



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:

The Commons Team
The Planning Inspectorate
3A Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Tel: 0303 444 5408

E-mail: commonlandcasework@planninginspectorate.gov.uk

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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.
 - 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

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

SECTION A – The common land

1. Name and full address of common

Clapham Common
Windmill Drive
London
SW4

CL no or VG no – **CL73**

Commons Registration Authority (Usually the county council or unitary authority) – **London Borough of Lambeth**

SECTION B1 – The applicant

2. Forename: n/a

Surname: n/a

Organisation (if appropriate) **Lambeth Council**

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

Civic Centre
6 Brixton Hill
London

Postcode – **SW2 1EG**

Telephone No/Mobile – **020 7926 6207**

E-mail address – **events@lambeth.gov.uk**

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

SECTION B1a – The agent (where relevant)

3a. Forename **Lauren**

Surname **Thiede-Palmer**

Organisation (if appropriate)

Title (Mr/Mrs/Miss/Dr) **Miss**

Full Postal Address

Turley, Lacon House, 84 Theobalds Road, London

Postcode **WC1X 8NL**

Telephone No/Mobile **07795 396688**

E-mail address **Lauren.thiede-palmer@turley.co.uk**

Do you prefer to be contacted by Post E-mail **X**

SECTION B2 – The owner of the common land

4. Forename

Surname

Organisation (if appropriate)

The London Borough of Lambeth

Title (Mr/Mrs/Miss/Dr)

Full Postal Address

**Lambeth Town Hall
Brixton Hill
London**

Postcode – **SW2 1RW**

Telephone No/Mobile – **020 7926 6207**

E-mail address – **events@lambeth.gov.uk**

SECTION C – Area of common and common rights

5. What is the total area of the common as registered? **81.1 hectares**

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

To the best of our knowledge there are no commons rights registered

6. Are the common rights ever exercised? Yes No

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.

The following tenancies are granted.

- 1) Bowling Green Café (tenancy at will)**
- 2) Rookery Road café (lease outside the Act*)**
- 3) Bandstand café (lease outside the Act*)**
- 4) Two leases granted for the former PC adjoining Clapham Common Station**

(Leases outside the Act*)

***These leases are outside the security of tenure of Landlord & Tenant Act 1954**

SECTION D1 – The proposal

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

fencing (see below)

building(s)

other structures(s)

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

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

Proposed event site includes temporarily blocked public access to through-route common pathway. A substitute path suitable for all pedestrian use is planned using tracking along the outside of the event perimeter. This would run parallel to the closed path, at a distance of approximately 45m away from it).

other works, please specify:

The creation of an enclosed fenced site for a temporary entertainment event permitted under Article 7 Part B of the greater London parks and open spaces order 1967, produced by Festival Republic, for a fixed period of time, on a grassed area of the common with associated temporary structures.

Temporary structures include a music main stage, two secondary music stages, big top style tents, concession stands, welfare and toilet facilities, back of house cabins and plant enclosures.

See enclosed Festival Republic Site Plan for further details.

9. Are the proposed works permanent or temporary?

permanent

temporary

mixed permanent and temporary

If temporary, how long will they be needed?

They will be needed for a maximum of 18 days from the 16 August 2022 – 3 September 2022. The actual event days will be 26-29 August 2022.

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)

No works have been carried out as yet.

The proposed works are temporary.

The temporary works being applied for cover an event site area of 81,100 square metres, no more than 10 percent of the common.

The temporary works comprise the creation of a temporary event site for a ticketed public music entertainment event on Clapham Common with associated temporary event fencing and structures.

This application seeks approval for the temporary installation of fencing and structures associated with the operation of the commercial music event produced by Festival Republic, over the course of its 14 days of set up and 4 event days over the August 2022 Bank Holiday.

The proposed temporary event site is located within an area of Clapham Common that is a designated events site and has been used for a range of public events on the common for over 50 years.

The temporary works specifically include the erection of a 1,050 metres long, 3.4m high solid steelshield perimeter fence line. Secondary types of fencing and hoarding are proposed to be installed within the event site to designate the event, operational and plant spaces, provide requisite entry barriers and support crown control. Other temporary Structures will include (but are not limited to) a music main stage, two secondary music stages, big top style tents, concession stands, welfare and toilet facilities, back of house cabins and plant enclosures.

Ground protection will be in the form of tracking to mitigate the impacts of vehicle movement.

Please see the enclosed site plan for further details.

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.

Lambeth Council has a long history of hosting public recreational events on Clapham Common permitted under under Part B, Article 7 of the Greater London Parks and Open Spaces Order 1967 ("The Order"). These events promote the use and enjoyment of Clapham Common by and for neighbourhood residents, as well as the wider general public in accordance with the Borough's 2020 Events Strategy.

This application seeks to provide a commercial summer music and entertainment event on the common in accordance with the aforementioned 2020 Events Strategy and in line with operational requirements set out in the Lambeth Events Policy 2020-2025.

The proposed temporary event fences and structures are needed to enclose the event site, facilitate the staging of the music and entertainment events, provide food, drink, welfare and toilet facilities, house plant, designate back of house operational areas for event operatives and manage event security and crowd control.

The type and format of the major temporary music and entertainment event increases the variety of ways the Common can be used and enjoyed by the public to provide an important public benefit. The event provides for the public interest by offering cultural and social engagement opportunities for thousands of people; and the Yam Carnival (on one of the event days) reflects the diversity of the borough and represents a major opportunity to showcase global black culture. This temporary major music event beneficially supplements and diversifies the recreation and entertainment uses permitted on the Common by Article 7 of the Order, to enable it to best serve the broad and diverse interests of the neighbourhood, the borough and the wider London population.

Major events such as this, taking place on appropriately sized, well managed accessible sites, are needed to increase the profile of London's leisure and events industry, particularly in support of a post Covid-19 recovery for the hospitality and leisure sector.

In the commercial interests of the neighbourhood, major events bring visitors to the area, many of whom will spend money at the businesses bordering the common. The events programme is welcomed by the Clapham Business Improvement District. This event offers significant employment opportunities for local residents; and staff employed on events also spend money at local businesses.

Lambeth Council, the organisation with primary interest in the site, uses the income from the events it hosts on the common (which comes in the form of a ring-fenced Park Investment Levy (PIL)) to fund projects on and around the Common. These projects are agreed between the Clapham Common Management Advisory Committee and the Parks Service.

Due to Lambeth Council halving the Parks budget in 2016, the PIL income (which is a set percentage of the total income from every event) is crucial in enabling Lambeth to maintain the common to a good standard in accordance with the borough's 2020 Ecology Management Plan and 2012 Tree Strategy. PIL also funds projects and initiatives on the common like additional litter-picking, boundary protection, benches, new bins, biodiversity and grass reconditioning projects (see the submitted 2021 Reinstatement PAC statement). In recent years PIL on Clapham Common has been spent on the refurbishment of the Bandstand before its 130 Anniversary in 2020, the hire of horses to improve biodiversity by preparing and seeding areas,

playground equipment and, outdoor gym equipment. In addition to PIL the Clapham Common Management Advisory Committee is given an annual grant to deliver a series of free concerts on the Bandstand.

Any remaining income from events is returned to the Council's General Fund and supports core council services such as Parks and Adult Services. In this way income from the proposed Festival Republic temporary music event will be used in the public interest to promote nature conservation and conservation of landscape at Clapham Common and at other green public spaces in the borough.

The proposed Festival Republic Temporary Event is needed to generate crucial PIL income to fund essential maintenance works and improvements to Clapham Common, and where possible to support the delivery of other essential maintenance and improvements works at other core council services where funding availability is severely limited.

The proposed event site is not located on or adjacent to an archaeological priority area. Subterranean excavation works are not proposed for the set up and operation of the event site's fencing and associated temporary structures, thereby ensuring the protection of archaeological remains.

The Heritage Statement submitted with this application considers the proposed temporary development to have been carefully designed to limit temporary effects upon the significance of the local heritage so that the proposals will not adversely impact the significance of the identified heritage assets, neither during and after the erection of the temporary structures.

The Ecological Impact Assessment for Clapham Common, undertaken by Salix Ecology in July 2020 confirmed that the area proposed for this temporary event is of low ecological sensitivity; and is not close to any areas of Medium or High ecological sensitivity. The report states that for areas of Low ecological sensitivity little significant impact would be expected from the occasional large-scale public event.

The temporary installation and operation of the proposed event site over a period of 18 days only protects the long term public rights of access to any area of the common.

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.

This development will be temporary and so only onsite for a maximum of 18 days. All works will be contained within the steelshield perimeter fence line to prevent visual impact from the works and structures within there.

The Heritage Statement submitted with this application considers the proposed temporary development to have been carefully designed to limit temporary effects upon the significance of the local heritage so that the proposals will not adversely impact the significance of the identified heritage assets, neither during and after the erection of the temporary structures.

The temporary event will be set up and conducted, and impacts managed and mitigated in accordance with the Lambeth Events Policy 2020-2025 and Lambeth Ecology Management Plan.

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 meters) it will enclose and the materials used.

Perimeter fence line will be standard 3.4m high solid steelshield type fencing.

It will be 1,050 metres in length around the whole event site, which is 81,100m².

Secondary types of fencing and hoarding are proposed to be installed within the event site to designate event, operational and plant spaces, provide requisite entry barriers and support crown control.

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.

A temporarily enclosed fenced-off event site with secondary internal fencing is required for the successful operation of the proposed temporary music and entertainment event for a number of reasons.

For commercial reasons, this is to ensure that only paid ticket holders, official entrants or event operatives gain entry. Event organisers also need enclosed fenced areas to ensure protection of their equipment and infrastructure whilst on site from damage, incursions and sabotage.

For this type of event, the event organisers also require the proposed fencing in order to create a safe working environment for the build and break of the event infrastructure. If the above measures are not achievable, the event will be unviable and unworkable for the event organisers and will not be able to go ahead.

For licensing reasons events must secure and operate a license for a specified maximum capacity. Without a boundary fence line the event organisers would not be able to monitor and restrict access to ensure adherence to the licence conditions.

The proposed major music and entertainment event on Clapham Common needs to be managed and operated safely and responsibly in line with adopted Lambeth events policy and strategy. The proposed enclosed fenced site is required in order to achieve this.

For health and safety reasons the fencing is required to ensure that adequate security and search regimes as requested by Licensing and Safety Advisory Group can be managed. This includes the management and prevention of overcrowding, prevention of unauthorised pedestrian and vehicular access to the site and within specific internal areas of the site.

For compliance with Article 12 of The Greater London Parks and Open Spaces Order 1967 the proposed temporary music event site will cover no more than 10% of the total area of the common, which is the maximum permitted area to be fenced off for the provision of listening to or viewing an entertainment. Temporarily fencing off the event site area for this major music and entertainment event will ensure the event area remains confined within the set regulatory area parameters.

Enclosing the event site and its associated structures with a perimeter fence has the key added benefits of containing the event and its associated temporary structures to prevent the event from spilling out over other parts of the common. This conserves the landscape of the remaining common for other general uses by the public.

Containing the event within the enclosed fenced event site area will reduce the environmental impact of the event on the remainder of the Common, and enable any remediation works to be specifically and efficiently targeted.

Containing the event, its temporary fencing and associated structures within the perimeter site fence also reduces the impact of the event on assets of historic interest. Further details of this are included with the Heritage Statement submitted in support of this application.

Steelshield is the chosen fencing type as the most suitable equipment for this type of fence line. The height reduces the risk of unauthorised "fence jumpers" and the solid nature of the fencing means that items not permitted onsite cannot be easily passed through. It is also a stable

structure fixed with the use of bracing and pins which provides a stable structure.

The proposed secondary types of fencing are required within the event site to designate event, operational and plant spaces, provide requisite entry barriers and support crown control.

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

For Festival Republic to provide the proposed music and entertainment event safely, securely and in an internally commercially approved and viable format, perimeter fencing for an enclosed site is required.

The only other alternative for the perimeter fencing that might be considered would be Heras Style fencing - this is not appropriate due to the height, at 2m high it is much easier for unauthorised ingress to occur. The fixing of Heras by way of clips also makes it easier for access to be gained. The gaps in the base of Heras fencing and in the mesh type mean that items not permitted onsite can be passed through the fence. If screened there can be issues with wind resistance which, unless braced using triangular panel configuration, can mean that long stretches of Heras fencing are unstable. Bracing configuration takes up more space. Given the duration onsite and its vulnerabilities Heras fencing is not an appropriate alternative. This is supported by the Lambeth Safety Advisory Group.

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

The proposed event works, including the fencing are temporary.

The event perimeter will be steelshield, the colouring of which will blend in with the natural environmental surroundings. All works will be contained within the steel-shield perimeter mitigating any visual impacts of the build and break of the event site.

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

**There will be one main entrance with a width of 49.2m
There are seven Fire exits in total around the perimeter.
Four with one gate width 4.8m
Two with two gate widths 9.6m
One with three gate widths 14.4m**

Please see enclosed site plan showing the exits around the perimeter fencing.

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.

Planning permission has been granted for this Festival Republic event on the designated Clapham Common Event Site in previous years (Ref. 21/00180/RG3, Ref. 20/00056/RG3 and Ref. 18/05422/RG3. These permissions found the public benefits of the proposed works, the environmental, visual and heritage impacts and proposed impact mitigation measures to be acceptable.

A copy of the most recent 2021 permission is included.

An application for planning permission for the proposed temporary works will be submitted in early spring 2022.

SECTION F – Designations

20. Is the proposal in or near 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).

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).

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).

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).

- **Megan's Café, Rookery Road.**
- **Model Yacht Clubhouse, Long Pond.**
- **Parks Depot & Toilets, Windmill Drive.**
- **Spinney Nursery, Windmill Drive.**
- **Pear Tree Café at the Bandstand.**
- **The Bandstand.**
- **Battersea Rise Changing Room Block, just off The Avenue.**
- **Disused toilets, just off The Avenue.**
- **Bowling Green Café, Clapham Common West Side.**
- **Former Bowls Pavilion, Clapham Common West Side.**
- **Clapham Common South Deep Level Shelter.**
- **Playground close to Clapham Common West Side.**
- **Several small fitness areas/outdoor gyms.**
- **Hard-surfaced sports area off Rookery Road, including a skate park and basketball courts with seating.**
- **Paddling pool close to The Pavement.**
- **Temperance Fountain, SE of Holy Trinity church.**
- **Former public toilet block just off The Pavement.**
- **Clapham Common underground station.**
- **Windmill Drive playground.**
- **Bandstand beds community growing area greenhouses, compost toilet, containers and associated infrastructure (just off Windmill Drive).**
- **Sports complex off Clapham Common West Side, including eight surfaced tennis courts, three cricket nets, two bowls greens and two table-tennis tables.**
- **Fishing platforms around Mount Pond.**
- **There are numerous roads and surfaced paths on the Common, several of which are Public Highway – Windmill Drive, The Avenue, A24, A3, Rookery Road and Nightingale Walk; as well as access roads to private housing off The Avenue, Nightingale Lane and Clapham Common Southside; the access road to The Windmill PH and dozens of internal roads, paths and cycleways.**
- **There is extensive fencing across the common, including around the tennis courts and the Rookery Road sports area, around the dog-free areas SW of the Bandstand and off Clapham Common Southside, surrounding Holy Trinity churchyard (not common land), around the operational yard off Windmill Drive, around the two play areas, around the Spinney complex, around the disused toilet block off The Avenue, around the paddling pool; as well as simple post and rail fencing around much of the perimeter.**

The buildings and highways are marked out on the map which is attached to this application.

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).

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.

Please meet at the Long Road Vehicle entrance to the Event Site.

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 only to enquiries@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
- the local authority archaeological service

28. Which newspaper has the advertisement appeared in? **South London Press**
On what date? **04 February 2022**

On what date will the representation period end? **04 March 2022**

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 – **advertisement published on 4th February 2022**

Posted a copy of the notice at the main entry points to the common – **notices posted on 4th February 2022**

Sent a copy of the notice to all those listed at Section I – **copies of notices sent on 4th February 2022**

Made available (electronic) copy of the notice, map and application at publically accessible website and via email request – documents until 4 March 2022.

Enclosed the letter, based on the example at Annex D of the Notes, confirming that the advertising requirements have been met. **To be submitted 04 February 2022**

Signed: **EventLambeth**

Name: **EventLambeth**

Date: **02 February 2022**

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](#).