



APPLICATION FOR CONSENT TO CARRY OUT WORKS ON COMMON LAND

Commons Act 2006: Section 38

National Trust Act 1971: Section 23

Greater London Parks and Open Spaces Order 1967: Article 12

Return completed application to: commonlandcasework@planninginspectorate.gov.uk

Where possible, please send in your application by e-mail. If you are unable to submit your application by email and require a postal address please telephone: 0303 444 5625 or 5177.

Please ensure you refer to the current Notes for making an application when completing this form and advertising your proposals. Failure to do so may delay your application and you may be asked to re-advertise if you do not follow the current guidance in full.

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- **Before you apply for consent you should consult informally and widely about the proposed works as this may help you identify and overcome any objections.**
 - Answer all the questions on this form in full, tick all relevant boxes and use a separate sheet where there is insufficient space for your answer.
 - Refer to separate **Notes** on completing this form (the “Notes”) and **Guidance Sheets** (listed at **Annex F** of the **Notes**) before applying.
 - Read **Guidance Sheets 1a, 1b and 1c** for all Section 38 cases.
 - Read **Guidance Sheet 2a** if the land is owned by the National Trust.
 - Read **Guidance Sheet 2b** if the land is registered as a town or village green.
 - Read **Guidance Sheet 2c** if the land is regulated by a scheme of management. You should satisfy yourself that, under the terms of any scheme, consent under section 38 of the Commons Act 2006 is needed for the proposed works. If you are in any doubt you should seek your own legal advice.
 - Read **Guidance Sheet 2d** if the land is owned/managed by a London Borough Council.
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Legislation

This application is made under:

Section 38: Commons Act 2006 for land which is:-

- registered common land
- other land (e.g. registered town or village green) to which Section 38 applies

Section 23: National Trust Act 1971

Article 12: The Greater London Parks and Open Spaces Order 1967

SECTION A – The common land

1. Name and full address of common

CL no or VG no

Commons Registration
Authority (Usually the
county council or unitary
authority)

SECTION B1 – The applicant

2. Forename

Surname

Organisation (if
appropriate)

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

Postcode

Telephone No/Mobile

E-mail address

3. Do you prefer to be contacted by Post E-mail
(ignore if you are using an agent)

SECTION B1a – The agent (where relevant)

3a. Forename

Surname

Organisation (if
appropriate)

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

Postcode

Telephone No/Mobile

E-mail address

Do you prefer to be contacted by Post E-mail

SECTION B2 – The owner of the common land

4. Forename

Surname

Organisation (if
appropriate)

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

Postcode

Telephone No/Mobile

E-mail address

SECTION C – Area of common and common rights

5. What is the total area of the common as registered?

What common rights, if any, are registered? (e.g. number and type)

Are the common rights ever exercised?

Yes

No

6.

If yes, please give details e.g. which commoners are active, which rights are exercised and how frequently?

7. Give details of any relevant leaseholders, other occupiers, those holding any relevant charges or those with rights of access over the land.

SECTION D1 – The proposal

8. What works are proposed? (tick **all** that apply)

fencing

building(s)

other structures(s)

ditch(es), trench(es), embankment(s)

sealed paths, roads or tracks (e.g. concrete or tarmacadam)

other works, please specify:

9. Are the proposed works permanent or temporary?

permanent

temporary

mixed permanent and temporary

If temporary, how long will they be needed?

10. Is this application, or any part of it, for works that have already been carried out? If yes, please provide photographs.

Yes

No

11. Describe the proposed works below, including the area (in square metres) that they will occupy. Please include details such as materials to be used and dimensions of all structures. Make clear which works are permanent, which are temporary, and which works, if any, have already been carried out. (If the works are only for fencing go straight to Section D2)

12. Explain why the proposed works are needed, how they fulfil the criteria set out in Section 39 of the Commons Act 2006, what alternative measures (if any) you have considered (i.e. alternatives to carrying out works on common land) and why these are not suitable. If the proposed works include fencing, please also complete section D2.

13. Give details of any measures proposed to mitigate the visual impact of the works and, where appropriate, the way in which the common will be restored once the works are completed if consent is granted.

SECTION D2 – Where the proposed works include fencing (temporary and permanent)

(If your proposal does not include fencing, go straight to Section E)

14. Please give details of the type(s) of fence proposed, including the height and length, the area (in square metres) it will enclose and the materials used.

15. Please explain why the fencing is needed and how it fulfils the criteria set out in Section 39 of the Commons Act 2006. This should cover: why fencing of this type is needed, what the aim of the fencing is, and why it is the length proposed. You should also explain what other types of fencing, if any, have been considered and rejected. If you are applying for permanent consent please explain why temporary consent is not appropriate.

16. Please say what other measures (if any) you have considered (i.e. alternatives to fencing) and explain why these are not suitable.

17. Give details of any measures proposed to mitigate the visual impact of the fencing.

18. Give details of the number, type and location of stiles, gates, gaps or other means of access.

SECTION E – Planning permission

19. a) Is planning permission needed for your proposal?	Yes	No
b) If yes, has planning permission been given?	Yes	No
If yes to b), please enclose a copy of the planning permission.	Copy enclosed.	

SECTION F – Designations

20. Could the proposal affect a Site of Special Scientific Interest (SSSI), a Special Area of Conservation (SAC) a Special Protection Area (SPA), or a wetland listed in accordance with the Ramsar convention? Yes No
If yes, please give details and identify this area on the map (see Section K).

20a. Is the proposal directly connected with the conservation or management of the SAC, SPA, or Ramsar site(s) identified? Yes No

21. Will the proposal affect a Scheduled Ancient Monument (SAM)? Yes No
If yes, please give details and identify the location of the SAM on the map (see Section K).

22. Is the proposal in a National Park? Yes No

If yes, please give the name of the National Park.

Is the proposal in a National Landscape (formerly known as Areas of Outstanding Natural Beauty - AONB). Yes No

If yes, please give the name of the National Landscape.

Will the proposal affect an area of special landscape value or World Heritage Site? Yes No

If yes, please give details and identify the area on the map (see Section K).

SECTION G – Existing works and adjacent common land

23. Are there any existing buildings, roads, fences or other constructions on the common? Yes No

If yes, please give details. Please also identify these on the map (see Section K).

24. Does any area of common land or village green of a different registration number adjoin the common on which the works are proposed? Yes No

If yes, please give details. Please also identify the boundaries on the map (see Section K).

Section H – Public access

25. Do the public have a right of access to the common for air and exercise under section 193 of the Law of Property Act 1925? Yes No

26. Will the works exclude (rather than simply restrict) any right of access under section 193 of the Law of Property Act 1925? Yes No

Section I – Procedure

27. Most applications are determined by the written representation procedure. However, we may decide that a site inspection by an Inspector is needed. Where we decide that there should be a site inspection the Inspector will usually visit the site unaccompanied.

Do you wish to be present or be represented at the site visit? Yes No
If yes, please suggest a suitable meeting place.

SECTION J – Advertisement and consultation

28. **You must advertise your proposal** in one main local newspaper and at the main points of entry to the common (or, if there are none, at a conspicuous place on the boundary of the common). Use the draft notice at **Annex A** of the **Notes**.

29. You must also send a copy of the notice (using the letter at **Annex C, C1** or **C2** of the **Notes**) to the following:

the owners of the land (if different from the applicant)

the commons council or commoners' association (if there is one)

all active commoners

others with a legal interest e.g. tenants, those with easements, or other rights over the land and any other person occupying the land

those parties informally consulted before the application was submitted

the Parish Council and the District/Borough Council, where applicable

the relevant Commons Registration Authority (usually the county council or unitary authority)

Natural England (Please send the application form, map and notice to commonland@naturalengland.org.uk)

Historic England

National Park Authority (if the proposal is in a National Park)

National Landscape Conservation Board or Joint Advisory Committee (if the proposal is in a National Landscape)

Open Spaces Society (Please send only to office2@oss.org.uk)

British Horse Society (only where the common is subject to public rights of access under the Law of Property Act 1925)

the local authority archaeological service

30. Which newspaper has the advertisement appeared in?
On what date?

On what date will the representation period end?

This date must be at least 28 days from the date the application is advertised. Incorrect notices are a common problem and may result in you having to re-advertise, so please read Section J of the Notes carefully.

Section K – Maps

31. Please enclose a copy of the map that meets the requirements set out in Section K of the Notes. The map should show everything required by sections F and G of this form, and it must clearly show what you are proposing to do and where. **Incorrect or unclear maps are a common type of problem with applications for works, so please read Section K of the Notes carefully.**

Section L – Checklist (tick to confirm)

32. For all applications:

I have read the relevant Notes and Guidance Sheets.

I have answered all the questions on this form in full (where appropriate.)

I have enclosed a map that meets the requirements of Section K of the Notes.

I have enclosed a copy of the commons register in respect of this common, where registered, i.e. details of the land, rights, ownership and the register map.

I have enclosed a copy of any document mentioned in answering the questions on this form (e.g. planning permission, etc.)

I have completed and enclosed a copy of the health and safety questionnaire

I understand that any of the application papers may be copied to anyone who asks to see them.

33. For Section 23 (National Trust Act 1971) only:

I have enclosed a letter from the National Trust confirming its view that the proposed works are "desirable" under Section 23(1)

34. I have:

Advertised the proposal in one local newspaper

Posted a copy of the notice at the main entry points to the common

Sent a copy of the notice to all those listed at Section J

Placed a copy of the notice, map and application at the inspection point

Enclosed the letter, based on the example at Annex D of the Notes, confirming that the advertising requirements have been met.

Signed

Name

Date

You should keep a copy of the completed form.

General Data Protection Regulation

Your application will be in the public domain. Therefore all documents (both paper and electronic) associated with it may be disclosed during the application process to others, including other Central Government Departments, public bodies, local authorities, other organisations and members of the public.

How we use your information

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).
