



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](mailto: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 5340.

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.

- 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.
- Read Guidance Sheet 2d if the land is owned/managed by a London Borough Council.

## 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	The piece of land called "the Southampton Common" or "the Common", Southampton
CL no or VG no	CL1
Commons Registration Authority (Usually the county council or unitary authority)	Southampton City Council

## SECTION B1 – The applicant

2. Forename	
Surname	
Organisation (if appropriate)	Southampton City Council
Title (Mr/Mrs/Miss/Dr)	
Full Postal Address	Civic Centre Southampton

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?

326 Acres

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

None

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?

N/A

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

N/A

## 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?

Safety fencing will be in place during the works - 16 weeks (in phases)

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

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)

Please see attached documents.

12. Explain why the proposed works are needed and how they fulfil the criteria set out in Section 39 of the Commons Act 2006. If the proposed works include fencing, please also complete section D2.

Please see attached documents.

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.

Please see attached documents.

## 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.

Temporary Herras metal fencing 2m in height and 3.5m in length, clad with 38 x 253mm mesh (per panel). Feet are required to stabilize this type of fencing and will be secured together using clamps. The areas vary by phase of work (see Fencing Plan Drawings attached at Appendix 10).

Temporary orange and red plastic pedestrian barrier approximately 1m in height and 2m in length (per panel), to surround the site extents on the highway boundary. The areas vary by phase of work (see Fencing Plan Drawings attached at Appendix 10).

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.

While work is being undertaken the site will be protected with temporary Heras Fencing, this is to ensure the security of materials and plant and to safely segregate the site from the public. Once work has been completed (approximately 16 weeks) this fence will be removed. As the works cover a large area they will be undertaken in smaller sections to reduce the impact (see Fencing Plan Drawings attached at Appendix 10). The longest period at any section will be approximately 2 weeks.

The orange / red plastic pedestrian barrier is there to protect the workforce and the public. It will also direct pedestrians and cyclists on the safest route to take to get around the proposed works. Once work has been completed (approximately 16 weeks) this fence will be removed. As the works cover a large area the works will be done in smaller sections to reduce the impact and the longest period at any section will be approximately 2 weeks.

The barriers will also be used to protect tree roots.

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

The temporary fencing and pedestrian barriers proposed are required to protect the public and workforce whilst the works are ongoing as required under health and safety legislation (the CDM Regulations). These two types of fencing have been chosen based on the experience of similar work across Southampton Common and the City's parks.

Alternative stands and fixings were considered, however the two types chosen avoid negative impacts on tree roots.

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

The fencing and barriers will only surround the site and the size of the site will be kept as small as possible to mitigate the visual impact (see Fencing Plan Drawings attached at Appendix 10). The colour of the barriers have to stand out to be visible to users of the path to avoid conflict between them and the work site in accordance with Chapter 8 Regulations of the Traffic Safety Measures and Signs for Road Works and Temporary Situations.

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

The temporary fencing will only surround the site of work and will not ultimately prevent access to the surrounding common land. Entrances and access routes to the common land may be temporarily blocked by the temporary fencing, but any diversions required will be kept as short as possible, clearly de-marked and sign posted to the nearest suitable crossing points.

## 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 J).

SSSI located to the west of The Avenue (see Application Land Plan in Appendix 2). At its closest point, Lovers' Walk is 45 metres away from the SSSI area of The Common. Three of the areas from which redundant hardstanding is to be removed are located within the SSSI.

- 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 J).

N/A

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

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

- Is the proposal in an Area of Outstanding Natural Beauty (AONB)?  Yes  No

If yes, please give the name of the AONB.

- 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 J).

N/A

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 J).

The A33 (known as The Avenue) runs through the middle of The Common which connects with other roads. There are numerous existing sealed and unsealed paths, a playground and a car park.

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 J).

Register Unit CL6 known as The Avenue Lands are located adjacent to the south of The Common and shown edged blue on the Plan at Appendix 2. None of the land within Register Unit CL6 forms part of this application.

#### Section H – Procedure

25. 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.

The Cowherds Car Park, The Avenue, Southampton, SO15 7NN

## SECTION I – Advertisement and consultation

26. 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.

27. 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
  
- the Parish Council
  
- the relevant Commons Registration Authority (usually the county council or unitary authority), District or Borough Council
- Natural England (Please send the application form, map and notice to [commonland@naturalengland.org.uk](mailto:commonland@naturalengland.org.uk))
- Historic England
- National Park Authority (if the proposal is in a National Park)
- AONB Conservation Board or Joint Advisory Committee (if the proposal is in an AONB)
- Open Spaces Society (Please send only to [office2@oss.org.uk](mailto:office2@oss.org.uk))
- the local authority archaeological service

28. Which newspaper has the advertisement appeared in?

Hampshire Independent

On what date?

01.12.2023

On what date will the representation period end?

08.01.2024

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 I of the Notes carefully.

## Section J – Maps

29. Please enclose two copies of the map that meets the requirements set out in Section J 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 J of the Notes carefully.

## Section K – Checklist (tick to confirm)

30. 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 (2 copies) that meets the requirements of Section J 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.

31. 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)

32. 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 I
- 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.

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### 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](#).