



CABINET

June 2025

Subject Heading:

Proposals for the voluntary making of two Village Greens within Havering.

Cabinet Member:

Councillor Graham Williamson – Portfolio Holder for Development and Regeneration.

SLT Lead:

Neil Stubbings – Strategic Director of Place.

Report Author and contact details:

Neil Stubbings – 01708 432970.

neil.stubbings@haverling.gov.uk

Policy context:

This proposal sits within general health and well-being responsibilities of the Council and specifically planning, regeneration and place-making policies.

Financial summary:

There are no direct costs associated with the voluntary making of two village greens. However, the subsequent loss of land value is considered within the report.

Is this a Key Decision?

There is a significant effect on two or more wards.

When should this matter be reviewed?

12 months after the decision.

Reviewing OSC:

Places OSC

The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents. X

Place - A great place to live, work and enjoy. X

Resources - A well run Council that delivers for People and Place. X

SUMMARY

This is a report to enable Cabinet to consider proposals to make voluntary village green registrations of two green spaces in the borough. If the recommendations in the report receive approval, Officers will carry out the necessary actions to ensure the delivery of the village greens.

RECOMMENDATIONS

Cabinet are asked to:

1. **Agree** to apply for the voluntary village green registration of the two pieces of open land considered in this report.
2. **Instruct** officers to carry out all necessary actions to achieve successful registration as agreed in recommendation 1 above.
3. **Agree** the attached engagement and consultation process.

REPORT DETAIL

Information. Summary.

In May 2023 Cabinet agreed a report instructing officers to undertake any necessary works to register 5 village greens in Havering. The sites were: Land at Gooshays (Harold Hill), land at New Zealand Way (Rainham), land at Wennington Green (Wennington), land west of Taunton Road (Harold Hill) and land at Fleet Close Play Site (Upminster). This process was completed in April 2024 with each Village Green registered and placed on the Village Green register.

At that time, Cabinet undertook to continue to promote the creation of new Village Green areas where the required criteria were met, including the requirement that the Council was the sole owner of the land. This report brings forward 2 new sites.

High quality green space contributes to physical and mental well-being of individuals, provides a safe and inexpensive place to exercise, enables residents to benefit from social interaction, can be a refuge from stress, provides a social space where people of different ages and from different backgrounds can come together, thereby promoting social inclusion.

Green spaces face considerable challenges. There is tension between housing development to increase housing supply and provision of amenity space. Their maintenance by Local Authorities put additional pressure on the limited financial resources. Overcoming these challenges will require positive responses and support of principal stakeholders.

This report provides information on the specific sites and the process to be followed in the voluntary registration as village greens. Appendix provides more detail on the sites.

As with the report in May 2023, Appendix 3, whilst not directly relevant to the making of village greens, provides background on the status of open land and other protections that could be considered through the Local Plan.

Sites to be considered.

The Council is considering registering two sites for Village Greens status – Land at Platford Green and Tyle Green including land along Garland Way (Emerson Park ward) and land at Tees Drive and Priory Road including Carter's Brook (Goshays ward). Plans of each piece of land are provided in Appendix 1 and 2 of this report.

Background.

Section 15(8) Commons Act 2006, provides that the owner of any land may apply to the commons registration authority (London Borough of Havering wearing a different statutory hat) to register land as a town or village green. This is subject to obtaining consent from any relevant leaseholder of the proprietor of any relevant charge over the land. An application may only be made with the consent of any relevant leaseholder (i.e. a lease in excess of 7 years or more than 7 years to run) of, and the proprietor of any relevant charge over the land. It is understood none of the sites are subject to any leasehold interests.

The Council in its capacity as Registration Authority can accept and recommend a nomination for registration of land as a Town and Village Green where that nomination is made by the owner of the subject land. Unlike the process where a third party nominates land they do not own to be registered, the process to be followed on an owner nomination is not prescribed and determinable by the Registration Authority alone. Whilst it is not possible to pre-determine the decisions of the Registration Authority, enquiries have been made with the lawyers acting for the Registration Authority (the Director of Legal and Governance has the authority to make the decision under the Constitution) and they have confirmed as to the process to be followed. Given the legislation does not require statutory tests to be satisfied, they have confirmed that they do not see a need for a hearing in the case of an owner application. The process is therefore likely to be straightforward.

Platford Green and Tyle Green.

The first site is land at Platford Green and Tyle Green including land along Garland Way and is located within Emerson Park ward. See plan shown at Appendix 1. Tyle Green/Platford Green Duck Pond and green is wholly owned by Havering Council. Historically, the land came over from Essex CC and the old records note it as an Amenity area under the old D&T Committee and noted as a playing field. The current local plan has the site as Parks, Open Spaces, Playing Fields and Allotments (Policy

18). This is designated open space. The Latest Open Space Assessment (2024) identifies it as an amenity green space of high quality and high value. For the avoidance of doubt, the land along Garland Way is considered to be within the wider designated open space.

Priory Road/Priory Grove/Tees Drive.

The second site is land at Priory Road/Priory Grove/Tees Drive including Carters Brook and Hatters Wood, Harold Hill-Noak Hill and is located in Goshays ward. See plan at Appendix 2. An area of land between Carters Brook and Tees Drive is unregistered but otherwise the area is wholly owned by LBH. The current unregistered area was included in a previous application as part of the Council's voluntary Land Registration project however the Land Registry did not register this land to the Council. . Officers are currently working with Legal in order to prepare another application to register this land at the Land Registry . The land will need to be registered to the Council prior to formal adoption as a Village Green. The planning status is Parks, Open Spaces, Playing Fields and Allotments(policy 18) and sites of importance for nature conservation (policy 30). This means that the site is designated open space and a borough level SINC (Site of Importance for Nature Conservancy). The Latest Open Space Assessment (2024) identifies it as an amenity green space of lower quality but high value. As for the watercourse, The council would have riparian ownership over this section. The watercourse is a statutory main river, which gives the EA designated powers over flood risk management, water quality & biodiversity etc. Therefore, consent will have to be sought for any new projects.

The effect of designating land for a village green is that the land will need to be kept undeveloped in perpetuity for village green purposes and thus this will not impact on the Environment Agency permissions.

Neither of the two sites are currently included within the Local Plan land supply to provide housing and there would only be a negative impact if these sites were anticipated to be included as development sites in future. The Council is currently reviewing its Local Plan and is progressing the "call for sites" exercise to identify where new housing will be built. There is an expectation that sufficient sites and capacity will be identified through that process to establish the new land supply for housing without the need to use these two sites.

The potential development opportunity for housing on these two sites has been reviewed in order to establish the quantum of delivery by reference to existing proposals and PTAL and thus inform potential values for the sites:

Site	No.of Homes	Indicative Value	Comments
Platford Green	150	£500,000	The site is currently designated as open space.Such development could occur if the site were redesignated to permit development. As a community

			asset, a notional book value of £1 is reported in the asset register .
Priory Road	375	£660,000	The site is currently designated as open space. Such development could occur if the site were redesignated to permit development. As a community asset, a notional book value of £1 is reported in the asset register .
Total	525	£1,160,000	

The notional values reported for the sites determined as community assets are based on the fact the Council intends to hold them in perpetuity and that they have no determinable useful life and they may, in addition, have restrictions on their disposal.

The indicative values reported for the sites are based on the amenity values of the sites given their suburban locations and a 15% allowance for 'hope value'. This allowance has been made to reflect the possibility that the land could be redesignated and appropriated for planning purposes at some point in the future. If the sites were to achieve planning consent for residential development, the land values would be considerably higher. Such value together with the identified number of homes would be foregone as a result of the registration for Village Greens.

In February 2023, Cabinet agreed a Disposals Report identifying sites that could be disposed of for housing. The expectation is that those sites would deliver in the region of £50m as capital receipts over a 5-year period. It is felt those sites are more appropriate for housing and disposal. Therefore, the Council has an agreed alternative method to deliver the necessary receipts within the current MTFS without the need to consider these sites.

Both of the sites contain land that is registered highway. It is considered that the highways purposes will not conflict with the village green purposes and therefore it is open to the Council to keep the sites as registered highways.

There is the potential for the receipt of requests for self-registration of Village Green sites. However, there is no obligation on the Council as landowner to even consider these. The usual method of a third party application for TVG registration would be by application to the registration authority not by request to the landowner. Applications to the registration authority cannot be controlled and would need to strictly adhere to the registration criteria set out in the relevant legislation.

Process to be followed to register sites as Village Greens:

This report Cabinet seeks approval to apply to the Registration Authority to register the two Council-owned sites as village greens and is a necessary part of the process.

Where the land forms part housing land and the sites are successfully registered as Village Greens, the sites will be required to be moved from the Council's Housing

Revenue Account (HRA) to the General Fund. The Council is able to appropriate vacant housing land to general purposes pursuant to section 19(1) of the Housing Act 1985. The transfer between the HRA and General Fund will be for value. Neither site is believed to be held within the HRA.

Finance have confirmed that both do not have net book values associated with them on the Council's fixed asset register and that they would be considered to be community assets (Assets that an authority intends to hold in perpetuity, that have no determinable useful life and which may, in addition have restrictions on their disposal). Community assets are held at historic cost (i.e. the cost to purchase the assets) which in both cases is zero. In the event that these sites are registered as Village Greens, the appropriation between the HRA and General Fund will be implemented as necessary

Consultation and Engagement

Due to the history and nature of the proposals in this report, it is unlikely that there would be negative impacts from residents involved or wider stakeholders on these particular sites. However, Cabinet will need to consider if this could create unintended consequences as described above.

Due to the positive nature of this paper, a communications and engagement strategy has been designed with the purpose:

- To outline the good news story for the village green proposals, considerations and adoptions, key milestones etc, through the democratic council process (Cabinet, Council meetings, etc).
- To champion this Administration's support to protecting well-loved, quality green spaces in the borough.

The main objectives for this communications plan are:

- To announce the intention to designate two open spaces to village green status.
- To increase awareness of how we are re-designating this land, protecting collective green space in the borough.
- To communicate the justification for this decision under the new administration.
- To set out clearly the criteria to be considered when applying for village green status.

REASONS AND OPTIONS

Reasons for the decision:

The decision will allow the protection of the two green spaces and the associated benefits detailed in the report.

Other options considered:

Not to approve the recommendations in this report would result in not progressing the voluntary registration as village greens of the two sites.

Another option would be not to seek to register sites to keep provision of other uses in the future to meet future Council priorities. However, this has been discounted due to the importance of providing open space within already developed areas as detailed in this report.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report sets out a recommendation to register two new village greens within Havering in line with the Corporate Plan 2025/26. Both locations are currently maintained and owned by the authority albeit land between Carters Brook and Tees Drive is currently unregistered as set out within this report. The proposed village greens are used for Open Spaces and are deemed to meet the requirements of registration.

Registration will provide more robust protections to the areas in respect of the land being designated for use as a village green. For example, a housing developer or the Council would not be able to submit planning for housing on these locations unless it first had grounds to de-register the relevant village green. It is worth noting that if a developer submitted a planning application for development whilst the land was not registered then it would prevent the land from being registered at that time and hence this is a preventative measure. However, this risk is low given the authority owns the land.

The land is currently valued on the basis of open space for recreational use and therefore its notional value is arbitrary from a financial perspective. However, as set out in this report, it could be feasible to seek planning permission to develop housing which is needed within the Borough, with an indicative value of £1.2m although this would only be realised on sale as a capital receipt.

In registering this land this potential future development opportunity is further removed. However, the current Local Plan does not have any aspirations to develop this land and so it will not in the short to medium term cause an impact on the Council's housing strategy.

There are no direct costs associated with the voluntary making of the two village greens. Should the Council one day wish to consider the land for alternative use then it is possible albeit more challenging via the de-registration process. For example, identifying an alternative area of land that could be used as a replacement village green.

There is a provision within Section 123 the Local Government Act requiring a Local Authority to be satisfied that it is achieving “best value” for the disposal of an asset. This requirement applies to a freehold disposal or lease exceeding 7 years. In these circumstances, the provisions do not apply as no disposal is taking place.

Legal implications and risks:

The Commons Act 2006 sets out the process by which a landowner can voluntarily register land as a village green at Section 15(8) and it is set out below:

5.2.1 The Council as land owner makes a voluntary application;

5.2.2 The Council obtains consent from the holders of: any leases granted for a term of 7 years or more, registered charges over the land registered at the Land Registry or under the Land Charges Act 1972 or legal mortgages;

5.2.3 The required application form (Form 44) should be completed.

The Council has the power to make the Commons Act 2006 application using its general power under Section 1 of the Localism Act 2011. This provides local authorities with the power to do anything an individual may do subject to a number of limitations.

Human Resources implications and risks:

There are no human resource implications associated directly with this report.

Equalities implications and risks:

The impacts of these proposals are anticipated to be positive for the entire communities they serve. An impact assessment has not therefore been carried out.

Health and Wellbeing implications and Risks

Havering Council is committed to protecting and improving the health and wellbeing of its residents.

As outlined in the report, access to green space contributes positively to mental and physical health and wellbeing, offering opportunities for physical activity and social interaction, while supporting reductions in stress and anxiety.

Evidence shows that the quality, accessibility and proximity of green space has implications for the scale of population health and wellbeing benefit that they provide.

The recommendation within this report to designate a further two village greens, thereby protecting these for public use in perpetuity, will safeguard the health and wellbeing contribution that these green spaces are already making to local residents. Ensuring the quality of these green spaces are sustained (i.e. through appropriate maintenance) will help to ensure these health and wellbeing benefits are maintained in the longer term.

There are no perceived health and wellbeing risks associated with this decision.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The Council has set an ambitious target of becoming a carbon neutral organisation and borough by 2040.

The designation of the two sites as village greens will help safeguard against development and will ensure that the environmental benefits of these sites are retained in the long term. Small open spaces contribute to the borough's green infrastructure network and they play a role in providing biodiversity, enabling water attenuation, moderating temperatures and absorbing carbon from the air and improving air quality for residents.

If approved, the designation of these sites as village greens will have a positive environmental impact.

BACKGROUND PAPERS

There is none.

Appendix 3

Role of Green Space within the Community

Open space contributes to physical and mental well-being of individuals, provides a safe and inexpensive place to exercise, enables residents to benefit from social interaction, provides a refuge from stress and constitutes a social space where people of different ages and background can come together, thereby promoting social inclusion.

A well-maintained green space also forms part of our urban infrastructure because of their potential to temporarily absorb and hold excess rainwater as part of sustainable drainage system, thereby mitigating flood risk.

Classification of Green Spaces

Having highlighted some of the benefits of green space it would be worth considering the different types of designation of green spaces together with their characteristics and qualifying circumstances for the designation, the procedure for registration with the appropriate authority and the strength of their protection, with the view to protecting them from future development.

There are a number of options for safeguarding open or green sites and these are set out below and comprise:

- Local Green Space (as set out in the National Planning Policy Framework)
- Metropolitan Open Space
- Parks
- Planning policy provisions (through the Havering Local Plan)
- Designation as a Town Green or Village Green

1. Local Green Space

This is a relatively new designation that was created by paragraph 77 of the National Planning Policy Framework (NPPF) 2012 and paragraph 100 of the NPPF 2018. Local Green Space designation is a way to provide special protection against development of green area of particular importance to local communities. This type of designation allows local authorities to protect green spaces of local importance for reasons that include the setting and nature conservation.

Local Green Space designation is proposed by the Department for the Environment Food and Rural Affairs (DEFRA) as an alternative to registering a green space as town and village green. This form of designation will rarely be appropriate where the land has planning permission for a proposed development.

The Local Green Space designation is only appropriate and should be used in the following circumstances:

- When the green space is in reasonably close proximity to the community it serves;
- Where the green space is demonstrably special to the local community and holds a particular local significance by virtue of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife; and
- Where the green space concerned is local in character and is not an extensive tract of land.

Designating a land as Local Green Space does not preclude it from all forms development. Hence developments considered appropriate as set out in the National Planning Policy Framework and in other relevant planning policies (such as the London Plan and the Havering Local Plan) could still be permitted.

2. Metropolitan Open Space

This is a key designation of public open space in London and is aimed at protecting outdoor spaces that are vital for the well-being of communities and local biodiversity as these are usually threatened by infrastructure development.

To designate land as Metropolitan Open Space, the land needs to meet at least one of the following criteria:

- it contributes to the physical structure of London by being clearly distinguishable from the built up area
- it includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London
- it contains features or landscapes (historic, recreational, biodiversity) of either national or metropolitan value
- It forms part of a Green Chain or a link in the network of green infrastructure and meets one of the above criteria.

This form of designation would give protection consistent with that in respect of Green Belt, inappropriate development refused, except in very special circumstances and provides the same level of protection as in the Green Belt.

Any land designated by a local authority in London for recreational purposes would be pursuant to legislation that applies nationally, e.g. Open Spaces Act 1906. This does not confer on the land any particular protected status other than an obligation, prior to reaching a decision to dispose, to advertise the intended disposal for two successive weeks in a local newspaper and then consider any objections raised.

Hence, the designation does not preclude appropriate development and the protection afforded does not carry enough weight to prevent development of the land in perpetuity, as the boundary could be altered in some evidenced and justified exceptional circumstances and through strategic policy.

3. Parks

Parks are protected by open space restrictions. They are public green spaces often at the edge of urban areas which provide places to enjoy the outdoors and experience nature in an informal semi-rural setting. National parks are nationally protected areas in the UK because of their countryside, wildlife and cultural heritage value.

4. Designation within the Local Plan context.

The sites could be as specific allocations within the Local Plan and be afforded 'protection' through that specific designation.

This form of protection carries more weight than the three designations mentioned above in the sense that once the site is given the 'protection' on this ground it would be difficult to 'undo' if the Council intends to develop across all or part of the site. There is likelihood that more allocations of this sort would be requested by local residents to safeguard other similar sites/facilities within the borough. This may eventually jeopardise Council's development objectives.

- i. Including the sites within a general planning policy that seeks to protect open space (as it has already been done within the current policy) but make clear that it would apply to smaller parcels similar in size to New Zealand Way and Gooshays green.

For both approaches highlighted under this section;

- it may help if there is an up to date characterisation study in place to highlight the importance of the area(s) in its wider neighbourhood setting and provide some rationale for designation through specific allocation or a more general policy approach to safeguarding local open space(s)
- there would need to be a robust evidence base to justify the policy/site allocation. Whilst both may be supported 'locally', others may have concerns about the potential impact on addressing other borough

priorities particularly housing delivery and may choose to air this through the Local Plan preparation process

Careful consideration would need to be given to ensuring that using the planning 'system' for this did not have unintended consequences elsewhere with other sites within the borough.