



# Application Decision

by **Richard Holland**

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

Decision date: 14 November 2017

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## Application Ref: COM/3179558 Siston Common, Gloucestershire

Register Unit No: CL 269/CL 29

Commons Registration Authority: South Gloucestershire Council

- The application, dated 30 June 2017, 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 Siston Parish Council.
  - The works comprise a bund presenting 0.5 m on traffic side of varying lengths around the perimeter of the site, interspersed with 1.2 m gaps, lockable bollards on the east side of the scheme. The bund will enclose an area of 7,542 m<sup>2</sup> and is 175.5 m in length.
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## Decision

1. Consent is granted for the works in accordance with the application dated 30 June 2017 and accompanying plan, subject to the condition that the works shall begin no later than three years from the date of this decision.
2. For the purposes of identification only the location of the works is shown outlined in red on the attached plan.

## Preliminary Matters

3. I have had regard to Defra's Common Land Consents Policy<sup>1</sup> in determining this application under section 38, 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 (OSS), Chris Skidmore MP and South Gloucestershire Council (SGC).
6. I am required by section 39 of the 2006 Act, to have regard to the following in determining this application:-
  - a. the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);

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<sup>1</sup> Common Land Consents Policy (Defra November 2015)

- b. the interests of the neighbourhood;
- c. the public interest;<sup>2</sup> and
- d. any other matter considered to be relevant.

## Reasons

### ***The interests of those occupying or having rights over the land, the interests of the neighbourhood and the protection of public rights of access***

7. SGC has been consulted about the application and has confirmed, as landowner, that it does not object to the proposed works. There are a number of rights registered over the common for grazing, estovers, herbage and pasture. The applicant confirms that the rights are not exercised. However, I do not consider that the proposed works will prevent the exercise of common rights, particularly as the provision of gaps in the bund and lockable bollards will allow pedestrian and vehicular access. I am satisfied that the proposed works will not harm the interests of those occupying or having rights over the land.
8. The interests of the neighbourhood test relates to whether the works will unacceptably interfere with the way the common land is used by local people. The proposed works are needed to prevent unauthorised encampments on an isolated part of Siston common. The applicant explains that the encampments, which cover a large area and prevent access, have increased in frequency. A number of options were considered to prevent the encampments but were rejected as they lacked support from the police. I note that the majority of local residents, responding to an informal consultation carried out by the applicant, support the scheme, as does Chris Skidmore MP.
9. The common is bounded to the south by dense, high hedgerow. The rest of the common is surrounded by houses and a pub. The common is considered a well-used and valuable public asset and the proposed works the best way to maintain safe and easy access. Six (1.2 m wide) gaps in the bund will maintain access for pedestrians, pushchairs and wheelchair users. Lockable bollards will allow access for works vehicles.
10. I do not consider that the proposed works will interfere with the way the common is used by local people. The gaps in the bund will allow the public to continue to use the common for recreation and access. I am satisfied that the proposed works will not impact adversely on the interests of the neighbourhood and the protection of public rights of access.
11. Indeed, the works will benefit the above interests by allowing the public to enjoy the common, and those occupying or having rights over the land to exercise their rights (should they wish to do so), unhindered by the presence of unauthorised encampments.

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<sup>2</sup>Section 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.

### ***Nature conservation***

12. I am satisfied that there is no evidence before me to indicate that the proposed works will harm nature conservation interests. Seeding the bund with a traditional meadow grass mix is likely to attract beneficial insects which may well enhance the biodiversity of the common.

### ***Conservation of the landscape***

13. The bund design has been chosen because it is considered a more visually acceptable scheme and the proposed height allows a sight line to the open space beyond. The bund will be covered with a traditional meadow grass mix which is intended to soften its appearance and help it blend in with the surrounding common land. The bund will therefore appear as a natural feature found widely on areas of common land.
14. I agree that the bund design will, to a large extent, help mitigate the visual impact of the works. The bollards will not, however, look like a natural feature but, as they will be located on a hard surfaced road, their visual impact will not be great. In any case, I consider that any visual harm caused by the works will be far outweighed by the value of preventing unauthorised encampments which are an alien and intrusive feature on the common. I am therefore satisfied that the proposed works will conserve the landscape.

### ***Archaeological remains and features of historic interest***

15. Historic England confirmed that it did not wish to make any representations on the application. I am satisfied that the proposed works will not harm any archaeological remains or features of historic interest.

### **Conclusion**

16. I conclude that the proposed works will not harm the interests set out in paragraph 6 above. Indeed, the works will benefit many of those interests, particularly of the neighbourhood, of those occupying or having rights over the land, and in the protection of public rights of access. Consent is therefore granted for the works subject to the condition set out in paragraph 1.

**Richard Holland**



# SISTON COMMON PROTECTION WORKS 2017 (Site map)

-  Location of proposed works
-  Boundary of common land

GRID REFERENCE  
366270 174700

MAP SCALE  
1: 800

GIS TEAM  
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