



Application Decision

On papers on file

by Mark Yates BA(Hons) MIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 9 June 2020

Application Ref: COM/3241133

Springfield Green, Chelmsford

Register Unit: VG114

Registration Authority: Essex County Council

- The application, dated 20 November 2019, is made under Section 16 of the Commons Act 2006 ("the 2006 Act") to deregister land registered as a town or village green ("TVG").
 - The application was made on behalf of Chelmsford City Council.
 - The release land comprises of 136.5m² of land located within three distinct areas at Springfield Green Road, Chelmsford.
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Decision

1. Consent is granted in accordance with the application of 20 November 2019 to deregister land registered as a TVG at Springfield Green, Chelmsford.

Preliminary Matters

2. In response to travel restrictions currently in place due to the COVID-19 pandemic I have considered that this application can be determined without the need for a site visit. This is because I have been able to reach a decision based on the information already available.
3. For the purpose of identification only the locations of the areas of release land are shown on the attached plan.

Main Issues

4. I am required by Section 16(6) of the 2006 Act to have regard to the following in determining this application:
 - (a) the interests of persons having rights in relation to, or occupying, the release land;
 - (b) the interests of the neighbourhood;
 - (c) the public interest¹; and
 - (d) any other matter considered to be relevant.

¹ Section 16(8) of the 2006 Act provides that the public interest includes the public interest in: 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.

5. In considering these tests, regard should be given to the Department for Environment, Food and Rural Affairs Common Land Consents Policy of November 2015 ("the consents policy").

Reasons

The Application

6. The application is made to deregister the areas marked A, B and C on the plan, which comprise of 95m², 34m² and 7.5m² of land respectively. Essex County Council ("ECC"), as the highway authority, proposes to construct a zebra crossing over Springfield Green Road. In conjunction with the provision of the crossing, ECC wishes to install footways over areas A and B leading to the crossing. A wooden post and rail barrier would also be erected on area C with the intention of deterring people from crossing the road at this point.
7. ECC view the site of the proposed crossing to be the most suitable location for the provision of a safe place to cross the road in this locality. This point is disputed by the two objectors (Mr Harris and Mr Havell). However, the proposed crossing for Springfield Green Road does not form part of the application. The issue I need to determine is whether areas A, B and C should be deregistered. I therefore view the submissions regarding whether this is the most appropriate site for a crossing, or whether there is a need for a crossing, to not be relevant to my decision. These are highway considerations for ECC to determine.

The interests of those occupying or having rights over the release land

8. The application was made by the landowner (Chelmsford City Council) and this is clearly indicative of its support for the deregistration of the relevant areas of TVG. No other party is identified as occupying or having rights over the release land.

The interests of the neighbourhood

9. The general impact of the proposed deregistration of these areas of TVG on members of the public generally is considered below. These matters will have particular relevance to local residents.

The public interest

10. In respect of a question posed by Mr Harris, if the application is approved, the land will be permanently deregistered. There is no requirement for replacement land to be offered in exchange where the release land is less than 200m². However, paragraph 5.3 of the consents policy states "*...In general, the Secretary of State will grant consent where no replacement land is offered only in exceptional circumstances. Such circumstances are most likely where a wider public interest is being served by the deregistration which may mitigate the prejudice caused by the loss of the release land... It follows that an application for deregistration where no replacement land is offered is most unlikely to be granted if no compelling public interest is served by the deregistration*".
11. As highlighted above, the proposed crossing is not located within the areas of release land. However, ECC wish to encourage people to cross Springfield Green Road at a particular location. The sections of footway and barrier are intended to facilitate this objective. Additionally, the footways will provide a

convenient means of access to the crossing. Irrespective of the merits of installing a crossing at this location, the works proposed on the release land can be viewed as being of public benefit and this would be particularly applicable to local residents.

12. The proposal to restore an area of land near point C to grass would not compensate for the loss of the release land. It could nonetheless mitigate to some extent for the visual impact of the creation of the two footways. However, the extent of the release land is limited, and the footways will be located adjacent to the existing road. In respect of the visual intrusion of the guard rail highlighted by Mr Harris, this needs to be weighed against its intended purpose to deter people crossing the road at this location. ECC outlines that the post and rail design was chosen to fit in with the keeping of the TVG.
13. Although it is hoped that the proposed works will serve to deter people from crossing the road at other locations, people will not be prevented from using the TVG. It is apparent that the public will continue to have access over areas A and B as they would constitute sections of footway adjacent to Springfield Green Road. It is evident that ECC would like to see members of the public making use of the footways. There is nothing to suggest the deregistration of the release land will impact upon any other relevant matters.

Conclusions

14. The Secretary of State's policy is not to allow the stock of greens to be diminished unless exceptional circumstances are applicable. In this case, the works proposed on the release land will be of public benefit and could justify the deregistration of the land. Further, the public will continue to be able to use areas A and B. The installation of a barrier will restrict access over area C, but this involves a limited amount of land.
15. Having regard to these and the other relevant matters addressed above, I conclude on balance that the three areas of land should be deregistered.

Mark Yates

Inspector

Order

On behalf of the Secretary of State for Environment, Food and Rural Affairs and pursuant to Section 17(1) of the Commons Act 2006, **I HEREBY ORDER** Essex County Council, as commons registration authority for the area in which the release land is situated, to remove the release land from its register of town or village greens, by amending register unit VG114 to exclude the release land.

Schedule – the release land

Colour on Plan	Description	Extent
Edged red	Three areas of land located adjacent to Springfield Green Road, which are annotated 'A', 'B' and 'C' on the plan.	136.5m ²

Mark Yates

Inspector

