
Application Decision

by **Richard Holland**

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

Decision date: 9 July 2020

Application Ref: COM/3248285

Park Hill Lane Common, Seagrave, Leicestershire

Register Unit No: CL37

Commons Registration Authority: Leicestershire County Council

- The application, dated 21 February 2020, 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 Deloitte LLP for Leicester City Football Club.
 - The works comprise the:
 - i) resurfacing an 8.7m² area (grass to tarmac) to increase visibility splays;
 - ii) removal of an adjacent 80.3m² access to a neighbouring residential property (tarmac to grass); and
 - iii) connection of existing public right of way to the common by replacing 17m² of scrub to grass.
-

Decision

1. Consent is granted for the works in accordance with the application dated 21 February 2020 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; and
 - ii. the land shall be fully reinstated within one month of completion of the works.
2. For the purposes of identification only the location of the works is shown 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. The works form part of a new football training facility for which planning permission was granted on 12 October 2018 by Charnwood Borough Council (Application P/18/1269/2).
5. This application has been determined solely on the basis of written evidence. I have taken account of the representations made by Historic England (HE), Natural England (NE) and the Open Spaces Society (OSS), none of which raised objections to the proposed works.
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 Ownership section of the common land register records no land ownership or other details. The registration authority advised the applicant that no owners are identified. The Rights section of the register records no rights of common. There is no evidence before me to suggest that the works will harm the interests of those having rights in relation to, or occupying, 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 affect the way the common land is used by local people and is closely linked with public rights of access. The application land is roadside verge and would seem to be available to the public for general access.
9. Works i) and iii) are proposed in accordance with Condition 12 (highway visibility splays) and Condition 19 (minimum bridleway width) of the planning permission. The conditions are attached in the interests of general highway safety and the interests of amenity and desirability of users of the bridleway. Works ii) will remove an existing tarmac access that is presumably no longer needed.
10. I am satisfied that all three works will have a negligible impact on the interests of the neighbourhood and public rights of access as local people and the wider public will continue to be able to walk over the affected areas as before.

Nature conservation

11. NE advised that in view of the small area of land affected it would not be commenting. There is no evidence before me to suggest that the proposals will harm nature conservation interests.

Conservation of the landscape

12. I consider that grassing over an existing tarmac access will compensate for any visual harm caused by the tarmacking of a smaller area of grass to form visibility splays. The loss of a small area of scrub to be replaced with grass to form a connection to an existing public right of way to the common will have a neutral impact on the landscape. Overall, I conclude that the proposed works are likely to be of some benefit to landscape interests as they will result in a net gain of grassed area on the common.

Archaeological remains and features of historic interest

13. HE advised that it did not wish to comment other than to suggest that the views of relevant archaeological advisors should be sought. Charnwood Borough Council Archaeology Service was consulted by the applicant about the application but did not comment. There is no evidence before me to suggest that any archaeological remains and features of historic interest will be harmed by the works.

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.

Other matters

14. Defra's policy advises that '*...where it is proposed to construct or improve a vehicular way across a common... such an application may be consistent with the continuing use of the land as common land, even where the vehicular way is entirely for private benefit, because the construction will not in itself prevent public access or access for commoners' animals...*' I am satisfied that Works i) to improve visibility splays for an existing access are consistent with Defra's policy objectives.

Conclusion

15. I conclude that the works are likely to be of overall benefit to landscape interests and will not harm the other interests set out in paragraph 6 above. Consent for the works should therefore be granted.

Richard Holland



- Common Land CL37
 - Common Land Alterations
1. Minor Extension of Access for Visibility Splays (Grass to Tarmac) (17793-KSS-SW-ZZ-DR-A-9016-S2-P3)
 2. Removal of Access to Residential Property (Tarmac to Grass) 80m²
 3. Creation of Bridleway Access into Common Land (Scrub to Grass) 17m²

client
Leicester City Football Club - LCFC

project title
LCCFC Training Ground, Park Hill, Seagrave

drawing title
Common Land CL37 Alterations

date	17 FEBRUARY 2020	drawn by	WG
drawing number	edp4523_d105	checked	JW
scale	1:3,000 @ A3	QA	JTF



Registered office: 01285 740427 - www.edp-uk.co.uk - info@edp-uk.co.uk