

Elin Jones AM/AC  
Y Gweinidog dros Faterion Gwledig  
Minister for Rural Affairs



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Eich cyf/Your ref  
Ein cyf/Our ref SF/EJ/002/10

Alun Davies AM  
Chair  
Rural Development Sub-  
committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

11 January 2010

Dear Alun

Thank you for your letter of 14 December 2009 regarding the implementation of the Commons Act 2006. Your letter was addressed to the Minister for Environment, Sustainability and Housing. However, lead responsibility for the implementation of the Act transferred to my portfolio in April 2009 and therefore I am responding.

The Commons Registration Act 1965 was intended to establish definitive registers of common land and town and village greens in England and Wales and to record rights of common. In practice the limitations of the Act lead to common land not being registered, land that is not common land being registered and some grazing rights registered in excess of the carrying capacity of the common. The scope for correcting errors was limited. Many events affecting entries in the registers have not been registered, and the registers have become significantly out-of-date since 1970. The 1965 Act also explicitly postponed action on a Royal Commission's recommendations to improve management of common land.

The Commons Act 2006 consists of 5 Parts designed to address these and other issues relating to common land. Part 1 of the Commons Act 2006 allows for corrections to be made and requires the majority of changes to be recorded on the registers in order to become legally effective. The implementation of regulations will enable the registers to become and remain a true record of the extent of common land and greens, and of the rights of common exercisable over such land. Part 2 of the Act provides for measures to improve management of common land. Part 3 prohibits works on common land without the consent of the Welsh Ministers and how consent may be obtained. Part 4 allows local authorities to protect common land from unlawful interference and the Welsh Ministers to deal with situations where unauthorised agricultural activities are taking place. Part 5 contains powers to change how other Acts apply to common land and town and village greens; and amend how local and other Acts which confer functions on Welsh Ministers apply to common land and greens.

## **RDC(3)-01-10 : Paper 7**

Government will be working on procedures for processing applications to establish commons councils as efficiently as possible, public inquiries will be required to determine whether substantial support exists where the Welsh Assembly Government is not satisfied of that support, as required by the Act.

Glastir will commence in 2012. There are currently only 6 Tir Gofal and 19 ESA agreements wholly within commons in Wales. This means that substantial areas of common land are currently outside of sustainable land management schemes. Glastir will facilitate a dedicated entry route for commons and by providing funding to support the establishment of commons associations in advance of the introduction of Glastir and commons councils enabling seamless entry into Glastir. Through these provisions, it is anticipated that Glastir will be able to maintain and enhance the appropriate environmental standards for common land in Wales and can effectively complement the developing proposals for the establishment of commons councils.

Provisions conferring powers to local authorities over unclaimed land under Part 4 of the Act have been implemented in Wales and my officials will shortly be considering the possible mechanisms for actions to address unauthorised agricultural activities. The relevant sections of Part 5 will be implemented as they become necessary to support the relevant parts of the Act.

A definitive timetable has not yet been established for the implementation of the Act due to the complexities involved in the legislation. However, we intend to introduce key pieces of legislation under Part 1 of the Act through 2010-2011.

Subject to the progress and development of pilot commons councils we would expect to be in a position to accept applications in 2013. As already mentioned my officials will be working on procedures to ensure councils are formed as efficiently as possible.



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