

Highways Committee

12 July 2012



Voluntary Registration of Land as Village Green at High Pittington

Report of Colette Longbottom, Head of Legal and Democratic Services

Purpose of the Report

1. To consider an application to register an area of land known as The Buddle, High Pittington as Village Green under the provisions of Section 15(8) of the Commons Act 2006.

Background

2. On 4 January 2012 Durham County Council received an application from Pittington Parish Council to voluntarily register land shown edged in black on the plan attached to this report as Village Green.

The Law

3. Section 15(8) of the Commons Act 2006 allows the owner of land to apply to register land voluntarily as a Village Green. This power is open to any landowner including private individuals and organisations, or a public body.
4. Section 15 of the Commons Act 2006 sets out the qualifying circumstances in which land may be newly registered. Anyone can apply to have land registered as a green if it has been used by local people for recreation 'as of right' for at least 20 years. Under Section 15(8) a landowner can apply to register land without meeting the criteria. In Defra's view, once a green has been registered voluntarily it will be subject to the same statutory protections as all other registered village greens and local people will have the legal right to indulge in sports and pastimes over it on a permanent basis.
5. Durham County Council as Commons Registration Authority is not required to advertise the application and does not have to examine the merits of registering land. However the Registration Authority needs to be satisfied that the applicant is legally entitled to apply to register the land.
6. The Parish Council have stated in their application that they are the owners of the land and that the land is not subject to any lease, tenancy or mortgage. This is confirmed by the Land Registry Title Search.

Recommendation

7. That the Committee agrees to the voluntary registration of land shown edged in black on the plan attached to the report known as The Buddle, High Pittington as Village Green.

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Appendix 1: Implications

Finance

There are no financial implications

Staffing

There are no staffing implications

Risk

There are no specific risk issues

Equality and Diversity

There are no equality and diversity issues

Accommodation

Not applicable

Crime and disorder

Not applicable

Human rights

There are no human rights implications

Consultation

There are no specific consultation requirements as Pittington Parish Council own the land

Procurement

Not applicable

Disability Issues

Not applicable

Legal Implications

The application fulfils the requirements of Section 15(8) of the Commons Act 2006.