

**MINISTRY OF HOUSING AND LOCAL GOVERNMENT PROVISIONAL ORDER CONFIRMATION
(GREATER LONDON PARKS AND OPEN SPACES) ACT 1967**

COMMON LAND CONSENT APPLICATION REF: COM 3312935

STATEMENT OF CASE OF THE FRIENDS OF CLAPHAM COMMON

SUMMARY

1. As required by para.27 of the Inspector's directions, the Friends of Clapham Common ("the Objectors") have produced a summary of their Statement of Case.
2. The Objectors and the Applicant are essentially aligned on the relevant legal and policy framework for the determination of the application, principally s.39(1)(2) Commons Act 2006 and the DEFRA Common Land Consents Policy.
3. The Objectors dispute that the area sought by the application to be enclosed is less than 10% of the Common. The Objectors dispute the Applicant's approach to this matter. Using the DEFRA Commons Register database, the extent of the area to be enclosed exceeds 10% of the Common.
4. The Objectors contend that the Application concerns an extent of enclosure which is outside the statutory parameters and to grant the application would be unlawful.
5. So far as the statutory considerations are concerned, the Objectors case in summary will contend:
 - a. that the proposals are not in the interests of persons having rights in relation to Clapham Common and in particular those with the rights to use the Common for air and exercise. The Objectors will show that the area to be enclosed is well used and that those users and uses cannot be displaced or accommodated elsewhere during the currency of the enclosure and afterwards during the suggested restoration/reinstatement stage. The Objectors contend that restoration cannot be achieved to allow resumption of the uses of the area to be enclosed. The proposals will also interfere with the exercise of rights over a wider part of the Common;
 - b. that the proposals are not in the interests of the neighbourhood. The Objectors will show that the area to be enclosed will adversely affect those who inhabit

the neighbourhood around the Common and who can be expected to be the most regular users of the Common. The event which the enclosure is to facilitate will adversely affect the neighbourhood and the amenity of those who reside within it. Overall there will be an interference with and loss to local businesses. It is not accepted that the proposal will provide added financial value of benefit to the neighbourhood or the public generally;

- c. that the proposals will adversely affect nature conservation interests and the landscape interests. As such, and generally, the proposals adversely affects the public interest.
6. The Objectors will show that alternatives to the proposal have not properly been considered including alternative locations or forms of event. The Objectors will show that the proposals do not meet or further the Government's stated objectives for Common Land as set out in the Common Land Consents Policy.
 7. The application should be refused.