



The Planning
Inspectorate

APPLICATION FOR CONSENT TO CONSTRUCT WORKS ON COMMON LAND

Commons Act 2006: Section 38

National Trust Act 1971: Section 23

Greater London Parks and Open Spaces Order 1967

Return completed application to:

The Planning Inspectorate
Room 3/25B, Hawk Wing
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Temple Quay
Bristol
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Fax: 0117 372 6241

E-mail: commonlandcasework@pins.gsi.gov.uk

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- **Before you apply for consent you should consult informally and widely about the proposed works as this may help you identify and overcome any objections.**
 - Answer all the questions on this form in full, tick all relevant boxes and use a separate sheet where there is insufficient space for your answer.
 - Refer to separate **Notes** on completing this form (the "Notes") and **Guidance Sheets** (list at **Annex F of notes**) before applying.
 - Consult informally and widely about your ideas before developing a formal proposal.
 - Read **Guidance Sheets 1a, 1b and 1c** for all Section 38 cases.
 - Read **Guidance Sheet 2a** if the land is owned by the National Trust.
 - Read **Guidance Sheet 2b** if the land is owned and/or managed by a London borough, or registered as a town or village green.
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Legislation (See Notes 1 and 2)

This application is made under:

- Section 38: Commons Act 2006
- Section 23: National Trust Act 1971
- Article 12: The Greater London Parks and Open Spaces Order 1967
- Article 17: The Greater London Parks and Open Spaces Order 1967

SECTION A – The common land (see Notes 3 and 4)

1. Name and full address of common

CL no or VG no

Commons Registration
Authority

SECTION B1 – The applicant

2. Forename

Surname

Organisation (if
appropriate)

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

Postcode

Telephone No/Mobile

E-mail address

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

SECTION B2 – The owner of the common land

4. Forename

Surname

Organisation (if appropriate)

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

Postcode

Telephone No/Mobile

E-mail address

5. Does the owner support your application? Yes No

6. Provide written evidence of the owner's views. Evidence enclosed

SECTION C – Area of common and common rights (Note 5)

7. What is the total area of the common as registered?

What common rights, if any, are registered? (e.g. number and type)

8. Are the common rights ever exercised? Yes No

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

9. Give details of any relevant leaseholders, other occupiers, those holding any relevant charges or those with rights of access over the land.

SECTION D1 – The proposal (See Note 6, 7)

10. What works are proposed? (tick **all** that apply)

- fencing
- building(s)
- other structures(s)
- ditch(es), trench(es), embankment(s)
- sealed paths, roads or tracks (e.g. concrete or tarmacadam)
- other works, please specify:

11. What area (in square metres) will the works occupy or the fencing enclose?

How long (in metres) will the works/fencing be?

12. Are the proposed works permanent or temporary?

- permanent
- temporary
- mixed permanent and temporary

If temporary, how long will they be needed? **See note 8.**

13. Is this application, or any part of it, for works that have already been constructed? **See Note 9.**

Yes No

14. Describe the proposed works below and make clear which works, if any, have already been constructed.

15. Explain why the proposed works are needed. **See Note 10.** If the proposed works include fencing, please explain why it is needed by completing section D2.

SECTION D2 – Where the proposed works include fencing

(If your proposal does not include fencing, go straight to SECTION E)

16. Please give details of the type(s) of fence proposed, including the height and the materials used.

17. Please explain why the fencing is needed. This should cover: why fencing of this type is needed, what the aim of the fencing is, and why it is the length proposed. You should also explain what other types of fencing, if any, have been considered and rejected.

18. Please say what other measures (if any) you have considered (i.e. alternatives to fencing) and explain why these are not suitable.

19. Give details of any measures proposed to mitigate the visual affects of the fencing.

20. How will you ensure the public and others with rights (e.g. common rights holders) will have access to the land after the fencing is in place? Give details of the number, type and location of stiles, gates, gaps or other means of access.

SECTION E – Planning permission. (See Notes 11 and 12.)

21. a) Is planning permission needed for your proposal? Yes No
b) If yes, has planning permission been given? Yes No
If yes to b), please enclose a copy of the planning permission. Copy enclosed.

If no to b), please give:

Date of application

Reference number

Planning Authority Contact:

Name

Tel number

E-mail

Details of application and stage reached.

SECTION F - Designations

22. Is the proposal in or near a Site of Special Scientific Interest (SSSI), a Special Area of Conservation (SAC) a Special Protection Area (SPA) or a wetland listed in accordance with the Ramsar convention? Yes No
See Note 13 and Guidance Sheet 8.
If yes, please give details and identify this area on the map (see Section K).

23. Will the proposal affect a Scheduled Ancient Monument (SAM)? Yes No
See Note 14.
If yes, please give details and identify this area on the map (see Section K).

24. Is the proposal in a National Park? Yes No
- Is the Proposal in an Area of Outstanding Natural Beauty (AONB)? Yes No
- Will the Proposal affect a national or local nature reserve, area of special landscape value, or World Heritage Site? Yes No

SECTION G – Existing works and adjacent common land. (See Note 15)

25. Are there any existing buildings, roads, fences or other constructions on the common? Yes No
If yes, please give details. Please also identify these on the map (see Section K).

26. Does any area of common land or village green of a different registration number adjoin the common on which the works are proposed? Yes No
If yes, please give details. Please also identify the boundaries on the map (see Section K).

Section H – Public access (See notes 16, 17, 18.) If your proposal is only intended to restrict access (rather than exclude it altogether) go straight to Section I.

27. a) Do the public have a right of access to the common for air and exercise under section 193 of the Law of Property Act 1925? Yes No

b) Is the common subject to an Order of Limitation made under Section 193? Yes No

If yes to b), give its date, and send us a copy of the order.

Date of the order Copy enclosed.

28. Will the works exclude any right of access for any person, rights of access for persons includes access on foot, horseback or in vehicles, e.g. fencing that crosses a public right of way or road Yes No

If yes, please explain what exclusions or restrictions you seek.

Section I – Schemes of Management and local acts (See Notes 19, 20)

29. a) Is there a Scheme of Management for the common, made under the Metropolitan Commons Act 1866 or the Commons Act 1899? Yes No

b) If yes, please give the date of the Scheme and send us a copy.

Date of the Scheme Copy enclosed.

c) If yes to a), and this application is not made by the local authority in which the regulation and management of the common is vested under the Scheme, does the local authority support your application? Yes No

Provide written evidence of the local authority's views. Evidence enclosed.

30. a) Is there any other regulatory Scheme or Act for the common? (e.g. a Provisional Order Confirmation Act under the Commons Act 1876) Yes No

b) If yes, please give the date of the Scheme or Act, and send us a copy.

Date of the Scheme Copy enclosed.

c) If yes to a), and this application is not made by the body in which the regulation and management of the common is vested under the Scheme or Act, does that body support your application? Yes No

Provide written evidence of the views of that body. Evidence enclosed.

SECTION J – Advertisement and consultation (see Notes 21, 22, 23)

31. **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) within 7 days of making your application. Use the draft notice at **Annex A** of the **Notes**.

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

32. You must also send a copy of the notice (using the letter at **Annex C, C1** or **C2** of the **Notes**) to the following:

- the owners of the land (if different from the applicant)
- the commons council or commoners' association (if there is one)
- all active commoners (please refer to **Note 22**)
- others with a legal interest e.g. tenants, those with easements, or other rights over the land and any other person occupying the land
- the relevant parish, borough, district, city or county councils
- Natural England
- English Heritage
- National Park Authority (if the proposal is in a National Park)
- AONB Conservation Board or Joint Advisory Committee (if the proposal is in an AONB)
- Open Spaces Society (**see Note 24**)

Even if you have consulted with Natural England or English Heritage before making this application you still need to send them a copy of the notice.

33. Which newspaper will the advertisement appear in?
On what date?

Section K – Maps (See Note 25)

34. Please enclose two copies of the map that meets the requirements set out in Note 25. The map should show everything required by sections E, F and G of this form, and it must clearly show what you are proposing to do and where. **Incorrect or unclear maps are a common type of problem with applications for works, so please read note 25 carefully.**

Two copies of the map have been prepared.

Section L – Checklist (tick to confirm)

35. For all applications:

- I have read the relevant Notes and Guidance Sheets.
- I have read and adhered to the principles set out in the Code of Practice (link from Guidance Sheets 1a and 2a).
- I have answered all the questions on this form in full. (Where appropriate.)
- I have enclosed two copies of the map that meets the requirements of Note 26.
- I have enclosed a copy of the commons register in respect of this common, where registered, i.e. details of the land, rights, ownership and the register map.
- I have enclosed a copy of any document mentioned in answering the questions on this form (e.g. planning permission, scheme of management, written permission of the landowner, etc.)
- I understand that any of the application papers may be copied to anyone who asks to see them.

36. For Section 23 (National Trust Act 1971) only:

- I have enclosed a letter from the National Trust confirming its view that the proposed works are "desirable" under Section 23(1)

37. I will, as soon as possible:

- Advertise the proposal in one local newspaper
- Post a copy of the notice at the main entry points to the common
- Send a copy of the notice to all those listed at Section J
- Place a copy of the notice, map and application at the inspection point
- Write to you using the letter at Annex D of the Notes, to confirm that the advertising requirements have been met.

Signed

Name

Date

You should keep a copy of the completed form.

Data Protection Act

Your application will be in the public domain. Therefore all documents (both paper and electronic) associated with it may be disclosed during the application process to others, including other Central Government Departments, public bodies, local authorities, other organisations and members of the public.

A copy of this form and any accompanying documents may be disclosed following a request for information under the Environmental Information Regulations 2004.
