



## **Guidance for Glastir woodland creation on Commons and Open Access land September 2015**

### **1. Special guidance on common land**

Woodland Creation on common land may affect access and other rights held by commoners. Erection of fencing to protect trees from grazing and construction of new roads or tracks requires consent from Welsh Government under the Law of Property Act 1925 and Commons Act 2006.

Any works that may impede common holders' rights requires careful consideration and prior agreement from all common holders'.

Prior to making an application for a Glastir Woodland Creation grant, landowners or managers are advised to:

Seek agreement with all holders with commons rights and the landowner on the area of the new planting area. This agreement evidence needs be sent to Glastir Woodland Creation verifiers as part of the Glastir Woodlands verification process.

Obtain Welsh Government Secretary of State consent for fencing associated with the tree planting.

### **2. Special guidance on open access land**

Glastir Woodland Creation schemes on Open Access land designated under the Countryside and Rights of Way (CROW) Act 2000 must ensure that access to the land concerned is not impeded.

If the occupier of the land wishes to install extra stiles or gates on Public Rights of Way within Open Access land they must apply to the Local Authority for permission. Local Authorities can only authorise new stiles/gate where they are required to control stock control purposes (including exclusion of wild animals eg deer) on certain types of land (including agricultural land) and only on footpaths or bridleways."

For ploughing (including forestry operations which are similar to ploughing), drilling (including forestry operations which are similar to drilling) and fencing, any rights of access under the Countryside and Rights of Way (CROW) Act is suspended for 12 months. During that year the owner/occupier can fence a new planting site but after a year the land returns to being accessible. If the land is also Common Land, the Common land legislation with regard to fencing will apply.

If, at the subsequent review of Open Access land (which occurs every 10 years) the land is not deemed to be predominantly mountain, moor, heath or down, it may be removed from the Open Access Conclusive Map. There is no mechanism to permanently remove access rights from land that has been dedicated as open access land under s16 of the CROW Act although if the land was dedicated by leaseholder the dedication may end with that lease.

For more information on open access, contact <https://naturalresources.wales/out-and-about/recreation-and-access-policy-advice-and-guidance/managing-access/open-access-land>.