

VILLAGE GREEN REGISTRATION – PROPOSED CHANGES TO WHICH NEW, OR AT LEAST UNREGISTERED, VILLAGE GREENS ARE REGISTERED AND APPLICATIONS FOR REGISTRATION MADE

Background

The Government's plans for neighbourhood planning are set out in the Localism Bill. There is a commitment to introduce a new Local Green Spaces designation through the planning system, to give communities new tools to shape their future development, and to ensure the continuing protection of valued green spaces. As part of this process, the Government has decided to review the new greens registration system, to see if a better balance can be struck between protecting the green space valued by local communities while still allowing for development opportunities, under the right circumstances.

DEFRA's consultation period ran for 12 weeks. It began on 25 July and ended on 17 October 2011. The Council did not make any response.

Context from DEFRA / Government

Applications for registration of new greens have greatly increased over the last 20 years with 185 applications received nationally in 2009.

The consultation document argues that the process for determining greens applications is less than satisfactory and undermines credibility in the registration system because:-

- applications may lack substance or merit, but registration authorities cannot easily reject them without disproportionate effort;
- applications may be submitted at any time up to, or even after, development has begun and so can act as a 'last ditch' attempt to stop authorised development;
- applications stand outside the planning system, and must be determined on legal criteria without consideration of need, impact or hardship affecting any of the parties;
- the increasing number of applications is raising costs to registration authorities, and leading to delays in applications being determined;
- making an application is free to the applicant and so there is no mechanism for discouraging vexatious or speculative applications, notwithstanding the costs imposed on landowners, developers and registration authorities;
- application sites may bear little relationship to traditional concepts of a green, so that the physical setting of a green (e.g. whether it is open to the road, whether it is grassland or woodland) is generally immaterial to the application's success.

It is argued that many of these impacts occur irrespective of whether an application is granted: although a successful application is likely to impose greater costs, particularly on

the landowner, any application is capable of incurring substantial expenditure by the landowner, the registration authority, the applicant, and other supporters and objectors.

Summary of Proposals

6. The proposals in the consultation document can be summarised as:

a) Do Nothing

No change to the existing registration system.

b) Refine the registration system

Streamline sifting of applications: This proposal would enable registration authorities to reject applications at an early stage where insufficient evidence has been submitted or where there was strong evidence that the application could not meet the criteria for registration.

Declaration by landowners: Landowners would be given the opportunity to make a statutory declaration to negate any evidence of use of a claimed green during the period while the declaration remained in effect.

Character: New legislation would add a 'character' test to the existing criteria for the registration as a green. Only land which is unenclosed, open and uncultivated would be eligible for registration.

c) Taking account of the planning system in shaping local places

Integration with local and neighbourhood planning: This proposal would take decisions on the future of sites into the planning system. It would prevent registration of land which was subject to a planning application or permission for development of the site, or which was designated for development or as a green space in a local or neighbourhood plan.

d) Contributing to costs

Charging fees: An applicant would be required to pay a fee when making an application. Legislation would allow each registration authority to set its own fee subject to a prescribed ceiling. It is not intended that the fee would allow for full cost recovery. Fees could be refundable if the application were granted.

The consultation is also seeking views on alternative options and on other greens issues.

It is not intended to diminish the level of protection afforded to land that has already been registered as a TVG.

Local Situation.

Since 1994 12 New Village Greens have been registered with 9 Applications either been withdrawn or rejected. All rejected applications have been considered by an independent inspector and LCC's Planning and Regulation Committee.

Some applications have been formulated and submitted when Planning Applications are being considered.

There is one outstanding application for Canon Street, Lincoln

The costs of processing a contested application are in the region of £20,000. This does not include LCC Officer time or costs incurred by Third Parties.

The last application for a new green was submitted in 2009.