

Protecting public open space through voluntary registration as Town Greens
(DRAFT)

Background

At the [March 20](#) and [June 20](#) meetings of the Partnership, Friends of Stockwood Open Spaces asked the partnership to consider this proposal:

*“.....we would like to see the strongest possible protection for valued open spaces in Stockwood and elsewhere in the Neighbourhood and the city. To this end, **we hope the Partnership will look closely at the potential benefits of Town Green registration, with a view to asking the registration authority (the City Council) to consider voluntarily registering key open spaces to protect the freedom of local residents to use them for recreational purposes in perpetuity.**”*

The meetings agreed to seek more information, and the Environment sub-group in turn requested this report.

Summary

Registration as a town green effectively protects land from being developed, keeping it for the use of the community.

Given recent threats that open recreational land might be sold off for development, this paper suggests that Town Green registration could safeguard our most valued sites for local people to enjoy.

No change of ownership is involved

Voluntary registration is a very different process from the more usual, and often controversial, applications for registration that require evidence that the land *has been used by local people for lawful sports and pastimes 'as of right' (ie without permission, force or secrecy) for at least 20 years.* (eg Briery Leaze, Ashton Vale). However, voluntary registration has exactly the same effect.

There are many signs that national and local policies governing registration of Town and Village Greens will change. However, there is no evidence that the changes will extend to voluntary registration.

Current situation

The law currently governing Town and Village Greens is [The Commons Act 2006](#). However, the [Growth and Infrastructure Bill](#), currently before Parliament, will (if passed) remove the right to apply for registration of land where there is an application for planning permission, or which is zoned for development in any existing or draft local plan.

The Registration Authority is Bristol City Council, who's default position has been to oppose all applications to register land as a Town Green, and requires applicants to demonstrate that land meets all the legal criteria before it will agree to register. However, with a new mayoral political structure in place, the new administration may adopt a more flexible approach.

Decisions on contested applications for registration are, like other planning applications, quasi-judicial decisions, i.e. they should be made on the evidence, and without prejudice, not to accord with a particular party line. The decisions are made by the council's PROWG (Public Rights of Way and Greens) Committee.

The effect of registration

Registration gives local residents a continuing right to use the land for recreation and sport. This means it cannot be built on or enclosed. There is no time limit on this right, though under certain circumstances the owner of the land can apply for it to be deregistered.

Voluntary Registration

Under Section 15(8) of the Act, landowners can invite the registration authority to register land as a town or village green. There is no requirement to prove the criteria (20 years use without permission, force or secrecy). For our purposes, the landowners (applicants) would be Bristol City Council: the registration authority is the council's PROWG Committee.

Benefits of proceeding

1. The application process (consulting, seeking ideas and opinion, and building up a body of support for best valued sites) acts to help build community and participation in the NP.
2. Registration, if granted, demonstrates that the city council accepts the importance of neighbourhoods making local decisions
- 3. Registration, if granted, provides protection against development or enclosure, meaning that the public keep their right to make use of the land for recreation no matter what political changes are made.**
4. If development on 'easy' greenfield sites becomes more difficult, developers are more likely to consider brownfield sites, or other renewal and re-use strategies.

Disadvantages of proceeding

1. Human energy/time cost... publicity and effective consultation don't come cheap
2. If valued sites eventually are given 'Town Green' protection, there may be a corresponding increase in the development threat to remaining sites

Risks

Requests to the council for registration of prized sites as Town Greens may well fail. As landowners, the council has a duty to protect its own assets, which are normally valued in monetary terms. Registration lowers the potential sale value of such land, so the council may take a 'default' position to override the wishes of local people, rather than use its powers to prioritise community wellbeing.

Failed bids for registration may lead to a loss of confidence in the Neighbourhood Partnership or in the Council.

A Practical Approach

Any request to register a Town Green would have to demonstrate substantial local public support, to stand any chance of success. A possible approach, making best use of the opportunity to involve local people in the care and the planning for local open spaces, would be:

1. Identify a pilot area. Purely for the purposes of this report, let's say Stockwood between Stockwood Road and the Whitchurch Railway Path
2. Identify council-owned open spaces within the pilot area where 'Town Green' protection might be popular. A starting point would be the AGSP sites list, but it could be augmented through press and handbill publicity inviting suggestions. For the suggested areas, those

that come to mind are Gillebank Close, Craydon Road OS north and south, Craydon Rd triangle, Sturminster Close green and woods, and land bordering Brislington Brook.

3. Leaflet households in those areas, explaining the benefits of registration, seeking opinions on it and also on usage and aspirations for improvements at the site in question. (This would give added value to the exercise, even if ultimately a 'Town Green' request fails.)
4. For any sites where there's a clear public wish expressed in favour of registration, call a residents/site users meeting. If there's enough enthusiasm to establish a committee/campaign, promise funding for a local consultation (a leaflet drop, to include a response/petition form, and an on-line petition addressed to the Neighbourhood Partnership.)
5. If that in turn shows a strong wish to seek registration, submit the request in the name of the Hengrove and Stockwood Neighbourhood Partnership, backed by evidence of public support. And see what happens!

Recommendations

Either:

- ⤴ Invite (and provide a budget for) the Environment sub-group to pursue the process as above, *or*
 - ⤴ Adopt an alternative way of progressing it, *or*
 - ⤴ Do nothing.
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Sources

The Open Spaces Society - www.oss.org.uk/village-greens/

DEFRA - www.defra.gov.uk/rural/protected/commons/ (overview)

DEFRA - www.defra.gov.uk/publications/files/pb13733-rural-villagegreens-voluntary-guidance.pdf (voluntary registration)

Bristol Parks Forum - www.bristolparksforum.org.uk/BristolTG.pdf

[Govt. Circular 06/2003](#) – Land disposals at less than market price