

**REPORT FROM: DIRECTOR OF RESOURCES**

**TO: EXECUTIVE**

**DATE: 20<sup>th</sup> March 2025**

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## **BARLEY VILLAGE GREEN**

### **PURPOSE OF REPORT**

To seek instructions from Executive Members, in relation to a request from Barley Parish Council for the Borough Council to make an application to Lancashire County Council to register the Borough Council owned open land, known as Barley Village Green, as a formal Village Green under Section 15(8) of the Commons Act 2006.

### **RECOMMENDATIONS**

(1) That the Executive considers the request and if acceptable delegate authority to the Director of Resources to make the application as requested.

### **REASONS FOR RECOMMENDATIONS**

(1) To allow Members to decide the future and protection of the land in question.

### **ISSUE**

1. Barley Village Green is a PBC owned parcel of land lying in the heart of the village, which for a number of decades has been accessible to everyone as public open space/picnic area (see plan in the appendices).
2. The Parish Council advise that “the land provides a special environmental space where families, friends, groups and communities gather to enjoy open space in a safe and attractive area. It provides an area where people can relax, play, picnic and indulge in other pastimes all of which contribute to people’s health and well-being. Along with Pendle Hill, it attracts over 70,000 visitors to Barley every year.”
3. To protect the land from any future development, Barley Parish Council is requesting that the Borough Council, as the landowner, formally apply to register the land as a village green under section 15(8) of the Commons Act 2006.
4. Lancashire County Council has been designated as a “Pioneer Area” administering Commons registration. Land registration requires an application (from any person) being made, providing supporting documentation.

5. Local Councils owning such public open spaces can, if it wishes, register its land as a village green where, as in this case, the land has been used, without secrecy, for more than 20 years for lawful sports, gatherings of local people and leisure pastimes. This is a key requirement of the registration process. Under Schedule 5, Regulation 17(4) of the Act no fee is payable for such registration if made by the landowner.
6. The Parish Council also advise that it has invested almost £28,000 in improving the land over the last three years alone. These works included the installation of surface drainage, works to the footways crossing the land, rebuilding boundary walls, provisioning of benches and a range of other landscaping and maintenance works. This reflects their commitment to maintaining this local asset and as to why they wish to secure registration as a village green, to protect it in perpetuity for local residents and visitors to the village, Pendle Hill and surrounding countryside.
7. Registration would prevent the Borough Council from ever developing the land, although the potential for development is currently limited, in terms of securing planning consent and adequate access, and also from objections which potentially would be made by local residents, visitors and Members. If the Borough Council resolves to make a registration, and is able to meet the criteria, the registration cannot be challenged, whereas if the Parish Council (or in fact any party who is not the landowner) makes an application, under Section 15(1) of the Act, both the Borough Council and other interested parties have the right to oppose it, if they wished to do so. The proposal therefore would expedite such a registration and avoid the potential for objection.
8. Executive Members are therefore asked to consider whether to support the request to expedite registration and if so, delegate authority to the Director of Resources accordingly to make the application.

## **IMPLICATIONS**

**Policy:** There are no known policy issues arising from this report.

**Financial:** The Borough Council, in agreeing to fast-track an application to register the land, would be denied any opportunity to dispose of the land for development and potentially forego any future capital receipt. The potential to develop the land on a commercial or residential use however is very limited. Application fees to register new land are not chargeable.

**Legal:** There are no known legal implications arising from this report.

**Risk Management:** There are no known risk management issues arising from this report.

**Health and Safety:** There are no known health & safety implications.

**Sustainability:** There are no known sustainability issues arising from this report.

**Community Safety:** There are no known community safety issues arising from this report.

**Equality and Diversity:** There are no known equality and diversity issues arising from this report.

## **APPENDICES**

Committee Plan.

## **LIST OF BACKGROUND PAPERS**

None