

Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967

Common Land Consent Application Ref. Com 3312935

Summary of the Statement of Case of the London Borough of Lambeth

19 April 2023

1. The statement of case provides an overview of the operation of the event permit, premises licence and planning application processes and places these in the context of the Council's adopted policy for the holding of events in the borough's public open spaces.
2. The statement of case sets out the legal and national policy framework for an application made under Article 12 of the 1967 Act provisions, including how the November 2015 Common Land consents policy applies to such an application. It identifies relevant case law, in particular *Open Spaces Society v Secretary of State for Environment, Food and Rural Affairs* [2022] EWHC 3044.
3. The statement of case then sets out the Council's position on the key issues arising from the application, namely:
 - a. The extent of the Common to be taken up by the application event. The Council's position is that the footprint of the proposed event satisfies the requirements of the 1967 Act provisions regarding the proportion of the Common that is enclosed or set aside.
 - b. The attendances, income and benefits associated with the application event. The Council's position is the application event is consistent with its adopted strategy for the utilisation of public open space for the provision of a range of types of entertainment and recreation, and that the event would confer a wider public benefit.
 - c. Management of the application event. The Council's case is that the application event is subject to detailed and appropriate management of potential impacts, including the involvement of key external agencies.
 - d. Noise. An overview is given of how noise impacts from a music event are managed. Noise is able to be appropriately managed through the detail of the consents regime, in particular the conditions of premises licence.
 - e. Turf/ground cover. The nature of the ground cover and how it may be affected is set out. Permanent degradation of the Common would not be a consequence of the proposed event.
 - f. Ecology and trees. The ecology and tree cover of the relevant part of the Common is set out. If impacts do arise, they would be able to be managed.
 - g. Transport. The transport impacts of the event and how these are managed are summarised. No objection to the event on transport grounds is identified.
 - h. Historic interest and heritage. The application site is put into the context of local heritage assets, and no harm to significance is identified.

4. The Council's position is that the proposed event could not be delivered in an alternative way as regards the erection of temporary structures and fencing, and nor could it be accommodated on public open space elsewhere in the borough.
5. The Council's position is that the requirements of paragraph 3.2 of the DEFRA Consents Policy are satisfied, and that the proposed event is able to satisfy the criteria in section 39 of the Commons Act 2006.

