

Dear Paul

Commons Act 2006  
Land at Rudloe, Box

Thank you for your e.mail (and somewhat shortened 'phone call).

I have attached copies of the High Court and Court of Appeal judgements in respect of the recent court case regarding trigger events. The land at Royal Wootton Bassett was within a settlement boundary as defined in Wiltshire Council's Core Strategy; the document identifies such land as potentially suitable for sustainable development, hence a trigger event was held to apply. Please see paragraphs 19 to 26 of the Court of Appeal judgement.

Whilst Wiltshire Council challenged this interpretation of its own Core Strategy in both courts it must now accept the decision of the courts and accordingly the Rudloe Green application cannot be accepted by the Council as a result of the same trigger event as affected the Royal Wootton Bassett land.

The documents were returned to you for a number of reasons:

- i) The application could not be accepted at this time and does not form a part of the Council's archive of previous applications.
- ii) GDPR regulations require the Council to only hold personal data for as long as it is required. In this case the application contained a lot of personal data which it would be unlawful for the Council to hold since it has no use for it.
- iii) A terminating event may occur which may make the land suitable for registration at some time in the future. If this were to occur the most useful place for the data provided on the use of the green would be with the applicant.

The regulations (2007 No. 457) The Commons (Registration of Town or Village Greens)(Interim Arrangements)(England) Regulations 2007 are clear at (9)(4):

"(4) Where the registration authority has rejected an application, it must return the application form and all accompanying documents to the applicant".

Thus is it is required to return all documents for a failed application it follows that it is also the correct course of action to return all documents for an application that was not registered as such owing a trigger event.

With regard to your last question, the landowner's intention is irrelevant to the occurrence of a trigger event and if one applies then the right to apply under sections 15 (2)(3) or (4) remains suspended until a terminating event has occurred. However, even with a trigger event 'in play' it may still be possible for a landowner with the capacity to dedicate to dedicate the land as a town or village green under section (15)(8) of the 2006 Act.

I understand that you will be very disappointed with the decision to return your application and I wholeheartedly agree that the registration of greens is likely to be diminished by the recent judgements. However, not all parishes or villages have settlement boundaries defined in the Core Strategy or perhaps a Neighbourhood Plan. Hence we still have some 'live' applications and suspect that we will see some more in the future.

Best regards

Sally

Sally Madgwick  
Definitive Map and Highway Records Manager  
Rights of Way and Countryside  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge

Wiltshire  
BA14 8JN  
Tel. 01225 713392  
sally.madgwick@wiltshire.gov.uk

Information relating to how 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)  
Follow Wiltshire Council

-----Original Message-----

From: Paul Turner [<mailto:wirepuller@hotmail.com>]

Sent: 17 June 2019 10:44

To: Madgwick, Sally

Subject: Rudloe Green

Sally,

Apologies about the aborted call on Friday - apart from the travelling/train issue, my phone was playing up big time (mind you it is about 15 years old!).

I think I managed to question the issue of the settlement boundary mentioned in your penultimate paragraph (SM/TVG/Rudloe dated 11th June 2019). As I started to say, and as you no doubt know, what would be the point of a village green if it is not within a settlement. Normally a green would be at the centre of town or village life so in its centre or thereabouts. Like yourselves (I guess) I cannot fathom why a proposed green being within a settlement boundary would constitute a trigger event.

With regard to your 11th June letter, I can find no mention of settlement boundaries in any of the three links you give. Also, as the Court of Appeal decision regarding the application at Wootton Bassett was (?) the 'trigger event' for the demise of our village green application, why is there no mention of it in the letter?

I am a tad confused about the return of the complete village green application package. Would/should this not form part of Wiltshire Council's files for posterity? I have done a number of searches at the Wiltshire & Swindon History Centre in recent years on various subjects. If, in future, I wished to search for village green applications, rejected or not, would there be any record of our application?

I guess that this might be the end of the road for our (all?) village green applications. However, with regard to Rudloe Green, Wiltshire Council is anxious to offload its holdings at Rudloe (Community Centre, Green etc) and has come to a (provisional) agreement with GreenSquare. However, GreenSquare appear to be hamstrung (having, apparently, taken little or no action since the decision of the Council Cabinet in June 2018). A meeting is proposed between GreenSquare, local activists (perhaps including me), our local Wiltshire Councillor and a local organisation, Camomile Cafe, which has made proposals regarding the future of the Centre (and Green hopefully). It is the last-mentioned that has proposed this meeting.

My personal hope/wish is that Camomile/local people can take charge of this issue and propose that the Centre/Green be put in the hands of locals (Camomile is in the process of becoming a Community Interest Company in the hope of taking this project forward). Crowdfunding, or another source of capital, of the capital cost (of the freehold perhaps) and maintenance costs of the Centre/Green would no doubt be required. If (if!) this did come about and Rudloe Green became a locally-owned green and the requirement for village green status remained, could an application then be successful (there being no opposition from a landowner)?

In order to keep Rudloeites up-to-date on this issue, I propose to write an article shortly for the local website and include a

copy of your letter. Would you have any objections?

Regards

Paul

07803 295291

01225 810408

<https://www.rudloescene.co.uk/>