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| **Application Decisions** |
| Site visit made on 23 January 2024 |
| **by A Behn Dip MS MIPROW** |
| **an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 1 March 2024** |

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| **Application A Ref: COM/3323197**  **Land at Stringers Common in the parish of Worplesdon, Guildford, Surrey** |
| Register Units: CL281 & CL352 |
| Registration Authority: Surrey County Council |
| * The application, dated 16 May 2023, is made under Section 16 of the Commons Act 2006 (“the 2006 Act”) to deregister and exchange common land. * The application is made by The Council of the Borough of Guildford and Surrey County Council (the applicant). * The release land comprises a total of 1691 m² at the Woking Road and Moorfield Road junction, lying west of Slyfield Industrial Estate, Guildford. * The replacement land comprises 1998 m² of land at Burpham Court Farm, Jacobs Well Road, Guildford.  |  | | --- | |  |  |  | | --- | | **Application B Ref: COM/3323196**  **Land at Stringers Common in the parish of Worplesdon, Guildford, Surrey** | | Register Unit: CL281 & CL352 | | Registration Authority: Surrey County Council | | * The application, dated 16 May 2023, is made under Section 38 of the 2006 Act for consent to carry out restrictedworks on common land. * The application is made by The Council of the Borough of Guildford and Surrey County Council (the applicant). * The application is for highway works and improvements at the Woking Road and Moorfield Road junction, including carriageway widening, installation of a new drainage ditch on Woking Road, and a new traffic island and pedestrian crossing. Temporary works include temporary protective fencing and vegetation clearance of temporary works areas, followed by reinstatement of the these works areas to support local habitats. The application is also for installation of an accessway on Jacobs Well Road to the replacement land and removal of fencing between the existing common land and the replacement land.  |  |  | | --- | --- | |  |  | | |

**Decision: Application A**

1. Consent is granted and an Order of Exchange given in accordance with the application dated 16 May 2023, to deregister and exchange common land at Stringers Common, in the parish of Worplesdon, Guildford, Surrey. As part of the Order of Exchange, a copy of the application plan (Drawing A) showing the areas for deregistration and exchange is attached to this decision.

**Decision: Application B**

1. Consent is granted for the proposed works in accordance with the application dated 16 May 2023 (the area of works is attached to this Decision as Drawing B) and is subject to the following conditions:

* The works shall commence no later than 3 years from the date of this Decision.
* Any temporary fencing is removed and the ground reinstated within one month of the completion of works.
* Procedures to dedicate the permissive path connecting FP66 to the replacement land, as a public right of way, shall commence no later than 3 years from the date of this Decision.

**Preliminary matters**

1. Following advertisement of the above applications, 4 objections and 1 representation were received. I undertook a site visit of the release land and the exchange land on Tuesday 23 January 2024, in the company of the agent and officers of the applicant, their consultants and two local objectors to the proposal, Stringers Farm and Mr Lawrence. The applications have been determined on the basis of the written evidence and my own observations of the sites and surroundings.
2. It was considered by Stringers Farm that the formal consent of right holders of the common, as well as the owner of the common land, was required for Section 16 applications. To clarify, the legislation requires that holders of rights of common for grazing such as Stringers Farm are consulted, and that their interests and rights are considered as part of the decision making, but express consent is not required.
3. Stringers Farm noted that on Application A, there was mention of an area of common land to be temporarily deregistered to be a work area. The applicant later clarified they did not seek deregistration of that area but that it was reference to a temporary work area that is part of the S.38 works application. Although Stringers Farm considered that the application could not be changed retrospectively, there is no facility within the legislation for ‘temporary deregistration’ and it was clear on the application form that this land was not included as part of the release or exchange land and that it would be subsequently replanted and restored as detailed in the S.38 application. I do not consider that this reference to the temporary work area materially affects or causes any prejudice to the Section 16 application.
4. There was also a concern raised by the same objector that the replacement land was not contiguous with the CL number with which it was to be designated, and they felt that this was against the guidance. To clarify, although it is preferable for the land to be contiguous with common of the same CL number, it is not compulsory. The Council have explained that there is no available suitable land in their ownership contiguous to CL281, but were able to offer land adjacent to CL352.

**The Applications**

1. In March 2022, planning permission was granted for a residential led, mixed use hybrid development known as Weyside Urban Village (WUV), planning reference: 20/P/02155. The land to which that planning permission relates is generally to the south east of Stringers Common. Condition 52 of the Permission requires that improvements be made in order to mitigate the levels of congestion created as a result of the development of WUV, enable surrounding areas to be served by the proposed bus route, and to ensure safe access to Weyfields school. Proposed works that are needed to comply with the planning condition affect common land known as Stringers Common, resulting in the two applications under consideration.

**Main Issues**

1. I am required by Sections 16(6) and 39(1) of the 2006 Act to have regard to the following in determining these applications:

(a) the interests of persons having rights in relation to, or occupying the land

(and in particular persons exercising rights of common over it);

(b) the interests of the neighbourhood;

(c) the public interest, including 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; and

(d) any other matter considered to be relevant.

1. In considering these tests, regard should be given to the Department for Environment, Food and Rural Affairs Common Land Consents Policy of November 2015 (“the consents policy”) which has been published for the guidance of both the Planning Inspectorate and applicants.

**Reasons**

1. Although “any other matter considered to be relevant” is listed last in my paragraph outlining the Main Issues above, I intend to address this first because it informs my consideration of the matters to which I must have regard in determining both applications. Within this heading I propose to examine whether the exchange land that is offered is at least equally advantageous to the interests set out in Sections 16(6) of the 2006 Act.

**Other matters considered to be relevant**

1. In terms of Application A, The Secretary of State’s primary objective in determining applications under section 16(1) is to ensure the adequacy of the exchange of land in terms of the statutory criteria. Therefore, even where an applicant makes an otherwise compelling case for an exchange, the Secretary of State’s expectation will be that the interests (notably the landowner, commoners, and the wider public) will be no worse off in consequence of the exchange than without it, having regard to the objectives set out above. The expectation is more likely to be realised where the replacement land is at least equal in area to the release land, and equally advantageous to the interests. I must evaluate the exchange in terms of both quality and quantity. The consents policy indicates that an inadequate exchange will seldom be satisfactory, whatever the merits of the case for deregistration might otherwise be.
2. In quantitative terms, Application A proposes the release of narrow strips of land belonging to CL281 and CL352, totalling 1691 m², located both on the western side of Woking Road, and on the eastern side of Woking Road at its junction with Moorfield Road. The area of the proposed replacement land totals 1998 m². This equates to a net gain in the area of common land of some 307 m² (approximately 18%).
3. Stringers Farm questioned the release land for CL352, in terms of its quantitative area, believing it to be up to 200 m² more than the applicant has stated. The applicant disputes this, advising that the figures were based on the boundaries from the original common land plans, which were then transferred to GIS mapping systems and calculated using an Industry standard topographical survey (*RICS professional guidance, global – Measured Surveys of land, building and utilities- 3rd edition*). Using this guidance, data received from site surveys and use of Computer Aided Design (CAD), the applicant believes an accurate measurement has been made. Albeit all survey measurements have a tolerance, as acknowledged by the applicant, they disagree that the data is out by the 200 m², as suggested by Stringers Farm.
4. I do also accept that there is a margin for error in calculations used for any survey, however there is no detailed methodology before me to illustrate how Stringers Farm reached the figure of variance they have suggested. Irrespective of this, the net gain of common land from the replacement land would exceed the area of release land, even with the variance suggested by the objector. Therefore the expectation in the consents policy of the replacement land being at least equal in area to the release land is both met and exceeded.
5. In qualitative terms, the release land consists of a narrow strip of lowland mixed deciduous woodland, and two narrow strips of neutral and modified grassland and hardstanding. The proposed replacement land consists of mixed scrub, trees and hedgerow, and modified grassland that was previously used as horse grazing pasture.
6. While the release land all verges the busy Woking Road, the replacement land would be situated 350m north east of the release land, sitting adjacent to the part of the common registered as CL352. There were representations from the local objectors that being situate 350m from the release land, the replacement land was in effect isolated and fragmented. Although I appreciate the distance between the two, the replacement land would be much further from the busy carriageway of the A320 Woking Road than the release land and would be screened from traffic and its associated noise by intervening trees and vegetation forming the existing CL352. It would therefore be a more pleasant environment for recreation and the exercise of rights of common, than the release land, which directly adjoins the A320 and is adversely affected by traffic and associated noise. Furthermore, the release land comprises relatively narrow strips of land verging the highway, which severely limits its potential for recreation or for exercising the right of common for pasture.
7. Reference was made to the replacement land offered being known to be seasonally wet. I did note at my site visit that an area of the replacement land was boggy and wet, however, other parts of the proposed replacement land were not. It was clear on my site visit that other parts of the existing common were also very wet and boggy and from the comments in the consultation document, it would seem that seasonal flooding can be an issue generally, in this low-lying area.
8. In summary, the release land comprises narrow strips of land adjoining a busy carriageway. It is adversely affected by traffic and noise, from which there is no escape, and offers very limited scope for recreation or exercising rights of common. In contrast, the replacement land is of a greater area and is a more usable space for recreation and exercising rights of common. Moreover, the replacement land is away from and screened from the traffic and associated noise emanating from the adjoining roads. It is a considerably more pleasant environment to be in. I therefore conclude that, when looked at in the round, the replacement land is of at least equal value to the release land and accords with the consents policy in that regard.

***The interests of those occupying or having rights over the land***

1. In relation to CL281, where the majority of the release land sits, there are three rights to graze over that area, the right belonging to Stringers Farm appearing to be actively exercised. The replacement land will also be designated as CL281 albeit it will adjoin that part of Stringers Common which is designated CL352. Stringers Farm feel that that its separation from the larger area of CL281 common would have a negative effect on their rights of common, stating *‘a maximum of two areas can be fenced off at the same time’.*
2. However, that part of CL281 that forms the release land is situate right next to the Woking Road and would be severely limited in its provision as a grazing or pasture area, being that it abuts a busy road and is a close wooded area, rather than open land. Accordingly although I appreciate the limitation stated by Stringers Farm, of only being able to enclose two areas of one common, releasing land that is unlikely to be suitable for grazing and replacing it with land that could be suitable for grazing does not affect any grazing limitation that is already in place across CL281, nor does it have an adverse effect on the rights of common as a whole.
3. Stringers Farm were also concerned that that a designation of the replacement land as CL281 rather than a mixture of CL281 and CL352 would also affect their rights of common. Their rights of common for CL281 are shared with two other rights, albeit I am unaware whether these are currently exercised. CL352 by comparison, has a right of common for Stringers Farm / Worplesdon and Home Farm only, with their grazing rights being for a higher number of animals. Albeit I understand that a loss from CL352 could be seen as a negative impact on the grazing rights of Stringers Farm, the very small strips that would be released from CL352 currently form parts of the highway verge by the junction of two roads and so would be both unsuitable and unlikely to be pastured or grazed. Perhaps aligned to the above, I also acknowledge the view of Stringers Farm that the two small sections of CL352 to be released should retain the CL352 number for a corresponding part of the replacement land, which is currently proposed to be registered entirely as CL281. However as both sections of release land under CL352 are under 200 m², this is not a statutory requirement. Additionally I do not consider that such a tiny amount of the replacement land having a separate CL number would be practical, or offer significant benefit to any party.
4. With regard to the right of common to graze, Stringers Farm pointed out that it was the applicant’s intent to remove the fencing that currently separates the replacement land from the existing common CL352 at that location. Stringers Farm feel that this may have safety impacts on their grazing. They consider that legally, neighbouring properties should provide stock proof fencing around common land, as accidents from straying livestock is the responsibility of neighbouring properties, not the commoner.
5. My understanding is that the fencing currently in place between the boundary of the replacement land and the common is to be removed to better integrate the replacement land into the existing common and thus allow better access.
6. Fencing is currently, and would be in place in the future, to separate the replacement land from an adjacent reptile receptor site (which is associated with the planning permission for WUV), and also from the adjoining property of Watt’s Cottage. The existing common however is not fenced from the road at the location of the release land on CL281 and I did not notice any fencing from the road of CL352 whilst on the site visit. Stringers Farm advised on the site visit that they currently erect temporary fencing when grazing their livestock, to prevent egress. As the replacement land is to be similarly unfenced from the road, the same as what is the current situation with the release land, the fencing situation would be no different from what exists currently on the common.
7. When considering the interests of those occupying or having rights over the land, I am satisfied that those interests are minimally affected by the proposals.

***The interests of the neighbourhood***

1. It is undeniably in the interests of the neighbourhood that the congestion experienced now and the likelihood of further congestion once the WUV is complete, would be lessened by the highway improvements proposed to be undertaken, that have resulted in the two applications before me.
2. I accept the view that the proposals are unlikely to address all of the highways issues that currently exist in the area, and may further exist once WUV is complete, however current, and future congestion issues for the area as a whole, are not a matter before me and should be directed to the highway authority.
3. It is clear that local residents value the common land on both sides of the A320. However, the common land to be released sits astride a busy road. Due to the proximity to the carriageway the narrow strips are dominated by traffic noise and not necessarily a pleasant environment to be in. Of importance, the loss of the narrow strips of release land does not impact on the ability to access or use the rest of the common.
4. The replacement land is in a much quieter location and offers a better experience in terms of useability, amenity, and safety. The applicants propose to enhance accessibility to the replacement land by creating an unmade public right of way adjoining Public Footpath 66, along with a metalled surface access from Jacobs Well Road, which would be constructed in sympathy to the semi-rural location in which it sits.
5. One objector questioned the need for this additional access route, in the regard that it will involve engineering works across the existing common to accomplish it. The applicant considered that the additional access offered accessibility to the replacement land for all types of legal user, thereby not limiting the use of the replacement land to those who are able to access it from a footpath.
6. For the reasons set out above, I consider that the replacement land is of at least equal value to the release land in terms of the interest of the neighbourhood and potential for recreation. Indeed, I put it higher than that and consider that, on balance, the replacement land is superior to the release land, both in terms of area and its usability. It is certainly a more pleasant environment to be in. I therefore conclude that, on the whole, the exchange of land and the works proposed in these applications are in the interests of the neighbourhood.

***The public interest***

1. In the wider sense, there is notable benefit to the public, in that these applications form part a significant project for housing provision in the local area. However, in line with the relevant sections of the 2006 Act, consideration also needs to be given to the following:

*The conservation of the landscape*

1. The proposed highway improvements include the widening of the carriageway, ditch realignments, a new traffic island and two stage pedestrian crossing, as well as new friction surfacing. These works would, both individually and collectively, result in more urbanisation of the landscape and would thereby cause harm to that landscape. However, that harm would be experienced in the context of the existing carriageway with its traffic lights, lighting columns, guardrails, and street furniture. The carriageway therefore already exhibits a semi-urban character. Consequently, the harm arising from the proposed works would not be significant.
2. There was initial concern from Natural England (NE) and other objectors that the visual amenity of the landscape at this location would be harmed by the loss of trees, making the road more intrusive on the common land. However the density of trees to the west of Woking Road is approximately 60 metres in width and so the loss of trees at the woodland edge would not change the visual landscape to any great degree, or diminish the function of the woodland as a visual barrier to the common.
3. NE questioned how the planted areas in the replacement land would be managed to prevent encroachment on the open areas. In response the applicants advised that they would employ their typical management regime to the replacement land and that such works would be included in a Landscape and Environmental Management Plan.

*Nature conservation*

1. Some of the objections submitted regarding the applications, related to nature conservation.
2. Stringers Farm commented that the replacement land was already subject to several rights of access for maintenance and service and that such disturbance might affect habitat. There is no evidence before me that these existing rights have a significant effect on any existing habitat at the replacement land, and some of the rights listed appeared to be unconnected to the area of the replacement land itself. I did not note on my site visit any structures above ground. I am satisfied that any entry to the site for maintenance or inspection of underground utilities would be temporary by nature and does not comprise a significant material interference with the land.
3. In relation to the replacement land and the S38 works outlined in Application B, Stringers Farm had no concerns regarding the proposed footpath access to the site from Footpath 66, but objected to the extra access proposed from Jacobs Well Road, which required crossing the common land designated CL352. They felt that this extra access point was unnecessary and that by creating the access using a PVC culvert and aggregate covering, it would destroy the current wetland and hedgerows.
4. In response the applicant explained that the extra access point was to improve overall access to the site and better integrate the replacement land into the existing common. They drew attention to the Ecological Assessment Report (EAR) which assessed the replacement land as grassland, scrub, and hedgerow, rather than wetland. The applicant also advised that three potential access points to the replacement land had been considered, and that the chosen location minimised the impact on the common land and tree roots.
5. I note that The Technical Note for this access path assumes a minimal dig methodology, with a cellular confinement system being installed within root protection areas, to preserve soil structure and minimise long term damage to roots. Although I accept that this proposed access point would affect the habitat on the existing common to a small degree, I consider there has been sufficient investigation to seek placement of this access with least impact to the common, whilst trying to facilitate access for the benefit of all legal users of the common, not just those who are able to access the land from the nearby footpath.
6. Mr Lawrence was concerned that the ecological significance of the drainage ditch had not been assessed, particularly in relation to the web of drainage ditches that cross the area. The applicant explained on the site visit that the new drainage ditch to the west of Woking Road would be a natural ditch in the same manner as the existing one, with only a ‘built’ headwall by the mature oak tree to protect its integrity. This would retain the capacity for any migration of wildlife between water courses to continue. The applicant explained that the EAR had considered the ditch in terms of habitat, and that appropriate mitigation had been identified. This included timing the works to avoid hibernation periods, avoiding works being undertaken after dusk, ensuring an egress for newts after excavations and the overseeing of the works by an appropriately licensed ecologist.
7. There was also understandable apprehension amongst the objectors that the release land on the west of the Woking Road was part of a Site of Nature Conservation Importance (SNCI), comprising a mixed deciduous woodland habitat with mature trees. They considered that the loss of this would be irreplaceable in terms of biodiversity and any replacement tree planting. This was refuted by the applicant who stated they had undertaken an Arboriculture Impact Assessment which had identified that the trees to be removed were of moderate or low quality and value, with measures being taken during the design process to retain any trees of higher value. They also referred to the Biodiversity Net Gain Assessment which concluded that the total combined on and off-site mitigations would realise a 311% net gain in habitat units and a 100% net gain in hedgerow units. Overall the mitigation planned would expect to achieve a net gain of greater than 10% in terms of overall biodiversity.
8. It is the case that some of the release land is part of an SNCI, however it comprises only 0.33% of that SNCI. The mitigations include planting 119 trees of a more suitable species on the replacement land and adjacent reptile receptor land, to offset the 89 trees that need to be removed. Additionally there is provision for the creation of species rich hedgerows, both on the temporary work area to the west of Woking Road, as well as on and near to the replacement land. The Ecological Assessment concluded that as the works only affect very small areas of land immediately adjacent to the road, the loss of these areas would not be detrimental to the overall condition or function of the SNCI.
9. I accept the point of the objectors that habitat creation works take a long time to mature, and this is an unfortunate and sometimes inevitable short-term effect of development of this nature. However, in line with the expectations of the consents policy, the mitigation, in the longer term would result in a net gain in overall biodiversity, compared to the current situation.
10. NE welcomed the detailed mitigation plan produced to offset the overall loss of habitat from the works associated with the deregistered and replacement land and associated S.38 works. However they felt that given the time it will take for the habitat creation works to become established, it might not equate to the exchange of common land being equally advantageous to the public interest, in terms of nature conservation. They considered that extending the area of replacement land would be a better exchange in this regard, allowing more of the mitigation to take place on common land, rather than some mitigation being provided off the common land. They felt that this would also have the effect of reducing the amount of fencing overall.
11. In response, the applicants advised that any extension to the replacement land would impact on the land for the Reptile Receptor Site (RRS), which is already an agreed mitigation associated with the WUV development and is adjacent to the replacement land. Although Stringers Farm suggested that the reservation of the RRS should not be at the detriment of a possible larger area of replacement land as suggested by NE, I do agree with the Council that these two matters cannot be conflated being that the RRS is a mitigation of the planning permission for WUV and not a mitigation of the applications before me.
12. I agree in principle with NE, that the larger the area of replacement land, the better. However, I do concur with the views of the applicant, that in this instance, the biodiversity net gains that would be realised from the proposed mitigations, as well as the area of replacement land exceeding the area of the release land, would comprise overall, an equitable exchange.

*The protection of archaeological remains and features of historic interest*

1. Mr Lawrence commented that the local area was rich in archaeology and was concerned that the use and purpose of some parallel ditches bordering the site had not been investigated. In response the applicant advised that neither the land to be de-registered or the replacement land lie within designated sensitive areas for archaeology or heritage features, with the closest heritage feature being a grade II listed building lying south of the replacement land. I note that Historic England do not appear to have made any comment on the applications. On the limited evidence available to me, there appears to be little indication that any significant archaeological remains or features of historic interest would be lost as a result of the works proposed.

*The protection of public rights of access to any area of land*

1. The area of release land on the west side of Woking Road, although accessible to the public, is fairly densely populated by trees running alongside the ditch that verges the road. There is also no footway adjoining the road west of Woking Road at the location of the release land. Further into the woodland is a well-used unmade footpath, which would be unaffected by the release of the narrow strip of land. On the eastern side of Woking Road there is a wide grassed area, with a footway to the east of this. The release land on this side of the Woking Road would also have no detrimental effect on public rights of access.
2. Turning to the replacement land, there is currently no authorised public access across its area. Two access points would be created to access the replacement land and the fencing removed that currently bisects the replacement land from the existing common designated CL352. I therefore consider there is no disbenefit to public access at the site of the replacement land.
3. The Open Spaces Society (OSS) were broadly content with the applications, but in line with NE considered that access to the land should be legally secured through a public right of way (PROW), rather than permissive access only. The applicant subsequently agreed that a PROW would be the best way to connect the replacement land with FP66 and amended the plan key accordingly. The OSS were content with the applicant’s commitment to securing a PROW but wished to know the timings for the dedication. The applicant acknowledged that the PROW would need to be created under the relevant legislation and advised that the path would be made permissive in the first instance, as part of the preliminary works, to ensure immediate access would be available to the replacement land. The applicant would then begin the necessary procedures for dedication as a PROW.
4. With regard to public access, Stringers Farm questioned how wildlife would be safeguarded from increased footfall on the replacement land and were further concerned about how grazing rights would be affected by such footfall, along with how the planting proposals might impact on any grazing rights.
5. The applicant acknowledged that multiple elements needed to be factored into the use of the replacement land. They considered that the amount of existing wildlife on the replacement land was not high due to its previous use as grazing land, albeit some of the works to be carried out on the replacement land were aimed at improving the habitat for wildlife. Overall they considered that their proposals aimed to strike a balance between public rights of access and commoner’s rights, whilst encouraging the public away from the ecologically sensitive areas, in order to protect habitat.
6. I consider that the applicant has taken a measured approach to try and balance the conflicting elements involved and It is the case that such issues of conflict of use must already have the propensity to be in existence on the common land in its current context, with the wildlife habitats co-existing alongside the public’s right of access and the commoners rights to graze livestock.
7. Taking all of the above into account, I do not consider that the proposed exchange or associated works would have any significant adverse effect on the public interest.

***Other matters***

1. There was concern amongst both of the local objectors, that the consultation process had failings. Mention was made of various perceived shortfalls including the short notice that appeared to be given for the public consultation meeting via social media and newsletters, certain localities that were or were not sent leaflets, the length of the link to the consultation documents being too long and unable to be opened, and the locations for placing of the notices. The applicant stated that the statutory requirements for consultation had been complied with, that the website URL had been tested, and that their decision to undertake further consultation such as the holding of a public meeting, sending out leaflets and the use of social media, were in excess of what the regulations require. I understand the sentiments behind the consultation issues raised by the objectors, however the applicant is correct in that the consultation process undertaken was in excess of the statutory requirements.
2. Stringers Farm felt that the applicant was trying to ‘create facts on the ground,’ by undertaking some works on the replacement land before the determination of the applications. However the applicant is correct in their response, that as the replacement land is council owned land with no current designation of common, there is no legal impediment to them undertaking certain works such as fencing and planting.
3. A number of other matters were raised in representations, including matters relating to the accuracy or provision of current road data, future road data, other alternatives to the road layout and issues with other nearby road junctions. Whilst these are clearly matters of importance to those who made the representations, they are matters that would have been considered as part of the Transport Assessment for the WUV planning permission. They are not relevant to my consideration of these applications, which must be determined on the basis of the criteria set out in Sections 16(6) and 39(1) of the 2006 Act, as expanded upon in the consents policy.

**Conclusions**

1. The comprehensive development of the Weyside Urban Village for which planning permission was granted in March 2022 would bring significant benefits in the public interest. The permission requires that improvements be made to the Woking Road and Moorfield Road junction, which in turn necessitates the release of a small area of common land.
2. The replacement land proposed in Application A would be of at least equal value to the release land and, in my view, would be of greater value than the release land in terms of offering potential for public access and for land suitable to exercise any common right of grazing. The works proposed in Application B would result in some visual harm to the landscape, but that harm would not be significant. The works proposed would be in accordance with the consents policy in all other respects. In weighing the overall balance, I conclude that the proposals in Application A and Application B are acceptable and that consent should be granted.

Mrs A Behn

INSPECTOR

**CONSENT ORDER**

On behalf of the Secretary of State for Environment, Food and Rural Affairs and pursuant to section 17(1) and (2) of the Commons Act 2006, **I HEREBY ORDER** Surrey County Council, as Commons Registration Authority for the area in which the release land and the replacement land are situated:

1. to remove the release land from its register of common land, by amending register units CL281 and CL352 to exclude the release land;
2. to register the replacement land as common land, by amending register unit CL281 to include the replacement land; and
3. to register as exercisable over the replacement land (in addition to remaining exercisable over the remainder of the land comprised in register unit CL281) any rights of common which, immediately before the date on which the release land is removed from the register, are registered as exercisable over the release land and the remainder of the land comprised in register unit CL281.

**First Schedule** – the release land

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| **Colour On Plan** | **Description** | **Extent** |
| Edged red | Land forming part of register units CL281 and CL352 comprising 3 strips of land on the west and east side of the A320 Woking Road. | 1691 m² |

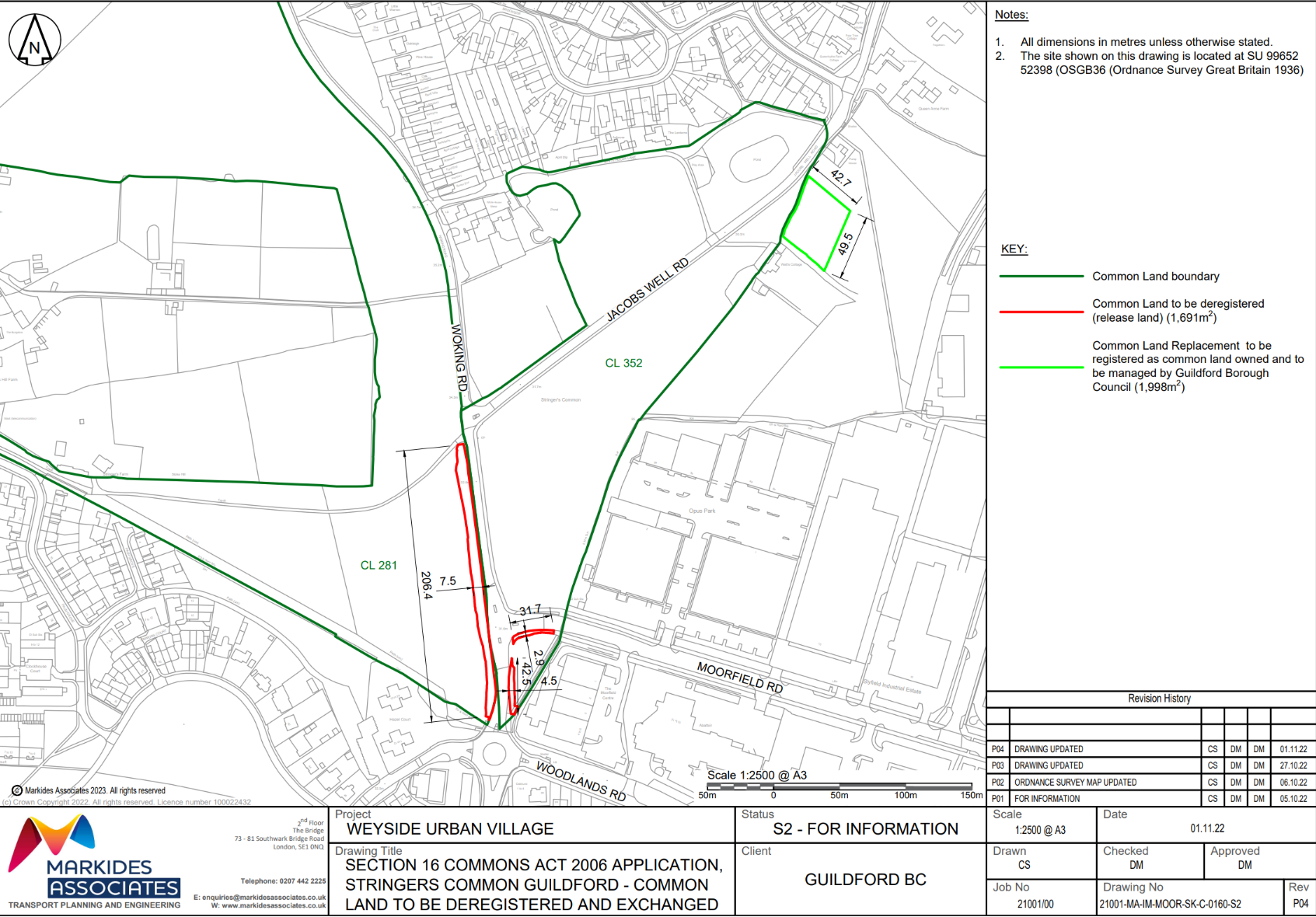
**Second Schedule** – the replacement land

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| **Colour On Plan** | **Description** | **Extent** |
| Edged light green | Land contiguous with CL352 and extending in a generally north easterly direction from Watt’s Cottage on Jacobs Well Road. | 1998 m² |

Mrs A Behn

INSPECTOR

Drawing A – Release and Replacement Land



Drawing B – Extent of Proposed works

