

ELM/ASU
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Date: 15th September 2011
My ref: LAF/VG
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Dear Sir,

**Consultation on the registration of new town or village greens
Leicestershire Local Access Forum**

The Leicestershire Local Access Forum, like other access forums, is tasked by Government to advise all levels of government as to how to safeguard the footpaths, the countryside and all other places where people go walking, running, riding and to assist in encouraging more people to take exercise in the fresh air for their general health and wellbeing. We are pleased that the Government acknowledges the importance of green spaces to local communities and trust the level of protection afforded to them is not to be reduced. We cannot be confident from the tone and content of the proposals that this is the case and equally we do not see that a convincing case has been made for reform of the system as it stands.

The basis for the consultation appears to be that the system for registration is often used just to stop land from being developed. We cannot find any evidence to support this view and indeed the Countryside and Community Research Institute came to the opposite conclusion after research for Defra in 2009. We are in favour of any changes which would make registration easier for communities where there is a legitimate case for access but fear that the consultation nudges the balance in favour of development in a similar way to the proposed planning changes. The implications suggest a contradiction within government which is on the one hand encouraging exercise for health whilst at the same time apparently permitting the restriction in places where this might be taken; i.e. Defra is acting contrary to NHS policy

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 are not convinced that the cost of registration is a major obstacle and feel that the provision of clearer guidelines for members of the public as to how the registration process works, i.e. what steps need to be taken, would simplify the process without the need for Legislation. We do not feel we have enough information to fully determine a view on legislation not least because we do not know whether the proposed new Local Green Space designation will give any statutory protection to land or indeed how land would qualify for this designation. It follows therefore that we are also unaware under what circumstances development would be allowed. If the process is to be simplified and costs reduced then perhaps the first port of call for any application might be an

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Access Forum (LAF) acting as an informal tribunal and any application would then go forward with our recommendation or otherwise.

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

The current registration procedure is very complex and weak applications may result. Clearer information will improve the quality of applications, which as suggested above could be sifted by LAFs. This should lead to speedier determinations and reduce costs for all parties. As such we are not convinced the proposals are needed.

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 do not, as the proposal is not equitable to all parties. To be fair, both the applicant and the landowner should be able to see the other's case and evidence and have a chance to comment thereon.

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

Only if there is more effort to make the public aware of which land has declarations being made on it , e.g. a site notice, notice to statutory consultees, Parish Councils and Access Forums. Those with a direct interest in the protection of common land, access and rights of way, should have the right to challenge any declaration.

Q5 : Should landowners or registration authorities be required to take additional steps to publicise a declaration... If so, what steps do you propose?

Yes, in addition to the above, site notices should be erected for at least a month; and perhaps a dedicated website could be created, hosted by Natural England, DEFRA or the planning authority so that the public can search for any declarations.

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?

No. We believe that the designation should be based on usage for recreation etc rather than the quality or character of an area. A poor quality site may have been used over a specified period of time, because there is little else nearby whereas a site of undoubted character may be little used if it is surrounded by other similar sites giving access. There are undoubtedly sites which would not meet the proposed criteria, but nevertheless, are in context, invaluable to the local community.

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 paragraph 5.5.11 above?

For the reasons given above, we do not

Q9 : Do you support the proposal that a greens register application could not be made after an 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?

No. This would mean that a planning application could be made just to thwart land being registered. There is no evidence to suggest that village green applications are being used to prevent development. Any such rule must work both ways and also allow for the protection from development, of a current green and any site where a registration application has already been submitted.

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

No. We don't believe applicants should have to pay for something which is to the benefit of the general public.

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

For the reasons given above, we do not

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?

Again, for the reasons given above, we do not

Yours sincerely,

Roy Denney
Chairman
Leicestershire Local Access Forum