

Public Document Pack



NOTICE OF MEETING

Meeting	Executive Member for Countryside and Rural Affairs Decision Day
Date and Time	Friday, 18th September, 2020 at 2.00 pm
Place	Remote meeting
Enquiries to	members.services@hants.gov.uk

John Coughlan CBE
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

This meeting is being held remotely and will be recorded and broadcast live via the County Council's website.

AGENDA

DEPUTATIONS

To receive any deputations notified under Standing Order 12.

KEY DECISIONS (NON-EXEMPT/NON-CONFIDENTIAL)

None.

NON KEY DECISIONS (NON-EXEMPT/NON-CONFIDENTIAL)

1. **RURAL AFFAIRS – RURAL PROGRAMME UPDATE AND PRIORITIES** (Pages 3 - 14)

To consider a report of the Director of Culture, Communities and Business Services with an update on the Rural Programme.

2. **CHANGES TO THE POLICY FOR PRIORITISATION OF APPLICATIONS RECEIVED UNDER PART 1 OF THE COMMONS ACT 2006** (Pages 15 - 26)

To consider a report of the Director of Culture, Communities and Business Services seeking approval to a policy change.

KEY DECISIONS (EXEMPT/CONFIDENTIAL)

None.

NON KEY DECISIONS (EXEMPT/CONFIDENTIAL)

None.

ABOUT THIS AGENDA:

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

ABOUT THIS MEETING:

The press and public are welcome to observe the public sessions of the meeting via the webcast.

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Countryside and Rural Affairs
Date:	18 September 2020
Title:	Rural Affairs – Rural Programme update and priorities
Report From:	Director of Culture, Communities and Business Services

Contact name: Jo Heath, Head of Countryside

Tel: 07545 735629

Email: Jo.heath@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to propose changes to the Rural Programme and allocation of the Rural Affairs budget (formally called Rural Affairs Development Fund) to meet the priorities for rural communities and increase the impact of the funding.
2. To approve the financial commitments for 2020/2021 and the forecast spend for the Rural Affairs budget.
3. To confirm existing arrangements for ongoing engagement and support for; The Hampshire Association of Local Councils (HALC), the Hampshire Rural Forum (HRF), Hampshire Highway's Parish Lengthsman Scheme and the Rural Services Network.
4. To propose the implementation of 4 targeted programmes that include: a Parish (& Town) Partnership Programme, Parish Pages, Parish Pollinator Programme and the Rural Community Fund (RCF) that will strengthen Hampshire County Council's working relationship with Parish and Town Council's in Hampshire.
5. To set out the proposed financial arrangements required for implementation and delivery of the proposed 4 targeted programmes.

Recommendations

That the Executive Member for Countryside and Rural Affairs:

6. Approves the proposal for the Rural targeted programmes and the allocation of funding as set out in Table 2.
7. Approves additional support to the Hampshire Rural Forum (HRF) Steering Group and the Parish Lengthsman Scheme for 2020/21 from the Rural Affairs budget as detailed in Table 2.
8. Approves the allocation of £90,000 to the Rural Communities Fund (RCF) 2020/21 to allow for grants to be made that meet the criteria outlined in Table 1.
9. Approves the proposed grant payment to Hampshire Association of Local Councils (HALC) of £57,000 for the financial year 2020/21 from the HALC Infrastructure Grant budget.

Executive Summary

10. The COVID-19 pandemic has brought into sharp relief new and heightened impacts in rural areas and access to the countryside. This has provided an opportunity for a review of the rural grants programme to ensure it both meets the needs of rural areas and addresses issues identified with the grant process whilst also supporting the recovery of the County Council as a result of the pandemic.
11. This report sets out a proposal to change the way the Rural Affairs budget is allocated by moving to 4 targeted programmes, to include; a Parish Partnership Programme, Parish Pages, Pollinator Programme and the existing Rural Communities Fund. Together these are aimed at addressing identified rural priorities, and the Hampshire 2050 vision, while further strengthening support and collaboration with Parish and Town Councils.

Contextual information

12. The Rural Affairs budget with an annual commitment of £200,000, directly supports delivery of the Rural Programme within CCBS. This includes investment and support to target issues identified in the County Council's Rural Priorities.
13. During the Covid19 pandemic HCC has experienced an increase in the appreciation and use of the countryside. In particular, the public rights of way network and access to the countryside both in greater numbers and from new users and customers. This impact has been significant in terms of both the workload and emerging management issues from new customers unfamiliar with both rights and responsibilities associated with use of the Rights of Way network. This situation is likely to continue as evidenced by the Countryside Service Recovery Survey findings highlighted below: -

- Nearly all the 2,500 respondents acknowledge the important role of accessing public outdoor space and some 99% agree that it has a positive role on their mental health and wellbeing. More than four in five respondents (81%) believe this has become even more important since the advent of COVID-19. It is clear that facing a prolonged period of lockdown has reinforced and enhanced people's appreciation and attitude to the outdoors. More than 70% confirm that their attitude to the outdoors has grown, with most of these confirming a major positive shift.
 - The demand for visiting local greenspaces and using local paths is not likely to wain with 98% of the respondents indicating that they will continue to visit these sites even as other facilities such as country parks open up. This coupled with 85% indicating that they will be planning a staycation this year and potentially greater promotion of walking and cycling (from organisations such as Visit England) shows that the demand is likely to stay high.
14. Reports from the public and landowners via the Countryside Access Management System have increased by 20% in the past quarter from last year with a significant increase in reports relating to the following: -
- People on rights of way who are not clear where they can go and what they are allowed to do in the countryside evidenced by reports of increased cycling on footpaths, straying off routes, picnicking etc.
 - Reports of landowners blocking routes or making them less accessible, misleading signage etc.
 - Increased reports of litter and fly tipping along with other anti-social behaviour.
15. It is important for all rural authorities and agencies to work together to maximise and promote the benefits of access in the countryside and minimise the impacts it has on both public and private landowners.
16. The Countryside Service continues to strive to work closely with Town and Parish Councils, currently led through our Community Engagement Rangers (CERs), and Countryside Service Officers building on the highly successful Parish Conference 'Paths to Partnership' that was delivered in 2014. The focus of the CERs is to:
- Support and develop good relationship with parishes and work collaboratively
 - Understand the issues and opportunities facing rural communities, and be responsive to finding solutions
 - Provide opportunities for local communities to take a more active role in caring for their environment and access
17. The Rural Communities Fund (RCF) provides the financial means to develop new and innovative ways of working, and an opportunity to address local needs whilst responding to increasing pressure on County Council services.

18. Importantly the proposed programmes and their delivery have the ability to contribute to Hampshire's vision to 2050 priming Parishes, Towns and Communities to make positive changes locally, sustainable and diverse communities, and tackling climate change. This includes the following Hampshire 2050 key recommendations;
- Work with partners to understand and develop key strategies and policies that recognise the benefits of net environmental gain across all sectors.
 - Develop and promote community resilience and individual health and wellbeing by taking full advantage of Hampshire's natural environment.
 - Promote a joined-up approach that links local authorities, health bodies and civil society to deliver greater access to nature for all, for example optimising access to country parks and extending public rights of way.

Performance

19. Expenditure from the Rural Affairs budget for the 2019/20 financial year was £140,000. The RCF awarded £52,000 in grants against a budget of £100,000. There has been a reduced spend against the Programme Support due to the Programme Manager vacancy.
20. Funding was awarded to 18 projects providing a total award of £52,000 in 2019/20, with a match funding total of £289,000 demonstrating a leverage of 5.5:1.
21. Commitments to date for the RCF are £33,000 with a further £10,000 in the pipeline. The current financial year has inevitably been impacted by COVID-19 in terms of delivery capability as activity has been low during the lockdown period.
22. The RCF has not generated high take up from rural communities. The lack of take up is due to a number of reasons; partly due to lack of capacity in the team to promote the scheme, a potential lack of skills and knowledge in the rural communities, and criteria that are too restrictive or unclear.
23. The Rural Affairs budget has continued to support the Parish Lengthsman Scheme over the last 4 years. This scheme supports networks of local councils to locally resolve highway issues that emerge using local contractors (Lengthsman) to operate dynamically to local priorities.
24. The success of the Countryside Service Community Engagement Rangers (CERs) have demonstrated their ability to foster good relationships with parishes, their ability to work collaboratively and understand the issues and opportunities facing rural communities. 179 Path Wardens have been trained, covering 126 parishes in Hampshire. Path Wardens undertake inspections, identify and record issues on the network and undertake basic path maintenance – supporting the team, being our eyes and ears on the

almost 3000 miles (or over 4600km) of access network. This programme has proved to be highly effective and has the potential to be extended further.

Proposal

25. Evidence and findings from Service recovery surveys, the access management system and recent visitor survey information, has brought into sharp focus changes to priorities in rural communities as a result of COVID-19. The review is an opportunity to further strengthen the relationship with Parish and Town Councils in jointly addressing some of the issues and in the delivery of projects linked directly to statutory duties and powers.
26. The proposed changes offer four targeted programmes aimed at addressing key priorities while providing a mechanism for a simplified delivery. The four programmes include:

Programme 1 - Parish Partnership Programme – This will comprise two main elements:-

- (a) Improving accessibility of the rights of way network - Number of complaints about broken stiles or stiles that make it very difficult for all but the fittest to get over. Stiles are a landowner responsibility, when HCC receive a faulty stile report they are required to contact the landowner and, if necessary support them to take action to mend or replace the stile. There are almost 600 outstanding issues associated with structures, 400 of these are specifically linked to stiles currently recorded on the Countryside Access Management System.

Faulty stile reports are treated as priority 3 or 4's complaints and therefore low down on the list to be actioned. Through this programme Parish & Town Councils could be the first to contact landowners and resolve the issue before more formal action is required by HCC. There would be a targeted fund for incentivising the replacement of stiles with gates or British Standard stiles to the landowner either directly or via the Parish or Town Council.

- (b) Training Volunteers, Clerks and local Councillors (linked with Parish Pages)
 - The Programme would aim to encourage Parish and Town Councils to take responsibility for maintaining parish paths, utilising existing powers, and through volunteers or direct management.

- It would seek to increase the number of volunteers that are equipped with equipment to maintain vegetation and trained to operate safely and within our risk assessments.
- There would be annual training for new path wardens, seeking to ensure that every parish has at least one path warden in place, supported and monitored by the teams.
- Alongside this would be annual training and briefing on Rights of Way issues for new clerks and local councilors.

The benefits of this programme are targeted actions that can be quickly implemented, further strengthen the work between existing Community Engagement Rangers (CERS) and Parishes and using a simplified approach to ensure works are carried out where needed. Closer and more frequent collaboration can help foster new and innovative ideas through the Parish and Town Investment Fund.

The impact of this programme will be reported quarterly to Executive Member for Countryside and Rural Affairs.

Programme 2 - Parish Pages

To develop an online toolkit for Parish and Town Councils that could be developed further and will initially include:

- a. Clear information about the roles and responsibilities of the highway authority (rights of way), landowners and parishes.
- b. Signage toolkit for parishes and town councils to download and erect on rights of way with some financial assistance to produce. (including the Countryside Canines)
- c. Other Countryside information – ‘How to’ guides that are downloadable from parish pages
- d. How parish and town councils can ‘refresh’ their parish access maps.
- e. Volunteering opportunities co-ordinated by the CER’s
- f. Regular newsletters and information sharing on grants and activities

This programme would require establishment in consultation with Parish and Town Councils. Subsequently it can be supported by Community Engagement Rangers and Programme support officers to provide future content.

Delivery of this programme is online offering a one stop shop of self-help for Parishes, Towns and rural communities who can be assured of immediate access to ratified information at any time.

Programme 3 - Parish Pollinator Programme

In 2018 the Government released the National Pollinator Strategy Implementation Plan with the aim of creating more, bigger, better, joined up, diverse and flower rich high quality habitats to support pollinators across the country. The Implementation Plan identifies the need for partnership working to be able to deliver the strategy. The Countryside Service already supports the pollinator strategy through land management activities and has been promoting the need to look after pollinators to the public.

Parish and Town Councils have shown an interest in taking part and recognise that there is more that they can do to support the pollinator strategy. Through this strand we would develop a number of pilot projects that would act as a blueprint for other Parish and Town Councils and rural communities to be able to help them understand how they can contribute to the pollinator strategy for Hampshire.

The key delivery and outcomes will be: -

1. An improved awareness and capacity to make improvements to Pollinator Habitat and connectivity amongst parishes and towns.
2. An increase in the wider appreciation of the local and national role and importance of pollinators.
3. A series of local pollinator action plans that can complement action being taken by the Countryside Service and other conservation organisations.
4. The development of local pollinator action plans that could be used as templates to roll out to other Parish Councils in Hampshire.
5. The creation of Pollinator Champions able to assist other Parish Councils and local community groups in developing local pollinator action plans.
6. More people at a local level surveying and monitoring pollinator species

Project funds would be awarded to the Countryside Service to develop the scheme alongside parish and town councils. Outcomes will be monitored and measured for success and reviewed accordingly to provide a template for action that new parishes can build on. This template will be made available via the Parish pages for new schemes to be built at the local level.

Programme 4 - Rural Communities Fund (RCF)

The proposal is to continue to provide grant funding for rural initiatives. Table 1 below shows how the current theme titles could be amended. It is proposed that the grant eligibility criteria and wording is broadened and make reference to Climate Change Resilience, to assist meeting Corporate Climate Emergency objectives, and community resilience following the Covid Pandemic.

Applications will meet existing and ratified RFC criteria against which applications are scored and will include an element of match funding to demonstrate best value for money. The focus of this programme is to provide projects that contribute to the objectives of the Hampshire 2050 vision.

Table 1. below describes how the revised themes would change.

Table 1. Revised themes for funding under the RCF	
Current Theme Title	New Theme Title
Countryside Access – we want to help communities deliver improvements to their local access network	Countryside: we want to help rural communities to improve their local environment and access to it. Projects that do not qualify for funding under the parish partnership programme or the pollinator programme but that aim to increase access to the countryside or enhance biodiversity.
Rural Retailers and Community Enterprises – we want to help them grow, increase their productivity and ultimately improve the services that are offered to communities in rural areas	Rural Economy and Business (to include Rural Retailers) – we want to help all Rural Businesses and Community Enterprises grow, increase their productivity and ultimately improve the services that are offered to communities in rural areas. (The main change will be removing the reliance on the sale of food and fresh produce)
Community-led Flood Alleviation – we want to help rural communities deliver solutions to flooding in their local areas to benefit both people and property	Climate Change Resilience (to include Flood Alleviation) – we want to help rural communities deliver solutions to Climate Change in their local areas to benefit both people and property (enabling the Rural Programme to collaborate with the recommendations of HCC’s newly formed Climate Emergency department)
Other – we are keen to support other projects or initiatives that will help build community resilience and/or encourage self-help in rural areas e.g. supporting vulnerable and older people; supporting innovative transport solutions to access services	Other – No change

28. Targeting grant funding through four programmes will make the process clearer, more efficient and better value for money whilst being able to effectively monitor and demonstrate the impact of the Rural Programme across the whole of Hampshire.

Finance

29. £57,000 of funding from the Rural Programme is identified for Hampshire Association of local Councils (HALC) for 2020/21 from the HALC Infrastructure Grant budget.
30. Expenditure from the Rural Affairs budget for the 2019/20 financial year was £140,000. The Rural Communities fund awarded £52,000 in grants against a budget of £100,000.
31. Projected expenditure from the Rural Affairs budget for 2020/2021 is forecast to be £200,000. (see table 2).
32. Table 2 below shows how the 4 targeted programmes are allocated funds. The Parish Partnership programme and the Pollinator Programmes would be funded via the Countryside Service to be distributed through an agreed mechanism to Parishes and Towns.
33. The T21 savings target for the rural programme is £26,000. The Executive Member approved a reduction in grant aid to HALC from £74,000 to £57,000 in 2019/2020 releasing £17,000 against the savings target of £26,000. The remaining £9,000 has been identified from the Rural Communities Fund as outlined below for 2021/2022.

Table 2 shows how existing agreed funds and proposed Grant Programmes are allocated between 2020 and 2023.

Table 2

Rural Affairs Budget	Projected spend		
	2020/21	2021/22	2022/23
Parish Lengthsman	35,000	35,000	35,000
HRF secretariat	3,000	0	0
RSN Subscription	3,000	3,000	3,000
Programme Support	27,000	35,000	35,000
Programme project officer	10,000	10,000	10,000
Sub total	78,000	83,000	73,000
Proposed Grant Programmes			
Parish Pages One of- set up Cost - IT /technical	7,000		
Parish Partnership programme - Delivery	20,000	40,000	40,000
Rural Communities Fund	90,000	66,000	66,000
Pollinator programme - delivery set up and delivery	5,000	2,000	2,000
Sub Total	122,000	108,000	108,000
Total	200,000	191,000	191,000

35. It is proposed that part time Project officer support is provided for to develop the three new programmes and to establish the monitoring and reporting programme. These will then be monitored and updated by the CERs and the Rural Programme support Officer/s.
36. The Rural Communities Fund would be match funded by recipients as per the current arrangements under the Grant funding process.

Future Direction

39. The review of how we work in Partnership with Parish and Town Councils in Hampshire, alongside the development of such new delivery mechanisms will give us an opportunity to review the priorities for the support of rural communities.
40. It is anticipated that the revised RCF and targeted programmes will not only deliver significant benefits to rural communities but will also establish a resilient arrangement that will be reviewed after two years.
41. There are many activities in Hampshire (more so post-Covid19) that deliver against the Rural Programme priorities, both within HCC and externally. These need to be better understood to allow us to fully report upon all rural activities as a whole and to utilise the rural evidence base that we have developed over the past 10 years.
42. The enhancement of this local partnership approach, will help to influence the delivery of the wider Rural Programme and contribute to Hampshire 2050 and Climate Change objectives from 2021/22 onwards.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
EMPR Report - Update on the Parish and Town Council Investment Fund and Associated Rural Issues	25.04.2019
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment - No negative impacts are anticipated

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Countryside and Rural Affairs
Date:	18 September 2020
Title:	Proposed changes to the Policy for prioritisation of applications received under Part 1 of the Commons Act 2006
Report From:	Director of Culture, Communities and Business Services

Contact name: Jo Heath

Tel: 07545735629

Email: Jo.heath@hants.gov.uk

Purpose of this Report

1. This report seeks approval for changes to be made to the Countryside Service's Policy for prioritisation of applications received under Part 1 of the Commons Act 2006, which seek to make changes to the registers of commons and Town and Village Greens ('TVGs').
2. It is proposed that the following amendments are made to expand the scope of the policy:
 - a) expand the scope for prioritising applications to register TVG rights on land that is proposed for development;
 - b) introduce the capacity for applications to amend the commons register to also be prioritised, dependent upon the current and intended use of the land.

Recommendation

3. That the Executive Member for Countryside and Rural Affairs approves the proposed changes to the Policy for Prioritisation of Applications received under Part 1 of the Commons Act 2006 as set out in paragraphs 2a and b.

Executive Summary

4. This report sets out the background of the County Councils management of the register of Commons and Town and Village Greens (TVG), the context of the existing policy and the proposed changes to the policy.

5. The existing Policy adopted in 2016 requires amendment to provide greater flexibility in instances where land that is the subject of a TVG application is slated for development but is not subject to a trigger event.
6. Currently in such instances the existing policy does not provide for these applications to be prioritised. Given the potential for the resulting delays to frustrate development or create uncertainty about how the land can be used, officers consider that the existing criteria should be relaxed to enable these applications to be expedited, thus providing certainty to affected landowners, residents and developers at the earliest opportunity.
7. The amendments proposed in this paper seek to resolve this issue and ensure that such applications can be prioritised.

Contextual information

8. The County Council has a statutory duty to maintain the registers of both Commons and Town and Village Greens (TVGs), and to process applications from members of the public to amend those registers (as set out in the provisions of the Commons Act 2006). These functions are dealt with by the Countryside Service's Map Review Team.
9. For many years, the Countryside Service processed TVG applications on a chronological basis. However, in recent years it has come under some pressure to take applications out of turn in instances where the land was earmarked for development. It was therefore agreed that a policy should be produced to formalise the basis for prioritising such applications, and a new policy was approved by the then Executive Member for Culture, Recreation and Countryside in July 2016 (see Appendix 1). In essence, the policy provided for the prioritisation of applications in instances where the land was subject to one or more 'trigger events', as set out in Schedule 1A to the Commons Act 2006.
10. For context, 'trigger events' were introduced as an amendment to the 2006 Act by the Growth and Infrastructure Act 2013. They relate to the development of land as part of the planning process. Where they can be shown to have occurred, they cause the right to apply to register land as a town and village green to cease.
11. It has become clear that the 2016 policy needs to be amended to provide greater flexibility in instances where land that is the subject of a TVG application is slated for development but is not subject to a trigger event. Currently in such instances the existing policy does not provide for these applications to be prioritised. Given the potential for resulting delays to frustrate development or create uncertainty about how the land can be used, officers consider that the existing criteria should be relaxed to enable these

applications to be expedited, thus providing certainty to affected landowners, residents and developers at the earliest opportunity.

12. The proposed amendments to the existing policy would also see the introduction of a priority system for the determination of applications to amend the commons register. Many of the applications received under this cover seek to deregister land already registered as common, and in recent cases, applicants have asserted that the recorded status of land as a registered common is a blight either to their residential dwelling or their business operations.
13. Although the number of incoming applications to amend the commons register are currently low (there are 4 applications on the register, all of which were submitted in 2018), it would be consistent to align the priority for their determination with TVGs. It is also feasible that in future, parts of the Commons Act 2006 not currently in force in Hampshire will be introduced, and as this would likely result in an increase in the number of commons-related applications being received, it is considered that it would prudent to implement a policy for prioritising these applications now.
14. It should be noted that discharging functions under Part 1 of the Commons Act 2006 represents only a minor proportion of the work undertaken by the Map Review Team. In particular, applications to amend the Definitive Map of Public Rights of Way occupy a much greater share of officer time, not least because a) the backlog of applications is significantly larger than either the commons or TVG waiting lists and b) carries a right of appeal if applications are not determined swiftly (this right does not extend to applications made under Part 1 of the 2006 Act). Accordingly, the majority of the team's resources have been channelled into this area of work, with only a small proportion of time spent on tackling the commons and TVG waiting list. However, the proposed policy will enable any application in either list to be prioritised, as and when appropriate.
15. A draft of the proposed updated policy is attached (Appendix 2). The proposed amendments are minor in nature and are highlighted in yellow. The changes are outlined below:
 - a) The title and preamble to the policy has been amended to make it clear that it now incorporates functions relating to commons as well as TVGs.
 - b) An additional paragraph has been included to detail the decision-making process for prioritising both commons and TVG applications.
 - c) The amended policy retains all previously existing references to prioritisation on the basis that a trigger event has occurred, but the

relevant section has been adjusted to make it clear that this relates solely to TVG applications.

Finance

16. There are no financial implications to this change to policy.

Performance

17. Currently the Commons and Town and Village Green registers have 11 TVG and 4 Commons applications outstanding, the most recent been submitted in 2018.

18. The management of applications for amendments to the Commons and Town and Village Green Registers is important but is a lower priority to the processing of Definitive Map Modification Orders (DMMOs), where, linked with the Governments 2026 deadline for the closure of the Definitive Map for historical claims, there is a backlog of over 150 applications (approx. 20 new application pa).

Consultation and Equalities

19. Because the proposals relate to work programming within the Countryside Service, no external consultation has taken place. However, the proposals have been instigated by issues that have emerged from communication received from local members and local planning authorities.

20. It is not believed that this policy change will have any negative implications for applicants.

Timings / Next Steps

21. Subject to approval, it is proposed that the policy change will take immediate effect.

22. On approval, a review of the existing applications will be made, with any meeting the new criteria being prioritised for investigation. We believe this to be 2 applications.

Conclusions

23. For the reasons set out in this paper, it is considered that the existing policy should be updated to ensure a consistent approach to the prioritisation of

both TVG and commons applications, as well ensuring that, where appropriate, applications can be prioritised.

Appendices

2020-02-24 SRM Decision - Commons and Village Greens - Prioritisation Change - Appendix 1 - existing policy

2020-02-24 SRM Decision - Commons and Village Greens - Prioritisation Change - Appendix 2 - draft policy

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes/no
People in Hampshire live safe, healthy and independent lives:	yes/no
People in Hampshire enjoy a rich and diverse environment:	yes/no
People in Hampshire enjoy being part of strong, inclusive communities:	yes/no
OR	
This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because: It is a change to the operational policy of the Council	

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

See guidance at <http://intranet.hants.gov.uk/equality/equality-assessments.htm>

Insert in full your **Equality Statement** which will either state:

- (a) why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or
- (b) will give details of the identified impacts and potential mitigating actions

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Policy for prioritising Village Green Applications

Our Village Green Applications Policy

Approved by the Executive Member for Culture, Recreation and Countryside on 16 July 2015.

Applications to record land as town or village greens are processed in accordance with the following priority guidelines. The County Council publishes a list of the applications it holds on its website which is regularly updated, showing the order in which they will be processed at:

<http://documents.hants.gov.uk/countryside/CommonsandVillageGreenApplications.pdf>

Policy guidelines for determining applications for the registration of village green rights made under section 15 of the Commons Act 2006

These policy guidelines should be read in conjunction with the notes at the foot of this document.

1. Correctly made applications will be processed in the order that they are received, and will be held in one list, in chronological order.
2. Where the applicant (or other interested party such as the affected landowner) informs us that a 'trigger event' has occurred
<http://www.legislation.gov.uk/ukpga/2013/27/schedule/4/enacted>
with no corresponding 'terminating event'
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/573466/cra-guidance-2016.pdf we will take the relevant application out of turn and process it before other existing applications that are not affected by trigger events.
3. Every request for added priority should include full details of the reasons why the application should be taken out of order.
4. Trigger events include:

- the first publication of an application for planning permission for the land, which will include circumstances where planning permission is subsequently granted
- the publication by the local planning authority of a draft local plan or neighbourhood plan proposal which identifies the land for potential development – Schedule 1A to the 2006 Act refers to a ‘development plan document’ and ‘neighbourhood development plan’, but they are generally referred to as ‘local plans’ or ‘neighbourhood plans’
- the adoption or making by the local planning authority of a local plan or neighbourhood plan which identifies the land for potential development
- when a proposed application for development consent under the Nationally Significant Infrastructure project regime which has been accepted by the Secretary of State (in practice the Planning Inspectorate) is first publicised by the applicant

There are currently 14 trigger events in Schedule 1A, each of which relates to a specific planning mechanism.

Please note that there are no trigger events in relation to permitted development rights. Therefore the exclusion (for processing) will not apply to land on which permitted development has taken place, unless a trigger event has occurred in relation to that land for another reason.

5. Where more than one request for added priority is received, the order of processing will be decided after consideration is given to the urgency of the need for a determination in each case.

Notes:

It is acknowledged that, owing to the number of applications made under section 15 of the Commons Act 2006 and the current resources allocated to their processing and determination, the County Council has a backlog of applications waiting to be dealt with. Although applications are processed as soon as is reasonably practicable, this is not always soon after an application is received. The purpose of these guidelines is to clarify, for applicants and officers alike, the basis on which, and order in which, applications will be processed.

In order to be fair to all applicants and affected parties, there is a strong presumption against processing applications in anything other than chronological order. However, it is recognised that prejudice may be caused if a claim is not processed where planning permission has been granted, or land is included in a neighbourhood or local plan. It is expected that such cases will be rare and the majority of village green applications will continue to be dealt with in chronological order.

The processing of applications to register land as town or village greens is only one aspect of the work of the Countryside Access Team.

Hampshire County Council

Policy for the prioritisation of applications to amend the registers of **Commons and Town or Village Greens** **Part 1, Commons Act 2006**

Applications to amend the registers of **commons and** town or village greens are processed in accordance with the following priority guidelines. The County Council maintains and publishes a [list of outstanding applications](#) on its website, which is regularly updated. This list shows the order in which applications will be processed.

Policy guidelines for determining applications under Part 1, Commons Act 2006

These policy guidelines should be read in conjunction with the notes at the foot of this document.

1. Correctly made applications will be held on a waiting list, and processed, in chronological order, based on date of receipt.
2. Requests for added priority relating to applications where no trigger event has occurred will be determined following a consideration of the circumstances of that application, including the current and intended use of the affected land. Every request for added priority should include full details of the reasons why the application should be taken out of order.
3. **Applications under Section 15 only:** where the applicant (or other interested party, such as the affected landowner) notifies the County Council that a '[trigger event](#)' (as described in Schedule 1A to the Commons Act 2006) has occurred, and it is established that there is no subsequent '[terminating event](#)', the County Council will take the relevant application out of turn and process it before other existing applications that are **not** affected by trigger events.

There are 14 trigger events specified in Schedule 1A, each of which relates to a specific planning mechanism. These include:

- the first publication of an application for planning permission for the land, which will include circumstances where planning permission is subsequently granted;

- the publication by the local planning authority of a draft local plan or neighbourhood plan proposal which identifies the land for potential development – Schedule 1A to the 2006 Act refers to a ‘development plan document’ and ‘neighbourhood development plan’, but they are generally referred to as ‘local plans’ or ‘neighbourhood plans’;
- the adoption or making by the local planning authority of a local plan or neighbourhood plan which identifies the land for potential development;
- when a proposed application for development consent under the Nationally Significant Infrastructure project regime which has been accepted by the Secretary of State (in practice the Planning Inspectorate) is first publicised by the applicant;

Please note that there are no trigger events which relate to permitted development rights. Therefore, the exclusion (for processing) will not apply to land on which permitted development has taken place, unless a trigger event has occurred in relation to that land for another reason.

4. Where more than one request for added priority is received, the order of processing will be decided after consideration is given to the date of receipt of each application, and also the urgency of the need for a determination in each case.

Note:

It is acknowledged that, owing to the number of applications made under Part 1 of the Commons Act 2006, and the current resources allocated to processing and determining them, the County Council has a backlog of applications that are awaiting attention. Although applications are processed as soon as is reasonably practicable, this is not always soon after an application is received. The purpose of these guidelines is to clarify the framework and order in which applications will be processed.

In order to be fair to all applicants and affected parties, there is a strong presumption against processing applications in anything other than chronological order. However, it is recognised that prejudice may be caused if a claim is not processed where planning permission has been granted, or land is included in a neighbourhood or local plan, and this policy provides for such cases to be prioritized accordingly.

The processing of applications to amend the registers of commons and town or village greens is only one aspect of the work of the Countryside Access Team, and consideration will be given to pressures of other work before cases are taken up for investigation.