

## **1. Introduction**

The Battle Civil Parish Neighbourhood Plan has proposed designation of many Local Green Spaces (LGS) within the CP and when the Plan is “made” these will be afforded considerable protection from future development and should therefore remain as Green Spaces for public access and enjoyment.

However national government is presently exploring some relaxations of planning law and this may pose a threat to designated LGS protections.

Nevertheless, there are options for requesting of the designation authority (i.e., County Council) other designations which may well, if agreed afford such open spaces with further protections that it is believed will be unlikely to be affected by potential planning law changes. It is for this reason that the NP Steering Group is proposing that BTC takes some action in the short term, even before the Neighbourhood Plan goes to referendum. There is a potential to take advantage of the current legal situation in case future planning law worsens the protection of Battle’s LGSs.

## **2. Local Green Spaces**

The NP Submission lists thirty-five LGS – see:

[http://battleneighbourhoodplan.co.uk/wp-content/uploads/2020/11/Battle-CP-NP-Local-Green-Spaces-analysis\\_v7\\_7\\_20201103.pdf](http://battleneighbourhoodplan.co.uk/wp-content/uploads/2020/11/Battle-CP-NP-Local-Green-Spaces-analysis_v7_7_20201103.pdf)

From these we have selected a short list of those LGSs, which we believe have greatest importance for the community and that should be highlighted for additional protection:

- 2.1. NTR Rec (NP numbered: BA GS07) - BTC owned
- 2.2. Telham Rec (NP numbered: BA GS 18) - BTC owned
- 2.3. Coronations Gardens Rec (NP numbered: BA GS 17) - RDC owned
- 2.4. Kingsmead (NP numbered: BA GS 04) - RDC owned
- 2.5. Darvel Down (NP numbered: NE GS 06) - Optivo owned

## **3. Background**

Local Green Space is defined in the National Planning Policy Framework 2019 (paras 99-101) as land which is in reasonably close proximity to the community it serves; *is demonstrably special to a local community and holds a particular local significance, and is local in character and is not an extensive tract of land.* It is designated as part of the local or neighbourhood plan process and the protection offered is similar to that of green belt.

It is the NPPF that government is proposing to amend certain parts to allow development to be more easily granted planning permission and might impact any of Battle’s LGSs.

‘Town and village greens’ can be any land which has been enjoyed by local people for 20 years, without being stopped or asking permission. However, if a *landowner wishes voluntarily to register land as a green, he or she may do so merely by providing proof of ownership* and the consent of any leaseholder or chargeholder. Once registered the land is protected by section 12 of the Inclosure Act 1857 and section 29 of the Commons Act 1876, and local people have rights of recreation there.

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#### **4. Actions required**

- 4.1. In the case of the NTR Rec (BA GS07) and Telham Rec (BA GS 18), both are BTC owned and so it is proposed that BTC complete a "Form 44"<sup>1</sup> application for designation and send, as soon as possible to ESCC – the relevant registration authority.
- 4.2. In the case of Coronations Gardens Rec (BA GS 17) and Kingsmead (BA GS 04), both are RDC owned and so it is proposed that BTC request RDC to make a similar land owner declaration, as soon as possible; they too can complete a "Form 44" application for designation and send to ESCC – the relevant registration authority.
- 4.3. In the case of Darvel Down (NE GS 06), this is understood to be Optivo owned, though NP SG inquiries failed to elicit a response when they were requested to confirm their ownership. It is suggested the Clerk is asked to write to them to confirm their ownership. It would then be possible to open a dialogue whereby BTC requests them to similarly undertake a landowner declaration.

#### **5. Spin-off**

It should be noted that in the coming weeks there will be considerable BTC publicity with regard to the Neighbourhood Plan and what it means, to inform potential voters prior to the referendum.

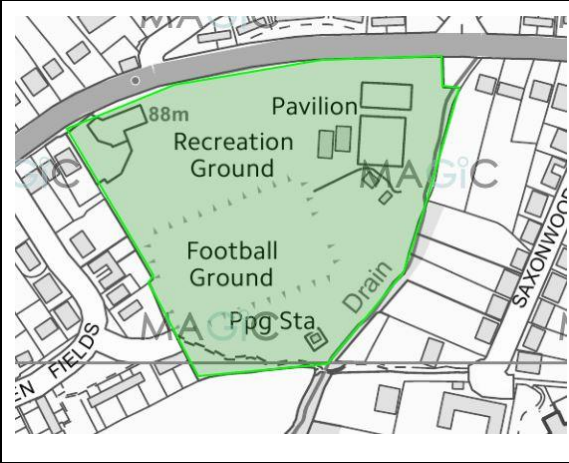




If BTC takes the actions requested herein, this could be highlighting in the publicity over the coming weeks. The hope is that such action by BTC would be seen as a very positive result of preparing the Plan and that actions on behalf of the residents are a direct result of the extensive research undertaken, even *before* the referendum. Furthermore, this action includes the villages and the town, despite incorrect resident observations that the former are often neglected.

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<sup>1</sup> Commons Act 2006: Section 15 Application for the registration of land as a Town or Village Green Form 44: <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/255671/town-village-green-registration.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/255671/town-village-green-registration.pdf)>

## 6. Annex: NP site maps

	
<p>BA GS07 – NTR Recreation Ground</p>	<p>BA GS 18 – Telham Recreation Ground</p>
	
<p>BA GS 17 – Coronation Gardens Rec.</p>	<p>BA GS 04 - Kingsmead</p>
	
<p>NE GS 06 – Darvel Down Estate green space</p>	