

Chorleywood Parish Council: Full Council Meeting -

**Notes by GH (in attendance as a member of the public)
of matters relevant to Chorleywood Common
raised at the meeting on 26 June 2012 (at Bullsland Hall)**

Cllr Mrs Sutherland in the chair; apologies received from Cllr Kipps, and all other members of the Council present.

Public Forum: at the invitation of the Chair, several members of the public present expressed opinions both in support of and in opposition to the Open Spaces Committee's proposal for grazing on the Common. The points made included *[this does not attempt to be a verbatim record]* that grazing is desirable for both conservation and educational reasons; that the proposed fencing is unsightly; that fencing would be contrary to the spirit of the covenant (in the conveyance of the Common by Mr Batty to Chorleywood UDC in 1921) not to allow any fences "except on such conditions as [the Council] may deem expedient" *[the Parish Council does not agree – see below]*; that the area between the allotments, Artichoke Dell, and the corner of the woodland at the top of Larks Meadow should be omitted from the grazing compartment; that since the local government reorganisation in 1974, Three Rivers as the District Council and not Chorleywood Parish Council has had the power to regulate the use of the Common *[the Parish Council does not agree – see below]*; and that the Council's proposal to reintroduce grazing is made in its capacity as owner of the Common and not as a local authority.

Matters arising from the Minutes: the new flowerbed at the South Lodge entrance to Chorleywood House Estate has been made by the Beaver Scouts as a Jubilee project; the only input from the Council needed for the "oral history" project would be putting the organisers of the project in touch with local people with relevant memories; there is no ice cream van at the Cricket Club parking area because the company which won the tender was unable to obtain the necessary street trading licence, and by the time the Office offered the concession to the next highest bidder, that company had found an alternative outlet.

Chairman's Announcements: it is proposed to have a competition on the Council's stand at Village Day, in the form of a "pick a spot on the Parish Map" treasure hunt.

Question under Standing Order 9: Cllr Dr Eve pointed out that the Council had previously resolved that the Grazing Working Party should formulate a revised proposal for an application under Commons Act 2006 section 38, but no such application was now proposed, so that part of the previous resolution would need to be rescinded if the Working Party's suggestions were adopted. *[See below.]*

Open Spaces Committee - grazing: Cllr Edwards as Chairman of Open Spaces outlined the history of the Council's ownership of the Common. Mr Batty conveyed it to

Chorleywood UDC in 1921 and a Scheme of Management under the Commons Act 1899 was made in 1954 and approved by the Minister of Agriculture, under which the Council was enabled to make byelaws regulating the riding of horses on the Common; byelaws were made by the Council in 1978 and 1996, and approved by the Ministry, under which byelaw 17(2) prohibits *[in effect]* the riding of horses elsewhere than on the horse track *[i.e. horse riding on Larks Meadow is not permitted]*, and by Law of Property Act 1925 section 193(1)(a) the public rights of access under that section are subject to the byelaws. The 1921 Conveyance prohibited the Council from allowing, among other things, fences to be erected on the Common “except on such conditions as they may deem expedient”; there were very few cars in 1921 and grazing without fencing was then practicable, but the amount of traffic has increased greatly since then, and fencing is appropriate if there is now to be any grazing. The legacy of £15,000 *[plus some accrued interest]* received by the Council was to help restore the Common to its pre-war state, and using it for grazing would be more effective than paying for a comparatively small amount of tree-felling. Natural England had recommended grazing in 2002, and the bequest became available in 2006; in 2009 the Council conducted a referendum in which 90% of those who answered were in favour of grazing – the initial proposal was to graze the lower part of Larks Meadow but it was then stated that the Council would look to extend the area, and the suggested area on the map prepared by Mark Carter of Countryside Management Service in September 2009 was the same as the area grazed in 2011. It had been said that “a majority of Dog Kennel Lane residents were opposed”, but the Council had received two petitions in favour, with 59 and 56 signatures, one of which was from residents of Cedars Village. The Friends of the Common believed a majority of their members were in favour of the project. Cllr Edwards suggested that the question was whether to go with the view of the majority or that of “those who shouted loudest”, and recommended that the Council should proceed with the original plan as recommended by the Working Party, subject to confirmation of costings and of the legal position. In answer to a question from Cllr Dr Eve, Cllr Edwards confirmed that the Working Party’s proposal related to the whole of the compartment which was grazed in 2011, including the area between the allotments, Artichoke Dell and the top of Larks Meadow.

There was some discussion of what the project had already cost. *[The figures were not included in the papers provided at the meeting to members of the public, so it is not practicable to record costings in these Notes.]* Cllr Green pointed out that some of the expenditure incurred “up front” would relate to reusable items such as fence-posts and gates, and should be amortised over several years; Cllr Mrs Sutherland also pointed out that grant funding – “Higher Level Stewardship” – might well be available in support of the project.

Cllr Mrs Jarrett pointed out that under the Working Party’s proposals, there would be grazing on all three of the Common’s grassland habitats - chalk, neutral and acid – but adopting the suggestion to omit the area between the allotments, Artichoke Dell and the top of Larks Meadow would exclude all the acid grassland, and no data would be ob-

tained as to the effect of grazing on that habitat.

Resolutions were put and voted on as follows.

1. **Proposed from the Chair:** *[I paraphrase – the full text of the first resolution is at the end of this Note]* **that the Council deems it expedient to permit fencing and protect rights of access in accordance with the Commons Act 2006 and the Works on Common Land (Exemptions) (England) Order 2007.** Carried *nem con*: 13 in favour, 3 abstentions.
2. **Proposed from the Chair: to rescind the resolution of October 2011 to make a further section 38 application for permanent fencing.** Carried: 12 in favour, 4 against.
3. **Proposed by Cllr Mrs Hayward and seconded by Cllr Mrs Preedy: to proceed with the alternative proposal omitting “Area A”** *[i.e. omitting the area between the allotments, Artichoke Dell and the top of Larks Meadow]*. Defeated: 4 in favour, 10 against, 2 abstentions.
4. **Proposed from the Chair:** *[as recommended by the Working Party]* **to proceed with the original plan** *[i.e. the area grazed in 2011, one grazing period each year starting in September and continuing for as long as the grass lasts]*. Carried: 11 in favour, 5 against.

Other matters from Open Spaces Committee: nothing has yet been heard from Defra on whether the suggested “Play Trail” would require section 38 consent for “structures”. There will be a presentation to Open Spaces Committee, immediately before its next meeting, by Three Rivers District Council, describing their proposals for play on the Common and on Chorleywood House Estate, which the members of the Play Area Advisory Committee are also invited to attend. Three Rivers will be at Village Day to show their proposals to the public and to start the consultation process; Cllr Mrs Worrall suggested that the Advisory Committee members should be asked to encourage the members of their organisations – Chorleywood Mums, the Residents’ Association and FoCC – to go to Three Rivers’ stand on Village Day to see exactly what is proposed. *[So “watch this space”!]*

Planning Committee: apparently the orange-painted generator just inside the railway fence by Shepherds’ Bridge is intended (by the railway authorities) to be permanent; the Council considered that it should be opposed – it is within, and not appropriate to, the Conservation Area.

Local Authorities’ Code of Conduct: the Council unanimously adopted the draft code of conduct provided by the Local Government Association. *[Not specifically relating to the Common, but possibly of general interest.]*

Village Day: the Fun Run will be a little over 1 mile, not 5 km as previously indicated; starting at 12.30 in the second Fire Ride. The judging of the Council's Jubilee photographic competition will take place during the day. Consideration has been given to contingency planning in case of bad weather: at present the ground in the main Fire Ride remains firm enough, but if necessary the event will be moved to the second Fire Ride, which is better drained; if even that is not practicable, the whole event will be postponed to a date to be fixed in September – the decision whether to postpone will be taken on Tuesday 10th July.

Note: the exact wording of the first resolution on grazing was as follows:

That, in accordance with paragraph 1 of Schedule 2 of the 1921 conveyance of the Common by JH Batty to Chorleywood UDC, the terms upon which the Council deem it appropriate to permit fencing on the Common are that (i) any such fencing is in accordance with Part 3 of the Commons Act 2006 and (ii) rights of access shall be provided and notice of carrying out exempt works shall be given in accordance with the Works on Common Land (Exemptions) (England) Order 2007.

Many thanks to the Parish Clerk for confirming that wording and the numbers voting for, against, and abstaining, on the four resolutions.

GH