



Guidelines on Access Tracks over Common Land

Some of the most scenic villages in Waverley have developed around the common land that was once a vital resource for the villagers of the past. Today these commons and village greens are much valued open spaces for everyone.

Common land is steeped in history and legislation. Some of it might seem a bit quirky by modern standards but it has helped protect these areas for hundreds of years. The fact that it is called common land does not mean it is somehow owned by everyone. Most of it is in fact owned by individuals or corporate bodies. Much of the common land in this parish is either owned by Wonersh Parish Council (WPC) or Waverley Borough Council (WBC). Both Councils believe it is important to protect the commons for future generations and so they are committed to managing and actively protecting the common land they own.

Legal Aspects

It is an offence to drive across common land without the lawful authority of the landowner. To avoid breaking the law and in order to secure a legal right of way to a property a householder can apply to the landowner to regularize the access. Not having a legal access agreement or easement frequently holds up property sales. However, having an easement or licence to cross the common does not entitle householders to park on the common. In some cases the access track is shared by a number of separate properties and they all become responsible for it.

Access tracks can be intrusive and detract from the landscape and recreational value of the common. The following guidelines are applied by the Parish and Borough Councils to protect the rural nature of our commons. Please do not hesitate to consult the Parish Clerk or one of the WBC Countryside Rangers if you are not certain who owns the common land adjacent to your property.

Guidelines for Access Track

- Access tracks should be no wider than 3m. Where the track joins an A or B road a bell mouth of up to 5m is permitted and you will also need to consult Surrey County Council Highways.
- Construction and maintenance of the track is the responsibility of the owner of the property(ies) to which access has been granted. The surface must be maintained free from potholes and trip hazards.
- The track is for access only. Parking is to be within the property boundary and not on the common.
- The householder is responsible for surface drainage.
- Where access tracks cross ditches, streams or water courses the householders is responsible for the installation and replacement of damaged drainage pipes and ensuring they are of sufficiently diameter (at minimum of

225mm) to allow the free flow of water. Passing vehicles can easily damage a pipe so it is important that the culvert is constructed to a high enough specification, the amount of water passing through a culvert should also be taken into account. Please contact the Parish Clerk or Countryside Ranger for advice before undertaking any works.

- **Sealed surface materials such as tarmac and concrete are not permitted.** As the commons are predominately in rural locations or Conservation Areas surfaces such as brick and block paving are not acceptable.
- Aggregate surfaces such as; hoggin-type gravel, graded crushed limestone and proprietary granular materials are permitted.
- Usually edging is not necessary. However, if it is considered to be necessary only timber edging can be used.
- Permission for new access tracks over the common land will not normally be granted. New developments must share existing access tracks.
- House names plates must be located on or within the property boundary.
- Lighting columns, plants and trees must not be put on the common.
- Skips and building materials may only be stored on common land if there is no alternative within the property boundary. A temporary licence is required, in advance, from the owner of the affected commons. The licensee is also required to undertake any remedial repairs for damage caused to the surface of the commons.

Laying and Maintenance of Services

You will also need to apply to the owner of the commons for a Way leave to permit the use of land for repairs or the laying of any services to your property. Any works to the common can only be undertaken with the prior written approval of its owner or representative (eg, the Parish Clerk or the WBC Countryside Ranger for your area) and may in some case require consent from the Secretary of State under section 38 of the Commons Act 2006.

Contact details for WPC and WBC

Wonersh Parish Clerk
Kevin Garvey
clerk@wonershparish.org Tel: 01483 892601

WBC Countryside Rangers
Ed Baker (east; Ewhurst – Wonersh (including Shamley Green))
edward.baker@waverley.gov.uk Tel: 01483 423081

David Olliver (north; Blackheath - Godlaming) david.Olliver@waverley.gov.uk 01483 423081

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