
Application Decision

by **Richard Holland**

Appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 17 February 2016

Application Ref: COM 757
Stourbridge Green Common, Cambridge

Register Unit No: CL 60

Commons Registration Authority: Cambridge City Council

- The application, dated 24 November 2015, is made under Section 38 of the Commons Act 2006 (the 2006 Act) for consent to carry out restricted works on common land.
 - The application is made by Cambridge City Council.
 - The works comprise the formalisation of the footpath desire line and installation of a solid surfaced tarmac footpath as well as widening another footpath; a total area of 25m². Whilst the works are being undertaken Heras fencing will be put in place temporarily, for a period of 2 to 4 weeks.
 - The works and temporary fencing will be located on the Stourbridge side of Green Dragon Bridge around the first footpath junction.
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Decision

1. Consent is granted for the works in accordance with the application dated 24 November 2015 and the plan submitted with it subject to the following conditions:
 - i. the works shall begin no later than 3 years from the date of this decision;
 - ii. the temporary safety fencing shall be removed within one month of completion of the works.
2. For the purposes of identification only the location of the works is shown on the attached plan.

Preliminary Matters

3. I have had regard to Defra's Common Land Consents Policy¹ in determining this application, which has been published for the guidance of both the Planning Inspectorate and applicants. However, every application will be considered on its merits and a determination will depart from the policy if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the policy.
4. This application has been determined solely on the basis of written evidence.
5. I have taken account of the representations made by the Open Spaces Society and Historic England.
6. I am required by section 39 of the 2006 Act to have regard to the following in determining this application:-

¹ Common Land Consents Policy (Defra November 2015)

- a. the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
- b. the interests of the neighbourhood;
- c. the public interest;² and
- d. any other matter considered to be relevant.

Reasons

The interests of those occupying or having rights over the land

7. The applicant, Cambridge City Council (the Council), is the landowner and the sole common rights holder. The pinder, employed on behalf of the Council to graze the land, has been advised of the proposals and has not objected. I conclude therefore that the proposed works will not harm the interests of persons occupying or having rights over the land.

The interests of the neighbourhood and the protection of public rights of access

8. The Council has advised that the works are being done in the interests of the neighbourhood and the public interest as they will help promote use of the land by members of the public for purposes of open-air recreation pursuant to the rights of access. The works will formalise the desire lines, help to reduce conflict and improve safety between pedestrians and cyclists by creating extra circulation space. The Council considers that the works will formalise and enable greater "rights to roam" over the land, enabling greater use of the area by walkers, runners, sightseers and cyclists. The temporary fencing is required for safety purposes for the short duration of the construction works, after which it will be removed.
9. The Open Spaces Society has advised that it has no objection to the application as it considers the works to be in the public interest.
10. I consider that the footpath works will provide better access across the common for local residents and the public generally and will improve safety for them, thereby increasing their enjoyment of it. I consider therefore that the works will benefit the interests of the neighbourhood and public rights of access. The safety fencing may disrupt free access over this small area of the common but this will only be for a relatively short time until the works are completed after which access will be restored fully. The fencing will therefore have no long term harmful effect and is in any case essential to safeguard the public and the construction workers.

Nature conservation

11. Natural England, which was consulted about the application, has not objected and there is no evidence before me which leads me to think that the works will harm any statutorily protected sites or other nature conservation interests

Conservation of the landscape

12. There are already surfaced footpaths at this location and I consider that the works, which are small in scale, will have little or no adverse impact on the common's appearance. Furthermore, the temporary fencing will be removed when the

²Section 39(2) of the 2006 Act provides that the public interest includes the public 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.

construction works are finished and will have no lasting harmful effect on the visual amenity of the common.

Archaeological remains and features of historic interest

13. Historic England has advised that the proposed works do not have a direct effect on any designated assets. I am content therefore that the works are unlikely to harm any such remains or features.

Conclusion

14. I conclude that the proposed works will not unacceptably harm any of the interests set out in paragraph 6 above. Indeed, by improving the footpath network across the common, the works will benefit the interests of the neighbourhood and public rights of access. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

Richard Holland