

## Application 2 – Received 11<sup>th</sup> June 2020

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**1. Covering Letter from Applicant - 11/06/20**

11<sup>th</sup> June 2020

Janice Green  
Senior Definitive Map Officer  
Rights of Way & Countryside Team, Communities & Neighbourhood Services  
County Hall, Bythesea Road  
Trowbridge BA14 8JN

By post and email

Dear Ms Green

**Commons Act 2006 - Sections 15(1) and (2)**  
**Application to Register Land at Southwick and North Bradley as a**  
**Town or Village Green (Southwick Court Fields)**

Your ref: JG/TVG/Southwick & North Bradley dated 24th February 2020

I am re-submitting the enclosed application to register land at Southwick and North Bradley (Southwick Court Fields) as a Town or Village Green.

Since the adoption of the WHSAP in February, trigger event 3 is terminated. However, the subsequent approval of the Trowbridge Bat Mitigation strategy (TBMS) has forced elements of sites already holding permission for development to be withdrawn.


I am aware that a request on behalf of Waddeton Park Ltd for outline planning permission, 20/00379/OUT, affecting Southwick Court Fields was lodged AFTER my Village Green original application was submitted. No decision date has been set but I now know that the Council is discussing issues with the applicant which must result in an amended proposal as this, too, is affected by the TBMS and other statutory failures which render it non-compliant.


If and when the new application is ever received, consultation must of course occur on it and it is clear that the current one has been withdrawn. Logically it cannot be extant if it is going to public consultation as fresh planning.

Given that, the withdrawal of 20/00379/OUT is due to the non-compliance with the TBMS and objections raised by Statutory consultees, inclusion within the WHSAP can no longer be seen as disqualifying factors for my Village Green application.

On the basis of the withdrawal of 20/00379/OUT and challenges to the security and legality of the WHSAP, I now wish to re-submit this application under TVG legislation.

Your sincerely

  
**Norman Swanney**

Email: 

**2. Application 2 - (Application Dated 13/01/20) Application Received by CRA 11/06/20**



**From:** [Norman Swanney](#)  
**Sent:** 11 June 2020 17:34  
**To:** [Green, Janice](#)  
**Subject:** RE: Commons Act 2006 - Section 15 Application to Register Land as TVG (Southwick Court Fields)  
**Attachments:** [\\_JG-TVG-Southwick -North Bradley.pdf](#)  
[+FORM 44 town-village-green-registration.pdf](#)  
[0. Justifying this application.pdf](#)  
[5. Map attached to Statutory Declaration.pdf](#)  
[10 A. Land description.pdf](#)  
[10 B1. boundary map proposed Village Green.pdf](#)  
[10 B2. Footpaths established on 'village green' site.pdf](#)  
[10 B3. Environment Agency flood map.pdf](#)  
[10 B4. Surface water velocity low.pdf](#)  
[10 B5. Map Site H2.6 HIA conclusion.pdf](#)  
[10 D. Photos access.pdf](#)  
[10 E. Policy statement - Leisure and recreational plan.pdf](#)  
[10 G. Statements from Residents re access for 20+ years.pdf](#)

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Dear Ms Green

I am re-submitting my application to register land at Southwick and North Bradley (Southwick Court Fields), as a Town or Village Green under Sections 15(1) and (2) of the Commons Act 2006 as I believe that all trigger events have been terminated.

Please find attached covering letter, application and enclosures. The application in full has been sent to you today by recorded delivery via Royal Mail.

Yours sincerely

*Norman Swanney*



---

**From:** Green, Janice <janice.green@wiltshire.gov.uk>  
**Sent:** 24 February 2020 11:35  
**To:** A black rectangular redaction box covering the recipient's name.  
**Subject:** Commons Act 2006 - Section 15 Application to Register Land as TVG (Southwick Court Fields)

Dear Mr Swanney,

**Commons Act 2006 – Sections 15(1) and (2)**

**Application to Register Land at Southwick and North Bradley as a Town or Village Green (Southwick Court Fields)**

Further to your deposit of an application to register land at Southwick and North Bradley (Southwick Court Fields), as a Town or Village Green under Sections 15(1) and (2) of the Commons Act 2006,

please find attached letter returning the application, where there is a planning 'trigger event' in place over the land, which extinguishes the right to make an application under Section 15 of the 2006 Act.

The application form and plan are attached to this e-mail for reference and this letter and the original application in full have been returned to you by post.

I understand that this will be very disappointing for you, however, until this trigger event is terminated it will not be possible to apply to register the land as a town or village green under Section 15 of the Commons Act 2006.

Yours sincerely,

Janice Green  
Senior Definitive Map Officer  
Rights of Way and Countryside  
Wiltshire Council  
County Hall  
Trowbridge  
BA14 8JN

**Wiltshire Council**

Telephone: Internal 13345 External: +44 (0)1225 713345

Email: [janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)

Information relating to the way Wiltshire Council will manage your data can be found at:

<http://www.wiltshire.gov.uk/recreation-rights-of-way>

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## Commons Act 2006: Section 15

**Application for the registration of land as a Town or Village Green**

Official stamp of registration authority  
indicating valid date of receipt:

Application number:

Register unit No(s):

VG number allocated at registration:

(CRA to complete only if application is successful)

**Applicants are advised to read the 'Guidance Notes for the completion of an Application for the Registration of land as a Town or Village Green' and to note the following:**

- All applicants should complete questions 1–6 and 10–11.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete questions 7–8. Section 15(1) enables any person to apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete question 9.

**1. Registration Authority**

To the

Wiltshire Council

**Note 1**

*Insert name of  
registration  
authority.*

**Note 2**

If there is more than one applicant, list all names. Please use a separate sheet if necessary. State the full title of the organisation if a body corporate or unincorporate.

If question 3 is not completed all correspondence and notices will be sent to the first named applicant.

**Note 3**

This question should be completed if a solicitor is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here.

**2. Name and address of the applicant**

Name:

Full postal address:

Telephone number:   
(incl. national dialling code)

Fax number:   
(incl. national dialling code)

E-mail address:

**3. Name and address of solicitor, if any**

Name:

Firm:

Full postal address:

Telephone number:   
(incl. national dialling code)

Fax number:   
(incl. national dialling code)

E-mail address:

**Note 4**

*For further advice on the criteria and qualifying dates for registration please see section 4 of the Guidance Notes.*

*\* Section 15(6) enables any period of statutory closure where access to the land is denied to be disregarded in determining the 20 year period.*

**4. Basis of application for registration and qualifying criteria**

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5.

Application made under **section 15(8)**:

If the application is made under **section 15(1)** of the Act, please **tick one** of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

**Section 15(2)** applies:

**Section 15(3)** applies:

**Section 15(4)** applies:

If **section 15(3) or (4)** applies please indicate the date on which you consider that use as of right ended.

If **section 15(6)\*** applies please indicate the period of statutory closure (if any) which needs to be disregarded.



**5. Description and particulars of the area of land in respect of which application for registration is made**

Name by which usually known:

Southwick Court fields

Location:

Part of the land attached to and owned by [REDACTED], Frome Road, Southwick, TROWBRIDGE, BA14 9 [REDACTED], as shown in the map attached to the statutory declaration

Shown in colour on the map which is marked and attached to the statutory declaration.

Common land register unit number (if relevant) \*

**6. Locality or neighbourhood within a locality in respect of which the application is made**

Please show the locality or neighbourhood within the locality to which the claimed green relates, either by writing the administrative area or geographical area by name below, or by attaching a map on which the area is clearly marked:

Grove Ward, Trowbridge  
See map attached

Tick here if map attached:

**Note 5**

*The accompanying map must be at a scale of at least 1:2,500 and show the land by distinctive colouring to enable it to be clearly identified.*

*\* Only complete if the land is already registered as common land.*

**Note 6**

*It may be possible to indicate the locality of the green by reference to an administrative area, such as a parish or electoral ward, or other area sufficiently defined by name (such as a village or street). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly.*

## 7. Justification for application to register the land as a town or village green

### **Note 7**

*Applicants should provide a summary of the case for registration here and enclose a separate full statement and all other evidence including any witness statements in support of the application.*

*This information is not needed if a landowner is applying to register the land as a green under section 15(8).*

- The land in question has been used “as of right” without stay or let for a period exceeding 20 years.
- The unfettered use of the land has been unchallenged over this period and is symbolised by the footpaths and trackways formalised upon it.
- Divergence from these footpaths and/or trackways has not been challenged either formally or informally.
- Maintenance and enhancement of access points have been supported by both the landowner and Wiltshire Council as demonstrated in attached photographs and documents.
- Surveys sponsored by Wiltshire Council and the Environment Agency have demonstrated beyond doubt that the land is:
  1. Classified as informal recreation space by Wiltshire Council.
  2. A functional flood plain
  3. Historically significant and protected from development
- The land is in constant use for the recreational and social purposes listed elsewhere in this submission which include the scattering of ashes of local residents with permission from the landowner.
- The application for Village Green status is in line with, and supportive of Wiltshire County Policy.

Documents supporting these assertions are attached.

**Note 8**

*Please use a separate sheet if necessary.*

*Where relevant include reference to title numbers in the register of title held by the Land Registry.*

*If no one has been identified in this section you should write "none"*

*This information is not needed if a landowner is applying to register the land as a green under section 15(8).*

**Note 9**

*List all such declarations that accompany the application. If none is required, write "none".*

*This information is not needed if an application is being made to register the land as a green under section 15(1).*

**Note 10**

*List all supporting documents and maps accompanying the application. If none, write "none"*

*Please use a separate sheet if necessary.*

**8. Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to be a town or village green**

Owner believed to be George Daffyd Rhys of:  
 [REDACTED]  
 Frome Road  
 Southwick  
 TROWBRIDGE  
 BA14 9 [REDACTED]  
 However, Wilts Council records also show S. M. (Sheila Mary) Rhys, George's mother and widow of David Reginald Rhys, as the owner.

**9. Voluntary registration – declarations of consent from 'relevant leaseholder', and of the proprietor of any 'relevant charge' over the land**

[REDACTED]

**10. Supporting documentation**

A. Land description  
 B. Maps including: 1. boundary maps, 2. designated footpaths, 3. Environment Agency flood plain analysis, 4. Wiltshire Council Surface water flow analysis, 5. Wiltshire County Heritage Impact Assessment (HIA) map.  
 C. County Council description of land  
 D. Photographs of access points  
 E. Policy related documents  
 F. Summation of Wiltshire County policy relating to the site  
 G. Statements from residents relating to access and use of land for a period greater than 20 years.



**Note 11**

*If there are any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.*

**11. Any other information relating to the application**

The potential for the land in question to be included within the Wiltshire HSAP is currently being determined by Examination.

The advice from DEFRA is that this Examination does not preclude the submission and processing of this application since the land in question has not yet been determined to be committed and no planning application, either in outline or in final form has been submitted.

Given that the nature of the land has changed; to wit, its inclusion within the Trowbridge Community Area by Wiltshire Council whilst determination of the HSAP is under Examination and the regeneration numbers produced within the Trowbridge Community Area subsequent to the adoption of the HSAP, it has been deemed that this application is not subject to legislation referring to trigger events.

**Note 12**

*The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.*

Date:

13/1/2020

Signatures:

[Redacted signature area]

**REMINDER TO APPLICANT**

**You are advised to keep a copy of the application and all associated documentation. Applicants should be aware that signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence. The making of a false statement for the purposes of this application may render the maker liable to prosecution.**

**Data Protection Act 1998**

*The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.*

## Statutory Declaration In Support

*To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, by its solicitor, or by the person who signed the application.*

<sup>1</sup> *Insert full name (and address if not given in the application form).*

Norman Morrison  
Swanney  
I, .....<sup>1</sup> solemnly and sincerely declare as follows:—

<sup>2</sup> *Delete and adapt as necessary.*

1.<sup>2</sup> I am ((the person (.....) who (has) (.....) signed the foregoing application)) (.....)

<sup>3</sup> *Insert name if Applicable*

2. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 10 and 11 of the application.

3. The map now produced as part of this declaration is the map referred to in part 5 of the application.

<sup>4</sup> *Complete only in the case of voluntary registration (strike through if this is not relevant)*

4.<sup>4</sup> I hereby apply under section 15(8) of the Commons Act 2006 to register as a green the land indicated on the map and that is in my ownership. I have provided the following necessary declarations of consent:

- (i) a declaration of ownership of the land;
- (ii) a declaration that all necessary consents from the relevant leaseholder or proprietor of any relevant charge over the land have

*Cont/*

<sup>4</sup> Continued

been received and are exhibited with this declaration, or  
(iii) where no such consents are required, a declaration to that effect.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said

at Forrester Sylvester Mackett

this 13 day of JANUARY 2020 HB



Signature of Declarant

Before me \*

Signature:



HIBA BELAITRACH.

Forrester Sylvester Mackett  
Solicitors  
Castle House, Castle Street  
Trowbridge  
Wiltshire  
BA14 8AX  
Tel: 01225 755621

Address:

Qualification: LICENSED CONVEYANCER (Commissioner for Oaths.)

\* The statutory declaration must be made before a justice of the peace, practising solicitor, commissioner for oaths or notary public.

Signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence.

REMINDER TO OFFICER TAKING DECLARATION:

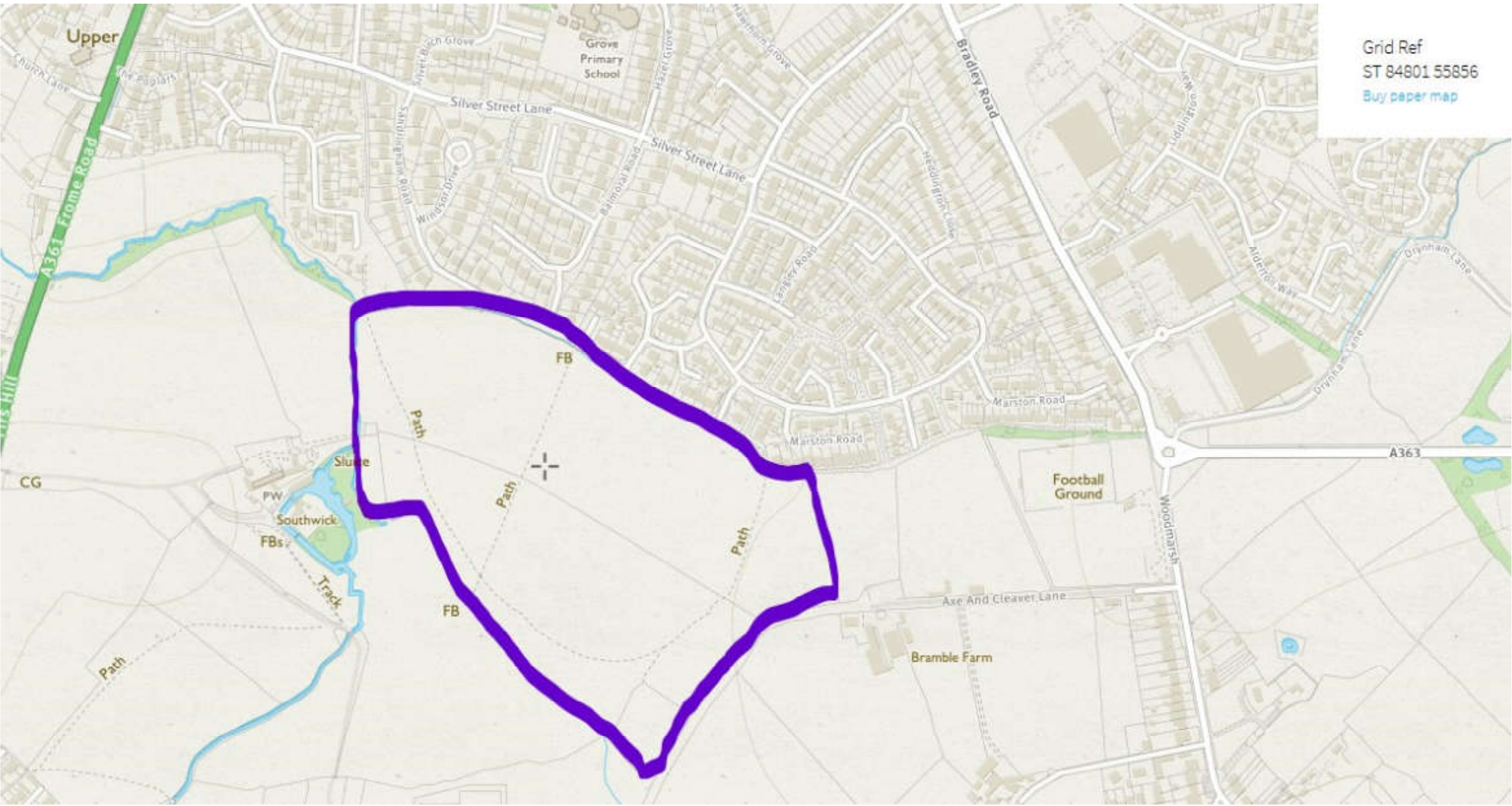
Please initial all alterations and mark any map as an exhibit



### **Justification**

- The land in question has been used “as of right” without stay or let for a period exceeding 20 years.
- The unfettered use of the land has been unchallenged over this period and is symbolised by the footpaths and trackways formalised upon it.
- Divergence from these footpaths and/or trackways has not been challenged either formally or informally.
- Maintenance and enhancement of access points have been supported by both the landowner and Wiltshire Council as demonstrated in attached photographs and documents.
- Surveys sponsored by Wiltshire Council and the Environment Agency have demonstrated beyond doubt that the land is:
  1. Classified as informal recreation space by Wiltshire Council.
  2. A functional flood plain.
  3. Historically significant and protected from development.
- The land is in constant use for the recreational and social purposes listed elsewhere in this submission which include the scattering of ashes of local residents with permission from the land owner.
- The application for Village green status is in line with, and supportive of Wiltshire County Policy.

Documents supporting these assertions are attached.



Grid Ref  
ST 84801 55856  
[Buy paper map](#)

## **A. Land description**

The proposed Village Green is on the immediate Southern boundary of Trowbridge.

It is currently protected by Wiltshire County Core Policy 29 which commits to maintaining the green buffer between the County Town and the neighbouring villages on North Bradley and Southwick although this buffer has recently been eroded by the placing of a solar farm. This has reduced the buffer by approximately one-third.

The land is bordered on its Northern edge by hedgerow defined as 'Important' by the 1997 hedgerows act. This designation is confirmed on a number of levels and documented fully in **appendix 1**.

The Eastern and Southern boundaries of the site are defined by the Lambrok Stream. This watercourse contributes to the Environment Agency determination on those boundaries of level 1, 2 & 3 flood plain. The site is also subject to surface water ingress from both the Northern and Southern boundaries as demonstrated on Wiltshire Council flow analyses (included within appendix 2).

The current use of the land is for a sustained blend of cattle grazing and informal recreation and is defined as such by Wiltshire Council (See appendix 4). There is a network of footpaths which appear on a series of maps attached in appendix 3. There are three formal access points on the Northern edge and one each on the Southern and Western fringes. These access points have been formalised with the knowledge and support of the landowner. The most recent improvement has been the replacement of a stile with a kissing gate. This work was completed with the knowledge and blessing of the landowner. The disparity between the number of access points from the Northern edge and those on the Western and Southern boundaries argue strongly for the land functioning as a destination in and of itself and not simply for access to points beyond.

All access points to the site consist of formalised stiles except for the aforementioned kissing gate. A wire fence which subdivides the Northern and Southern portions of the land for grazing confinement purposes contains a further stile and additional gate. Within the confines of the field further footpaths and trackways link the paths defined by the stiles and gates. This further argues for the site being a destination in and of itself.

At no point during the past twenty years has any notice appeared restricting either access or activity to or on the land. As can be seen by supporting documentation the activities supported for locals, and not so locals, has been myriad. A summation would have to include:

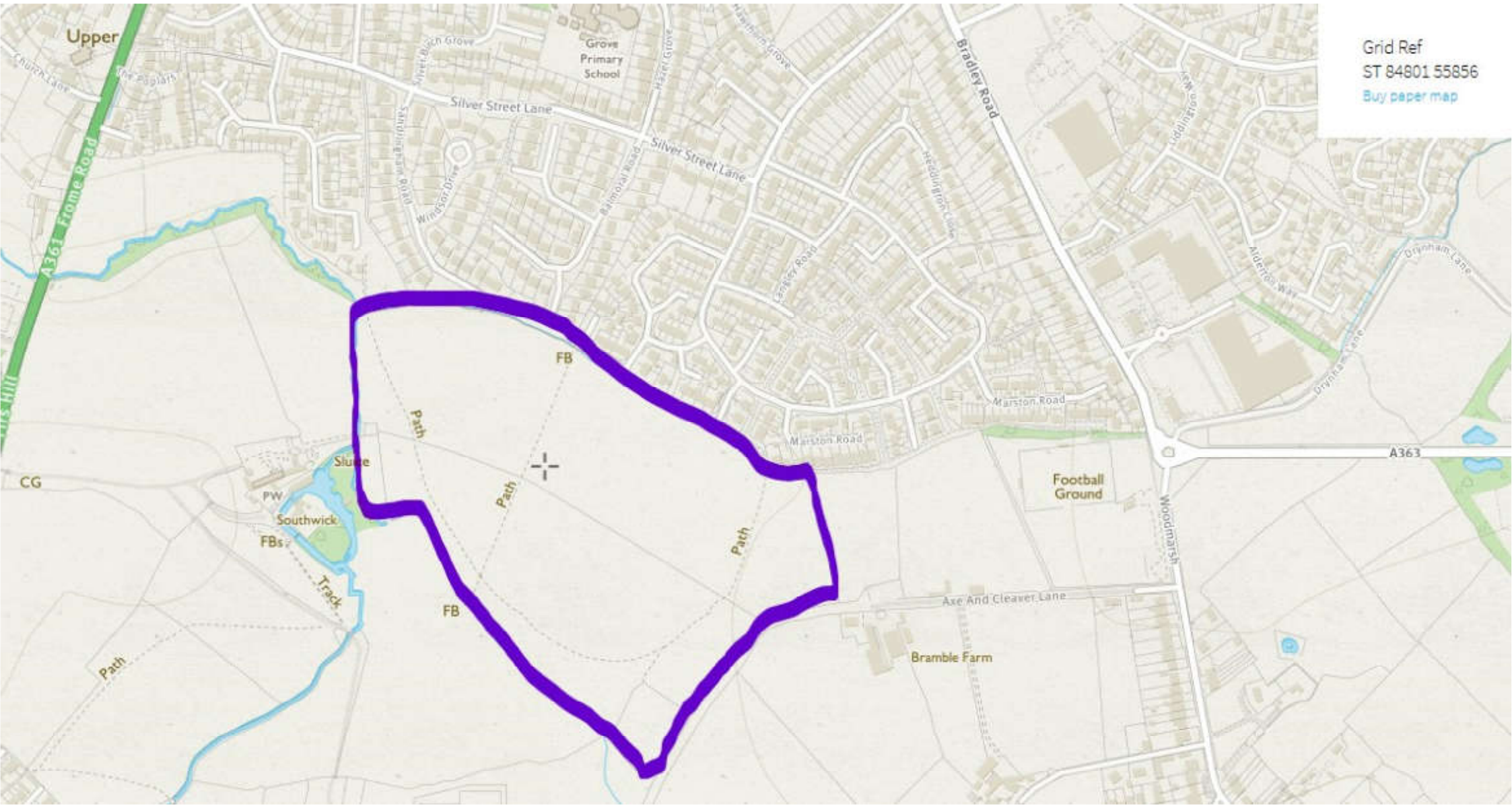
- Camping by local children
- Landing & taking off of para-wings & hot air balloons
- Trail bikes
- The scattering of ashes of local residents with the explicit consent of the landowner.
- Children playing
- Berry picking
- Dog walking
- Drone & kite flying
- Walking

A recent survey indicated an average use of the field of 300 distinct visits/uses per day. This sum equates to approximately a third of a million separate visits every year. To the knowledge of those submitting this application these visits and uses have never been challenged or objected to either formally or informally. Current County Council Policy relating to Community canvassing and usage has not been undertaken (summarised as LP2, CR3 and GM1) so these figures are the only available metrics.

A summary of County Council Policy and descriptive document are also included with this application.

Also included in the documents supporting this application are statements from residents attesting to the permitted use of the site over a minimum of twenty years along with a statement signed in joint names of those attesting to the truth and accuracy of these assertions.





Grid Ref  
ST 84801 55856  
[Buy paper map](#)



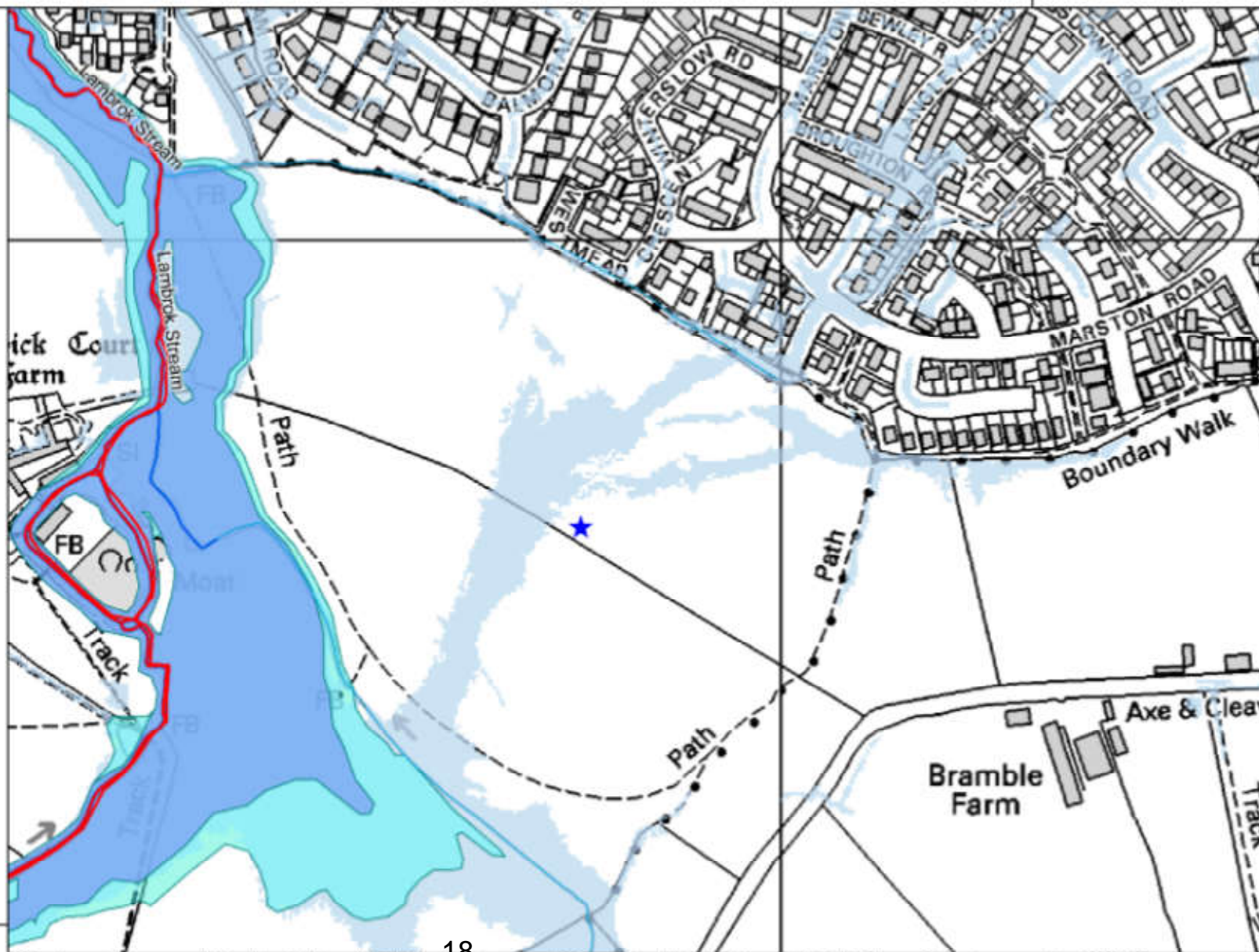




# South Court Farm

## Legend

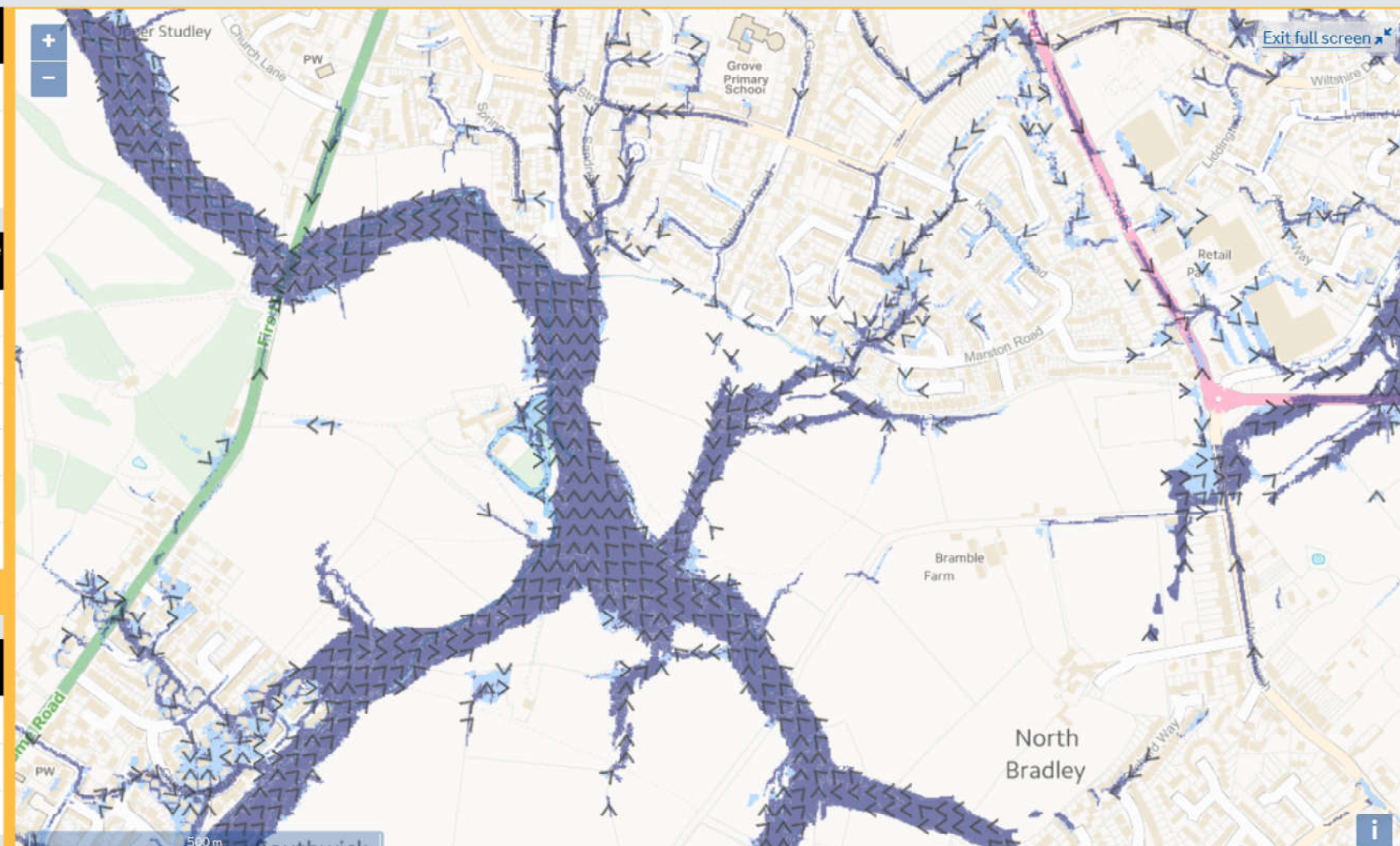
- DRN Sealed Main Rivers - draft
- Sealed Main Rivers
- Detailed River Network**
- Primary River
- Secondary River
- Tertiary River
- Lake / Reservoir
- Canal
- Culvert
- Canal Tunnel
- Underground River (Inferred)
- Underground River (local knowledge)
- Underground River (Potential Sewer)
- Flood Map - Defences**
- Areas Benefiting from Flood Defences
- Flood Map - Flood Storage Areas
- Flood Map - Flood Zone 3
- Flood Map - Flood Zone 2
- uFMSW (2013) - 1 in 1000 chance rain



0 38 76 114 m.



- Flood risk from rivers or the sea**
  - Extent of flooding
  - Depth and flow estimates at monitoring stations
- Flood risk from surface water**
  - Extent of flooding
  - High risk: depth
  - High risk: velocity
  - Medium risk: depth
  - Medium risk: velocity
  - Low risk: depth
  - Low risk: velocity**
- Flood risk from reservoirs**
  - Extent of flooding
  - Flood depth
  - Flood speed



**Low risk scenario**

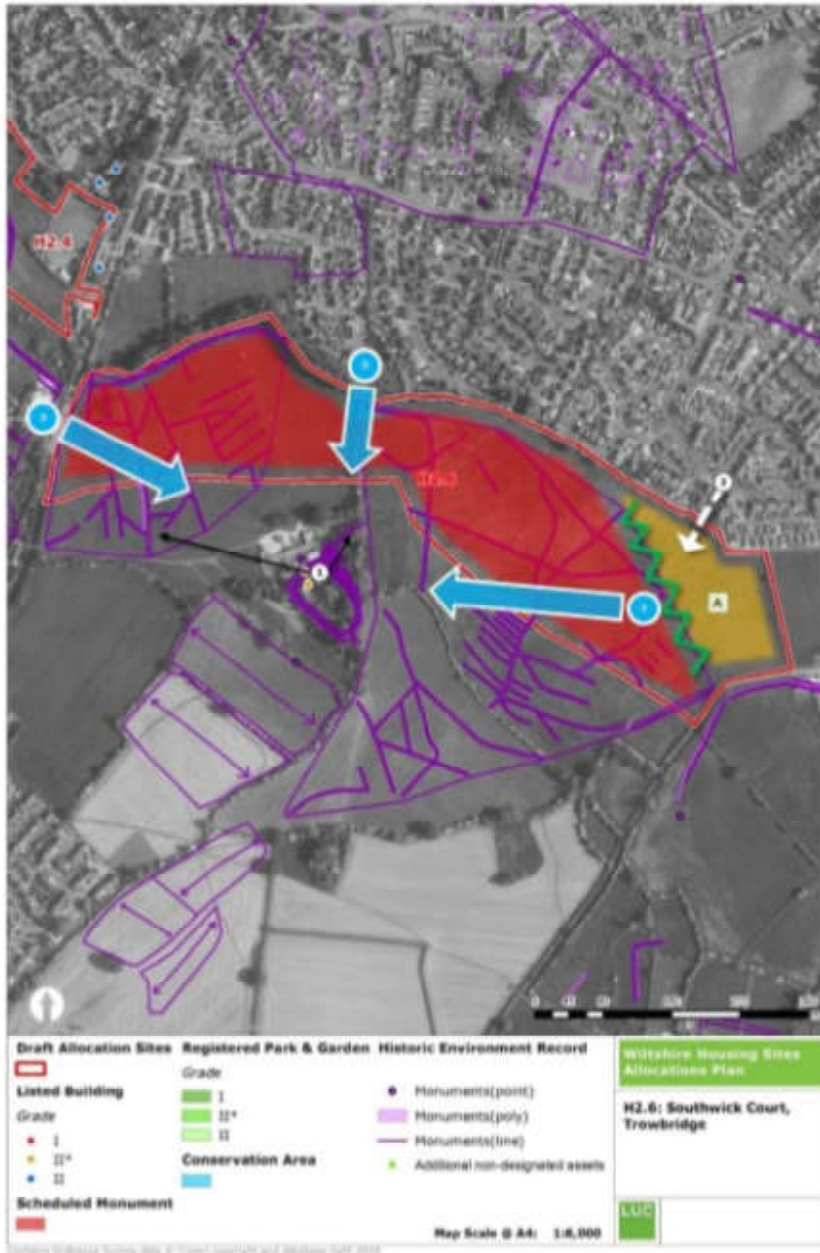
Flood velocity (metres/second)

- Over 0.25 m/s
- Less than 0.25 m/s

Direction of water flow

Location you selected





**Predicted effects**

- 1 Effects comprise loss of functionally and historically connected agricultural land and water meadows that give context and meaning to the development of the manorial centre and, together, form an extensive historic landscape of high importance. Development within the most sensitive parts of the site (shaded in red) would result in extensive harm to this landscape that could not readily be mitigated.
- 2 While development at the eastern end of the site would potentially be less harmful overall (A), this would need to be accessed from the north to avoid more extensive effects.
- 3 The Southwick Court group of assets – visible principally through the trees delineating the boundary of the moat – is prominent within both its immediate setting and the wider landscape. Development would be likely to reduce this prominence, reducing the ability to understand the assets as a high status farm, set apart from contemporaneous settlement and modern settlement.

**Options for sustainable development**

- While development anywhere within the proposed allocation has the potential to harm the significance of the assets identified, the eastern extremity of the site is potentially less sensitive overall.
- A** Any development would need to be strongly visually contained and set well down into the landscape to ensure the visual prominence of the assets remains unchanged. Sensitive landscape design would be required to ensure this could be achieved in a way that maintains the character and quality of the local landscape.

**Wiltshire Housing Site Allocations Plan**  
**Heritage impact assessment**  
**Final Report**  
**Prepared by LUC**                      **March 2018**

**Southwick Court, Trowbridge Description**

3.14 The site comprises a large area of gently rolling agricultural land on the southern edge of Trowbridge. It is bounded on much of its northern edge by modern residential development. **It forms part of the relatively narrow green corridor** separating suburban Trowbridge from the outlying settlements of Southwick and North Bradley.

Wiltshire Housing Site Allocations Plan Sustainability Appraisal Report  
Annex 1 A.9 Trowbridge Principal Settlement

Site context

Site size: 17.6ha      Site capacity: approximately 280 237 dwellings

The site extends across approximately 17.6 hectares of open, agriculturally improved (pasture) grassland. It lies adjacent to the southern/south-western edge of Trowbridge, separated from residential stock through part of its length by the Lambrok Stream, mature Poplar trees and sporadic hedgerows. The site is bound to the east by mature hedgerows, highway verge and the A361 (Frome Road). Beyond the A361 to the west lies Southwick Country Park. **To the east/north-east of the site are a series of open fields used as pasture and informal recreation**, beyond which lie the A363; North Bradley; and the White Horse Business Park. To the south/south-west are open fields associated with Southwick Court and its Grade II\* Listed building complex, with Southwick village further to the south-west. A footpath runs through the site and links to Axe and Cleaver Lane to the east. P190

**The site comprises two large agricultural fields used for livestock grazing and informal recreation.** Development of the site would result in the permanent loss of agricultural land. There is no evidence of contamination issues and the land is not located within a Mineral Safeguarding Area/Waste Site Safeguarding Area. Overall the site option is considered to have a moderate adverse effect on this objective. P193

**The site comprises greenfield, agricultural land/informal open space** P196

**The site functions as a green infrastructure corridor.** The fields are large and open in character and exhibit a strong relationship with the Lambrok Stream (and its floodplain)/Southwick Court (Grade II\* Listed Farmstead). Mature hedgerows/Poplar trees provide a natural and logical boundary to the existing settlement edge of Trowbridge. In a wider sense, the site should be considered within the context of surrounding farmland and the Southwick Country Park which serve as buffer between the Town and village of Southwick. Development of the land would therefore alter the (sic, description incomplete) P201

In terms of historic landscape character, the site of medium sensitivity to change. The land exhibits surviving and legible post-Medieval water meadow features. **Such features are considered to be rare and are often significant contributors to local landscape character.** P201

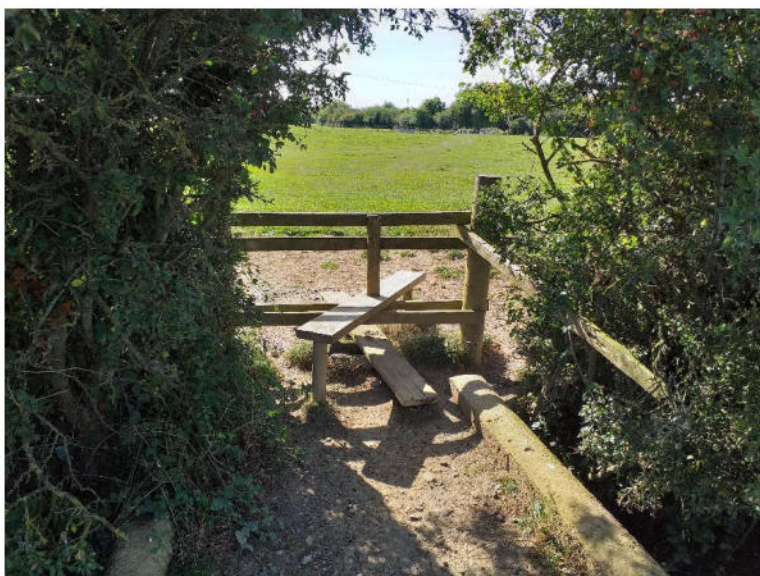
**The land is currently greenfield and trafficked by walkers/dog walkers using the footpaths and fields for informal recreation.** P201

**protect and improve existing Public Rights of Way (PRoW) that cross the site.** P205

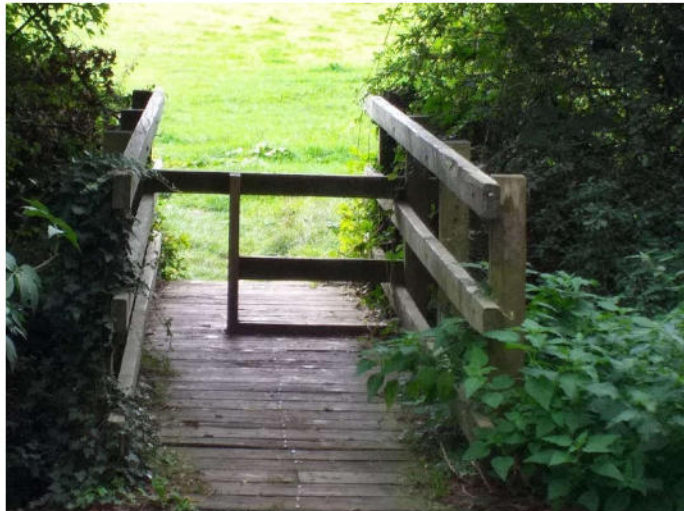


# Photos

## Access points







## **Policy statement**

### **Leisure & Recreation Development Plan**

In submitting this application, it is believed that it supports and abides by County Policy.

To support this assertion a distillation of the Leisure & Recreation Development Plan Document is summarised below. It is believed that this application enhances the policies and aims within the document.

Furthermore, the adoption of the land within the Trowbridge Community Area is clearly intended to allow the continued use of the land for its present functions. Given the synergy between policy, action and preservation at this time it can be taken as read that, in light of the regeneration of brown field sites within the town, this adoption is the current wish of both the Town and County Councils.

### **Highlights from 'Leisure and recreational plan' document (January 2009)**

*(West Wilts District Council)*

2.4

Growing demand will also focus attention on the need for better management and maintenance of existing facilities.

2.7

Improving social and physical access to recreation can provide opportunities for health improvement. There are pockets of deprivation, particularly in Trowbridge

2.8

Although deprivation in the District is relatively low within the national context, some of West Wiltshire's wards are amongst the most deprived in the country. According to latest health profile statistics (published 2006), only 3% of West Wiltshire's inhabitants live in the most deprived fifth of areas in England, but 13% of children live in low income households. The provision of recreational facilities, including well designed children's playgrounds, can provide an opportunity for fun, providing that accessibility (in terms of cost and location) to lower income populations is guaranteed.

2.12

Many of these areas are open for public access, providing the people of West Wiltshire with opportunities to enjoy the natural environment and there is strong evidence that this has clear health benefits. The L&RNA revealed that people feel that protecting the environment should be a high priority and that villages should be protected from over-development.

2.17

The creation of new greenspace, as part of developments, and the enhancement of existing spaces through habitat management are important ways in which recreation provision can help to mitigate against the impacts of climate change.

3.4

Sustainable Communities: People, Places and Prosperity (2005) identifies the Government's commitment to deliver housing, services and facilities, including good parks and a pleasant, safe, clean and green environment for local communities.

- use planning obligations to remedy both qualitative and quantitative deficiencies in provision and provide additional resources for green spaces;
- provide a clear statement that before an open space can be redeveloped for another purpose, it must be "surplus to requirements" in terms of open space generally

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Regional Planning Guidance for the South West (RPG10) (2001) is the current statutory Regional Spatial Strategy for the South West and therefore part of the development plan for West Wiltshire. It includes a chapter devoted to tourism, culture, leisure and sport, which states that local authorities should: • identify and protect recreational open spaces and playing fields;

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The Draft Regional Spatial Strategy for the South West 2006 – 2026 is the emerging Regional Spatial Strategy (RSS) which will replace existing structure plans in the region when it is finally adopted, probably later in 2008. Section 6 of the RSS deals, amongst other issues, with leisure and recreation. It emphasises the importance of:

- green Infrastructure, which is itself an important means of providing positive benefits for the region and includes parks, woodland and informal open space, as well as links between town and country and along canals and watercourses, and is the subject of RSS Policy GI1.

### 3.10

The Wiltshire and Swindon Structure Plan 2016, which was adopted jointly by Wiltshire County Council and Swindon Borough Council in April 2006, will shortly be replaced by the RSS. The Structure Plan deals with recreation, leisure and tourism in Chapter 8, which also contains a number of policy provisions, including:

- the need for recreational open space;
- the provision of opportunities for informal countryside recreation;

### 3.12

West Wiltshire – a place to be proud of (2004-2014) is the community strategy for West Wiltshire, produced by the West Wiltshire Local Strategic Partnership. It is based upon similar themes to those set out in the county strategy and, in relation to this DPD, the relevant policies are to:

- encourage the use of parks and open spaces and ensure access for all

### 3.17

There are many common themes which can be identified through all levels of strategy and policy development. The most salient themes for this DPD to address are:

- providing infrastructure which will allow residents to be more active;
- recognising the importance of the high quality countryside in the district

### 4.9

Proposed distance thresholds for West Wiltshire are set out in Table 5 below. As it will not always be possible to achieve this level of accessibility for every resident of the District to all forms of provision, especially in established residential and other areas, these thresholds in general represent a policy aspiration rather than a firm requirement. However, they are a requirement for new development.

Table 5: Proposed distance thresholds

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Most greenspaces	10	600 m	1,200 m	-
Grass pitches	15	900 m	1,800 m	5,000 m
Indoor sports facilities	20	1,200 m	2,400 m	10,000 m

Source: Leisure and Recreation Needs Assessment (2007)

### Greenspace management and maintenance

- Greenspaces should be designed and maintained to be as safe as possible;
- Local communities throughout the district would like to see their local greenspaces better managed and maintained; and
- Local communities should be encouraged to become involved in greenspace management and maintenance.

### Country parks

- There are opportunities to make better use of urban fringe locations to increase access to the countryside

### 6.1

This vision has a number of key components:



- The network of spaces and facilities is more important than any individual spaces or facilities - in other words, the whole is greater than the sum of the parts. Equally, every space or facility does not have to be suitable for all of its possible uses - spaces can be designed and maintained for specific purposes;
- Greenspace, accessible countryside and sport and recreation provision help to support “liveability”; greenspaces and accessible countryside help to form an image of the district for both residents and visitors;
- Greenspaces and accessible countryside support sustainability in various ways provided they are designed and/or managed in ways that make this possible. For example, there is evidence that visiting greenspaces helps relieve stress, therefore contributing to people’s emotional, physical and mental health, and that greenspaces help to reduce pollution and climate issues and surface water run-off;
- Greenspaces should be designed and managed in ways that support and encourage wildlife and biodiversity

## **Deliver sustainable leisure and recreation facilities**

### 7.2

Delivering sustainable development<sup>2</sup> is a key objective for this DPD. All proposals will be assessed against the principles of sustainable development which are set out below and which are the foundation of the policies in this document:

- Protect and wherever possible enhance environmental assets, including wildlife and natural habitats, historic features and sites, local landscape and townscape character;

### 7.3

In addition to this principal objective, a number of specific leisure and recreation objectives have been identified. These are to:

- Maximise access to the countryside for active and passive recreation;

### 7.8

Within rural areas, the most important needs which this DPD seeks to address are for:

- increased public access to the countryside, including urban fringe country parks around Bradford on Avon and Trowbridge;

### 8.2

Existing open space and sport and recreation facilities should be protected from development where local assessments demonstrate that they are of high quality or high value to the local community. The Council has carried out a detailed Leisure and Recreation Needs Assessment to identify those facilities which are of high or low quality and value. Those spaces which are of high value and/or of high quality will be protected. These are listed in Appendix 1. This assessment will be regularly reviewed and the quality and value of sites reassessed to ensure that existing provision continues to meet local needs into the future.

### 8.3

"Quality" is defined as the range of features or facilities on the site (e.g. trees, shrubs or seats), their basic characteristics (e.g. appropriate to the site or not), and their condition (e.g. on a spectrum from very good to very poor). "Value" refers to the value of a site to people and bio-diversity; to its cultural and heritage value; and to its strategic value - for example, by providing a sense of openness in a densely developed area.

## **Policy LP 2 Proposals that involve the loss of open space or sport and recreation provision**

Proposals that result in the loss of open spaces or sport and recreation facilities will be permitted only if this would not cause significant harm to nature conservation interests, to the landscape or settlement character and at least one of the following policy tests is met:

- (i) The site that will be lost is clearly surplus to requirements in terms of its current use, and there is no need for it to be used for a different form of open space or sport and recreation provision; or
- (ii) The development will result in the enhancement of other existing spaces or facilities - this will represent a greater benefit to the community served by the provision that will be lost than retaining the previous facilities; or
- (iii) The development will result in replacement provision that will be at least as accessible, at least equivalent in terms of attractiveness and quality, and capable of accommodating and sustaining at least the same levels and types of use as the provision that will be lost

8.4

This DPD does not propose the loss of open space or sport and recreation provision. However, a framework is needed to deal with proposals that come forward through the planning application process.

8.5

In certain specific cases, it may be acceptable for development to take place upon existing open spaces. This is broadly where there is no need for the open space or where development will enhance or replace existing local provision. Decisions should be taken having regard to an up-to-date local recreation needs assessment.

8.9

There is a need for a staged approach to reviewing low value sites. The first and therefore preferable option is to retain the site and enhance it when resources allow. However, this should depend upon there not being adequate alternative provision of the same type of greenspace within the distance threshold of the site, with higher existing or potential value to the local community. If there is no adequate alternative provision, sites will be assessed for their potential for enhancement to increase their value. This could include enriching the wildlife and biodiversity content through projects with such bodies as Wiltshire Wildlife Trust or upgrading facilities to meet the demands arising from new development through the use of developer funded contributions.

8.12

The District Council will have regard to the views of the local community, including tenants' and residents' associations.

## **11 Countryside access**

### **Spatial Objective: Maximise access to the countryside for active and passive recreation**

#### **Policy CR1 Footpaths and Rights of Way**

The public rights of way network will be protected from development for other land uses and extensions and improvements will be sought, where appropriate, as part of development proposals.

The public rights of way network will be reviewed and plans implemented to:

(i) Improve the network through better designed and accessible furniture, signage, waymarking and interpretation boards, lighting and maintenance

#### **Delivery**

Protection of existing routes through the development control process - Local planning authority and other decision makers.

11.1

Within built up areas, footpaths, towpaths and bridleways play an important recreational role linking urban open spaces together. Outside urban areas, they provide opportunities for public access to and enjoyment of the open countryside. Footpaths and rights of way (RoWs) also form part of a more general transportation network allowing people to choose a more sustainable means of transport to the private car when travelling between homes and local facilities.

11.15

The identification of green wedges, informal recreation spaces and networks of linear routes between recreational destinations within and on the edge of urban areas can serve to maximise the use of natural riversides, woodlands and meadows. This can be beneficial to local communities by providing a safe and pleasant network of green space away from road traffic and also to wildlife conservation by protecting habitats and wildlife corridors within urban areas. The provision of appropriate land and facilities in developing this network may be secured through legal agreements and planning obligations where appropriate.

TABLE 9 POLICY MONITORING

POLICY	INDICATOR	TARGET	SOURCE	FREQUENCY
<b>LP1</b> Protection and enhancement of existing open space or sport and recreation provision	Level of satisfaction with sports/leisure facilities (National Indicator BV119a)	Improve and maintain customer satisfaction with sport/leisure facilities (65% by 2010)	Local survey (Peoples Voice) Statutory satisfaction survey (ODPM)	Annually Every 3 years
<b>LP2</b> Proposals that involve the loss of open space or sport and recreation provision	Level of satisfaction with parks and open spaces (National Indicator BV 119e)	Improve and maintain customer satisfaction with parks and open spaces (80% by 2010)	Local survey (Peoples Voice) Statutory satisfaction survey (ODPM)	Annually Every 3 years
<b>LP3</b> Review of low value sites	Proportion of total open space areas and sports facilities that are high value and high quality	Raise number of sport and recreational facilities that are high value and high quality (target for 2010 to be developed)	LRNA database Rolling audit review	Annually
<b>LP4</b> Providing recreation facilities in new developments	Number of swims and other visits to the Council's 8 leisure facilities (WWDC Service Indicator CL2)	Raise number of swims and other visits to the Council's 8 leisure facilities(10,700 pa by 2010)	DCL user statistics	Monthly
<b>LP5</b> New sport and recreation facilities	% of people declaring that they regularly undertake physical activity(WWDC Service Indicator CL1)	Increase % of people declaring that they regularly undertake physical activity by 1% per annum	Active People Survey (Sport England)	Annually
	LAA Indicator: 1% increase per annum in numbers achieving ½ hour per day moderate intensity physical activity.	LAA Outcome: The District Council, together with its partners, will improve health and reduce health inequalities with a view to halting the rising trend in obesity through increased activity levels.	Active People Survey (Sport England)	Annually

<b>OS1</b> New artificial turf pitch provision	Level of satisfaction with sports/leisure facilities (National Indicator BV119a)	Improve and maintain customer satisfaction with sport/leisure facilities (65% by 2010)	Local survey (Peoples Voice) Statutory satisfaction survey (ODPM)	Annually Every 3 years
<b>OS2</b> New grass pitch provision	Proportion of total open space areas and sports facilities that are high value and high quality	Raise number of sport and recreational facilities that are high value and high quality (target for 2010 to be developed)	LRNA database Rolling audit review	Annually
	Number of swims and other visits at the Council's 8 leisure facilities (WWDC Service Indicator CL2)	Raise number of swims and other visits at the Council's 8 leisure facilities(10,700 pa by 2010)	WWDC Sustainable Communities (Leisure) DCL user statistics	Monthly
	Number of visits to "joint" leisure facilities where the Council has a joint use agreement	Raise number of visits to the leisure facilities where the Council has a joint use agreement	WWDC Sustainable Communities (Leisure) DCL user statistics	Monthly
	Number of visitors accessing facilities by foot, cycle or public transport (or wishing to)(customer survey required)	Raise number of visitors accessing facilities by foot, cycle or public transport (or wishing to)	Active People Survey (Sport England)	Annually
<b>CR1</b> Footpaths and rights of way	% of total length of Rights of Way which meet "ease of use criteria"	Achieve "ease of use" of 85% of Rights of Way within Wiltshire by 2010	ROWIP (NB Rights of Way cross municipal boundaries)	
<b>CR2</b> Country parks	Level of customer satisfaction with parks and open spaces (National Indicator BV 119e)	Improve and maintain customer satisfaction with parks and open spaces (80% by 2010)	Local survey (Peoples Voice) Statutory satisfaction survey (ODPM)	Annually Every 3 years
<b>CR3</b> Greenspace network	Proportion of total open space areas and sports facilities that are high value and high quality	Raise number of sport and recreational facilities that are high value and high quality (target for 2010 to be developed)	LRNA database Rolling audit review	Annually

	% of people declaring that they regularly undertake physical exercise (WWDC Service Indicator CL1)	Increase % of people declaring that they regularly undertake physical activity by 1% per annum	Active People Survey (Sport England)	Annually
	Numbers of new community nature reserves created within the District	Create at least 1 new community nature reserve every 2 years	Wiltshire Wildlife Trust	Biennially
	LAA Indicator: 1% increase per annum in numbers achieving ½ hour per day moderate intensity physical activity.	LAA Outcome: The District Council, together with its partners, will improve health and reduce health inequalities with a view to halting the rising trend in obesity through increased activity levels.	Active People Survey (Sport England)	Annually
<b>GM1</b> Maintenance of existing open space	Level of customer satisfaction with parks and open spaces (National Indicator BV 119e)	Improve and maintain customer satisfaction with parks and open spaces (80% by 2010)	Local survey (Peoples Voice) Statutory satisfaction survey	Every 3 years
<b>GM2</b> Management and maintenance of new or enhanced open space	Proportion of total open space areas and sports facilities that are high value and high quality	Raise number of sport and recreational facilities that are high value and high quality (target for 2010 to be developed)	LRNA database Rolling audit review	Annually
<b>GM3</b> Future management partnerships				
<b>IS1</b> Indoor leisure centres	Level of satisfaction with sports/leisure facilities (National Indicator BV119a)	Improve and maintain customer satisfaction with sport/leisure facilities (65% by 2010)	Local survey (Peoples Voice) Statutory satisfaction survey (ODPM)	Annually Every 3 years
<b>IS2</b> Joint indoor leisure centres	Number of swims and other visits to the Council's 8 leisure facilities (WWDC Service Indicator CL2)	Raise number of swims and other visits to the Council's 8 leisure facilities (10,700 pa by 2010)	WWDC Sustainable Communities (Leisure) DCL user statistics	Annually
<b>SC1</b>				

## **APPENDIX 3**

Proposed quality standards

Accessible Natural Greenspace

### **General Characteristics**

• Open naturalistic appearance which blends into the surrounding countryside • Only limited internal areas of poor visibility • Distinct identity • Good use of views out of or across the site • Good use of topography, space and planting

### **Accessibility**

• Entrances or access points linked to rights of way, bridlepaths, quiet lanes and cycling routes and water courses to create wildlife corridors and a network of greenspaces • Accessible from the adjacent road or car park area by walking or in a wheelchair where appropriate • Good network of internal paths, linking to rights of way, bridle paths, quiet lanes and cycling routes in the vicinity

### **Planting and Biodiversity**

• Good mix of native species and habitats, depending on site characteristics • Dense, bushy hedgerows • Wildlife protection areas • Clearings or gaps in tree crowns to allow light penetration to woodland floor, where appropriate • Well developed shrub, field and ground layers and wide, species rich edge, where appropriate

### **Facilities and Features**

- Built heritage structures and natural features conserved
- Signs requiring dogs to be kept under control and fouling disposed of to “pooper” bins
- “Way marked” routes, where appropriate

### **Management and Maintenance**

- Limited evidence of vandalism or graffiti, and rapid and effective removal
- Very little or no evidence of dog fouling and “pooper bins” available at various points, plus notices relating to the avoidance of dog fouling
- No or very little evidence of flytipping and rapid, effective removal of tipped material

## **APPENDIX 4**

### **POLICY CONTEXT**

#### **1.5**

The Countryside and Rights of Way (CRoW) Act 2000 extends the general public’s access to the countryside and gives them the opportunity to walk freely on mapped areas of down land and registered common land in the District. At the same time, the protection of precious natural resources, including rare and vulnerable species and their habitats, need to be secured as required by the Wildlife and Countryside Act 1981, as amended and the Habitats Regulations 1994.

### **2. Regional plans and policies**

#### **2.1**

The emerging Regional Spatial Strategy for the South West 2006-2026 (draft 2006) indicates that the broad thrust of RPG10 policy is still relevant but it reinforces and highlights sustainable development priorities. It emphasises that access to sport, recreation and open space is essential in shaping sustainable, healthy, communities and that the availability of such facilities contributes to quality of life and a feeling of well being.

#### **2.4**

Green Infrastructure (Policy GI1) is identified as a key component of the quality of life in urban areas and is described as a network of multifunctional sites (such as parks, informal open spaces and nature reserves) including some “blue” linkages such as water courses.

## **Policy statement**

### **Leisure & Recreation Development Plan**

In submitting this application, it is believed that it supports and abides by County Policy.

To support this assertion a distillation of the Leisure & Recreation Development Plan Document is summarised below. It is believed that this application enhances the policies and aims within the document.

Furthermore, the adoption of the land within the Trowbridge Community Area is clearly intended to allow the continued use of the land for its present functions. Given the synergy between policy, action and preservation at this time it can be taken as read that, in light of the regeneration of brown field sites within the town, this adoption is the current wish of both the Town and County Councils.

### **Highlights from ‘Leisure and recreational plan’ document (January 2009)**

*(West Wilts District Council)*

2.4

Growing demand will also focus attention on the need for better management and maintenance of existing facilities.

2.7

Improving social and physical access to recreation can provide opportunities for health improvement. There are pockets of deprivation, particularly in Trowbridge

2.8

Although deprivation in the District is relatively low within the national context, some of West Wiltshire’s wards are amongst the most deprived in the country. According to latest health profile statistics (published 2006), only 3% of West Wiltshire’s inhabitants live in the most deprived fifth of areas in England, but 13% of children live in low income households. The provision of recreational facilities, including well designed children’s playgrounds, can provide an opportunity for fun, providing that accessibility (in terms of cost and location) to lower income populations is guaranteed.

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- There are opportunities to make better use of urban fringe locations to increase access to the countryside

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## **Deliver sustainable leisure and recreation facilities**

### 7.2

Delivering sustainable development<sup>2</sup> is a key objective for this DPD. All proposals will be assessed against the principles of sustainable development which are set out below and which are the foundation of the policies in this document:

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In addition to this principal objective, a number of specific leisure and recreation objectives have been identified. These are to:

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### **Spatial Objective: Maximise access to the countryside for active and passive recreation**

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Protection of existing routes through the development control process - Local planning authority and other decision makers.

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<b>LP5</b> New sport and recreation facilities	% of people declaring that they regularly undertake physical activity(WWDC Service Indicator CL1)	Increase % of people declaring that they regularly undertake physical activity by 1% per annum	Active People Survey (Sport England)	Annually
	LAA Indicator: 1% increase per annum in numbers achieving ½ hour per day moderate intensity physical activity.	LAA Outcome: The District Council, together with its partners, will improve health and reduce health inequalities with a view to halting the rising trend in obesity through increased activity levels.	Active People Survey (Sport England)	Annually

<b>OS1</b> New artificial turf pitch provision	Level of satisfaction with sports/leisure facilities (National Indicator BV119a)	Improve and maintain customer satisfaction with sport/leisure facilities (65% by 2010)	Local survey (Peoples Voice) Statutory satisfaction survey (ODPM)	Annually Every 3 years
<b>OS2</b> New grass pitch provision	Proportion of total open space areas and sports facilities that are high value and high quality	Raise number of sport and recreational facilities that are high value and high quality (target for 2010 to be developed)	LRNA database Rolling audit review	Annually
	Number of swims and other visits at the Council's 8 leisure facilities (WWDC Service Indicator CL2)	Raise number of swims and other visits at the Council's 8 leisure facilities(10,700 pa by 2010)	WWDC Sustainable Communities (Leisure) DCL user statistics	Monthly
	Number of visits to "joint" leisure facilities where the Council has a joint use agreement	Raise number of visits to the leisure facilities where the Council has a joint use agreement	WWDC Sustainable Communities (Leisure) DCL user statistics	Monthly
	Number of visitors accessing facilities by foot, cycle or public transport (or wishing to)(customer survey required)	Raise number of visitors accessing facilities by foot, cycle or public transport (or wishing to)	Active People Survey (Sport England)	Annually
<b>CR1</b> Footpaths and rights of way	% of total length of Rights of Way which meet "ease of use criteria"	Achieve "ease of use" of 85% of Rights of Way within Wiltshire by 2010	ROWIP (NB Rights of Way cross municipal boundaries)	
<b>CR2</b> Country parks	Level of customer satisfaction with parks and open spaces (National Indicator BV 119e)	Improve and maintain customer satisfaction with parks and open spaces (80% by 2010)	Local survey (Peoples Voice) Statutory satisfaction survey (ODPM)	Annually Every 3 years
<b>CR3</b> Greenspace network	Proportion of total open space areas and sports facilities that are high value and high quality	Raise number of sport and recreational facilities that are high value and high quality (target for 2010 to be developed)	LRNA database Rolling audit review	Annually

	% of people declaring that they regularly undertake physical exercise (WWDC Service Indicator CL1)	Increase % of people declaring that they regularly undertake physical activity by 1% per annum	Active People Survey (Sport England)	Annually
	Numbers of new community nature reserves created within the District	Create at least 1 new community nature reserve every 2 years	Wiltshire Wildlife Trust	Biennially
	LAA Indicator: 1% increase per annum in numbers achieving ½ hour per day moderate intensity physical activity.	LAA Outcome: The District Council, together with its partners, will improve health and reduce health inequalities with a view to halting the rising trend in obesity through increased activity levels.	Active People Survey (Sport England)	Annually
<b>GM1</b> Maintenance of existing open space	Level of customer satisfaction with parks and open spaces (National Indicator BV 119e)	Improve and maintain customer satisfaction with parks and open spaces (80% by 2010)	Local survey (Peoples Voice) Statutory satisfaction survey	Every 3 years
<b>GM2</b> Management and maintenance of new or enhanced open space	Proportion of total open space areas and sports facilities that are high value and high quality	Raise number of sport and recreational facilities that are high value and high quality (target for 2010 to be developed)	LRNA database Rolling audit review	Annually
<b>GM3</b> Future management partnerships				
<b>IS1</b> Indoor leisure centres	Level of satisfaction with sports/leisure facilities (National Indicator BV119a)	Improve and maintain customer satisfaction with sport/leisure facilities (65% by 2010)	Local survey (Peoples Voice) Statutory satisfaction survey (ODPM)	Annually Every 3 years
<b>IS2</b> Joint indoor leisure centres	Number of swims and other visits to the Council's 8 leisure facilities (WWDC Service Indicator CL2)	Raise number of swims and other visits to the Council's 8 leisure facilities (10,700 pa by 2010)	WWDC Sustainable Communities (Leisure) DCL user statistics	Annually
<b>SC1</b>				

## **APPENDIX 3**

Proposed quality standards

Accessible Natural Greenspace

### **General Characteristics**

• Open naturalistic appearance which blends into the surrounding countryside • Only limited internal areas of poor visibility • Distinct identity • Good use of views out of or across the site • Good use of topography, space and planting

### **Accessibility**

• Entrances or access points linked to rights of way, bridlepaths, quiet lanes and cycling routes and water courses to create wildlife corridors and a network of greenspaces • Accessible from the adjacent road or car park area by walking or in a wheelchair where appropriate • Good network of internal paths, linking to rights of way, bridle paths, quiet lanes and cycling routes in the vicinity

### **Planting and Biodiversity**

• Good mix of native species and habitats, depending on site characteristics • Dense, bushy hedgerows • Wildlife protection areas • Clearings or gaps in tree crowns to allow light penetration to woodland floor, where appropriate • Well developed shrub, field and ground layers and wide, species rich edge, where appropriate

### **Facilities and Features**

- Built heritage structures and natural features conserved
- Signs requiring dogs to be kept under control and fouling disposed of to “pooper” bins
- “Way marked” routes, where appropriate

### **Management and Maintenance**

- Limited evidence of vandalism or graffiti, and rapid and effective removal
- Very little or no evidence of dog fouling and “pooper bins” available at various points, plus notices relating to the avoidance of dog fouling
- No or very little evidence of flytipping and rapid, effective removal of tipped material

## **APPENDIX 4**

### **POLICY CONTEXT**

#### **1.5**

The Countryside and Rights of Way (CRoW) Act 2000 extends the general public’s access to the countryside and gives them the opportunity to walk freely on mapped areas of down land and registered common land in the District. At the same time, the protection of precious natural resources, including rare and vulnerable species and their habitats, need to be secured as required by the Wildlife and Countryside Act 1981, as amended and the Habitats Regulations 1994.

### **2. Regional plans and policies**

#### **2.1**

The emerging Regional Spatial Strategy for the South West 2006-2026 (draft 2006) indicates that the broad thrust of RPG10 policy is still relevant but it reinforces and highlights sustainable development priorities. It emphasises that access to sport, recreation and open space is essential in shaping sustainable, healthy, communities and that the availability of such facilities contributes to quality of life and a feeling of well being.

#### **2.4**

Green Infrastructure (Policy GI1) is identified as a key component of the quality of life in urban areas and is described as a network of multifunctional sites (such as parks, informal open spaces and nature reserves) including some “blue” linkages such as water courses.

### **3. Acknowledgement of Application - 12/06/20 (Electronic Copy)**

**From:** [Norman Swanney](#)  
**Sent:** 12 June 2020 16:26  
**To:** [Green, Janice](#)  
**Subject:** RE: Commons Act 2006 - Section 15 Application to Register Land as TVG (Southwick Court Fields)

---

Dear Janice (*if I may*)

Many thanks for this swift acknowledgement.

I have the Royal Mail proof of delivery at County Hall and know it has been received safely in your mail room.

I look forward to hearing from you at your earliest convenience.

Stay Safe

*Norman*

Norman Swanney  
[REDACTED]

---

**From:** Green, Janice <janice.green@wiltshire.gov.uk>  
**Sent:** 12 June 2020 14:15  
**To:** Norman Swanney [REDACTED]  
**Subject:** RE: Commons Act 2006 - Section 15 Application to Register Land as TVG (Southwick Court Fields)

Dear Mr Swanney,

**Commons Act 2006 – Sections 15(1) and (2)**  
**Southwick Court Fields**

I confirm safe receipt of your application to register land known as Southwick Court Fields, as a Town or Village Green in electronic form. Where we are working remotely at this time, I am not yet able to confirm receipt of the paper copy at County Hall. Please note that this e-mail does not constitute formal acceptance or acknowledgement that the application is valid and the Registration Authority must now seek advice from the local planning authority and the Planning Inspectorate, before the Registration Authority can reach a view on whether or not to accept the application. I will of course advise you on this matter in due course.

Kind regards,

Janice Green  
Senior Definitive Map Officer  
Rights of Way and Countryside  
Wiltshire Council  
County Hall  
Trowbridge  
BA14 8JN



## Wiltshire Council

Telephone: Internal 13345 External: +44 (0)1225 713345

Email: [janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)

Information relating to the way Wiltshire Council will manage your data can be found at:

<http://www.wiltshire.gov.uk/recreation-rights-of-way>

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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---

**From:** Norman Swanney [REDACTED]  
**Sent:** 11 June 2020 17:34  
**To:** Green, Janice <[janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)>  
**Subject:** RE: Commons Act 2006 - Section 15 Application to Register Land as TVG (Southwick Court Fields)

Dear Ms Green

I am re-submitting my application to register land at Southwick and North Bradley (Southwick Court Fields), as a Town or Village Green under Sections 15(1) and (2) of the Commons Act 2006 as I believe that all trigger events have been terminated.

Please find attached covering letter, application and enclosures. The application in full has been sent to you today by recorded delivery via Royal Mail.

Yours sincerely

*Norman Swanney*  
[REDACTED]

---

**From:** Green, Janice <[janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)>  
**Sent:** 24 February 2020 11:35  
**To:** [REDACTED]  
**Subject:** Commons Act 2006 - Section 15 Application to Register Land as TVG (Southwick Court Fields)

Dear Mr Swanney,

**Commons Act 2006 – Sections 15(1) and (2)**

### **3. Acknowledgement of Application - 22/06/20 (Paper Copy)**



**From:** [Green, Janice](#)  
**Sent:** 22 June 2020 14:56  
**To:** [REDACTED]  
**Subject:** Commons Act 2006 - Section 15 Application to Register Land as Town/Village Green (Southwick Court Fields)

---

Dear Mr Swanney,

**Commons Act 2006 – Sections 15(1) and (2)**  
**Southwick Court Fields**

Just to confirm that I have now safely received the paper copy of your application to register land known as Southwick Court Fields, as a Town or Village Green. Again, please note that this does not constitute formal acceptance or acknowledgement that the application is valid. I will now continue to seek advice from the Planning Authorities.

Thank you for your help in this matter.

Kind regards,

Janice

Janice Green  
Senior Definitive Map Officer  
Rights of Way and Countryside  
Wiltshire Council  
County Hall  
Trowbridge  
BA14 8JN



Telephone: Internal 13345 External: +44 (0)1225 713345  
Email: [janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)

Information relating to the way Wiltshire Council will manage your data can be found at:  
<http://www.wiltshire.gov.uk/recreation-rights-of-way>

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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#### **4. Trigger and Terminating Event Consultation - 22/06/20**

##### **i) Development Control (Wiltshire Council)**

22<sup>nd</sup> June 2020

Rights of Way & Countryside Team  
Communities and Neighbourhood Services  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Mike Wilmott  
Head of Development Management,  
Operations & Spatial Planning  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire, BA14 8JN

Your ref:  
Our ref: JG/PC/171 & PC/208

Dear Mr Wilmott,

**Commons Act 2006 – Sections 15(1) & (2)**  
**Application to Register Land as a Town or Village Green - Southwick Court Fields, Southwick and North Bradley**

I write on behalf of Wiltshire Council which has received an application under Sections 15(1) and (2) of the Commons Act 2006 to register land at Southwick Court Fields, in the parishes of Southwick and North Bradley, as a town or village green. I enclose a map of the relevant land.

Due to an amendment of the legislation on greens registration by the Growth and Infrastructure Act 2013, the right to apply for the registration of a green is excluded if any one of a number of prescribed planning-related events (“trigger events”) has occurred in relation to the land. The right to apply becomes exercisable again only if a corresponding terminating event has occurred in relation to that land.

The trigger and terminating events are set out in Schedule 1A to the Commons Act 2006. A copy can be read here:

[www.legislation.gov.uk/ukpga/2013/27/schedule/4/enacted](http://www.legislation.gov.uk/ukpga/2013/27/schedule/4/enacted)

The list of trigger and terminating events was extended by the Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014. A copy can be read here:

[www.legislation.gov.uk/uksi/2014/257/contents/made](http://www.legislation.gov.uk/uksi/2014/257/contents/made)

The table set out in Schedule 1A was further extended by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 Statutory Instrument 2017 No. 276. A copy can be read here:

[www.legislation.gov.uk/uksi/2017/276/contents/made](http://www.legislation.gov.uk/uksi/2017/276/contents/made)

Please could you read through the trigger and terminating events and tick one of the three boxes below which describes the situation and set out in detail any relevant information in the box further below, and return the completed form and any relevant maps to me at the postal address above, or e-mail address below.

If a relevant trigger event and/or corresponding terminating event has occurred, please clearly mark on the map provided (or your own map), the extent of the land on which the event took place. Where more than one trigger event has occurred, please confirm whether a corresponding terminating event has occurred in respect of each trigger event. Please note that where a trigger event or terminating event occurred prior to the change in the law, i.e. prior to 25<sup>th</sup> April 2013, it is still considered a valid event. For example, if a local plan (i.e. a development plan document) adopted in 2008 identifies the land in question for development, then that is a valid trigger event. In cases where a trigger event has occurred in relation to part, but not all, of the land, the first and second boxes should be ticked and the detail explained in the box. The map should clearly indicate the areas which are and are not subject to the trigger event.

Your answer will determine whether or not the authority can accept an application for registration of a green. The decision could be the subject of legal action, so I must stress the need for you to be certain about the information included in your return.

A copy of this letter has also been sent to Spatial Planning at Wiltshire Council and the Planning Inspectorate. Please notify me if you are aware that any other authority has responsibility for development control or plan-making functions in respect of the land to which this application relates.

Could you please reply to the address above by Tuesday 21<sup>st</sup> July 2020. Thank you for your help in this matter.

Yours sincerely



Janice Green  
Senior Definitive Map Officer  
Direct line: 01225 713345  
Email: [janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)

Enc.

*Please note that any responses to this letter will be available for public inspection in full. Information relating to the way Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>*



**Commons Act 2006 – Sections 15(1) & (2)**

**Application to Register Land as a Town or Village Green – Southwick Court Fields, Southwick and North Bradley**

I confirm that <u>no trigger or terminating event has occurred</u> on the land	
I confirm that <u>a trigger event has occurred, but no corresponding terminating event has occurred</u> on the land	
I confirm that <u>a trigger event has occurred but a corresponding terminating event has also occurred</u> on the land	
Further information (please use this box to explain the type and date of the trigger or terminating events):	
Details of Officer completing this form:  Name:  Address:  E-mail:  Telephone:	

#### **4. Trigger and Terminating Event Consultation - 22/06/20**

##### **ii) Planning Inspectorate**

22<sup>nd</sup> June 2020

Rights of Way & Countryside Team  
Communities and Neighbourhood Services  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

The Planning Inspectorate  
Customer Support Team  
Room 3/13 Kite Wing  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Your ref:  
Our ref: JG/PC/171 & PC/208

Dear Sir or Madam,

**Commons Act 2006 – Sections 15(1) & (2)**  
**Application to Register Land as a Town or Village Green - Southwick Court Fields,**  
**Southwick and North Bradley, Wiltshire**

I write on behalf of Wiltshire Council which has received an application under Sections 15(1) and (2) of the Commons Act 2006 to register land at Southwick Court Fields, in the parishes of Southwick and North Bradley, as a town or village green. I enclose a map of the relevant land.

Due to an amendment of the legislation on greens registration by the Growth and Infrastructure Act 2013, the right to apply for the registration of a green is excluded if any one of a number of prescribed planning-related events (“trigger events”) has occurred in relation to the land. The right to apply becomes exercisable again only if a corresponding terminating event has occurred in relation to that land.

The trigger and terminating events are set out in Schedule 1A to the Commons Act 2006. A copy can be read here:

[www.legislation.gov.uk/ukpga/2013/27/schedule/4/enacted](http://www.legislation.gov.uk/ukpga/2013/27/schedule/4/enacted)

The list of trigger and terminating events was extended by the Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014. A copy can be read here:

[www.legislation.gov.uk/uksi/2014/257/contents/made](http://www.legislation.gov.uk/uksi/2014/257/contents/made)

The table set out in Schedule 1A was further extended by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 Statutory Instrument 2017 No. 276. A copy can be read here:

[www.legislation.gov.uk/uksi/2017/276/contents/made](http://www.legislation.gov.uk/uksi/2017/276/contents/made)

Please could you read through the trigger and terminating events and tick one of the three boxes below which describes the situation and set out in detail any relevant information in

the box further below, and return the completed form and any relevant maps to me at the postal address above, or e-mail address below.

If a relevant trigger event and/or corresponding terminating event has occurred, please clearly mark on the map provided (or your own map), the extent of the land on which the event took place. Where more than one trigger event has occurred, please confirm whether a corresponding terminating event has occurred in respect of each trigger event. Please note that where a trigger event or terminating event occurred prior to the change in the law, i.e. prior to 25<sup>th</sup> April 2013, it is still considered a valid event. For example, if a local plan (i.e. a development plan document) adopted in 2008 identifies the land in question for development, then that is a valid trigger event. In cases where a trigger event has occurred in relation to part, but not all, of the land, the first and second boxes should be ticked and the detail explained in the box. The map should clearly indicate the areas which are and are not subject to the trigger event.

Your answer will determine whether or not the authority can accept an application for registration of a green. The decision could be the subject of legal action, so I must stress the need for you to be certain about the information included in your return.

A copy of this letter has also been sent to Spatial Planning and Development Control at Wiltshire Council. Please notify me if you are aware that any other authority has responsibility for development control or plan-making functions in respect of the land to which this application relates.

Could you please reply to the address above by Tuesday 21<sup>st</sup> July 2020. Thank you for your help in this matter.

Yours faithfully



Janice Green  
Senior Definitive Map Officer  
Direct line: 01225 713345  
Email: [janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)

Enc.

*Please note that any responses to this letter will be available for public inspection in full. Information relating to the way Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>*





#### **4. Trigger and Terminating Event Consultation - 22/06/20**

##### **iii) Spatial Planning (Wiltshire Council)**

22<sup>nd</sup> June 2020

Rights of Way & Countryside Team  
Communities and Neighbourhood Services  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Georgina Clampitt-dix  
Head of Spatial Planning  
Spatial Planning Services  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire, BA14 8JN

Your ref:  
Our ref: JG/PC/171 & PC/208

Dear Ms Clampitt-dix,

**Commons Act 2006 – Sections 15(1) & (2)**  
**Application to Register Land as a Town or Village Green - Southwick Court Fields, Southwick and North Bradley**

I write on behalf of Wiltshire Council which has received an application under Sections 15(1) and (2) of the Commons Act 2006 to register land at Southwick Court Fields, in the parishes of Southwick and North Bradley, as a town or village green. I enclose a map of the relevant land.

Due to an amendment of the legislation on greens registration by the Growth and Infrastructure Act 2013, the right to apply for the registration of a green is excluded if any one of a number of prescribed planning-related events (“trigger events”) has occurred in relation to the land. The right to apply becomes exercisable again only if a corresponding terminating event has occurred in relation to that land.

The trigger and terminating events are set out in Schedule 1A to the Commons Act 2006. A copy can be read here:

[www.legislation.gov.uk/ukpga/2013/27/schedule/4/enacted](http://www.legislation.gov.uk/ukpga/2013/27/schedule/4/enacted)

The list of trigger and terminating events was extended by the Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014. A copy can be read here:

[www.legislation.gov.uk/uksi/2014/257/contents/made](http://www.legislation.gov.uk/uksi/2014/257/contents/made)

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Please could you read through the trigger and terminating events and tick one of the three boxes below which describes the situation and set out in detail any relevant information in the box further below, and return the completed form and any relevant maps to me at the postal address above, or e-mail address below.

If a relevant trigger event and/or corresponding terminating event has occurred, please clearly mark on the map provided (or your own map), the extent of the land on which the event took place. Where more than one trigger event has occurred, please confirm whether a corresponding terminating event has occurred in respect of each trigger event. Please note that where a trigger event or terminating event occurred prior to the change in the law, i.e. prior to 25<sup>th</sup> April 2013, it is still considered a valid event. For example, if a local plan (i.e. a development plan document) adopted in 2008 identifies the land in question for development, then that is a valid trigger event. In cases where a trigger event has occurred in relation to part, but not all, of the land, the first and second boxes should be ticked and the detail explained in the box. The map should clearly indicate the areas which are and are not subject to the trigger event.

Your answer will determine whether or not the authority can accept an application for registration of a green. The decision could be the subject of legal action, so I must stress the need for you to be certain about the information included in your return.

A copy of this letter has also been sent to Development Control at Wiltshire Council and the Planning Inspectorate. Please notify me if you are aware that any other authority has responsibility for development control or plan-making functions in respect of the land to which this application relates.

Could you please reply to the address above by Tuesday 21<sup>st</sup> July 2020. Thank you for your help in this matter.

Yours sincerely



Janice Green  
Senior Definitive Map Officer  
Direct line: 01225 713345  
Email: [janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)

Enc.

*Please note that any responses to this letter will be available for public inspection in full. Information relating to the way Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>*



**Commons Act 2006 – Sections 15(1) & (2)**

**Application to Register Land as a Town or Village Green – Southwick Court Fields,  
Southwick and North Bradley**

I confirm that <u>no trigger or terminating event has occurred</u> on the land	
I confirm that <u>a trigger event has occurred, but no corresponding terminating event has occurred</u> on the land	
I confirm that <u>a trigger event has occurred but a corresponding terminating event has also occurred</u> on the land	
<p>Further information (please use this box to explain the type and date of the trigger or terminating events):</p>	
<p>Details of Officer completing this form:</p> <p>Name:</p> <p>Address:</p> <p>E-mail:</p> <p>Telephone:</p>	

**5. Trigger and Terminating Event Consultation Replies:**

**i) Development Control (Wiltshire Council) - 23/06/20**

## ii) Planning Trigger and Terminating Event Consultation Dated 22nd June 2020

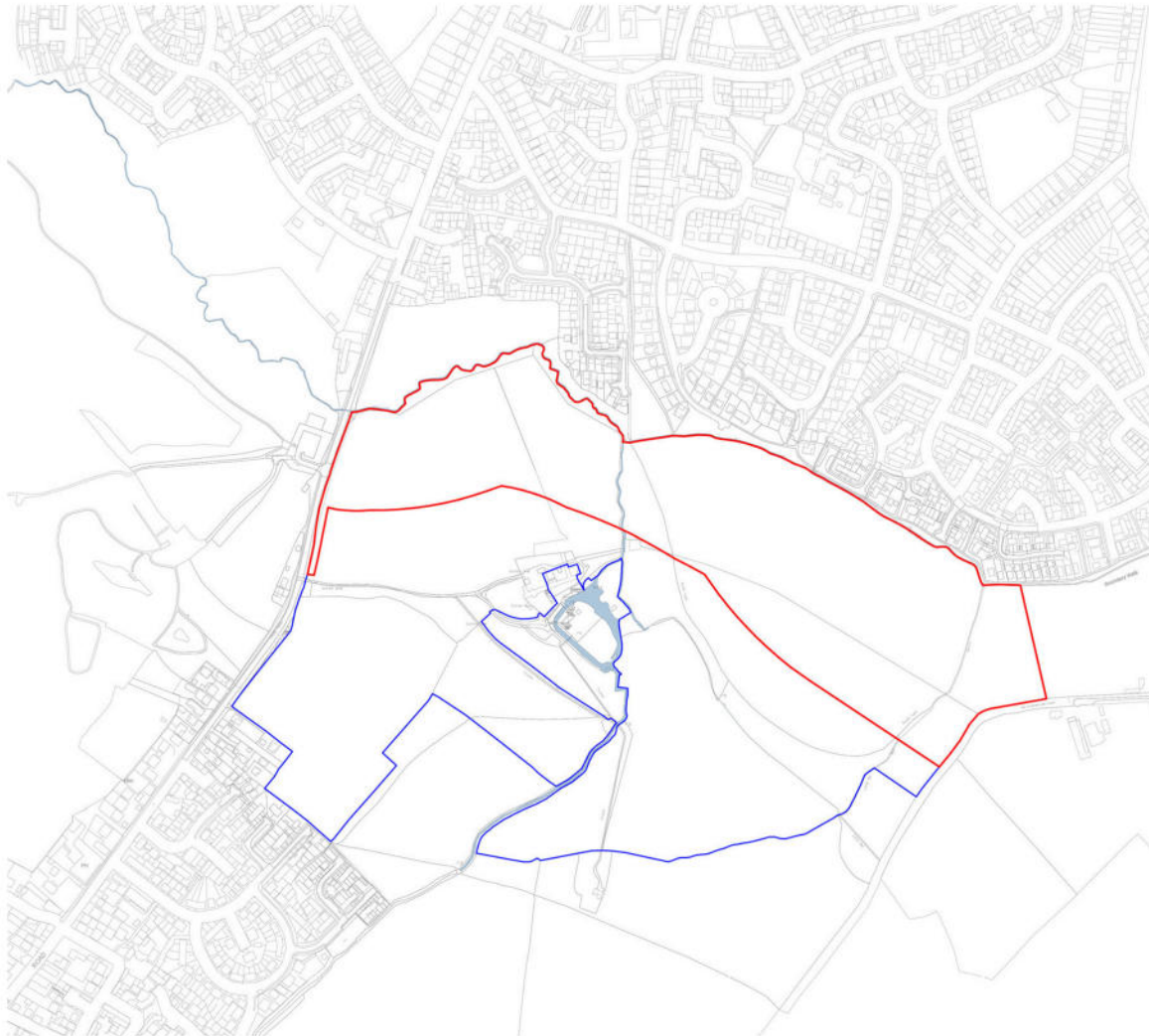
**From:** [Wilmott, Mike](#)  
**Sent:** 23 June 2020 09:13  
**To:** [Green, Janice](#)  
**Subject:** RE: Commons Act 2006 - s.15(1) & (2) Application to Register Land as TVG, Southwick Court Fields - Planning Trigger Event Consultation

---

Janice,

I'm not sure when this application was received, but I can confirm that an outline planning application for residential development on a large part of the site was received on January 15<sup>th</sup> 2020. The area of the application is outlined in red on the plan below. Georgina CD will be able to advise on the allocation history, as the site in red is allocated for residential development in the Wiltshire Housing Sites Allocation Plan.

So if the application to register the land as a VG was received after January 15<sup>th</sup>, it would be my view that a trigger event has occurred.



Regards,

Mike Wilmott  
Head of Development Management  
Economic Development & Planning

**Wiltshire Council**

---

**From:** Green, Janice  
**Sent:** 22 June 2020 19:04  
**To:** Wilmott, Mike <Mike.Wilmott@wiltshire.gov.uk>  
**Subject:** Commons Act 2006 - s.15(1) & (2) Application to Register Land as TVG, Southwick Court Fields - Planning Trigger Event Consultation

Dear Mike,

-  
**Commons Act 2006 – Sections 15(1) & (2)**  
**Application to Register Land as a Town or Village Green – Southwick Court Fields, Southwick and North Bradley, Wiltshire**

Wiltshire Council, as the Registration Authority, are in receipt of an application to register land in the parishes of Southwick and North Bradley, known as Southwick Court Fields, as a Town or Village Green. Please find attached planning trigger event consultation letter with plans, I would be very grateful for your reply by Tuesday 21<sup>st</sup> July 2020.

Thank you for your help in this matter, I look forward to hearing from you.

Kind regards,

Janice

Janice Green  
Senior Definitive Map Officer  
Rights of Way and Countryside  
Wiltshire Council  
County Hall  
Trowbridge  
BA14 8JH



Telephone: Internal 13345 External: +44 (0)1225 713345

Email: [janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)

Information relating to the way Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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**5. Trigger and Terminating Event Consultation Replies:**

**ii) Spatial Planning (Wiltshire Council) - 01/07/20**

**From:** [Winslow, Geoff](#)  
**Sent:** 01 July 2020 09:47  
**To:** [Green, Janice](#)  
**Cc:** [Clampitt-dix, Georgina](#); [O'Donoghue, Ruaridh](#); Wilmott, Mike; [Davies, Sophie](#)  
**Subject:** RE: Commons Act 2006 - s.15(1) & (2) Application to Register Land as TVG, Southwick Court Fields - Planning Trigger Event Consultation  
**Attachments:** [Trigger Event Consult June 2020 - Southwick \(Spatial Planning\).pdf](#)  
[Application Plan\\_Redacted.pdf](#)  
[Application Plan \(June 2020\).pdf](#)  
[Southwick Court Fields TVG application response.doc](#)

---

Hi Janice

Further to your email to Georgina regarding the above, please find attached our response.

Ruaridh/Mike, I'm copying you in for completeness. Sophie, copying you in as Area Lead.

Regards

*Geoff Winslow*

Manager – Spatial Planning

Spatial Planning

Tel: 01225 713414

Email: [geoff.winslow@wiltshire.gov.uk](mailto:geoff.winslow@wiltshire.gov.uk)

Website: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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**From:** Clampitt-dix, Georgina

**Sent:** 26 June 2020 17:12

**To:** Winslow, Geoff <[Geoffrey.Winslow@wiltshire.gov.uk](mailto:Geoffrey.Winslow@wiltshire.gov.uk)>

**Subject:** FW: Commons Act 2006 - s.15(1) & (2) Application to Register Land as TVG, Southwick Court Fields - Planning Trigger Event Consultation

Hi Geoff, would you mind responding to this please given the location.

Thanks

**Georgina Clampitt-Dix**  
**Head of Spatial Planning**  
Economic Development and Planning

**Wiltshire Council**

Tel: 01225 713472  
Email: [georgina.clampitt-dix@wiltshire.gov.uk](mailto:georgina.clampitt-dix@wiltshire.gov.uk)  
Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)  
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**From:** Green, Janice  
**Sent:** 22 June 2020 19:07  
**To:** Clampitt-dix, Georgina <[georgina.clampitt-dix@wiltshire.gov.uk](mailto:georgina.clampitt-dix@wiltshire.gov.uk)>  
**Subject:** Commons Act 2006 - s.15(1) & (2) Application to Register Land as TVG, Southwick Court Fields - Planning Trigger Event Consultation

Dear Georgina,

-  
**Commons Act 2006 – Sections 15(1) & (2)**  
**Application to Register Land as a Town or Village Green – Southwick Court Fields, Southwick and North Bradley, Wiltshire**

Wiltshire Council, as the Registration Authority, are in receipt of an application to register land in the parishes of Southwick and North Bradley, known as Southwick Court Fields, as a Town or Village Green. Please find attached planning trigger event consultation letter with plans, I would be very grateful for your reply by Tuesday 21<sup>st</sup> July 2020.

Thank you for your help in this matter, I look forward to hearing from you.

Kind regards,

Janice

Janice Green  
Senior Definitive Map Officer  
Rights of Way and Countryside  
Wiltshire Council  
County Hall  
Trowbridge

BA14 8JN

## Wiltshire Council

Telephone: Internal 13345 External: +44 (0)1225 713345

Email: [janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)

Information relating to the way Wiltshire Council will manage your data can be found at:

<http://www.wiltshire.gov.uk/recreation-rights-of-way>

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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Date: 1 July 2020

Janice Green  
Rights of Way & Countryside Team  
Communities and Neighbourhood Services  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire BA14 8JN

County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

JG/PC/171 & PC/208

Dear Ms Green

**Commons Act 2006 – Sections 15(1) & (2)**  
**Application to Register Land as a Town or Village Green – Southwick Court Fields,**  
**Southwick and North Bradley**

I refer to your letter dated 22 June 2020 in connection with the above.

Having considered the application I am writing to confirm that trigger point 4, as defined in Schedule 1A to the Commons Act 2006 has been engaged.

The land, the subject of the above application, forms part of an allocation for development (Site H2.6) set out in the Wiltshire Housing Site Allocations Plan (the WHSAP) which was formally adopted by the Council on 25 February 2020.

The adoption of the WHSAP was not challenged through the courts and hence the document is recognised as forming part of the development plan for Wiltshire.

Yours sincerely

Geoff Winslow  
Spatial Planning Manager

Enc.

**Commons Act 2006 – Section 15(1) & (2)**  
**Application to Register Land as a Town or Village Green – Southwick Court Fields,**  
**Southwick and North Bradley**

I confirm that <u>no trigger or terminating event has occurred</u> on the land	
I confirm that <u>a trigger event has occurred, but no corresponding terminating event has occurred</u> on the land	X
I confirm that <u>a trigger event has occurred but a corresponding terminating event has also occurred</u> on the land	
<p>Further information (please use this box to explain the type and date of the trigger or terminating events):</p> <p>The land, the subject of the Town or Village Green application, has been allocated for development within the Wiltshire Housing Site Allocations Plan (WHSAP). The WHSAP was formally adopted by full Council on 25 February 2020.</p> <p>The adoption of the WHSAP was not challenged through the courts and hence the document is recognised as forming part of the development plan for Wiltshire.</p> <p>Having considered the application I conclude that trigger point 4, as defined in Schedule 1A to the Commons Act 2006 has been engaged. Therefore, in the opinion of the Spatial Planning team, the application to register the land the subject of this application should be dismissed.</p>	
<p>Details of Officer completing this form:</p> <p>Name: Geoff Winslow  Address: Spatial Planning Policy, County Hall, Wiltshire Council, Trowbridge  Email: <a href="mailto:geoff.winslow@wiltshire.gov.uk">geoff.winslow@wiltshire.gov.uk</a>  Telephone: 01225 713414</p>	

**5. Trigger and Terminating Event Consultation Replies:**

**iii) Planning Inspectorate - 02/10/20**

**From:** [Dickson, Hannah](#)  
**Sent:** 02 October 2020 12:09  
**To:** [Green, Janice](#)  
**Subject:** FW: Commons Act 2006 - s.15(1) & (2) Application to Register Land as TVG, Southwick Court Fields - Planning Trigger Event Consultation

**Attachments:** [Trigger Event Consult June 2020 - Southwick \(Planning Inspectorate\).pdf](#)  
[Application Plan\\_Redacted.pdf](#)  
[Application Plan \(June 2020\).pdf](#)

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Dear Janice,

Further to your email below, I can confirm that PINS holds no work (Local Plans examinations, appeals or NSIPs) on this site. Therefore there are no trigger/terminating events.

Thanks

Hannah

Hannah Dickson  
Customer Team Manager

***Putting the customer at the heart of everything we do!***



Email: [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk)  
Helpline: 0303 444 5000

twitter: @PINSgov  
web: [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate)

This communication does not constitute legal advice. Please view our Information Charter before sending information to the Planning Inspectorate

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**From:** Green, Janice <janice.green@wiltshire.gov.uk>  
**Sent:** 22 June 2020 19:00  
**To:** Enquiries <Enquiries@planninginspectorate.gov.uk>  
**Subject:** Commons Act 2006 - s.15(1) & (2) Application to Register Land as TVG, Southwick Court Fields - Planning Trigger Event Consultation

Dear Sir or Madam,

-  
**Commons Act 2006 – Sections 15(1) & (2)**



**Application to Register Land as a Town or Village Green – Southwick Court Fields, Southwick and North Bradley, Wiltshire**

Wiltshire Council are in receipt of an application to register land in the parishes of Southwick and North Bradley, known as Southwick Court Fields, as a Town or Village Green. Please find attached planning trigger event consultation letter with plans, I would be very grateful for your reply by Tuesday 21<sup>st</sup> July 2020.

Thank you for your help in this matter, I look forward to hearing from you.

Kind regards,

Janice Green  
Senior Definitive Map Officer  
Rights of Way and Countryside  
Wiltshire Council  
County Hall  
Trowbridge  
BA14 8JN



Telephone: Internal 13345 External: +44 (0)1225 713345

Email: [janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)

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**6. CRA Correspondence - Application Returned - 07/10/20**

7<sup>th</sup> October 2020

Rights of Way & Countryside Team  
Communities and Neighbourhood Services  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Mr Norman Swanney  
Balmoral Road  
Trowbridge  
Wiltshire  
BA14 0

Your ref:

Our ref: JG/TVG/Southwick & North Bradley

Dear Mr Swanney,

**Commons Act 2006 – Sections 15(1) and (2)**  
**Application to Register Land at Southwick and North Bradley as a Town or Village Green – Southwick Court Fields**

Further to your application to register land at Southwick and North Bradley, Southwick Court Fields, as a Town or Village Green, received on 11<sup>th</sup> June 2020, Wiltshire Council has now received replies from the relevant Planning Authorities, i.e. The Planning Inspectorate and Wiltshire Council (Development Control and Spatial Planning), following consultation with them regarding planning “trigger” and “terminating” events in relation to the land. It has been confirmed that there are planning trigger events in place over the land which extinguish the right to apply to register the land under Section 15(1) of the Commons Act 2006. There are no corresponding planning terminating events in place, which revive the right to apply, at this time.

The trigger and terminating events are set out at Schedule 1A to the Commons Act 2006, and may be read here:

[www.legislation.gov.uk/ukpga/2013/27/schedule/4/enacted](http://www.legislation.gov.uk/ukpga/2013/27/schedule/4/enacted)

The list of trigger and terminating events was extended by the Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014. A copy can be read here: [www.legislation.gov.uk/uksi/2014/257/contents/made](http://www.legislation.gov.uk/uksi/2014/257/contents/made)

The table set out in Schedule 1A was further extended by The Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 Statutory Instrument 2017 No. 276. A copy can be read here: [www.legislation.gov.uk/uksi/2017/276/contents/made](http://www.legislation.gov.uk/uksi/2017/276/contents/made)

The land at Southwick and North Bradley subject to the Town/Village Green application has been allocated for development within the Wiltshire Housing Site Allocations Plan (WHSAP). The WHSAP was formally adopted by Wiltshire Council on 25<sup>th</sup> February 2020. The adoption of the WHSAP was not challenged through the courts and hence the document is recognised as forming part of the development plan for Wiltshire. It is therefore concluded that trigger point 4 as set out at Schedule 1A of the Commons Act 2006 has been engaged.



Additionally, planning application no.20/00379/OUT, an outline planning application for residential development, received on 15<sup>th</sup> January 2020, affects a large part of the site. The planning application pre-dates the town/village green application and is not yet determined, therefore trigger event point 1 as set out at Schedule 1A of the Commons Act 2006 is also engaged over that part of the land.

I am therefore returning your application. I do of course understand that this decision will be very disappointing for you, however, until these trigger events are terminated by a corresponding terminating event, (please see Schedule 1A of the Commons Act 2006), it will not be possible to apply to register the land as a town/village green under Section 15(1) of the 2006 Act.

Yours sincerely,



Janice Green  
Senior Definitive Map Officer  
Direct line: 01225 713345  
Email: [janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)

Enc.

*Please note that any responses to this letter will be available for public inspection in full. Information relating to the way Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>*