

**APPLICATION TO DEREGISTER, OR TO DEREGISTER AND  
EXCHANGE, COMMON LAND OR TOWN OR VILLAGE GREENS**

Commons Act 2006: Section 16

Return completed application to:

The Commons Team  
The Planning Inspectorate  
3A Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Tel: 0303 444 5408

E-mail: [commonlandcasework@planninginspectorate.gov.uk](mailto:commonlandcasework@planninginspectorate.gov.uk)

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**PLEASE READ THE FOLLOWING CAREFULLY BEFORE COMPLETING THIS FORM:-**

- Section 16(9) of the Commons Act 2006 requires that an application to deregister and exchange common land or town or village greens may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the release land and any replacement land. When completing this form you will be asked to confirm that such consent has been obtained and that you have consulted any relevant leaseholder of, and the proprietor of any relevant charge over, the release land/any replacement land about the application.
  - Answer all the questions on this form in full and only use a separate sheet where there is insufficient space for your answer.
  - Refer to "*Notes on completing an application to deregister, or to deregister and exchange, common land or town or village greens*" (the "Notes") when completing this form.
  - References throughout this form to 'common land' apply equally to 'town or village green'.
  - A non-refundable fee of £4,900 is payable for all applications under section 16 to deregister/exchange common land. A cheque for this amount, payable to "The Planning Inspectorate", must accompany every application. Alternatively, if you wish to pay by BACS the Planning Inspectorate's bank details are available on request.
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**SECTION A – The common land to be deregistered (i.e. the release land)**

**Section A1 – The Common**

1. Name and full address of common

Leigh Common  
Leigh Road  
Wimborne Minster  
Dorset

CL no or VG no

CL1

Commons Registration Authority

Dorset Council

**Section A2 – The owner of the release land**

2. Forename	<input type="text" value="William"/>
Surname	<input type="text" value="Hanham"/>
Organisation (if appropriate)	<input type="text" value="Hanham Estate"/>
Title (Mr/Mrs/Miss/Dr)	<input type="text" value="Sir"/>
Full Postal Address	<input type="text" value="Deans Court&lt;br/&gt;Deans Ct Ln&lt;br/&gt;Wimborne Minster"/>
Postcode	<input type="text" value="BH21 1EE"/>
Telephone No/Mobile	<input type="text" value="01202 849314"/>
E-mail address	<input type="text"/>

3. Do you prefer to be contacted by  Post  E-mail

4. Please note that unless you tick the box below we will send all correspondence to the person named above and not to the owner of the replacement land shown in Section B1.

Please send all correspondence to the owner of the replacement land named in section B1

**Section A2a – The agent (where applicable)**

4a. Forename	<input type="text"/>
Surname	<input type="text"/>
Organisation (if appropriate)	<input type="text"/>
Title (Mr/Mrs/Miss/Dr)	<input type="text"/>
Full Postal Address	<input type="text"/>
Postcode	<input type="text"/>
Telephone No/Mobile	<input type="text"/>

E-mail address

Do you prefer to be contacted by

Post

E-mail

### Section A3 – Area of common and common rights

5. What is the total area of common land as registered?

9.5 ha

What common rights, if any, are registered? (e.g. number and type) If the land is a town or village green, what kind of recreation is it used for?

Common rights as registered in 1969 consist of:

Henry Vernon Purchase & William Jesse Purchase - the right to graze 40 cows over the whole of the land comprised in the register unit.

Ivor Chisman - the right to graze 15 cows over the whole of the land comprised in the register unit.

These rights are not exercised, however light grazing has been carried out in the past by Dorset Council as part of biodiversity management.

Recreational use on foot is encouraged by the provision of stone paths laid and maintained by Dorset Council in the wooded section of Leigh Common, together with biodiversity interpretation boards.

6. If there are common rights registered are they exercised?

Yes

No

If yes, please give details e.g. which commoners are active, which rights are exercised and how often.

### Section A4 – Description of the release land

7. Area of release land in m<sup>2</sup>

5,259m<sup>2</sup>

Description (including location) of the release land

The release land constitutes verge adjacent to Leigh Road, Wimborne Minster. Most of the land to be released lies on the south side, where it is regularly interspersed by private accesses and in part consists of an existing footway. Around a third of this land is already asphalt surfaced.

A large section of this land already has permission under previous s38 applications (COM/3169414 and COM/3190392) undertaken by developers of sites south of Leigh Road to provide two signalised junctions separated by around 150 metres. A temporary junction already exists at the eastern extent, constructed under the first of these consents.

On the north side the release land also includes a narrow section adjacent to the footway to both east and west of the Northleigh Lane junction. At the junction itself the proposal will reduce the size of the junction, returning some small elements of currently asphalt-surfaced common land to verge. East of Northleigh Lane the release land only consists of the existing asphalt-surfaced footway, which was surfaced in the past without common land rights being removed. Between the asphalt footway and the carriageway is a stretch of highway verge that is not registered common land.

**SECTION B – The land to be given in exchange (i.e. the replacement land)**

8. Are you proposing to provide replacement land in exchange for the release land? You must propose replacement land if the area of the release land is more than 200m<sup>2</sup>.  Yes  No
- If **Yes**, go to Question 9. If **No**, please explain below why you are not providing replacement land and then go to Question 14.

**Section B1 – The owner of the replacement land**

9. Forename	<input type="text"/>
Surname	<input type="text"/>
Organisation (if appropriate)	<input type="text" value="Dorset Council"/>
Title (Mr/Mrs/Miss/Dr)	<input type="text"/>
Full Postal Address	<input type="text" value="County Hall&lt;br/&gt;Colliton Park&lt;br/&gt;Dorchester&lt;br/&gt;Dorset"/>
Postcode	<input type="text" value="DT1 1XJ"/>

Telephone No/Mobile

E-mail address

**Only complete Question 10 if Question 4 has been ticked.**

10. Do you prefer to be contacted by  Post  E-mail

**Section B2 – Description of the replacement land**

11. Name of replacement land (if any)

Area of proposed replacement land (in m<sup>2</sup>)

Description (including location) of the replacement land.

The replacement land constitutes an indented grassed area of Bytheway Field which is contiguous on three sides with Leigh Common. Dorset Council provides permissive public access to this land, but no dedicated rights of access exist. An existing gravel path bisects the land.

Dorset Council is aware that under Defra's Common Land Consents Policy consent would not normally be granted where "replacement land is already subject to some form of public access". In this case, because the release land will continue to be accessible to those on foot or cycle and benefit access by those modes, the affect of the exchange will be neutral in all aspects, and will not diminish the stock of common land.

12. Please confirm that the proposed replacement land is not already registered as common land or town or village green.  I confirm

### Section B3 – Rights over the replacement land

13. Give details of any relevant leaseholders, other occupiers, rights of access and easements, those holding any relevant charges over the replacement land, or any other rights or easements. Explain why such rights will not materially interfere with the public's right to use the land (should the application be successful). (see Note 8).

BytheWay Field is maintained as an accessible area and managed by Dorset Council as a Suitable Alternative Natural Greenspace for heathland mitigation under the Dorset Heathlands Planning Framework.

The National Trust, as previous owners of the replacement land, have a charge requiring permission to be obtained before any changes to fencing or paths is conducted. The Trust has indicated that it is content with the arrangements proposed. The aim of the Trust's charge is to control unwarranted development of the area - dedication to common land therefore further supports this aim.

## SECTION C - Access arrangements and current features of the lands

### Section C1 – Access to the lands:

14. To what extent is there **existing** public access over the land(s) e.g. public rights of access under Section 193 of the Law of Property Act 1925?

(a) The release land

Public access under section 193 of the Law Of Property Act 1925 (now CROW section 15) exists over the release land. This currently constitutes highway verge alongside a 40 mph speed limit road, in parts with no footway and thus enjoyment of the land is limited. No pedestrian crossing exists at present, so movement is difficult between the southern portion of Leigh Common and the larger, northern portion.

(b) The replacement land (including any existing informal public access)

Informal public access exists throughout the BytheWay Field site, including the parcel to be dedicated as replacement land. BytheWay Field is managed jointly with Leigh Common by Dorset Council for biodiversity and recreational benefits.

15. What are the intended access arrangements for the replacement land?

Access will continue to be maintained to both BytheWay Field and Leigh Common, but greater protection over the replacement land will be provided by dedication to common land. An existing fence that runs between Leigh Common and BytheWay Field runs adjacent to a ditch which is approximate 2m wide by 1.5m deep. Removing this fence would therefore offer no access benefits. An existing culvert and gate in the fence will enable direct access between the existing common and the replacement land. Two further pedestrian gates enable access between the existing common, the non-common land parts of BytheWay Field and the replacement land.

## Section C2 - Current condition of the lands

16. Describe the current condition and use of the lands, including any biodiversity, landscape, archaeological, agricultural and recreational interests:

(a) The release land

The release land constitutes the mown highway verge, asphalt surfaced footways or existing private accesses, with only nominal access or recreational value and no agricultural value. Ecological assessments indicate very limited biodiversity value. Archaeological finds were made when the adjacent housing was constructed 70 years ago. In the interim, much of the land has been regularly disturbed to accommodate statutory undertakers' equipment, with no registered finds. The local archaeological service have been consulted. Large areas of the verge are already, or will, be removed to accommodate access roads to the developments on the south side of Leigh Road.

(b) The replacement land

The replacement land is part of Bytheway Field, an open space already widely used for recreation adjacent to Leigh Common. This was dedicated as East Dorset District Council's first Suitable Alternative Natural Greenspace in 2012, but is not formal access land. Existing paths run through both Bytheway Field and Leigh Common and both are used for recreation. The parcel to be dedicated constitutes wet pasture skirted by a path and ditch.

17. What structures (e.g. buildings, roads, bridleways, footpaths, walls, fences) are currently on the land?

(a) The release land

At the western end the land constitutes road, footway and extensive private accesses. Adjacent to BytheWay an existing asphalted footway lies within the common land boundary. On the southern side a recently built temporary road access to the development site south of Leigh Road crosses the land. Further access roads, already with common land consent, are planned for construction in this location to give access to developments.

(b) The replacement land

A fence demarcates the boundary between Leigh Common and Bytheway Field, adjacent to a substantial ditch. The ditch is culverted and the fence gated, as discussed in Q15. A 2 metre wide gravel path runs through the replacement land providing part of the recreational network of paths in Bytheway Field.



18. What boundary features e.g. fences, hedges, walls (and access points such as stiles and gates) are currently on the perimeter of (or on land immediately adjoining) the land?

(a) The release land

Hedges, fences and walls belonging to frontages existing along much of the south side. On the north side the common no access restrictions exist in the eastern part. In the western part the boundary with Bytheway Field is fenced with several access points, including vehicular access to a car park.

(b) The replacement land

This is currently fenced to Leigh Common, but otherwise open to Bytheway Field.

19. What, if any, boundary or other features are proposed to be removed from or erected on the replacement land as part of the exchange?

The current boundary fence will be left in situ. The fence follows the path of a ditch, therefore moving the fence would serve little purpose. An existing culvert and vehicular gate to provide servicing access between Bytheway Field and Leigh Common will be opened to ensure access to the replacement land.

20. What, if any, works are to be carried out on the replacement land as part of the exchange?

As discussed above, no works will be required other than maintaining the gate and culvert to ensure access across the ditch to the replacement land.

## SECTION D – Details of the exchange or deregistration

21. What are the reasons for the exchange or deregistration?

Dorset Council wishes to construct a cycleway on both the north and south sides of Leigh Road and Wimborne Road West from Brook Road to Canford Bottom, a distance of 2.3kms. In most locations this will be segregated between pedestrians and cycles, but where widths are constrained, a shared use route will be provided.

At this point Leigh Road forms part of the National Cycle Network, but has been identified as a part of the route offering a poor level of service, with users forced to share a road subject to a 40 mph limit with very high traffic levels.

The proposed route will provide safe access along the road to and from existing settlements as well as the new housing developments and community facilities under construction south of Leigh Road. The latter includes a new school, a sports village and recreational green space south of the A31. The routes will also improve access to Leigh Common and Bytheway Field, a managed Local Nature Reserve and recreational site.

Space for these cycleways cannot be found entirely within the carriageway between Brook Road and Park Farm Cottages. Dorset Council has proposed to use some of the highway land that is also subject to common land protection adjacent to Leigh Road, principally on the southern side. The developers of the sites south of Leigh Road have not proposed to provide a link for pedestrian or cycle traffic on Leigh Road west towards Wimborne on the southern side between their junctions. Completing the link on the south side is fundamental to making this a usable route.

## SECTION E – Designations

22 Are any of the lands subject of this application in or near a Site of Special Scientific Interest (SSSI), National Nature Reserve, a Special Area of Conservation (SAC), a Special Protection Area (SPA), or Wetland listed in accordance with the Ramsar Convention?

(a) the release land

Yes  No

If **Yes**, please give details and identify the location on the map

(b) the replacement land

Yes  No

If **Yes**, please give details and identify the location on the map.

23 Do any of the lands contain a Scheduled Ancient Monument?

(a) the release land

Yes  No

If **Yes**, give details and identify the location on the map.

(b) the replacement land

Yes  No

If **Yes**, give details and identify the location on the map

24 Are any of the lands in a National Park or Area of Outstanding Natural Beauty?

(a) the release land

Yes  No

If **Yes**, please give details.

(b) the replacement land

Yes  No

If **Yes**, please give details.

25 Are any of the lands subject of this application covered by any local designations, e.g. local nature reserve, area of special landscape value, heritage coast, conservation area or public open space?

(a) the release land  Yes  No

If **Yes**, please give details.

Leigh Common is a Local Nature Reserve, the boundary of the scheme will run close, but outside, the boundary of the Local Nature Reserve, adjacent to the existing footway, with the exception of a section of land (up to 2m in width) adjacent to the road.

(b) the replacement land  Yes  No

If **Yes**, please give details.

Bytheway Field is an already accessible public open space, owned by Dorset Council and run as a Suitable Alternative Natural Greenspace. We note that Paragraph 4.5 of Defra's Common Land Consents Policy suggests that land with existing informal access would not normally be granted under section 16, however, we wish to point out that no loss of access will occur to the low quality release land, which is already either asphalted footway, private access or highway verge. The replacement land offers better conditions for rights to be exercised than the low quality land adjacent to Leigh Road.

## SECTION F – Adjacent common land

26. Does any area of common land with a different registration number  Yes  No adjoin the common land subject of this application?

If **Yes**, give details and identify them on the map

## Section G – Procedure

27. Most applications are determined by the written representation procedure. This involves an exchange of written evidence and a site inspection by an Inspector.

Do you wish to be present or be represented at the site inspection?  Yes  No  
If yes, please suggest a suitable meeting point.

Bytheway Field car park, Leigh Road.

## SECTION H – Advertisement and Consultation

28. **You must advertise your proposal** in one main local newspaper and at the main points of entry to the common (or, if there are none, at a conspicuous place on the boundary of the common). Please advertise your proposal at the same time as you make your application. Use the draft notice at **Annex B** of the **Notes**.

A notice has been prepared following the format at Annex B.

29. You **must** also send a copy of the notice (using the letter at **Annex C** of the **Notes**) to the following:

<input type="checkbox"/>	the commons council or commoners' association (if there is one)
<input checked="" type="checkbox"/>	all active commoners
<input checked="" type="checkbox"/>	others with a legal interest e.g. tenants, those with easements, or other rights over the land and any other person occupying the land
<input checked="" type="checkbox"/>	the relevant Commons Registration Authority (usually the county council or unitary authority), District or Borough Council
<input type="checkbox"/>	Parish Council (where known)
<input checked="" type="checkbox"/>	Natural England (Please send only to enquiries@naturalengland.org.uk)
<input checked="" type="checkbox"/>	Historic England
<input type="checkbox"/>	National Park Authority (if the proposal is in a National Park)
<input type="checkbox"/>	AONB Conservation Board or Joint Advisory Committee (if the proposal is in an AONB)
<input checked="" type="checkbox"/>	Open Spaces Society
<input checked="" type="checkbox"/>	The local authority archaeological service

Even if you have consulted any of these bodies before making this application you still need to send them a copy of the notice.

30. Which newspaper has the advertisement appeared in?

On what date?

On what date will the representation period end?

**This date must be at least 28 days from the date the application is advertised. Incorrect notices are a common problem and may result in you having to re-advertise, so please read Section H of the Notes carefully.**

## SECTION I – Maps

31. Please enclose two copies of the map that meet the requirements set out in **Note 19**.
- Two copies of the map are enclosed.

## Section J – Checklist (tick to confirm)

32. I have read the **Notes** in full.
33. I have answered all the questions (where appropriate) on this form in full.   
I have enclosed two copies of the map that meets the requirements of Note 19.   
I have enclosed a copy of the commons register or register of town and village greens. This should include details of the land, rights, ownership and the register map.   
  
I have obtained the consent to this application of any relevant leaseholder of, and the proprietor of any relevant charge over, the release land and any replacement land.   
I have enclosed a copy of any document mentioned in answering the questions on this form.   
I have completed and enclosed a copy of the health and safety questionnaire   
I understand that any of the application papers may be copied to interested parties on request and have informed people as necessary.   
I have enclosed my application fee of £4,900.
34. I have advertised:
- advertised the proposal in one main local newspaper
  - posted a copy of the notice at the main entry points to the lands
  - sent a copy of the notice to all those listed at Section H
  - placed a copy of the notice, map and application at the inspection point
  - enclosed the letter based on the example at Annex D of the Notes confirming that the advertising requirements have been met.

## SECTION K – Declaration

I/We hereby declare that:

All the owner(s) of the land(s) to be deregistered or deregistered and exchanged subject of this application have completed this Section.

\*No person is a relevant leaseholder, or holds a relevant charge, over any of the land(s) to be deregistered/exchanged.

\*I/We have obtained the written consent to this application of every person who is a relevant leaseholder, or holds a relevant charge, over any of the lands to be deregistered/exchanged.

\*delete as appropriate

The contents of this application are true and complete to the best of my/our knowledge and belief.

### Release Land:

Signature of owner	<input type="text" value="Sir William Hanham (signed hard copy available)"/>
Name	<input type="text" value="Sir William Hanham"/>
Date	<input type="text" value="13/9/2020"/>
Position and name of organisation (where appropriate).	<input type="text"/>
Signature of co-owner (where applicable)	<input type="text"/>
Name	<input type="text"/>
Date	<input type="text"/>
Position and name of organisation (where appropriate).	<input type="text"/>

### Replacement Land:

Signature of owner	<input type="text" value="Jonathan Mail"/>
Name	<input type="text" value="JONATHAN MAIL"/>
Date	<input type="text" value="4/12/2020"/>
Position and name of organisation (where appropriate).	<input type="text" value="Dorset Council"/>

Signature of co-owner (where applicable)	<input type="text"/>
Name	<input type="text"/>
Date	<input type="text"/>
Position and name of organisation (where appropriate).	<input type="text"/>

**You should keep a copy of the completed form**

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### **General Data Protection Regulation**

Your application will be in the public domain. Therefore all documents (both paper and electronic) associated with it may be disclosed during the application process to others, including other Central Government Departments, public bodies, local authorities, other organisations and members of the public.

For information about how we process the information you provide please see Common Land Guidance Sheet 13: Privacy Policy at the link below.

<https://www.gov.uk/government/publications/common-land-guidance-sheet-13-privacy-policy>