

**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
3F Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Tel: 0303 444 5408

E-mail: commonlandcasework@pins.gsi.gov.uk

- **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.
- References in this form to common land apply equally to town and village greens (but see Questions 5a and 5b).

Legislation

This application is made under:

- Section 38: Commons Act 2006
 Section 23: National Trust Act 1971
 Article 12: The Greater London Parks and Open Spaces Order 1967

SECTION A – The common land (see Note 1)

1. Name and full address of common	Coldhams Common Coldhams Lane Cambridge Easting 5475, Northing 2585
CL no or VG no	CL61
Commons Registration Authority (Usually the county council or unitary authority)	Cambridgeshire County Council

SECTION B1 – The applicant

2. Forename	Patrick
Surname	Joyce
Organisation (if appropriate)	Cambridgeshire County Council
Title (Mr/Mrs/Miss/Dr)	Mr

Full Postal Address	<input type="text" value="Shire Hall
Cambridge"/>
Postcode	<input type="text" value="CB3 0AP"/>
Telephone No/Mobile	<input type="text" value="01223 699916"/>
E-mail address	<input type="text" value="patrick.joyce@cambridgeshire.gov.uk"/>

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 (See Note 2)

- 5a. Is the land registered as a town and village green (rather than as a common)? Yes No
- 5b. If yes, is it regulated by an Act under the Commons Act 1876 confirming a provisional order of the Inclosure commissioners or subject to a scheme of management under the Metropolitan Commons Act 1866 or the Commons Act 1899? Yes No
- If you answered yes to 5a and no to 5b then you cannot apply under Section 38 of the Commons Act 2006 to carry out works. Please see Guidance sheets 2b and 2c.

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

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

To graze geldings, mares and cows from 1st April to 30th November in each year to a total of 124 beasts subject to regulation by the Corporation in accordance with their powers whether statutory or otherwise.

The following is extracted from the Cambridge Act (1985)

6. (2) The Council shall continue to have the power to regulate grazing on the land to which this section applies, and in particular but without prejudice to the generality of that power may –

- a. Prescribe the procedure for the registration of commoners entitled to graze animals on that land in the following grazing season and make reasonable charge for such registration
- b. Determine which commoners may graze animals in the following grazing season and the numbers of animals each may graze
- c. Charge a reasonable sum for the exercise of grazing rights
- d. Prohibit the grazing on those lands of animals otherwise than in accordance with this section and any byelaws made thereunder
- e. Make byelaws for or in connection with their regulation of grazing on the land to which this section applies

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?

The City Council advertise annually in advance of the grazing season for graziers to apply for an annual grazing license (1st April – 1st November). A charge per stock head is levied for registration and for livestock husbandry by the City Council Pinder Team. Two to three graziers usually apply and are awarded with grazing licences in any one year.

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

There are public rights of way across the Common.
Cambridge United Football Club has rights of access to their stadium across bridges from the Common.
Utility Companies have rights to run utilities across the Common. (Anglian Water, Cambridge Water, National Grid, BT Openreach).

SECTION D1 – The proposal (See Note 3 - 6)

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:

An existing life expired bridge structure (culvert) which would normally be replaced under general maintenance will be replaced as part of the works in order to reduce disruption. Safety fencing is to be erected during the works and removed afterwards.

9. What area (in square metres) will the works occupy or the fencing enclose?

approx 9400m² (enclosing the area of works and a safe working area adjacent)

How long (in metres) will the works/fencing be?

approx 1950m fencing (mostly temporary fencing on both sides of the path works)

10. Are the proposed works permanent or temporary?

- permanent
 temporary
 mixed permanent and temporary

If temporary, how long will they be needed?

Temporary fencing over 18 weeks during construction. Temporary fencing will be moved as the works progress. At any one time the area enclosed by the temporary fencing and the length of temporary fencing will be much less than the figures above. Short lengths of permanent fencing will be installed near and on bridges and cattle grids.

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

Yes No

12. Describe the proposed works below and make clear which works, if any, have already been carried out. (If the works are only for fencing go straight to Section D2)

The proposed works involve the widening of an existing path, the construction of a new path, the replacement of an existing culvert with a new bridge, the re-aligning of existing paths and the removal of some unneeded sections of path, together with associated bridge, gate and cattle grid arrangements. The proposed works are linked to other works beyond the Common as part of a cross-city walking and cycling route in Cambridge. Starting at Coldhams Lane the proposals are:

- To realign and reduce the width of some of the existing path between Coldhams Lane and the existing subway under the Cambridge-Newmarket railway line.
- To regrade and re-align the path under the Cambridge-Newmarket railway line, including replacing the existing cattlegrids and gates.
- To widen and re-align the existing path between the Cambridge- Newmarket railway line and an existing culvert.
- To re-align an existing path from Pool Way near the railway underpass.
- To replace an existing culvert with a new bridge (10m span and width 4.5m) and re-align the path in the vicinity.
- To widen the existing path from the existing culvert/ new bridge to Newmarket Road.
- To construct a new path from the existing path near the Abbey Stadium across the Common to a new bridge across Coldhams Brook to link to land near Barnwell Lake. The new bridge is to have an associated cattle grid and gate on the Common and will have a span of 16m and a width of 4.5m.

The path is to be mostly 3.5m wide with timber edging and an asphalt finish approximately at the existing path or ground level, except:

- At the approach to and under the railway where the path width will vary to suit the existing underpass and approach paths.
- At the approach to bridges and cattle grids where the path width will vary to tie in with the structures.
- At the Newmarket Road end of the Common where the path width will be 2.5m.

Where the existing path is to be widened it will be widened with a new subbase typically 150mm deep adjacent to the existing path and with a new surface across the whole widened path. Where a completely new path is to be built a new dig will form a subbase of approximately 150mm with a new asphalt surface over. Excess materials will be removed from the Common. Where the existing path is to be re-aligned or narrowed areas of the Common will be re-instated to grassland with an appropriate seed mix.

Where cattle grids and bridges are to be installed the works will involve significant local digs to form the bridge abutments or to position the cattle grids. The bridge abutments will be formed of concrete and piling with the final details to be determined following detailed ground surveys on site.

Typical bridge and cattle grid sections are attached to this form. (Drawings P_5041030_BR_GA_201_B , P_5041030_BR_GA_500_C, P_5041030_HW_CCWC_106_A).

13. 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.

The proposed works are needed for a number of reasons, which overlap:

1. There is an existing path across Coldhams Common that is already busy and needs maintenance and the need for improvements for the benefit of walkers and cyclists have been identified along the path. This is in the interest of those having rights to use the path which is a public footpath and a permissive cycle route.
2. An existing culvert is in need of repair. Replacing this culvert with a bridge as part of other works will minimise future disruption and will improve the habitat for wildlife.
3. A strategic need has been identified to make improved provision for cyclists and walkers along a south-west/north-east corridor through Cambridge. This proposal known as the Chisholm Trail addresses deficiencies in the walking and cycling network along a corridor of major growth and demand, which includes Cambridge Station and the CB1 development, Cambridge North Station and Cambridge Science Park. The proposal is included in Cambridge City Council Planning Policies and has been supported by the Greater Cambridge City Deal, with £3.4 million of City Deal funding allocated to the scheme. On top of this funding has been allocated from various sources to the proposed £4.5m Abbey Cheshelton Bridge. After many years of investigating options and public consultation a route across Coldhams Common has been identified as the best option. Works are needed to improve walking and cycling links across Cambridge to support the economic growth of the City, to encourage sustainable transport and to provide alternatives to the private car. This is in the wider public interest.
4. There are a number of open spaces in this area, which include Coldhams Common, Barnwell Lake, land near the Leper Chapel (Chapel of St Mary Magdalene), parts of the disused former Mildenhall Railway, Dilton Meadows, Stourbridge Common and the River Cam. Some of this land is inaccessible and much of it is disconnected, with Newmarket Road (a major road into and out of the City Centre) forming a major barrier. The proposed works are part of a wider scheme to connect up these open spaces and improve access to these areas. The best way to do this has been identified as making improvements to the existing path across Coldhams Common and adding a new path to link directly with the other open spaces. The works are needed in the interests of the neighbourhood and the wider community across Cambridge, who will have much improved access to attractive spaces including a new link between two Commons that does not involve going on a road.
5. The Leper Chapel, also known as the Chapel of St Mary Magdalene, is the oldest complete surviving building in Cambridge and is an important historical landmark. Its position close to Newmarket Road means that it is a prominent part of the local landscape, but is also difficult to access due to the nature of Newmarket Road. As part of this project it is proposed to construct an underpass under Newmarket Road and paths linking to this, which includes a new path across Coldhams Common. The works are needed in the interests of the neighbourhood and the wider community across Cambridge, who will have much improved access to one of the most important historical buildings in Cambridge.

During consultation about the Chisholm Trail 1,457 consultation responses were received. In addition, 18 responses were received by letter or email. 84.0% supported or strongly supported the Coldhams Lane & Coldhams Common part of the Trail. (Consultation Summary Report February 2016)

The existing path approximately follows a public right of way and widening the path and adding new links is expected to be beneficial for those walking along the public footpath as well as for other users. The way that the public footpath interacts with proposed cattle grids has been carefully considered. Cattle grids and gates are considered essential to allow cattle to graze the commons in a way that fits well with the human users of the Common. The works on the Common will generally be of minimal dig and are not expected to have any archaeological impact, but there will be more significant excavations at the cattle grid locations and for the footings for the new bridges. These digs will be carefully monitored for any significant archaeology. The most significant known feature of historic feature is the Leper Chapel, which is not on the Common, but improving access to the Chapel will involve some works on the Common.

In selecting the alignment for the proposed works many options were considered. There are no roads between Coldhams Lane and Newmarket Road in this vicinity. Barnwell Road and Newmarket Road are both major roads, which are a significant detour and are not considered suitable. Coldhams Road is a no-through road with no access from the northern end. It uses a level crossing to cross the Ipswich-Cambridge railway line and is not considered a suitable option. A route following either the Ipswich-Cambridge railway line and/or the Ely-Cambridge railway line is not considered possible due to the lack of space available and the operational needs of the railway.

Crossing of the Ipswich-Cambridge railway line is a major factor in route selection, with the existing subway under the railway providing a major opportunity and with Network Rail having policies that discourage projects that might increase usage of Level Crossings. The only realistic alternative to the existing subway would be a new underpass or new bridge across the railway on Coldhams Common, which would have had a major impact on the Common. This was rejected as an option.

Analysis of all options suggests that the only realistic way to achieve the aims of the project is an alignment that crosses Coldhams Common utilising the existing subway under the railway. Given this situation and the fact that the existing path is considered to be of inadequate width for existing and future use the choice was between widening the existing path or adding a brand new path nearby. The best way to minimise the impact was considered to be to widen the existing path and adding a brand new path was discounted except in the area where there was no path (for the link to Barnwell Lake and the proposed underpass).

The width of the proposed path has been a matter of careful consideration. The existing path can already be busy and for the benefit of cyclists and pedestrians a wider path is needed. There are existing paths in Cambridge which are 3m wide or less and 3m is often considered an acceptable width for paths across parks within urban areas, but in Cambridge some existing paths of 3m are considered to be too narrow particularly at peak times where there can be significant numbers of pedestrians and cyclists of variable speeds travelling in both directions. The successful path besides the Cambridgeshire Guided Busway in the vicinity of the Science Park and Regional College is 4m wide, whereas the Cambridgeshire Busway to the south of Cambridge station is only 3m wide and at busy times can be congested and uncomfortable for users. 4m was therefore the preferred width for the path across Coldhams Common and for the ongoing route, but in order to minimise the impact 3.5m was considered acceptable. It should be noted that the levels of cycling in Cambridge are much higher than most other parts of the country and the best way to judge required widths is an analysis of paths in the Cambridge area. A comparison with other parts of the county is unlikely to be appropriate.

14. Give details of any measures proposed to mitigate the visual impact of the works.

Temporary Fencing will only be erected for the minimum period required for safe works to take place. It will be removed once work in that area is completed. The proposed paths and structures will be at ground level and barely visible. The number of users is expected to increase and they will be visible across the Common.

SECTION D2 – Where the proposed works include fencing (temporary and permanent) (See Note 6)

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

15. Please give details of the type(s) of fence proposed, including the height and the materials used.

Temporary Fencing to be Heras 151 System fencing (Galvanised Steel mesh) Standard panel dimensions 2.0m high x 3.5m length. Standard plastic feet for sturdiness

Weight per panel approximately 12.5kg.

Permanent fencing alongside cattle grids to be steel fencing approximately 1m high, as existing cattle grids across Cambridge.

Permanent bridge parapets to be steel parapets 1.4m high.

16. 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.

The proposed fencing is needed for a number of reasons, all of which are linked to safety.

The proposed fencing is needed to protect users and to allow grazing animals on the Common to be managed.

The parapet fencing on bridges is there to stop people falling in the water below and needs to be permanent as this is a permanent safety requirement.

The cattle grid fencing is part of the system to prevent grazing animals from leaving the areas where they are supposed to be. This needs to be permanent since there are Common rights to graze animals.

The temporary fencing is needed to comply with the health and safety requirements of the construction works, to keep grazing animals, people, dogs and others away from the construction area and to provide a safe working environment for the construction workers. Temporary fencing may also be used to enclose areas where equipment is stored to keep people, grazing animals, dogs and others away from the equipment.

The fencing is therefore in the interests of those having rights in relation to the land, the neighbourhood and is in the public interest particularly in relation to safety. The vast majority of fencing will be temporary with short lengths of permanent new fencing in certain locations for the safety of people and to keep grazing animals on the Common.

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

The bridges and cattle grids were considered essential parts of the works (for public access and in order to contain grazing animals on the Common). Alternatives to the cattle grids were considered including methods which require cattle to wear collars, but there was no certainty that this could be implemented, given that the method has not been used in Cambridge and cattle grids are the established method, which has worked well for many years. No alternatives to the bridges were considered because they are essential for crossing the water courses.

The only alternatives for the temporary fencing that were considered were less substantial forms of fencing or completely closing the Common to all apart from construction workers for the duration of the works. Less substantial fencing was not considered adequate from a health and safety perspective and closing the Common was not considered acceptable from a public access point of view in particular.

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

The cattle grid colour and bridge parapets colours and finishes will be agreed with the planning officers to minimise their impact.

The temporary fencing will only be erected for as short a duration as possible and the fencing will be done in phases to suit the construction programme. Once the temporary fencing is no longer needed it will be removed from the Common.

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

All existing gates and cattle grids unchanged apart from:

- Approaches to subway under Cambridge-Ipswich railway line cattle grids and gates to be similar to existing, but re-positioned on both approaches.
- Approach to new bridge over Coldhams Brook near Barnwell Lake to have cattle grids and gate.

See drawing attached. (P_5041030_HW_CCWC_106_A)

SECTION E – Planning permission (See Note 7)

20. 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 (See Note 8 – 9 and Guidance Sheet 8)

21. 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).

22. 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).

23. 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 (See Note 10)

24. 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).

There are numerous structures and fences on the Common as shown on the attached plans including bridges, fences, sports pitches with goalposts, playing equipment, small structures associated with drainage, cattle grids and signage. (See Drawings P_5041030_HW_CCWC_102_A, P_5041030_HW_CCWC_103_A)

25. 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 – Public access (See Notes 11 - 12)

26. a) 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

- b) Is the common subject to an Order of Limitation made under Section 193? Yes No

If yes to b), give its date, and send us a copy of the order.

Date of the order

Copy enclosed.

27. Will the works exclude (rather than simply restrict) any right of access for persons under section 193 of the Law of Property Act 1925? Right of access for persons includes access on horseback. Yes No

If yes, please explain what exclusions you seek.

SECTION I – Advertisement and consultation (see Notes 13 - 16)

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) within 7 days of making your application. 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
- the Commons Registration Authority
- the relevant parish council, where known
- Natural England
- 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 or other body in which the management of the common is vested under a scheme of management made under the Metropolitan Commons Act 1866 or the Commons Act 1899 or any other regulatory scheme or Act for the common (if there is any such scheme or Act)
- the local authority archaeological service

30. Which newspaper will the advertisement appear in?

Cambridge News

On what date?

23rd May 2017

On what date will the representation period end?

23rd June 2017

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 note 13 carefully.

Section J – Maps (See Note 17)

31. Please enclose two copies of the map that meets the requirements set out in Note 23. 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 note 17 carefully.**

Section K – 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 (2 copies) that meets the requirements of Note 17.
- 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 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 will, as soon as possible:

- Advertise the proposal in one local newspaper
- Post a copy of the notice at the main entry points to the common
- Send a copy of the notice to all those listed at Section I
- Place a copy of the notice, map and application at the inspection point
- Write to you using the letter at Annex D of the Notes, to confirm that the advertising requirements have been met.

Signed

Name

Date

You should keep a copy of the completed form.

Data Protection Act

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.

A copy of this form and any accompanying documents may be disclosed following a request for information under the Environmental Information Regulations 2004.
