

OPEN GREEN SPACES

A GUIDE TO COMMON MANAGEMENT ISSUES

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Introduction

What do we mean by open green spaces?

In this guide we mean those open green spaces that are within or near to towns or villages, that have public access and, primarily, a community function. For example, village greens, informal play areas or large verges.

Why are green spaces important?

They're spaces that are important to the community in some way perhaps as a recreation facility or just as peaceful places that look nice and help make our place feel like our place.

About this guide

This guide looks at some common community green space management issues and discusses ways to address them, partly through examining what other communities have done. It aims to help provide guidance through potentially difficult situations and advice on how to avoid getting into such a situation in the first place. It also signposts you to organisations and agencies that may be able to provide further help.

Please note that this guidance is non statutory and should not be taken as a definitive statement of the law. Sources

of further information are referenced throughout the guide.

Who is this for?

This guide is intended for Parish Councillors or community groups who manage or are thinking about managing open green spaces.

How this guide works

The guide is split into three sections.

Section One: this gives an overview of typical problems and aspirations communities in Cumbria have. It looks at some of the things that have stopped them getting things done.

Section Two: this introduces some simple techniques for unpicking problems and developing a step-by-step plan to get them sorted (or for putting ideas into action).

Section Three: this section discusses some of the common issues in more detail and looks at specific ways to address these and where to get help.





Section One: Some common management issues

From looking through Parish Plans, discussions with County Council Neighbourhood Development Officers and Action with Communities in Cumbria (ACT) Community Development Officers, from listening directly to people in towns, villages and hamlets across the county and from the Our Green Space communities, we've gained a good understanding of the sorts of problems that bother you the most and your main aspirations for good community green space.

You've told us that the same issues crop up time and time again, albeit in slightly different forms. It also seems to be similar types of barriers that stop you from being able to sort these issues out. We thought it would be worth listing your top management issues at the start of the guide for several reasons. First, because if you have a management role, these are issues you could watch out for and get prepared for. Secondly to re-assure you that, if you're facing these issues, you're not alone, and thirdly because as these are common problems there are already many tried and tested, successful or otherwise approaches, responses and attempted solutions that we can draw on and learn from. We'll look at these possible solutions in Section Three but for now here are the top issues in green space management for communities in Cumbria:

1. Insurance

There is some confusion about who is responsible for taking out insurance (owners or managers or users or all three?) and what level and type of insurance is

necessary (general public liability, liability for events and volunteers?). The main worries though are around the costs of insuring against potential claims relating to use of play equipment, recreational users of the green space, neighbours of green space adversely affected by recreational users, people at events such as bonfire night and volunteers helping with maintenance work or other tasks on the site.

2. Ownership

Finding out who owns your green space(s), proving ownership, contesting ownership and gaining ownership of land are all common headaches for green space managers and parish councils across the county. Related to these are the responsibilities and costs that you may acquire if land is gifted to your community and, conversely, persuading owners of community access land to take on their responsibilities (and the associated costs).

Issues around ownership are also one of the main stumbling blocks that prevent you sorting out other problems.

3. Knowing your powers and responsibilities

As alluded to above there is some confusion and misunderstanding about who is responsible for things like maintenance, insurance and improvement, who has what powers to do anything about any of the above and any problems with the space and how you can create and use powers to get things sorted out.





4. Encroachment

This is a legal term, which refers to infringements of the green space i.e. people or organisations nibbling away at the green space so it is no longer available for community use. Examples might be putting hard surface down for a 'personal' driveway or parking area, fencing bits off, extending a private garden into the green and building on the green.

Encroachment is a very complex area, particularly with relation to registered Town & Village Greens, and is dealt with in some detail in the accompanying guide 'Open Green Spaces: an introduction to their legal status and protection' so we have not dealt with this topic in this volume.

5. Anti-social behaviour

Anti social behaviour affecting people's enjoyment and use of your green spaces takes many forms. Examples are mini-moto riders illegally and noisily driving across the space, irresponsible dog owners allowing their dogs to foul on the space or interfere with other users, people who drop litter or, on a larger scale, fly-tip and groups of people who behave in a way that intimidates or is generally unacceptable to others.

6. Money

Never Never too much! Normally too little and occasionally too tight a deadline to spend the money that

you do have! The main problem with money is the lack of funding available for the very mundane, normal, non-headline grabbing activities such as maintenance, fixing mowers and repairing play equipment. Getting capital for new projects, new ideas and new spaces is much less tricky but still requires an ability to navigate voluminous application packs and criteria specifications.

7. Different people want different things

Quite often some people will want to see uses and styles of management on the green space that are quite dissimilar or contradictory. For example some people may like to have wildflowers and birds around the space whereas others may prefer neatly mown lawn-like cover. Trying to please all the people all the time is, as the adage goes, not a rewarding route especially given the time and other constraints faced by parish councillors in today's society. The path of least resistance is often to carry on as it has always been done.

8. Nobody gets involved

A few people with great energy and ideas may enthuse and get general support for green space creation, enhancement or other good works that would benefit and please the community. However in the long run nothing actually gets done because nobody really wants or has time to get stuck in, sort out glitches and make things happen.





The underlying issues

Underlying many of these issues and blocking the way for management solutions lie two root problems: a lack of information and the fact that many of the issues are simply 'too close to home'.

Lack of information

A lack of clear, useful, relevant information that's applicable and up-to-date is in itself a major headache. Add to this the confusing, tangled myriad of pathways to finding information and the impressive number of dead-ends and fruitless searches and we can begin to understand why not having the facts and figures you need, not knowing what facts and figures are out there or what may be malingering out there ready to sneak up on you when you least suspect it makes sorting out relatively small issues such a big demoralising, time consuming headache.

This guide (and the others in the series) are one small step along the clear information highway we're forging to

help green space managers be better at and feel better about what you have to do.

Too close to home

It can often be very difficult to speak out against a neighbour, friend or acquaintance on a community space (or any other community) matter – it's often easier to keep the peace and put up with what might be upsetting or controversial behaviour. It may be even trickier to deal with if one neighbour is pitching against another and expects you, as the green space manager, to sort things out. The very closeness of the issue and the people concerned can be a huge mental block to sorting things out. In these situations some neutral advice or guidance, a good grasp of the basic facts, the powers, rights and responsibilities of those involved and a defined framework in which to operate can be incredibly useful and often essential.





Section Two: Some basic techniques

Sorting out problems

To help get to the bottom of, what can sometimes seem like an intractable problem, it can help to break the situation into smaller more manageable chunks. The questions we've listed below can help you to do this. Treat the answers like pieces of a jigsaw: get as many as possible in place to help you understand the bigger picture and create something manageable.

Sometimes the very act of asking questions and discussing a situation can be enough to sort out problems.

Step One: Getting to the bottom of things

- What is the exact nature of the problem?
- Who is this a problem to? (public interest, owners, managers, local people, visitors)
- Who might be causing the problem? (who might be adding to it or preventing it being solved)
- What is the cause of the problem? (is there something beneath the surface)



Case study: Divided community

A village in rural Cumbria is split over the present condition of it's green. The green regularly floods in the winter – some people think it's at its most beautiful in this state and it does attract migrating waders and other birds. Others say the flooding affects their enjoyment of the green and damages their property.

The green used to be grazed by a local farmer's sheep keeping it as a rough short sward. The sheep went in the Foot & Mouth epidemic and since then the local council have cut the grass, at first ten times per year. This was very costly so they reduced the cuts and now more wild flowers grow, voles and other animals live in the green attracting birds and insects. Some people like the wildlife. Some people think the green is untidy.

Several strong characters with differing views on the above have become more and more vocal, others have become drawn in and the two groups are now using local council meetings to voice their opinions. This is crippling the council's processes.

Getting to the bottom of things

- What is the exact nature of the problem?

The problem is now the disagreement in the community and the effect this has on local democratic processes. The flooding and wildlife debates are just the triggers.

- Who is this a problem to?

The crippling of the council's processes is a problem to the council and therefore everyone in the parish i.e. including neighbouring villages. It's also a problem for the community directly, the owners and the managers and anyone who feels frustrated but unable to speak out or get involved.

- Who is causing the problem?

Essentially one or two strong characters. By not acting, the managers may be exasperating the situation.

- What is the cause of the problem?

Probably the lack of a clear, well-communicated management plan that is accepted and understood by everyone in the village

- Where do we start?

To get to the heart of the problem may take some lateral thinking, but even starting to think more carefully about what is really happening may help.



Step two: Essential information

In order to understand better what you're dealing with and also therefore to understand what options you have or don't have it's essential to establish some basic facts. Having clear, unquestionable information from an external source may also help neutralise the situation and take things from a highly emotive, personal level back to a more rational approach.

We've found that the answers to the questions listed below can help provide clarity and a useful baseline from which to start to get things sorted. Many of the answers may not be readily to hand. In this case we've provided pointers as to where to go and who to ask.

Q1. Who are the landowners?

This can be one of the biggest stumbling blocks (Cumbria has the lowest percentage of registered ownership of land anywhere in England and Wales).

Where can I find this out?

Your first port of call to finding out is to check with the Land Registry. You can do a basic search online for a small fee. This will show whether the ownership is registered or not. If it is, you can ask for more information from the local Land Registry office. Cumbria's is in Durham. If you have any difficulty, call the Helpline free on 0800 432 0432.

If the land ownership is not registered, you can ask other possible landowners locally such as the lord of the manor, large farms and estates, the church, parish district or county council. You may need to go to your local County Records Office (archive service) or Local Studies Library if there are no modern records available.

How can I prove this?

Holding the title deeds to land and /or having it registered with Land Registry are the best and least questionable means of proving ownership. If you don't have either of these but believe you are the landowners and have other documents and evidence to prove this then we would strongly recommend registering the land with your local Land Registry office. Being on the ownership register is akin to a person having a birth certificate – once you have this document then most other documents are infinitely easier to access.

Land Registry have produced a guide to Registering Land. This is available from the LR website, on the OGS website or from CALC.

Q2. Who are the managers?

Ask the owner. It may be that the owner manages the land directly or they contract someone in to do this on their

behalf. If there are issues with the management or there is no management then it is best to discuss your community's concerns with the owner and ask them to either change their current arrangement perhaps by handing over management to a community or parish group.

How can I prove this?

Proving management responsibilities is generally only possible by looking at existing contracts or referring to the statutes governing open spaces.

If the land is 'ownerless', is owned by the parish or by the community then it will more than likely be managed by the parish council. Parish council can manage public / community open spaces using their powers under the Open Spaces Act 1906 and various other statutes if the land had no known owner or the owner is not managing the land appropriate to the community value and use. It may be helpful to find out who pays for maintenance and whether this is raised through the parish precept or from other sources.

Q3. Who carries out work on the land?

This is similar to Q2. The best person to ask is the owner. They should know who they've permitted to work on their land and what, if any, contracts they have with that person.

You might see other people working on the land if there are rights attached to it such as for mineral extraction or grazing etc. The other people who might be working on the land are utilities companies and highways.

Q4. Who holds liability insurance for the land?

This will generally be the owner. If the space is recognised for community use or as a community asset in some way then the parish council's liability insurance will probably cover it. If there is play equipment on the site then this may have insurance through a different group such as the management committee. Check with all of these people – you might find there are overlaps and therefore a cost saving to be made!

Q5. What status does the land have (What types of protection could it have)?

Legal protection: is it registered Common Land or registered Town or Village Green? For more information on what this means have a look at the 'Open Green Spaces: an introduction to their legal status and protection' guide. To find out if your green space is registered ask the Commons Registration Officer at the county council or look on www.magic.gov.uk or for TVG www.gis1.cumbria.gov.uk/eggp



Planning protection: your green space may be shown in the Local Plan or Local Development Framework of your District Council or National Park Authority as protected under planning policy. Different authorities have different names for this such as green wedge, green gap, important open space or amenity space.

You may also want to check if you'll need planning permission to change use of the site if this is one of your community's bones of contention.

Byelaws, covenants and trusts: often land that has been gifted to a community will have some special covenants or trusts placed on it by the donor. Find out what these say and whether they affect your problem. These will generally be held in the parish council archive or that of the community trust deemed with caring for the land.

Q6. Are there any special designations e.g. tree preservation order or archaeological protection on the land?

Some land might have designations for 'the public good' such as Site of Special Scientific Interest (SSSI), a Listed Building, Landscape of County Importance or similar on it.

Where can I find out what they are and what they mean?

You can find out by looking at www.magic.gov.uk or enquiring at Natural England. Natural England will also be able to explain what the designations mean.

Q7. Does anyone hold any rights on the land?

As mentioned above, some people may have rights of common over the green such as a right to graze animals or right to turbary (removing bracken). If the green is a registered Town or Village Green then the local inhabitants have a right to enjoy lawful sports and pastimes. Other people may have rights to drive across to their house etc

Where can I find out what they are, who has them and if they use them?

You can find out about these by checking on the Common Land and Town and Village Green registers in the Commons Registration Office at the county council. The parish council may also have some records of rights on other types of land.

Rights are generally attached to an address (rather than a person) so it should be possible to get a clear idea of what rights there are and whether they are being used.

How do these affect other people?

How rights affect other people will depend on what type of rights they are and if they are being exercised or not. In theory one person's rights shouldn't preclude another's.

Q8. Who uses the land?

Find out and list who uses the land throughout the year. You might find this varies with the seasons. If you can log numbers and types of use (or better, ask your community to track their own use) it may help understand more about the balance of views and perhaps, why some people are more vocal about an issue than others.

Who could use the land?

It's worth also thinking rather more circumspectly about who could or might like to use the land if for example, they knew more about it, it had better facilities and access etc. This may help set the problem in a larger community context.

Are they allowed to, do they have permission, is this 'as of right'?

'As of right' means using the land without permission, force or secrecy and may also depend on the status of the land and who owns it. You might find that no one actually physically uses it even though people locally value and appreciate it.

Q9. Who values or appreciates the land?

This is often a great unknown that only really emerges once a problem or threat arises. People may never have actually thought about their green space because 'its always been there'. However faced with a big change or possible loss the strength of feeling emerges and people realise how important it is to their sense of place and perhaps the village's sense of character.

How do I know this?

It is possible to get a sense of this through open meetings and discussion with a range of people using careful questions that prompt memories of how it has been used and / or what its future could be.

Q10. What sort of condition is the land in now?

Do you need a hydrological survey for example if the ground is wet (or wets neighbouring land)? If you think people might want to see more wildlife or wildlife management is an issue, get an ecologist in to tell you what you've got and what you could have.

If there are ancient structures on the land (or under it) will your decision-making be helped by knowing more about what's there and what the options are for taking care of this? Are there trees on the site that might need some attention? Do you know what condition they're in? Get an arboriculturalist or tree specialist in to have a look.

What condition are any boundary walls or fences in? Do you need a rough estimate of any work needed?



Step three: Sorting things out

Once you've got the pieces of the problem out on the table and understood the nature of the problem you can start to think about solutions.

The key here is making sure that everyone has a say, a chance to put their ideas and questions forward and for some open debate on the main issues. Ideally involve as many people as possible right from the beginning and keep them involved and driving things forward all the way.

Don't create a 'them and us' situation or let one fester!

The next stages in getting something done and looking for long-term solutions can be done through the framework of an action or management plan. You might already be familiar with this process through developing your Parish Plan – or if you're just starting to develop your Parish Plan why not build in specific focus on green space management.

The next few pages are a suggested framework for developing a management or action plan for your green space.



Case study: Divided community continued

In our case study of the flooded green with the contentious management (above) a small group of concerned people got together to find out more about the site as a first step to getting their problems resolved.

They found out from parish records that the parish council are the owners of the land. They have various documents to prove this and so are now registering ownership of the green with the Land Registry office in Durham. This is part of a bigger registration of all the land the parish owns (so the problem solving has already had some good effects!).

The parish council have been managing the land for many years either contracting farmers to graze stock on it or estate workers to mow it. They've paid for all this out of the precept but have never really had a plan to what they're doing or why. The parish council has also insured the site as part of its overall community spaces public liability.

The group did a search on www.magic.gov.uk and couldn't find any designations on the green. However when they checked the Village Greens layer on the Cumbria County Council interactive online map (www.gis1.cumbria.gov.uk/eggp) they found that the green was in fact a registered

Town or Village Green therefore protected by law for the local inhabitants to enjoy lawful sports and pastimes. There were no other rights of common or anything else on the land though.

They asked people locally if they used the green (and just observed what happened on it too). Some people walked their dogs on it all year round. Some people like to watch the birds that use it and others like to lean on the wall and look at the view. Some of the local kids played in the long grass in summer, making dens etc.

Although relatively few people used it, when the group held a public meeting to find out what people thought of the green and what they wanted it to look and be like in the future, there was a big turn out and lots of strong feelings. People value the green just for 'being there', as a peaceful place, a place for wildlife and for great views. They wanted to manage it to encourage and enhance these qualities in the future. The group asked an ecologist to come and have a look at the site. He did a quick (and free) walk round survey, told them it was semi-improved pasture and that it had some interesting plants already growing there then advised on what they could expect if they managed it to encourage wild plants.



Step four: developing a management or action plan

There are many different approaches to developing an action plan. Below is our ABC to community management plan development – an approach that’s as applicable to green space management as it is to other community resources such as the village hall. If you’d like to see some different approaches have a chat to the team at ACT.

ABC.....

A. Ask why you’re doing this!

Some questions you need to ask before you start:

1. What are we managing for – what’s our aim? What do we want the green space to look like? What do we want it to be used for? Has it got one primary use or several?
2. Who uses it? Who uses the green space now and who will use it in the future?
3. Who’s responsible for managing it? Will/ should this change? Who will carry out the management tasks?
4. What budget have we got? (Should we raise money for this?)
5. How long should we write a plan for? How often should we check it?
6. How should we monitor our actions and check these against our plan (evaluation)?
7. How important is managing the green spaces to our community and what priority does it have amongst all the other tasks we have to do?

B. Bring in people’s ideas and opinions

Probably the most democratic way to answer these questions is to ask your community. There are many ways you can do this. Which you choose will depend, amongst other things, on how many people you have to talk to, how much time you have and how important the topic is locally.

Some suggestions:

- run a public open session with many information boards around the room giving suggestions, pictures, asking questions, allowing feedback
- have a public meeting using discussion groups
- post a short, simple questionnaire through everyone’s doors
- ask local groups such as the scouts, WI, sports clubs, school, businesses etc to discuss with / survey their members / students / team
- put up posters, maps and pictures around the village to stimulate discussion
- leave a suggestions box in the post office, pub or shop

TIP: giving people a range of options or suggestions is likely to get a more thought through response than just asking ‘what do you want?’; ask questions with a positive slant so you don’t just get negative comments in response; don’t forget to ask what skills people have got that could be useful and who could help with putting together a plan then carrying out the actions!





C. Collate all the information and use this to decide what your AIMS are

AIMS are the big picture things you'd like to achieve such as 'to have a safe place for children and adults to play and relax'. Aims often start with 'to.....'

TIP: don't have more than two or three AIMS

TIP: it's worth spending a lot of time on the exact wording of the aims to make sure they reflect exactly what you want

D. Develop some objectives

Objectives add more detail to the aims; they break them down into smaller, more manageable aspirations. Continuing the example above the objectives might follow as:

- To have:
- 1.1 a central level, well-drained grassy surface
 - 1.2 provided good quality play equipment for children aged 3 – 13
 - 1.3 landscaped the boundaries and planted with native trees/ shrubs
 - 1.4 seating and shaded areas in keeping with village character

You'll notice objectives often begin 'to have..... ed' and there may be up to five or six for every aim. Objectives might sometimes be called outcomes.

TIP: link your objectives to their aim by numbering them appropriately

E. Extrapolate some outputs

Outputs are the tangible, real things that you'll see, have, use at the end of the plan period. They might include some of the activities / work that you'll need to do too. Think about the output then work backwards through all the different things you'll need to do to make that happen.

For example, outputs following from objective 1.4 might be:

- 1.4.1 three new slate bench seats placed around the play and sports area
- 1.4.2 one circular, open sided, covered shelter seat near the wildlife garden
- 1.4.3 annual painting of the existing wooden bench

F. Figures

Times and dates: Work out how long each output will take to carry out and when it should/ could be done. Spreadsheets or other planning grids are useful at this stage to see how everything slots into place. For example

Output/ activity	Jan - March	April - June	July - Sept	Oct - Dec
1.4.1 slate bench	Raise funds	Clear scrub, find best price and order	Foundations, arrange delivery, place seats	Check for any problems
1.4.2 circular shelter	Raise funds (see above)	School competition for best design	Select winner, find contractor, order	Foundations, construct, run 'launch event'
1.4.3		Sand and repaint bench		

Resources: Figure out what tools, equipment or other resources you'll need for each output

People: what experts do you need in to make assessments or carry out specialist work; are there volunteers who can carry out work, when are they available and do they need training or insuring

Costs: Work out how much each output is likely to cost. Don't forget to include inflation and allow some contingency money too.

At this point you should also think about any other agencies / organisations you might need to contact or who could give you some help. For example you may want to contact the Wildlife Trust to see what interesting plants and animals you've already got, insurance company to see if your liability alters, the local authority for advice on sports equipment, planning, environment, access etc

It's also good practice to pass the plan to organisations that might be able to help and support you. For example, if you're planning to manage for wildlife make sure whoever advised you in the beginning gets a copy of the plan. Cumbria Wildlife Trust, The Grasslands Trust, your District Council or National Park Ranger / countryside team might all be interested and useful partners. Action with Communities can also be very helpful in getting a management group set up and constituted and for any community engagement activities such as facilitating public meetings. These agencies and others will also be able to tell you what else is going on locally that might be of help, and support you through developing a fund-raising strategy.

You now have a basic management plan.



G Get it checked

Put your drafted plan out to the people who suggested the ideas and see if it matches what they thought they were asking for!

Open communication and information sharing might also help get more folk involved and pick up any potential problems.

H Have it accepted by the Parish Council and anyone else involved

Once you have a final plan together that looks like it might work and that everyone (or most people at least) are happy with, it's time to get it accepted and taken on by the key players and organisations.

These must include the owner; any rights holders; the parish council (if you've chosen to develop a separate management group) and any other agencies with an interest such as English Heritage and Natural England.

Step five: paying for it all

Now that you have a management or action plan accepted you need to consider how to raise the money to pay for the activities you plan to carry out. Rather than applying piecemeal for different grants as they arise and therefore, perhaps, being forever on the lookout for new money, we'd recommend you spend a bit of time developing a fund raising strategy. Fund raising strategy might sound a bit 'corporate'. However all it means is that you sit down and plan where the money to pay for initial work and then maintenance on an ongoing basis should come from. This means you'll waste less time and energy filling in unnecessary grant application forms, you don't miss important funding deadlines because of lack of match funding and mostly so that money, or lack of it, doesn't become a stress and cause of misery!

The Council for Voluntary Services and other organisations such as ACT are expert at developing fund-raising strategies so we'd recommend going to talk to them for advice and help at this point.



Case study: Divided community continued....

At the public meeting (see above) most people said they'd like a management group to take over the green from the parish council. The council provisionally agreed and then confirmed this at their next meeting.

Eight or so people volunteered to form this management group and organised their first meeting asking an officer from ACT to come along and help them get set up correctly and effectively. They made sure that all the important groups in the village were included: the owners (parish council), recreation trust, village hall committee, school, businesses, women's institute and playgroup, as well as people with differing views on the fencing and flooding.

Aims: they decided that their aims were to create and sustain a peaceful green space for the enjoyment of local people and to support native wildlife.

Consultation: the public meeting was useful in gathering initial views and support. The group then talked to the school students and teachers at assembly, put posters up about the green, ran a walk and talk on the green and put quick response postcards through doors and went round to talk to people in houses overlooking the green. They also spoke at the parish council meeting then sat down and collated all the various views and developed their objectives and outputs using these.

More information: they asked a hydrologist to give a full report on the green and the village. It cost a few hundred pounds (that they raised from a coffee morning), but it was worth it to have neutral information and advice from an expert from outside the community. They're now in the process of writing a plan for the next three years with help from the ecologist, hydrologist and ACT. This also involves getting quotes from various contractors and starting to work out a funding strategy.



Section Three: Some of the big issues

We've described some of the most common issues for green space managers across the county detailing what the exact issues are, what problems these can cause and what some people have done to address them.

Ownership issues

We described above some of the ways you can attempt to find out about ownership. But why is it such a big issue and why do we need to know?

First the owner has many rights and powers over a piece of land, for example who can use or walk on the land, how it is maintained etc. As an owner you have most control over what the land looks like, sounds like, feels like, what it is used for and by whom.

If there is no owner or ownership can't be proved then what happens to the land, how it is used and managed may be difficult to decide on and carry out.

Stopping people behaving anti-socially on the land, encroaching on it or using it in a non-community minded manner will be more difficult to prevent and control without having the owner's powers behind you. This includes preventing development on the land or other loss of the whole space.

It is virtually impossible to get funding from grant bodies, charities, the lottery and public sources unless you are the owner or have permission from the owner for the activities you wish to carry out.

Generally, public liability insurance for open green space is the responsibility of the owner (although often the parish council's policy may cover the space).

Planning permission can only be enacted if you're the owner or you have a legal contract with the owner giving you permission to do works.

Even if you know who the owner is or you're the owner and have been acting as such, unless you can prove ownership then effectively the land is ownerless.

Unfortunately the very reasons much of our open green space came into community use (rather than private) - means that ownership in its community function has never been specified or documented.

[Community green space was often once part of a large estate. The land may have been considered as 'waste' by the lord of the manor and allowed to slip into a community role through continued use by local people 'as of right'. In many cases this slippage to community 'ownership' has never been recorded]

Tracing ownership back to a provable point, as in a case north of Carlisle, may take the researcher back to 15th century archives meaning hours searching through record office files and beyond – all very time consuming and ultimately not providing much help.

Sometimes these historical factors can cause mix-ups even with the highest authorities. We heard from a parish council in the south of the county. The Crown had sold the parish council their village green in the 1960s. Their village green directly abutted a second registered village green that they did not own. They managed both on behalf of the parish however and wanted to make some improvements to the green for the benefit of the communities. On seeking permission from the neighbouring landowner (a Lord) they were informed that the Lord owned both greens and the Crown had had no right to sell the Northern green at all!





Sorting out ownership

We talked through some of the places to look for evidence of ownership in Section Two above. The aim being to gather sufficient proof to register ownership with the Land Registry office and so gain national recognition.

What are the benefits of registering ownership?

Protection

State-backed registration gives you greater security of title, providing you with better protection against claims of adverse possession (someone else claiming the land under what was known as ‘squatters rights’)

Efficiency

The registration process allows you to sort out any uncertainty about what you own, aiding the future management of your property and helping you deal with problems such as encroachment and anti-social behaviour. With issues such as affordable housing high on the agenda, sorting out who owns what locally will become increasingly important. Registration can also be useful in making applications for funding and preparing an official asset register for the Audit Commission.

Ease

Registration establishes proof of ownership and produces one easy-to-read and widely accepted document reflecting the contents of all the paper title deeds. This simplifies land sales, making conveyancing easier and potentially less costly for all involved. All title information is kept on Land Registry’s database and can be viewed quickly and securely online.

What evidence do I need?

Documentary title deeds (if any) together with a plan showing the extent to be registered – copies of any relevant Enclosure awards may also be useful. Please

bear in mind that you don’t necessarily need a postcode to locate your land, a good description and map will do. Photos, aerial photos and Google Earth images etc will also help.

You should search the Common Land and Village Green registers. If the land is registered, send copies of the register and any associated documents such as decisions by the Commons Commissioner.

If there are no title deeds or the title deeds are unclear, you’ll need to make a statutory declaration setting out:-

- A description of the land to be registered (with reference to a plan)
- How you acquired the title to the land (if known)
- What has happened to the title deeds (if known) e.g. if they were damaged in a fire, lost etc
- Details of how the land has been used i.e. by the community
- Details of what you (the applicant) has done on the land. If you’ve been maintaining the land it can be very helpful to provide receipts, bills, contracts or other supporting documentation to prove this. This shows you’ve been acting like an owner for some time. The further back you can show this, the better
- Details of any correspondence that there may have been concerning the land. For example if utilities or neighbours have written to you assuming you’re the landowner
- Details of any disputes affecting the land

Attach copies of any of the correspondence or evidence to the statutory declaration. You should also include any licence or wayleaves that may have been granted to any of the public utilities to place equipment on the land.





What does it cost?

Fees

Land Registry's fees are based on either the value of the land or the number of separate parcels of land. Payable on application, they normally range from £40 (for estates valued at under £50,000) to £690. You can parcel together all the various pockets of land in your parish and register them all in one application if you prefer. This means there will only be one charge.

Other costs

The Land Registry team do not charge for their support in developing your application.

You shouldn't need to get a professional land valuation done. Use local knowledge, estate agents etc to estimate the value of the land and explain why you've valued it at the price you have.

How do I get started and what can I expect to happen?

a. Think about: 'do we really own this land?' why do we think we own it? Might somebody else think they own it? Have there been any disputes about this in the past?

b. What evidence have you got to prove you own it? The best evidence is the deeds to the property. If you don't have these then there's a great deal of other documentation that you could use instead. You'll need to collect, understand and organise the evidence and produce a list summarising what you've got and why it's useful. (see above). You should include any register information if the land is a Town and Village Green or Common Land. You'll probably need the Clerk or someone who has knowledge of the management of the green / land to help piece all the evidence together. You may need to get sworn statements (statutory declarations or statements of truth) from some people.

c. Create a detailed map / plan of the area of land clearly defining the boundaries. Provide a detailed description of the land.

d. Get the appropriate form from the Land Registry (LR) web site or office and have a go at completing it. Ask CALC to put you in touch with another Parish that have been through the process and can help.

e. If you've done all the above it's now time to get in touch with the LR team and get some help. They'll be able to support you through the process, will make sure your evidence is sufficient and then start the next stages. You may be referred to their solicitor—don't worry this is a fairly standard process.

f. The LR team will write to other people who may have an interest in the land (local groups, other landowners

and statutory bodies such as the county council) to see if they have any objections to your claim.

g. If there's an objection the LR team will assess how valid it is. If they consider it groundless, it will be dismissed and the application will go through. If they think there are grounds for objection they will serve a notice of the objection to you (the applicant) and ask if you think you still want to proceed. If you do, both parties will be given the chance to negotiate. If the objection can't be resolved through negotiation the case will go to an independent Adjudicator to Her Majesty's Land Registry. He or she will make a decision on the case. The decision is binding on both parties, but is subject to appeal to the High Court.

Note: It is possible to take a different course of action and apply to a court for a declaration of ownership, however this is a very unusual route to take and not likely to succeed.

How long will it take?

Straightforward decisions can take as little as a month to complete. More complex cases where notice has been served and objections raised can take much longer.





Insurance

Insurance of community green spaces seems to be a constant source of worry and expense for many green space managers and parish councils. 'Who should take responsibility for insuring land; does play equipment need separate insurance; who is liable for what and how much is it all going to cost?' are all common concerns for many people involved in managing community assets. Then there's the issues of how much will our premiums be, how can we keep these to a minimum and where will we find the money to pay for them.

Your first port of call should be your insurance company. In theory they should be helpful and have a customer support department to help you answer your queries, allay fears and find the best, most cost-effective policy for you.

If you find your company are not as helpful as they could be or you'd like some more independent advice you could contact a broker or contact CALC or the National Association of Local Councils (NALC). NALC have been working with one of the larger insurance companies, Aon Ltd, to broker better deals and services for local councils. Aon insure over 6000 local councils so have lots of experience in community insurance matters.

We asked Aon for some general advice and information for parish councils and green space managers. The questions and their answers are below (as of January 2010).

1. Who is responsible for insuring against public liability - the owner or the management group?

The owner will require public liability insurance. Where there is a separate group responsible for day-to-day management of the space (i.e. occupies it) that group will also require public liability insurance. The reason is that a claim may arise from negligence on the part of the owner, or of the occupier, or both.

2. Do we need additional insurance to cover volunteers doing maintenance or enhancement work such as clearing scrub, drainage ditches, creating ponds etc? Insurance would be to cover volunteers injuring themselves and causing injury to others as a direct result of their action or by creating a hazard that may cause injury at a later date.

A standard parish council insurance should cover liability to volunteers and liability arising from the actions of volunteers, but if in doubt tell the insurers. A voluntary group will need to tell its insurers what activities are undertaken and check that volunteers are covered.

3. If we need additional cover is it likely to be a one off payment or increase our regular payments?

Unless any hazardous work is undertaken, the standard parish council insurance will include volunteers without extra premium. For voluntary groups, the activities are part of the assessment made by insurers to determine the annual premium. For this reason the insurers should be kept up to date with any changes in the activities.





4. Are there any good practice measures we can adopt to reduce the premiums on our green spaces?

Regular inspections to discover and deal with any potential hazards (e.g. rabbit holes, broken glass, discarded needles) are essential. These are best done against a checklist and the records kept. Play equipment should be inspected in accordance with the British Standards [daily/weekly visual inspection against a checklist; annual expert inspection by RoSPA or RPII inspector] and records kept.

5. Risk assessments: do we need a qualified person to carry out risk assessments for our green spaces and public use / for volunteer activities etc? How often do we need to do them and what should we do with the physical records?

There are no rules (other than for play equipment - see below). Who carries out the assessments and how often is part of the risk assessment process. Play equipment should be initially assessed as part of the annual inspection; the inspector will assess how often to review the assessment.

Records need to be kept for up to 21 years since a claimant has up to three years to initiate an action and a young person is not deemed to be capable of initiating an action until he/she is 18 years of age. Normally insurers will not want to see the records.

6. Will increased public use of green spaces increase our

premiums? Does use by different types of people affect our premiums e.g. young children, dog owners, learning groups...?

Not normally. It is a normal activity for parish councils, and voluntary groups will have given the details to the insurers at inception of the policy.

7. How does the Disability Discrimination Act (DDA) affect access to public green spaces and their insurance?

It does not affect insurance, but insurers will expect policyholders to do what the DDA requires of them

8. In the case where children are kicking a ball about on a village green and the ball causes damage to adjacent private property does the village green public liability insurance cover this or the home owners private insurance or something else?

If the owner/manager of the green is legally liable the public liability policy will provide cover, subject of course to the terms and conditions of the policy. The householder would however have to show that the damage resulted from the negligence of the owner/manager of the green; otherwise there may be a claim against the child responsible, or his/her parents. Failing this it will be down to the householder and his insurance if any.

As insurance is such a case-by-case issue we've not given any examples of what communities have done..





Anti-social behaviour

Anti-social behaviour comes in many shapes and sizes. By far the most common forms are:

- Irresponsible dog owners allowing their dogs to foul on community green spaces then either not removing the foul or, somewhat bizarrely, taking the trouble to bag it up but then leaving the bag (and contents) on a nearby hedge, wall or even tied to a tree.
- People leaving litter over green spaces – it's unsightly, may be smelly and can cause problems for wildlife, children playing and anybody wanting to use or enjoy the space.
- Different types of users of the green space showing a lack of consideration for others sometimes creating conflict. Common clashes are between dog walkers and parents of young children, people enjoying noisy informal recreation and people looking for peace and quiet.
- Riding motorbikes, mini-motos or other motorised vehicles across a space. Mini-motos have become a real headache in some places - they're noisy, churn up the grass and can be intimidating and frightening for other people. People can get hold of them quite cheaply, but there are very few places where it is legal or acceptable to ride them. Sadly the mini motos

are often ill-thought through presents from parents to children meaning the riders often know no better and have little idea of the havoc they may be wreaking.

- Illegal camping is a problem for community spaces near rural villages in the national parks and other scenic spots. The camping in itself may not be an issue but the litter left behind, human waste and scorching from fires and the noise from groups of people partying all night may be an issue.
- Anti-social behaviour of a sexual nature is becoming more common in rural places on the fringes of large urban areas and is often accompanied by intimidating and threatening behaviour.
- Fly tipping – this can be a problem for spaces on the edge of villages or hidden from view by trees etc.

How can we stop this happening?

Whilst signs asking people to behave properly, development of bye-laws or enforcement of other statutes may have their place in resolution of some of the above, by far the most effective and sustainable approach to resolving anti-social behaviour of most kinds is **to talk to the people involved** and negotiate a change in the way they conduct themselves (or allow their animals to behave) on the space.





Get some help

You may find that it is more effective and less emotionally involving to bring in a third party to mediate or just to start the ball rolling and call the various parties together. There are several agencies that can help you with mediation and facilitation: Resolve and ACT are two such. Your CCC Neighbourhood Development Officer and local CVS office should be able to help suggest other local groups. If there are illegal activities taking place we'd strongly recommend that you talk to your community constable and ask them to help.

Raise awareness

In some cases just simply bringing the issue out into the open and making people aware of how their behaviour is impacting on others can bring about a happy solution.

A village that was having a problem with cars driving too quickly past their green space (and children's play area) worked with the school and youth club to draw posters asking drivers to slow down.

Another village took a similar approach with dog fouling – kids wrote poems and letters explaining how they were affected and what they thought and these were published in the parish magazine on the school web site and in the local newspaper.

Simple measures

In other situations simple measures such as a polite letter to, for example, all the dog owners in the village extolling the virtues of living in a clean, neighbourly environment where people respect each other and do their bit for the community then pointing out the problem that dogs can cause may be enough to change behaviour for the better.

Being reasonable

In these instances always couch things in neutral terms for example talk about the 'problems dog mess can cause people' rather than the problems your dogs' mess is causing your neighbours' – avoid using personal pronouns and referencing individuals in the first instance although describing particular locations may be helpful.

You're looking to get people on side and not to invoke a defensive reaction.

If you're unsure of how to broach a subject just imagine how you would respond if someone approached you or posted a letter through your door in the way you're considering. How would you react? Would you be annoyed or feel 'put upon'? Would you think people were sticking their noses in? Or would you think this was a reasonable request and happily get involved or change how you think and act?

Then imagine how someone you know well and whose opinion and character you respect would respond.....and adjust your approach accordingly.

Positive outcomes

One community that was having a problem with older people feeling intimidated by teenagers who used the green space as a meeting place worked directly with the youth club and an older person's charity to facilitate the two sides getting to know each other and understanding a bit more about their various needs.

This ended up with a cross-generational oral history archive being developed on the village past and present.





Getting people involved

One common reason why these management issues never get resolved and people get disgruntled about how their green space is used or looks is that quite often there are only one or two people willing and / or able to get up and do anything.

Why people don't get involved

There are many reasons why people don't get involved in community projects or activities.

Many people may not be aware of all the different activities and groups getting on with things around them especially if they're relative newcomers to a community and work and have friends in different locations.

Being involved in management groups, parish councils or other community organisations is a commitment and does take up quite a bit of time. It may be that, as for many people, job, family, social life and other commitments come first and fill up all their available time. There's just not time or energy left to start and drive community initiatives.

The particular group that they would be interested in joining may have other people in it that they don't particularly get on with.

They may want to join but feel they simply don't have the skills or confidence to step forward and get involved.

The thought of taking on responsibilities and potential liabilities may be a worry.

For all the above reasons we can understand why people may not be getting involved or be concerned about community issues. However on the flip side, one would hope that one of the aspects that draws people and keeps them living in relatively small, rural communities is the very community itself and the strengths and good quality of life that living in such an environment can bring.

Getting going

And if you, as a busy, hard-pressed green space manager, are hoping to get some help or just generate some interest it's this positive perception of a neighbourly, functioning community that could provide the hook to getting more people interested and involved.

There are several stages to engaging people: Raise awareness

As mentioned above, some people may simply not know that there's a green space there for them to use. So the first step is to let people know: 'it's your green space, enjoy it!'

Talking and thinking

Start to ask people for their opinions and ideas, get them along to social events to talk and look and walk and see what's there and what could be there – motivate them to ask questions and ponder the issues. Generate some interest in the day-to-day management and how the green should look and feel now and in the future.

Doing

Encourage and help people to get involved and start doing something to make a difference. Provide some definable options such as attending a work party, attending a meeting every couple of months, running a fund raising event once a year etc so that people know what they're committing too and don't feel they'll be sucked into a never ending round of committees or worse!

What's in it for me?

At all times consider the 'what's in it for me' factor – if there's nothing of interest or usefulness in what you're talking about, nothing to hook people's attention then there'll be no interest. Imagine yourself in the lives of the people you're trying to motivate – what do they do, what do they like, what gets them interested, what don't they like? Answer these questions and consider these when you start to raise awareness etc.

There's no easy way to gain the interest and attention of those around you and each person and situation will take a different approach (or several). Some lateral thinking always helps though!

You may find you put in quite a lot of effort and it takes several goes and you only get another two or three people involved. But if there were only two or three of you in the first place then you've doubled your numbers and either halved your work or got the potential to be twice as effective! And it may be the start of a snowball effect and much greater things to come.....





Appendix One: The Our Green Space – 5 community case studies

The Our Green Space project aims to protect, enhance and celebrate the open green spaces of Cumbria's towns and villages and their heritage, culture and environmental assets. The innovative project funded by the Heritage Lottery Fund and Friends of the Lake District (FLD) hopes to empower local communities and facilitate the conservation of other greens and common land throughout Cumbria. At a strategic level the project is working to develop a greater understanding of the importance, value and potential of green spaces within statutory and other key stakeholder organisations.

The project is managed in partnership by FLD and Action with Communities in Cumbria (ACT) and supported by local, regional and national organisations including Cumbria County Council, Lake District National Park Authority, The National Trust, Cumbria Association of Local Councils (CALC) and the Council for Voluntary Services (CVS).

The project is working with five Cumbrian communities which will act as a learning resource and good practice model for others. Each community scheme highlights different issues facing communities trying to manage green spaces. Learning from the communities, photo galleries, key documents and further information on all aspects of the project can be found at: www.ourgreenspace.org.uk or email info@fld.org.uk

Barrow

The Marsh Street Arches and Garden Project has transformed an old rail yard into a green oasis in the middle of an otherwise urban landscape. The new green space improves the image and appearance of the area and provides accessible green space that will improve the physical and mental well being of the local community. Named by local school children as 'The Green Heart Den', it brings together many different sectors of the community - the police, schools, community groups and students who can learn about their local environment, wildlife and history of the area, celebrate the social and industrial past and enjoy activities and events. For more information visit: www.greenheartden.blogspot.com or the OGS website pages on Barrow or email: greenheartden@aol.com

Burgh by Sands

The community at Burgh worked together to buy a substantial piece of land in the village to create a new community green space. This ambitious community groundwork project is developing a recreation and cricket pitch alongside a picnic area and a wetland with pond, meadows and ditches. The heritage and tourism aspect of the project included mapping walks around the

village and onto the Marshes, on site interpretation and oral history workshops. For more information email: tim.bradbury@cumbriacc.gov.uk or see the OGS website pages on Burgh

Great Asby and Little Asby

Great Asby has six registered village greens running through the village beside a beck, between church and houses. The community of both villages have a mainly historical documentary based project working closely with the village school, local crafts people and volunteers. They are focusing on felt making, well dressing, oral history and historical research, investigation of footpaths and bridleways, surveys of the greens and historical walks. For more information visit www.asbyhistorygroup.co.uk; the OGS website pages for Asby or email Graham.parkin@ktd.internet.com

Newbiggin

This project contains ground works, historical documentary and education aspects focused on the restoration of two covered springs in the village, their usage, history and cultural value. The project has also provided a focus for research into and revival of local customs and traditions associated with village greens and village springs in Cumbria. For more information email newbiggin@onetel.com or see the OGS website pages for Newbiggin.

Nether Wasdale and Wasdale Head

The Registered Village Greens at Wasdale Head and Nether Wasdale are focal points for this community project. The aim is to enhance the visual, recreation and amenity value of the spaces through drainage, boundary and restoration work, interpretation of the areas and community events to celebrate their culture, heritage and value. The maypole on the green at Nether Wasdale has been renovated and celebrated with a May Festival. For more information email killick.wasdale@btinternet.com or see the OGS website pages for Wasdale.





Appendix Two: Organisations and agencies

Land Registry Office

Land Registry (Durham) Office, Southfield House,
Southfield Way, Durham DH 1 5TR
Tel: 0191 301 3500 www.landregistry.gsi.gov.uk
Harry Charlton is Head of Register Development

Insurance: Aon Limited

(has an agreement with NALC for local council insurance)
The Local Councils Team, Aon Ltd, Insurance House,
125/129 Vaughan Way, Leicester. LE1 4SB
Tel: 0845 753 7070
www.aon.com or email localcouncils@aon.co.uk

Community organisations

Cumbria County Council Neighbourhood Development
Officers www.cumbria.gov.uk. Check the website to find
your nearest officer.

Allerdale Borough Council, Allerdale House, Workington
CA14 3YJ
Tel: 01900 702702 www.allerdale.gov.uk

Barrow Borough Council, Town Hall, Duke Street,
Barrow-in-Furness, Cumbria, LA 14 2LD
Tel: 01229 876375 www.barrowbc.gov.uk

Carlisle City Council, Civic Centre, Carlisle CA3 8QG
Tel: 01228 817179 www.carlisle.gov.uk

Copeland Borough Council, The Copeland Centre,
Catherine Street, Whitehaven, CA28 7SJ
Tel: 0845 054 8600 www.copeland.gov.uk

Eden District Council, Town Hall, Penrith, CA11 7YG
Tel: 01768 212163 www.eden.gov.uk

South Lakeland District Council, South Lakeland House,
Lowther Street, Kendal, LA9 4UF
Tel: 01539 717335 www.southlakeland.gov.uk

Action with Communities Rural Development Officers
The Old Stables, Redhills, Penrith CA 11 0DT
Tel: 017687 840827 www.cumbriaaction.org.uk

Cumbria Councils for Voluntary Services
www.cumbriacvs.org.uk

Cumbria's Association of Local Councils (CALC), Penrith
Library, St Andrew's Churchyard, Penrith CA 11 7YA
Tel: 01768 2812141 (David Claxton)
Email: office@calc.org.uk www.calc.org.uk

Wildlife and landscape organisations

AONBs – have support officers and rangers as well as
ecologists and grant schemes
www.northpennines.org.uk
www.arnsidesilverdaleaonb.org.uk
www.solwaycoastaonb.org.uk

BTCV – ground work expertise, volunteer teams,
insurance, tools
www.btcv.org.uk

Cumbria County Council – countryside rangers and
ecologist
www.cumbriacc.gov.uk

Cumbria Wildlife Trust – Bats, Hay meadows, ecologists,
practical advice, volunteers, ground work skills, Cumbria
Biodiversity Partnership
www.cumbriawildlifetrust.org.uk

Eden Rivers Trust – advice, expert assessments, support
www.edenriverstrust.org.uk

Friends of the Lake District Murley Moss, Oxenholme
Road, Kendal, LA9 7SS – landscape and planning advice,
OGS project, small grants
Tel: 0 1539 720788
www.fld.org.uk

Flora Locale – knowledge banks on all things to do with
native species including seed and plant suppliers
www.floralocale.org

The Grasslands Trust – ecologist, small grants, practical
advice, long term involvement
www.grasslands-trust.org

LDNPA – ecologist, ranger teams, grant schemes,
volunteer teams and tools
www.lake-district.gov.uk

Natural England – range of publications on web site,
ecologists and advisers
www.naturalengland.org.uk

The National Trust – wardens, own tools and volunteer
forces, local knowledge
www.nationaltrust.org.uk Office at Grasmere

YDNPA – ecologist, ranger teams, grant schemes,
volunteer teams and tools
www.yorkshiredales.org.uk



This guide has been produced by the Our Green Space project – a partnership between Friends of the Lake District and Action with Communities in Cumbria, supported by the Heritage Lottery Fund. It is based on a guide originally developed by Jo Chaffer of the Rural Greens project, with input from Harry Charlton at the Land Registry Office and Peter Lawrence of Aon Ltd.

This is one of a series of three Open Green Space guides for managers. The others cover the legal status and protection of green spaces and managing for wildlife.

For copies or information please look at www.ourgreenspace.org.uk or email info@fld.org.uk

