

**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.

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 (see Note 1)

1. Name and full address of common

Barnham Cross Common
School Plain
Melford Common

CL no or VG no

CL 76, CL74, CL72

Commons Registration Authority (Usually the county council or unitary authority)

Norfolk County Council

SECTION B1 – The applicant

2. Forename

Tina

Surname

Cunnell

Organisation (if appropriate)

Clerk to Thetford Town Council

Title (Mr/Mrs/Miss/Dr)

Mrs

Full Postal Address

Kings House
King Street
Thetford

Postcode

IP2 2AT

Telephone No/Mobile

01842 788545

E-mail address

tinacunnell@thetfordtowncouncil.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

Neil

Surname

Featherstone

Organisation (if appropriate)

Future Environomics LLP

Title (Mr/Mrs/Miss/Dr)

Mr

Full Postal Address

2 Bungalow
Bard Hill
Salthouse

Postcode

NR25 7XB

Telephone No/Mobile

07785 901474

E-mail address

neil@salthouse.myzen.co.uk

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

SECTION B2 – The owner of the common land

4. Forename

Thetford Town Council

Surname

Organisation (if appropriate)

Thetford Town Council

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

Kings House
King Street
Thetford
Norfolk

Postcode
Telephone No/Mobile
E-mail address

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

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

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

None. Council byelaws apply

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?

None

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

Land registered on Open Access register

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:

Installation of bollards and lockable access barriers on CL72 and CL74
Bollards, car park surfacing and height barriers on CL76

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

2197 metres² car park surfacing

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

1386 metres of bollards

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)

Bollards of approximately 700mm above ground level and lockable access barriers will be erected along accessible perimeters to prevent unauthorised vehicular access as the areas are popular with traveller communities causing various forms of site damage and expensive clearance.

Porous car park surfacing on CL 76 Barnham Cross Common will assist vehicular access and prevent further damage to the existing surface. Car park entrances will also be surfaced and installation of removable height barriers will prevent unauthorised vehicular access by other than cars whilst permitting appropriate works vehicles for ongoing maintenance. The creation of a designated picnic area in the north car park on Barnham Cross Common will help to prevent litter deposited across the SSSI area from visitors to the more remote areas where grazing livestock are helping to manage the site.

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.

All Commons and open ground in and around the Thetford area have been subject to establishment of unauthorised traveller encampments at one time or another over recent years. This has led to legitimate visitors being prevented from visiting the sites by intimidation, loose dogs, vehicles etc. It has not only led to expensive clean up operations for debris left from traveller operations and works but also introduction of alien species to Barnham Cross Common that is mostly designated as a SSSI. Access during periods of wet ground has also led to damage of the sites.

Legitimate visitors to Barnham Cross Common have endured wet ground and damaged surfaces across the 3 car park areas. Large vehicles can access the car parks causing further damage through turning and producing large puddled areas of ground impermeable to surface water. The ditches around the car park will also be refurbished to more effectively accommodate surface water.

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

The car park surfacing will be of porous materials comprising a MOT 1 base layer and surface dressing to minimise the visual impact upon the site. It is also intended to plant trees around the car park perimeter to mitigate its impact on the rest of the site

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.

Bollard standard dimensions of 1.2metres with 0.7 metres visible above ground
Access barriers will be of metal construction and 4 metres wide to accommodate maintenance machinery
Height barriers will be of metal construction at 4 metres wide and accessible height of 2.4 metres

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.

Use of bollards solely to prevent unauthorised vehicular access and not to impede legitimate pedestrian or other access

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

Bunding and ditches were not considered appropriate given the large number of visitors to these sites. Use of bunds would create pinch points of concentrated access leading to ground damage and creation of poor access conditions

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

Green/brown pressure treated bollards of +/- 150 mm diameter to suit local surroundings

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

Metal gates will provide vehicle access points for maintenance 4 metre wide by 1.15 metres height

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).

Barnham Cross Common SSSI

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).

Areas of bunding and bollards previously installed in CL 72 and CL74. Fencing installed on CL76 arising from previous Section 38 application

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).

Commons CL72, CL74 and CL76 as above

SECTION H – Advertisement and consultation (see Notes 12 - 14)

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) within 7 days of making your application. 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 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 archaeological service

28. Which newspaper will the advertisement appear in?
On what date?

Theford and Brandon Times

14 / 9 / 2018

On what date will the representation period end?

14 / 10 / 2018

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 I – Maps (See Note 15)

29. Please enclose two copies of the map that meets the requirements set out in Note 15. 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 15 carefully.**

Section J – 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 Note 15.
- 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.

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 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 H
- 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.
