

**Additional Sheet to accompany Surrey County Council's Application for Consent to Carry Out works on Common Land
Albury Downs CL344**

Numbering with reference to Form CLP 2

Introduction

Surrey County Council has had full regard to all relevant guidance in the preparation of this application. The council received consent under Section 38 Commons Act 2006 on 16 February 2017 under reference COM 3158795 for the installation of 3 Pay and Display car park machines on the same common land parcel. The works that are the subject of this application comprise 6 rope and timber play structures and 8 magnifying/brass rubbing posts to be accessed via an existing hard surfaced easy access trail running through secondary woodland at the rear of the Newlands Corner car park. These natural play structures and educational features are intended to improve facilities for children in order to attract more families with children to come and enjoy the site.

For safety reasons, it is proposed that the 6 rope and timber play structures will be set in suitably resurfaced areas of slightly larger footprint than the play structures themselves. It is the area of these footprints that is specified at section D1 of the application form.

With reference to Common Land Guidance Sheet 1b, the applicant considers that the 8 magnifying/ brass rubbing posts do not need consent, because they are small and do not constitute any significant impediment to access. Nevertheless, they are described in this application in order that the full extent of the applicant's proposals for the Family Play Trail can be appreciated.

The proposal includes the re-surfacing of the existing circular footpath along which all of the structures are to be located – shown in red on the plan – and the additional route shown X-Y. Both routes will be re-surfaced with materials consistent with their original surfacing. It is considered that consent is not required for these works, pursuant to section 38 (4) of the 2006 Act, because they consist only of the repair of an existing surface made of such materials.

5c. Total area of the common as registered is 103.28 hectares.

7. The Occupiers are:

- Surrey County Council (SCC), by virtue of an Access Agreement under the National Parks and Access to the Countryside Act 1949 with the Albury Estate which has been in place since the 1960s. SCC has a lease to cover the visitor room, the toilets and the pump house.
- Surrey Wildlife Trust, which manages public access and the leased buildings on behalf of SCC via an Agreement for Services which was entered into for 50 years from 2002.
- The café tenant, who occupies the catering unit on a lease from the Albury Estate

Other rights of Access:

- Public rights of way managed by the Highway Authority (SCC)
- The Environment Agency has the right of access to a borehole on the edge of the carpark.
- Part I of the Countryside and Rights of Way Act 2000 applies.

These rights are all unaffected by the proposed works

10. Temporary Works

Temporary works are necessary to ensure public safety and ensure security of

plant and equipment during the construction phase. They will comprise HERAS-type fencing to enclose the sites of the play pieces and provide temporary compounds for materials, plant and equipment for the duration of the works. It may also be necessary to temporarily suspend public access to the route of the easy access trail during the construction phase. The construction phase is expected to last for approximately 8 weeks.

12. The document 'Newlands Corner Nature Play Trail Design Details' attached at **Annexe 1** includes a plan showing the locations and details of the proposed play pieces and magnifying/brass rubbing posts.

13. **The need for the proposed works and Section 39 of the Commons Act 2006.**

Section 39(1)(a) – the interests of persons having rights in relation to, or occupying the land (and in particular persons exercising rights of common over it).

The only persons with rights to occupy the land are the Albury Estate; Surrey County Council; Surrey Wildlife Trust; and the café tenant. It is in the interests of all parties to have facilities available that attract a diversity of visitors. SCC and SWT wish to attract the public to come and learn about the landscape and wildlife and to enjoy the site for health and wellbeing. The Estate wishes public access to be managed effectively and the café tenant wishes to attract customers. Families with children currently account for a relatively small proportion of the visitors and it is hoped that they will be attracted by the proposed play pieces and educational features to come and enjoy the site.

There are no holders of registered common rights.

Section 39(1)(b) – the interests of the neighbourhood.

Given the site's geographical location and prominence its "neighbourhood" is considered to be large, with many users travelling considerable distances to enjoy it. The interests of the neighbourhood include the provision of visitor facilities to a standard that enhances the site. The proposed play pieces and educational features will be high quality bespoke items made from natural materials, situated in an area of secondary woodland well away from the open downland areas, which are the principle attraction of the site. They will attract more people to visit a less well used part of the site and thus enhance the neighbourhood without adversely affecting the enjoyment of existing users.

Section 39(1)(c) – the public interest.

The applicant believes that the interests of the public generally are largely consistent with the interests of the neighbourhood.

Section 39(2) (a) and (b) – nature conservation and the conservation of the landscape.

The 8 magnifying/brass rubbing posts will be of benefit to the public by increasing understanding of the area and its wildlife, particularly by children.

The play pieces will be made of natural materials which will blend in with their surroundings. They will be situated in secondary woodland to the rear of the Newlands Corner site and their landscape impact will be minimal. The play pieces will be situated in existing clearings and will not require the removal of any significant trees. Various surveys have been conducted and these show that the play pieces will have no significant effect on nature conservation. The play pieces are designed to encourage natural play. By encouraging more children and families to enjoy the countryside, they will learn to appreciate and value natural areas and be motivated to protect them.

Section 39(2) (c) – the protection of public rights of access to any area of land.

This is a site that is well-used by many categories of visitor and all age-groups, with considerable scope to increase usage by families and young people. The provision and maintenance of a family play trail will encourage a broader range of visitors, particularly families with children, who are currently under-represented.

Section 39(1)(d) – any other matter considered to be relevant.

Surrey County Council considers the views of site users to be relevant and has therefore sought public feedback on its proposals. Engagement with the public was initially based on proposals to introduce car park charging and create a family play trail ('Phase 1'); and then to bring all of the existing facilities together into a new visitor centre ('Phase 2'). In response to public comments, the proposal was amended to focus on the elements of 'Phase 1'.

Capturing Feedback/ Preliminary Consultation

Surrey County Council carried out an extensive public consultation between July 2014 and December 2016, which generated feedback from a variety of sources. The text which follows is taken from the Statement of Community Involvement prepared to support a parallel application for planning consent for the equipment in this application. This details the public consultation and evolution of the project.

Introduction

- Newlands Corner is situated 5km to the east of Guildford, at the heart of the Surrey Hills Area of Outstanding Natural Beauty (AONB). It is a popular site for visitors with superb views across the Weald to the ridge of the South Downs.
- In the 1970s, Surrey County Council (SCC) negotiated an Access Agreement over the site with the landowner, The Albury Estate, to provide public access to the site and install visitor facilities such as the toilets and car park. The site is now managed by Surrey Wildlife Trust (SWT) on behalf of SCC.
- The visitor facilities at Newlands Corner now include a tarmac car park, café, toilets, information room, wildlife garden, play area and trails. Existing facilities and associated services struggle to cope with over 500,000 visits each year. People visit primarily for the view and to walk through the woodland and chalk downland. The site is particularly attractive to dog walkers and runners who use the car park as a base. The toilets and café are frequently used by walkers, cyclists and horse-riders using the North Downs Way and other public rights of way. The car park and café provide a popular meeting place for motorcycle groups.
- In July 2014, SCC, the Albury Estate and SWT began working together to improve the outdated facilities and make sure people of all ages and abilities can enjoy spending time at Newlands Corner. Residents, local councils, schools, special interest groups, charities and carers were invited to feedback on the proposals. Comments were considered carefully and changes were made to the project proposals as a result.

Involving local people

- Engagement with the local community began in the summer of 2014, three years before submitting a planning application for the proposed play trail. This long engagement period enabled repeated refinement of the initial proposals, including the removal of any larger visitor building or restructured car park.
- In July 2014, members of the public were invited to have their say about the current facilities and what improvements they would like to see by filling out an online survey.

- In November 2014, SCC began talking to strategic stakeholders about potential improvements and what might be needed. These stakeholders included representatives from Guildford BC, Surrey Hills AONB and Visit Surrey.
- In April 2015, a landscape architect was appointed to describe possible changes that could be made to the visitor facilities and to present these as options for consultation, initially with the strategic stakeholder group. A strategic stakeholder workshop was held at Blackheath Village Hall on Wednesday 29 April 2015. Comments were fed into the landscape architect's subsequent report, highlighting preferred options for the provision of visitor facilities
- In July 2015, a play designer was appointed to develop designs for a woodland family play trail that would appeal to people of all ages and abilities. In October 2015, the play designer invited members of the public to comment on the draft play designs. A workshop and two public drop-in sessions were held in February 2016 where ideas and further comments were collected.
- A public meeting was held in March 2016. Public feedback led to the removal of the proposed visitor building and car park layout changes from the scope of the project. The number of proposed new play sites was also reduced from 10 to 5, with the addition of a replacement play piece behind the café (making 6 pieces in total).
- In September 2016, Surrey CC submitted an application for consent to install 3 car park meters with associated signage on the Common Land at Newlands Corner. While this was unrelated to the visitor facility improvements project, considerable public comment was received by the Planning Inspectorate on the wider proposals.
- An exhibition detailing the proposals for the visitor facilities was installed in the visitor centre through the autumn and winter of 2016. During this time, the 6-month dormouse study was completed. It was subsequently decided to remove Play Site No. 7 from the proposed play trail owing to both dormouse sensitivity and to public sensitivity to the visual scale of the play piece. The removal of these two play pieces meant that the second loop of the trail would no longer be viable – the second loop was therefore removed from the project. Play Site No. 6 was also removed owing to dormouse sensitivity.
- In December 2016, Play Site B was moved to an area immediately adjacent in order to avoid suitable dormouse habitat, as suggested by the Surrey Dormouse Group.

Responding to feedback

- Of all the public feedback received, the majority focused on the prospect of having a new visitor centre in the landscape. The original landscape architect work suggested bringing all of the visitor facilities, including toilets, education space and cafe seating together in one building, which would provide the indoor seating that is needed. However, feedback has not supported this proposal and the project will now comprise the following elements:
 - Refurbished and redecorated toilets.
 - Trial seating inside the existing visitor room to provide shelter for visitors wanting to enjoy refreshments during cold or wet weather.
 - New benches on the slope so that people can sit and enjoy the view without having to sit on the ground or in their cars. There will be six new memorial benches located at selected viewpoints providing all ability access.
 - Five new play pieces within existing woodland clearings alongside the existing Easy Access Trail to encourage visitors with children to leave the car park area to explore the woodland.
 - Replacement of the existing play piece behind the café.

- Resurfacing of the existing Easy Access Trail to enable people of all ages and abilities to explore the woodland.
- Outside of this project, a road safety improvement scheme will be implemented on the A25 and a car park charging scheme will be introduced at Newlands Corner