

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 06/09/2016

Title:

**APPROVAL TO SUBMIT A PLANNING APPLICATION AND COMMONS
CONSENT APPLICATION FOR FENCING ON THE LAMMAS LANDS**

[Portfolio Holder: Cllr Kevin Deanus]

[Wards Affected: Godalming Central & Ockford, Charterhouse, Farncombe]

Summary and purpose:

This report seeks approval to submit a planning application and application for Common Land Consent to the Planning Inspectorate (PINS) to erect a cattle handling pen, gates and fencing on the Lammas Lands, Godalming.

How this report relates to the Council's Corporate Priorities:

This report has the potential to contribute towards the following corporate priorities of the Council:

Customer Service

By consulting and engaging with our customers to ensure our services are delivered appropriately and in addition ensuring our services are accessible to all and meet equality standards

Environment:

Providing an attractive and safe fence line perimeter to allow for cattle grazing of the Lammas Lands in line with WBC's Higher Level Stewardship (HLS) Agreement with Natural England and our Grant Funding Scheme. The introduction of grazing will improve this section of meadow and make it a more attractive area seen by local residents, site users, and commuters using Chalk Road.

Value for Money:

Installing cattle fencing on Hell Ditch meadow is investing to save. We have recently been managing the area using tractors to cut the vegetation which is a costly long term strategy. Introducing cattle provides a sustainable approach to manage the vegetation and improves the biodiversity at the same time.

Financial Implications:

The fencing costs are to be met from the HLS grant and the Council's allocated Capital budget 2016/17. Additionally there are a number of small fees which will be incurred for the placement and construction of access gateway and safely delivering and removing stock from site, including; Planning application fee, Environment Agency Consent, Commons Consent & Highways Agency approval. All of these fees have already been budgeted for within the HLS countryside capital budget and no further funding is requested.

Legal Implications:

The Council must obtain Common Land Consent from (PINS) to erect a fence on Common Land. As the fence is intended for agricultural purposes it meets many Commons Law criteria. However, consent must be obtained from PINS to enclose Common Land. Consent is also required from the Environment Agency to erect fencing on the edge of the floodplain. Although planning permission is not required for the fence line itself the associated cattle handling pen and access gate do require planning permission.

Introduction

1. The Council has a HLS Agreement with Natural England to manage the Lammas Lands. Under this Agreement we agreed to fence the area between Chalk Road and Hell Ditch and graze with cattle. This fencing will allow the Countryside Team to fulfil this obligation and achieve the correct management of this important area.
2. Grazing will reduce the amount of rank vegetation and help contribute to a more diverse grassland mosaic, increasing the habitat quality for many invertebrates and birds.
3. As the land owners with an HLS agreement in place we are required to manage the whole of the Lammas Lands including Hell Ditch Meadow. Fencing Hell Ditch Meadow will safely allow for cattle grazing which provides a sustainable approach to achieve our statutory requirements.
4. The Lammas Lands are common land, thus they need to be accessible for air and open recreation. Consequently, the fencing application includes kissing gates to provide Equality Act-compliant disabled access to the meadow so that members of the public can still access and enjoy the site.
5. With the introduction of cattle grazing, the meadow will be a more appealing place to visit as vegetation will be shorter, enhancing the feel of a more accessible site and promoting public usage.
6. Grazing will allow the management of vegetation in a cost effective way and maintain improved water flows through the site.
7. Please see Annexe 1 for details of the new fence lines and locations.
8. Please see Annexe 2 for the fencing specification outlining materials used.
9. The fencing works are already identified in this year's capital programme and the work is best undertaken during the Summer months, when ground conditions are suitable.

10. Please see the report extract showing the results and recommendations from a 2015 public consultation regarding cattle grazing on Hell Ditch Meadow ([Annexe 3](#)). From the total of 65 responses, 23 people made no comment and 29 supported the proposals, while 4 indicated no objection.
11. This fence line is included in an on-going public consultation linked to the draft ten-year site management plan. The aims and objectives of this management plan can be viewed at the following web link: [Lammas Lands draft management plan](#).

Conclusion

12. Permission is required from the Planning Authority and also from PINS and the Environment Agency to erect cattle fencing on the Lammas Lands. Cattle fencing is required to meet our statutory requirements as set out within the HLS agreement for the site. A public consultation was held regarding fencing hell ditch meadow to enable cattle grazing; responses were largely positive and supportive. Introduction of cattle grazing will improve site biodiversity and accessibility, while also improving water flows due to vegetation management.

Recommendation

It is recommended that the Executive

1. gives approval for a planning application to be submitted for permission to erect a handling pen and access gates on the Hell Ditch Meadow compartment of the Lammas Lands, Godalming; and
2. authorises Officers to submit a PINS application for commons consent to erect a fenceline on the Hell Ditch Meadow compartment of the Lammas Lands.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

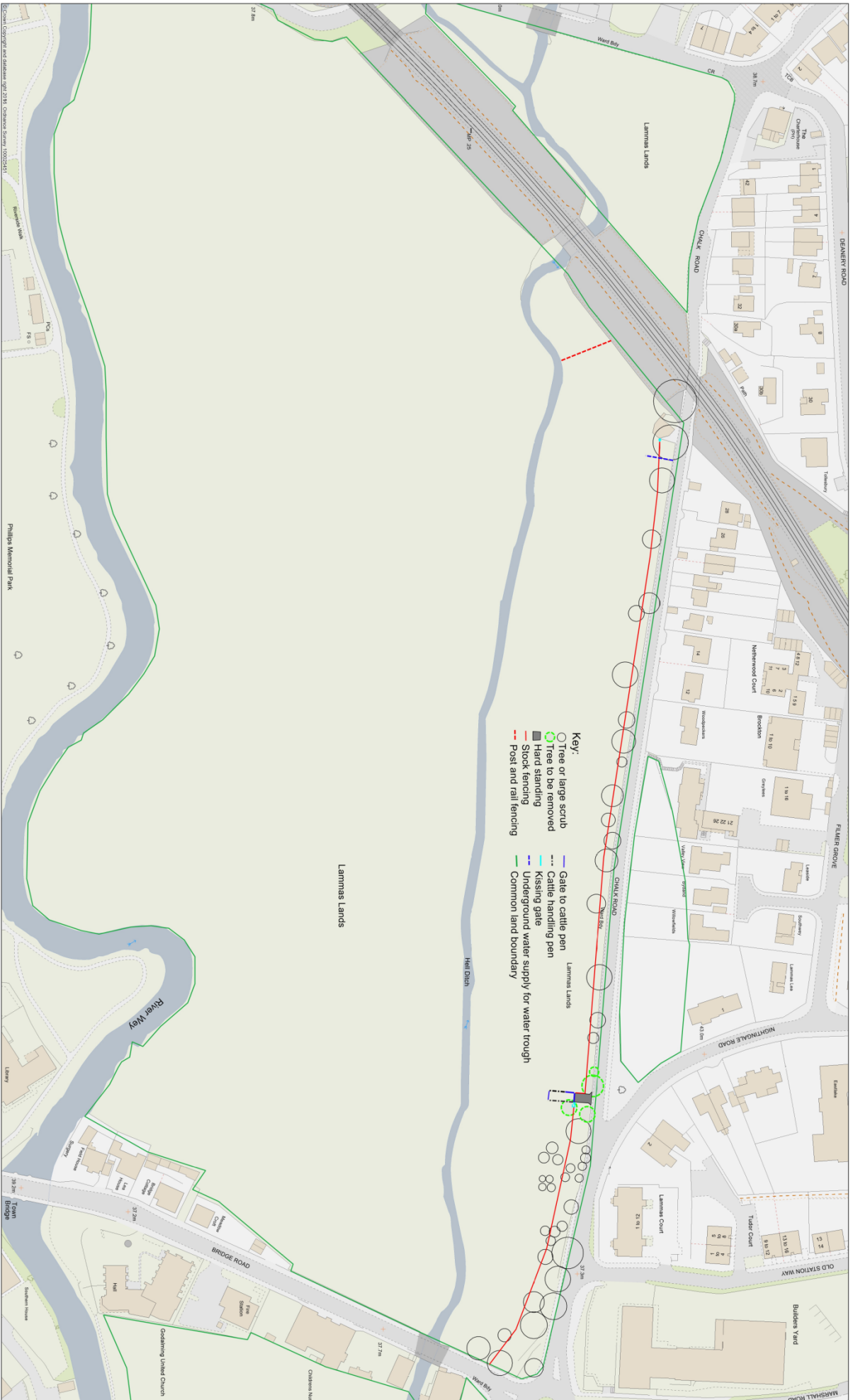
CONTACT OFFICER:

Name: James Caldwell

Telephone: 01483 523392

E-mail: james.caldwell@waverley.gov.uk

ANNEXE 1:



Waverley Borough Council
 Waverley Town Hall
 7 The Quadrant
 Surrey, GU7 1HR
 Telephone: 01483 523333
 Fax No: 01483 426337

Fence plan - Hail Ditch Meadow location

Scale at A1:1:800
 0 10 20 30 40 50 meters

Printed: 30 May 2016

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes © Crown copyright and may lead to prosecution or civil proceedings



ANNEXE 2:

Stock fencing:

To be erected in accordance with BS 1722.

Fencing will be at least 1.05m high using stock wire type C8/11/30, wire arrangement as shown in image.

Straining posts minimum of 2.3m long, 150mm minimum top diameter. Spacing between strainer posts will not exceed 300m.

Struts will have a top diameter of 80mm and be at least 1.9m long, these will be notched into the straining post at an angle of no more than 45 degrees.

| 12" | |
|-----|-----|
| | 9" |
| | 8" |
| | 7" |
| | 6" |
| | 5½" |
| | 5 |
| | 4½" |

Intermediate posts should be 65mm top diameter, 1.7m long and spaced no further than 3.5m apart.

Fencing material to be pressure treated softwood (to BS 4072).

Post and rail fencing:

Posts to be 2.1m high, 125mm x 75mm.

Rails 3.6m long, 38mm x 100mm.

Sawn square section vertical posts with 2 square section horizontal rails nailed to posts. 1 post every 1.85m.

Field gate:

Erected in accordance with BS3470.

Field gate to be metal 5 bar gates, at least 4m wide hung between 2.4m x 175mm x 175mm wooden posts by adjustable hinges and with self-locking gate catch and striker.

Pedestrian gates:

Wooden kissing gates with self-closing design.

One kissing gate of each design: Oxford Large suitable for push chairs and wheelchairs, and Oxford pedestrian (<http://centrewire.com/product-category/kissing-gates>)

Treated timber mortised posts, rails, gate post and gate. Oxford large gate: height 1.2m; length in fence line 3.05m; width 1.6m and Oxford pedestrian gate height 1.2m, maximum length in fenceline 2.3m; width 1.4m.

ANNEXE 3:

Results

- 1.1 In total 43 individuals signed the attendance sheets at the drop-in day and there were 22 responses by e-mail to the invitation to comment on proposals. Of the total of 65, 23 people made no comment and 29 supported the proposals while four indicated that they had no objection.
- 1.2 Of the remainder, one respondent said she would no longer walk on the area as she was scared of cattle, one suggested that the area be grazed by sheep, one suggested dogs should be banned when cattle were present and another suggested that all options be considered including ditching. Another respondent considered a gate onto Chalk road would be dangerous, that there was no need for cattle handling facilities or a trough for watering and that in the past grazing had been by ponies not cattle. One supporter of the scheme suggested that scrub needed to be cleared and some trees lopped, and the Environment agency who were supportive, suggested lengths of Hells Ditch should be fenced to conserve habitat for Desmoulins Whorl Snail which has been recorded here in the past. The Open Spaces Society indicated that they had no objection and, the owners of part of Hell Ditch Meadow, the Loseley Estate, indicated that they were happy to give their support to the consultation and for the fencing.
- 1.3 Recommendations
- In the light of some strong support for the proposals and no objections, that the Borough Council proceeds to an application for the fencing and associated cattle handling and water troughs to the Planning Inspectorate under section 38 of the Commons Act 2006.
 - Once the position of the proposed works has been agreed and is shown on a map, a formal permission will need to be obtained in writing from the Loseley Estate for works on their land to accompany the application.
 - Also before such an application can be made, agreement from the Highways Authority for an access for loading and unloading stock from Chalk Road will be required together with any necessary planning permission for its installation (or a note from the Planning Authority to say no permission will be required). (An alternative would be to investigate with the Environment Agency whether a temporary bridge over Hell Ditch would be acceptable when livestock are to be introduced and taken off and how this might be designed to be easily moved when not in use). It will also be necessary to investigate the provision of piped water from the road and decide on a precise route for the proposed fence to be shown on a map.
 - It is suggested that when grazing is to take place a notice is put up on the gate beforehand and that cattle be excluded from Hell Ditch itself by electric fencing during the grazing period. This temporary fencing can be provided under the exclusion provisions of Schedule 1 of the

Works on Common Land (Exemptions) (England) Order 2007 which allows enclosure up to 10% of each common unit or 10 ha, whichever is the less in any six month period.

- A careful assessment of the trees and scrub on site should be carried out and any necessary work (including obtaining any consents or tree felling licences) be carried out prior to the erection of the fence.
- It will also be necessary to assess the risks of stock being poisoned by Hemlock Water-dropwort *Oenanthe crocata* which is present on Hell Ditch Meadow and possibly hand pull this and remove it from the site prior to the introduction of stock (cattle may not eat the upper parts of the plant but will eat the roots, if exposed, which are highly poisonous).

Extract from: Underhill-Day, J. C. 2015 Report on public consultation on fencing scheme for Hell Ditch Meadow, Lammas Lands. Footprint Ecology Report to Waverley Borough Council.