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| **Application Decision** |
| Site visit on 16 August 2022 |
| **by Mark Yates BA(Hons) MIPROW** |
| **an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 11 October 2022** |

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| **Application Ref: COM/3293427**  **Tickner’s Heath and Laker’s Green Common, Alfold** |
| Register Unit: CL 187 |
| Registration Authority: Surrey County Council |
| * The application, dated 18 February 2022, is made under Section 38 of the Commons Act 2006 (“the 2006 Act”) for consent to carry out restrictedworks on common land. * The application is made on behalf of The Wey & Arun Canal Trust. * The application is for works involving the excavation of a new canal cut; alterations to drainage ditches; construction of a new bridge; formation of footpaths; creation of a replacement bridleway; building of earthwork embankments; re-routing of a power supply line; and the erection of temporary tree protection fencing.  |  | | --- | |  | |

**Decision**

1. Consent is granted for the works in accordance with the application and subject to the following conditions:

* The works shall commence no later than 3 years from the date of this decision.
* All of the temporary fencing shall be removed within one month of the completion of the works.

**Preliminary Matters**

1. For the purpose of identification only the location of the proposed works is shown on the attached plan.
2. The application relates to stage 2 of a proposal to restore the link in the canal network that has been severed at Dunsfold Road. I granted approval for the stage 1 works on 10 July 2020 (Planning Inspectorate case reference COM/3234323). Whilst the stage 2 application needs to be considered in its own right, the proposed works are linked with the earlier application.
3. No objections were received in response to the advertisement of this application. The representation on behalf of the Open Spaces Society states that they consider it to be a worthwhile scheme which is compatible with the future use of the land for public recreation. Although I note that they had some concerns about the diversion of the public bridleway, this application only relates to whether approval should be granted for works to be undertaken on registered common land. The legal diversion of the bridleway is a sperate process involving other legislation.

**Main Issues**

1. I am required by Section 39 of the 2006 Act to have regard to the following in determining this application:-
2. the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
3. the interests of the neighbourhood;
4. the public interest which includes the interest in nature conservation, the conservation of the landscape, the protection of public rights of access to any area of land and the protection of archaeological remains and features of historic interest; and
5. any other matter considered to be relevant.
6. In considering these tests, regard should be given to the Department for Environment, Food and Rural Affairs Common Land Consents Policy of November 2015 (“the consents policy”).

**Reasons**

***The interests of those occupying or having rights over the land***

1. Nothing has been provided to show that anyone occupying or having rights over the land in question would be adversely affected by the proposed works.

***The interests of the neighbourhood***

1. The impact of the application on the public interestis considered below. These matters are likely to have particular relevance to local residents.

***The public interest***

1. Paragraph 3.2 of the consents policy outlines one of the outcomes sought is that “*works take place on common land only where they maintain or improve the condition of the common or where they confer some wider public benefit and are either temporary in duration or have no significant or lasting impact*”.
2. I considered in my earlier decision the various matters arising from the stage 1 application and concluded that the proposed works offered the potential for significant benefits for ecology and public access. I viewed them to be consistent with paragraph 3.2 of the consents policy.
3. The proposed stage 2 works involve the provision of predominantly rolled stoned surfaced paths alongside Dunsfold Road, the canal and leading towards Sachel Court Road. The creation of these paths would be in the public interest. It is proposed to build a new bridge over the canal to carry a re-aligned track, which is both a public bridleway and private access track. Aside from the tarmac surface for the bridge, the intention is for the bridleway to have a stoned surface. There is nothing to suggest that these works would impact on the public bridleway. I also note that there is a proposal to create horse waiting areas in light of the use of the track by vehicular traffic and these should be of assistance in terms of the safety of horse riders.
4. The proposed bridge and canal are at the northern edge of the Surrey Hills Area of Great Landscape Value. Chiddingfold Forest SSSI is located around 50 metres from the nearest site of the proposed works on the common.
5. The bridge itself would be constructedalong traditional lines with an arched profile andbrickwork to face the exposed wall areas. It would be consistent with bridges elsewhere on the canal. Whilst there would be a change in the nature of the immediate landscape, this needs to be considered in the context of the connecting section of the canal. The canal will offer the potential for increased leisure activities. There appears to be little benefit to the public arising from the relocation of the power line underground in this locality given that the two poles would remain in place. This would nonetheless lead to the removal of the existing overhead line.
6. An arboricultural assessment is stated to have been carried out with recommendations on tree protection measures. There will be some loss of vegetation and trees, generally alongside Dunsfold Road, but this should be largely mitigated by the proposed tree planting scheme.
7. The temporary fencing is required to protect the retained trees from the construction works. This fencing would be in accordance with BS 5837: 2012 and removed upon the completion of the works. It is clearly appropriate for the temporary fencing to be put in place to protect the retained trees subject to a condition that it is removed shortly after the completion of the works.
8. The applicant outlines that the area of and around the proposed works has some ecological importance and interest. A Preliminary Ecological Assessment has been undertaken, and this recommends standard ecological mitigation measures be undertaken prior to and during the works. Additionally, the Stage 1 works are subject to a Landscape & Ecological Management Plan and the applicant intends for the relevant activities to be incorporated into the Stage 2 site. There is nothing to suggest that if the works are properly managed there will be any significant impact in terms of nature conservation.

***Conclusions***

1. There is nothing to indicate that anyone occupying or having rights over the land would be adversely affected by the application. I have addressed the various matters that would impact on the public interest and the neighbourhood above. The proposed works, when considered in isolation and in conjunction with the stage 1 works, offer potential benefits, particularly in terms of public access. I therefore view them to be consistent with paragraph 3.2 of the consents policy. There is nothing to suggest that, following the completion of the scheme, the works would have any significant adverse effect on the land.
2. When all of the relevant matters are taken into consideration, I conclude on balance that consent should be granted for the works included within this application.

**Mark Yates**

**Inspector**

