

Proposal to deregister and exchange common land at Woodbury Common

Background

[Proposal to deregister and exchange common land at Woodbury Common - Clinton Devon Estates](#)

Clinton Devon Estates is submitting an application to the Planning Inspectorate which will increase the size of Woodbury and Bicton commons by registering woodland sites as new common land, while deregistering a smaller, industrial brownfield site.

The 1.7-hectare site, although it has long been in industrial use and inaccessible to the public for decades, is registered as common land. Clinton Devon Estates is proposing to regularise its status through a formal process known as deregistering. In its place, 3.4 hectares of nearby woodland which currently have permissive access will become formal common land. No public rights of way will be affected.

At the same time, consent is also being sought from the inspectorate to install underground cables for the consented energy storage system described below, and to build a new bat hibernaculum nearby. Applications are also being submitted to East Devon District Council to update the existing planning permission in line with these applications.

Background explaining historic, current and future use

The land at Blackhill has a long history of heavy industrial use as a quarry and aggregate processing site. Part of the site remains in employment use and is leased to, and operated by, a machining and metal fabrication business, Blackhill Engineering.

The remainder of the site, a redundant quarry processing yard, has been granted planning permission by East Devon District Council for an energy storage system. This facility will assist the Estate in its drive towards net zero, helping to tackle climate change and global warming, and decrease the country's reliance on imported fossil fuels, so the site will remain in industrial use for the foreseeable future.

These industrial spaces are registered as common land, although access under newer rights of way legislation has always been restricted by the nature of quarrying and industrial use.

Where and how much land will be deregistered?

Blackhill Quarry covers 70 hectares of Woodbury Common. Since sand and gravel extraction finished, the vast majority of the area is being restored to heathland through an award winning programme.

Today, less than 3% of the former quarry remains in industrial use. This site, off the B3180, is factory and warehouse space occupied and operated by Blackhill Engineering Services Limited, plus the redundant quarry processing yard.

The 1.7-hectare area to be deregistered has been used for industrial purposes for around 90 years and is surfaced with concrete with very low conservation value. For generations there has been no public access to this site, due to its quarrying and industrial uses.



Where and how much land will be registered as new common land?

The areas which will be exchanged and registered as common land total 3.4 hectares. These woodland parcels are not currently common land, nor are they covered by the Countryside and Rights of Way Act (2000) and they do not have permanent secured rights of public access.

When registered as common land, public access will be protected and the overall area of Woodbury and Bicton commons will be increased, securing accessible land of much higher conservation value.



Existing area of common land, used for industrial use with low conservation value. Proposed to be deregistered.



One of six woodland parcels offered in exchange to be registered as common land.

Why is deregistration necessary?

The development of Blackhill pre-dates the Common Registration Act (1965) and the Commons Act (2006). Deregistration will formalise existing and long-standing access restrictions associated with a site which has a long history of industrial use.

Woodbury Common – application to deregister and exchange common land

Report from pre-application site meeting

Summary: Clinton Devon Estates will shortly be applying to the Planning Inspectorate to de-register one small area of 1.7ha of common land at Blackhill Quarry on the edge of Woodbury Common in exchange for 3.4 ha of adjacent woodland comprising 6 small parcels of land. This is primarily to enable associated plans to install underground cables and to develop a previously consented energy storage system on the brownfield quarry site.

Background.

- See information produced by Clinton Devon estates “Proposal to deregister common land at Woodbury Common, including consent for underground cabling and creation of purpose-built bat hibernaculum”.
- See map extract of Woodbury Common and Blackhill Quarry area outlining areas related to the proposal.

Clinton Devon Estates asked if DCAF could be present at a meeting to discuss the above proposal. The on-site meeting took place on Wednesday, 8th November at Blackhill. This was a pre-submission consultation prior to a formal application being made to The Planning Inspectorate and associated wider consultation. Bryan Smith attended on behalf of DCAF.

Representatives from a wide range of organisations were invited to attend this informal consultation. Attendees included:

- 3 specialist managers from CDE including Dr Sam Bridgewater, Director of Environment Strategy & Evidence, Will Dale, Head of Commercial and Energy, John Wilding, Head of Forestry and Reserves
- John Varley, Chief Executive, CDE
- Representatives of local parish councils
- Natural England
- Representative of SC Engineering, currently using part of the quarry site.

Through the formal consultation process the application will be logged in a local library, advertised in a local newspaper and on the Commons itself. (Planning notices may include QR codes in order to provide further detail. The legal status, and associated history, of the areas in question is complicated and CDE will try to explain the proposals with sufficient detail but without seeking to over-elaborate.)

It is expected this formal consultation process will begin this November and **may be concluded by the end of December 2023**. As part of the formal application, CDE will inform statutory consultees, but CDE anticipate their consultation will be much wider than this. This consultation process will follow the guidance recommended by the Planning Inspectorate.

NB. One very small area shown on the map extract, ringed in blue, which is not Common land, is leased by CDE to the quarrying company and has a different

current status to the other small parcels of land and, as a result, is not included in the proposal.

Points to inform the DCAF response:

- The proposal represents a sensible rationalisation of the status of small pockets of land owned by Clinton Devon Estates in order to meet associated CDE objectives. In essence, the proposal represents a benefit to the public in terms of formalising access to parts of the Common. In practice there is no corresponding loss of access.
 - The proposal will provide formalised common land status to six small parcels of land situated close to the quarry and covering 3.4 ha for which there is currently only permissive access.
 - The public have not had access for many decades to the 1.7 ha of industrial site which, it is proposed, will be deregistered as common land and is primarily hard standing ground with no particular conservation value.
- No public rights of way are affected by the process of deregistering and exchanging this common land.
 - This is with the minor exception of short-term work concerned with underground cabling along a stretch of approximately 500m of public bridleway running roughly north-south along the eastern side of the Blackhill site. It is understood this cabling work may take in the order of a week to complete and the surface will be re-instated. Although short term, DCAF welcomes the intention to provide a suitable alternative route during this short period.
- The associated proposal to develop a bat hibernaculum on the edge of the de-registered site is welcomed.

Therefore, I propose DCAF supports the application.

(The energy storage system itself is essentially outside the remit of DCAF and has gone through separate planning processes. In summary, it involves a battery system storing and releasing up to 60MW of energy to help cope with peaks and troughs in national daily supply and demand. The cabling from the site will link with nearby national grid cabling located to the south-east of the Common. It is a response to a significant National Grid objective, and will cost approximately £40M, to help meet Exeter's growing energy demands.)

Bryan Smith 8.11.23