



**APPLICATION TO DEREGISTER, OR TO DEREGISTER AND EXCHANGE, COMMON LAND OR TOWN OR VILLAGE GREENS**

Commons Act 2006: Section 16

Return completed application to:

The Commons Team  
The Planning Inspectorate  
3A Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Tel: 0303 444 5408

E-mail: [commonlandcasework@planninginspectorate.gov.uk](mailto:commonlandcasework@planninginspectorate.gov.uk)

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**PLEASE READ THE FOLLOWING CAREFULLY BEFORE COMPLETING THIS FORM:-**

- Section 16(9) of the Commons Act 2006 requires that an application to deregister and exchange common land or town or village greens may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the release land and any replacement land. When completing this form you will be asked to confirm that such consent has been obtained and that you have consulted any relevant leaseholder of, and the proprietor of any relevant charge over, the release land/any replacement land about the application.
  - Answer all the questions on this form in full and only use a separate sheet where there is insufficient space for your answer.
  - Refer to "Notes on completing an application to deregister, or to deregister and exchange, common land or town or village greens" (the "Notes") when completing this form.
  - References throughout this form to 'common land' apply equally to 'town or village green'.
  - A non-refundable fee of £4,900 is payable for all applications under section 16 to deregister/exchange common land. A cheque for this amount, payable to "The Planning Inspectorate", must accompany every application. Alternatively, if you wish to pay by BACS the Planning Inspectorate's bank details are available on request.
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**SECTION A – The common land to be deregistered (i.e. the release land)**

**Section A1 – The Common**

1. Name and full address of common

Hempton Green, Hempton, Norfolk

CL no or VG no

CL294

Commons Registration Authority

Norfolk County Council

**Section A2 – The owner of the release land**

2. Forename	
Surname	
Organisation (if appropriate)	Raynham Trust Company Number One Limited and Raynham Trust Company Number Two Limited
Title (Mr/Mrs/Miss/Dr)	
Full Postal Address	Trustees of the Raynham Estate C/O Tom Raynham (Chief Executive) The Estate Office, Hall Farm Swaffham Road, East Raynham Fakenham Norfolk
Postcode	NR21 7EE
Telephone No/Mobile	01328 863746/ 07780 553399
E-mail address	percy@perdixpartnership.co.uk

3. Do you prefer to be contacted by  Post  E-mail

4. Please note that unless you tick the box below we will send all correspondence to the person named above and not to the owner of the replacement land shown in Section B1.

Please send all correspondence to the owner of the replacement land named in section B1

**Section A2a – The agent (where applicable)**

4a. Forename	
Surname	
Organisation (if appropriate)	Perdix partnership Limited
Title (Mr/Mrs/Miss/Dr)	
Full Postal Address	Barbury Castle Estate Office Sharpridge Farm Rockley Marlborough
Postcode	SN8 1RS
Telephone No/Mobile	07702 408405/ 01672 560709

E-mail address

percy@perdixpartnership.co.uk

Do you prefer to be contacted by

Post

E-mail

### Section A3 – Area of common and common rights

5. What is the total area of common land as registered?

265,909sqm

What common rights, if any, are registered? (e.g. number and type) If the land is a town or village green, what kind of recreation is it used for?

There are no commons rights recorded in the commons register

6. If there are common rights registered are they exercised?

Yes

No

If yes, please give details e.g. which commoners are active, which rights are exercised and how often.

N/A

### Section A4 – Description of the release land

7. Area of release land in m<sup>2</sup>

10,830 m2

Description (including location) of the release land

The release land is an area of land at the north-eastern end of Hempton Green. It is partly intersected where public vehicular highways B1146 Hempton Green Road and C550 Hempton Green Road meet at the existing crossroads. As such much of this land already consists of metalled road surfacing suitable for sustaining vehicular traffic or mown highway verge. The shape of the release land reflects the shape of the four-arm roundabout proposed to be constructed which will replace the current crossroads. The western limb begins below the Hempton Memorial Hall and stretches eastwards to meet the south-western and north-eastern limbs which largely follow the route of the existing C550 Hempton Green Road. From the intersect the two north eastern limbs stretch northwards towards Bakery Court following the routes of the C550 Hempton Green Road and Pond Road. Whereas the south-western limb stretches southwards from the intersect towards the B1146 Dereham Road which sits on the western boundary of the remains of St Stephen's Priory (although this does not overlap with the release land).

The area which is not already public highway is open grassland or shrub land consisting of bracken and gorse. There is one mature tree which falls within this land which will require felling.



**SECTION B – The land to be given in exchange (i.e. the replacement land)**

8. Are you proposing to provide replacement land in exchange for the release land? You must propose replacement land if the area of the release land is more than 200m<sup>2</sup>.  Yes  No

If **Yes**, go to Question 9. If **No**, please explain below why you are not providing replacement land and then go to Question 14.

**Section B1 – The owner of the replacement land**

9. Forename	
Surname	
Organisation (if appropriate)	Raynham Trust Company No 1 Ltd and Raynham Trust Company No 2 Ltd
Title (Mr/Mrs/Miss/Dr)	
Full Postal Address	Trustees of the Raynham Estate C/O Tom Raynham (Chief Executive) The Estate Office, Hall Farm Swaffham Road, East Raynham Fakenham Norfolk
Postcode	NR21 7EE

Telephone No/Mobile

07702 408405/ 01672 560709

E-mail address

percy@perdixpartnership.co.uk

**Only complete Question 10 if Question 4 has been ticked.**

10. Do you prefer to be contacted by  Post  E-mail

**Section B2 – Description of the replacement land**

11. Name of replacement land (if any)

Land at Hempton

Area of proposed replacement land (in m<sup>2</sup>)

11,300 m<sup>2</sup>

Description (including location) of the replacement land.

The replacement land is agricultural land to the southwest of Hempton Green. It lies to the east of where roads C550 Hempton Green Road and A1065 Raynham Road meet and is bordered by further arable land to the southeast. It is contiguous with Hempton Green on its north and eastern side and the landscape is consistent with the existing common land and will be a good match for existing species. There are no notable features and no dedicated rights of access exist.

12. Please confirm that the proposed replacement land is not already registered as common land or town or village green.

I confirm

### Section B3 – Rights over the replacement land

13. Give details of any relevant leaseholders, other occupiers, rights of access and easements, those holding any relevant charges over the replacement land, or any other rights or easements. Explain why such rights will not materially interfere with the public's right to use the land (should the application be successful). (see Note 8).

There is a charge in favor of Agricultural Mortgage Corporation PLC. The mortgagee has been consulted on this application, and has consented to abiding by the land remaining as common land and not interfering with the public's right to use the land.

## SECTION C - Access arrangements and current features of the lands

### Section C1 – Access to the lands:

14. To what extent is there **existing** public access over the land(s) e.g. public rights of access under Section 193 of the Law of Property Act 1925?

(a) The release land

There is a network of Public Rights of Way over Hempton Green. The release land itself is crossed by public vehicular highway B1146 Hempton Green Road and C550 Hempton Green Road. It is also crossed by Hempton F9 and Hempton BR18. Since it is intended the release land will either remain or be dedicated as highway after it is de-registered common, members of the public will not see a decrease in their highway rights.

(b) The replacement land (including any existing informal public access)

There is currently no formal access over the replacement land which is arable and cropped or any dedicated rights of access. No action has been taken to exclude members of the public and it is possible that some people have been informally accessing the land. However, there is a clear boundary between the existing common land and the arable land. There are no clear pathways, although there is an informal pathway to the northwest of the replacement land which is used by the public at the owner's discretion. It is intended that access will be improved following registration of the replacement land by opening up the informal trails/paths to increase public access.

15. What are the intended access arrangements for the replacement land?

The access arrangements over the replacement land will be formalised as a result of the proposed Common Land designation. There is currently a network of PRoWs within the adjacent common land (as seen on the attached map) that terminate at the boundary of the replacement land. These will be extended into the replacement land to provide formal routes into the replacement land.



**Section C2 - Current condition of the lands**

16. Describe the current condition and use of the lands, including any biodiversity, landscape, archaeological, agricultural and recreational interests:

(a) The release land

The release land constitutes mown highway verge, surfaced highway or open grass or shrub land. The release land is likely to be used by walkers. However, this has nominal recreational value (compared to other areas of the common land) as it constitutes existing vehicular highway or land in very close proximity to the existing vehicular highway.

An Ecological report has been undertaken which is enclosed with this application. The habitat is species poor semi-improved grassland, and no significant impact is expected.

There are no known archaeological interests

Since the landscape of the area already constitutes a crossroads, the proposed roundabout is unlikely to affect the overall visual appearance of the area in terms of highway being present. However, landscaping and grass-seeding works which are proposed under the s38 application will improve the appearance.

(b) The replacement land

No action has been taken to exclude the public. There is a clear boundary between the existing common land and the arable land. There are no clear pathways, although there is an informal pathway to the northwest of the replacement land which is used by the public at the owner's discretion.

By contrast to the release land the replacement land is currently arable land which is sheltered from traffic by woodland and as such has the potential to provide a better-quality recreational space with off-carriageway walking routes for the public to use. The proposals will have no detrimental effect on rights of access for recreation, the replacement land will be available for use prior to commencement of four-armed roundabout.

In terms of landscape and biodiversity it is expected to be of a similar quality to the release land with the exception of there being no vehicular highway.

There are no known archaeological interests.

17. What structures (e.g. buildings, roads, bridleways, footpaths, walls, fences) are currently on the land?

(a) The release land

The release land itself is crossed by public vehicular highway B1146 Hempton Green Road and C550 Hempton Green Road and there are a number of traffic signs at the crossroads. It is also crossed by Hempton F9 and Hempton BR18.



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(b) The replacement land

None
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18. What boundary features e.g. fences, hedges, walls (and access points such as stiles and gates) are currently on the perimeter of (or on land immediately adjoining) the land?

(a) The release land

There are no boundary features.

(b) The replacement land

There are no formal boundary features, although there is informal hedging and shrubs. The southern boundary is the existing arable land and to the north and east of the replacement land is the existing common land.

19. What, if any, boundary or other features are proposed to be removed from or erected on the replacement land as part of the exchange?

A post and wire fence will be erected along the southern boundary along with a galvanized steel gate to the southwest corner of the replacement land to maintain separation between common land and private land.

20. What, if any, works are to be carried out on the replacement land as part of the exchange?

There is no obvious physical separation from the current common land. However, Biodiversity Net Gain (BNG) works will be being undertaken on this land which will include creating 0.88 ha area of arable field to be converted to 'other neutral' grassland in moderate condition. This will be achieved through sowing the area with a seed mix that includes 30% of Lolium Perenne, and with a mix of between 9 to 15 further species per m2.

This plan would provide more than the 20% BNG the council has committed to, subsequently promoting biodiversity.

## SECTION D – Details of the exchange or deregistration

Norfolk County Council proposes to construct a new four arm roundabout junction on the release land which is needed to replace the existing unsignalised crossroads to alleviate ongoing road safety concerns. The landowner is in support of this proposal and has agreed to transfer the release land to Norfolk County Council on de-registration of the release land to allow the new roundabout to be constructed.

The existing layout of the crossroads has several issues. The biggest concern with the existing junction is the number of collisions that have occurred in the past. In addition, the current layout suffers from big delays on the minor arms, these delays also affect the bus services that operate through this junction. The roundabout is expected to improve the flow of traffic and thereby improve air quality at the location. Roundabouts are considered a safer solution with generally lower numbers and less severe accidents than the existing crossroads junction.

The proposed junction improvement is also included in the Local Plan Background Paper no.4 Infrastructure Position Statement as a Strategic Transport Improvement in the region. These highway improvements which are kept under review by the Norfolk and Suffolk Local Transport Body are schemes designed to maintain a higher status road, enhance the community role, and add better value. In this case the roundabout will provide additional infrastructure to support the proposed level of growth in Fakenham (which is north of Hempton Green) during the Local Plan period.

The upgrading of the junction from crossroad to a roundabout will ensure the junction operates safely and within capacity as future development comes forward in Fakenham and the surrounding region.

In 2018 a feasibility study for improving Dereham Road Crossroads was carried out. This study considered 3 and 4 arm roundabouts of differing sizes, re-alignment and improving an alternate route. All options considered did involve the deregistration of common land. A 4-arm roundabout was ultimately selected as it will provide a significantly improved capacity, with the existing junction likely to be over capacity by 2026 resulting in significant queues / delays on the B1146 Dereham Road approach. This layout will require less land purchase (and subsequently less common land de-registration) than a normal roundabout and won't require diverting traffic and increasing journey times, unlike the 3-arm roundabout options. Locating the centre of the proposed roundabout to the northeast of the existing junction has avoided impacting on the existing common lands to the southeast of the B1146 Hempton Road / Dereham Road, including improvement to the existing sharp bend on the B1146 Dereham Road that would be required if the roundabout was sited on the existing junction.

The proposal will shift the position of the junction northwards which will require some areas of common land currently grassland or shrubland to be made up as vehicular highway. In addition, some small elements of the currently road surfaced common land will return to open grassland.

There is also an existing bus stop on Hempton Green Road at the northeastern extent of the proposal, which is to be re-located slightly.

Existing footways within the footprint of the scheme will be pre-provided within the scheme proposals.

As per section 16(6) regard has been had to:

(a) the interests of persons having rights in relation to, or occupying, the release land (and in particular persons exercising rights of common over it);

There are no right holders or leaseholders over the release land.

There are no common rights

(b) the interests of the neighbourhood;

It is thought that the common is mostly used for walking. It is not considered that the works will unacceptably interfere with the way the common is used by local people since the release land is not good quality recreation space due to its proximity to the existing highway. By contrast the replacement land will provide a space which is sheltered from neighbouring highway by vegetation thereby increasing the accessible land that is currently available for public amenity.



The Proposed four-armed roundabout will deliver the following public benefits. It will:

- Reduce or prevent accidents resulting in an improvement in highway safety (see benefits of a roundabout above);
- Improve non-motorised user facilities, providing improved footways (north and south) on Hempton Green Road and on Dereham Road; and
- minimise traffic congestion that currently backs up on the Dereham Road (east and west) of Hempton Green Road whistling queuing for entry.

(c) the public interest, which includes the public interest in:

nature conservation - it is not considered that the works will harm nature conservation interests as seen in the attached ecological report. The suggested mitigations will also be adhered to.

the conservation of the landscape – the release land is already the site of a crossroads and therefore the construction of a roundabout will not have any greater negative visual impact on the common. Landscaping and grass seeding works will be taking place to improve the visual image. BNG works have also been undertaken on the replacement land to enhance the bio-diversity of the site as seen in the attached BNG Ecological Report.

the protection of public rights of access to any area of land - In this case because the release land will continue to be accessible to all modes of transport permitted on vehicular highway (including pedestrians able to walk on highway verge) and access will be improved to the replacement land the effect of the exchange will be to increase public access.

the protection of archaeological remains and features of historic interest – none known on the site. The site of the St Stephen's Priory is to the east of Hempton Green but this is not expected to be impacted by the roundabout scheme.

(d) any other matter considered to be relevant - as part of this proposal Norfolk County Council undertook extensive informal consultations and have responded to those that made representations, addressing any concerns they may have had. The representations and the responses by Norfolk County Council are grouped into key themes and are contained in the Hempton Roundabout Informal Consultation document.

21. What are the reasons for the exchange or deregistration?

## **SECTION E – Designations**

22 Are any of the lands subject of this application in or near a Site of Special Scientific Interest (SSSI), National Nature Reserve, a Special Area of Conservation (SAC), a Special Protection Area (SPA), or Wetland listed in accordance with the Ramsar Convention?



(a) the release land

Yes  No

If **Yes**, please give details and identify the location on the map

The River Wensum Site of Special Interest and Special Area Conservation Site are located 190 metres northeast of the north eastern limit of the release land.

(b) the replacement land

Yes  No

If **Yes**, please give details and identify the location on the map.

The River Wensum Site of Special Interest and Special Area Conservation Site are located 860m from the top northeast corner of the replacement land.

23 Do any of the lands contain a Scheduled Ancient Monument?

(a) the release land

Yes  No

If **Yes**, give details and identify the location on the map.

(b) the replacement land

Yes  No

If **Yes**, give details and identify the location on the map

24 Are any of the lands in a National Park or Area of Outstanding Natural Beauty?

(a) the release land

Yes  No

If **Yes**, please give details.

(b) the replacement land

Yes  No

If **Yes**, please give details.

25 Are any of the lands subject of this application covered by any local designations, e.g. local nature reserve, area of special landscape value, heritage coast, conservation area or public open space?

(a) the release land  Yes  No

If **Yes**, please give details.

Public Open Space

CONSERVATION AREA CA31 AUTHORIZED BY NORTH NORFOLK DISTRICT COUNCIL ON 06 DECEMBER 1974, MAP ENCLOSED.

(b) the replacement land  Yes  No

If **Yes**, please give details.

None

## SECTION F – Adjacent common land

26. Does any area of common land with a different registration number  Yes  No adjoin the common land subject of this application?

If **Yes**, give details and identify them on the map

CL293 Hempton Common which lies to the north of Hempton Green.

## Section G – Procedure

27. Most applications are determined by the written representation procedure. This involves an exchange of written evidence and a site inspection by an Inspector.

Do you wish to be present or be represented at the site inspection?  Yes  No

If yes, please suggest a suitable meeting point.

The informal layby on B1146 Dereham Road, as you approach the crossroads, nearest postcode NR21 7JY.

## SECTION H – Advertisement and Consultation

28. **You must advertise your proposal** in one main local newspaper and at the main points of entry to the common (or, if there are none, at a conspicuous place on the boundary of the common). Please advertise your proposal at the same time as you make your application. Use the draft notice at **Annex B** of the **Notes**.



A notice has been prepared following the format at Annex B.

29. You **must** also send a copy of the notice (using the letter at **Annex C** of the **Notes**) to the following:

<input checked="" type="checkbox"/>	the commons council or commoners' association (if there is one)
<input checked="" type="checkbox"/>	all active commoners
<input checked="" type="checkbox"/>	others with a legal interest e.g. tenants, those with easements, or other rights over the land and any other person occupying the land
<input checked="" type="checkbox"/>	the relevant Commons Registration Authority (usually the county council or unitary authority), District or Borough Council
<input checked="" type="checkbox"/>	Parish Council (where known)
<input checked="" type="checkbox"/>	Natural England (Please send only to enquiries@naturalengland.org.uk)
<input checked="" type="checkbox"/>	Historic England
<input checked="" type="checkbox"/>	National Park Authority (if the proposal is in a National Park)
<input checked="" type="checkbox"/>	AONB Conservation Board or Joint Advisory Committee (if the proposal is in an AONB)
<input checked="" type="checkbox"/>	Open Spaces Society
<input checked="" type="checkbox"/>	The local authority archaeological service

Even if you have consulted any of these bodies before making this application you still need to send them a copy of the notice.

30. Which newspaper has the advertisement appeared in?  
On what date?

Eastern Daily Press

~~5th April 2024~~ 17<sup>TH</sup> MAY 2024

On what date will the representation period end?

~~10th May 2024~~ 21<sup>ST</sup> JUNE 2024

**This date must be at least 28 days from the date the application is advertised. Incorrect notices are a common problem and may result in you having to re-advertise, so please read Section H of the Notes carefully.**

## SECTION I – Maps

31. Please enclose two copies of the map that meet the requirements set out in **Note 19.**

Two copies of the map are enclosed.



## Section J – Checklist (tick to confirm)

32. I have read the **Notes** in full.
33. I have answered all the questions (where appropriate) on this form in full.   
I have enclosed two copies of the map that meets the requirements of Note 19.   
I have enclosed a copy of the commons register or register of town and village greens. This should include details of the land, rights, ownership and the register map.   
  
I have obtained the consent to this application of any relevant leaseholder of, and the proprietor of any relevant charge over, the release land and any replacement land.   
I have enclosed a copy of any document mentioned in answering the questions on this form.   
I have completed and enclosed a copy of the health and safety questionnaire   
I understand that any of the application papers may be copied to interested parties on request and have informed people as necessary.   
I have enclosed my application fee of £4,900.
34. I have advertised:  
advertised the proposal in one main local newspaper   
posted a copy of the notice at the main entry points to the lands   
sent a copy of the notice to all those listed at Section H   
placed a copy of the notice, map and application at the inspection point   
enclosed the letter based on the example at Annex D of the Notes confirming that the advertising requirements have been met.

## SECTION K – Declaration

~~T~~/We hereby declare that:

All the owner(s) of the land(s) to be deregistered or deregistered and exchanged subject of this application have completed this Section.

\*No person is a relevant leaseholder, or holds a relevant charge, over any of the land(s) to be deregistered/exchanged.

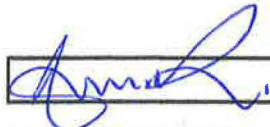
~~T~~/We have obtained the written consent to this application of every person who is a relevant leaseholder, or holds a relevant charge, over any of the lands to be deregistered/exchanged.

\*delete as appropriate

The contents of this application are true and complete to the best of my/our knowledge and belief.

### Release Land:

Signature of owner



Name

ADG DOUGLAS

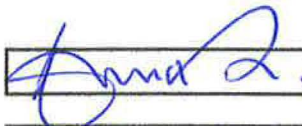
Date

12 April 2024

Position and name of organisation (where appropriate).

DIRECTOR. RAYNHAM TRUST Company Number One LTD

Signature of co-owner (where applicable)



Name

ADG DOUGLAS

Date

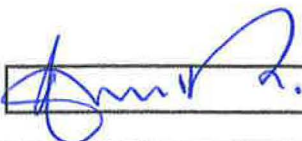
12 April 2024.

Position and name of organisation (where appropriate).

Director. Raynham Trust Company Number One LTD

### Replacement Land:

Signature of owner



Name

ADG DOUGLAS

Date

12 April 2024

Position and name of organisation (where appropriate).

Director. Raynham Trust Company Number One LTD

Signature of co-owner  
(where applicable)



Name

ADG DOUGLAS

Date

12 April 2024

Position and name of  
organisation (where  
appropriate).

DIRECTOR. RAYNHAM TOWN COMPANY NUMBER TWO LTD

**You should keep a copy of the completed form**

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### **How we use your information**

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our privacy notice: <https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices>

**SECTION L – Declaration**

~~I~~/We hereby declare that:

All the owner(s) of the land(s) to be deregistered or deregistered and exchanged subject of this application have completed this Section.

~~\*No person is a relevant leaseholder, or holds a relevant charge, over any of the land(s) to be deregistered/exchanged.~~

~~\*I~~/We have obtained the written consent to this application of every person who is a relevant leaseholder, or holds a relevant charge, over any of the lands to be deregistered/exchanged.

~~\*delete as appropriate~~

The contents of this application are true and complete to the best of ~~my~~/our knowledge and belief.

**Release Land:**

~~Signature of owner~~

~~Name~~

~~Date~~

~~Position and name of organisation (where appropriate).~~

Signature of co-owner (where applicable)

Name

Date

Position and name of organisation (where appropriate).

G.P. Bygrave  
GRANAME BYGRAVE

7<sup>th</sup> MAY 2024

DIRECTOR OF HIGHWAYS, TRANSPORT  
LEAD DIRECTOR - INFRASTRUCTURE + WASTE  
NORFOLK COUNTY COUNCIL.