

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

- **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.

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

SECTION A – The common land

1. Name and full address of common	The Cranswick Village Green Main Street Hutton Cranswick YO25 9PD
CL no or VG no	VG18
Commons Registration Authority (Usually the county council or unitary authority)	East Riding of Yorkshire Council

SECTION B1 – The applicant

2. Forename	Stephen
Surname	Sanderson
Organisation (if appropriate)	Hutton Cranswick Parish Council
Title (Mr/Mrs/Miss/Dr)	Mr
Full Postal Address	Bella Cottage Sheepman Lane Cranswick, Nr. Driffield East Yorkshire

Postcode

Telephone No/Mobile

E-mail address

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

Surname

Organisation (if appropriate)

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

Postcode

Telephone No/Mobile

E-mail address

SECTION C – Area of common and common rights

5. What is the total area of the common as registered? 6.5 acres

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

Not Relevant

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?

Not Relevant

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

Not Relevant

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:

Installing two new pieces of play equipment. A climber is to be contained within the play area by extending the existing fence which will use an additional small area of the Green. A Zip wire is to be located on the immediate outside of the existing enclosed area of the play area. Improvements to safety surfacing, all within the enclosed play area.

9. Are the proposed works permanent or temporary?

- ☒ permanent
☐ temporary
☐ mixed permanent and temporary

If temporary, how long will they be needed?

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)

As part of an overall play area improvement project the provision of two permanent items of children's play equipment and the realignment and some additional boundary fencing.
Proposed works on The Village Green.

Item 1: Zip Line (30m) with 47m² Honeycomb Lawn Matting (Rubber) as safety surfacing.
Located immediately outside of the boundary of the existing play area (A and B on Design).

Item 2: Robinia Forest Climber- includes Scramble Net and Traverse Rope - MOT Type 1 Stone (Sub base), 100mm depth as sub-base for resin Bound Mulch Safety Surfacing safety surfacing.
Located immediately outside of the boundary of the existing play area but, by re-alignment of the existing fence line and providing additional fencing the Climber will be fully contained within the boundary of the play area (D and E on Design)

Item 3: Paled Timber Fencing, 1m high, 24m in length, covering an area of 70m² (C on Design).

See illustration - S38 Consent Application Play Area on Village Green - Q11- Aerial Design.

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.

The proposal will provide activities that gives an opportunity for a child to learn, be challenged, improve physical development and have fun. It will help improve the well being of an adult in seeing the enjoyment experienced by a child.

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.

The proposed fencing will match the existing. There will be a minimal visual impact on the Village Green.

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.

Paled Timber Fencing, 1m high, 24m in length, enclosing an area of 70m².

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.

The proposed fencing is required to contain the equipment within the play area, so as to help keep children safe. The type of fencing proposed matches the existing fencing.

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

To reduce the visual impact the same type of fencing is proposed.

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

There is an existing fence, the same type of fencing is proposed, this will help reduce the visual impact of the changes.

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

There are no stiles, gates, gaps or means of access through the re-aligned part of the proposed fencing. The two access points to the play area are unchanged.

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).

Conservation Area Appraisal, Cranswick - Document enclosed

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).

Not Relevant

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).

Shown on the map are; the play area; a flagpole, 2 footpaths, war memorial, pond, for access to housing that abuts The Green, 1 noticeboard.

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 ☒ No

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

Not relevant

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.

The play area, opposite Hutton Cranswick Community School, the Green, Hutton Cranswick, Driffield, East Yorkshire, YO25 9PD.

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?

Driffeld Wolds Weekly

On what date?

10th November, 2020

On what date will the representation period end?

8th December, 2020

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 ☒
- Posted a copy of the notice at the main entry points to the common ☒
- Sent a copy of the notice to all those listed at Section I ☒
- 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. ☒

Signed

Name

Date

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.

For information about how we process the information you provide please see Common Land Guidance Sheet 13: Privacy Policy at the link below.

<https://www.gov.uk/government/publications/common-land-guidance-sheet-13-privacy-policy>