



Penderfyniad ar Gais

Ymweliad â safle a wnaed ar 02/02/21

gan **J Burston BSc MA MRTPI AIPROW**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 25/02/2021

Application Decision

Site visit made on 02/02/21

by **J Burston BSc MA MRTPI AIPROW**

an Inspector appointed by the Welsh Ministers

Date: 25/02/2021

Application Ref: COM/3262893

Carningli Common and The Parrog CL022, Pembrokeshire

The Welsh Ministers have transferred the authority to decide this Order to me as the appointed Inspector.

Register Unit No: CL 022

Commons Registration Authority: Pembrokeshire County Council

- The application, dated 27 October 2020, is made under Section 38 of the Commons Act 2006 (the 2006 Act) for consent to carry out restricted works on common land.
 - The application is made by Stephen Lloyd Jenkins, Maesteg, Mountain West, Newport Pembrokeshire SA42 0QY.
 - The works comprise: Temporary fencing an area of common for 12 months to clear bracken and regenerate dormant seedbanks by pig grazing.
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Decision

1. Consent is granted for the works in accordance with the application dated 27 October 2020 and the accompanying plans, subject to the following condition:

- 1) The works shall begin no later than three years from the date of this decision.

REASON: To provide certainty for users of the Common and to ensure compliance with the Environmental Impact Assessment (EIA) (Agriculture) (Wales) Regulations 2017 (as amended).

Preliminary Matters

2. I carried out an unaccompanied site inspection on 2 February 2021. My decision has been made on the basis of my observations on this visit, taking account of the application and representations received in response to the advertisement of the application. For information a plan of the application site is provided at Annex A of this decision.
 3. I have taken into account the representations made. Of these, 1 letter of support was received from the landowner. Natural Resources Wales (NRW), Cadw, Pembrokeshire Coast National Park Authority, the Open Spaces Society and the Campaign for the Protection of Rural Wales raised no objection.
 4. I have had regard to the Welsh Government Common Land Consents Guidance, published in August 2014, which sets out the benefits which common land should
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deliver, and the outcomes that it considers must be ensured by the consents process. This document has been published for the guidance of both the Planning Inspectorate and applicants. However, the application will be considered on its merits and a determination will depart from the published policy if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the policy.

5. Furthermore, in reaching my decision I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of better environments.

Main Issues

6. Section 38 of the 2006 Act provides that a person may apply for consent to carry out restricted works on land registered as common land. Restricted works are any that prevent or impede access over the land. In considering such an application I am required by section 39 of the 2006 Act to have regard to the following:
 - 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 interest in nature conservation, the conservation of the landscape, the protection of public rights of access and the protection of archaeological remains and features of historic interest; and
 - d) any other matters considered to be relevant.

Reasons

7. The application relates to a parcel of common land registered as 'Carningli Common and The Parrog' (CL 022) covering some 409.1ha of land, located close to the town of Newport, Pembrokeshire. It is situated within the Pembrokeshire Coast National Park. However, the Commons Registration Authority (CRA) is Pembrokeshire County Council. The land subject to this application is owned by Alexander Hawkesworth (Barony Cemais).
8. The moorland and steep rock outcrops of Mynydd Carningli characterise the upper slopes of the Common. Whereas the lower slopes are more enclosed by dry stone walls, boundary banks and farmland hedges. There are two Rights of Way running down either side of the application area, a footpath and a bridleway.
9. Much of the Common is designated as a Site of Special Scientific Interest (SSSI) for its oceanic heathland vegetation which is intermediate between upland and lowland heath. Rock outcrops and associated blockfields and small areas of spring-fed flushes add to the diversity. Several scarce plants, including lichens, occur as does the nationally rare damselfly, *Coenagrion mercurial*. The application site lies outside the SSSI boundary.
10. The purpose of the application is to carry out a conservation project on Carningli Common using British Saddleback Pigs to clear an area of bracken and regenerate the dormant seed bank. Temporary stock proof fencing would need to be erected to enclose the application area.

11. The application drawings show two layers of fencing. The inside fence would be electric and battery powered to contain the pigs. The outside boundary fence would be a Clip Ex stock fencing system. The posts would be metal, with recesses that allow the wire to clip onto the posts, thus making assembly, and moving the posts very simple without too much disturbance to ground conditions. The height of the boundary fence would be 2.10 metres, with two rows of barb wire at the top and one at the bottom. To ensure the welfare of the pigs two pig arks¹, constructed with grey steel sheets and a timber sub frame, would be positioned at the centre of the project area.
12. The application area is stated as 8.4ha and Graziers would not have access to this land for the duration of the project.

The interests of those occupying or having rights over the land

13. The Common Land Register shows that there are some 136 registered commoners who have interests in the common. However, the applicant advises that there are currently only 5 active commoners who exercise their grazing rights. The common land register records rights of grazing for sheep, ponies, horses and cattle on the common. The commoners consented to the project at an AGM of the Carningli Graziers' Association in January 2020.
14. The project will be carried out on a sectional basis, working approximately 5-acre sections at a time within the outer fence boundary. The internal electric fencing will be erected as required and the pigs moved around every month.
15. As I saw on my site visit the bracken across the whole of the Carningli Common is pervasive and toxic to most livestock. Whilst the project aims to improve biodiversity, the removal of the bracken would also benefit the graziers of the common land.
16. The landowner was consulted through his land agent. The landowner has provided his support for the project and has agreed to draw up a temporary grazing license for twelve months, subject to formal consents.
17. Whilst the application area would not be available for commoners to graze their livestock during the 12 month period, given the extent of land available for grazing I do not consider that the proposed works will adversely affect the interests of those occupying or having rights over the land.

The interests of the neighbourhood

18. Visitors are typically walkers, dog walkers and horse riders who would undoubtedly value the open area and the sea views this common enjoys. Issues in connection with the possible interference with the public right of access caused by the proposed fencing are dealt with below under the heading '*The protection of public rights of access*'.
19. Otherwise there is no evidence that the proposed works will have any significant adverse effect on the interest of the neighbourhood.

¹ 13ftx x 7ft x 4ft

The public interest

The protection of public rights of access

20. Use of the Common in the vicinity of the works will be available, albeit restricted during construction operations. However, access to the remainder of the common will not be restricted.
21. The purpose of the proposed fencing is in the interest of biodiversity and to limit the straying of the pigs. In doing so, the fencing will also impact on public access to the land concerned, although the provision of stiles will ensure that such access is restricted rather than prevented. The fencing will not interfere with the use of Public Footpath.
22. Turning to the Bridleway, the Open Spaces Society recommended a 20-metre buffer on either side of the bridleway. This is primarily due to horses being 'spooked' by pigs. Nevertheless, horses are generally nervous animals and afraid of objects they are not used to. To reduce potential conflicts warning signs would clearly show that pigs are present on the land at either end of the bridleway so horse riders could make an informed choice about which route they follow. I note that there are alternative options should riders not wish to use this track.
23. The applicant has confirmed that a 20-metre buffer is not feasible due to the boundary of the Common, but, in any event, the new fence line will provide a 5-metre buffer to separate the bridleway from the project area. The fence line has been agreed with the Pembrokeshire Coast National Park Authority (PCNPA), Dyfed Archaeology, and informally with the Pembrokeshire Bridleway Association. In particular, the PCNPA state² that it "*supports the application as it will help to control bracken encroaching on the Bridleway and make it easier to walk over the common land, which is designated as Access Land.*"
24. Given this, I consider that the proposed fencing would not have a significant adverse impact on public access to, and enjoyment of, the common land.

Nature Conservation

25. The application site borders a SSSI. An assessment of the site concluded some 'sensitive habitats' were present including, 'Fen Mire', 'Acid Flush', 'Wet Heath', and 'Dry Heath'. The two most sensitive, 'Acid Flush', and 'Fen Mire', are located at the bottom of the project area. However, the applicant has confirmed that these sensitive areas would be excluded from the pig grazing area.
26. The purpose of the project is to clear the bracken and expose the latent seedbank underneath to increase biodiversity, including that of the dry and wet heath. Presently the vast area of bracken completely restricts the potential for the species in these habitats to thrive. As such the application would have the potential to enhance nature conservation in the local area.
27. The Screening decision made by the Welsh Government, dated 4 January 2021 confirms that:

"the land outlined in red on the project map attached falls within the Regulations as semi-natural. Subsequent to a scoping meeting with yourself and representatives from Welsh statutory bodies with an interest in the site, which outlined concerns

² Email dated 27 November 2020

regarding the environmental impact of the project; Welsh Government is of the opinion that these concerns have now been addressed satisfactorily.

Welsh Government have, therefore, carefully considered your screening application and concluded that the proposed amended project is unlikely to have significant effects on the environment. The attached map outlines in white, Areas 1 – 6 (excluding the black area within Area 4), on which the project has been approved."

28. The map referred to in the Welsh Government's comments above is attached as Annex B to this decision.
29. Accordingly, I consider that the proposed works will benefit and conserve this part of the Common and therefore it will have a positive impact on long term nature conservation.

Conservation of the landscape

30. The proposed fencing will have a detrimental impact on the landscape to a certain extent. However, both sections of fencing will sit below the horizon and will not run concurrently with the highway, thus minimising the visual impact. Additionally, the fencing will facilitate the control of bracken which will have a positive impact on landscape conservation. Besides, there are manmade structures in the area, including stone walling, and the fence, with its 'light touch' appearance, will not be particularly intrusive in views of the wider National Park³ landscape.
31. I acknowledge that the application area is also located inside the registered Preseli landscape of outstanding historic interest and, more specifically, is inside historic landscape character area 281 Mynydd Preseli that is noted as being a large tract of unenclosed moorland. However, as set out above some enclosures already exist and therefore the proposed works will not be out of keeping with the immediate surroundings.
32. Accordingly, whilst there will be some landscape impact from the proposed fence line, I am satisfied that, on balance, the landscape has the capacity to accommodate the proposal without adversely affecting the common as a whole. Furthermore, for the reasons given, there would be no conflict with the purposes of which the Pembrokeshire Coast National Park was established.

Archaeological remains and features of historic interest

33. There are a number of Scheduled Ancient Monuments (SAMs) located within 3km of the application site, however, in the majority of cases intervening topography and vegetation will block all views between them.
34. The application site would be visible from SAMs PE051 Carn Ffoi Camp and PE052 Carn Ffoi Prehistoric Settlement and this would lead to a very slight visual change. Nonetheless, this would not have any effect on the way that they are experienced, understood and appreciated. As such I agree with the comments made by Cadw and the Dyfed Archaeology Trust that the proposed development will have no impact on the setting of SAMs.

³ The National Parks and Access to the Countryside Act 1949 ('the 1949 Act') enabled the creation of the National Parks. The 1949 Act defines the National Park purposes as being to conserve and enhance natural beauty, wildlife and cultural heritage and to promote opportunities for the understanding and enjoyment of the special qualities of the National Parks by the public.

35. Accordingly, there is no evidence before me that leads me to think the works will harm archaeological remains and features of historic interest.

Conclusion

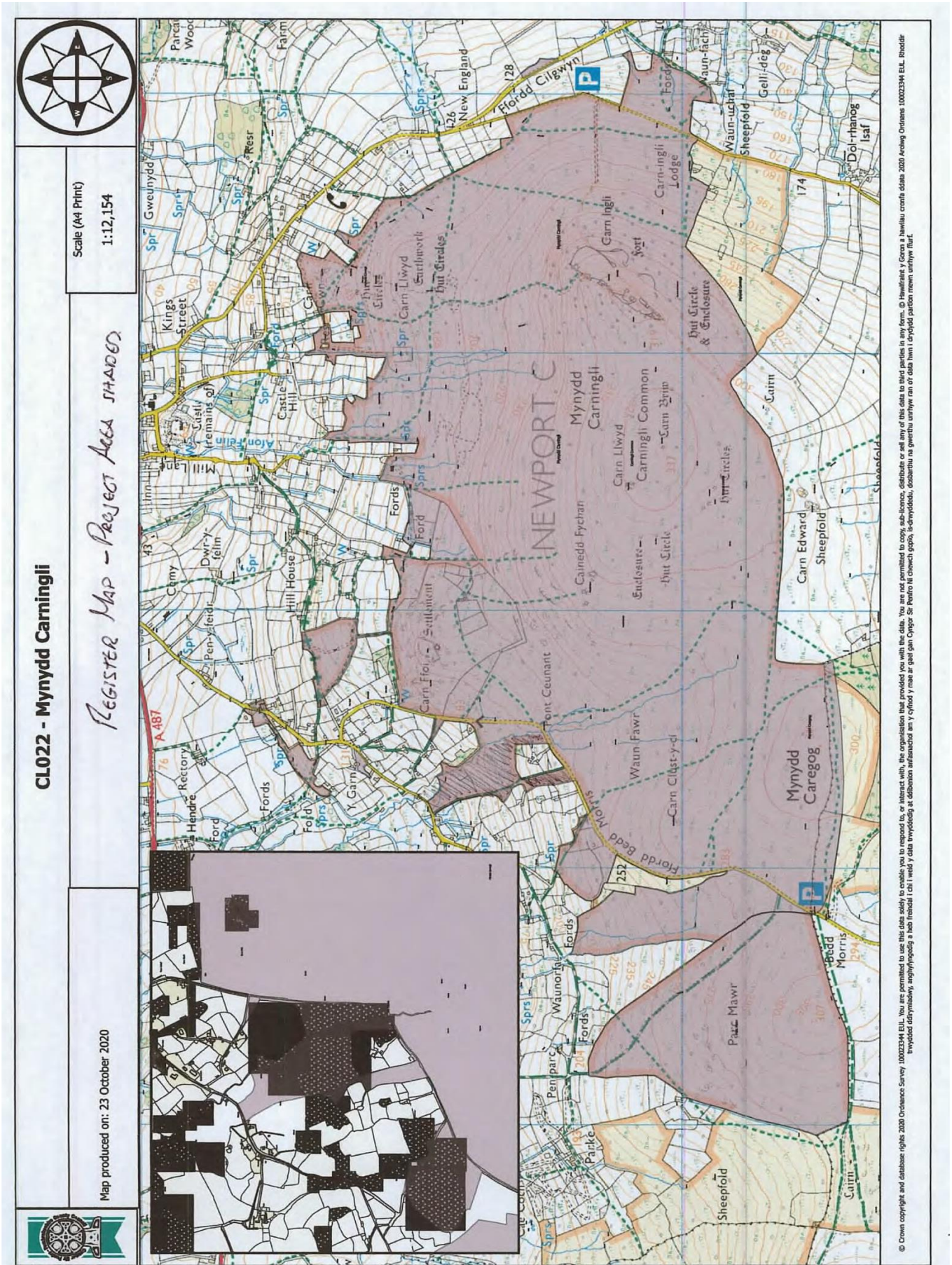
36. I consider that while the proposed works will temporarily prevent public access and will have a limited detrimental impact on the conservation of the landscape, this harm is outweighed by the need to control bracken encroachment and thus enhance biodiversity and safeguard access in the longer term.

37. As the works will not harm any of the other interests set out in paragraph 6 above, I conclude that consent should be granted subject to the condition set out in paragraph 1 of this decision.

J Burston

INSPECTOR

Annex A



Annex B

