



**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

Return completed application to:

The Planning Inspectorate
Room 3/25B, Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Tel: 0303 444 5408

Fax: 0117 372 6241

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** (list at **Annex F of notes**) before applying.
- Consult informally and widely about your ideas before developing a formal proposal.
- 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 owned and/or managed by a London borough, or registered as a town or village green.

Legislation (See Notes 1 and 2)

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
- ☐ Article 17: The Greater London Parks and Open Spaces Order 1967

SECTION A – The common land (see Notes 3 and 4)

1. Name and full address of common

Haven Green London W5

CL no or VG no

CL111

Commons Registration Authority

The Council of the London Borough of Ealing

SECTION B1 – The applicant (or agent acting on behalf of the applicant)

2. Forename

Alison

Surname

Luff

Organisation (if appropriate)

The Council of the London Borough of Ealing

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

Perceval House
14 - 16 Uxbridge Road
London

Postcode

W5 2HL

Telephone No/Mobile

020 8825 7812

E-mail address

luffa@ealing.gov.uk

3. 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

The Council of the London Borough of Ealing

as above

5. Does the owner support your application?

☒ Yes

☐ No

6. Provide written evidence of the owner's views.

☐ Evidence enclosed

SECTION C – Area of common and common rights (Note 5)

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

17,929 sq m

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

none

8. Are the common rights ever exercised? ☐ Yes ☒ No

If yes, please give details e.g. which commoners are active, which rights are exercised and how frequently?

n/a

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

none

SECTION D1 – The proposal (See Note 6, 7)

10. 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:

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

0

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

160m

12. Are the proposed works permanent or temporary?

- ☐ permanent
☐ temporary
☒ mixed permanent and temporary

If temporary, how long will they be needed? **See note 8.**

up to 12 months

13. Is this application, or any part of it, for works that have already been carried out? **See Note 9.**

☐ Yes ☒ No

14. Describe the proposed works below and make clear which works, if any, have already been carried out.

See memo dated 19 March 2013 from Steer Davis Gleave. The works will consist of:

The widening of the footway on the southwest side of the Haven Green "diagonal" to accommodate through pedestrian flows.

Temporary fencing to protect reinstated grassed area behind widened footway on southwest side of Haven Green "diagonal" to help maintain the quality of the green space.

Renewal of all footways within Haven Green.

Changes to the boundary following the removal of bus hard standing area opposite nos 32 to 38 Haven Green, which will increase the total Common area by 179 sq m.

15. Explain why the proposed works are needed. **See Note 10.** If the proposed works include fencing, please explain why it is needed by completing section D2.

See above-mentioned memo. Increasing footfall and bus stop usage on the Haven Green "diagonal" has led to the erosion of the grass within the common land behind the existing footway. Sympathetic remedial measures have failed to rectify the problem. Therefore widening the footway and providing temporary and permanent fencing along the new boundary edge will be a more effective solution without detrimentally affecting access to Haven Green.

The proposals, developed as part of the Ealing Broadway Interchange Study, include the removal of an existing bus stand in the north eastern corner of the Green which will result in a more clearly defined common land boundary and will lead to an increase in the total area of common land. This is shown in the accompanying sketches.

SECTION D2 – Where the proposed works include fencing

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

16. Please give details of the type(s) of fence proposed, including the height and the materials used.

chestnut paling, 3' 6" high

17. Please explain why the fencing is needed. 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 seeking permanent consent please explain why a temporary consent would not be appropriate.

At present pedestrians and passengers waiting around existing bus stops encroach on to the Green and this has lead to the erosion of the grass. The fencing is needed to keep pedestrians off the area which will be re-seeded and re-turfed, whilst the planting establishes itself.

The fencing will provide continuous protection along the grassed edge. Pedestrians travelling through the green will still be able to pass thorough gaps, which will be maintained to match the existing path network. No area will be fully enclosed.

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

Given the problem identified at paragraph 17 it is not considered that there is any alternative to fencing. Chestnut paling is considered the most suitable option as it is sympathetic to the environment and has a low visual impact.

19. Give details of any measures proposed to mitigate the visual affects of the fencing.

see paragraph 18

20. How will you ensure the public and others with rights (e.g. common rights holders) will have access to the land after the fencing is in place? Give details of the number, type and location of stiles, gates, gaps or other means of access.

Access will not be affected as the area will not be enclosed.

SECTION E – Planning permission. (See Notes 11 and 12.)

21. 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

22. 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
See Note 13 and Guidance Sheet 8.

If yes, please give details and identify this area on the map (see Section K).

23. Will the proposal affect a Scheduled Ancient Monument (SAM)? ☐ Yes ☒ No
See Note 14.

If yes, please give details and identify this area on the map (see Section K).

24. Is the proposal in a National Park? ☐ Yes ☒ No

Is the Proposal in an Area of Outstanding Natural Beauty (AONB)? ☐ Yes ☒ No

Will the Proposal affect a national or local nature reserve, area of special landscape value, or World Heritage Site? ☐ Yes ☒ No

SECTION G – Existing works and adjacent common land. (See Note 15)

25. 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 K).

An electricity sub station
A section of bus standing area in the north eastern corner (which is to be converted to common land)
A knee-rail fence along the northern perimeter of Haven Green

26. 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 K).

Section H – Public access (See notes 16, 17, 18.)

27. 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.

28. Will the works exclude (rather than simply restrict) any right of access for any person (e.g fencing that crosses a public right way or road)? Rights of access for persons includes access on foot, horseback, or in vehicles. ☐ Yes ☒ No

If yes, please explain what exclusions you seek.

Section I – Schemes of Management and local acts (See Notes 19, 20)

29. a) Is there a Scheme of Management for the common, made under the Metropolitan Commons Act 1866 or the Commons Act 1899? ☒ Yes ☐ No

b) If yes, please give the date of the Scheme and send us a copy.

Date of the Scheme ☒ Copy enclosed.

c) If yes to a), and this application is not made by the local authority in which the regulation and management of the common is vested under the Scheme, does the local authority support your application? ☐ Yes ☐ No

Provide written evidence of the local authority's views.

☐ Evidence enclosed.

30. a) Is there any other regulatory Scheme or Act for the common? (e.g. a Provisional Order Confirmation Act under the Commons Act 1876) ☒ Yes ☐ No

b) If yes, please give the date of the Scheme or Act, and send us a copy.

Date of the Scheme ☒ Copy enclosed.

c) If yes to a), and this application is not made by the body in which the regulation and management of the common is vested under the Scheme or Act, does that body support your application? ☐ Yes ☐ No

Provide written evidence of the views of that body.

☐ Evidence enclosed.

SECTION J – Advertisement and consultation (see Notes 21, 22, 23)

31. **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**.

☒ A notice has been prepared following the format at Annex A.

32. 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 (please refer to **Note 22**)
- ☐ 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 (usually the county council or unitary authority)
- ☐ the relevant parish council, where known
- ☐ Natural England
- ☐ English Heritage
- ☐ 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 (**see Note 24**)

Even if you have consulted with Natural England or English Heritage before making this application you still need to send them a copy of the notice.

33. Which newspaper will the advertisement appear in?

Ealing Gazette

On what date?

9 August 2013

On what date will the representation period end?

9 September 2013

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 22 carefully.

Section K – Maps (See Note 25)

34. Please enclose two copies of the map that meets the requirements set out in Note 25. The map should show everything required by sections E, 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 25 carefully.**

☒ Two copies of the map have been prepared.

Section L – Checklist (tick to confirm)

35. For all applications:

- I have read the relevant Notes and Guidance Sheets. ☒
- I have read and adhered to the principles set out in the Code of Practice (link from Guidance Sheets 1a and 2a). ☒
- I have answered all the questions on this form in full. (Where appropriate.) ☒
- I have enclosed two copies of the map that meets the requirements of Note 26. ☒
- 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, scheme of management, written permission of the landowner, etc.) ☒
- I understand that any of the application papers may be copied to anyone who asks to see them. ☒

36. 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) ☐

37. 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 J ☒
- 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

Alison Luff

Name

Alison Luff

Date

5 August 2013

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.
