



Application Decision

Inquiry opened on 21 August 2012

By **S M Arnott** FIPROW

An Inspector appointed by the Secretary of State pursuant to Regulation 4 of The Commons Registration (England) Regulations 2008 to hold a hearing and to determine the application.

Decision date: 16 October 2012

Application Ref: COM 321

Pound Green Common, Bewdley, Worcestershire

Register Units: CL25 and CL125

Registration Authority: Worcestershire County Council

- The application, initially dated 23 January 2012 but re-submitted on 24 May 2012, is made under Section 38 of the Commons Act 2006 for consent to carry out restricted works on Pound Green Common.
- It is made by Mrs H Gerry of Arley Cottage, Upper Arley, Near Bewdley, Worcestershire, DY12 1SG in her capacity as co-owner and co-trustee of the common.
- The application seeks consent to fence parts of the common, to install a new cattle grid and to re-locate another, and to install disability and pedestrian access gates.

Summary of Decision: The application is granted subject to conditions¹, as set out in the 'Decision' below.

Preliminary Matters

1. I held a public local inquiry into the application made by Mrs Hermione Gerry at Pound Green and Button Oak Community Hall on 21 and 22 August 2012. I visited the site on two occasions: during the afternoon of 20 August before opening the inquiry and after closing the proceedings at the end of the afternoon on 22 August. On the second occasion I was accompanied by the applicant, by Mr Peter Blissett (representing the objectors) and other supporters of and objectors to the proposed works.
2. In determining this application, I have taken account of the information submitted by the applicant, by the objectors, and all other interested parties, both at the inquiry and in written representations before the event.
3. I have also had regard to Defra's Common Land Consents Policy Guidance² and, as required by Section 39 of the Commons Act 2006 ("the 2006 Act"), to the following:
 - 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

¹ Section 39(3) of the 2006 Act provides that consent may be given – (a) in relation to all or part of the proposed works; (b) subject to modifications and conditions relating to the proposed works as the national authority sees fit.

² Common Land Consents Policy Guidance (Defra; July 2009)

- c. the public interest³; and
- d. any other matter considered to be relevant.

Procedural issues

4. The applicant acknowledged that, as a result of a misunderstanding, a mistake was made in the deposit of documents for public inspection. To address this, the application was re-submitted and advertised a second time with all the relevant documents made available. Notwithstanding the applicant's compliance, Mr Blissett complained that certain items had still not been deposited for inspection.
5. Having examined the procedural requirements and the steps taken by the applicant, I am satisfied that the applicant fulfilled her obligations. For the purposes of the inquiry, I was satisfied that everyone had access to the relevant documents in order to express their views on the proposal.
6. Mr Cook challenged the validity of a vote to support the fencing (now the subject of the application) taken at an extraordinary general meeting of the Pound Green Commoners Association (the PGCA) on 8 September 2011.
7. For the applicant, Ms Fernandes drew attention to the rules of the Association which define a quorum as half the membership. The minutes record a majority of the commoners present; 3 were absent. Thus, she argued, the resolution was a fair representation of the views of the commoners. In addition, the notice of the EGM from the Secretary, Mr Jones, could not have been clearer: *"I have been asked by Mrs Hermione Gerry, Co-Owner of the Common, who is a member of the Association, to call this meeting to consult the Association about the future Management of the Common. This will be a very important meeting and I would urge everyone who has common rights to attend."*
8. However Mr Cook's point also concerned the lack of clear notice of the intention to consider the resolution at the meeting which, had it been disclosed in advance, may have prompted others to attend the meeting.
9. Whilst I appreciate the point he made, I have before me other evidence of the stance of individual commoners from which I can ascertain their views and form a conclusion as to the likely outcome if all had voted.
10. Further submissions were made on behalf of the objectors by Mr Blissett, criticising the applicant's approach to consultation with local people. He drew attention to the examples of good practice as set out in the published guidance⁴ and submitted that Mrs Gerry's actions had failed to inform local residents and the wider community of details of how the proposed works are to be carried out, and how (and by whom) the common will be managed in future.
11. In response, Mrs Gerry pointed to the numerous letters she had written responding to local residents' concerns and questions, despite her own very difficult personal circumstances. The answers to the specific questions were to be found in the recommendations of the Habitat Management Brief for Pound Green Common prepared by N Button of Worcestershire Wildlife Consultancy in June 2011 which were subsequently incorporated into the Higher Level

³ Section 39(2) of the 2006 Act provides that the public interest includes 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

⁴ In particular, 'A Common Purpose: A guide to agreeing management of common land' (September 2005)

Stewardship (HLS) Agreement between herself and Natural England. However this agreement was not finalised until it was signed on 6 February 2012.

12. On this issue I note only that, however desirable, the practical steps recommended in the published guidance for building consensus in the management of common land are not compulsory.

The registered commons - CL25 & CL125

The land

13. The area of land at issue here is known as Pound Green Common ("the common"). The majority is registered as CL25. One part of CL125 is contiguous with the western boundary of CL25; the remainder effectively forms the highway verges along Arley Lane to the east of the main common.
14. At the south eastern end of CL25, linked by a narrow corridor of land, is the area known as 'the green'. It is not a registered village green; it forms part of Pound Green Common and is subject to the same common rights. The eastern-most boundary of the green abuts, and is open to, the public road (Arley Lane).
15. Clustered around the green and along Arley Lane are a number of residential properties forming the settlement of Pound Green. Indeed a significant number of these take access across CL25 or CL125. Of particular note here are those that take access across the green (12 dwellings) and along what I shall refer to as 'the lane' which passes Lane Cottage (13 dwellings). In total there are 29 residential properties that depend on access across the common, most of which share at least one boundary with it.
16. The majority of the common is recorded as a Site of Special Scientific Interest (SSSI); the remainder carries no other official designations.
17. The public enjoys a right of access over the whole of the common on foot but not on horseback since the provisions of Section 193 of the Law of Property Act 1925 do not apply here. However 11 public footpaths are recorded on the definitive map as crossing the common. Although several tracks provide private vehicular access, no other highways cross the common.

Ownership

18. The applicant is the co-owner of Pound Green Common. The property is held on trust for the benefit of the two beneficiaries (Mrs Gerry and her nephew, Mr Goodman), Mr Carslake and Mrs Gerry being the appointed trustees.
19. The common is currently for sale. If sold, the trustees will have a duty to ensure it is protected for the future. Were this to happen within the 10 year lifespan of the HLS Agreement, the applicant would be required either to return funds in accordance with its terms or to assign the Agreement to the new owner. Therefore I am satisfied that a change of ownership would not affect the underlying justification for the works for which consent is now sought.
20. Some of the objections suggested that granting consent for the application works, and the funding thereof through the HLS Agreement, would increase the saleable value of the land, contribute to the personal estates of the owners and therefore constitute a mis-use of public funds. Whether or not there is any foundation at all for such allegations (for which I have seen no evidence), these are not issues which carry any weight in the determination of this application.

Registered rights

21. In total there are 14 right holders holding grazing rights attached to 10 properties, three of these also claiming a right of estovers. In total the commoners hold rights to graze 63 sheep, 6 cattle, 10 horses, 7 goats and 459 assorted fowl on the whole of CL25. Of the 10 households holding rights, 6 have indicated their personal support for the application and 2 have submitted objections.
22. CL125 carries no registered grazing rights.

The application

23. In essence this application seeks to facilitate the exercise of grazing rights over the fullest extent of the common as is practicable by 'filling in the gaps' in the boundaries by means of fencing whilst providing cattle grids for private vehicular access and gates for public and private pedestrian access.
24. Thus the restrictive works⁵ for which consent is sought includes fencing, cattle grids and gates. Consent for the cattle grids is requested on the basis that these are permanent features whereas time-limited consent for the fencing and gates is sought for a period of 10 years in line with the HLS Agreement which is due to run until 28 February 2022.
25. Following a public inquiry in 2002, consent⁶ was granted for the permanent siting of two cattle grids, one at point A in the lane which leads towards Arbour Farm and one at point B in the lane which leads towards Woodseaves, passing Heathfield Boarding Kennels.
26. These cattle grids are not the subject of this application but consent for the adjoining fencing and gates is requested. This includes 37m of stock-proof fencing and one disability access gate at A, and 26m of similar fencing at B together with a disability access gate and separate pedestrian gate.
27. Consent is also sought for new fencing to the west of A (150m) and north west of B (110m) along the perimeter of the common within a wooded area to prevent stock escaping onto adjacent farm land⁷.
28. The works proposed at the green entail a 103m length of fencing set back from Arley Lane, incorporating a new cattle grid at point D on the central tarmac access road onto the green with a new disability access gate adjacent, a new disability access gate on the line of the public right of way (Footpath 629) and the repositioning of the cattle grid presently located near Lane Cottage (at a point I shall call C1) instead at point C on the same track near to Pound Cottage.

Alternatives suggested by objectors

29. In essence, the main point of contention is whether or not the whole common should be grazed as one entity or whether there are cogent reasons why certain parts of it should be physically separated and be differently managed.

⁵ Section 38 of the 2006 Act defines "restricted works" (for which prior consent is required) as works for the resurfacing of land or any that have the effect of preventing or impeding access to or over the land and may include fencing, buildings or other structures, ditches, trenches or embankments.

⁶ Consent in this case was granted under the provisions of Section 194 of the Law of Property Act 1925.

⁷ No explanation was given to explain why the customary practice of fencing out the common had not been observed in this case but the proposal was not challenged and the point not pursued.

30. To summarise in very broad terms, the objectors acknowledge the need for extensive grazing to restore the heathland habitat on the main part of the common, but they dispute the need to include the green, given that it is not designated as SSSI and that grazing by sheep and cattle would affect the day to day enjoyment of the many residences which abut it. In addition, conflicts between grazing animals and legitimate users of the common, in particular along narrow lanes (such as via C1) bring risks which they argue should outweigh any benefits in terms of either grazing or habitat restoration.
31. Consequently several alternative propositions were put forward by objectors. Those considered at the inquiry involved retaining the present cattle grid at C1 whilst positioning the fence and cattle grid D in one of three possible locations.
32. I shall refer to the suggestion that it be located near to and to the south of Cherry Trees as *Alternative A*; that it be positioned close to and to the south west of Honeysuckle Cottage as *Alternative B*, and that cattle grid D should be granted as proposed but the fence instead extend to the corner of the garden of Pound Cottage as *Alternative C*.
33. During the course of the inquiry Mr Watson put forward a further suggestion: that the cattle grid at C1 should be moved not southwards as proposed but northwards along the same lane to a point (which I shall call C2) just north of the chalets.
34. Although none of these alternatives were supported by the applicant, I have nevertheless considered them in determining the application.

Reasons

35. The reasons for the application are set out in full by the applicant and are succinctly summarised in a letter from Mr Flanagan of Natural England to the applicant dated 23 July 2012, based on an earlier letter of 9 January 2012.
36. Pound Green Common is designated as part of the Wyre Forest SSSI for its ancient woodland and lowland heathland interest, additionally notified for its species interest which includes the Pearl Bordered Fritillary and the Adder. It is currently categorised as being in an “unfavourable – recovering” condition; “unfavourable” due to the encroachment of scrub, mainly birch, into the heathland resulting from the lack of extensive grazing with livestock over many years, but “recovering” now that negotiations with the applicant have resulted in the signing of a HLS Agreement to manage the common so as to restore its valuable habitat.
37. At the inquiry Mr Flanagan emphasised also the value of the area of the common outside the SSSI (the green), stating that it was valued for its species rich grassland interest. Although this has deteriorated in recent years to the extent that its classification as a Special Wildlife Site was removed in 2004, Natural England regards it as important to manage the common as a whole and to encourage the return of its former biodiversity including on the green. Consequently the HLS Agreement aims to restore this habitat along with the SSSI, although he acknowledged that in statutory terms protection of the SSSI was a priority.
38. Traditionally extensive grazing would have controlled the birch encroachment and maintained a well-structure heathland suitable for the Lepidoptera and Reptile species that are special to this SSSI. However Natural England shares

- the view of the applicant and the present graziers that this has become practically impossible due to the common's open boundary with Arley Lane giving livestock direct access to the public road. (Mr Jones confirmed that he was unable to get insurance for his sheep because of this.)
39. Instead it had been necessary to graze small areas by corralling animals in electric-fenced enclosures which was not only labour intensive (requiring regular re-positioning) and ineffective as a heathland conservation tool but also visually unsightly.
40. In 2002 consent had been sought for fencing to address the problem alongside the implementation of a Countryside Stewardship Scheme, which ran from 1999 to 2009, likewise aiming to restore valuable habitat on the common. Whilst consent for cattle grids and associated fencing had been granted at points A, B and C1, a fence to secure the green from Arley Lane had been rejected. As a result the common remained open to the road and the necessary extensive grazing could not be implemented. It was freely acknowledged that the Countryside Stewardship Scheme was not judged to be a resounding success, not least because of the limitations on grazing resulting from the lack of a stock-proof boundary.
41. The present application is similar in its aims but is now submitted under different legislation and different criteria apply to its determination. In addition there is more recent policy guidance⁸ to be considered.
42. The Habitat Management Brief for Pound Green Common prepared by Worcestershire Wildlife Consultancy sets out the basis for the recommendations which are now embraced in the HLS Agreement. Fulfilling the obligations of that agreement means managing the common so as to work towards restoring the traditional habitat on the whole of the common. Since continued removal of scrub by mechanical means is financially prohibitive, the only realistic option to avoid succession by woodland species is through extensive grazing. Extending that same grazing regime onto the green will encourage the return of the species-rich grassland for which it was initially recognised.
43. In summary, restoration of the heathland and grassland habitat is dependant on grazing; grazing is dependant on a stock-proof boundary to contain the animals. The application seeks to do that. The objectors consider it should be done without including the green.

The interests of those occupying or having rights over the land

Rights of registered owners

44. Although the point was not pursued in detail at the inquiry, Mr Flanagan highlighted the obligations of owners of land designated as SSSI to manage it in a way compatible with its status. The HLS Agreement signed by the applicant (as co-owner) also placed duties on her to comply with its terms.
45. It follows from this that the works proposed in the application are not only wholly in the interests of the owners of the common but are necessary in order for the applicant's contractual obligations to be fulfilled.

⁸ See Footnote 2 above

Rights of registered graziers

46. There are 14 people with registered rights to graze animals on CL25. Some of those have made clear that they do not wish to exercise their rights; others do so at present. Whether or not rights are taken up, they continue to exist in law. Further, those commoners who themselves do not wish to graze animals may licence others to do so on their behalf; indeed the common's owners may graze their own stock on the land but subject to the rights of the commoners.
47. Objections based on the proposition that only a small and decreasing number of commoners want to graze relatively few animals ignore the possibility that the balance of the grazing could legitimately be undertaken by others.
48. The issue is that, in practical terms, the common cannot be grazed at present since there is no physical boundary on the eastern side of the green to prevent animals straying onto the adjacent public road. Graziers cannot get insurance cover for their animals because of this. Attempts have been made in the recent past to graze the common with the aid of temporary electric fencing but this has not been successful for a number of reasons.
49. Speaking from personal experience, Ms Palmer explained how time-consuming and cumbersome it is to keep moving temporary fencing. Both Mr Flanagan and Mr Dench confirmed that the practice promotes patches of over-grazing if not moved regularly enough, leaving other parts not grazed at all, which is wholly unsatisfactory in terms of achieving the desired heathland habitat.
50. In addition, residents have complained that the temporary fencing is unsightly and often left in place even after sheep have been moved out. An objector asserted that deer get caught in it but there is no evidence to support this.
51. The permanent fencing for which consent is sought would facilitate open grazing over the whole common. Mr Jones admitted that the best grazing is to be found on the green and Mr Isles endorsed his view that animals will graze initially where they find the best grass but will then move onto other areas looking for food. Whilst this may mean they focus first on the green, they will then move onto other parts of the common.
52. In Mr Flanagan's opinion, over the period since the 2002 decision granting consent to secure only parts of the common's boundary, the commoners have used all the tools at their disposal to try to maximise grazing but so far with scant success, either in general animal husbandry terms or in meeting the biodiversity aims for the common.
53. I have already noted that the objectors do not take issue in principle with the need for a secure boundary to contain grazing animals on the common; their dispute is over the location of the fence. The applicant, together with the presently active graziers and the majority of registered commoners, submits that the proposed new fence (incorporating cattle grids at C and D) would be in the interests of those with registered grazing rights since this would maximise the available area within the common for grazing whilst allowing for the circulation of stock between the green and the main common via the lane.
54. I accept that from the graziers' viewpoint this would be the ideal position, but it seemed to be agreed that there is little grazing to be had actually in the lane itself.

55. All three of the alternatives put forward by the objectors would remove the option for animals to circulate and move up and down the lane. Whilst this would be less than ideal for the graziers, and would cause particular problems for Mr Jones in moving his flock onto and off the common from his own land, Mr Isles considered this would not cause any difficulties from an animal husbandry perspective. His is a view to which I give particular weight (given his practical experience with stock), and so too the strength of the argument advanced by some objectors over the risk of conflicts arising between animals, people and vehicles along the very narrow section of the lane.
56. Both Alternatives A and B would mean that open grazing on the green would not be feasible although it could still be managed by means of the temporary fencing disliked by graziers, conservationists and residents alike. In fact the applicant considered grazing on the green would effectively be abandoned. Alternative A would present difficulties for Mr Wood in moving sheep between his own land and the enclosed common but Alternatives B and C would not. Alternative C would reduce the available grazing but by a very small proportion in real terms.
57. I recognise the registered rights to graze CL25 extend over the whole of the common including the green and therefore the maximum benefit to the graziers would be derived from enclosing the whole area over which their rights apply. The principle of excluding certain parts was previously accepted in so far as the cattle grids placed at points A, B and C1 with their adjacent fencing separated the main common from the three lanes linking it with Arley Lane. That seems to me to demonstrate well the need to balance the desire to maximise safe grazing with the practicalities of positioning. Grazing along the lane verges was limited and the loss of it was outweighed by other considerations.
58. The evidence put before me suggests that is still the case. Fencing the common at A and B would result in some loss of grazing but relatively little other than at the end of the Heathfield lane. Fencing as proposed in the application on the eastern side of the green would exclude mostly highway verge which would effectively mean the abandonment of grazing rights over this relatively small area. Alternative C would exclude slightly more land but not much more in grazing terms. Alternatives A and B would require a significant compromise on the part of the graziers with the effective loss of the best grazing land on the common; in my view this could be justified only if the detriment to other interests was likely to be so strong as to outweigh the legitimate rights of the commoners (and the owners) to utilise the land for grazing.
59. To summarise, I conclude the application would be in the interests of the commoners enabling them to exercise their lawful rights to the maximum extent practicable but I also consider that Alternative C would not significantly compromise the benefits they would derive, despite the loss of 'circulation' via point C1. I further regard Alternative A, and to a marginally greater extent Alternative B, as also presenting benefits insofar as secure grazing of the main common area would then be possible, but the consequential loss of open grazing on the green would be a significant disadvantage.
60. No issues were raised in relation to the registered rights of estovers and it seems unlikely that these rights would be affected in any way by the works proposed in the application.

Rights of access to property

61. 29 dwellings rely on access across the common; 12 of these cross the green and 13 use the lane (via C1). These rights were not proven at the inquiry but neither were they disputed. No additional restrictions would result for vehicular access to these properties although all would need to cross a cattle grid (at A, B, C or D) to reach their homes.
62. Access other than with motor vehicles would be provided by means of disability access gates and/or pedestrian hand gates. Those at A and B already have the necessary consent. A disability access gate beside the cattle grid at D and one near point C on the line of Public Footpath 629 would provide pedestrian access to and from Arley Lane. No-one argued there should be more or that these should be placed in a different position.
63. However, despite there being no submissions made that private access would be needed for bicycles or horses, I am concerned that these are not provided for at all in the proposed arrangement. No public access is required for these types of traffic but residents living 'within' the common would be prevented from accessing their property by either means. Further, those with rights to graze animals on the common would have no way of bringing them onto the common from Arley Lane except across a cattle grid in a trailer or horse box.
64. The demand for such access may not exist at present but in my view it should be accommodated. I therefore consider that any consent granted should also provide for a lockable field gate at an appropriate point in the authorised fence.
65. The objectors who live 'within' the common express concern over the presence of animals on the green and the effect that would have on their passage to and from their homes.
66. Access in vehicles is unlikely to be affected to any significant degree. In my experience animals may choose to sit on a warm tarmac road in the evening after a sunny day but will soon move for a patient driver; at other times they will not be loitering for long on a surface which offers no food.
67. Quite obviously access across the green on foot may bring pedestrians into closer contact with grazing animals. In considering this concern I take into account several facts. Firstly, this is a traditional common with long-established rights for grazing; secondly, the registered rights are limited and extend only to 6 cattle (the animals causing greatest unease); thirdly, the HLS Agreement requires extensive grazing within agreed limits and thus the number and type of grazing animals is unlikely to increase; fourthly, public rights of way exist over the green and therefore legislation prohibits the running of particular types of stock which may present a risk to public safety, and lastly, that other health and safety legislation precludes the commoners from keeping on the green animals known to be dangerous.
68. I also give weight to the evidence of Mr Isles that the Dexter cattle intended to be grazed here are widely regarded as reliably safe near people unless deliberately provoked, and also that of Dr Rooney and her experience of cattle on Hartlebury Common causing no reported problems there. I am aware of cattle and sheep having being run on other recreational commons elsewhere in the country for many years without conflict (other than from uncontrolled dogs). Although I acknowledge the apparent nervousness of individuals here, on balance I consider the risks to be relatively small.

69. In any event, the application concerns the proposed fencing, cattle grids and gates, not the grazing on the common for which legally registered rights already exist.
70. There is another issue of indirect relevance which was raised and my attention directed to it on the site visit after the inquiry. It was pointed out to me that some residents need to walk across grass forming part of the green to reach their front doors, The Cottage and Larch View in particular.
71. Whilst I am anxious to avoid expressing an opinion on the vexed question of residents mowing the green since it is not a matter for me (although very clearly a central point of contention for many of the parties here), in terms of individuals' access to their properties I can see it may be appropriate to facilitate the mowing of such paths or narrow verges through licences or by agreement to accommodate rights of access without sacrificing any significant quantity of grazing. I would include in this access for pedestrians from the tarmac road to the proposed gate(s) in the fence at the green.
72. In conclusion, I consider that rights of access to properties 'within' the common would be adequately provided for by the cattle-grids and gates proposed in the application (but with the addition of a field gate for the use of non-motorised private traffic). I regard the consequential presence of animals on the green as a potential inconvenience to residents crossing the common that needs to be taken into account but not one of determinative weight.

The interests of the neighbourhood

73. The area regarded here as 'the neighbourhood' is best defined as the settlement of Pound Green. This group includes both those who live 'within' the common, that is taking access across CL25 to reach their own property, and those who live elsewhere, for the most part along Arley Lane.
74. It is clear from the objections submitted that some residents, particularly those with properties that abut the common, are strongly opposed to the re-introduction of open grazing on the green. That has led to opposition to the proposed fence and cattle grids which would facilitate that grazing. In addition, some object to the visual impact the proposed works would have on the character of the green, and others are concerned about the impact on individual properties (Pound Cottage and Hollytree Cottage in particular).
75. Some objectors have lived at Pound Green for many years and cannot recall the green ever being grazed (other than by means of the temporary enclosures employed during the ten year period of the Countryside Stewardship Scheme 1999-2009). Given that the law recognises registered rights to graze the common, including the green, there is no question at all over whether or not the common may be grazed in the way that is intended; all that is at issue is whether or not a fence can be erected to enable this to happen safely.
76. Objectors submit that the green has been used for recreational purposes throughout most of the twentieth century, confirmed by a number of elderly residents who still reside in the area and a family photograph taken in the 1940s. Yet I have also before me written evidence from other supporters who say it has not; indeed it carries no formal designation as a village green. Even if it did, that would not necessarily preclude the proposed enclosure or the grazing of animals.

77. The main objections raised by or on behalf of people living adjacent to the green concern the presence of sheep and cattle outside their gardens prompting the need for costly stock-proof boundaries. They also submit there would be an increase in flies and other health and/or safety risks from the close proximity to residential properties of animals and their droppings.
78. Addressing those points, it was drawn to my attention that most properties already have suitable fencing or hedges to keep out deer and therefore the introduction of 6 cattle and varying numbers of sheep on the common would have little additional effect. However I am aware there are others who do not have such measures in place and who may find the burden of new fencing and gates difficult to manage. The generally accepted principle is that it is for adjacent landowners to fence out the common, not for the owner of the common to fence it in.
79. As regards other health and safety concerns, Ms Fernandes referred to another legal maxim, that "*it is no defence to come to a nuisance*". She argued that the land was registered as a common long before (almost) all the present residents bought their properties and it should therefore come as no surprise to find the land eventually being grazed. Whilst I understand the objectors have come to regard the green as amenity land, the gradual decline in grazing over the last half century cannot remove the legal right of the commoners to exercise their rights.
80. I therefore accept in principle that the common was there when the residents moved to Pound Green and that there are no grounds for complaint in law, but I do acknowledge there will be a degree of nuisance caused to residents of properties abutting the green from the re-introduction of open grazing although I doubt its effect will be as serious as they suggest.
81. Of course the proposed fencing, cattle grids and gates would be completely new features on the green and must be viewed in a quite different light. In particular there are concerns about the re-positioning of the cattle grid at C and its technical construction, its proximity to Pound Cottage and to an old cherry tree, and the noise that would be generated from its use. Also the potential for conflict between animals and traffic in the narrow section of the lane beyond C, and in the narrow track in the south west corner of the green, is a source of deep concern to many objectors (and some supporters).
82. I have read and considered Mr Blissett's many submissions in relation to the cattle grid proposed at C and, in short, I have a great deal of sympathy for his (and his wife's) concerns. I agree there will be noise generated by the cattle grid, though I doubt it would be excessive and could be limited by good design. I agree the intended position is not ideal, being on an incline and a slight bend, being constrained on either side by the slope of the green and by the cherry tree that is one of several noted in the habitat management brief as important, not least for its contribution to the character of this part of the green.
83. Added to this, I share the concerns expressed over the effect this would have on movement along the lane. With 13 properties taking regular access along here, in vehicles and on foot, together with service vehicles, the likelihood of meeting animals along here may not be high but the risk of a dangerous situation arising on those few occasions is quite significant in my view.
84. Although I understand the applicant's submission that whilst animals are unlikely to linger in the lane it is preferable to allow them to circulate, I find the

case in support of this less convincing than the submissions of the objectors, and Mr Watson in particular, in respect of the difficulties that would be caused for regular users of the lane.

85. I agree with Mr Watson that his suggestion the cattle grid at C1 would be better placed at C2 in terms of its effect on the neighbourhood in general, and the chalet owners in particular. However the lack of information as to its effect on other considerations causes me to be cautious before recommending this as the ideal solution.
86. Similar issues could quite possibly arise in the south-western corner of the green where the access road to three dwellings carries a public footpath to a gate into adjoining woodland. Here the common narrows to little more than the track width and ends as a cul-de-sac. Objectors (and the Ramblers' Association) highlight the potential for sheep and cattle to come into conflict with pedestrians and householders accessing their properties. The only practical solutions would seem to be either to adopt Alternative A or B so that animals are not free on the green, or to install a further costly cattle grid and gate to prevent them wandering down the footpath.
87. Whilst I recognise this is an important point that needs to be taken on board, I am reluctant to attach undue weight to the problem in the absence of any reliable information to indicate the levels of use of the track so as to evaluate the likely risks.
88. In assessing the overall interests of the neighbourhood, I consider the fencing itself would have relatively little impact on use of the common by local people since gates will be provided at convenient entry points and the green itself would still be open and accessible. I reach much the same conclusion in relation to Alternative C, an option which would have the benefit of avoiding the anticipated risks predicted along the lane (via C1). Whilst the interests of some residents may be preserved from pursuing Alternative A or B, the continuation of temporary grazing compounds on the green would preclude open access across the common on foot as well as being unsightly.
89. As regards the restoration of grazing on the common, including the green, I conclude there would be both positive and negative effects on the neighbourhood but note again that this is a registered common with long-standing grazing rights and that resuming traditional grazing can hardly be viewed as an unforeseen nuisance.

The public interest

Nature conservation

90. In considering the public interest, I shall firstly address the implications of the proposal for nature conservation since the objectives associated with the restoration of traditional habitat here are inextricably linked to the exercise of grazing rights on the common.
91. It seems to be accepted that the Countryside Stewardship Scheme which ran from 1999 to 2009 was not as successful as had been hoped in terms of restoring the lowland heath interest for which Pound Green Common was statutorily designated as a SSSI.
92. It was the view of all professional witnesses at the inquiry and others practically involved in the scheme that the lack of a secure boundary precluded

- the extensive grazing of the common necessary to prevent birch encroachment and the return of the scrub after its clearance by costly mechanical means from certain areas. Grazing by sheep and cattle is an integral element in maintaining lowland heath. However this had been possible only by corralling sheep in small enclosures with the aid of temporary fencing, a practice which had proved wholly ineffective as a heathland conservation tool.
93. This principle is not challenged by the objectors in so far as it applies to the SSSI. The main point of contention centres on whether or not the green should be managed co-extensively with the rest of the common.
94. It is the firm opinion of Natural England that it should and thus the HLS Agreement with the applicant aims to restore its species-rich grassland interest along with the statutorily-protected SSSI habitats. Whilst the green's status as a Special Wildlife Site was removed in 2004, the potential to restore its botanic interest has not been lost. Indeed the HLS Agreement map identifies the green as restored grassland, illustrating the intentions of the proposed management regime.
95. These views were shared by other supporting witnesses, including Mr Dench on behalf of the WWT and Mr Green who had been involved with local natural history projects for many years.
96. Turning to the alternatives suggested, moving the fence line and cattle grid up to the Cherry Trees area (Alternative A) would fragment the SSSI as well as the common; the construction of a cattle grid could potentially interfere with the biodiversity of the wet area there (better drainage being one of the benefits advocated by Mr Blissett) and it would leave the area to the east and south-east of Micklefield and Larch View reliant on temporary grazing arrangements.
97. Alternative B, moving the fence line to the boundary of the SSSI, would satisfy the requirements for managing the designated heathland by containing the grazing wholly within that part of the common. However it would force the commoners to utilise the green by means of temporary enclosures, a practice which has proved unsatisfactory over the last decade, not only for nature conservation reasons.
98. Alternative C would exclude an area beside the road which, in practical terms, could not be grazed and therefore would cease to fulfil its purpose as common land. However, in quantitative terms, the difference between this option and the application proposal would amount to 0.9 ha; a significant proportion of this area includes the lane which the relevant supporting witnesses all acknowledged contained little (if any) actual grazing land.
99. The most significant limitation of these three alternatives is that it precludes the circulation of animals since movement between the green and the southern end of the lane would not be possible. Whilst supporters of the application have argued this is an important feature of the scheme, in my view the reasons for it lack weight, particularly in nature conservation terms.
100. From the information available to me, the suggestion from Mr Watson that the cattle grid at C be moved northwards would not have any significantly adverse effects in terms of nature conservation. However, this option was not raised until the second day of the inquiry and was not put to Mr Flanagan (who gave evidence and was present only on the first day). The impact on the SSSI has not therefore been fully established.

101. The overall aim of HLS Agreement is to restore lowland heath habitat over the main part of the common and increase the biodiversity of the grassland on the green to its former quality. Mr Flanagan emphasised that although the improvements to the condition of the SSSI must take priority given its statutory designation, the restoration of species rich grassland on the green was nonetheless valuable and an essential element in the management programme which treats the common as a whole.
102. Whilst the objectors disagreed with this view, inferring that the botanic value of the green did not justify the application of the same management objectives as for the SSSI, no evidence was submitted to challenge the professional assessments of Mr Flanagan, Mr Dench or Dr Rooney or the considerable practical experience of Mr Green, Mr Isles and Ms Palmer as regards the works proposed by the application being in the interests of nature conservation.
103. In summary, I accept that for the extensive grazing required to restore the desired habitat(s) a stock-proof fence is essential to contain the cattle and/or sheep. The common should be managed as a whole unless there are cogent and substantive reasons to the contrary. Whilst Alternatives A and B would not enable the objectives of the HLS Agreement to be achieved as regards the green, I find no overriding reason why Alternative C could not suffice as a substitute for the works as proposed.

Conservation of the landscape

104. For the objectors, Mr Blissett drew attention to Worcestershire County Council's Landscape Character Assessment guidance, in particular that which applies generally to the management of unenclosed commons which is to "conserve and enhance the unenclosed nature and visual distinctiveness of open common areas".
105. Whilst I acknowledge the need to take account of such guidance, I also note the caveat included within it which states that "*any advice must be interpreted within the context of the site in question*".
106. Further, the applicant provided a letter from the authority's Historic Environment Countryside Adviser in which he offers support for the application, stating "*in terms of landscape and setting, I consider the proposal, on what is already a largely (externally) enclosed area of common, to be of very low impact.*" Advice from another officer recommended the use of post and wire fencing as the best option as it is "*the lightest looking fencing*" and as unobtrusive as possible.
107. The application proposes traditional-style fencing using wooden posts and plain wire stock netting similar to the example to which I was referred at Hartlebury Common. The posts would be 1.3-1.5m high and similar to the fencing proposed in the north east of the common. Mr Cook provided a series of photographs of the green onto which he had superimposed a sketch of the proposed fencing which was helpful to illustrate its visual impact.
108. I understand that in 2002 the Inspector gave a great deal of weight to this aspect of the proposal. Likewise, I recognise that it is very important to many people who live in the area although I also note this is not a conservation area or other designation which might attract special protection.

109. Although fencing of any kind will have an impact on the landscape, the proposed works seek to minimise the visual effect through simplicity and neutral colour. Whilst objectors argued this would have a significantly adverse impact on the character of this part of Pound Green, overall I consider the erection of a permanent simple fence to be far less intrusive in the landscape than the intermittent temporary features (using electric fencing and orange plastic mesh) which have been utilised in the past and would continue to be necessary if consent is not granted.
110. I agree the applicant's intended fence would have an adverse impact on the character of the green but not to the extent that it should outweigh all the other interests which must be considered. Alternative C would have advantages over the application proposal insofar as the area between Pound Cottage and Arley Lane would retain its character as open to the highway verge, but I accept that Alternative B would probably be the least intrusive visually, and Alternative A even less so from the road although not within the common.

Archaeological remains and features of historic interest

111. The Habitat Management Brief identifies the known historic features on the common and includes a map showing previous landscape character. It recommends an appropriate plan of woodland management and heathland restoration allied with a programme of historic feature protection and conservation to contribute towards strengthening the wider environmental value of the complex and regionally distinctive historic landscape. A sensitive grazing regime is considered the most suitable and sustainable long-term management option in order to prevent continued scrub and bracken encroachment. Indeed Worcestershire County Council's Historic Environment Countryside Adviser offered support for the application, stating "*extensive grazing is itself a low impact method of traditional heathland management that will minimise the risk of poaching and erosion to historic assets and can deliver a good overall outcome for conservation.*"
112. This was not challenged by any of the objectors. However I note that no features are recorded on the green, the nearest being an old quarry to the south east of Cherry Trees that is now a pond.
113. There is no evidence before me to suggest other than that the extensive grazing intended by the applicant and proposed in the HLS Agreement would be entirely in harmony with the protection of those features of historic interest located on the common.

The protection of public rights of access

114. The common is subject to a public right of access on foot in addition to the network of eleven public footpaths which cross it. Adjacent to each of the cattle grids (A and B as existing and C and D as proposed) there would be either a disability access gate and/or a pedestrian gate conforming to British Standard 5709:2006.
115. The necessary consent under Section 147 of the Highways Act 1980 has been obtained⁹ from Worcestershire County Council in respect of the proposed

⁹ Consents for similar gates beside the cattle grids at A and B have previously been obtained.

disability gate in the fence applied for where Footpath 629 leaves Arley Lane opposite Pound Cottage.

116. However, acceptance of any of the alternatives under consideration here would require revision of this consent but there is no evidence to suggest this could be problematic.
117. I note the application enjoys the support of the Open Spaces Society (subject to conditions) and, whilst the Ramblers' Association's views as to the positioning of the cattle grids and gates remains slightly ambiguous, in principle the organisation's local group does not oppose the fencing.
118. In general terms the public can access the central common area from Arley Lane via one of the three tracks which also carry a public footpath, or they may walk directly onto, then across, the green. Here, if fenced as proposed, walkers would be steered towards the intended gate beside the cattle grid at D or the gate on Footpath 629. This is clearly a restriction where none exists at present but in my view it is not an unreasonable one. The distance one would need to divert to use one of the gates provided would be minimal.
119. There are no recorded public bridleways across the common and no representations have been submitted suggesting such ways may have been established.
120. Overall I conclude that the degree to which access would be restricted would not constrain the public's enjoyment either of the common as a whole or of the public rights of way which cross it. Indeed, given the likelihood that birch and bracken encroachment would lead to a more open aspect on the heathland, in this respect the proposed works could lead to an improvement.
121. Whilst I note, again, that it is the fencing, gates and cattle grids for which consent is sought, not the use of the common, I am aware that grazing animals are to be found on numerous commons across the country to which the public have access and there is no evidence that I should regard this as potentially causing a problem here. Indeed it is likely that the grazing which would be facilitated by fencing would lead to a more open heathland landscape that would be both more accessible and more enjoyable for the public.

Other relevant matters

122. For the OSS, Mr Powell requested conditions be attached to any consent that is granted. In brief these are (a) that all of the authorised works should be removed within 90 days of the date upon which this time-limited consent expires; (b) that the scope for internal fencing for stock management purposes under the self-exemption regime be prohibited, or limited, if consent for the works applied for is granted, and (c) that an information and interpretation board be placed at the main points of entry onto the common.
123. In considering this request, I note that any modifications or conditions to be imposed when granting consent must be necessary, relevant, enforceable, precise and reasonable.
124. Firstly, Mr Powell submitted that allowing a period of grace after the expiry of a time-limited consent before the works must be removed would allow for this practically to be done or for a subsequent application to be made for retention.

125. Whilst I understand the logic of this proposal, it could be interpreted as simply extending the period of consent. Preparations can be made for the removal of works before the consent expires and so too can an application to renew. In this case granting consent for a 10 year period will now extend beyond the expiry of the HLS Agreement by some 6 months or so such that, in effect, Mr Powell's period of grace may happen anyway. I do not see the need for any condition to address this.
126. Secondly, Mr Powell argued that, if consent is granted for the fencing applied for, then the provisions for self-certified exempt works (in particular the use of internal fencing for stock-management purposes) should be withdrawn. In particular he argued that a condition should be imposed to prohibit any works which would interfere with any one of the several public footpaths which cross the common, and should not be placed in such a position as to effectively divide the common.
127. 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 expressly required. The Order recognises the need for exemptions that assist people in 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 site and informing the Secretary of State.
128. There are four categories of exempt works, three of these allowing temporary fencing in certain circumstances for maximum periods of 6 months, one year¹⁰ and 5 years. (The fourth category is not at issue here.)
129. In this case it has been argued that fencing to separate the green from Arley Lane is necessary to allow grazing animals to wander at will over the whole common. No proposals for further sub-division have been put forward and I would agree with Mr Powell that if that were now to happen, then the justification for the application fence would effectively fall away. I therefore consider it would be appropriate and reasonable to propose conditions which restrict the categories of exempt works on Pound Green Common to those only listed in categories 1 (and 4), but not 2 and 3. Thus fencing of a very temporary nature would still be possible (within the terms of the HLS Agreement) but not such works lasting more than 6 months.
130. As regards temporary fencing crossing public rights of way, I see no value in attaching conditions prohibiting this when the obstruction of a highway without consent is already unlawful. Although Mr Powell suggested that a condition to prevent such an offence might be more effective than waiting for action to be taken by the highway authority, I doubt the enforcement of such a condition could be pursued any more speedily.
131. The third request from the OSS is that the applicant should be required to erect an information board in order to fully service the wider and local public interest in the common. Given the present open approach to the common from Arley Lane across the green, I agree with Mr Powell that a degree of reassurance may be necessary to remind the public that the right of access on foot still exists despite the slightly equivocal message conveyed by the new

¹⁰ Or 3 years in the case of moorland - which does not apply here.

fencing. In my view this would not be essential along the three public footpaths which lead from Arley Lane onto the common, or Footpath 629, but the display of information near to the gate at point D (perhaps in the vicinity of the present community notice board) is important.

132. I therefore accept the need for two of Mr Powell's conditions but not a third.

133. Mr Blissett made detailed submissions in relation to the British Standards which apply to cattle grids and their construction.

134. I note that it is a requirement of the HLS Agreement that all the works proposed are required to adhere to recognised standards of good practice and/or current British Standards as appropriate. I therefore see no need to attach further conditions to any consent relating to the exact specification of the gates and cattle grids that have been proposed.

Summary

135. The consent process provided under the 2006 Act seeks to ensure that works take place on common land only where they maintain or improve the condition of the common or, exceptionally, where they confer some wider public benefit and are either temporary in duration or have no lasting impact¹¹.

136. Here, the proposed works will enable a specific grazing regime to be implemented that will first improve and then maintain the whole common, not only the SSSI. The fencing is intended to be retained for the duration of the HLS Agreement which runs for 10 years from 1 March 2012. Indeed the works proposed in the application are necessary to enable the co-owner of the common to meet the contractual obligations of the HLS Agreement.

137. The applicant's commitments contained in the HLS Agreement for managing the common over this period seek to enable extensive grazing to be re-instated, thereby encouraging the restoration of the traditional heathland and species-rich grassland habitats of the Pound Green Common SSSI and the green respectively. That overall objective is in the interests of those holding grazing rights on the common.

138. Defra Policy Guidance makes quite plain that an application for works which facilitate the grazing of a common by right holders will be considered to be consistent with the future use of the land as common land and thus consistent with its stated policy aims of enabling commons to be used for purposes in line with their origin, status and character.

139. Whilst I find the works applied for would be in the interests of the commoners enabling them (if they individually so choose) to exercise their lawful rights to the maximum extent practicable, I consider that Alternative C would not significantly compromise the benefits they would derive. Alternatives A and B would allow for the secure grazing of the main common area but not the green.

140. Rights of access to private residential properties within the common would be adequately served by the cattle-grids and gates proposed (but with the addition of a field gate for the use of non-motorised private traffic). The presence of animals on the green may be an inconvenience to residents not previously experienced by them but "*it is no defence to come to a nuisance*".

¹¹ Paragraph 3.4 Defra Common Land Consents Policy Guidance

141. As regards the effect of the works on access generally, gates will be provided in the fencing at convenient entry points, the green itself would still be open and accessible, and I conclude that overall the works would have relatively little impact on use of the common, both by local people and the public. Alternative C offers the advantage of avoiding the potential conflicts predicted along the lane (via C1). Some residents would benefit from pursuing Alternative A or B, but the continued necessity for temporary grazing compounds on the green would preclude open access on foot as well as being unsightly.
142. I consider there would be both positive and negative effects on the neighbourhood from the restoration of grazing on the common (including the green) but long-standing registered grazing rights cannot be deprecated for being an unforeseen nuisance. Indeed on the main part of the common the resumption of open grazing after the removal of bracken and scrub should lead to a more open aspect on the heathland and thus an improvement in general accessibility. Features of historic interest located on the common would not be adversely affected by the proposed works.
143. I accept that a stock-proof fence is essential for the extensive grazing required to restore the desired habitat(s) and that the common should be managed as a whole in the absence of cogent and substantive reasons to the contrary. Alternatives A and B would not enable the objectives of the HLS Agreement to be achieved as regards the green, but in my view these aims would not be unduly compromised by Alternative C.
144. The applicant's intended fence would have an adverse impact on the character of the green but not to such an extent that it should outweigh all other factors. Visually, Alternative B would be the least intrusive option and Alternative A less so from the road although not within the common. However I consider Alternative C to have advantages over the proposed fence line insofar as the area between Pound Cottage and Arley Lane would retain its character as open to the highway.
145. I consider the erection of a permanent simple fence to be far less intrusive in the landscape than the intermittent use of temporary electric fencing and orange plastic mesh which have been utilised in the past and would continue to be necessary if consent is not granted.

Conclusion

146. In assessing this application, I am required to consider whether the application proposes the best outcome. If I consider there is a better approach it is open to me to impose conditions to improve the outcome. Alternatively I may refuse the application if, having applied the statutory criteria, there are good grounds for doing so.
147. Overall, balancing all the various factors I have noted above, I reach the conclusion that in principle consent should be granted for the works to provide for secure grazing on Pound Green Common. However, the potentially adverse impact on residents and the public of including within the secured area the lane (via C1) outweighs the benefits likely to be derived from enabling the circulation of grazing animals to and from the green. Consequently I propose to grant consent for the works requested but for Alternative C, not the line sought by the applicant for fencing at the green. This will require the retention of the cattle grid at C1 with its associated gate and fencing.

148. In addition, to protect the interests of residents living within the common, I consider it necessary to provide a field gate for private use in the new fence at the green, located at its southern end.
149. I also consider it reasonable to require the applicant to provide a notice board at a suitable location near point D so as to provide the public with information to enable them to exercise and enjoy their right of access over the common responsibly and with confidence whilst appreciating the overall management objectives of the HLS Agreement.
150. Finally, as a condition of this consent I consider it appropriate to limit the scope of the commoners to introduce further enclosures within the common under the present scheme of exemption to works only of a very temporary nature, that is for no longer than 6 months.

Decision

151. Consent for the works is granted in accordance with the application dated 23 January 2012 and the plan submitted with it (as amended) subject to the following conditions:
- i. the line of the fence which is proposed to separate the green from Arley Lane (incorporating a gate on the line of the public footpath¹²) shall end at the southern eastern corner of the garden of Pound Cottage;
 - ii. a field gate for private non-vehicular access shall be installed at the southern end of the proposed fence referred to in condition (i);
 - iii. information about public access to the common shall be displayed in the vicinity of point D;
 - iv. no further fencing works shall take place on the common under the scheme of exemption as specified in paragraph 129 above throughout the 10 year period during which this consent is operational.

For the purposes of identification only, the location of the works is shown on the attached plan in red and amended in orange.

Sue Arnott

INSPECTOR

¹² Paragraphs 115 and 116 above refer

APPEARANCES

In support of the application

Ms S Fernandes	Of Counsel, instructed by the applicant
Who called	
Mrs H Gerry	Applicant, Co-Trustee and Co-Owner
Mr H Carslake	Co-Trustee
Mr G Jones	Secretary, Pound Green Commoners Association
Mr B Wood	Chairman, Pound Green Commoners Association
Ms L Palmer	Former BTCV worker
Dr J Rooney	Chairperson, Hartlebury Common Local Group
Mr F Flanagan	Land Management & Conservation Advisor, Natural England
Mr J Isles	Managing Director, Wyre Community Land Trust
Mr D Dench	Head of Conservation, Worcestershire Wildlife Trust
Mr E Powell	Vice-President, Open Spaces Society

Also supporting the application

Mr H Green	Local naturalist
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Opposing the application

Mr P Blissett	Local resident; representing Mr S & Mrs R Alsop; Mr P & Mrs E Blissett; Mr P & Mrs S Cook; Mr J & Mrs A Davies; Mr P & Mrs E Fuell; Ms Nicholas; Mr A Watson & Ms K Dunn
Mr P Cook	Local resident and commoner
Mr A Watson	Local resident

DOCUMENTS

1. The application and supporting documents
2. Representations

Documents supplied by the applicant

3. Inquiry bundles in support of the application (Folders A and B)
4. Proofs of evidence in support of the application (Folders 1 and 2) including those for Mrs H Gerry, Mr G Jones, Mr F Flanagan, Mr E Powell, Mr B Wood, Mr D Dench, Dr J Rooney and Mr J Isles
5. Opening Statement and Closing Submissions on behalf of the applicant

Documents supplied by and on behalf of objectors

6. Statement of Mr P Blissett with accompanying appendices A – R
7. Opening statement / submission to the inquiry and additional statement with reference to the BS number for cattle grids
8. Documents concerning cattle-grids - British Standards & related correspondence
9. Open Spaces Society Information Sheet No. 7: the case for cattle-grids on commons
10. Extracts from "Finding Common Ground" published by the Open Spaces Society referring to (1) Alternatives to fencing – cattle grids and (2) Hartlebury Common
11. A Common Purpose: A guide to agreeing management of common land – September 2005
12. Extracts from correspondence (a) from Mr M Liley, concerning 'Special Wildlife Site' status; (b) from Mrs Gerry, concerning cutting vegetation near the watercourse and footpaths near Pound Cottage; and (c) from Mrs R Walley

Other documents

13. Statement of Mr H Carslake
14. Supplementary statement of Mr E Powell & letter of clarification dated 16 July 2012 referring to email from Open Spaces Society to the Planning Inspectorate on 16 June 2012
15. Letter to Inspector (handed in at inquiry) from Mr A Cheadle
16. Documents supporting the submissions of Mr P Cook in relation to an EGM of the Pound Green Commoners' Association held on 8 September 2011
17. Photographs submitted by Mr P Cook
18. Statement of Mr A Watson
19. Email dated 21 February 2012 from Ray Boswell to the Planning Inspectorate and reply from Mrs H Gerry