

**APPLICATION FOR CONSENT TO CARRY OUT WORKS ON
COMMON LAND**

Commons Act 2006: Section 38

National Trust Act 1971: Section 23

Greater London Parks and Open Spaces Order 1967: Article 12

Return completed application to:

The Commons Team
The Planning Inspectorate
3F Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Tel: 0303 444 5408

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

- **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** (listed at **Annex F** of the **Notes**) before applying.
- 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 registered as a town or village green.
- Read **Guidance Sheet 2c** if the land is regulated by a scheme of management.
- Read **Guidance Sheet 2d** if the land is owned/managed by a London Borough Council.
- References in this form to common land apply equally to town and village greens (but see Questions 5a and 5b).

Legislation

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

SECTION A – The common land (see Note 1)

1. Name and full address of common	Butts Close Bedford Road Hitchin Herts SG5 1HA
CL no or VG no	CL71
Commons Registration Authority (Usually the county council or unitary authority)	Hertfordshire County Council

SECTION B1 – The applicant

2. Forename	Steve
Surname	Crowley
Organisation (if appropriate)	North Hertfordshire District Council
Title (Mr/Mrs/Miss/Dr)	Mr

Full Postal Address

Town Lodge
Gernon Road
Letchworth Garden City
Hertfordshire

Postcode

SG6 3JF

Telephone No/Mobile

01462474211

E-mail address

steve.crowley@north-herts.gov.uk

3. Do you prefer to be contacted by Post E-mail
(ignore if you are using an agent)

SECTION B1a – The agent (where relevant)

3a. Forename

Surname

Organisation (if appropriate)

North Hertfordshire District Council

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

Council Offices
Gernon Road
Letchworth Garden City
Hertfordshire

Postcode

SG6 3JF

Telephone No/Mobile

01462474211

E-mail address

steve.crowley@north-herts.gov.uk

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

SECTION B2 – The owner of the common land

4. Forename

Peter

Surname

Cranfield

Organisation (if appropriate)

Title (Mr/Mrs/Miss/Dr)

Mr

Full Postal Address

The Hitchin Cow Commoner Trust
C/o Standhill Cottage
43 London Road
Hitchin
Hertfordshire

Postcode

SG4 9EW

Telephone No/Mobile

E-mail address

pcranfield@standcot.globalnet.co.uk

SECTION C – Area of common and common rights (See Note 2)

5a. Is the land registered as a town and village green (rather than as a common)? Yes No

5b. If yes, is it regulated by an Act under the Commons Act 1876 confirming a provisional order of the Inclosure commissioners or subject to a scheme of management under the Metropolitan Commons Act 1866 or the Commons Act 1899? Yes No

If you answered yes to 5a and no to 5b then you cannot apply under Section 38 of the Commons Act 2006 to carry out works. Please see Guidance sheets 2b and 2c.

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

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

One for access

Are the common rights ever exercised?

Yes No

6.

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

The Telephone Manager of the Bedford Area of the Post Office Telephone, Telephone House, Harpur Street, Bedford, claims the right of access to maintain or make alterations to Post Office plant in the land, erected upon the land or over the land comprised within this register unit.

Uncertain how often used.

7. 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 3 - 6)

8. 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:

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

400

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

80

10. Are the proposed works permanent or temporary?

- permanent
- temporary
- mixed permanent and temporary

If temporary, how long will they be needed?

11. Is this application, or any part of it, for works that have already been carried out?

Yes No

12. Describe the proposed works below and make clear which works, if any, have already been carried out. (If the works are only for fencing go straight to Section D2)

The proposed work has not yet been undertaken;

Construct a farmac access way over land that is registered as a common in order to provide access to an extra car park in addition to the one on Hitchin Swim Centre Car Park.

The Hitchin Cow Commoners Trust have been involved in this project and are in favour of the proposals.

13. Explain why the proposed works are needed and how they fulfil the criteria set out in Section 39 of the Commons Act 2006. If the proposed works include fencing, please also complete section D2.

The current parking provision at Hitchin Swim Centre Car Park no longer meets the needs of customers using Butts Close, Hitchin Swimming Centre and Archers Health & Fitness Club.

The additional parking will positively benefit the local community by offering greater opportunities for access to Butts Close, Hitchin Swimming Pool and Archers Health & Fitness Club.

It is well documented that such facilities and open spaces enable the local community to improve their physical health and emotional wellbeing.

The common land required for the access way is minimal and will not impact on any enjoyment that currently is made of the common.

14. Give details of any measures proposed to mitigate the visual impact of the works.

The new access road will be located along the boundary of the common adjacent to the existing fence.

The Council manage the whole of Butts Close, registered and non registered common land - please see attached management plan.

SECTION D2 – Where the proposed works include fencing (temporary and permanent) (See Note 6)

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

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

Two foot high low level wooden post and rail fencing, metal galvanised straps to secure posts to rail. Total length 80meters.

16. Please explain why the fencing is needed and how it fulfils the criteria set out in Section 39 of the Commons Act 2006. 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. If you are applying for permanent consent please explain why temporary consent is not appropriate.

The permanent low level fencing is required to restrict vehicle access onto Butts Close, the style and height of the fencing will enable continued access to the common land.

The fence will provide a barrier between the users of Butt Close and vehicles using the access road, ensuring pedestrian safety.

The fencing has been chosen as it will have the least visual impact on the close.

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

Consideration has been given to omitting the low level fencing , however this will increase risk to users of the common therefore a barrier between the roadway and common is needed.

18. Give details of any measures proposed to mitigate the visual impact of the fencing.

Low level shrubs to be planted along the fence so that the road cannot be seen when it is not in use.

19. Give details of the number, type and location of stiles, gates, gaps or other means of access.

There are three proposed access gaps within the access road, one located as you enter the access road, one located at the new car park entrance and one emergency vehicles access gap which will have a collapsible bollard.

Please see attached plan which shows this.

SECTION E – Planning permission (See Note 7)

20. 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.

SECTION F – Designations (See Note 8 – 9 and Guidance Sheet 8)

21. 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

If yes, please give details and identify this area on the map (see Section J).

22. Will the proposal affect a Scheduled Ancient Monument (SAM)? Yes No
If yes, please give details and identify the location of the SAM on the map (see Section J).

23. Is the proposal in a National Park? Yes No

If yes, please give the name of the National Park.

Is the proposal in an Area of Outstanding Natural Beauty (AONB)? Yes No

If yes, please give the name of the AONB.

Will the proposal affect an area of special landscape value or World Heritage Site? Yes No

If yes, please give details and identify the area on the map (see Section J).

SECTION G – Existing works and adjacent common land (See Note 10)

24. 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 J).

Tarmac pathways

25. 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 J).

Section H – Public access (See Notes 11 - 12)

26. 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.

27. Will the works exclude (rather than simply restrict) any right of access for persons under section 193 of the Law of Property Act 1925? Right of access for persons includes access on foot, horseback or in vehicles. Yes No

If yes, please explain what exclusions you seek.

SECTION I – Advertisement and consultation (see Notes 13 - 16)

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

29. 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
- 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 Commons Registration Authority
- the relevant parish council, where known
- Natural England
- Historic England
- 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
- the local authority or other body in which the management of the common is vested under a scheme of management made under the Metropolitan Commons Act 1866 or the Commons Act 1899 or any other regulatory scheme or Act for the common (if there is any such scheme or Act)
- the local authority archaeological service

30. Which newspaper will the advertisement appear in?

The Comet News Paper

On what date?

02/02/17

On what date will the representation period end?

02/03/17

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 note 13 carefully.

Section J – Maps (See Note 17)

31. Please enclose two copies of the map that meets the requirements set out in Note 23. The map should show everything required by sections 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 17 carefully.**

Section K – Checklist (tick to confirm)

32. For all applications:

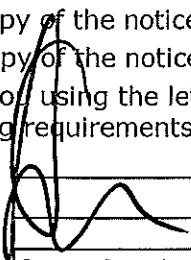
- I have read the relevant Notes and Guidance Sheets.
- I have answered all the questions on this form in full. (Where appropriate.)
- I have enclosed a map (2 copies) that meets the requirements of Note 17.
- I have enclosed a copy of the commons register in respect of this common, where registered, 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, etc.)
- I understand that any of the application papers may be copied to anyone who asks to see them.

33. 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)

34. 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 I
- 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.
