

Annex D Letter:

COMMONS ACT 2006 – SECTION 38

DATE OF APPLICATION – 8th September, 2020

Cranswick Village Green

I confirm that:

A. I have published notice of the application in Driffield and Wolds Weekly on 8th September, 2020. A copy of the extract from the newspaper is enclosed. (This should be the entire sheet, including the extract itself, but also showing the name and date of the newspaper).

B. I have sent a letter based on the one at Annex C to all those listed in Section I of the application form. A copy of the letter sent is attached (*below*). Those consulted were as follows:

1. Hutton Cranswick Parish Council (owner and applicant) – hpcouncil@gmail.com.
2. East Riding of Yorkshire Council (Monitoring Officer) - mathew.buckley@eastriding.gov.uk
3. Natural England – enquiries@naturalengland.org.uk
4. Historic England - yorkshire@HistoricEngland.org.uk
5. Open Spaces – FAO Hugh Craddock hughcraddock@oss.org.uk Hugh provided advice to the Council on 16th June, 2020 suggesting the need to obtain Section 38 Consent.
6. Humber Archaeological Partnership – james.goodyear@hullcc.gov.uk

C. I have posted the notice at the main points of entry to the common and will maintain it there until the end of the objection period.

D. I have placed a copy of the complete application, including the notice and map, at the inspection point given in the notice. These documents will remain there until the end of the objection period.

Reference B - FORM OF LETTER TO SEND TO CONSULTEES ENCLOSING A COPY OF THE NOTICE

COMMONS ACT 2006 – SECTION 38

The Parish Council is applying to the Secretary of State for Environment, Food and Rural Affairs (Defra) for consent to construct works on Cranswick Village Green under section 38 of the Commons Act 2006. The Planning Inspectorate will determine the application on behalf of Defra.

We are required to give you notice of our proposals, and are sending you a copy of the attached notice in order to comply with that requirement.

Under section 38, we need Defra's consent to carry out any restricted works on land registered as common land under the Commons Registration Act 1965 or the Commons Act 2006 (and on certain other land specified in section 38).

Restricted works are any that prevent or impede access to or over the land. They include fencing, buildings, structures, ditches, trenches, embankments and other works, where the effect of those works is to prevent or impede access. They also include, in every case, new tarmac (or similar) surfaces, such as for a new car park or access road.

Defra's decision will be based on the merits of the proposal, and will balance all the interests in the common, taking account of all views expressed. Regard must be given to the criteria set out in section 39 of the Commons Act 2006. These are:

(a) the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);

(b) the interests of the neighbourhood; 09/2019

(c) the public interest, which includes the public interest in:

•nature conservation

•the conservation of the landscape

•the protection of public rights of access to any area of land, and

•the protection of archaeological remains and features of historic interest;

(d) any other matter considered relevant.

These criteria will be viewed in the light of the overriding objective of protecting, maintaining or improving the common, and of ensuring that the overall stock of common land is not diminished. This will enable the diversity, variety, and overall extent, of common land to be safeguarded.

Any representations about the proposal should be sent to the Planning Inspectorate by the closing date specified in the notice.

PUBLIC NOTICE OF APPLICATION
(under Sections 38 of the Act)
CRANSWICK VILLAGE GREEN

Hutton Cranswick Parish Council has applied to the Secretary of State for Environment, Food and Rural Affairs, for consent under section 38 of the Commons Act 2006 to carry out restricted works on Cranswick Village Green. The Planning Inspectorate will decide the application on behalf of the Secretary of State. The proposed works are to provide a permanent tarmacadam footpath 75 metres in length, 1.8 metres in width: The works will be located at the south west corner of the Village Green from the layby, by Hobman Lane, to the play area.

A copy of the application form and accompanying documents can be viewed on the huttoncranswick.com website. They can also be inspected at Bella Cottage, Sheepman Lane, Cranswick, Driffield, East Yorkshire, YO25 9RA, during normal office hours, until the 6th October, 2020.

A copy of the application form and accompanying documents may be obtained by writing to The Clerk, Hutton Cranswick Parish Council, Bella Cottage, Sheepman Lane, Cranswick, Driffield, East Yorkshire, YO25 9RA, or by e-mailing hpcouncil@gmail.com. Any representations should be sent in writing ON or BEFORE that date to The Planning Inspectorate, Commons Team at 3A Temple Quay House, Temple Quay, Bristol, BS1 6PN or commonlandcasework@planninginspectorate.gov.uk. Representations sent to The Planning Inspectorate cannot be treated as confidential. They will be copied to the applicant and possibly to other interested parties. For information about how The Planning Inspectorate processes personal information, please see the Common Land Privacy Policy at <https://www.gov.uk/government/publications/common-land-guidance-sheet-13-privacy-policy>

Hutton Cranswick Parish Council - 8th September 2020.