

PYONS GROUP PARISH COUNCIL

7 July 2026

WESTHOPE LANDS: REPORT OF THE CLERK

Introduction

1. The Council resolved at its June 2026 (Minute 2026/31) meeting that that a working group consisting of Councillors Boffin, Dickson and Samaranayake further consider an appropriate management solution, including respect for commoners' rights and nature conservation, and report to the July meeting. The Clerk met with the councillors on 23rd June 2026 and this report reflects the outcomes.
2. The decision followed a report informal management work carried out by residents at a 0.5ha site south of Full View, Westhope, which is common land owned by the Council. I reported at that meeting on the laws prohibiting works on common land. The Commons Act 2006, sections 38-39, prohibits, without consent of the appropriate authority, fencing, the erection of structures, digging or trenches or creation of embankments, or resurfacing, among other works. The public interest, including nature conservation, must be taken into account in deciding whether or not to grant consent. Unconsented works may be subject to a court order requiring removal and restoration.
3. The Council has already agreed a strategy for the site in its ownership identified as Will's Quarry (4 November 2025).

Extent of Lands and Ownership

3. I have attached a map showing, outlined in red, lands owned by the Council, and in purple that unregistered land in which the Council has always taken an interest. For convenience I am attaching copy of my report to the Council in November 2024 as appendix I.

Chapel Lane Quarry

4. For ease of reference, the suggestion is to rename the site opposite Full View as Chapel Lane Quarry. The proposal is that it should be recovered as woodland and as a natural habitat. There is already evidence of barn owl and glow worm activities. Management could improve the prospects of Snakes Head Fritillaries and Cowslips and it is proposed that the advice of an ecologist be sought before devising a management plan, and that funding be sought from the Herefordshire Council Nature and Biodiversity Grant Scheme. Thereafter that an application be made.
5. Councillors will report on the value of preventing access tracks becoming vehicular tracks. The Works on Common Land (Exemptions)(England) Order 2007. allows for “the installation of a row, not exceeding 200 metres in length, of obstacles (such as bollards or large stones) which, whether by themselves or together with an existing obstructions interrupting the row, are intended to present or restrict vehicular access to common land... where the owner reasonably considers that such access would interfere with or be detrimental to.... nature conservation.”
6. The Council is invited to consider approving the steps outlined above.

The Chairman's Dingle

7. This plot small has been identified on the map. There is a quantity of waste wood deposited on the site which will need breaking up for removal. Permission is sought to make arrangements for its removal and disposal.

Wills Quarry

8. The Council has already agreed a management strategy. Planning Inspectorate Guidance on Common Land 1A, 1B and 1C (Consent to Construct Works on Common Land) makes it clear that minor works which facilitate rather than impede access, or are on such a small scale as not to impede access, are not covered by Commons Act 2006, section 38, and therefore do not require consent). There are also a number of exemptions arising from the Works on Common Land (Exemptions)(England) Order 2007. Guidance 1B makes it clear that “placing seats with are in keeping with the character and use of the land” does not need consent.

Tree survey

9. I have approached Arbortech, the Council's regular arboricultural consultant, for a price to complete these years survey of both the gifted and possessed lands and hope to be able to report further at the meeting.

Inspections

11. It was agreed with Friends of Westhope that they would conduct and report back on regular inspections of all lands. No such reports have been received. It is necessary that the Council maintain proper vigilance to prevent incursions, hazards to users or other risks. It is recommended this be an instruction to the Westhope Committee, if created.

Signs

12. Signs, discretely placed, can deter activities harmful to the environment. Erecting small signs and information signs is permitted without consent, under Guidance 1B. It is suggested that at certain locations, e.g. Chapel Lane Quarry, small signs be placed stating “Pyons Group Parish Council: Woodland Regeneration in Progress”

Natural Hazards and Landscape Features

13. Some concern was raised about visitor safety on sites in the Council's ownership which have steep slopes and uncertain terrain. The Occupiers Liability Act 1984 would normally identify the duties landowners have to visitors who are not lawful. However, providing the owner is not recklessly creating risk, Countryside and Rights of Way Act 2000, section 13, provides that “no duty by virtue of this section to any person in respect ofa risk resulting from the existence of any natural feature of the landscape, or any river, stream, ditch or pond whether or not a natural feature.”

Future management

14. Management of the Westhope lands is best accomplished locally by those with the closest knowledge and interest. Delegation will allow this, whilst freeing time at full Council meetings.

15. It is proposed that a small formal committee of the Council be formed.

- a. The committee to consider of three councillors and two non-councillors (who will have full voting and speaking rights), with a quorum of three.
- b. The committee to meet in public in Westhope six monthly, or more often if it chooses;
- c. The committee to have delegated authority under Local Government Act 1972, section 101:
 - i. to take whatever steps are necessary for the management of the land in the council's ownership at Westhope (the gifted lands), and in those parcels of unregistered land referred to as the possessed lands
 - ii. exercise the Council's power to take steps to protect unregistered common land against illegal interference under the Commons Act 2006, section 45;
 - iii. that it have power to spend within the budget allocated for the Westhope lands, currently lines C6 and C7, total £2,3000 with a balance of £1940 remaining, but not otherwise without the consent of the Council,
 - iv. and on other matters touching land management in Westhope, it will make recommendations to the Council.

The Council might want to take a view on whether the Westhope Committee should have powers – or should only make recommendations – on matters connected with public rights of way.

SUMMARY OF RECOMMENDATIONS

- (A) Seek pre-application guidance and ecological support for the woodland restoration of Chapel Lane Quarry, and to make an application for support to the relevant Herefordshire fund.
- (B) To take lawful steps to restrict vehicular access at Chapel Lane Quarry.
- (C) To authorise the removal of waste deposited at Chairman's Dingle, including the reasonable costs of achieving this end.
- (D) To acquire and place a bench at Will's Quarry.
- (E) To authorise the annual arboricultural inspection
- (F) To place signs to alert visitors to woodland restoration;
- (G) To authorise the Clerk, in consultation with councillors, to take steps A to E.
- (H) To instruct the Westhope Committee to make provision for regular, ideally weekly, inspection of the Westhope Lands.
- (I) To agree the formation of a Westhope Committee, to agree its terms of reference and membership.

David Thame
Clerk
1 July 2026

APPENDIX I

PYONS GROUP PARISH COUNCIL

5TH NOVEMBER 2024

WESTHOPE LANDS (PUBLIC OPEN SPACE)

Introduction

The Council resolved at its October meeting (Minute 2024/107) "to grant the sum of £200 to the Friends of Westhope for path mowing, and that the Clerk and Councillor Dickson meet with representatives of the Friends to begin the process of regularising relations, responsibilities, expectations and financing of the management of the Westhope Land."

Councillor Dickson and the Clerk met with Friends of Westhope's Chair Victoria Christiansen and Treasurer Anne Willis.

Part one of this report sets out the land in question, part two addresses the current state of management and care, and part three outlines a potential clarification on management, responsibilities and financing.

1. The Westhope Lands

1a. The Gifted Land

Westhope and Upper Hill Common extends to about 120 acres. Like all Common lands, its tenure and use is complex, but it supports a diverse and sometimes unique ecology. For instance, it is the home to glow-worms, thought to be extremely rare this far north. Much of the Common it is in the Parish of Canon Pyon.

The Common was, at some point, larger: over time land has, in various ways, changed tenure. A confusing pattern of ownership typically results, and this is the case at Westhope. Some of those parcels came into the ownership of a donor who willed them to the Parish Council. Those lands, amounting to about six acres, were recently registered in the Council's name. For convenience, this report refers them as "the gifted land."

There can be no doubt that the gifted land is the Council's responsibility.

The most recent report by the Council's forestry consultant, Arbortech, dated August 2023, says of the gifted lands: "The site is a collection of old common land that having been unused for many years has become a naturally regenerated woodland area. There are some nice trees developing in certain areas and there is a variety of valuable habitats with a great diversity of conditions with altitude, aspect, topography, and management history. Most trees are pioneer species such as willow, ash, hawthorn, field maple and silver birch."

1b. Land Taken Into Possession

The gifted land may not be the extent of the Council's holdings. As much again in three parcels, two of which are contiguous with gifted land, may also be in the Council's possession.

There are maps indicating this "ownerless land taken into possession by the Parish Council in

March 1988."

For convenience, this report refers to "possessed land."

The mechanism by which the possessed land may have been acquired is not clear, but is probably related to the Commons Registration Act, 1965, section 8, which allows the vesting of unclaimed land in Parish Councils. The power no longer exists - it was repealed by the Commons Act, 2006.

The Local Government Act 1972 (sections 123, 126 and 127) allows the Parish Council to appropriate land forming part of a common. Such an order would require confirmation by the Secretary of State.

The status and extent of the possessed land requires investigation.

1c. Common land at Westhope

The Parish Council has vestigial responsibilities for the Common more generally. The Council has a special right to take legal proceedings to protect an ownerless common from unlawful interference - the list of works that might be unlawful is extensive (Commons Act, 2006, section 45). This backstop power could be significant.

2. Management of the Westhope Lands Today

Directly, the Council's role in the management of its six (or roughly twelve) acres of woodland has been limited. The Council engages a contractor to undertake an annual survey of trees to identify those in need of attention. The Council has paid for tree works, but has no regular contractor.

For the most part, care of the Council's land has devolved on the Friends of Westhope, who have been happy to assume some of that care: the co-incidence that the Chair of the Friends was also the Chairman of the Parish Council is widely believed to be at the root of the relationship. The exact nature of the Friends' responsibilities has never been clear over many decades.

The Friends has a loose structure: a constitution will have been necessary to open an unincorporated association bank account (with Santander) but I have not seen it. There is no membership, nor membership fee. Officers are elected at a meeting of those residents who choose to attend. There is a small committee. The Chair and Treasurer have brought much clarity to the financial and insurance position, but it remains essentially a casual alliance of neighbours.

The Friends organise working parties to clear and maintain space, have installed and now maintain a bus shelter, organise social events for residents and fund-raising for management of the woodland. The most significant task is the regular mowing of paths (which the Council resolved should be kept open), and trimming of hedges. A small grant has been often made by the Council to support this work (£150), but recently it has not been made at all, and does not in any case meet the costs (paths £200, hedges £100).

3. Future Management

During our meeting with the Friends' Chair and Treasurer we heard that, whilst volunteers for working parties were relatively plentiful (ten or a dozen), maintaining the already light structure of the Friends was increasingly difficult. The insurance position was an independent cause of concern, and an expensive burden at a little short of £300 a year. There was anxiety that the Friends might itself be at risk if officer vacancies could not be filled, and there was a real possibility that they could not. Responsibility for the Council's land imposed a burden of fund-raising.

The Friends fulfils a genuine community purpose, which the Parish Council would wish to acknowledge. It also relieves the Council of a great deal of day-to-day management at an extremely low cost. The Council will want to find ways to mitigate the stresses it is imposing on the Friends.

The Council has room to improve its engagement with, and care of, its own lands: the annual tree inspection was missed in August 2024; the Council is not clear on the extent of its land holding; the Council might usefully inspect trees on land presumed to be owned, and to be clear on its expectations of the Friends, and management plan for the woodland.

In particular, under section 40 of the Natural Environment and Rural Communities Act 2006, updated by section 102 of the Environment Act 2021, there is a duty on the Council to have regard to conserving biodiversity as part of its policy or decision making. The Council resolved in October (Minute 2024/110) to prepare management plans for its land, as part of its biodiversity policy.

It is recommended that:

- (a) a tree survey on both gifted and possessed land be commissioned before the year end;**
- (b) that a specialist arboricultural contractor be engaged to carry out tree works identified in the survey, and to offer advice on woodland management, and that a contract should be offered annually;**
- (c) that, together with the Friends, and taking into account professional and specialist advice, a Westhope Land management plan be devised for the gifted and possessed land, as part of the Council's biodiversity strategy;**
- (d) that the Friends be invited to continue to provide hedge cuts, and mow paths, and that the Council reimburse them accordingly, and in the first year a budget of £300 be set aside, to be reviewed annually;**
- (e) the Friends be invited to regularly walk the gifted and possessed lands and report to the Clerk on any risks, defects or dangers;**
- (e) that in view of its evident community benefit, the Council consider each year a section 137 payment to the Friends, and that the consideration should involve covering the cost of the Friends' insurance;**
- (f) that the Clerk report to a future meeting on the status and extent of the possessed lands.**

David Thame

29 September 2024