

Chilterns Commons Fact Sheet 1

In England there are about 399,040 ha (985,629 acres) of common land. Of this...

- 31% is within an Area of Outstanding Natural Beauty.
- 55% is designated as a Site of Special Scientific Interest (SSSI) for its wildlife habitat or geology.

Many commons have ancient settlements and fortifications protected as Scheduled Monuments.

Most are connected by historic Rights of Way and some by National Trails.

The Chilterns Area of Outstanding Natural Beauty (AONB) has 187 registered commons covering over 2000ha (4940 acres). This is a mere fraction of the common land area that would have existed before the enclosures of the eighteenth and nineteenth centuries. Commons have a long history and, today, many remain as important green spaces at the heart of Chiltern village life.

*“The one and a half million acres (600,000 hectares) of common land in England and Wales are the most underrated and misunderstood, though not unappreciated, part of the countryside.”**

What is common land?

This fact sheet is one of a series aimed at landowners, commoners, parish councils, local authorities, individuals and conservation groups who are interested in, or responsible for, protecting and managing common land in Chilterns. The numbers in brackets (#) refer to contact links on a separate Reference Sheet which will be regularly up-dated.

We hope that this first fact sheet will help you understand:

- The importance and history of common land.
- How commons were created; the land, its ownership and 'rights of common'.
- How to find out more about your local common - its boundaries and common rights.
- How you can get involved in protecting and caring for common land.

Why is common land different from other land?

Most common land dates back to medieval times when much of the land was managed within self-governing manors held by a Lord of the Manor. Of the different types of common, it is mainly the pasture and waste that have survived since they had little crop growing value. The Lord of the Manor allowed his tenants to use this pasture and waste for grazing livestock, removing wood, turf or even fish, or gathering acorns. This usage became enshrined, over time, as 'rights of common' and the users as 'commoners' (See Fact Sheet 2).

Some facts:

- Common land is not land that is owned by everyone (a popular misconception) - all commons have an owner, whether a private individual, a public body (e.g. parish council) or charitable body such as the National Trust.
- The public have a statutory right of access on foot to registered common land (see - 'Enjoying your common' below).
- Commoners are those who have, or formerly held, specific rights, for example to graze livestock on the common.
- Common rights are attached to specific properties, rather than people, and are passed on down through the centuries with the property's deeds. The commoners are the current owners of these properties.
- Common land with no known owner can be taken under management by the local authority.

Though the ownership of the common and of properties with rights may change, the area of common land and the type and numbers of rights remain unchanged.

Any activity that reduces the area of common, or impedes access to it, may be illegal and reinstatement powers may be exercised. Similarly, any activity that prevents the commoners from exercising their rights may also be illegal. The Commons Act 2006 (# 1) has revised legislation surrounding common land (see fact sheet 2).

How do I know where the boundary of the common is and what registered rights exist?

Historically, many boundaries consisted of a large bank and ditch (on the commonside) to keep animals on the common. An ancient hedge is (was) likely to be atop the bank.

Your local Commons Registration Authority (the county council or unitary authority) (# 2) is responsible for holding the commons register which details the boundaries of registered common land, the owner (if known), what rights are held and to which properties they are attached. These registers can be viewed by appointment or copies can be requested for a small fee. **BEWARE** - the information on the register was correct at the time of registration (1965) but may have changed since that date. Many former commons were enclosed or not registered.

Up-to-date land ownership details may be available from your area HM Land Registry Office (#3). Maps of registered common land can also be accessed at www.magic.gov.uk.

Your common may be under threat from:

- Encroachment - people acquiring small areas of land for gardens, tracks or driveways or forming illegal car parks.
- Building works, or the erection of permanent structures, carrying out works that impede access or surfacing of tracks. These require permission from the Secretary of State, even if they benefit the common (see Fact Sheet 2).
- The removal of plants or wood, fly-tipping, or the leaving of litter or lighting fires, all of which are prohibited. (Contact your District/Borough Council in relation to fly tipping or abandoned cars)
- Non-native invasive plants - such as Japanese Knotweed and Himalayan Balsam - that can take over and change the natural balance of species (#4).

Enjoying your common

Under the Countryside and Rights of Way Act 2000 (CRoW) (# 5), all registered common land has a right of access (sometimes known as 'right to roam') which means that it can be enjoyed, on foot or wheelchair, by anyone. Some commons have a wider 'right' to 'fresh air and exercise' which includes horse riding. Further information is available on the web (# 6).

Get involved!

Helping to look after your local common can be fun and very rewarding.

The Chilterns Commons Network and The Chilterns Conservation Board are here to help you and your community protect, manage and enhance your common for everyone to enjoy.

For further information, please contact
Kath Daly

Countryside Officer

The Chilterns Conservation Board,

The Lodge, Station Road, Chinnor, Oxon, OX39 4HA.

Tel: 01844 355524;

e-mail kdaly@chilternsaonb.org

www.chilternsaonb.org



The Open Spaces Society (#7) also offers advice, guidance and useful publications.

The management and protection of common land is a complex legal area - this fact sheet is intended as a general guide only; detailed advice should be sought as and when required.

* Clayden, P. (2007) Our Common Land. The Law and History of Common Land and Village Greens. Open Spaces Society.