

Town and Village Greens

Town and Village Greens developed under customary law as areas of land where local people indulged in lawful sports and pastimes.

Anyone can apply to have land registered as a green if it has been used by local people for recreation 'as of right' (i.e. without permission, force or secrecy) for at least 20 years.

Information on Town Greens on the defra website: www.defra.gov.uk/rural/protected/greens/

Guidance on the Open Spaces Society website: www.oss.org.uk/village-greens

Many groups that are members of the Bristol Parks Forum have applied for Town Green status for their sites. In the past the BPF has organised a workshop session and BPF meetings are an opportunity to exchange information. A list of BPF member groups is at

www.bristolparksforum.org.uk/directory.htm

Many council owned green spaces do not qualify for Town Green status because they are used 'by right' (with permission) rather than 'as of right' (without permission). If the Council has designated the land for use as public open space then it is also granting permission for the land to be used for recreation. However, a lot of land owned by the council and now used as public open space was purchased for other reasons, they may have been tips or intended for road schemes or housing or education land. A lot of the arguments on Town Green applications therefore revolve around whether the land has been 'appropriated' by the council for use as public open space.

Bristol Town Green Applications

Below is a list of recent applications in Bristol. For applications that have come before the Public Rights of Way and Greens Committee for decisions the papers for the meetings usually include the inspectors report, these give detailed reasoning for the decision and are a good guide to the hurdles that have to be overcome.

Papers for the Public Rights of Way and Greens Committee meetings can be seen via www.bristol.gov.uk/meetings

Recent Applications:

Details of recent applications and maps of the areas covered are contained in a report to the PROWG committee for their meeting on 20 February 2012.

The report can be found on the BCC website here:

www.bristol.gov.uk/committee/2012/wa/wa005/0220_9.pdf

Applications with Inspector Appointed:

Grove Wood (private ownership) No 15 : This application is for privately owned woodland at Snuff Mills. The Council is currently in negotiations to purchase the land and has said that it intends to declare it as a Local Nature Reserve. The landowner objected to the Town Green application. The public inquiry started on Mon 4th April 2011 and ran for four days before being adjourned. The second part of the hearing was completed on 5th August. The inspector's report has recommended that the land should be a Town Green. This is due to be considered by the PROWG committee in March. <http://snuffmills.blogspot.com/>

Filwood Park (private ownership) No 14 : Town Green Application made in 2009. The Council sold the Park to English Partnerships (now Homes and Communities Agency) for residential development without many local residents being aware of what was happening and before the parks and open spaces strategy was adopted. Following the public enquiry the Inspector has issued his report which recommends that the application should be rejected. This will be considered at the PROWG committee on 20 February 2012.

Applications determined by the Council's Public Rights of Way and Greens Committee:

'Asda Field' Whitchurch (BCC owned) No 10 This application was made on 11 February 2008. The inspector at first public inquiry in April 2009 confirmed that land had not been appropriated as public open space. Second public inquiry in February/March 2011 considered use for recreation. The inspector's report recommended that the site should be registered as a Town Green and this recommendation was accepted by the Committee on 3rd October 2011. <http://tinyurl.com/65tqb3n>

Aston Vale Fields (private ownership) No 12 - recommended for approval by the inspector at the public inquiry. Went to the Public Rights of Way and Greens Committee on 16th June 2011 who agreed that part of the site should be a TG but not the part needed for the stadium. Links to the Inspector's report, the Council report to the 16th June Committee meeting and the Applicants' submission on Nov 2010 are on the BPF website at www.bristolparksforum.org.uk/#tg This decision is now subject to a Judicial Review.

Cotswold Road Green (BCC owned) - Public Rights of Way and Greens Committee on 18th October 2010 upheld the inspector's recommendation that the application be rejected because the land had been appropriated as public open space in 1984. The Committee resolved that 'Cabinet be requested to voluntarily declare the land known as Cotswold Road Green as a Town or Village Green'.

Castle Park (BCC owned) - Public Rights of Way and Greens Committee on 3rd August 2009 upheld the inspector's recommendation that the application be rejected 'Since Castle Park had been acquired following a Compulsory Purchase Order 'for the purposes of dealing with war damage', he had concluded that in 1978, when the resolution to use the land as a park was passed, it must have been implicit in that decision that the land was being appropriated to a new statutory purpose'. The Committee resolved that the Committee requests that the Council Executive consider bringing forward proposals for Castle Park to be voluntarily made a Town Green, as per the 2006 Act, as part of any future development proposals. www.castlepark.org.uk

Land at Ambra Vale East, Clifton Wood (unknown ownership) - Public Rights of Way and Greens Committee on 19th January 2009 resolved that the application be granted. Despite extensive searches, it had not been possible to identify the current owner of the land. There were no objections and therefore no inquiry. <http://tinyurl.com/9r2f9q>

South Purdown (BCC owned) - Public Rights of Way and Greens Committee on 29th October 2007 upheld the inspector's recommendation that the application be rejected because 'the Inspector had reviewed the situation up until July 2006 and found that there had been a statutory trust for the twenty preceding years'. Access was therefore 'by right' and not 'as of right' ie there was permission to use the site.