

Greater London Parks and Open Spaces Order 1967 – ARTICLE 12

We are applying to the Secretary of State for Environment, Food and Rural Affairs (Defra) for consent to construct works on Clapham Common under the above provision. The Planning Inspectorate will determine the application on behalf of Defra.

We are required to give you notice of our proposals and are sending you a copy of the attached notice in order to comply with that requirement.

Under Article 12, we need Defra's consent to construct buildings or other structures, or to permanently enclose common land, in pursuance of our powers in Article 7 to provide facilities for public recreation.

Defra's decision will be based on the merits of the proposal, and will balance all the interests in the common, taking account of all views expressed. Regard must be given to the criteria set out in section 39 of the Commons Act 2006. These are:

- (a) the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
- (b) the interests of the neighbourhood;
- (c) the public interest, which includes the public interest in:
 - nature conservation
 - the conservation of the landscape
 - the protection of public rights of access to any area of land, and
 - the protection of archaeological remains and features of historic interest;

(d) any other matter considered relevant.

For article 12 applications, the article 7 provision for formal public recreation will be a relevant matter to take into account under (d) above. For similar reasons, the public interest to be taken into account is likely to include the public interest in formal recreation as well as in the other interests listed in (c) above.

These criteria will be viewed in the light of the overriding objective of protecting, maintaining or improving the common, and of ensuring that the overall stock of common land is not diminished. This will enable the diversity, variety, and overall extent, of common land to be safeguarded.

Any representations about the proposal should be sent to the Planning Inspectorate **by the closing date specified in the notice.**