



**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	Albury Downs Newlands Corner Drove Road Guildford Surrey GU4 8SE
CL no or VG no	CL344
Commons Registration Authority (Usually the county council or unitary authority)	Surrey County Council

SECTION B1 – The applicant

2. Forename	
Surname	The Director of Legal, Democratic and Cultural Services
Organisation (if appropriate)	Surrey County Council
Title (Mr/Mrs/Miss/Dr)	

Full Postal Address

County Hall
Penrhyn Road
Kingston upon Thames
Surrey

Postcode

KT1 2DN

Telephone No/Mobile

020 8541 9114 / Mobile: 07971 665832

E-mail address

peter.gardner@surreycc.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)

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

Postcode

Telephone No/Mobile

E-mail address

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

SECTION B2 – The owner of the common land

4. Forename

The Most Noble Ralph George Algernon, Algernon Alan, Christopher Philip

Surname

12th Duke of Northumberland, Percy, Walsh

Organisation (if appropriate)

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

Albury Estate
Estate Office
Weston Yard
Guildford
Surrey

Postcode

Telephone No/Mobile

E-mail address

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)

None.

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?

N/A

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

Surrey County Council has an Access Agreement with The Albury Estate and leases for the land occupied by the pumphouse, toilets and visitor room.

Surrey Wildlife Trust manages access on behalf of Surrey County Council through an Agreement for services.

Mr. D Hunt has a lease on the cafe with the Albury Estate (For further details see attached sheet.)

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:

6 No. timber and rope play structures with metal fixing bolts. Each play structure to be located on a safety surface comprising certified play grade woodchip 500mm in depth. Total area of safety surface: 361m² split between 6 No. play sites
8 No. brass rubbing and magnifying posts (1m high, 20cm diameter). Total area posts: 0.25m² split between 8 posts.

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

361.25m² (split between 6 play sites and 8 posts)

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

The length of the temporary fencing will be approximately 40 metres

10. Are the proposed works permanent or temporary?

- permanent
 temporary
 mixed permanent and temporary

If temporary, how long will they be needed?

Please see additional sheet.

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)

(Further detail on additional sheet).

Permanent works:

6 No. timber and rope play structures with metal fixing bolts. Each play structure to be located in existing woodland clearings, adjacent to existing Easy Access trail, on a safety surface comprising natural colour certified play grade woodchip 500mm in depth. Total area of safety surface = 361m².

8 No. brass rubbing and magnifying posts.

Temporary works:

- Temporary safety fencing will be erected around each play site to exclude the public during construction.
- The Easy Access Trail will be closed to the public for the duration of the works using barrier tape and signage.
- Any ground vegetation clearance will be carried out by clearing saw/chainsaw before temporary fencing is erected, using a banksman where necessary.
- Materials and machinery will be delivered to and stored at each play site within the temporary fencing.
- Individual play site locations will be accessed by vehicle from the car park using the existing Easy Access Trail. Vehicles will be a maximum of 4 tonnes and will include a mini excavator and Ford Transit style drop side truck. Vehicles (max 4 tonnes) already access this trail to carry out tree safety works and furniture maintenance. As part of this project, the trail will be resurfaced; resurfacing works will be carried out after all of the proposed play pieces have been installed.
- Components of the play pieces will be created off-site where possible and assembled during installation to minimise the time spent on site.
- Components of the play pieces will be lifted by hand, or from vehicles using a grab, and lowered directly to the play sites to minimise ground disturbance.

None of the works have already been carried out.

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.

Newlands Corner attracts a range of age groups, although the majority of visitors are over the age of 46. Only a third of visitors come with children. The site is very busy at weekends and there is an opportunity to encourage people to come at off-peak times (54% of the year). Most of the visitors who arrive by car stay for less than one hour and over half of those visitors stay for less than 30 minutes; many people do not leave the car park and café area.

The aim of the proposed Family Play Trail is to encourage adults and children of all ages and abilities to come to Newlands Corner to access and learn about the countryside together. The trail will encourage school groups and family groups with children and older relatives to leave the existing car park and café area to explore, understand and learn about the surrounding landscape and the importance of habitats for wildlife through play. The trail will encourage family groups, who might not otherwise visit the countryside, to venture out into the woodland with confidence and to spend longer periods of time in the countryside. The improved all-ability surface will enable more people to access the woodland to improve their health and wellbeing through physical activity.

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

All play structures to be made of timber and rope and left unpainted.

All play structures to be located in existing woodland clearings.

All play structures to use existing landform.

All safety surfacing to be natural colour woodchip.

No permanent fencing of play structures.

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.

Standard steel mesh temporary fencing panels 2 metres high supported by temporary foot supports and connected with steel couplers.

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 temporary fencing is required to prevent public access to the site of the proposed play pieces during the construction phase. This is to ensure public safety and prevent the theft of materials, plant and equipment. No other fencing has been considered since this is the industry standard for temporary site fencing.

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

No other measures have been considered, since public access to the works needs to be restricted during the construction phase to ensure public safety and prevent the theft of materials, plant and equipment and the chosen solution is the industry standard.

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

No measures are proposed to mitigate the visual impact of the fencing. The fencing will be in place only during the construction phase – expected to be approximately 8 weeks - and the sites are well screened by woodland.

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

No stiles, gates, gaps or other means of access are proposed, since the purpose of the fencing is to exclude the public for the duration of the works.

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).

N/A

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).

N/A

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

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

N/A

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

If yes, please give the name of the AONB.

Surrey Hills

- 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).

N/A

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).

Access road, directional and information signage, car park, visitor centre, café, toilets, play area, waymarked trails, picnic benches and benches, litter bins and dog bins, vehicle barriers, refuse compound, sewage treatment plant compound.

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).

CL3 and CL533

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.

N/A

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?

Surrey Advertiser

On what date?

Friday 2 June 2017

On what date will the representation period end?

Friday 7 July 2017

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.
