



# Bristol Parks Forum

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

## **The Registration of New Town or Village Greens BPF Response to DEFRA's Consultation**

Several park groups who are members of the Bristol Parks Forum (BPF) are, or have been in the past, involved in Town Green applications. Changes to the legislation on Town Greens are therefore of particular interest to our members.

This response has been prepared by members of the BPF committee and was ratified at the full meeting of the BPF on 15th October 2011.

The BPF is a member of the Open Spaces Society and fully supports the response submitted by them to this consultation. The following points should be read in conjunction with the OSS response and highlights those issues that are of particular concern to BPF members.

A detailed response is below, the following summarises the main issues.

- a) We do not believe that the proposals for Local Green Space designation would give sufficient long term protection to these important spaces. Designation of spaces as a Local Green Space should not prevent the space being given the extra protection resulting from registration as a Town Green.
- b) We believe that any streamlining of the process must result in a system that is fair and can be seen to be fair to all parties. We have particular concerns in cases where the Local Authority is both the landowner and the Registration Authority.
- c) We have concerns about the way the proposed declaration process would work in practice.
- d) We strongly object to the introduction of a character test for Town Greens. Spaces with many differing characteristics are used for recreation and should be capable of being registered. We also doubt that it is possible to produce a definition that would be clear enough to avoid protracted legal disputes over its interpretation.

## **Bristol Parks Forum Detailed Response**

***Q1 Taking account of the Government's plan for the new Local Green Spaces designation, do you agree that the problems identified with the present greens registration system are sufficient to justify reform –so that the no change option should be rejected?***

We support the comments of the OSS that it is not appropriate to link the proposed new green space designation with the review of the village green registration system.

We accept that some reforms would be beneficial but we believe that the proposals put forward in this consultation push the balance too far in favour of developers.

***Q2 Do you support the proposal to streamline the initial sifting of applications?***

In addition to the comments by the OSS, we would add that in cases where the Local Authority is both the Registration Authority and the landowner then any early determination should only be made by a suitably qualified independent third party. This will ensure that all cases are dealt with fairly and that justice is seen to be done.

***Q3 Do you agree that an initial determination should be made by the registration authority after inviting initial comments from the owner of the land affected by the application?***

We agree with the comments made by the OSS. See also response to Q2 above.

***Q4 Do you support this proposal to enable landowners to make a deposit of a map and a declaration to secure protection against future proposals to register land as a green?***

In addition to the comments made by the OSS we believe that any declaration should only be capable of acting as an interruption to a period of use 'as of right'. We object to the proposal that any application relating the use of the land for 20 years or more before the declaration should be brought within 2 years of the declaration.

It is stated that the declaration would be required to be renewed every 10 years. However, it seems to us that once a declaration is made it would effectively prevent the land being registered for 30 years, since a further 20 years of use as of right would be required after the declaration period before a Town Green could be registered.

The proposals are not clear as to what would happen at a site where there had been say 10 years of use as of right before the declaration was made. If it is intended that in this case the declaration is an interruption and that the land could qualify as a Town Green after a further 10 years as of right use after the declaration has expired then this will lead to considerable confusion. It leads to the absurd possibility of the need to prove that land had been used for at least 10 years (taking the example above) but less than 20 years before the declaration, since 20years use would have triggered the need for the application to have been made within the 2 years period of grace.

Removal of the 2 year period would also address the concerns over a rush of applications as declarations are first made.

***Q5 Should landowners or registration authorities be required to take additional steps to publicise a declaration, to ensure that potential users know that they have limited time to make an application to register the land as a green? If so, what steps do you propose?***

We agree with the OSS comments, but see also answer to Q4 above. Removal of the two year requirement would make publicising the declaration less critical. If the 2 year period is implemented then the declaration would have to be publicised within a very short time of the declaration being made. Site signs would certainly be necessary, indeed we would say that any declaration should not come into effect until such signs had been erected.

***Q6 Do you support a proposal to introduce a character test to ensure that greens accord with the popularly held traditional character of such areas?***

We strongly oppose the introduction of a character test and support the comments of the OSS.

We are concerned that the proposals would not be workable since we do not believe that a definition of a green can be achieved that could stand up to scrutiny in law. Further any attempt to bring in a character test will inevitably exclude sites that the author would have wished to see included. An example might be an area that had been an open green used for recreation since an area of housing was built but where it had been found necessary to install fencing to prevent illegal and anti-social use of motorbikes on the site.

***Q7 Do you agree with the character test in para 5.5.9 above, i.e. that land must be open and unenclosed in character? Do you support the adoption of additional criteria such as those in para 5.5.11 above?***

See response to Q6 above.

***Q8 Do you support the proposal which would rule out making a greens registration application where a site was designated for development in a proposed or adopted local or neighbourhood plan?***

We agree with the OSS comments on this proposal.

Further we also object to the proposal to rule out making a Town Green application where land has been designated as Local Green Space. It is clear that the level of protection envisaged in the Local Green Space designation is much lower than that for a Town Green. Such a designation should not therefore prevent the space being given the extra protection resulting from registration as a Town Green where other criteria have been met.

***Q9 Do you support the proposal that a greens register application could not be made after application for planning permission has been submitted in respect of a site, or on which there was statutory pre-application consultation, until planning permission had itself been refused or implemented, or had expired?***

We agree with the OSS comments on this proposal.

***Q10 Do you support the proposal to charge a fee for applications?***

We agree with the OSS comments on this proposal.

***Q13 Do you support the adoption of all the proposals set out in chapter 5.3 to 5.7 above?***

No, we do not support the adoption of all the proposals set out in chapters 5.3 to 5.7.

***Q14 Do you support the adoption of the character test in relation to the voluntary registration of land as a green, under section 15(8) of the 2006 Act?***

No, a character test should not form any part of the requirements of a Town Green.

***Views invited 15 Do you have any other proposals for reform to the greens system which would help deliver the objectives set out in paragraph 1.3.5 above?***

We support the views of the OSS.

***Views invited 16/17 Do you wish to see any of the reforms set out in paragraph 5.11.1 above addressed in new legislation on greens?***

***If so, which of these reforms are a priority for action, and what outcome do you seek to achieve?***

We support the views of the OSS.

Bristol Parks Forum Committee  
16th October 2011  
[info@bristolparksforum.org.uk](mailto:info@bristolparksforum.org.uk)

## **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](http://www.bristolparksforum.org.uk)