SCHEDULE 1

Article 2

Works exempt from requiring section 38 consent

Paragraph	Description of works	Description of person carrying out works
1.	The erection of temporary fencing (which may include electric fencing) for a period not exceeding six months, to enclose land for the purpose of restricting the movement of grazing animals which are on the land— (a) in the exercise of a right of common to graze animals; or (b) in the interests of nature conservation.	 The owner of the land. Any person entitled to exercise rights of common over the land. Any other person acting with the written consent of the owner of the land.
	The exemption in respect of works specified in this paragraph only applies if— (a) the area to be enclosed does not, either by itself or cumulatively with any other areas within the same register unit enclosed without section 38 consent by virtue of this paragraph, exceed the lesser of 10 hectares or 10% of the area of the register unit of which it forms part; and (b) no part of the land to be enclosed has, during the period of 6 months immediately before the works are carried out, previously been enclosed without section 38 consent by virtue of this paragraph.	
2.	The erection of temporary fencing, for a period not exceeding 3 years if the fence is wholly on moorland or 1 year in any other case, to enclose land for the purpose of— (a) carrying out work which facilitates the growth or restoration of vegetation for the benefit of the common land; or (b) protecting the vegetation during a period of such growth or restoration, in so far as such protection is necessary or expedient to enable the growth or restoration to occur.	 The owner of the land. Any person entitled to exercise rights of common over the land. Any other person acting with the written consent of the owner of the land.
	 The exemption in respect of works specified in this paragraph only applies if— (a) the area to be enclosed does not, either by itself or cumulatively with any other areas within the same register unit enclosed without section 38 consent by virtue of this paragraph, exceed 1% of the area of the register unit of which it forms part; and (b) no part of the land to be enclosed has, during the period of 1 year immediately before the works are carried out, previously been enclosed without section 38 consent by virtue of this paragraph. 	
2	The erection of temporary fencing for a period not	1 The owner of

The erection of temporary fencing, for a period not exceeding 5 years, to enclose land in order to restrict

1. The owner of the land.

access to it in the interests of nature conservation, where that is required under the terms of a written agreement relating to the management of the land, being—

- (a) an agreement between the owner of the land and Natural England; or
- (b) an agreement between the owner of the land and the Secretary of State, entered into before the commencement of this Order.

The exemption in respect of works specified in this paragraph only applies if the area to be enclosed does not, either by itself or cumulatively with any other areas within the same register unit enclosed without section 38 consent by virtue of this paragraph, exceed 1% of the area of the register unit of which it forms part.

- 4. The installation of a row, not exceeding 200 metres in length, of obstacles (such as bollards or large stones) which, whether by themselves or together with any existing obstructions interrupting the row, are intended to prevent or restrict vehicular access to common land, where the owner reasonably considers that such access would interfere with or be detrimental to—
 - (a) the use of the land by members of the public for the purpose of open-air recreation pursuant to any right of access;
 - (b) the exercise of rights of common; or
 - (c) nature conservation.

The exemption in respect of works specified in this paragraph only applies if—

- (a) no other row of obstacles is installed without section 38 consent by virtue of this paragraph, and remains in place, on land forming part of the same register unit; or
- (b) the works consist of the extension of an existing row of obstacles which has been installed without section 38 consent by virtue of this paragraph, and the combined length of the existing row and the extension does not exceed 200 metres.

- 2. Natural England.
- 3. Any other person acting with the written consent of the owner of the land.

- 1. The owner of the land.
- 2. Any other person acting with the written consent of the owner of the land.

SCHEDULE 2

Article 4

Form

Declaration of Exempt Works

Description of works
On(Name of Common)
Located in the:
(a) Parish/Town of
(b) Borough/District/City of
(c) County of
I/We* declare that the works described above are exempt from the requirement for consent undo section 38 of the Commons Act 2006 by virtue of the provisions of the Works on Common Lan (Exemptions) (England) Order 2007 and that these works comply with:
Paragraph 1 (temporary fencing to contain grazing animals) / Paragraph 2 (temporary fencing to facilitate growth of vegetation) / Paragraph 3 (temporary fencing to restrict access in the interests of nature conservation) / Paragraph 4 (regularly spaced obstacles to restrict vehicular access)* ** i Schedule 1 to the Order.
* Delete as appropriate.
** The full terms of the exemptions are set out in Schedule 1 to the Order.
Signed

Name (BLOCK letters)

Position (if applicable)

Organisation (if applicable)

Address

Telephone number.