



Department
for Environment
Food & Rural Affairs

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Our ref: RFI 7136
Date: 19 January 2015

REQUEST FOR INFORMATION: WALSWORTH COMMON PLAYGROUND

Thank you for your request for information about the refurbishment of the children's playground on Walsworth Common, which we received on 18 December 2014. We have handled your request under the Freedom of Information Act 2000 (FOIA).

Under section 38 of the Commons Act 2006 consent is required from the Secretary of State to carry out any "restricted works" on land which is registered as common land under the Commons Registration Act 1965. "Restricted works" means any works that prevent or impede access to or over the land and include fencing, constructing buildings and other structures, digging ditches and trenches, and building embankments, where the effect of those works is to prevent or impede access.

The information we hold is that the works to refurbish the children's playground on Walsworth Common were started by North Hertfordshire District Council. The Council then realised that it needed to make an application to the Secretary of State for consent under the Commons Act 2006 and they subsequently suspended the works. The application for consent was made by an Officer from the Council, in consultation with the Council's Portfolio Holder officer. The Council's application is currently being considered by the Planning Inspectorate.

In addition to your request about Walsworth Common you may find it helpful to know that applications for consent under the Commons Act 2006 are determined by the Planning Inspectorate on behalf of the Secretary of State. Information on the application and consultation process is which is publicly available on the Inspectorate's website at <http://www.planningportal.gov.uk/planning/countryside/commonland/commonland>. The consultation process provides an opportunity for anyone to write to the Inspectorate with views on the application before the Inspectorate makes a decision on the application.

In keeping with the spirit and effect of the FOIA, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you.



I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact the address below.

Yours sincerely,

Defra FOIA and EIRs Team

InformationRequests@defra.gsi.gov.uk

Annex A

Copyright

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF