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# ROOT AND BRANCH

RTPI YORKSHIRE REGION  
NEWSLETTER WINTER 2010



## IN THIS ISSUE

---

+ A FINAL WORD FROM  
THE CHAIR

---

+ YORKSHIRE  
CONFERENCE  
SERIES

---

+ YORKSHIRE  
PLANNING AID

---

+ YORK SUMMER  
SCHOOL

---

+ PLANNING &  
LAND QUALITY

---

+ STATESIDE BOUND

---

+ REGIONAL  
PLANNING AWARDS

---

+ TOWN &  
VILLAGE GREENS

---

## A Final Word from the chair

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This is my last foreword as Chair of the Yorkshire Region. By the time you read this I will have handed over the medallion of office to Mick McLoughlin. It's been a rewarding role, which I have thoroughly enjoyed. It's been an interesting couple of years to be at the helm; the economic and political waters have been choppy to say the least.

However, all the change and uncertainty have helped to demonstrate the importance of the core values and competencies of planning and planners. Whilst it may not feel like it for some right now, I feel confident that there remains good opportunities for planners to have a positive influence in places to effect change for the good; positive change that might not otherwise be achieved without the skilful intervention of planners.

I've made the point in other articles, but it's one worth making again. As former certainties fade away, it pays to have your eye on the bigger picture, to see what peers are doing and to share learning. The activities we put together in the Region can help you to do this by providing opportunities to attend and help organise our conference series, our free Yorkshire Practice Seminars, involvement in our regional committees, and also through our social events, to name a few.

The RTPi exists to serve its members. We can do that best in the region through the active participation of the membership, and I'm pleased to see an ever-increasing number of people getting involved. In particular the young planners' network, YORnet, goes from strength to strength. The Yorkshire Practice Seminars activity has also built up well through the year. If you want to become more involved in our activities in the region in any way, please send an e-mail to [yorkshire@rtpi.org.uk](mailto:yorkshire@rtpi.org.uk), and we'll be in contact. Opportunities exist in formal regional roles, but also informally through helping to organise events, identifying speakers and so on. It's also a good opportunity to meet other planners outside of a formal working environment.

As I write this, we await the publication of the Localism Bill with baited breath, along with further consultations on a range of planning system changes. During the coming weeks and months significant new detail will emerge. Our Yorkshire Conference Series programme for 2011 has a strong emphasis on how we can respond to these changes

in Yorkshire, and will provide an opportunity to get updates and learn from how others are reacting. It's going to be a financially tight year, and in that context our Yorkshire Conference Series offer excellent value for money. Our events are all based in Yorkshire (saving travel costs and time), deliver a range of national and regional speakers, and are modestly priced compared to other similar conferences on offer.

A significant proportion of the surpluses from the programme are reinvested into other RTPi activity in the region. So, when you cut back on expensive London-based conferences, consider the excellent value alternative available on your doorstep. A programme and booking details is included with this edition of Root and Branch.

I wish Mick all the best in the role of Chair – I hope he finds it as fulfilling as I have. I plan to continue my involvement behind the scenes, and hope to take over as editor of Root and Branch. Thank you to Mick for fulfilling that role during 2010.

The annual Planning Law Update given by Hammonds on 21st October was, as always, well attended and an eye opener on what has been happening recently in the world of planning law. This year speakers also covered the range of very significant changes since the coalition came to power and engaged in some crystal ball gazing into what could be in store for us in the immediate future. Some of this speculation has of course now be made clearer by the arrival of the Localism Bill.

David Goodman started with some recent notable court cases, which clarified the position on various aspects of planning law. The most high profile of these was the Robert Fidler case. This related to an appeal against an Inspector's decision to uphold enforcement notices issued by the Local Planning Authority requiring the removal of a dwelling house built without planning permission. Mr Fidler had concealed the four bedroom property within straw bales covered with tarpaulin, which were removed four years after the dwelling had been constructed and occupied. He appealed against the enforcement notices and claimed at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control that was alleged as the four year period for enforcement action had expired. However the Inspector found that the overall building operations relating to the construction of the new dwelling included the erection and removal of the straw bales and tarpaulin. Therefore, when the enforcement notice was issued the four year time limit for taking enforcement action had not expired. The Inspector dismissed the appeal accordingly.

Mr Fidler appealed to the High Court. He argued that 'building operations' were exhaustively defined in the Act and the erection and removal of the straw bales did not fall within that definition. The Secretary of State and the Local Planning Authority both accepted that although the erection and removal of the straw bales was not itself a building operation when considered in isolation, it could nevertheless be found to form part of the building operations, when the totality of the operations as originally contemplated and intended were considered. The Judge agreed and dismissed the appeal. Certainly a satisfying result for planners!

Robin James House then set out some of the pitfalls relating to planning enforcement stressing the importance of getting Enforcement Notices right in terms of the waste of time and money and the impact on the reputation of the LPA. He then considered immunity from enforcement with reference to recent court cases and gave some practical pointers on drafting Enforcement Notices.

Julia Dixon gave an overview of the brave new world of coalition planning, and other matters such as the changes being made to the EIA regulations in light to two recent judgements in the courts. She explored the policy vacuum left by the revocation of the Regional Spatial Strategies and reflected that although the Conservatives "Open Source Planning" had heralded wholesale changes to the planning system, the speed of such changes has taken many people by surprise.

David Walker, who outlined the seven basic principles of policies, considered the boundaries of planning policy. He then explored the interpretation of policy and the challenges to it by looking at court cases. The basic principles are certainly worth sharing more widely and are set out below:

- (a) *A policy must be worded so that there is a right to depart from it in exceptional circumstances;*
- (b) *A policy cannot make something that is a material consideration into an irrelevant consideration;*
- (c) *The proper role of a policy is to indicate the weight which should be given to relevant considerations;*
- (d) *Though a decision-maker must have regard to policy, it is not necessary to follow the policy;*
- (e) *If there is a departure from a policy, clear reasons must be given;*
- (f) *It is essential that a policy is properly understood by a decision-maker; and*
- (g) *If proper regard is not had to a policy, the court will quash the decision.*

For me the highlight of the day was Richard Glover's presentation, which again exposed the inherent contradictions between increasing consultation and a speedier process as set out in the 2004 Act. His talk was entitled "The IPC - A Step in the Wrong Direction?" As the talk continued it became clear why the typo was intended. He described the IPC regime heralded by the 2008 Act and outlining the 16 categories that comprise Nationally Significant Infrastructure Projects (NSIP). After touching on the recent re-consultation on the 12 reissued National Policy Statements (NPS) he set out the many pitfalls and uncertainties associated with the new regime.

So far (as at 21.10.2010) only one NSIP has been accepted by the Commission for their determination and it has been over a year since the IPC was established. One other project has been submitted but not registered by the IPC because it lacked adequate documentation while 50 projects are at pre-application stage or have been withdrawn. The Regulations require a very large amount of documentation and vast amounts of meaningful consultation, even at the pre-application stage. This is far in excess of the pre-application work required for applications previously. This not only means significant amounts of work for the applicant and their advisors but importantly large amounts of work for LPA's. This is because neighbouring authorities are also consulted and the interpretation of this is very wide. It could mean that in extreme cases over 30 LPA's are consulted on one application.

The pre-application process is likely to be to be very lengthy, possibly years before the application can even be submitted. After an application has been submitted the IPC have 28 days to accept or reject the application. If accepted there is then a 28 day minimum period inviting representation. There are then periods for an assessment of principal issues and notice for a pre-examination meeting – this meeting being the "start date". The IPC then has 6 months from the start date to complete the examination stage, which is mainly by written reps. However there is the ability for affected or interested parties to require specific issue hearings and open floor hearings with oral questioning of

witness by the examining authority or their legal representatives. How this would pan out in practice remains to be seen. The IPC then has 3 months to reach its decision if a NPS is in place. If not they have 3 months for their recommendation to the Secretary of State who then has 3 months to reach a decision (these periods can be extended if reasons are given to the Secretary of State).

DCLG has stated that they expect application to take closer to a year from submission and some will be longer. This is after the extensive consultation exercise prior to submission. This does not seem quite the streamlined process promised.

Although the IPC is to be abolished Richard Glover believes that it is likely that in reality just the nameplate on the office in Bristol will be changed from IPC to MIPU (Major Infrastructure Planning Unit) when the Localism Act is passed.

While there are some positive aspects to the new process Richard Glover set out some negative points of the new process including for developers:

- A complex and lengthy uncertain process with wide and onerous consultation
- Expensive fees i.e. application fees of £36,000, plus examination fees of around £1,000 per commission per day are proposed
- NPS s will not prevent debate on national issues
- Inability to properly test evidence from objectors
- Commissioners will lack experience and be overloaded by the work projected
- Delay while Ministers make the decision before NPS in place

And for for LPA's:

- Loss of local control
- Inability to debate national issues
- Consultation overload/apathy
- Financial drain, as they receive no fees
- Potential for the whole process to be regarded as a rubber stamp

He sees the process as becoming too complex, wide and time consuming with the process becoming harder and not easier for developers. It has also been criticised by interest groups as a way of rubber stamping major infrastructure projects. The IPC has managed to upset parties on both sides of the development world.

Anne Cooper

## Going Local

### Mick McLoughlin reports from the November Politicians in Planning Association (PIPA) Conference in Sheffield

Yorkshire's Steel City was the setting for this year's PIPA get-together on 'Planning and Localism: Delivering Community Aspirations', with RTPI President Ann Skippers at the helm. Nearly 150 councillors enjoyed an excellent day of presentations at Sheffield Hallam University including an address by Planning Minister Bob Neil. The Minister explained forthcoming developments, including:

- widespread consultation on the National Planning Framework;
- changes in the law allowing councillors greater freedom to represent their constituents on planning issues;
- a bottom-up approach to dealing with planning;



Bob Neil in Full Flow

- a more consensual system with fewer appeals, and;
- greater opportunity for people to shape the future of their communities through neighbourhood and local plans.

The afternoon consisted of several workshops. Particular highlights included sessions by:

- **Richard Silson Managing Director** of The Planning Cooperative who explained how the concept statement approach can be used in regeneration work, using the case study of Easington Colliery in County Durham;

- **Rosemary Kidd Spatial Planning Manager** at Cheshire East Council who outlined how her newly formed authority is addressing localism issues (and other challenges) in the production of its first LDF;

- **Brian Robson Senior Adviser** at the National Community Land Trust Network who set out what Trusts are and how communities can establish them to deliver long-term beneficial developments and other assets;

- **Vivien Green Senior TRA Associate** who gave her take on what localism will mean for enforcement.

Planning Aid Yorkshire were also in attendance with Harvey Pritchard and Ken Burley fielding questions and enquiries from interested delegates.

Congratulations to the RTPI (and **Andrew Matheson** and **Trish Cookson** especially) for organising a first class conference in our Region.

## Yorkshire Planning Aid Clients show their appreciation

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We have received lots of good feedback from YPA clients recently, both from the casework service and community planning events. We share this with relevant volunteers each time, but a few of them are repeated below to show how much how much the service is appreciated:-

*"The service covered and addressed all issues. Truly exemplar service that provides and delivers the professional expert advice that volunteer led charities need. An essential and critical resource. Thanks for your help."*

*"Having been trying to get a straight answer out of the council for some time it was very refreshing a) to be taken seriously & b) to get some insight into the planning side. Invaluable!"*

*"I enjoyed finding out more information - because we want to know what's going on and see what notice is taken on our views."*

And a favourite:-

*"I enjoyed everything - because I have not thought planning a city would involve ordinary people on the street."*

**Please consider signing up as a YPA volunteer as one of your New Year's Resolutions, and help us to help even more clients! Go online at [www.planningaid.rtpi.org.uk/volunteer/](http://www.planningaid.rtpi.org.uk/volunteer/) to complete a simple registration form.**



## Year of Recovery for YORnet

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2010 has been a year of recovery for YORnet, with a variety of events (as previously reported in Root and Branch) put on through the year attracting members old and new. The newly formed YORnet steering group are committed to not only put on events for young professionals in the built environment, but also championing the causes which affect us. We are well underway with plans for next year... which include a free CPD event on the 'Life and times of a Planning Inspector' and if you fancy yourself as a pub quiz whizz keep an eye out for our 'Built environment Pub Quiz'. If you would like to be kept informed or have any ideas for future events please email [yorkshire@rtpi.org.uk](mailto:yorkshire@rtpi.org.uk). We hope to see you in 2011!

**Will Martin**

# York Summer School 2010

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The Local Committee provided sterling support to this year's TCPSS in York, mainly through the organisation of a series of study tours, suggestions for speakers and production of the indispensable Pub Guide!

The tours were (with numbers of participants):

Elected Members' School (tours on Sunday 5 Sept)

- York Coach Tour (48)
- Green Energy District Tour, Selby (44)
- Doncaster: Coalfield Regeneration (29)
- Castleford – The Big Town Plan (17)

Planners' School (tours on Thurs 9 Sept)

- York Walking Tour (45)
- Selby/York Flood Management (24)
- Leeds (40)
- Harrogate Villages (32)

Both tour days had good weather, which always helps. Several tours had sizeable numbers of planners, other professionals and in Castleford councillors from the host authorities helping with the presentations. Feedback from the delegate questionnaires was good. Some elected members were disappointed that the York Coach tour had to miss out the visit to Hartrigg Oaks. For the Planners' School the Leeds and York tours were identified as being among the most useful items of the school, while the study tours came top in the list of 'best aspects of format and organisation'. There were presentations on Regeneration in Scarborough by Jill Low and the Newington St Andrews Area Action Plan in Hull by Alex Codd. Two workshops involved members of the Local committee: Dave Sykes, with Jenny Wood, on Housing in Harrogate and Dave Caulfield with Derek Gauld of York and CABE on Delivering Good Design. Other Yorkshire speakers were Bone Jones, Peter Beaumont, Peter Wilbraham, Nigel Ingram, Hugh Ellis and Steve Quartermain. Yorkshire Water sponsored drinks, twice (is providing wine from water not miraculous?). In addition the North York Moors National Park hosted a full visit from our international delegates.

Thanks must go to York CAMRA and to David Lock Associates as far as the Pub Guide is concerned. The former originally suggested that all 79 pubs in the centre selling real ale be included but after test runs Pat Sutor reduced it to the best 14. A good few of the local committee were able to attend School, especially the highly instructive presentation on Grotton.

My personal thanks to all who took part and helped including those who volunteered originally and also the many colleagues who helped on the day, especially those who gave up their the Sunday. Special thanks must go to York CAMRA and to David Lock Associates as far as the Pub Guide is concerned. The former originally suggested that all 79 pubs in the centre selling real ale be included but after test runs I reduced it to the best 14. Congratulations also to Terry Heselton who has now become a Summer School Member. The Summer School President, Leonora Rozee, and the full committee have also formally expressed their thanks to the Local Committee.

**Pat Sutor**, Vice-chairman of the Local Committee

# “Planning & Land Quality”

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The 13th Yorkshire Contaminated Land Forum (YCLF) meeting on 26th November 2010 was also the first joint meeting with Royal Town Planning Institute Yorkshire, and celebrated YCLF's third anniversary. The meeting, held in the Henry Moore conference suite at Leeds Art Gallery, was attended by 110 planning, land quality and landscape design professionals. David Johns of RTPI Yorkshire introduced the event. Ann Barker of YCLF and Bradford MDC provided an overview of YCLF activities and chaired the meeting.



YCLF was pleased to introduce the new members of the steering group: Dr. Jamie Cutting of Scott Wilson, Dominic Daly of Entec, Prof. Phil Morgan of Sirius and Mark Newton of Clarke Bond.



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**YORKSHIRE PRACTICE SEMINARS**

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John Moritz of Cobbetts LLP provided an overview of legal aspects of planning and land contamination, expressing concern that the good practice identified in PPS23 may be lost in the government review of planning policy.

Citing salutary lessons from case studies, he discussed how the costs of bringing a site back into use can accumulate when every potential developer has to repeat the due diligence and carry out further site investigation work, in some cases to prove, yet again, that there are no contamination issues at a site. John Dunshea of BNP Paribas reviewed the planning consultant's assessment of the regeneration of a number of large sites. He emphasised that viability of projects has to stack up financially and that dealing with land contamination is just a part of that process. On brownfield sites 'abnormals' need to be considered normal.

John Dennis of sK(UK) Ltd. entertained and informed the meeting with a discussion about using an integrated, multi-disciplinary approach to create land value. He provided a practical overview of the skills required to help develop the value of land including an understanding of context, comprehension of the information, application of common sense, and communication of the challenges and solutions.

Phil Morgan outlined the key messages about SuRF-UK, the framework for sustainable remediation. The purpose of SuRF-UK is to demonstrate that the benefit of undertaking the remediation is greater than its impact and that the balanced decision making process considers environmental, economic and social issues. He noted that SuRF-UK is keen to find case studies which test the framework, or those which show alternative approaches that demonstrate SuRF principles.

Discussion included consideration of the potential for existing good practice to be developed into regional guidance documents such as those developed by the Yorkshire & Humberside Pollution Advisory Council (YAHPAC). The cost of planning 'gain' was identified by speakers as a major economic factor for some developments, but the need to make contributions to support essential infrastructure, e.g. schools in relation to residential developments, was acknowledged when the issue was debated by the delegates.

The meeting was followed by an informal networking gathering to celebrate YCLF's third anniversary, during which ideas for future topics, speakers and collaborations were discussed over drinks.

YCLF CONTACT DETAILS:-

**Ann Barker, Yorkshire Contaminated Land Forum**

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**Telephone:** 01274 437003

**Email:** [ann.barker@bradford.gov.uk](mailto:ann.barker@bradford.gov.uk)

Further information on the presentations given at the technical meeting on 26th November 2010 and about the new members of the YCLF steering group can be provided on request. The YCLF website is available at:

**[www.yclf.org.uk](http://www.yclf.org.uk)**

# New Year, New YCS Programme

Our new 2011 Yorkshire Conference Series programme contains a cracking variety of topics and prices have been held at the 2010 level to help customers during these difficult economic times. Here is a flavour of what's on offer:

For further details of conferences/seminars, or to go onto the mailing list, please contact **Yorkshire@rtpi.org.uk**

<b>Wednesday, 23 February Leeds</b>	<b>Emerging Contexts for Heritage and Conservation</b> This conference will reflect on a prolonged period of reviews and gradual reform of heritage protection. It addresses the planning and policy implications of these reforms, aiming to look at conservation and the historic environment beyond PPS5, in a range of contexts including new discourses of sustainability, the climate change agenda, and lower carbon economy.
<b>Wed 17th March York</b>	<b>Deliverability: Development Economics and Viability</b> Deliverability and viability are the watchwords of the spatial planning process; albeit matters which town planners consistently express they fail to understand. This event will examine the balances between the costs and risks of bringing proposals forward and the expectation that such development will be the panacea to deliver a wide range of community benefits.
<b>Thursday, 14 April Sheffield</b>	<b>The planning profession: what next for capacity and skills?</b> The profession's role in delivering sustainable development is expected to be increasingly flexible in a rapidly changing environment. This event will examine key professional values and the skills expected of planners delivering new local agendas. Competencies such as leadership, advocacy, collaborative working and negotiation will be assessed in the context of community benefits and wider public interest.

# Stateside Bound!

Fancy a Transport Planning Study Tour to New York and New Jersey?

Next May, why not join Barnsley planners on an exciting week-long trip to the USA to look at Transit Orientated Development planning initiatives.

Vivian Baker, Assistant Director Transit Friendly Development and Land Use, New Jersey Transit, has kindly agreed to provide 2.5 days of case study guide support and also liaise with her counterparts in New York MTA for a similar arrangement. The hope is that if this study tour is successful then further tours would be arranged and also reciprocal invitations could be extended to transatlantic planning and transportation professionals to support a visit to Yorkshire.

Apart from Barnsley MBC officers there appears scope for another half dozen places for Yorkshire RTPI members. Costs of flights and accommodation are currently being explored.

For Yorkshire Branch members interested in joining the study tour please contact Alan Hart (AlanHart@barnsley.gov.uk) giving contact details and any preferred dates in late May 2011 together with any other preferences i.e. duration of visit and air /accommodation cost.

Details of the New Jersey Transit initiatives associated with Transit Orientated Development (TOD) can be found on the website [www.njtransit.com](http://www.njtransit.com) (see the Transit Friendly Land Use section of the website).

# Regional Planning Awards 2010

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It was another great year for our regional planning awards, and congratulations to this year's winners, highlighted below. Thank you to everyone that submitted entries, it's great to see the range of activity members are engaged in. All our winners were presented with their awards at our AGM in December. Details of how to enter in 2011 will be published in our next edition of Root and Branch.

## **Overall Winner:**

### **University of York Heslington East Campus Design Brief and Masterplan**

O'Neill Associates and BDP were appointed the task of designing the University's new campus, half a kilometre from the existing, allocated on 116 hectares within the Green Belt. Due to the size of the scheme, a community forum was set up and met regularly to provide input into developing the concept of an interlinked community of students, staff, visitors, research companies and members of the public. The forum considered the draft design brief prior to formal approval of the site, thus creating public access for everyone to use in an area that was previously private. The purpose of the Design Brief and Masterplan is to allow the University to establish the character of the site as a whole using the fundamental principle of the master plan of the 'cluster concept'. Each cluster has its own architectural character for the uses and activities as well as connectivity with adjacent clusters that addresses sustainable development. These 'Living and Learning' neighbourhoods are arranged to allow maximum solar light into spaces and buildings shaped to offset turbulence from prevailing winds. The whole campus is a car free one with a high emphasis on pedestrian and cycle paths and one of the major features of the campus is a 14 hectare lake binding the built elements on campus yet acting as a balance regulator as part of the Sustainable Drainage System. The combination of this highly thought out design brief and masterplan set within a high quality landscape incorporating sustainable development and images which were believed to be computer generated but in fact were actual photos, captivated the judging panel. The fact that BDP has successfully applied this to a new town masterplan in Toronto is an inspiration for future towns and cities in the United Kingdom.

## **Special Commendation:**

### **Goole: Haven of Opportunity – A Renaissance Plan**

LDA Design was engaged by Yorkshire Forward and the East Riding of Yorkshire Council to prepare a vision for Goole 2035, a development framework and specific projects for delivering that vision. The Renaissance Plan suggests a vision and set of goals to guide development and growth. Projects, such as the creation of a social enterprise park and re-establishment of the town's cultural core respond directly to the community's values and desires. Through effective knowledge transfer and capacity building throughout the process of preparing the Renaissance Plan, those involved in delivering it have a far better understanding about the opportunities and prospects of the town. The judging panel recognised the importance of the Plan's vision for the regeneration of Goole and its economy by encouraging new development and investment and generating community confidence. Since the judges assessed the criteria for the winners, changes to the planning system are taking place abolishing the regional spatial strategy yet the importance of spatial planning still exists. The process of the consultants working on the document has equipped the Council members and planning officers with the skills and confidence needed to raise and maintain standards of sustainable development. Although it is not a statutory planning document, the Renaissance Plan has been developed in such a way that it can be used as evidence for the council's emerging Local Development Framework.

## **Commendation:**

### **Castleford Bridge**

A new bridge, designed by McDowell + Benedetti Architects, and chosen by local community representative after a committed consultation process, which featured in the TV programme 'The Big Town Plan'. Not only did the programme raise Castleford's profile, but local engagement in the design process has enhanced the sense of community, created local pride and the iconic bridge added significantly to the town's identity. Designed as a public space and not just a route, Castleford bridge is the first phase of the regeneration master plan for the town centre riverside to kick start future phases. This is a prime example of how public realm can benefit the local community by opening up an under used stretch of the River Aire to connect the north and south of Castleford, and encouraging residents to walk or cycle thus re-establishing the river as a main asset.

## Town and Village Greens – A Developers Dilemma

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At Hill Dickinson's Developers Conference in Sheffield in December, their Head of Planning John Holmes gave a presentation examining the law relating to town and village greens, recent 2010 cases including Redcar and Cleveland Borough Council and Leeds City Council, how the advantage has moved to applicants in such cases and what land owners and developers can do to protect land which unknowingly may be subject to rights of commons.



*John Holmes – TVG Expert*

An application to register a town or village green (TVG) is an often used tactic to prevent development. One of the latest in a series of judgements against developers is the case of *R (Lewis) v Redcar and Cleveland Borough Council* [2010] UKSC11 (Redcar) which was determined by the Supreme Court in March of this year.

The Commons Act 2006 provides that anyone can apply to register land as a TVG where a significant number of the inhabitants of any locality, or of any neighbourhood within a locality have indulged in lawful sports and pastimes on the land for a period of at least 20 years.

Confusingly the Act also allows, in certain circumstances, for application to be made even after the use has ceased. This presents a particular dilemma for developers/landowners since inhabitants could claim rights over the land that the developer/landowner has unaware of. Coatham Common owner by Redcar, was used as a golf course until 2002 it was also used by locals for dog walking and games. The locals didn't use the Common if golf was in play. Planning had been given to develop the land for mixed residential and leisure use.

Mr Lewis a local resident applied for the common to be registered as a TVG in 2007 this was refused and he went to Court. Despite both the High Court and Court of Appeal agreed with Redcars argument that by deferring to the golfers Mr Lewis could not claim "as a right" for his use of the land the Supreme Court disagreed. Deference to another use was not inconsistent with the use of the common as of right if it was merely a acceptance that where 2 or more rights co-exist over the same land there will be times where they cannot be enjoyed at the same time.

The land was therefore registered as a TVG. Given that a TVG can block any development on the land in question there are real dangers of buying land where long term recreational use cannot be ruled out.

Various steps can be taken to protect against the risk of purchasing a possible TVG.

- Local enquiries
- Seller assurances
- Insurance

For landowners there are other steps to follow, at present though the advantage lies with the applicants.

# FUTURE NEWSLETTERS

We hope that you found this edition of Root and Branch interesting and informative. The articles you have read have been submitted by members of the Yorkshire Region. If you, or your planning colleagues, have any views, reports, articles or any other information which you feel would be of interest to other members, please forward them, preferably by email, to Paula Nolan at regional office for inclusion in the quarterly Newsletter. The success of the newsletter depends on the members producing the necessary copy and images. There must be things happening in your area that merit being communicated to a wider audience!

**All editorial and enquiries to:** [yorkshire@rtpi.org.uk](mailto:yorkshire@rtpi.org.uk)

## USEFUL LINKS....

**This edition and past copies of Root and Branch can be found on the Yorkshire Region website at:**

<http://www.rtpi.org.uk/cgi-bin/item.cgi?ap=18id=355>

**Keep up to date with the conference programme and afternoon/evening seminars at:**

[http://www.rtpi.org.uk/rtpi\\_yorkshire](http://www.rtpi.org.uk/rtpi_yorkshire)

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