HIGHLEADON GREEN

Management of the Common Land

Alan Shelley  October 2003
INTRODUCTION AND TERMS OF REFERENCE

This project was initiated by an approach from the parish clerk of Rudford and Highleadon concerning the poor conditions of common land at Highleadon. Right holders are not exercising their grazing rights. The land has no registered land owner and has become abandoned. An alternative, low management ‘amenity’ layout, providing access to walkers and quiet recreation, would be desirable.

I have elected to investigate the background and offer some advice over future prospects and protection of the commons. As a member of the Gloucestershire Local Access Forum I have a published “interest in ‘Common rights’ and public access to common lands”. I am also qualified with a postgraduate Diploma in Landscape Architecture.

‘Guidance given by the Secretary of State for Environment, Food and Rural Affairs for Local Access Forum under Section 94 (6) (c) of the Countryside and Rights of Way Act 2000:

Advice on recreation and access issues: -
... local access forums may be requested to provide advice on:

• strategies or plans incorporating recreation and access which set rights of way and open access in a broad context, integrating provision for access, all forms of open air recreation to land and water etc.;

• the extent to which fair provision is made for all current and potential users, and reflects the needs of local people and businesses; and

• the co-ordinated use of resources to provide and manage integrated recreation and access, and the dissemination of information to interested groups and the wider public.’

NB. As the situation at Highleadon is of an ‘ownerless’ common with non-exercised grazing rights - this project provides a suitable ‘model’ which may typify the current status and conditions of many other small commons.

Alan Shelley BA (Hons) DLA MCI FSTD FRSA
Member of National Trust and the Open Spaces Society
Freeman Commoner of lands at Sudbury, Suffolk

‘Wycken End’ 16 Bournside Road Cheltenham Gloucestershire GL51 3AH. 11 September 2003
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HIGHLEADON GREEN

Located in Gloucestershire within the parish of Rudford and Highleadon in the outer area of the Forest of Dean, four and a half miles north-west of Gloucester. The ‘Green’ is common land registered (CL35) under the 1965 Act. It is partly situated alongside the busy B4215 road from Highnam to Newent and where a junction leads traffic onto a minor road to Upleadon. An area of just over fifteen acres, it comprises a number of small parcels of land including wide and narrow verges alongside the highways.

Ungrazed for several years the vegetation is turning to scrub and generally becoming overgrown to appear unkempt. The locally resident ‘right’ holders do not exercise their grazing rights over the land. The immediate community is very sparse and the total population for the whole parish of Rudford and Highleadon is little more than 220.

These ‘commons’ are a remnant of the manorial system when such areas were ‘waste’ ground and used by the community for grazing and gathering fuel. The lord of the manor owned the whole of the parish (previously Highleadon) and including this land but others had certain ‘rights’ over the waste land recognised by the courts. This meant that the lord of the manor could not enclose the land without the consent of the commoners or parliamentary authority - hence the open spaces we can see at Highleadon today.

The obligation to provide land for commoners’ rights derived from the Statute of Merton, 1235 and was reflected in the variety of courts leet which determined the numbers of livestock and dates for grazing.

Grazing Rights Holders at Highleadon

These are believed to be, but require substantiation from County Registration:
1. Vine Villa (Miss L. Stait) 7 cows 30 sheep 1 horse 2 pigs 200 poultry.
2. Green Farm (Kenneth Robertson) 25 cows.
3. Highleadon Court Farm (Messrs D & J Wallace) Apportionment of Green Farm?
4. ‘Four Winds’ (Mrs Ethel Dews) 2 horses or ponies.
5. New House Farm (John Corbett) 20 cows
6. Drews Farm (Drs Henson) Apportionment of Drews Farm?
7. Green End Nurseries (Mr & Mrs Wilson) 12 cows.*

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* Total Grazing = 64 cows, 3 horses, 30 sheep, 2 pigs, 200 poultry - registered under the 1965 Act.
COMMON LAND

Common land is protected, both the ground and the customs and practices over the land. In some parts of the Country rights exist over common land to practice: -

**Estovers**: a right to take underwood for fuel and repairs.

**Turbary**: a right to dig turf or peat for fuel.

**Pannage**: a right granted to allow pigs to eat fallen acorns or beech mast.

**Piscary**: a right to fish from ponds, lakes or streams.

**Common in the soil**: a right to take sand, gravel, stone or minerals.

The greater right over all is that of 'Common of pasture': the right to turn stock on to the common to graze. At Highleadon it is an ‘appurtenant’ right attaching to certain properties. These rights allow grazing of definitive livestock.

Commons Registration

Under an act of parliament: the Commons Registration Act 1965, all commons, rights holders and land owners (where known) were given the opportunity to register their rights and this Act has given comprehensive protection to common lands throughout England and Wales. While five holders of property at Highleadon registered ‘rights’ no ownership of the land was claimed and registered at that period of time. There has been a subsequent opportunity for registration of the land owner but no action was taken.

Rights of the General Public

Contrary to popular belief the public has no right to wander over common land. However, a public right of access over Highleadon Green has been granted by the *Countryside Rights of Way Act, 2000* which will shortly come into force. At present the conditions on the ground are such that the common land does not present an amenity for the general public. Scrub growth with thorns and brambles render it impenetrable to walkers.

A Right of Access

A right of access (under the new Act) entitles members of the public to enter and remain on the common land for the purposes of open-air recreation, but only so long as - no wall, fence, hedge, stile or gate is broken and observation is given to any other restriction that is given. The Act does not allow anti-social behaviour, the driving or riding of vehicles (other than invalid carriages) nor does it allow organised games or any commercial practices. Parking on common land remains unlawful and picnic areas if designated should be observed.
Management and Public Access of the Green (Common Land)

Recommendations of the Common Land Forum:

*Public access means a right of access on foot for the purpose of quiet enjoyment.*

A management scheme “may be initiated by the owner of the soil or minerals, commoner or local authority. The promoters of the scheme will convene a general meeting of interested parties to be advertised by the county council. The meeting will create a management association and approve a constitution. The association, consisting of all the owners, lessees and commoners, and one person nominated by each of the county, district and local councils, will draw up the scheme”

1

Management Scheme - Amenity Commons:

“except for those already managed under statute-based constitutions, will follow the Commons (Schemes) Regulations 1982 made under the Commons Act 1899. At present these are made by district councils, but local councils too will be able to initiate schemes. Where common rights are no longer exercised it will be up to owners and right holders to recommend to these authorities that a scheme be made. Schemes adhering to these rules will not need the approval of the Secretary of State. The input of local authority financial, managerial and technical resources will be assisted through central government”.

2

Commons where no person is registered as owner

Where a commons commissioner (1965 Act) was unable to discover the owner of a registered common there was no procedure for vesting the common in a local authority or other person.

If nothing further had been done, such commons would be at considerable risk of encroachment from nearby properties, for no man’s land is in danger of being ‘every man’s land’. Therefore s9 of the 1965 Act provides that any local authority (county, district or local council) in whose area such an ‘ownerless’ common is situated may take steps against unlawful interference as an owner in possession of the land would take. This means that the authority can take criminal proceedings, e.g. under the Criminal Damage Act 1971, and also civil action to prevent trespass. It is doubtful if the authority could sue for damages since the section gives no legal interest in the soil.

3

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2 Ibid p.102
3 Ibid p.22
SITE ASSESSMENT - OBSERVATIONS AND CONCLUSIONS

At first glance the site is dominated by the highways and any attractive features are suppressed by the state of the overgrown vegetation each side of the road. The overall affect is one of abandonment and lack of care. The disparate parcels of land are unrelated. They appear to have no connections and are without any continuity.

However, on the plus side, there is a sense of tranquillity and rural peace. There must be abundant wildlife being left to their own reserve. Behind the screening are several attractive buildings. There is potential for several attractive green grassy spaces for picnics and recreation. As many as three ponds could be renovated to provide features that would add character to the site. An open space in front of Drews Farm has been surfaced for heavy farm and dairy vehicles. Some of this area would respond to surface treatment and seeding with grass. Similar treatment could be applied to the north western embankment. This overall site would be enhanced by a central tree or stand of say three trees. Alien conifer trees outside of ‘Four Winds’ should be removed and possibly replaced with broadleaf native trees.

Unused vehicles parked along Highleadon Road should be served notice for removal. No vehicles should be allowed to park on the common land other than for collection or delivery purposes. The residents can be encouraged to make provision for parking within their premises.4

Conclusions

The common land, albeit it is in bits and pieces can be given a sense of overall unity by planning a series of vegetation patterns. These would include some specimen trees native to the locality along with stands of say birch and copses of hazel that will encourage and protect the wildlife and provide a pleasant environment. Brambles (a source for blackberrying) will be allowed in places as will other ‘wilder’ vegetation. The overall appearance must not become sterile. It can become a comfortable place for walking and viewing the wildlife. It is essential that a circuitry route will allow villagers and visitors to walk safely from one end to the other in a somewhat similar landscape and for the existing footpaths (rights of way) be incorporated into such a designed scheme.

4 A detailed Site Survey and Assessment carried out by Alan Shelley is held by same for further reference. Similarly there are letters and correspondence with various authorities respecting the renovation and management of the Common.
COMMUNITY PARTICIPATION

To gain interest and support for this project it will be most important to engage the enthusiasm of the essential parties. In order not to antagonise any body a careful process must be followed.

- Initially, letters should be sent to each of the right holders:
  Saying something like "You will be aware of the current state of the common land. The ground surfaces have become steadily overgrown and are now impenetrable to walk over. The right holders have not been exercising their rights to put livestock on the commons. Several years have passed since they were grazed and we, the Parish Council, would like to know of your expectations. Is it your intention to exercise your grazing rights within the next two years?"

  If it is not your intention to put out livestock on to the common land we would be interested to hear if you would support an action to have them managed for amenity purposes. They will remain fully protected while providing the locality with pleasant walks capable of circuiting the village".

- If positive responses are received then a meeting should be organised:
  - this will initially comprise of the 'Stakeholders' and will be an exploratory meeting
  - to consider forming a statutory commons association
  - if such an association is confirmed an executive committee should be elected and a constitution adopted.

The association should include all interests in the common. This will include a representative of the parish, local and county councils. Residents dwelling within or on the edges of the commons should be invited to subsequent meetings. Their interest, input, and agreement are essential for the harmony of the scheme.

- The commons association should make regulations
  - The association may resolve to enter into a management agreement (for example with Defra) binding on all commoners, by following a similar procedure as is required for making regulations; and
  - that regulations may embrace a range of issues concerning sustainable use and management of the common.

NB. Current recommendations regarding abandoned common land are that LA's should adopt the common - basically to put them to 'better use'. This could lead to the land being de-registered. The outcome may well be some form of development (albeit of an amenity nature) not desirable and outside the controls of the community.
PUBLIC ACCESS TO THE COMMON LAND

The Countryside and Rights of Way Act 2000 will create new rights to walk on 'access land' including registered common land. It is expected that the new right will be in force by Autumn of 2005. Everyone will have a right of access to walk on the land.

Access Land will be shown on maps designed for walkers. It will be shown on the ground by a small 'access land' symbol. Information boards at main points of entry will show walkers where they can go and will give information about any current access restrictions. Most activities, on foot such as walking, sightseeing, bird-watching, picnicking, dog-walking or jogging will be allowed on access (common land). The new rights do not include organised games or commercial activities, neither do they include cycling or horse riding. Where they are currently allowed their will be no change.

Control of dogs is important to protect both wildlife and farm animals, and the new right to allow dogs onto access land will be limited accordingly. It is anticipated that Access Wardens will manage access of the busier or more sensitive areas. Where they are present, they will help and advise visitors and will have powers to enforce rules and restrictions on the new rights.

To accommodate public access it will undoubtedly be necessary to adopt a regime of land management - to ensure sensible parking of vehicles and to provide safe and adequate access onto the common land. The locality can benefit from the improvements to the land. It will provide pleasant walks and amenity leisure areas. There will be adequate reserves for wildlife and 'green corridors' to encourage an increase in the variety of flora and fauna. If the ponds are renovated they, potentially, would be attractive features, supporting the wildlife and adding considerable interest to the neighbourhood.

Section 68 of the Countryside and Rights of way Act permits parish councils to grant easements to regulate the situation where motor vehicles already drive over commons and village greens. The parish council has to meet its own costs but obviously it receives money for the easement. Money from the granting of an easement is a capital receipt so therefore it will be identified as such and spent on capital items. However, all appropriate costs eg legal and surveyors costs, a proportion of the clerk's salary and on costs for the administration of the deal can be set against that capital receipt. Any unspent capital received at the end of the year can be carried forward as part of reserves but will need to be treated as 'earmarked’ not just part of the whole carry forward of reserves. (Richard Belliss, County Secretary)
Highleadon common land forms an ideal nature reserve potentially providing aesthetic, educational and scientific opportunities for interest and research. The progressive nature of the scrub toward woodland climax has a wide biodiversity. However this must be balanced with its virtues and traditions as common land. Allowing it to go ‘naturally’ through to the ultimate stages of a forest canopy would take many more years and in the meantime would be impenetrable. This would not allow free passage for leisurely pursuits.

A suitable balance can be achieved whereby the fauna and flora will find protection within many inaccessible areas allowed to persist. The general appearance would be of a maturing woodland with some grassy glades. This would attract a wide variety of interesting fauna and provide suitable recreational areas for the public.

It is recommended that English Nature or possibly the County Ecologist be invited to carry out a full biological survey of the site to discover any rare species and for the full recovery of any ponds or marine life (much valued by ecologists). A report from EN will assist in obtaining funds to assist with establishing a suitable (and acceptable) wildlife reserve.

Management of the commons can be kept to an economical level and an orderly scheme achieved. Technically (though not practically) the management of a common requires the co-operation of all the active commoners. This was substantiated under the Commons Act 1899 and established with the 1965 Registration Act.. But where common rights have ceased or are under used, the district council can effect a scheme to manage the land.

Currently the overall common land - applying National Conservancy Council, 1990 NCC Phase 1 classification - the site is A 21: Scrub: Dense/ continuous. This will have expanded from an original classification of B 21: Neutral Grassland (unimproved)

NB It is useful to note that a biological survey of registered common lands in Gloucestershire was carried out (within a twelve-year survey of all counties of England & Wales) by the Rural Surveys Research Unit of the University of Wales, Aberystwyth (Aitchison, 1998; Aitchison et al, 2000). Within the summary of this report they record under Table 8 (Type of Encroachment) “Drives across the common and ‘Dumping’ on the common land. Highleadon Green (CL35) was one of only four Gloucestershire commons that had illegal drives and only one of six recorded with evidence of dumping.
DESIGN PROPOSAL
An Improved Layout of the Common Land

Design will be aimed at providing continuity and harmony to several disparate parcels of land. Any materials employed must be suitable for the customs of common land and in keeping with the locality. It is intended to link all areas by continuous woodland walkways interspersed with small open spaces. The routes would engage with existing public footpaths and provide a full circuit of the neighbourhood.

The new design-work must be robust and sustainable with low cost maintenance. It will take into account the requirement of public access under the new CROW Act. It would endeavour to incorporate any existing features such as ponds and wet areas which may be enhanced as necessary. There may be opportunities to catch views of local historic buildings without encroaching on residents privacy.

Impact Assessment

Very little adverse impact is envisaged other than where some mature alien conifers are removed. These may be replaced with broadleaf native trees and can be done in stages to cause least disappointment. There would be some disruption to existing wildlife but this should find sanctuary within the new design layout. A suitable area of hard standing of say 10m x 30m could be incorporated, off the secondary highway, to provide ‘temporary’ parking for visitors. NB. This should not be allowed to encroach more than the statutory maximum 15 yds onto the common.

Existing trees and vegetation, suitable to the design, would be retained and nurtured if needed. Barriers, where considered necessary, would be created by using a combination of ditch and bund, and in some places using square oak bollards. The barriers, kept to a minimum, would not be allowed to impede upon the open and ‘unenclosed’ aspect and tradition of common land.

Finally, the provision of such a new design would incorporate safety factors to protect the general public. It must recognise the pace of vehicle traffic along the adjoining highways and also the potential concealment of any undesirable elements. Horse riding and the driving of any vehicles, other than invalid carriages, would be strictly prohibited. The status of the common (following the changes) would be as an ‘amenity common’. Hunting and shooting over the common is illegal as is any organised sport or commercial activity. Regulations may be posted if they are deemed necessary.²

² It is anticipated that the commons may become a ‘local nature reserve’ and that existing natural peace (other than the remaining pace of road traffic) will be retained.
PL 1, 2, 3 & 4 = Restored Greens
(Wildflowers & Tree stands)

GL = Adjacent Green with pond

PL 5 & 6 = Woodland & Glade
(Walking routes)

= Sight lines of interest
(including features)
OPEN ACCESS TO AN AMENITY COMMON
Restoration & Enhancement

For organisational purposes the land parcels are designated with plot numbers. Plots one to four will be cleared of scrub to give an open ‘green’ aspect of grass (rough mown) with wild flowers to emulate pasture. There will be occasional trees and thickets providing additional habitats for wildlife. Alien (non-native) trees will be removed in stages and replaced, where desirable, with selected native broadleaf varieties.

Plot G1 is the partially maintained green adjacent to the Hartpury road, bordering ‘Tudor Cottage’ and ‘Green Farm’ Nurseries. This area of trees and glade has a pond in very poor condition which should be restored and enlarged. Vegetation can be cleared to provide attractive views into this site. Plots five and six, the woodland walks, will be cleared of excess scrub to allow open access and safe comfortable walking along routes that circulate the green.

Plot 1. Ground around ‘Camp House’: this area provides a focus on the Common and identifies the location. A maintained ‘Green’ with limited selected trees can be planted with bulbs to herald the Spring. The sight should be enhanced with a sign proclaiming “Highleadon Green”. This would be placed in a prominent position.

In some way similar to this application of the green at neighbouring ‘Taynton’. NB. The grass would not be so nurtured or cut as short as that shown here.
LEISURELY RECREATION

Plots 2, 3, & 4 will be reminiscent of pastoral common land, enhanced with wild flowers and vegetation encouraging wildlife of a wide variety. These will be attractive areas where families can play and picnic in a safe environment. Here they can enjoy the countryside that is protected by the customs of common land.¹

‘Wild flower meadows’ will encourage fauna butterflies, birds and insects in addition to the habitats of the shady woodland surrounding the green. ‘Green corridors’ throughout the common will be maintained by incorporating existing farm and garden hedgerows.

Plots 5 & 6, the woodland walks, are long tracts of maturing woodland surrounding a central agricultural field. These will be modified to provide routed woodland walks interspersed with grassy glades

Safe woodland walks connecting with existing public footpaths to allow full circulation.

¹ Where open areas have boundaries to highway verges these may be furnished by bunding to prevent unlawful entry of vehicles on to the Green. This may also be supplemented in places by bollards.
RESTORATION GROUNDWORK

**Vegetation:** Selected vegetation will be ring-fenced for retention or for transplanting to more suitable locations. All excess scrub and unsuitable trees to be cut and cleared. This scrub mainly comprises Blackthorn, Hawthorn, Elder, Holly and Hazel with other saplings and brambles with nettles. NB. This is carried out following a thorough ecological survey to ensure nothing of value is destroyed.

**Soil Preparation:** Remove tree stumps where reasonable before rotovating surfaces. Clear surfaces of loosened roots and coarse vegetation. Add top soil where necessary and level surfaces in preparation for seeding.

**Seeding:** Suitable mixes of grasses and wild flower seeds to provide robust ground surfaces that replicate lowland pasture. The grasses and wild flowers should be suited to their locality, micro-climate and soil conditions. They should also provide long seasonal flowering. Ground surfaces should be lightly harrowed after seeding.

**Maintenance:** Low cost sustainable maintenance will operate after the new plantings have been established. Initially it may be necessary to provide watering where necessary. Unwanted weeds, nettles, thistles and brambles may develop as a result of the ground disturbance and these will need removing by various (nature-safe) means. Constant cutting or grazing proves to be the best form of maintenance. This may, by special arrangement, be carried out by the local farmers and cut with the hay regime. It is envisaged that a twice yearly mowing will be sufficient once established.

**Ponds:** Wetlands are very valuable to both wildlife and to the attractive (and educational) features they provide. The ponds, of which there are potentially three, will be carefully cleaned-up and enlarged if possible. Water sources such as ditches feeding the ponds may require treatment and improvement.

**Waste:** Woody materials, pruned branches and logs may be left on site to aid wildlife habitats (avoiding inconvenience to access and walk-ways).
Long Season Meadow - ‘Wild Flowers’

Agrimony  
Betony  
Birdsfoot trefoil*  
Bugle  
Bulbous buttercup  
Catsear  
Common restharrow  
Common sorrel*  
Common vetch  
Cowslip*  
Devil’s bit scabious  
Field scabious  
Goats beard  
Great burnet  
Greater hawkbit*  
Hay rattle  
Hoary plantain  
Lady’s Bedstraw  
Lady’s mantle  
Lesser knapweed  
Lesser stitchwort  
Meadow buttercup  
Meadow cranesbill*  
Meadow pea  
Ox-eye daisy*  
Red campion  
Red clover  
Ribwort plantain  
Salad burnet  
Self heal*  
Tufted vetch  
Vipers bugloss  
Wild carrot  
Yarrow  
Yellow rattle  
Yellow toad flax  

Spring Bulbs: - (can be mown over in July)  
Bluebell  
Daffodil  
Lesser celandine  
Snakeshead fritillary  
+ Orchids  

Meadow Mixtures: -  
80% grass  
20% wild flowers  
Seed rates: - 5g/sq yd (on bare soil)  
Sow in late summer (eliminating many of the sprouting weeds that plague spring plantings)  

Mowing: -  
1) Mow in early April (leave bulbs)  
2) Mow again in mid July  
3) Mow late September (leaving selected areas with seed heads until the spring)  

NB. Thistles and docks must be pulled up where possible. In large infestations thistles can be cut effectively when in flower.

During the first year of the established grass: -  
cut every 8 - 10 weeks and remove most of the cuttings. In following years a twice a year mow should be sufficient. (three around ‘Camp Hse)  

7 Commercial mix of meadow grasses including Red fescue, Common bent, Yorkshire fog and Sweet vernal grass. NB. No Ryegrass should be included in the mixture. * Classic meadow wild flowers.
ACTION PLAN TOWARDS AN AMENITY COMMON

1. District Authority (under instruction from GCC if necessary) to clear verges on highways to maximum requirements.
2. To adopt the recommendations of the Common Land Forum in formulating a small group ‘commons association’.
3. To gather the views and interests of the community.
4. To enlist volunteers a) from local residents and b) from local environment groups to assist in clearance of scrub, organisation of groundwork and eventual management of the common.
5. To arrange an ecological survey to ensure no damage is caused to any rare forms of wildlife or habitats.
6. To produce a draft layout plan and agree walkways, open spaces, copses, thickets and stands of trees to provide a mutually acceptable amenity for all to enjoy.
7. To determine suitable barriers that may be included (without interfering with the ‘open nature of the common) to deter parking, fly-tipping or travellers encroaching on to the Green.
8. Finally a Scheme will be produced under the statutory regulations applying to common land.

Useful Contacts

- GCC Prow Department (regulations and funding of new 'open access' general public)
- Countryside Agency (for advice and directives)
- DEFRA for Government legislation and advice (particularly funding)
- English Nature (environmental expectations)
- Open Spaces Society (Common Land Preservation)
- Forest of Dean Countryside Planning Department, Coleford (assistance with Plan)
- Forest Commoners Association?
- Gloucestershire Wildlife Trust (ecological survey)
- Gloucester Vale Conservation Volunteers (economic service for light clearance work)
- British Trust for Conservation Volunteers (Gloucestershire branch associated to PROW)
- Gloucestershire Rural Community Council (Parish Plan and Administrative funding).
OUTLINE PLAN OF PROCEDURES

Preface, see footnote

1. Letter to Paul Clayden, legal advisor on law of commons to parish councils. Requesting advice over the unregistered 'owner' of the common suddenly taking an interest in any potential profit to be gained after reparations to the land are made. Action: Parish Clerk - ASAP.

2. Meeting (on site) with Alistair Chapman, Countryside Planning Dept (F.o.D) to discuss basic plans including the needs to carry out a full ecological survey and any available funding and assistance in the reparation scheme. Action: Parish Clerk with Alan Shelley (GLAF) - ASAP.

3. Informal discussion with each of the local farmers to ascertain what assistance they may be prepared to give toward clearance and selected management of the commons. Action: Parish Clerk (and A.S. if required) - ASAP.

4. Parish Council Meeting for an informal discussion over the expectations of the future of the common land. A letter (draft available) should be sent to the right holders requesting their responses to the needs of management to control the worsening conditions. The letter will advise on the needs, by law, to open access under the CROW Act and call upon them to form an association (including representatives of the Authorities). Action: Parish Council. - (with knowledge from the above).

5. Meeting of stakeholders and formation of a small association to oversee the changes and improvements to be accomplished. Action: Parish Clerk (and A.S. if required) ASAP.

6. An ecological survey should be carried out to determine any specific areas in need of conservation and to provide an authoritative plan toward grant funding of the site as a 'local nature reserve'. Action: F.o.D. Countryside Planning Dept./E.N. and possibly the Gloucestershire Wildlife Trust? Action: Parish Clerk and A.S. to determine any costs involved.

7. Basic 'scrub clearance' can be carried out initially by the 'Gloucester Vale Conservation Volunteers' at £5 per person per Day. Action: say 2 days each with 10 persons (under supervision) = £100. NB. All maturing trees would be retained at this stage.

8. The next stage would involve an action by the 'British Trust for Conservation Volunteers' to remove and or transplant selected trees & shrubs under supervision to the requirements of the ecological survey and to the proposals for the commons. These activities will require specific equipment and expertise. Action: awaiting the outcome regarding funding and approval of proposals.

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As at September 2003, the Countryside Agency, acting for the Government over the requirements of the CROW Act to provide public access to registered commons, advise that funding advice "from Defra is likely in the first half of 2004".
Dear _____

Countryside and Rights of Way Act 2000

Registered common lands, including Highleadon Green, have been designated open access to the public under the above Act. It is our understanding that you may have commoning rights to graze livestock over the Green.

You will be aware of the current state of the common land. Most of the ground surfaces have become so overgrown that they are now impenetrable to walk over. Several years have passed since they were grazed and we, the Parish Council, would like to know of your expectations. Is it your intention to exercise your grazing rights within the next two years?

If it is not your intention to put out livestock on to the common land we would be interested to hear if you will support an action to have them managed for amenity purposes. They would remain fully protected (as common land) while providing the locality with pleasant semi-woodland walks capable of circuiting the village.

Subject to your comments we will arrange a meeting of the interested parties to consider forming an association to manage the future and protection of the common land. An early reply would be greatly appreciated.

Yours sincerely

For the Parish Council
STAKEHOLDERS

Arguments of the Interested Parties:

• Privacy of residents dwelling alongside the Common.

• Encroachments and the encroaches.

• Removal of alien (non-native) trees,

• Parking of local residents vehicles.

• Wildlife enthusiasts.

• Tradition and customs of common land.

• Access by the general public under the Countryside Rights of Way (CROW) Act.

• Maintenance resources.

• The operation (disruption) of the 'changes'.

• Parish Council's responsibility for the future upkeep and protection of the Common.

• Parking of visitors and unwanted vehicles.

• Dumping of rubbish and the threat of future 'fly-tipping'.

• Camping by 'travellers' or any other members of the public.

• 'Ownership' of the Common by the local Community.
FORMATION OF THE COMMONS ASSOCIATION

EXPLORATORY MEETING

(Following the responses of the letter to Right-holders)

A Meeting of the Commons Stakeholders with members of the Parish Council to
determine support for the establishment of a Statutory Commons Association.
NB. This can be an informal meeting over tea and biscuits. If agreement is reached then
proceed to next stage.

RUDFORD AND HIGHLEADON PARISH COUNCIL

(To be advertised by the County Council 3 months in advance)

NOTICE OF AN INITIAL MEETING

To be held on __________ at the Village Hall
To formulate a ‘Commons Association’ for the Management of Highleadon Green

AGENDA

1. To elect an executive
2. To decide powers to be delegated
3. To adopt a constitution
4. To adopt a governance structure (Determining who does what)
5. To support a statutory Scheme
6. To support an initial ecological survey
7. To support an outline management plan

NB. Voting, at this stage, is by stakeholders comprised of right-holders and representatives
of the Parish, District and County Councils. The executive can then co-opt expertise, for
legal management or conservation knowledge onto the Committee.
CONSTITUTION OF THE ASSOCIATION

NAME:

Highleadon Green Association (henceforth referred to as the Association)

MEMBERSHIP:
1.1 Membership of the Association shall be made up of:

- any person holding rights of common onto Highleadon Green
- any persons representing the County, District, Parish or Community Council
- representatives of other groups with interests in the common for statutory or other legitimate purposes

Such a person will be eligible to become a member upon their own application or attendance at the initial meeting.

1.2 Names and addresses of members shall be lodged with the Secretary of the Association and will be available for inspection by any member of the Association.

1.3 A member shall cease to be a member if:

a) the member gives the Clerk written notice of the resignation of membership;

b) the member commits some act or has been guilty of some behaviour inconsistent with membership of the Association and the Association (or Executive Committee where there is one) resolves by a majority of three-quarters to remove the member from membership;

c) the member ceases to have an interest as specified in 1.1;

d) the member fails to attend three consecutive meetings without an acceptable reason.

OBJECTS
2.1 The Association shall take such steps as appear necessary and practicable for

- the recognition of the continuation of the commoners' rights
- maintaining the common and protecting its custom and practices
- promoting the conservation and enhancement of the natural beauty of the common and access to it by persons for the purpose of quiet enjoyment.

Nothing in these objects shall imply that the rights of its members have been transferred to the Association.
2.2 The Association may:
   a) organise the co-operative efforts of its members in putting into effect an approved management scheme;
   b) regulate the use of the common as far as is consistent with the legal rights over it;
   c) appoint and remunerate officials and agents to carry out activities and responsibilities of the Association and to remove them when appropriate;
   d) raise revenue by means of licence fees and levies on owners and commoners in order to meet the costs of administration and other approved purposes of the Association;
   e) act so as to secure compliance with byelaws regulating the conduct of the public on the common.

MEETINGS
3.1 An annual general meeting of the Association shall be held in the month of ...... in each year, and fifteen months shall not elapse without a general meeting. At the general meeting the following business shall be conducted:
   a) the acceptance of the prepared accounts for the previous financial year ended on the ...... day of ....... prior to the meeting;
   b) the election of officers and committee to deal with and act on behalf of the Association;
   c) such other business as shall be communicated to the Secretary for discussion at the meeting.

3.2 An extraordinary general meeting may be convened at any time and shall be convened within twenty one days of receipt of request from at least one fifth of the members of the Association. Such requisition must state the purpose for which such meeting is required.

3.3 The Secretary shall at least fourteen days before any general meeting send to every member at the address recorded in the Association’s books, a notice of that meeting starting at the time and place where it will be held and indicate the business to be conducted.

3.4 The quorum for any general meeting shall be ...... and for any committee meeting shall be ......

3.5 At all meetings of the Association each member shall have:
   ◊ one vote by show of hands or recorded vote if requested by three or more members;
   ◊ number of votes proportional to the number of rights of common or value of interest; or
   ◊ a system incorporating both methods.
3.6 All decisions of the Association or any committee meeting shall be decided by:
   ◊ majority vote with the chairman having a casting vote in the event of a tie;
   ◊ a clear census whereby there no objections; or
   ◊ a three-quarters majority.

3.7 Consideration should also be given on:
   ◊ how to fill vacancies;
   ◊ how a meeting should proceed if the chairman is not present;
   ◊ how powers may be delegated;
   ◊ who takes minutes and how;
   ◊ if and how proxy votes are permitted.

SUBSCRIPTIONS

4.1 Annual subscription may or may not be applicable. If so decided, a nominal
cost shall be fixed at a general meeting of the Association and shall be payable
by such means and at such times as directed by the committee.

FINANCIAL ARRANGEMENTS

5.1 Bank account (or accounts) shall be held in the name of the Association at
such
bank(s) or other institutions as shall be decided. Cheques etc shall be signed by
any two individual officers. All funds and assets in the possession of the
Association shall be held, paid, and applied as the Officers may direct within the
Objects of the Association. An auditor shall be appointed annually at the
A.G.M. Members not present at the A.G.M. may ask for the account to be
forwarded.

5.2 The financial year shall be the calendar year.

DISSOLUTION OF THE ASSOCIATION

6. The Association may be dissolved by a two-thirds majority of those present and
voting at a Special General Meeting convened for the purpose of which 21 days’ notice
shall have been given. Such resolution may give instructions for the disposal of any
assets held by or in the name of the Association provided that if any property remains
after the satisfaction of all debts and liabilities such property shall not be paid to or
distributed among members of the Association but shall be given or transferred to such
other charitable institution or institutions having objects similar to some or all of those
of the Association.

ALTERATION

7. The constitution and rules of the Association may be amended or
added to by resolution at the general meeting.

NOTE. This draft constitution has been adapted from the DETR publication

Good Practice on Managing the Use of Common Land  June 1998.
SCHEME

Commons Act 1899: provides a simple and inexpensive means of enabling district councils to manage and improve commons for exercise and recreation. The scheme must be in the form prescribed by the Commons (Schemes) Regulations 1982.

The 1899 Act provides for access to be granted by a scheme to the 'inhabitants' but, by virtue of s15 (2) of the 2000 Act (p.161) the right of access extends to members of the public in general. NB. The existence of a scheme under this act should be noted on the registers: Regulation 22, 1966 Regulations.

The promoters of the scheme will convene a general meeting, to be advertised by the County Council three months before to allow for objections.

An Association would be formed with a Committee:
Stakeholders
- Representations for each of the right holders
- Parish Councillor (representing the landowner)
- Representative of the District Authority
- Representative of the County Council

Other Members (non-stakeholders)
- Occupants of dwellings on the fringe of the Common
- Farmers and land-owners with boundaries to the Common

Management Scheme: Model Scheme
Amenity Common “except for those already managed under statute-based constitutions, will follow the Commons (Schemes) Regulations 1982 made under the Commons Act 1899. At present these are made by district councils, but local councils too will be able to initiate schemes. Where common rights are no longer exercised it will be open to owners and right holders to recommend to these authorities that a scheme be made. Schemes adhering to these rules will not need the approval of the Secretary of State. The input of local authority financial, managerial and technical resources will be assisted through central government”.

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SCHEDULE
Form 1
Form of Scheme

1. The pieces of land with ponds, paths and roads thereon, commonly known as Highleadon Green situate in the parish of Rudford and Highleadon in the County of Gloucestershire and hereinafter referred to as “the common”, as shown on a plan sealed by, and deposited at the offices of the Forest of Dean District Council hereinafter called “the Council” and thereon coloured green, being a common within the meaning of the Commons Act 1899, shall henceforth be regulated by this Scheme, and the management thereof shall be vested in the Council.

2. The Council may execute any necessary works of drainage, raising, levelling or other works for the protection and improvement of the common, and may, for the prevention of accidents, fence any pit, pond or other like place on the common, and shall preserve the turf, shrubs, trees, plants and grass thereon, and for this purpose may for short periods, enclose by fences such portions as may require rest to revive the same, and may plant trees and shrubs for shelter or ornament and may place seats upon and light the common, and otherwise improve the common as a place for exercise and recreation. Save as hereinafter provided, the Council shall do nothing that may otherwise vary or alter the natural features or aspects of the common or interfere with free access to any part thereof, and shall not erect upon the common any shelter, pavilion, drinking fountain or other building without the consent of the person or persons entitled to the soil of the common and of the Secretary of State [for the Environment]. The Secretary of State, in giving or withholding consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act 1876(a) to be taken into consideration and held by the Secretary of State before forming an opinion whether an application under the Inclosure Acts 1845 to 1882 shall be acceded to or not.

3. The Council shall maintain the common free from all encroachments and shall not permit any trespass on or partial enclosure thereof or of any part thereof.

4. The inhabitants of the neighbourhood shall have a free access to every part of the common and a privilege of playing games and of enjoying other kinds of recreation thereon, subject to any byelaws made by the Council under this Scheme.

5. The Council may set apart for games any portion or portions of the common as it may consider expedient and may form grounds thereon for cricket, football, tennis, bowls and other similar games, and may allow such grounds to be temporarily enclosed with any open fence, so as to prevent any livestock from straying thereon; but such grounds shall not be so numerous or extensive as to affect prejudicially the enjoyment of the common as an open space or the lawful exercise of any right of common, and shall not be so near to any dwelling-house or road as to create a nuisance or be an annoyance to the inhabitants of the house or persons using the road.

6. The Council may, with the consent of the person or persons entitled to the soil of the common, and of the Secretary of State, temporarily set apart and fence such portion or portions of the common as it may consider expedient for parking of motor and other vehicles, and may make such charges for the use of such part as it may deem necessary and reasonable; provided that any area so set apart shall not be so near to any dwelling-house as to create a nuisance or be an annoyance to the inhabitants of the house. The Secretary of State, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act 1876 to be taken into consideration and held by the Secretary of State

10 (a) 1876 c.56
before forming an opinion whether an application under the Inclosure Acts 1845 to 1882 shall be acceded to or not.

7. The Council may, for the prevention of nuisances and the preservation of order on the common, and subject to the provisions of section 10 of the Commons Act 1899, make, revoke or alter byelaws for any of the following purposes, namely:

a) prohibiting any person without lawful authority from digging or taking turf, sods, gravel, sand, clay or other substance on or from the common, and from cutting, felling or injuring any timber, or other tree, shrub, brushwood or other plant growing on the common;
b) regulating the place and mode of digging and taking turf, sods, gravel, sand, clay, or other substance, and cutting, felling and taking trees or underwood on or from the common in exercise of any right of common or other right over the common;
c) prohibiting the removal or displacement of seats, shelters, pavilions, drinking fountains, fences, notice-boards, or any works erected or maintained by the Council on the common;
d) prohibiting any person without lawful authority from killing, molesting or intentionally disturbing any animal, bird or fish or engaged in hunting, shooting or fishing or the setting of traps or nets or the laying of snares;
e) prohibiting the driving, drawing or placing upon the common or any part thereof without lawful authority of any motor vehicle, motor cycle, carriage, cart, caravan, truck or other vehicle (including any aircraft), except in the case of accident or other sufficient cause;
f) prohibiting:
   i. the flying of any model aircraft driven by the combustion of petrol vapour or other combustible substances;
   ii. the taking off or (except in the case of accident or other sufficient cause) landing of any glider or other aircraft;
   iii. the flying of any glider or aircraft in such a manner as to be likely to cause undue interference with the enjoyment of the common by persons lawfully on it;
g) prohibiting or, in the case of a fair lawfully held, regulating the placing on the common of any show, exhibition, swing, roundabout or other like thing;
h) regulating games to be played and other means of recreation to be exercised on the common;
i) regulating assemblies of persons on the common;
j) regulating the use of any portion of the common temporarily enclosed or set apart under this Scheme for any purpose;
k) prohibiting or regulating the riding, driving, exercising or breaking in of horses without lawful authority on any part of the common;
l) prohibiting any person without lawful authority from turning out or permitting to remain on the common any cattle, sheep or other animals;
m) prohibiting any person from bathing or similar in any pond on the common save in accordance with the byelaws;
n) prohibiting camping or the lighting of any fire;
o) prohibiting or regulating any act or thing which may injure or disfigure the common, or interfere with the use thereof by the public for the purposes of exercise and recreation;
p) authorising any officer of the Council, after due warning, to remove from the common any vehicle or animal drawn, driven or placed, or any structure erected or placed thereon in contravention of this Scheme or of any byelaw made under this Scheme;
q) prohibiting any person on the common from selling or offering or exposing for sale or letting to hire or offering or exposing for letting to hire, any
commodity or article, unless in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege;

r) prohibiting the fixing of bills, placards or notices on trees, fences, erections or notice-boards on the common;

s) prohibiting the hindrance or obstruction of any officer of the Council in the exercise of his/her powers or duties under this Scheme or under any byelaw made thereunder.

8. Copies of all byelaws made under this Scheme shall be displayed on noticeboards placed on such parts of the common as the Council think fit.

9. Nothing in this Scheme or any byelaw made under it shall prejudice or affect any right of the person entitled as Lord of the Manor or otherwise to the soil of the common, or of any person claiming under him, which is lawfully exercisable in, over, under or on the soil or surface of the common, or otherwise, or prejudice or affect any right of the commoners in or over the common, or the lawful use of any highway or thoroughfare on the common, or affect any power or obligation to repair any such highway or thoroughfare.

10. Printed copies of this Scheme shall be available for sale at the offices of the Council for such reasonable price as the Council may determine.

Form II

Form of Notice

Commons Act 1899

Notice is hereby given that the Forest of Dean District Council intend to make a Scheme under the above Act for the regulation and management of Highleadon Green in their district with a view to the expenditure of money on the drainage, levelling and improvement of the Common, and to the making of byelaws for the prevention of nuisances and the preservation of order.

Copies of the draft Scheme may be purchased and the plan therein referred to may be inspected at the offices of the Council.

Any objection or representation with respect to the Scheme or plan shall be sent to the offices of the Forest of Dean District Council, Coleford, Gloucestershire, within three months from the date of this notice.

If, at any time before the Council have approved the Scheme, they receive a written notice of dissent, which is not subsequently withdrawn, from either a person entitled to the soil of the common or from persons representing at least one third in value of such interests in the common as are affected by the Scheme, then the Scheme cannot be made.

__________________________
(Date)

__________________________
(Signature of Officer authorised to sign)
MANAGEMENT PLAN

A. DESCRIPTION & PRESENT STATUS

1. Location and status
Highleadon Green comprising 6.19 hectares of common land in the parish of Rudford and Highleadon, Gloucestershire. Registered CL35 under the Commons Registration Act 1965. There is no registered owner and the common is undergoing protection under section 9 of the above Act. There are five registered commoners with grazing rights and two additional apportionment's. The total grazing rights amount to 64 cows, 3 horses, 30 sheep, 2 pigs and 200 poultry. There are no existing management schemes or agreements.

2. Planning Designations
The Scheme and Management Plan will be administered by the Parish Council with the assistance of the Forest of Dean District Council, Coleford, Gloucestershire.

3. Physical Features
The land-form is typical of permanent (unimproved) lowland pasture. The soil is generally clay of a neutral pH. The grassland has been ungrazed for more than twenty years and is overgrown with scrub and ruderal woodland.

4. Flora and Fauna
An ecological survey independently provides a map vegetation and listing of habitats. This will note local and rare flora and fauna.

5. Buildings and Constructions
There are no known construction on the Site subject to work carried out under section 194 of the Law of Property Act 1925. Boundaries have no clear markers and these will be included within this plan.

6. Land Uses
At present the commoners are not exercising their grazing rights. The land has been declared 'Open Access' under the Countryside and Rights of Way Act 2000, and it is proposed that the land becomes an 'amenity common'. In which case it will be used for quiet recreation.

7. Access and Recreational Use
The common is accessible from a junction off the B4215 between Highnam and Newent in Gloucestershire. There are several access tracks crossing the common that are to be kept clear for local farming activities, and for adjacent dwellings. There is no history of the common being used for sport or organised games. Future purposes are intended to be of quiet recreation for the local residents and for the general public.

8. Present Management Arrangements
There is no existing governance structure. A 'Commons Association' is being formed.
9. Objectives - A management period of 9 years reviewed every 3 years.
To change the status of the common from that of farm business to an amenity common. It is also intended that the common be dedicated as a ‘local nature reserve’. The right-holders will not have their rights extinguished but will undertake not to exercise their grazing rights for the term of this management plan. The common will be conserved with some woodland and otherwise in continuation of an open and natural character. There will be leisurely walkways through woodland and glade with occasional areas of grassland suitable for picnics and family games. The whole area (parcels) of common will be managed and enhanced for recreational use.

10. Grassland and Vegetation Management
There will be a policy of no use of chemical fertilisers or pesticides. Management of grassland will be by rough mowing to emulate pasture. Some focal areas of grass may be mowed for aesthetic purposes (around ‘Camp House’).

11. Woodland/Trees
Management of the woodland will include thinning and replacement of some trees, particularly alien, non-native trees. Selected young self-sets may be transplanted to more suitable locations. Tree planting will be limited to specific areas. Generally scrub and trees will be removed where invading open areas of grassland.

12. Nature Conservation
Ponds and ditches will be restored and maintained. This will initially involve opening up the ponds and ‘puddling’ them with clay to increase their water retention. There will be monitoring and wardening of any rare or threatened species. Monitoring and recording of all habitat areas and management will be undertaken, whether controlled or occasional.

13. Conservation of Open Character
Boundary edges to roads will be protected with ‘ditch and bunding’ to form a barrier to prevent access onto the common by motor vehicles and caravans. This will maintain an open (unenclosed) aspect to the common. Some square oak bollards are anticipated around the ‘mown green’ area around ‘Camp House’ at the road junction approach to the common. Some levelling of ground surfaces is envisaged particularly over low ground to the rear of ‘Camp House’. Other ground areas require relatively small levelling exercises.

14. Public Access and Recreation
There will be a general policy of improving accessibility and enjoyment. It is proposed that an area will be created for public parking. This will deter unlawful parking and obstructions to farm field access. Notice boards may be erected to inform the public of open access and local byelaws affecting the use of the common. The common will not be used for horse riding, or by any vehicles, or for sporting purposes.
C. FUNDING ARRANGEMENTS

Finance required - *(conversion of the common to amenity purposes)* will be obtained from several sources:

- Ecological Survey (Gloucestershire Wildlife Trust est. £1260)
- Developing & drafting the management Plan (GRCC ? & DEFRA)
- Capital works (including initial scrub clearance, tree removals, new plantings, soil levelling, square oak bollards, boundary markers and bunding. ‘Green Sign’ for location nr ‘Camp House’ and notice-boards for regulations.
- Visitors car-parking - clear site and metal ground surfaces. (GCC ?)
- Restoration work to ponds, ditches and ground levels including importing clay for puddled lining to ensure water retention. (Countryside Stewardship ?)
- Vegetation: selected plantings native/ local and with conservators advice
- Annual management & maintenance works (Parish Plan & local volunteers)
- Monitoring - including vegetation and habitat change (local wildlife enthusiast)
- Conservator (preservation) Wildlife interests (local volunteer under guidance)
- Sustainable Management Scheme similar to, or ‘Countryside Stewardship’
- Insurance must be arranged to cover public liability and the upkeep of the common.

D. WORKS PROGRAMME AND RECORD

FOR 3 YEAR PERIOD 2004-2007

<table>
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<th>Location</th>
<th>Task</th>
<th>Ref to Text</th>
<th>By whom</th>
<th>Date planned</th>
<th>Comment/date completed</th>
</tr>
</thead>
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<td>Public parking</td>
<td>14</td>
<td>CC Highways</td>
<td>2004 onwards</td>
<td>Aug. 2004</td>
</tr>
</tbody>
</table>

E. REFERENCES & SOURCES OF INFORMATION

Names and addresses (with contact numbers) of all members of the Association and of service suppliers are held by the Clerk (Secretary of the Association) Also copies are held of all schedules, schemes, maps and proposals including the management plan for perusal when necessary.
APPENDICES

A. COMMON LAND LEGISLATION (Affecting procedure at Highleadon Green)

Commons Act 1899
This act enables district councils to manage and improve commons where their use for exercise and recreation is the prime consideration. (This act relates directly to the 'Scheme' proposed). Section 22 of the Act regulates the acquisition and enclosure of common land by statutory authorities by agreement (rather than by compulsion).

Law of Property Act 1925
Section 193 of this act implies that the public may do no more than indulge in informal recreation. An owner of a common (or incumbent district council) subject to s193 may apply to the secretary of state for an order of limitations (bye-laws) to control behaviour on the common. Section 194 has relevance as protection against development. Erection of any building, fence or construction of any work (outside of maintenance) is unlawful without consent of the secretary of state.

Commons Registration Act 1965
a) no land capable of being registered under this Act shall be deemed to be common land unless so registered
b) no rights of common shall be exercisable over any such land unless they are registered under this Act or under the Land Registration Acts 1925 and 1936
c) where no person is registered as owner, if it be common land, it will be vested as Parliament may hereafter determine.

Local Government Act 1972
Local councils under Section 137 have power to spend £3.50 per elector per year ‘for the benefit of the area’.

Acquisition of Land Act 1981
Section 19 of this act, in cases of compulsory purchase orders, the authority must give land in exchange - not less in area and ‘equally advantageous’ to commoners and public.

Road Traffic Act 1988
Section 34 - Unlawful to drive a mechanically propelled vehicle on to or upon any common land not forming part of a road. It is not an offence to drive a vehicle on land within fifteen yards of a road for the purpose of parking off the highway.

Criminal Justice & Public Order Act 1994
Section 61 gives police wide powers to remove trespassers from land including common as defined in section 22 of the 1965 Act.

Local Government Act 2000
Sections 2 and 3 (power to promote the well-being of area). Empowers District Authority to arrange clearance and improvement, to plant trees and to remove litter.
Countryside and Rights of Way Act 2000

Part one of the act provides for a right of public access on foot to 'access land', defined to include two categories of common land: (i) shown on a map in conclusive form and (ii) registered common land in any area outside inner London for which no map has been issued. Section 2 defines a right of access on to any access land for the purpose of open-air recreation, but only as long as no wall, fence, hedge, stile or gate is damaged. Entitlement does not apply where entry on land contravenes any prohibition in or under an act, other than a private or local act.

B. BIBLIOGRAPHY

Clayden P (2003) Our Common Land Henley-on-Thames: Open Spaces Society
DETR (June 1998) Good Practice Guide on Managing the Use of Common Land
DEFRA (July 2002) Summary Report on the Responses to the Consultation Paper "Greater Management of Common Land in England & Wales"
DEFRA (Nov.2002) Countryside Stewardship Scheme Pub. 7461A
DEFRA (Aug.2003) Consultation on Agricultural Use and Management of Common Land

C. AUTHORITIES & SUPPORT AGENCIES (policies & schemes)

Community Relations: Local Heritage Initiative (Heritage Lottery Fund/ Countryside Agency) Info line 0870 9000 401
Council for the Protection of Rural England - Community House College Green Gloucester 01452 309783
Countryside Agency - John Dower House Crescent Place Cheltenham Glos. GL50 3RA Tel. 01242 381 www.countryside.gov.uk Andrew Chester, Policy Adviser, Open Access Team 01242 533343 andrew.chester@countryside.gov.uk
DEFRA - Government Buildings Burghill Road Westbury-on-Trym Bristol BS10 6NJ Chris Wedge (Countryside Stewardship) 0117 959 1000
English Nature - Bronsill House Eastnor Ledbury Hertfordshire HR8 1EP Charlotte Pagendam, Conservation Officer 01531 638500 Fax 638501 Cotswold Grazing Project: Paul Hackman (Grazing Commons) 01531 638500
Forest Of Dean Countryside Planning Dept. Council Offices High Street Coleford Glos.  
Rob Sweet (Hd) 01594 810000 Alistair Chapman 01594 812329 Fax 812330  
Carolyn Mitchell Funding Officer F.o.D District Council 01594 812333  
East Dean - Gloucestershire County Council (Lib Dem) Janet Elizabeth Boait (Liz)  
Old School House Tibberton Glos. GL19 3AQ 01452 790818/790369 Fax 790734 Cabinet 01452 426865 lizboait@gloscc.gov.uk (Deputy Council Leader)  
Forest of Dean MP - Diana Organ - House of Commons London SW1A 0AA  
FWAG - Farming & Wildlife Advisory Group - Saw Mills End Corinium Avenue  
Gloucester GL4 3DE Jim Swanson 01452 627487 Fax 627483  
Gloucestershire Biodiversity Partnerships - Church House Standish Stonehouse  
Gloucestershire: James Byrne Action Plan Project Officer 01453 791576  
Gloucestershire County Council - Shire Hall: Switchboard 01452 425000  
Common lands Legal Advisor: Janet Smith 01452 425095  
Common Lands Registration: Jeanette Wilton 01452 425221  
Environment Directorate: GLAF: Mark Parker 01452 425535 John Parsons 425629  
Steve Pitt 1452 425577 Fax 425356 PROW: Andrew Houldey 01452 425522  
Area PROW for North Forest of Dean: Pete Maunder 01452 425595  
Community Services: Local Studies - Colleen Powell Team Librarian (Brunswick Road) 01452 426979 The Archaeology Service (Sites & Monuments Record)  
Shire Hall Jane Springham 01452 425705 Fax 425356 Anna Morris SMR  
Assistant (Old Maps/illustrations) 01452 425705 Adviser Nick Russell 425688  
Public Records Office: records@gloucestershire.gov.uk  
VCH Gloucestershire Record Office: Carrie Smith 01452 425292  
Gloucestershire Rural Community Council - Community House 15 College Green Glos. GL1 2LZ 01452 528491 Fax 528493 glosrcc@grcc.org.uk (Sophie Holmes)  
Gloucester Vale Conservation Volunteers - Rob 01242 581842  
Also: British Trust for Conservation Volunteers (Midweek Volunteers contact PROW team at Shire Hall) or Tim Parish 01452 523692  
Gloucestershire Wildlife Trust - Dulverton Buildings Robinswood Hill Country Park Reservoir Road Gloucester: Rosie Cliffe & Dr Colin Studholm  
National Trust - ‘Flying Herd’ Gloucestershire Paul Hill 01452 814213  
Open Spaces Society - 25a Bell Street Henley-on-Thames Oxfordshire RG9 2BA  
Kate Ashbrook and Nicola Hodgson 01491 573535 Fax 573051 hq@oss.org.uk  
Rudford & Highleadon Parish Council - Clerk Mr John Wells ‘Puddledub’ Upleadon Road Highleadon Newent GL18 1HS 01452 790332 tubbyjohn@hotmail.com
D.

MANAGEMENT COMMITTEE
Highleadon Green Association (H.G.A)

OBJECTS
• To maintain the common and protect its customs
• To enhance the biodiversity of the site
• To provide a focal point for the local community
• To provide safe access for quiet enjoyment

ASSOCIATION COMMITTEE
The policy and general management of the affairs of the Association shall be directed by a Management Committee (hereinafter called the “Committee”) which shall meet not less than three times a year and when complete shall consist of not less than three or more than ten members. Any member of the Association is eligible for election to the Committee. The Committee shall be elected at each Annual General Meeting. The Committee shall include five officers:
a) Chairman
b) Vice-Chairman
c) Secretary
d) Conservator
e) Treasurer

Three persons or one third of the Committee, whichever is the greater, shall constitute a quorum. The Committee shall have the right to co-opt a person or persons to serve where necessary, with or for it. The Committee may appoint sub-committees as it deems necessary and shall prescribe their function provided that all acts and proceedings of any sub-committee shall be reported to the Committee as soon as reasonably possible and provided further that no such sub-committee shall expend funds of the Association otherwise than in accordance with a budget agreed by the Committee. Any sub-committee shall include an officer of the Association.

The Committee shall meet as determined by the Committee. Except when meetings are too close in time to allow: minutes of the Committee shall be circulated at least seven days in advance of the following meeting, and minutes of a sub-committee meeting shall be circulated to the Committee prior to its next meeting.
In furtherance of the objects of the Association, but no further or otherwise, the Committee shall have the following powers:

1. To publish maps, information material, newsletters, and any other material consistent with the objects.
2. To arrange meetings, visits and excursions.
3. To liaise and make representations to district and county authorities, as well as other organisations and people.
4. To arrange surveys, works contracts and any such arrangements that are consistent with the objects of the Association.
5. To remove any blockage to access over the common and to arrange any restrictions or suchlike activity so long as it is lawful.
6. To accept grants or donations and make charges to cover costs of carrying out the objects.
7. To do all other lawful things as are necessary to the attainment of the objects of the Association.

ROUGH ESTIMATE OF PROJECT MANAGEMENT COSTS

£

Preparation documents & paperwork say 500
Wildlife Survey say 1250
Scrub & tree clearance say 3000
Ditch & bunding say 3000
Soil levelling & ditch clearing say 2000
Pond & wetland restoration say 2000
Bespoke ‘Green sign’ and installation say 1500
Lift-up posts/rails, benches, notice-boards say 2000
Materials: Hoggin, gravel, clay for ponds, trees, grass-seed, wild-herbs, bulbs, say 2000
Visitors Car Park say 2000
Supervision and administration say 500
Total: 19750

Plus VAT = £23,206

Subsequent annual maintenance costs will be ongoing
E. APPLICATION FOR COUNTRYSIDE STEWARDSHIP:

MANAGEMENT PLAN

1. Representative: Mr A Shelley
2. Statutory Commons Association
3. Highleadon Green Association
4. Defra Vendor No. _____
5. Address for correspondence: ‘Wycken End’ 16 Bournside Road Cheltenham Glos. GL51 3AH Telephone/Fax 01242 515739 Email: ashelley@glos.ac.uk
6. Rudford & Highleadon Parish Council, Clerk: Mr J Wells ‘Puddledub’ Upleadon Road Highleadon Newent Gloucestershire GL18 1HS Telephone 01452 790332 Email: tubbyjohn@hotmail.com
7. Conversion too and the management of an ‘Amenity Common’ (Bringing neglected, overgrown, land into community use).
8. Objective 2 Area?
   a) ?
   b) ?
   c) ?
9. Land administered under the IACS?
   a) ?
   b) ?
   c) ?
   d) ?
   e) ?
10. The Association is owner/occupier - to be entered into the ERDP Scheme

Signed: Applicants agent

_________ Date ________

ALAN SHELLEY
NOTES TO ACCOMPANY MAP WITH APPLICATION

Land Management and Access


Objectives

1. To safeguard the site as a local amenity
2. To protect the custom of common land
3. To enhance the biodiversity value of the site
4. To provide a focal point to the local community
5. To improve safe access too and around the common.

Capital Works

1.a. The site requires much scrub clearance and it may then become vulnerable to encroachment by motor vehicles, illegal parking, travellers and fly-tipping.
1.b. To prohibit access - Barriers created by ‘ditch and bund’ will be applied to peripheral edges of highways (within and allowing std verges). Gaps of one and a half metres at regular intervals will allow easy pedestrian access. ‘Lifting posts’ may be installed to allow maintenance - tractor/ farm track access.
2. Ground surfaces generally require clearance of excess scrub and ruderal tree growth (selected trees to be retained). A moderate amount of soil levelling and root/stump removal is required. Areas of open grassland will be created to emulate common land pasture. Such areas may require preparation and seeding with grass and wild herbs.
3.a. Selected trees will be retained or transplanted as ‘standards’. Some trees and shrubs may be pruned or coppiced. thickets of thorn/scrub will be reduced/retained in places to enhance wildlife/habitat and maintain ‘green corridors’.
3.b. Ponds and wetland areas including ditches require renovation. This will include re-lining pond basins with clay (probably imported from elsewhere on site).
4. Four areas of mown grass will be suited for family recreation and provide a ‘village green’ appearance. The focal point, at the junction of B4215, in front of ‘Camp House’ it is intended to place a ‘village green’ sign (proclaiming Highleadon Green). The ground surfaces will be enhanced by spring bulbs and seasonal wildflowers.
5. Safe access can be provided by creating walkways within the wide (now overgrown and impassable) verges alongside the two highways. It is intended to clear (many) trees and scrub to allow a wide walkway (tractor wide) with trees retained alongside a verge to the highway. The network of walkways
conjoins with the public footpath system to ensure safe circuitry walking around the whole of the site. Some paths may require hoggin or gravel (local colour and texture) to their surfaces.

Access to the site requires that a suitable area of hard standing of approx. 10 x 30 m be incorporated (off the secondary highway) for vehicle parking by visitors.

6. **Capital Items** - four lift-up post & rails, three notice-boards, four benches, one bespoke ‘Green-sign’ and standard. Several trees (native broadleaf).

Vegetation: grass-seed, wild flower mixes and spring bulbs

**Maintenance Works**

- Scrub management regime
- Path maintenance
- Grass mowing
- Tree and shrub pruning and coppicing
- Hedge and ditch maintenance
- Wildlife monitoring. Habitat creation and protection
- Pond and wetland maintenance.

**Payments for Countryside Stewardship Scheme for 2003**

<table>
<thead>
<tr>
<th>Payments for Advice Management Plan</th>
<th>Code</th>
<th>Payment £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payment for Advice Management Plan</td>
<td>TA1 (holding less than 50ha)</td>
<td>150</td>
</tr>
<tr>
<td>Grassland</td>
<td>P1 (plus GRP - 3ha x 85 + 30/ha)</td>
<td>345</td>
</tr>
<tr>
<td>Wildfire seed mixture</td>
<td>WM1 (3ha @ £510/ha)</td>
<td>1530</td>
</tr>
<tr>
<td>Earth bank restoration (Drews Farm)</td>
<td>ER (20m @ £3/m)</td>
<td>60</td>
</tr>
<tr>
<td>Tree planting &amp; transplanting</td>
<td>TSP (50 @ £0.65)</td>
<td>32</td>
</tr>
<tr>
<td>Coppicing bankside/pond</td>
<td>CBT (5 @ £15)</td>
<td>75</td>
</tr>
<tr>
<td>Minor Tree Surgery</td>
<td>TSI (40 @ £22.50)</td>
<td>900</td>
</tr>
<tr>
<td>Ditch restoration</td>
<td>DR (200m @ £2/m)</td>
<td>400</td>
</tr>
<tr>
<td>Wildlife strips</td>
<td>R6 (2ha @ £267/ha)</td>
<td>534</td>
</tr>
<tr>
<td>Access - Benches</td>
<td>B (4 @ £30 ea)</td>
<td>120</td>
</tr>
<tr>
<td>Hard-standing for vehicles</td>
<td>CP (300m @ £5/m)</td>
<td>60</td>
</tr>
<tr>
<td>Commons management supplement</td>
<td>UC (6.19ha @ £5/ha)</td>
<td>31</td>
</tr>
<tr>
<td>Item</td>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Scrub clearance (4ha)</td>
<td>SC</td>
<td>(85% cover @ £500/ha)</td>
</tr>
<tr>
<td>Eyesore clearance</td>
<td>E</td>
<td>(Council refuse)</td>
</tr>
<tr>
<td>Pond restoration x 3</td>
<td>PR</td>
<td>(300m² @ £2/m²)</td>
</tr>
<tr>
<td></td>
<td>PRP</td>
<td>(500m² @ £0.50/m²)</td>
</tr>
<tr>
<td><strong>Total of available payments</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Special Projects (Restoration/creation of focal ‘Green’ (Camp House) xxxxx
Special Projects (Barrier around site of ditch & bund + lifting posts) xxxxx

**NB.** The above payments are based upon applications for Countryside Stewardship in 2003. Changes to the scheme (by Defra) are anticipated due to the new statutory requirements for open access under the Countryside Rights of Way Act 2000. An application under the current scheme must be made by March 2004.
**MANAGEMENT PLAN HIGHLEADON GREEN**

- **Safe off road path**
  - Wide enough for tractor access. Some ground surfacing will be needed. Highleadon
  - Provide wide open views to the road for safety
  - Selected trees to develop as standards
  - New pathways to connect with existing public footpath
  - Dotted areas indicate scrub cleared and removed to grass to be cut once a year.
  - Varied areas may be cut twice a year

- **Sheltered pathway to garage shop**
  - Many trees and scrub to be cleared to create an open safe footpath off road.
  - Trees to line the outer roadside edge.
  - Pathway width to allow tractor access

- **Verges to be mown to grass andbold hedges to be encouraged.**
  - Ditch and bank to fish/shrimp vehicle access on a Commom.
  - Maintain 1m gaps at regular intervals for pedestrian access.
  - Lifting posts to be installed to allow tractor access.
  - Some ground levelling may also be required.

- **Focal Area**
  - To be cleared of scrub.
  - Trees to be retained.
  - Restore to grassland and manage as Village green.
  - Square oak hollards

- **Trees planted to create an avenue**
  - Pond restoration (time: 06/08)
  - Conifer trees around (Yew, Hawthorn)
  - Excavate to sound basin.
  - Restore, using wild potted clay
  - Use spoil in surrounding low spots

- **KEY**
  - Boundary of Common
  - Land to be retained into life scheme

- **Visitors car parking area CP**
  - Remove all scrub and manage area shaded as mean grass
  - Village green, Pt & WM

- **Wetland marsh area to be developed into wildlife habitat/biodiversity**
  - Remove 2 scrub, retain selected trees
  - Manage overall area as wetlands
  - Remove grass in August

**Note:** Check for underground services and distances from kerbs
Restoration of Highleadon Green

Background to the Formation of Highleadon Green Association

For many years the Green, of approximately 15 acres adjacent to the B4215 from Highnam to Newent, had been neglected and was largely overgrown with scrub. This common land was previously maintained by right-holders whose livestock no longer graze and naturally manage the land.

At a national common lands seminar held at the University of Gloucestershire, on 9 September 2003, John Wells, parish clerk of Rudford & Highleadon, approached delegate Alan Shelley who elected to assess the problem of how the land could be brought under management.

Without a registered owner of the land, the parish council was unable, in law, to apply any management. Alan Shelley surveyed the site on 12 September 2003 and produced an initial assessment. He then met with the Parish Council where he proposed taking up the subject with the District Council with a view to producing a scheme and forming a self-managing volunteer group of local residents.

After many hours of research at the Shire Hall, County Records Office and Land Registry, followed by weeks of discussions with right-holders and villagers, the way was paved for action. A formal proposal dated October 2003, was presented to the District Council containing a design proposal, action plan, legal requirements and a constitution for forming an association with a statutory ‘Scheme’ and management plan. An effective scheme was devised employing the little used 1899 Commons Act.

Notifications were issued of the intentions to form a group to manage the Green and with no objections the Highleadon Green Association (HGA) was formed 21 March 2004. It was not until 25 April 2005 that the District Council was formally able to delegate management to the association who were required to be affiliated to the Parish Council. The creation of a fully constitutional body namely HGA provided the means to tender for grants and lottery money in order to fund the restoration of the Green.

Objectives of the Association were to provide a pleasant area for quiet leisurely recreation in harmony with native wildlife. Residents should again be able to circulate the village on foot without being forced, by overgrown scrub, into using the busy highroads. The constitution upholds the traditional rights of the right-holders and ensures that they, the right-holders, are given a say in the running of the Green.

In recognition of the extensive work and assistance given to John Wells in setting up the Association, Alan Shelley who gave his time and expertise freely, was awarded the lifetime title of Honorary Conservator of Highleadon Green.

Interestingly, the application of the 1899 Act by A.S. at a time when the House of Commons were in discussions over a new Commons Bill caused Hugh Craddock principal civil servant of Defra to contact Alan, requesting a copy of the ‘Proposal’ for debate in Parliament.

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2 This Bill eventually became the Commons Act, 2006.
NB A Copy of the Official Proposal and ‘Scheme’ for Highleadon Green is held at the Forest of Dean District Offices (Legal Services) for public access.
Dear Alan

Re: Highleadon Common

I refer to the above matter and am pleased to advise you that the objection period for the scheme has now expired. No objections have been received so your scheme is now confirmed as advertised.

I hope that you can now work towards making the common a wonderful place to be and I look forward to coming to visit once the works have been completed.

Yours sincerely

Mrs Claire Brain
SENIOR LEGAL EXECUTIVE

cc:  Mr J Rankin, Commons Association, Redhill Farm, Highleadon, Glos GL18 1HJ
Mr John Wells, Puddledub, Upleadon Road, Highleadon, Newent, Glos GL18 1HS
Phil Woosnam, Technical Services – Forest of Dean District Council
Alastair Chapman, Planning Services – Forest of Dean District Council
This is to certify that

Highleadon Green Association

was awarded

The George Read Award
Pride of the Forest Awards 2011

Presented on the occasion of
The Chairman's Charity Dinner
At Forest Hills Golf Club
25 November 2011

Councillor Norman Stephens
Chairman, Forest of Dean District Council