

Sent by email

Crosby Ravensworth Commoners Association

c/o PFK Land Agency
Agricultural Hall
Skirsgill
PENRITH
CA11 0DN

18 May 2020

Dear Stakeholder

**Section 38 of the Commons Act 2006, application for works:
Crosby Ravensworth, Bank Moor and Hardendale Commons**

The Crosby Ravensworth Commoners Association is applying to the Secretary of State for Environment, Food and Rural Affairs for consent under section 38 of the Commons Act 2006 to carry out restricted works on Crosby Ravensworth, Bank Moor and Hardendale Commons. The Planning Inspectorate will decide the application on behalf of the Secretary of State.

We are required to give you notice of our proposals, and are sending you a copy of the attached notice in order to comply with that requirement.

Under section 38, we need Defra's consent to carry out any restricted works on **land registered as common land** under the Commons Registration Act 1965 or the Commons Act 2006 (and on certain other land specified in section 38).

Restricted works are any that prevent or impede access to or over the land. They include fencing, buildings, structures, ditches, trenches, embankments and other works, where the effect of those works is to prevent or impede access. They also include, in every case, new tarmac (or similar) surfaces, such as for a new car park or access road.

Defra's decision will be based on the merits of the proposal, and will balance all the interests in the common, taking account of all views expressed. Regard must be given to the criteria set out in section 39 of the Commons Act 2006. These are:

(a) the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);

(b) the interests of the neighbourhood;

(c) the public interest, which includes the public interest in:

- nature conservation
- the conservation of the landscape
- the protection of public rights of access to any area of land, and
- the protection of archaeological remains and features of historic interest;

(d) any other matter considered relevant.

These criteria will be viewed in the light of the overriding objective of protecting, maintaining or improving the common, and of ensuring that the overall stock of common land is not diminished. This will enable the diversity, variety, and overall extent, of common land to be safeguarded.

Any representations about the proposal should be sent to the Planning Inspectorate by Monday 15 June 2020, which is the closing date specified in the notice.

If you have any queries regarding our proposals or this notification letter please contact our agent:

Dan Hunt, Bowfell Consulting Ltd

Email: dan.bowfell@gmail.com

Tel: 07711 285872

Thank you for your time.

Yours faithfully

Gordon Bowness

Chair of Crosby Ravensworth Commoners Association

Section 38 of the Commons Act 2006, application for works: Crosby Ravensworth, Bank Moor and Hardendale Commons

The Crosby Ravensworth Commoners Association is applying to the Secretary of State for Environment, Food and Rural Affairs for consent under section 38 of the Commons Act 2006 to carry out restricted works on Crosby Ravensworth, Bank Moor and Hardendale Commons. The Planning Inspectorate will decide the application on behalf of the Secretary of State.

The proposed works are:

- a. The **erection of 15,577 metres of new temporary stock fencing to protect young scrub and trees** which will be planted within the fenced areas to create scattered scrub habitat on the Commons. The fencing will be in place for up to 15 years to enable establishment of the scattered scrub habitat.
- b. To **extend the period of existing temporary fencing for two existing planted areas**, which were fenced in 2010 to establish scattered scrub habitat, for an additional 10 years. This will enable the planted scattered scrub to fully establish.

The **new temporary stock fencing works** will be located in various parts of **Crosby Ravensworth and Hardendale Commons** and on one location on **Bank Moor Common**:

- i. Crosby Ravensworth Common –
 - land adjacent to the M6 motorway northbound and southbound carriageways
 - at the top of Slack Randy, near Crosby Ravensworth village
 - Two areas above Slack Randy
 - An area above the Orton Scar entrance to the Common
- ii. Hardendale Common –
 - adjacent to the M6 motorway northbound and southbound carriageways
 - adjacent to the B6261 public road, near the M6 motorway junction 39 and the junction for Orton village
 - between the West Coast mainline railway and the B6261 public road
- iii. Bank Moor Common – south of Bank Head Farm, Crosby Ravensworth

The fencing will be 1.1 metre high stock fencing. Gates for recreational access and authorised vehicles will be provided on all Public Rights of Way and other locations, as agreed following detailed discussions with public access statutory bodies and stakeholders.

The **existing temporary fencing** is located in two areas on **Crosby Ravensworth Common**:

- i. Dina Gill – west of the B6260 Orton to Appleby-in-Westmorland public road, and south of Gilts Farm, Crosby Ravensworth
- ii. An area south of Crosby Lodge Farm and west of Gilts Farm, Crosby Ravensworth

Viewing the S38 application and proposed works

Due to Government advice in respect of Coronavirus (COVID-19), and on the advice of the Planning Inspectorate, a copy of the application will not be left in a public area for viewing. However, a copy of the application form and accompanying documents may be viewed online at:

<https://land.pfk.co.uk/crosby-ravensworth-common-secretary-of-state-public-consultation/>

A copy of the application form and accompanying documents may also be obtained from the Crosby Ravensworth Commoners Association via their agents, PFK Land Agency at the email or postal address below.

- a. Email landagency@pfk.co.uk. In the subject title please include 'Crosby Common S38 application'.
- b. If you are unable to email please write to the address below. However, due to the current Coronavirus restrictions replying by post may be delayed or even not be possible.
Please request a copy of the application by email if possible.

The application form and documents will be available until Monday 15 June 2020

In view of the pandemic, **any representations should, where possible, be sent only by email** ON or BEFORE that date to commonlandcasework@planninginspectorate.gov.uk.

Representations sent to the Planning Inspectorate **cannot be treated as confidential**. They will be copied to the applicant and possibly to other interested parties. For information about how The Planning Inspectorate processes personal information please see the Common Land Privacy Policy at <https://www.gov.uk/government/publications/common-land-guidance-sheet-13-privacy-policy>.

Gordon Bowness, Chair of Crosby Ravensworth Commoners Association
c/o PFK Land Agency
Agricultural Hall
Skirsgill
PENRITH
CA11 0DN

12th May 2020