Works on Common Land (Exemptions) (England) Order 2007 (SI 2007/2587) defines a number of classes of restricted works for which section 38 consent is not required.

The order recognises the need for exemptions that help people with their day to day management of common land, whilst minimising the scope for any unlawful works which could compromise the cultural, conservation or recreational value, or

the openness of the common.

Anyone undertaking exempt works must confirm that those works come within the terms of the exemption by posting a notice on the site and informing the Secretary of State by sending a copy of the notice you post on site to us. There is a standard format for the notice at the Annex to this sheet.

If you intend to carry out exempt works we would encourage you to consult the same people/organisations who are listed in Guidance Sheet 1a so that interested stakeholders are clear that the works you plan are exempt. If works are carried out that are not exempt any person may take enforcement action against them through the courts.

Annex

Declaration of Exempt Works

Description of works

Purpose of temporary fencing: The erection of temporary fencing for a period not exceeding six months, to enclose land for the purpose of restricting the movement of grazing animals.

Commoners at Green Farm are exercising their right to graze cattle on Monkwood Green but without any facility for ensuring that the cattle do not roam. For public protection and protection of property and for the benefit of the wildlife present, Grimley Parish Council has loaned an electric fence to the Commoners resident at Green Farm. The Commoners have accepted responsibility for maintenance and upkeep of the electric fence.

Commoners rights are for up to 40 cattle to be grazed on Monkwood Green Common.

Area to be enclosed - the area known as 'ant-hills' on Monkwood Green Common.

Commoner has accepted responsibility of ensuring that the electric fencing is moved appropriately and regularly and that the required limit on percentage of the Common enclosed is observed.

On Monkwood Green Common (Name of Common)

Located in the:

(a) Parish/Town of Grimley

(b) Borough/District/City of Malvern Hills

(c) County of Worcestershire

I/We* declare that the works described above are exempt from the requirement for consent under section 38 of the Commons Act 2006 by virtue of the provisions of the Works on Common Land (Exemptions) (England) Order 2007 (SI 2587/2007) and that these works comply with:

Paragraph 1 (temporary fencing to contain grazing animals) / Paragraph 2 (temporary fencing to facilitate growth of vegetation) / Paragraph 3 (temporary fencing to restrict access in the interests of nature conservation) / Paragraph 4 (regularly spaced obstacles to restrict vehicular access)* in Schedule 1 to the Order.**

* Delete as appropriate.

** The full terms of the exemptions are set out in Schedule 1 to the Order.

Signed [Redacted]

Name (BLOCK letters) [Redacted]

Position (if applicable) [Redacted]

Organisation (if applicable) Grimley Parish Council

Address 9 The Limes, Kempsey, Worcs, WR5 3LG

Telephone number [Redacted]

Date 16/01/2020