
Application Decision

by **Richard Holland**

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

Decision date: **20 July 2018**

Application Ref: COM/3196727

Lammas Lands, Surrey

Register Unit No: CL 153

Commons Registration Authority: Surrey County Council

- The application, dated 21 February 2018, 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 the Environment Agency.
 - The permanent works comprise the construction of a 290 m long flood defence wall, access points, 250 m underground drainage pipe and two pumping stations, Hell Ditch in channel/bank-side environmental enhancements, relocation of two 20 m lengths of fencing to existing Hell Ditch boundary fencing and creation of environmental scrapes.
 - The temporary works comprise establishment of three construction compound areas, installation of 1,080 m of protective fencing during construction of flood defence wall, access tracks and Hell Ditch environmental enhancements (around construction compounds, along works access routes and in piling areas).
-

Decision

1. Consent is granted for the works in accordance with the application dated 21 February 2018 and accompanying plan subject to the following conditions:
 - i. the works begin no later than three years from the date of this decision;
 - ii. all temporary works shall be removed and the common restored within one month of the completion of the works; and
 - iii. all access points shall comply with BS 5709 2018.
2. For the purposes of identification only the location of the works is outlined in red on the attached plan.

Preliminary Matters

3. I have had regard to Defra's Common Land Consents Policy¹ 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.

¹ Common Land Consents Policy (Defra November 2015)

5. I have taken account of the representations made by Historic England (HE), Natural England (NE) and the Open Spaces Society (OSS).
6. I am required by section 39 of the Commons Act 2006 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);
 - 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 has the written consent of the landowners, Waverley Borough Council (WBC) and Godalming Town Council, to the proposals. A third landowner, Mrs S M Alves De Mellow Hadjilias has been consulted and has not objected to the proposed works. Although there are no rights registered over the common, WBC has a licence agreement with a grazier to manage grazing and hay cutting on part of the common. There is no indication that the works will impact on this agreement. I am satisfied that the works will not harm the interests of those occupying or having rights over the land.

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

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 works will support the wider Godalming Flood Alleviation scheme to reduce significant flood risk to properties with a history of flooding at Meadow and Catteshall Road, whilst also protecting downstream communities and reducing flood risk to land located within the common. The location of flooding has made it necessary to undertake works on the common. Planning permission for the works has been granted subject to conditions (WA/2018/0284).
9. The permanent flood defence wall ('the wall') will include 13 access points to maintain existing public access where the wall intersects publicly accessible allotments and backs onto private gardens. The wall will include a permanent access gate. An existing short stretch of stock fencing will be relocated, by approximately 3 m, to accommodate bank re-profiling at two locations on the southern bank. The applicant confirms that there will be no change to the current level of access once the works have been completed.
10. The temporary works include heras fencing around the site boundary to protect grazing animals and pedestrians from the construction plant. Access gates for the public and the grazier will be installed in two temporary locations to parts of the common not affected by the works. NE notes that the common is subject to s193 of the Law of Property Act 1925 which provides for access on foot and horseback. NE advises that all access points on site should conform to legal requirements and should not prevent access to the general public, including the disabled and horseriders. The applicant, in response, confirms that each access point will be self-closing and include, as a minimum, a bridle gate and 2 way hinging. The temporary access gates will be removed once the works have been completed

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.

and the original access points reinstated. The temporary works are expected to remain in place for 12 months.

11. I am satisfied that the works are needed on the common to reduce the high level of flood risk in the local area. There will be some short term disruption to public access while the works are being undertaken and temporary fencing is in place, however I do not consider that the temporary, underground or small scale works will have a significant or lasting impact on the way the common is used by the public. While there is some potential impediment to access from the wall, I am satisfied that sufficient provision has been made to maintain public access and therefore any impact will be minimal. I conclude that the works will not unacceptably impact on public rights of access or the interests of the neighbourhood and any slight impact from the wall is outweighed by the benefits resulting from the flood alleviation scheme to the common, including improved access which might otherwise be impeded by the flood risk.

Nature conservation

12. Lammas Lands is a group of floodplain meadows located near the Wey Valley Meadows Site of Special Scientific Interest (SSSI). The works include environmental enhancements along Hell Ditch, which is a tributary of the adjacent River Wey, such as bank re-profiling to gentler gradients, inclusion of small gravel sections and wooden deflectors/debris. The common is designated a Site of Nature Conservation Importance (SNCI) for its presence of over-wintering birds. Wader scrapes are proposed to mitigate the possible disturbance to bird species and attract bird life to the common. NE agrees that the works aim to enhance the wetland fauna and flora by improving the habitat. I am satisfied that the works will not harm nature conservation interests and there will be some benefits to the common from habitat enhancement and creation.

Conservation of the landscape

13. The wall on the common will follow the course of the northern bank of Hell Ditch and tie into high ground at Meadow Allotments on the western (upstream) end and existing high ground at Meadow House garden at the northeast (downstream) end. The wall will be sheet-piled and is expected to range in height from 1 m to 1.4 m along its main length to a maximum height of 1.8 m. Wood cladding will mitigate the visual impact of the wall crossing allotment land and at public access points. Bespoke cladding will be used where the wall backs onto private gardens. A native planting scheme is proposed throughout the site (particularly along the wall) to mitigate any loss of vegetation and soften the impact of the wall on the landscape.
14. Three temporary compounds are required to store material and construction plant near the working area and limit unnecessary transportation across large areas of habitat. The size of the main compound on the common has been reduced by limiting the volume of material stored. The compounds will be located to avoid rare plant species on the common. Track matting will be used to minimise damage to topsoil from the temporary construction access tracks.
15. NE comments that the works include landscaping provision and attention has been paid to the design of the wall. I am of the view that the measures proposed will help mitigate the visual impact of the works, particularly the impact of the wall. I am satisfied that the temporary and underground works will not have a lasting impact on the common, given that the temporary works will be removed and the common reinstated to its existing condition upon completion of the works. I conclude that the works will help conserve the landscape in the long term and any adverse impact on the landscape from the wall is outweighed by the reduced risk of damage to the common from flooding. There is also

some potential benefit to the visual appearance of the common from the proposed environmental enhancements.

Archaeological remains and features of historic interest

16. HE did not wish to offer any comments on the application and recommended that the application should be determined in accordance with national and local policy guidance. I am satisfied that there is no evidence before to indicate that the works will harm any archaeological remains and features of historic interest.

Conclusion

17. I conclude that consent should be given for the works as they will reduce the risk of flooding to local residents and properties and this outweighs any limited impact on the landscape and public access.







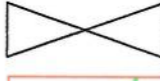



Richard Holland

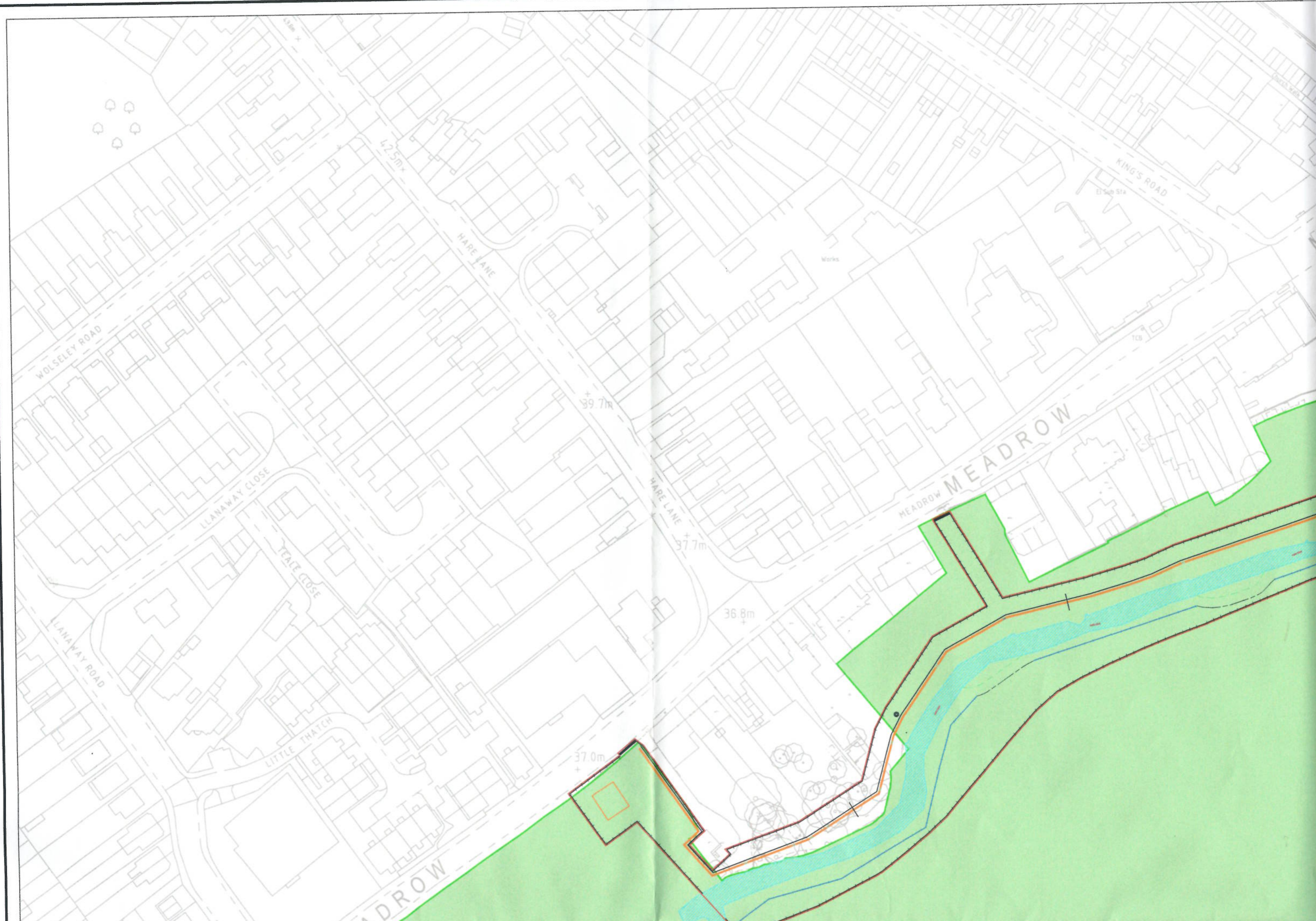


NOTES

1. LEVELS ARE IN METRES AND RELATE TO ODN (ORDNANCE DATUM NEWLYN).
2. ALL DIMENSIONS ARE IN MILLIMETRES, ALL CHAINAGES, LEVELS AND COORDINATES ARE IN METRES UNLESS OTHERWISE STATED.
3. ESTIMATED CONSTRUCTION FOOTPRINT SHOWN ALLOWING AN HORIZONTAL CLEARANCE BETWEEN 5 TO 7 METRES ON THE NORTH SIDE OF THE WALL AS SHOWN.
4. PRECAUTIONS AS NECESSARY SHOULD BE TAKEN TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASE OF THE PROJECT
5. THE CONTRACTOR WILL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGMEN AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY.
6. THE CONTRACTOR LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES SHOULD BE FIELD VERIFIED PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITY. THE CONTRACTOR SHALL NOTIFY THE DESIGNER OF ANY DISCREPANCIES OR VARIATIONS FROM THE PLANS.
7. EXTREME CAUTION MUST BE EXERCISED BEFORE AN EXCAVATION TAKES PLACE ON OR NEAR THIS SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND/OR RELOCATION OF LINES.

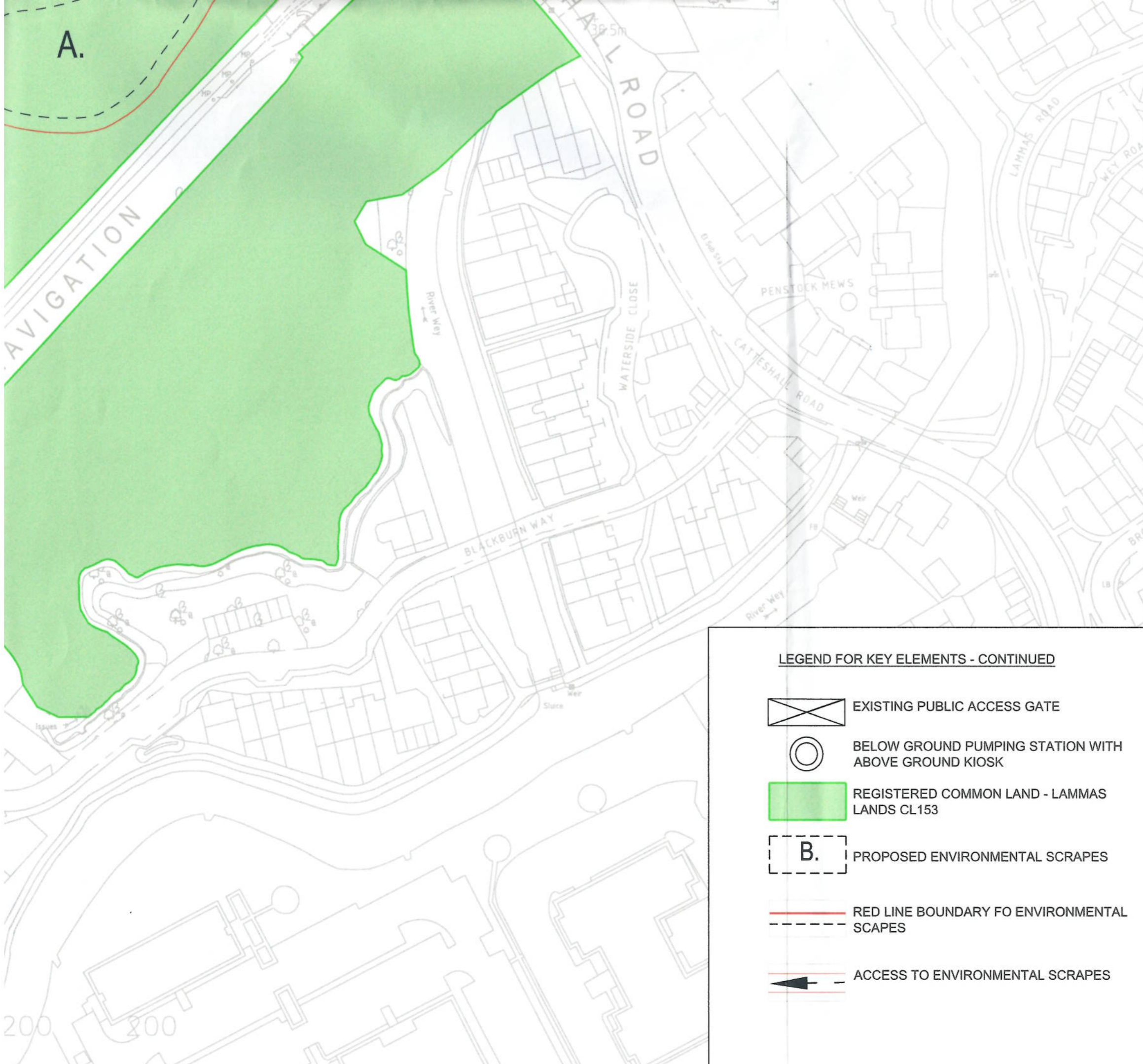
LEGEND FOR KEY ELEMENTS




-  PROPOSED WALL ALIGNMENT
-  HELL DITCH WATERCOURSE
-  RED LINE BOUNDARY
-  PROPOSED ACCESS OVER FLOOD WALL - LOCATION AND DETAILS TO BE CONFIRMED WITH RESIDENTS
-  PROPOSED UNDERGROUND DRAINAGE PIPE
-  ENVIRONMENT AGENCY ACCESS GATE THROUGH FLOOD WALL
-  TEMPORARY REPLACEMENT PUBLIC ACCESS POINT
-  PROPOSED BANK REPROFILING
-  TEMPORARY PROTECTIVE CONSTRUCTION FENCING (HERAS TYPE)
-  TEMPORARY GATED ACCESS (HERAS TYPE)





Print Date: 21/02/2018 16:20:06



-  EXISTING WBC POST AND WIRE STOCK FENCE
-  WBC POST AND WIRE STOCK FENCE RELOCATION (PERMANENT)
-  CONSTRUCTION COMPOUNDS

Rev	Drawn	Chkd	App'd	Description	Date
Purpose of Issue					Status
ISSUED FOR PLANNING					S3

Classification
Commercial in Confidence

Client
ENVIRONMENT AGENCY

Project
**GODALMING FAS
 DETAILED DESIGN**



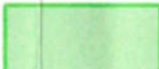
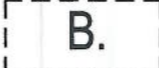


Drawing
**GENERAL ARRANGEMENT PLANS
 COMMONS CONSENT
 APPLICATION PLAN**

Scale @ A1	Drawn	Checked	Approved
1:1000	DCPB	PT	SM

Project No.	Date
CS092227	20/02/2018

Drawing Identifier	BS1192 Compliant
Project - Originator - Zone - Level - File Type - Role - Number GDM-CAA-PL-PL-DR-L-0004	revision P01

LEGEND FOR KEY ELEMENTS - CONTINUED

-  EXISTING PUBLIC ACCESS GATE
-  BELOW GROUND PUMPING STATION WITH ABOVE GROUND KIOSK
-  REGISTERED COMMON LAND - LAMMAS LANDS CL153
-  PROPOSED ENVIRONMENTAL SCRAPES
-  RED LINE BOUNDARY FO ENVIRONMENTAL SCRAPES
-  ACCESS TO ENVIRONMENTAL SCRAPES

CAPITA
 Real Estate and Infrastructure
 Capita House, Wood Street, East Grinstead, RH19 1UU
 01342 327161
www.capitaproperty.co.uk
 Capita Property and Infrastructure Ltd.