

EARLEY TOWN COUNCIL

Council Meeting 28th July 2021

Agenda Item 12: TOWN GREEN PROPOSAL FROM FRIENDS OF BULMERSHE OPEN SPACE

The Town Council is requested to petition Wokingham Borough Council for further protection of Bulmershe Park as a local Town Green. (Reference: The Commons Act 2006 and voluntary dedication of land as a town or village green, Defra March 2012.)

Significant adjoining unsympathetic development over the years has resulted in visual intrusion and damaged landscape adjoining Bulmershe Field. In the context of the declared climate emergency and the run up to COP26, a programme of enhancement based upon a considered landscape strategy is now essential.

Earley Town Council welcomed the re-designation of Bulmershe Field and Bulmershe Park as Local Green Space in the draft Borough Local Plan Update. The Field forms part of the wider SULV identified in the existing and emerging Local Plans for the area, where the landscape is not only to be protected from the impact of harmful development within and adjoining the land; but it is the Borough Council's intention to enhance *'this important area of informal open, green space, alongside recreational opportunities and valuable habitats.'* (Draft Plan para 10.57).

We are now seeking further protection through a strategy to adopt Bulmershe Park as a community asset in the form of a Town Green.

Our aim is to ensure the long-term protection of the Park; to maintain and improve it as a community asset; to create a wildlife corridor (that encompasses an established bluebell wood, a community orchard and extends into Highwood); to introduce a policy for appropriate indigenous tree planting (as part of the Borough's plan to plant 250,00 trees) and proper long-term maintenance.

As owners of the land, WBC has the power under section 15 (8) of the Commons Act 2006 to **voluntarily** dedicate the land as a Town Green by applying to have it included in the register of town or village greens. As such the area will continue to be used for recreational purposes (dog walking, picnicking, kite flying, informal fitness, playing games) and would have the statutory protection against damage, encroachment or inclosure¹.

Application is by Form CA9: [FORM CA9: Application for the registration of a town or village green \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/611119/Form_CA9_Application_for_the_registration_of_a_town_or_village_green.pdf)

In taking this forward, 'Friends of Bulmershe Open Space' would be happy to work with Wokingham Borough Council, Earley Town Council and Woodley Town Council, and other interested organisations to produce an 'Open Space Strategy and Management Plan' and to ensure the implementation of the Borough's landscape enhancement policy TB22.

¹ Town and village greens (T&VG) are protected by section 12 of the [Inclosure Act 1857](#) and section 29 of the Commons Act 1876. Section 12 makes it a criminal offence to do anything which injures a green or interrupts its use as a place for exercise and recreation. Section 29 also makes it an offence to permanently encroach upon or inclose a green, or to build upon or disturb the soil of a green otherwise than with a view to its better enjoyment. It is not possible to apply for consent under section 38 of the [Commons Act 2006](#) to carry out works on a T&VG unless it is subject to a scheme of management under the [Metropolitan Commons Act 1866](#) or [Commons Act 1899](#), or to a Provisional Order Confirmation under the [Commons Act 1876](#). Even where there is such a scheme or Act consent under section 38 does not authorise works which constitute an offence under sections 12 or 29.