

**HAMPSHIRE COUNTY COUNCIL****Decision Report**

<b>Decision Maker:</b>	Executive Member for Culture, Recreation and Countryside
<b>Date:</b>	4 December 2013
<b>Title:</b>	Management of Common Land at Yateley
<b>Reference:</b>	5392
<b>Report From:</b>	Director of Culture, Communities and Business Services

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## 1. Executive Summary

1.1. The purpose of this paper is to seek approval to submit an application to the Planning Inspectorate (PINS) for consent to install fencing on Yateley Common. The purpose of the fencing would be to enable livestock to be re-introduced which would enhance the management of the site.

1.2. This paper seeks to:

- a) set out the background to the proposals including the consultation process which has been undertaken;
- b) clearly identify the fencing proposals which would form part of any PINS application;
- c) consider the financial impacts of the proposals;
- d) highlight the impacts of introducing grazing to the site;
- e) look at the key issues arising from the proposals including access by all user groups;
- f) set out the next steps for the project if approval to proceed is given.

## 2. Contextual Information

### Yateley Common

2.1. Yateley Common is a large fragmented block of heathland common in the extreme north east corner of Hampshire. It is the largest single registered common unit in Hampshire outside of the New Forest. The Common is divided into several parcels by roads and several ownership units.

- 2.2. The A30 runs east/west through Yateley Common, with the Hampshire County Council owned area, Yateley Common Country Park, to the north of this road comprising 180.3 ha (445.6 acres). To the west of the Country Park, the Common is occupied by Blackbushe Airport. The areas to the south of the A30 are owned by the Ministry of Defence and Elvetham Estates, both now managed by the Hampshire & Isle of Wight Wildlife Trust. It is only the part of the Common occupied by Yateley Common Country Park which is the subject of this paper and part of any subsequent PINS application.
- 2.3. The Common is recognised for its nature conservation importance and is protected by national and international designations. Much of the Common is designated as a Site of Special Scientific Interest (SSSI) as part of the Castle Bottom to Yateley and Hawley Commons SSSI and is also within the Thames Basin Heaths Special Protection Area (SPA). The SPA designation is due to the presence of important populations of Nightjar, Woodlark and Dartford Warbler.
- 2.4. In terms of public access, there is a full right of access on foot and on horseback, under a deed entered into under the 1925 Law of Property Act (commonly known as s.193 consent) and there is an extensive network of bridleways and a footpath crossing the Common. In a separate but related process, the bridleway network is subject to a package of diversion proposals which seek to enhance and make safer the horse riding provision for those equestrian users who prefer to use bridleways as opposed to the wider general right of access.
- 2.5. There are registered commons rights on Yateley Common including rights associated with fuel and bracken gathering and grazing but, as far as is known, none are now exercised.

### **Progress to date**

- 2.6. HCC officers work closely with Natural England to ensure that best practice is followed both in relation to maintaining and enhancing the biodiversity and recreational value of the common. Natural England has indicated positive support for the introduction of livestock and for this to be beneficial to the future management of the land.
- 2.7. Following this support, the local staff have pursued the community engagement and consultation process advocated by Natural England known as 'Common Purpose'. The consultation process was undertaken on behalf of HCC by Footprint Ecology.
- 2.8. Having completed phase II of the consultation process, it is now the appropriate time to reflect on the outcome of the consultation and to decide whether or not to proceed with an application to the Planning Inspectorate.
- 2.9. Phase I of the consultation considered the management techniques available for the heath (e.g. grazing, burning, mowing and turf-stripping), with broad support being given for grazing as the preferred option. Phase II then considered the fencing requirement needed in order to introduce livestock

safely and enable their effective management. Again, there was broad public support for the proposals although there were notable concerns in relation to the detail which have resulted in amendments to the original proposals. Plans showing the proposed fencing proposals (as amended) are provided in Appendix 1A (Yateley Common – Brandy Bottom), 1B (Yateley Common – East End), 1C (Yateley Common – West End) and 1D (Yateley Common – Cricket Hill).

- 2.10 At a meeting of the Yateley Common Management Committee held on Wednesday 6<sup>th</sup> November, the fencing proposals were discussed at some length. Following the discussion there was a vote on the motion that support be given for approval for the proposals to proceed to a PINS application. Voting members of the Committee comprise both local County Councillors and two Yateley Town Councillors. The motion was passed unanimously however the local members made it very clear that this vote was purely in support of proceeding to PINS as a mechanism for further consideration of issues and objections raised and not indicative of total support of the fencing proposals.
- 2.11 It is important to note that the members of the Management Committee, including both County Council members, were very clear that they do not want to jeopardise the common land status of the site. Members of the Committee were reassured on this point by the description of the role of the specific section of PINS which has been set up to deal with commons applications. However, they are conscious that a decision made now may change how the common is perceived in the future and that this, in turn, may impact upon the common's status and protection.
- 2.12 If approval is given to proceed with a PINS application then officers will, by continuing to work closely with local members, ensure that they remain fully aware of the issues that are important to people locally. These issues will then be presented fully and clearly to the Planning Inspectorate Inspector at the appropriate time.

### **3. Finance**

#### Yateley Common

- 3.1. The current estimate of cost to install necessary fencing, gates and cattle grids is £125,000.
- 3.2. Of this total, approximately £65,000 will be funded by Natural England through the Higher Level Stewardship Scheme.
- 3.3. The remaining £60,000 can be funded through money already received from the Defra Single Farm Payment Scheme and held by the Countryside Service.
- 3.4 It should be borne in mind that these cost estimates are provisional and that the external funding streams cannot be confirmed until the necessary consents have been obtained. If Executive Member approval is granted to seek PINS consent for the fencing proposals, then work will continue to maximise external funding sources.

- 3.5 If grazing is introduced to the Commons, not only will this optimise the management in terms of habitat quality, it will also reduce revenue costs due to the amount of labour and machinery costs associated with the mechanical management currently undertaken. It is difficult to quantify these savings as there will still be labour and other costs associated with the grazing livestock. Mechanical management will still be necessary as part of the range of tools available.

#### 4. Key Issues

- 4.1. The prominent objection to the proposals at Yateley was in connection with equestrian use and focussed on the inconvenience caused to riders by having to negotiate gates, the design and safety of gates and the risk of horses being spooked by cattle. In direct response to these concerns the following amendments have been made to the original plans:
- a) At any time there would be at least two units of the common that would not be grazed so riders (and other users) would know that they would not encounter stock in these areas.
  - b) Of the two compartments most heavily used by horse-riders, only one will be stocked at any point in time
  - c) That the gates installed will comply with best practice as promoted by the British Horse Society (BHS). There are differing views within the equestrian community as to the best gate design and therefore we are working closely with the BHS to come to an agreed best practice. In addition the catch posts will be designed so there are no protruding metal parts.
  - d) In some places the fence line has been moved in from the boundary to effectively provide a stock-free corridor for use by horse-riders and others. This particular amendment may be more controversial with others whose main concern is to preserve the open nature of the common.
  - e) The application will include the provision of mounting blocks either side of all gates
- 4.2. The other recommendations arising from the consultation and to be adopted are as follows:
- a) The fencing results in four grazing compartments with smaller peripheral areas of the common being excluded from fencing (as shown on the plans in Appendix 1 and 2).
  - b) Where for practical or other reasons (such as improved equestrian provision), proposed fencelines do not follow the perimeter of the Common, the reasons for exclusion and the means of managing the excluded areas and retaining full access to them will be set out in the PINS application.
  - c) Any grazing introduced to be limited to cattle initially with the possible addition of ponies at a later stage subject to further consultation. HCC will not introduce cows with calves at foot or bulls. It should be noted that there are commoners with rights which allow them to introduce classes of stock

which HCC have said they will not use however HCC have no ability to restrict these rights should the commoners wish to exercise them.

- d) A full risk assessment to be carried out and implemented before grazing animals are put on the site.
- e) Opportunities to be offered to visitors to the Common with their dogs and horses, if grazing is introduced, to become accustomed to the livestock through familiarisation events before the grazing animals are put out on the site.
- f) Interactions between grazing animals and visitors are monitored during the first few months and at the start of each grazing season to identify and deal with any problems.
- g) Signs to be used at all car parks and access points advising visitors when livestock are to be put on the Common with dates and numbers. Social media and direct email will also be used to communicate this information.
- h) The supply of example gates and fencing to be offered to local liveryes to enable riders to familiarise their horses with the new infrastructure.

## **5. Future Direction**

- 5.1. Enabling the reintroduction of grazing on this site (which historically would have been grazed by local commoners) will enhance the effective management of these internationally important lowland heaths. Adding grazing to the range of tools available for management will increase the mosaic of habitats and habitat structures which are so essential to healthy heathland. It will reduce costs associated with reliance almost solely on mechanical means and will see the important cultural and landscape link between commons and livestock re-established.
- 5.2. If approval is given to proceed with a Planning Inspectorate application then it is intended that this will be submitted as soon as possible with a view to receiving a decision within six months of submission. If consent is granted then it would be intended to put the fencing works out to tender for installation by the end of 2014 and the commencement of grazing in 2015.

## **6. Recommendations**

It is recommended that the Executive Member for Culture, Recreation and Countryside:

- 6.1. Approves for an application to be submitted for Planning Inspectorate consent for the proposed fencing and other infrastructure at Yateley Common.
- 6.2. Approves the case for minor adjustments to be made to the plans as currently identified to either meet the needs of individual residential access points or to follow best practice in any relevant issue such as gate selection for equestrian access.

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	no
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	yes
Corporate Improvement plan link number (if appropriate):	

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

DocumentLocation

None

## **IMPACT ASSESSMENTS:**

### **1. Equalities Impact Assessment:**

- 1.1 EIAs have been completed for both sites and have shown that there is no significant disadvantages to any of the relevant groups

### **2. Impact on Crime and Disorder:**

- 2.1 There is no negative impact arising from the proposals and there is the potential that fencing will reduce the incidence of fly-tipping in some locations.

### **3. Climate Change:**

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

The introduction of grazing will reduce reliance on machinery for management therefore reducing the energy consumption. Additionally heathland is an important carbon sink and therefore enhanced restoration will reduce our carbon footprint.

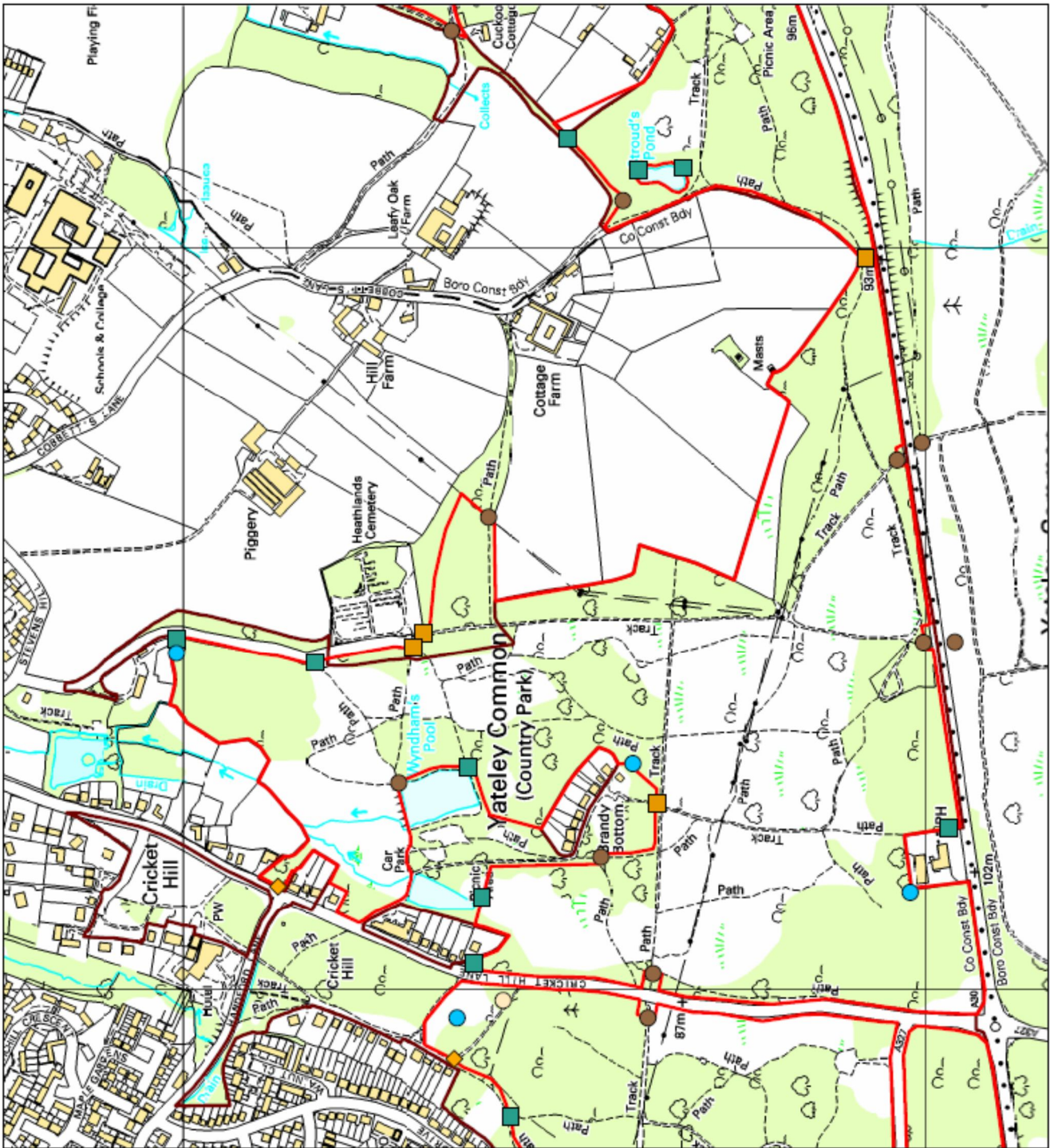
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

As above.

Map showing proposed location of fencing and other infrastructure required for the reintroduction of grazing at Brandy Bottom, Yateley Common.

**Legend**

- Bridleway gate
- Cattle grid
- Cattle grid with bypass gate
- Corral
- Field gate
- Kissing gate
- Two in one gate
- Water
- ▭ Proposed Fencing
- ▭ Countryside Service Sites



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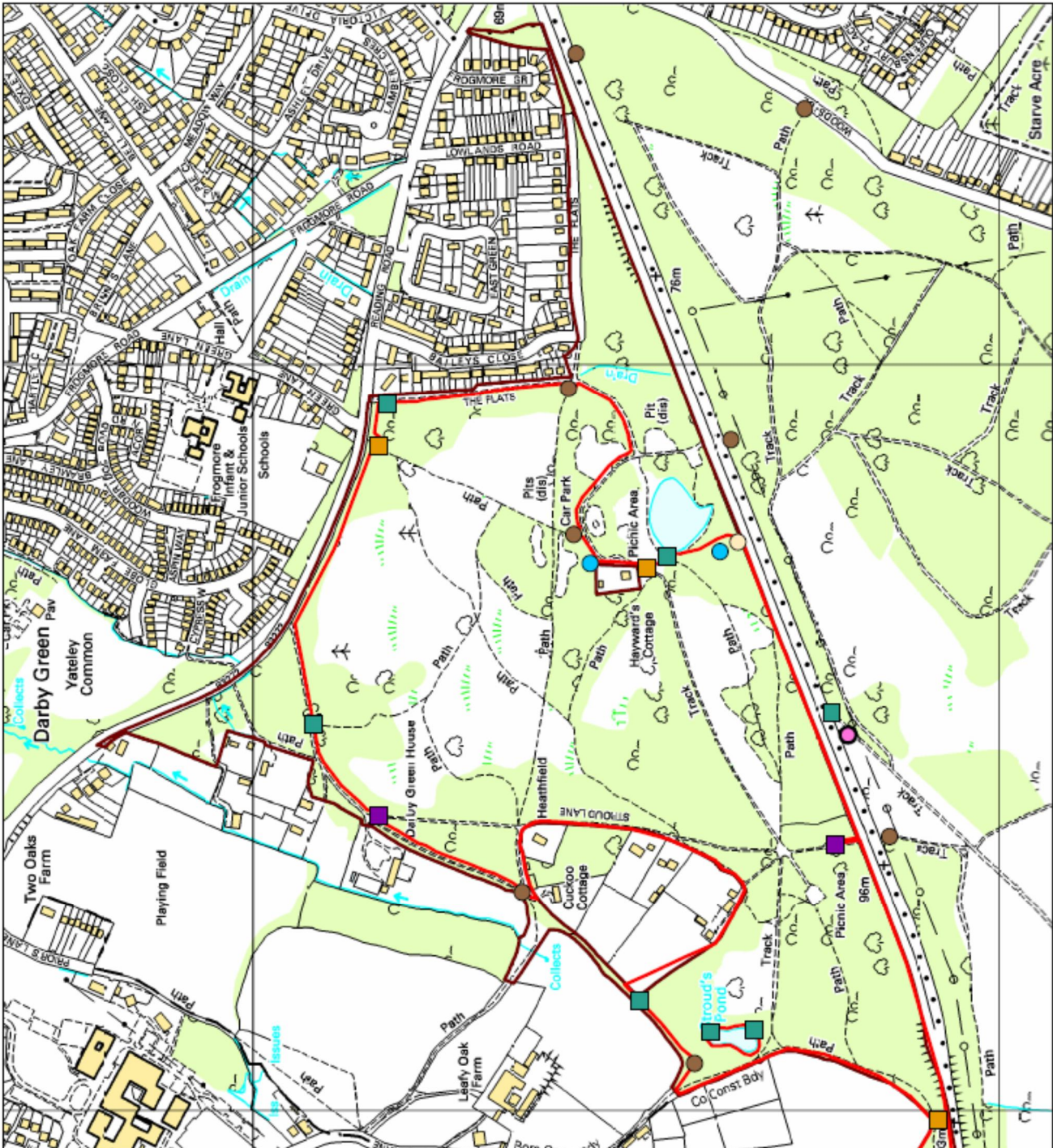
Map showing proposed location of fencing and other infrastructure required for the reintroduction of grazing at East End, Yateley Common.

**Legend**

- Bridleway gate
- Cattle grid
- Cattle grid with bypass gate
- Corral
- Field gate
- Kissing gate
- Two in one gate
- Water
- Proposed Fencing
- Countryside Service Sites



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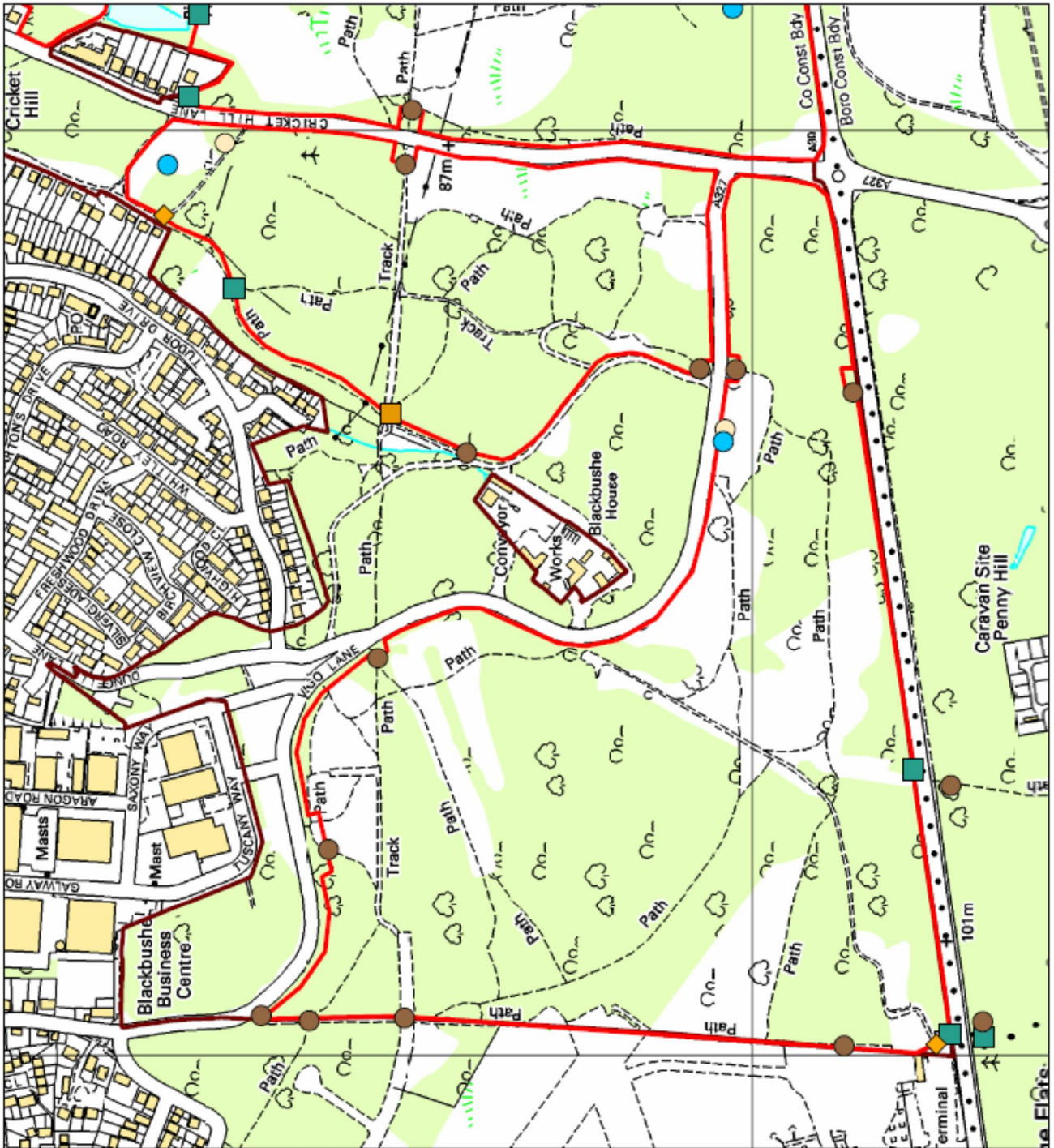
Map showing proposed location of fencing and other infrastructure required for the reintroduction of grazing at West End, Yateley Common.

**Legend**

- Bridleway gate
- Cattle grid
- Cattle grid with bypass gate
- Corral
- Field gate
- Kissing gate
- Two in one gate
- Water
- ▭ Proposed Fencing
- ▭ Countryside Service Sites



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Map showing proposed location of fencing and other infrastructure required for the reintroduction of grazing at Cricket Hill, Yateley Common.

**Legend**

- Bridleway gate
- Cattle grid
- Cattle grid with bypass gate
- Corral
- Field gate
- Kissing gate
- Two in one gate
- Water
- Proposed Fencing
- Countryside Service Sites



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