

14 September 2021

Agenda Item: 8

REPORT OF CORPORATE DIRECTOR - PLACE

REGISTERING A NEW TOWN OR VILLAGE GREEN BETWEEN BACK LANE AND THE PINFOLD, MISSON.

Purpose of the Report

1. To inform members of the Committee of an application submitted by Misson Parish Council to voluntarily register an area of land between Back Lane and The Pinfold, Misson, as a Town or Village Green.

Information

2. Nottinghamshire County Council is the Registration Authority for the purposes of the Commons Act 2006 and the Commons Registration Act 1965. The Council is responsible for keeping and maintaining the statutory register of greens and has duties to process applications to register new ones.
3. Town or village greens are typically areas of land where local people go to undertake lawful sports and pastimes. These sports and pastimes can include a wide variety of organised or ad hoc games, picnics, dog walking, observing wildlife and other similar activities. Although greens may be owned by individuals, many of them are owned and maintained by local parish councils.
4. Town or village greens have statutory protection under two 19th century Acts: the Inclosure Act 1857 (section 12) and the Commons Act 1876 (section 29). These protect the land by prohibiting any works which are not to directly benefit the recreational use, including building works, taking place on the land.
5. Section 15(8) of the Commons Act 2006 allows the owner of land to voluntarily dedicate land as a town or village green and have it included in the register which is held by the County Council in its role as the Commons Registration Authority. Once a green has been registered voluntarily, it will be subject to the same statutory protections as all other registered greens and local people will have the same guaranteed legal right to indulge in lawful sports and pastimes over it on a permanent basis. Registration as a town or village green is irrevocable and once registered, apart from very limited exceptions, cannot be removed from the register.

6. Applications to voluntarily register land as a town or village green which contain all the necessary information cannot be rejected and there is no requirement to either consult or advertise such applications.

The Application

7. Misson Parish Council submitted the application documents dated 28th June 2021 with a plan showing the area of land highlighted for which they wished to make the application. The application confirmed that Misson Parish Council was the owner of the application land. A statutory declaration was submitted confirming the details submitted in the application.
8. The area for which the application has been made is situated between Back Lane and The Pinfold and is approximately 290 square metres and is shown on Appendix A by the cross hatched area. There are already 3 areas of village green in the immediate vicinity which have been recorded as VG71 in the register and are shown by the grey shading on Appendix A Map A. VG71 was registered in 1972 with all of them being in the ownership of Misson Parish Council.
9. The Pinfold is an ancient pen for stray animals and is within the Conservation Area with its origins in the Misson Enclosure of 1760. The parish council have become owners of the land and wanted to restore it as an historical feature. Many hours of volunteer work has been undertaken to clear the ground from rubbish that had been dumped there, restoring the boundary fence, and rebuilding the pinfold wall ~ all with guidance from conservation and heritage experts associated with Bassetlaw District Council and Nottinghamshire County Council. An entrance gate has been installed, a wooden bench will be added, and the parish council will plant the area with attractive and appropriate plants to enhance the landscape. Misson Parish Council intends that the entire village green, including the Pinfold, are maintained by them as community assets and will never be built on.
10. Once the land additional is registered as a town or village green and entry made in the register held by the Nottinghamshire County Council the green will be allocated a unique registration number.
11. The Parish Council, as the owner of the green, has the power to maintain it for use by members of the parish as long as they do nothing to interfere with the lawful recreational activities of the local inhabitants.

Consultations

12. There is no requirement to consult on voluntary applications, but the local member has been contacted and has no comment to make.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

14. None

Human Rights Implications

15. Implementation of proposals within this report might be considered to have a minimal impact on human rights (such as the right to respect for private and family life and the right to peaceful enjoyment of property, for example). However, the authority is entitled to affect these rights where it is an accordance with the law and is both necessary and proportionate to do so, in the interests of public safety, to prevent disorder and crime, to protect health, and to protect the rights and freedom of others. The proposals within this report are considered to be within the scope of such legitimate aims.

Public Sector Equality Duty implications

16. As part of the process of making decisions and changing policy, the Council has a duty 'to advance equality of opportunity between people who share a protected characteristic and those who do not' by thinking about the need to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who don't;
- Foster good relations between people who share protected characteristics and those who don't.

17. Disability is a protected characteristic and the Council therefore has a duty to make reasonable adjustments to proposals to ensure that disabled people are not treated unfairly.

Implications for Sustainability and the Environment

18. The registering of the land as a town or village green will enable people of the parish of Misson opportunity to carry out lawful sports and pastimes.

RECOMMENDATION/S

It is RECOMMENDED that Committee:

Endorse the voluntary registration of a town or village green by Misson Parish Council.

ADRIAN SMITH
Corporate Director-Place

For any enquiries about this report please contact:

Angus Trundle, Commons, Green and Definitive Map Officer, Tel: 0115 9774961

Constitutional Comments [RHC 1/9/2021]

19. Planning & Rights of Way Committee is the appropriate body to consider the content of this report by virtue of its Terms of Reference.

Financial Comments [RWK 21/08/2021]

20. There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

21. Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Application for a Town or Village Green submitted by Misson Parish Council.

Electoral Division(s) and Member(s) Affected

Councillor Tracey Taylor
Member for Misterton Division