

committee DEVELOPMENT & REGULATION

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INFORMATION ITEM

UPDATE REPORT ON VILLAGE GREEN APPLICATIONS AND DECISIONS

Report by Director for Essex Legal Services

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1. PURPOSE OF THE REPORT

To note the outcome on applications processed in the last 12 months to register land as a town or village green pursuant to Section 15(2) of the Commons Act 2006 ("the 2006 Act").

2. BACKGROUND

Essex County Council is the Commons Registration Authority in relation to the 2006 Act.

New legislation in 2013 introduced new protections for landowners where land could become vulnerable to an application for registration.

Schedule 1A (Exclusion of right under section 15) to the 2006 Act which came into operation on 25 April 2013 sets out events which will exclude the right to apply for the designation of a town and village green under section 15(1) of that Act ("trigger events") and corresponding events which will cause the exclusion to subsequently lift ("terminating events"). Further changes have since been made in 2014 amending Schedule 1A inserting into Schedule 1A additional trigger and terminating events in respect of the right to apply for a designation of a town or village green.

Additional checks are required to be made with the relevant local planning authority and the Planning Inspectorate before applications can be acknowledged to establish if a trigger event has occurred.

Section 15A of the Commons Act 2006, inserted by the Growth & Infrastructure Act 2013, which came into operation on 1 October 2013, has the effect that upon depositing with the commons registration authority a statement in the prescribed form (CA16 Parts A, D & F) and map it brings to an end, for the purpose of section

15 of the 2006 Act, any period during which persons have indulged as of right in lawful sports and pastimes on the land the subject of the application.

It is likely that a landowner would make reference to the deposit when notified of an application. This may fundamentally undermine the evidence the applicant can demonstrate in support of their application.

Both these changes are likely to significantly alter the numbers of applications that are likely to be made on sites which may be developed.

One of the changes to the previous legislative options to establish village greens has also started to be used by landowners in Essex and this is the dedication provision established by section 15(c) of the 2006 Act.

Appendix 1 to this report (a) summarises the position on applications currently pending and lists (b) the decisions made in the last 12 months and (c) the applications that were withdrawn before a decision.

MEMBER NOTIFICATION

Countywide.

BACKGROUND PAPERS

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