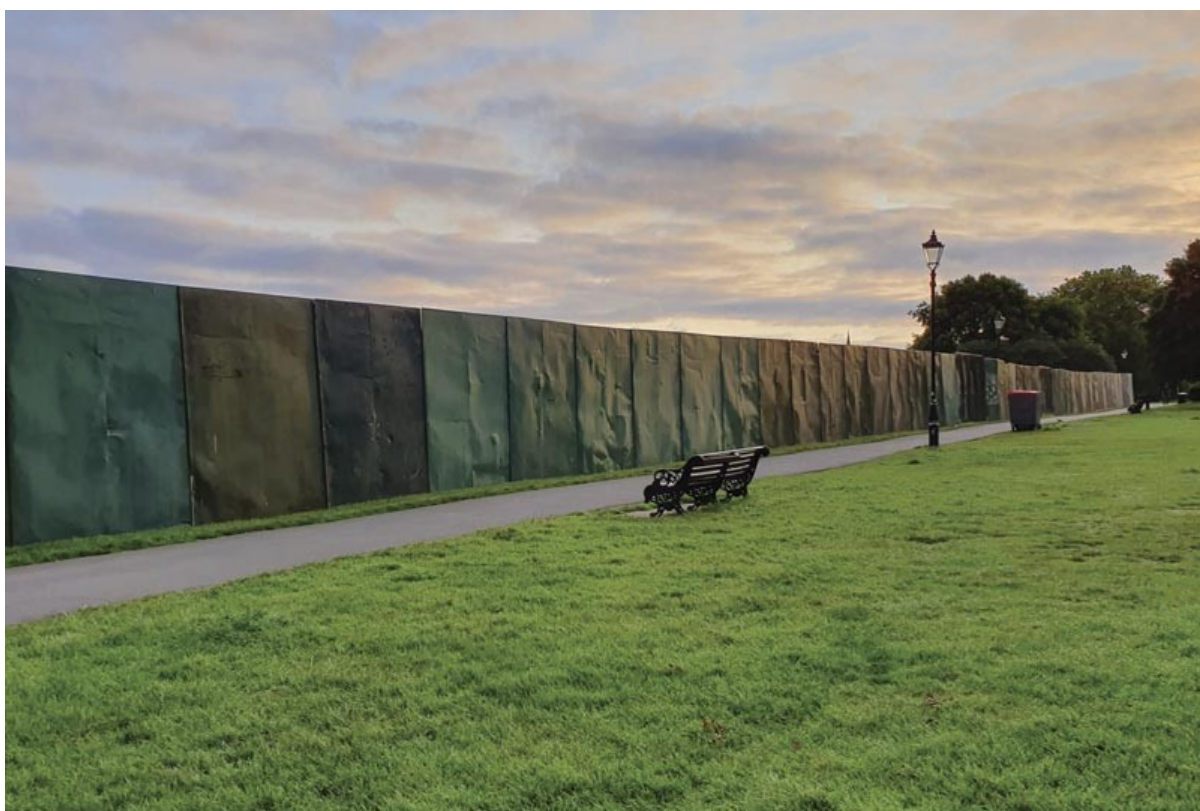


Help us to protect the Common



In August Clapham residents witnessed, yet again, a 3.4-metre-high steel perimeter fence erected around the 20-acre meadow off Long Road on the northern side of the Common, referred to as the 'Event site', and closing off an important footpath to the Bandstand.

This year a small group of intrepid local protesters spent a week, initially to impede the succession of low-loader trucks delivering fencing and other heavy equipment to the site, but also to explain to visitors on the Common why the enclosure of this field by **Live Nation** was not legally approved, and that Lambeth was acting ultra vires (beyond their legal authority) in allowing it to proceed. Most of the area had already been fenced off for nine months from last September, depriving commoners access. The Council claimed this was to regenerate the area and repair the damage caused by previous events.

Many members are doubtless aware of the Society's mounting concern in recent years at how this part of the Common is being exploited to hold large commercial events that both damage the Common and deprive access.

While events have been held on the site for many years, in the past these were of short duration and did not entail fencing off and charging entrance fees. Recent events have become considerably larger, attracting vast crowds, mainly from outside the area due to proximity of the Tube, and frequently resulting in significant levels of anti-social behaviour, noise and crowd-control issues.

In 2018, when it became clear that Lambeth had contracted with Winterville to return and had again granted planning consent for the event, after severely churning up the area the year before, the Society linked up with the Friends of Clapham Common (FCC) and

the Open Spaces Society to seek a legal opinion from Queen's Counsel on the Council's right to use the Common in this way.

Counsel's advice was clear: the legal framework governing what a London council may and may not do in parks and open spaces is largely set out in a 1967 piece of legislation. In brief, it specifically restricts the exercise of a council's powers to erect or to permit to be erected any building or other structure on any part of a common without the consent of the relevant Minister. The fact that these structures or buildings may be temporary is irrelevant under the legislation.

In response to our joint letter enclosing Counsel's Opinion, Lambeth said, '...in future the Council will seek consent from the Secretary of State for structures associated with similar large events of this kind planned on Clapham Common.'

Initially true to their word, Lambeth sought consent under the 1967 legislation for the steel fencing, staging, marquees and other structures required by Live Nation for their summer season last year (2020). Because of the pandemic the events did not proceed and the application was withdrawn, but only after the Clapham Society had submitted a very detailed objection.

On 23 April 2021 an almost identical application was submitted to DEFRA, after a hotly contested planning application had once again been approved by Lambeth's Planning Committee. It was pretty clear at that stage that Lambeth's late application left very limited time for it to be properly considered, given the issues involved. More than 470 objections were submitted, with very detailed objections from both the Clapham Society and FCC.

Unsurprisingly, in July it was confirmed that DEFRA would be unable to complete their assessment of Lambeth's application in time, and Lambeth, at the very last minute and contrary to their word, resolved to allow the music festival to proceed in the absence of consent.

We understand that Lambeth has entered into a five-year contract with Live Nation for them to return to the Common for a series of summer seasons in coming years.

While the Society recognises there may be reasonable arguments for such entertainments on the Common and these will restrict access, **we do not find it acceptable for Lambeth Council to flout the law**. Neither is it acceptable for such events to cause serious degradation of this large area of the Common. The works undertaken to repair it were the third attempt in four years to restore this grassland following serious damage, and restrictions on access for months at a time. The latest event has once again churned up the Common and undone some of the work in the area that required fencing off during lockdown when it would have been an important space to use.

With FCC, the Clapham Society is keen to raise funds to help us hold Lambeth to account for the way they have overridden local concerns for this space, flouted the legislation designed to protect the Common, and for repeatedly making the Common available for such large commercial events. FCC has arranged a campaign page, ourcommon.co.uk, and if you would like to donate to the Society's fighting fund our bank details are:

The Clapham Society, Account 22217045, Sort Code 60-05-34, reference: Fighting Fund.

Report and photograph by Mark Leffler

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