

# PINN MEADOWS - PETITION REQUESTING THAT THE COUNCIL VOLUNTARILY REGISTER PART OF ITS LEGAL INTEREST IN THE SITE AS A VILLAGE GREEN

<b>Cabinet Member(s)</b>	Councillor Jonathan Bianco
<b>Cabinet Portfolio(s)</b>	Cabinet Member for Finance, Property and Business Services
<b>Officer Contact(s)</b>	Rory Stracey, Principal Lawyer, Planning & Corporate (acting)
<b>Papers with report</b>	Appendix A

## **1. HEADLINE INFORMATION**

<b>Summary</b>	To inform the Cabinet Member that the Council has received a petition requesting that it voluntarily registers part of its legal interest in Pinn Meadows as a village green. A plan of the area to which the petition relates is attached as Appendix A and excludes the rectangular shaped sports pitches within the site.
<b>Contribution to our plans and strategies</b>	The request can be considered in relation to the Council's strategy for Estates Management.
<b>Financial Cost</b>	There are no financial implications associated with the recommendations to this report.
<b>Relevant Policy Overview Committee</b>	Residents' and Environmental Services
<b>Ward(s) affected</b>	Eastcote and East Ruislip

## **2. RECOMMENDATIONS**

That the Cabinet Member:

- 1. meets and discusses with petitioners their request that the Council voluntarily registers its legal interest in part of the site as a village green.**
- 2. instructs officers that the site should not be voluntarily registered as a village green.**

### **Reasons for recommendations**

#### Recommendation 1:

The petition received entitles the petitioners to be heard at a petition hearing in accordance with the Council's Constitution.

## Recommendation 2:

A summary of the consequences of registration is set out under the Legal section of this report. It is considered that the consequences of registration are undesirable and would adversely affect the Council's future ability to use and manage its land in a way that responds to changing circumstances. Officers are of the view that registration of the land as a village green would place an undesirable fetter on the Council's ability to deal with and manage the site.

The Council has robust planning policies in place that are designed to protect public open space from inappropriate development. Although it is noted that planning policy is subject to change, such changes are necessary from time to time in order to meet changing social, economic and environmental needs of the Borough and the Country. There are no proposals within the Council's emerging Local Plan (which, once adopted, will cover a 15 year period) to depart from the planning policies which currently protect Pinn Meadows from inappropriate development. Indeed, the relevant policies are likely to be strengthened rather than weakened going forward. Therefore, there is no current threat to Pinn Meadows in either the short or long term.

Whilst it is noted that the Council does have an ability to voluntarily register the land as a village green, it should be noted that the Growth and Infrastructure Act 2013 signals a policy direction of the Government that the Commons Act 2006 should not be used as a tool to frustrate development proposals.

If the Council was to voluntarily register the land as a village green, then this could set an undesirable precedent or expectation that the Council should voluntarily register all of its public open spaces as a village green. This could affect the Council's ability to manage its public spaces efficiently and in a way that responds to changing needs.

## **Alternative options considered / risk management**

The Cabinet Member could agree to the principle of registering the land as a village green and could recommend voluntary registration to the Council's Cabinet.

## **Policy Overview Committee comments**

None at this stage.

## **3. INFORMATION**

### **Supporting Information**

1. A petition with over 5,300 signatures (approximately 5,100 of which have been identified as living, working or studying in the Borough) has been submitted to the Council, organised by Mr Mike Grimmel under the heading "*we the undersigned petition the Council to voluntarily designate Pinn Meadows area of land between Elmbridge Drive and Bury Street as a village green to protect it from development and preserve it for future generations. This action is permitted under the Commons Act 2006 and is a simple mechanism that is used by other Councils who wish to protect their land for its residents*". The area of land that the petitioners would like to be registered as a village green is shown edged red on the plan at Appendix A to this report but excludes the rectangular sports pitches shown on the same plan.

## **Financial Implications**

None. If the officer recommendation is approved by the Cabinet Member, the Council will continue to manage its land interest in accordance with its corporate policies and strategies.

## **4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

To allow the Cabinet Member an opportunity to meet with petitioners to discuss their concerns in detail. The site will, if the request for voluntary registration is declined, continue to be managed in accordance with the Council's corporate policies and strategies.

### **Consultation Carried Out or Required**

Officers have previously met with the Friends of Pinn Meadows regarding the request to voluntarily register the land as a village green. Officers advised the Friends of Pinn Meadows that they would not support such registration but that the ultimate decision would be one for the Cabinet or Cabinet Member to make and that a petition could be submitted to request formal consideration.

## **5. CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report and confirms that there are no direct financial implications arising from the recommendations set out above.

### **Legal**

Pinn Meadows is owned in freehold by the Council subject to a lease in favour of a third party organisation which uses part of the land for the purposes of running a hockey club. As freehold owner of the site, the Council has the power under Section 15(8) of the Commons Act 2006 to voluntarily register its own land as a village green. In order to do so, the Council must obtain the consent of all persons with a lease in the site in accordance with Section 15(9) of the 2006 Act. However, it is noted that the petitioners have excluded from their request, the areas of land within the site that are subject to the lease in favour of the hockey club. Therefore, technically, the leaseholder's consent would not be required in order to effect registration.

In deciding whether to voluntarily register the land as a village green, the decision maker should note the following consequences:

1. Once registered as a village green, the land would be available to members of the public for the purposes of lawful sports and pastimes.
2. The Council would have no power to control the use of the land for such sports and pastimes.
3. The Council would effectively lose its ability to lease or redevelop the land.

4. The Council could only de-register the land with the consent of the Secretary of State and would have to provide alternative “non-village green” land in substitute. The Secretary of State has a discretion as to whether land should be de-registered having regard to:
  - (a) the interests of persons having rights in relation to, or occupying, the release land (and in particular persons exercising rights of common over it);
  - (b) the interests of the neighbourhood;
  - (c) the public interest (limited to matters of nature conservation, the conservation of the landscape, the protection of public rights of access to any area of land and the protection of archaeological remains and features of historic interest); and
  - (d) any other matter considered to be relevant.
5. It should be noted that de-registration would therefore be very difficult to achieve. Therefore, if at a later date the Council wished to change the area of land let to the existing or a future tenant, it would find it very difficult to do this.
6. If the land were to be registered as a village green, the Council would need to apply to the Secretary of State if it ever wanted to carry out works to the land involving:
  - (a) works which have the effect of preventing or impeding access to or over the land and in particular, the erection of fencing, the construction of buildings and other structures, the digging of ditches or building of embankments; and
  - (b) works for the resurfacing of land.
7. In deciding whether to grant consent to carry out works, the Secretary of State must have regard to the same matters listed at paragraph 4(a) to (d) above. Therefore the process for carrying out works is not straightforward and involves cost, delay and uncertainty.

## **Corporate Property and Construction**

Corporate Property and Construction supports the recommendations in this report. As stated earlier in the report, it is considered that the consequences of registration are undesirable and would adversely affect the Council’s future ability to use and manage its land in a way that responds to changing circumstances. Officers are of the view that this would place an undesirable fetter on the Council’s ability to deal with and manage the site and this would be contrary to the Council’s effective asset management strategy.

## **Relevant Service Groups**

### Planning Service:

The Council adopted the Local Plan Part 1 in November 2012. This is in essence the Council’s Core Strategy. This new policy document includes a new policy in relation to Green Chains (which is the planning designation of Pinn Meadows), and states the following:

*'Any proposals for development in Green Chains will be firmly resisted unless they maintain the positive contribution of the Green Chain in providing a visual and physical break in the built-up area; conserve and enhance the visual amenity and nature conservation value of the landscape; encourage appropriate public access and recreational facilities where they are compatible with the conservation value of the area, and retain the openness of the green chain.'*

It is considered that the new policy relating to Green Chain land, such as Pinn Meadows, is robust and acts to adequately protect this open space from inappropriate development.

Green Spaces:

Green Spaces supports the recommendations in this report.

**6. BACKGROUND PAPERS**

- Petition