



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
3A Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Tel: 0303 444 5408

E-mail: commonlandcasework@planninginspectorate.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** (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.
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Legislation

This application is made under:

Section 38: Commons Act 2006 for land which is:-

- registered common land
- other land (e.g. registered town or village green) to which Section 38 applies

Section 23: National Trust Act 1971

X Article 12: The Greater London Parks and Open Spaces Order 1967

SECTION A – The common land

1. Name and full address of common

Clapham Common
Windmill Drive
SW4

CL no or VG no – **CL73**

Commons Registration Authority (Usually the county council or unitary authority) – **London Borough of Lambeth**

SECTION B1 – The applicant

2. Forename: **Event**

Surname: **Lambeth**

Organisation (if appropriate) **London Borough of Lambeth**

Title (Mr/Mrs/Miss/Dr) - **NA**

Full Postal Address

Civic Centre
6 Brixton Hill
London

Postcode – **SW2 1EG**

Telephone No/Mobile – **020 7926 6207**

E-mail address – **Events@lambeth.gov.uk**

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

SECTION B1a – The agent (where relevant)

3a. Forename

NA

Surname

NA

Organisation (if appropriate)

Title (Mr/Mrs/Miss/Dr)

NA

Full Postal Address

NA

Postcode

NA

Telephone No/Mobile

NA

E-mail address

NA

Do you prefer to be contacted by Post E-mail

SECTION B2 – The owner of the common land

4. Forename

NA

Surname

NA

Organisation (if appropriate) – **The London Borough of Lambeth**

Title (Mr/Mrs/Miss/Dr)

Full Postal Address – **Lambeth Town Hall, Brixton Hill London**

Postcode – **SW2 1RW**

Telephone No/Mobile – **020 7926 6207**

E-mail address – **events@lambeth.gov.uk**

SECTION C – Area of common and common rights

5. What is the total area of the common as registered? **81.1 HA**

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

To the best of our knowledge there are no commons rights registered

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?

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

The following tenancies are granted.

- 1) Bowling Green Café (tenancy at will)**
- 2) Rookery Road café (tenancy at will)**
- 3) Bandstand café (lease outside the Act*)**
- 4) Two leases granted for the former PC adjoining Clapham Common Station (Leases outside the Act*)**

***These leases are outside the security of tenure of Landlord & Tenant Act 1954**

SECTION D1 – The proposal

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: **The creation of a site for temporary events for a fixed period of time.**

9. Are the proposed works permanent or temporary?

permanent

temporary

mixed permanent and temporary

If temporary, how long will they be needed? **They will be needed for a maximum of 25 days from the 16 August 2021 – 9 September 2021**

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

Yes No

11. Describe the proposed works below, including the area (in square metres) that they will occupy. Please include details such as materials to be used and dimensions of all structures. Make clear which works are permanent, which are temporary, and which works, if any, have already been carried out. (If the works are only for fencing go straight to Section D2)

No works have already been carried out. This application is for the creation of a temporary event site for a summer season of public events on Clapham Common. The area used is the designated events site on the common and has been used for a range of public events for over 50 years. This application is for the works associated with an Event Application for up to 4 days of events over the August Bank Holiday.

The works include the erection of a Steelshield Fence line within which the event site will be created. There will be structures including a Mainstage, Big Top style tents, toilets and welfare facilities. Ground protection will be in the form of tracking to mitigate the impacts of vehicle movement.

These are temporary works.

12. 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.

Clapham Common has a long history of hosting events which continues in to a new era with the new Summer Events Contract. The use of the site brings much needed income to the Council Parks budget in addition to a ring fenced Park Investment Levy which is spent on projects around the Common in discussion between the Clapham Common Management Advisory Committee and the Parks Service.

This is not an application under the Commons ACT - however the requirement to fence off the event area is one for licensing and safety as well as commercial reasons.

The Commercial reasons are that Lambeth is achieving a high rental income for this location, the successful bidder for the contract will need to ensure that they are able to create an environment for their ticket holders. Safety is to prevent overcrowding and ensure that adequate search regimes can be put in place as well as securing the equipment and infrastructure within the site - it also prevents unauthorised access to the site both pedestrian and vehicular. Licensing due to a license application being for a specified maximum capacity. Without a boundary fence line event organisers would not be able to monitor and restrict access to ensure adherence to the capacity. In line with the Article 12: The Greater London Parks and Open Spaces Order 1967 the site will be not more than 10% of the total area of the Common which is the maximum permitted to be fenced off for the provision of listening to or viewing an entertainment.

13. Give details of any measures proposed to mitigate the visual impact of the works and, where appropriate, the way in which the common will be restored once the works are completed if consent is granted.

This development will be temporary and so only onsite for a maximum of 25 days. All works will be contained within the steelshield perimeter fence line to prevent visual impact from the works and structures within there.

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

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

14. Please give details of the type(s) of fence proposed, including the height and length, the area (in square metres) it will enclose and the materials used.

Perimeter fence line will be standard 3.4m high solid Steelshield type fencing.

It will be 1050 metres in length around the whole Event Site, which is 81,100m².

15. 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.

As detailed above the requirements for a fence-line to enclose the event site are as follows:

- 1. Prevent unauthorised access by persons and vehicles. Both from a safety and revenue protection point of view.**
- 2. Create a safe working environment for the build and break of the event infrastructure.**
- 3. Create a controlled environment where the event organisers know the numbers of people on-site in-line with licensing and CDM requirements.**
- 4. Ensure that search regimes as requested by Licensing and Safety Advisory Group can be managed.**
- 5. Protect infrastructure within the site from damage, incursions and sabotage.**
- 6. Maintain a clear area for the event to take place within to leave other areas of the Common free.**
- 7. Ensure that they are working within the 10% Capacity permitted.**

SteelShield is the chosen fencing type as the most suitable equipment for this type of fenceline. The height reduces the risk of unauthorised "fence jumpers" and the solid nature of the fencing means that items not permitted onsite cannot be easily passed through. It is also a stable structure fixed with the use of bracing and pins which provides a stable structure.

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

The only other alternative that might be considered would be Heras Style fencing - this is not appropriate due to the height, at 2m high it is much easier for unauthorised ingress to occur. The fixing of Heras by way of clips also makes it easier for access to be gained. The gaps in the base of Heras fencing and in the mesh type mean that items not permitted onsite can be passed through the fence. If screened there can be issues with wind resistance which, unless braced using triangular panel configuration, can mean that long stretches of heras are unstable. Bracing configuration takes up more space. Given the duration onsite and its vulnerabilities Heras is not an appropriate alternative. This is supported by the Lambeth Safety Advisory Group.

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

The event perimeter will be steelshield, the colouring of which will blend in with the natural environmental surroundings. All works will be contained within the steel-shield perimeter mitigating any visual impacts of the build and break of the event site.

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

**There will be one main entrance with a width of 49.2m
There are seven Fire exits in total around the perimeter.
Four with one gate width 4.8m
Two with two gate widths 9.6m
One with three gate widths 14.4m**

Please see attached plan showing the exits around the perimeter fencing.

SECTION E – Planning permission

19. 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

20. 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).

21. 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).

22. 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

23. 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).

Holy Trinity Church

Megan's Café, Rookery Road

Model Yacht Clubhouse, Long Pond

Parks Depot & Toilets, Windmill Drive

Spinney Nursery, Windmill Drive

Pear Tree Café at the Bandstand

The Bandstand

Battersea Rise Changing Room Block

Bowling Green Café, Clapham Common West Side

Pavilion Changing Rooms, Clapham Common West Side

Clapham Common South Deep Level Shelter

These are all marked out on the map which is attached to this application.

24. Does any area of common land or village green of a different registration number adjoin the common on which the works are proposed? Yes **X** No

If yes, please give details. Please also identify the boundaries on the map (see Section J).

Section H – Procedure

25. Most applications are determined by the written representation procedure. However, we may decide that a site inspection by an Inspector is needed. Where we decide that there should be a site inspection the Inspector will usually visit the site unaccompanied.

Do you wish to be present or be represented at the site visit? Yes No
If yes, please suggest a suitable meeting place.

Meet at the Long Road Vehicle entrance to the Event Site.

SECTION I – Advertisement and consultation

26. **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). Use the draft notice at **Annex A** of the **Notes**.

27. 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 Parish Council

- the relevant Commons Registration Authority (usually the county council or unitary authority), District or Borough Council
- Natural England (Please send only to enquiries@naturalengland.org.uk)
- 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 archaeological service

28. Which newspaper has the advertisement appeared in?
On what date? 23/04/2021

On what date will the representation period end? 23/05/2021

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 Section I of the Notes carefully.

Section J – Maps

29. Please enclose two copies of the map that meets the requirements set out in Section J of the Notes. 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 Section J of the Notes carefully.**

Section K – Checklist (tick to confirm)

30. 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 Section J of the Notes.
- ✓ 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 have completed and enclosed a copy of the health and safety questionnaire
- ✓ I understand that any of the application papers may be copied to anyone who asks to see them.

31. 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)

32. I have:

Advertised the proposal in one local newspaper – **to be published 23/04/2021 – copy will be sent through separately.**

Posted a copy of the notice at the main entry points to the common- **to be completed not later than 23/04/2021**

Sent a copy of the notice to all those listed at Section I – **to be done 23/04/2021**

✓ Placed a copy of the notice, map and application at the inspection point

Enclosed the letter, based on the example at Annex D of the Notes, confirming that the advertising requirements have been met. **Will submit this once we have a copy of the newspaper**

Signed EventLambeth

Name: EventLambeth

Date: 23/04/2021

You should keep a copy of the completed form.

General Data Protection Regulation

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.

How we use your information

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

