



Bristol Parks Forum

representing resident led
park groups and citywide organisations
involved in protecting and improving
Bristol's green spaces

Public Statement to PROWG Meeting 20th Feb 2012

Agenda Item No 7

Procedure for determination of applications for registration of new Town and Village Greens

We are pleased that our comments made as part of the consultation have been taken into account in revising the procedure. We welcome the clear statement that 'Where the Council is landowner the inquiry will be conducted by an independent legally qualified inspector' and the removal of the reference to speed and cost in considering how to deal with an application.

However, the revisions to Clause 3 of the procedure do not fully address our concerns and we would also like some further changes to Clause 6.

In Clause 3 there is a lack of clarity in the situation where the CRA rejects the application on preliminary consideration of the evidence. We accept that there may be circumstances where, although the application contains all the necessary elements, it will clearly not succeed and should be rejected before costs are incurred in sending out notices etc. but it must be questionable as to whether the current regulations allow this.

If the intention is that this stage of the process should be purely administrative then the phrase 'and to the evidence' should be deleted from Clause 3. This is our preferred option.

If it is the intention that the evidence is considered at this preliminary stage, before notices are issued (and PROWG is satisfied that this can be done legally), then the applicant must be given a right to challenge that decision. We suggest that Clause 3 should be replaced with a revised clause as below:

3. The CRA checks the application documents:

Ensures the form complies with the Regulations and is procedurally correct, relevant sections are completed, all supporting documents referred to are present, and that the plan complies with Regulation 10. It then gives preliminary consideration (Regulation 5(4)) to the application and to the evidence and reaches a decision as to whether to:

- (a) reject the application at this stage due to it being incomplete or not in compliance with the regulations;
- (b) reject the application at this stage based on the evidence;
- (c) call for additional information;
- (d) proceed with the application.

Before any application is rejected under clause (a) the applicant will be given a reasonable opportunity of taking action to put the application in order.

Before any application is rejected under clause (b) the applicant will be given a reasonable opportunity to put forward further evidence or arguments which the CRA will then consider.

The CRA will give reasons for rejection under clause (b) to the applicant. If the applicant does not accept the CRA rejection the application will be referred to PROWG by the CRA. Having considered the report of the CRA and any representations from the applicant PROWG may decide to allow the application to proceed to the full process or confirm the rejection.

The procedure suggested above for referring applications rejected by the CRA and not accepted by the applicant to PROWG should in any case be applied to any applications decided by the delegated officer under Clause 6(a). This will ensure that all decision making is transparent and open to scrutiny. If the case is truly 'straight-forward' then the report to PROWG would not need to be extensive and this should not add significant time or cost to the process.

Bristol Parks Forum Committee
15th February 2012
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Bristol Parks Forum

Bristol Parks Forum was established by Bristol Parks as an umbrella organisation for community park groups and organisations in the city with an interest in their local parks and green spaces.

The forum is supported by Bristol City Council but acts independently and is the only 'community voice' that is dedicated to all of Bristol's green spaces. The forum's three main roles are to:

- offer an opportunity to share ideas and experience
- act as a consultation body for the Bristol Parks service and other agencies
- influence decision-making, including the allocation of resources

Bristol Parks Forum www.bristolparksforum.org.uk