

**SHREWSBURY TOWN COUNCIL
OPERATIONS COMMITTEE
3 SEPTEMBER 2025**

Officer: Helen Ball (Town Clerk)

FIELDS IN TRUST

Purpose of Report

To update the Committee on options for protecting recreational space.

Introduction

The Operations Committee recently considered a request from Meole residents to register Stanley Land Recreation Ground as a Village Green. The Committee asked that research be made as to options to protect recreational space for future generations.

Village Green Status or Fields In Trust?

Outlined below are the differences between Village Green Status and Fields In Trust Status

Registering Land as a Village Green (under the Commons Act 2006)

 Advantages:

- Strong statutory protection: Once registered, land is protected in perpetuity. It becomes very difficult to develop or change its use. Development inconsistent with “green” use is effectively prohibited.
- Public rights guaranteed: Locals gain legal rights to use the land for “lawful sports and pastimes” (dog walking, football, picnics, fetes, etc.).
- Community ownership of use: Registration secures community recreational access regardless of ownership changes.
- Defence against development: Registration is one of the strongest tools available to resist building proposals.

 Disadvantages:

- Narrow definition of use: The land must already have been used by the local community for informal recreation “as of right” for at least 20 years. New or unused land generally won’t qualify.
- Management complexities: The registration doesn’t automatically provide a management framework or funding; upkeep remains the owner’s responsibility.
- Restrictions can be inflexible: Future projects (like new play equipment, car parks for users, or community buildings) may be restricted or require legal hurdles.
- Difficult application process: Proving 20+ years of use can be contentious and legally challenging.
- Owner resistance: Private landowners may object vigorously, leading to public inquiries.

Fields in Trust Protection (Charity Protection Deed)

✓ **Advantages:**

- Flexible protection: Land remains dedicated for public recreation and sport, but with scope for evolving community needs (e.g. installing facilities, adapting for changing recreational trends).
- Charitable oversight: Fields in Trust provides legal expertise, guidance, and a national framework of protection.
- Less adversarial process: Achieved by agreement with the landowner (often parish/town council or local authority) rather than through legal dispute.
- Positive branding: Sites gain recognition through Fields in Trust status, which can help in funding bids, community pride, and events (e.g. *Queen Elizabeth II Fields Challenge*).
- Customisable: Protection deeds can be tailored — for example, allowing certain developments (pavilions, changing rooms, play areas) as long as recreation remains the primary use.

✗ **Disadvantages:**

- Not as absolute as Village Green: Fields in Trust protection is contractual, not statutory. It relies on the charity's oversight and legal deeds, which are strong but technically not as watertight as Village Green status.
- Requires landowner consent: If the landowner doesn't agree, it can't happen.
- Charitable restrictions: Once protected, alterations or disposal require Fields in Trust consent, which can slow down local decisions.
- Ongoing responsibility: The managing council or owner retains costs and duties for upkeep (Fields in Trust doesn't provide funding for maintenance).

⚖️ **Summary**

- Village Green = maximal statutory protection, locks in recreational use forever, but can be rigid and is often contentious.
- Fields in Trust = strong but flexible protection, achieved by agreement, supportive of future facilities, but not quite as absolute as Village Green status.

👉 **In practice:**

- If your primary aim is to block all future development forever, Village Green is the stronger route.
- If your aim is to protect the land for recreation while allowing future community improvements, Fields in Trust is usually the better option.

Comparison: Village Green vs Fields in Trust

Aspect	Village Green (Commons Act 2006)	Fields in Trust (Protection Deed)
Legal Protection	Very strong statutory protection – development inconsistent with recreational use is effectively prohibited.	Strong contractual protection through charity deeds; enforced by Fields in Trust but technically not statutory.
Public Rights	Locals gain a legal right to use the land for lawful sports & pastimes in perpetuity.	Land is dedicated for public recreation; public benefit protected but framed by agreement with landowner.
Flexibility	Inflexible – future changes (e.g. new buildings, parking, or facilities) may be restricted.	Flexible – allows for future recreational improvements (e.g. play areas, pavilions, sports facilities) with FIT consent.
Eligibility	Requires proof of 20+ years of recreational use by the community “as of right.”	Available by voluntary agreement with the landowner; no historic use requirement.
Process	Often adversarial – landowners may contest applications, leading to inquiries.	Collaborative – entered into by agreement between landowner and Fields in Trust.
Branding / Recognition	No external recognition beyond statutory status.	National recognition (e.g. QEII Fields, Centenary Fields), positive for community pride & funding bids.

Aspect	Village Green (Commons Act 2006)	Fields in Trust (Protection Deed)	8
Management	No management framework provided – responsibility stays with owner.	Supported by FiT guidance and oversight; still owner's duty, but with a structured framework.	
Funding / Support	No additional funding or support attached.	Fields in Trust status can strengthen funding applications and attract community engagement.	
Landowner Consent	Not required (community can apply independently).	Required – protection depends on landowner's willingness.	

Village Green Registration Process (Commons Act 2006)

Who applies?

- Local residents, community groups, or parish/town councils can apply to register land as a Village Green.

Key steps:

1. Application submitted to the *Commons Registration Authority* (Shropshire Council).
2. Evidence required: must prove at least 20 years of continuous use “as of right” (without permission, force, or secrecy) for lawful sports and pastimes by the local community.
3. Consultation and objections: the landowner and other interested parties can object.
4. Public inquiry: if there are disputes, an independent inspector may hold a public inquiry.
5. Decision: the registration authority decides based on evidence.

Characteristics of the process:

- Often adversarial (especially if the landowner opposes).
- High evidential burden – collecting witness statements, maps, photos, etc.
- Can take months to years if contested.
- Once registered, protection is automatic and permanent.

Fields in Trust Protection Process

Who applies?

- The *landowner* (usually a parish/town council or local authority, but can also be a private trust, diocese, or sports club).

Key steps:

1. Landowner expresses interest to Fields in Trust.
2. Negotiation of a *Deed of Dedication* (freehold/leasehold) or *Minute of Agreement* (local authority land).
3. Agreement signed: landowner and Fields in Trust formally agree to protect the land in perpetuity for recreational use.
4. Registration with Fields in Trust: site listed nationally, often with branding or recognition (e.g. QEII Field).

Characteristics of the process:

- Voluntary and collaborative – requires landowner consent.
- No evidential burden of proving historic use.
- Relatively straightforward and quick – usually completed in a few months.
- Protection is via legal deed/charitable oversight, not statute.



Key Difference in Process

- Village Green = *community-driven*, proof-based, often contested, legally tough but inflexible.
- Fields in Trust = *landowner-driven*, agreement-based, cooperative, easier to achieve, but relies on a charity's protection deed rather than statute.

What can be protected with Fields in Trust?

Additional information has been sought from Fields in Trust who will be happy to help support registration.

Any park or green space would need to meet the seven criteria below:

- You must own the space by having a freehold interest or a leasehold interest of at least 99 years. Tenants will need to have the consent of their landlord for the dedication of the space for the duration of the lease or by the landlord becoming a party to the Deed or Minute.
- We can protect leased areas of land within a green space but ask that the leaseholder agree to be party to the Deed.

Spaces and facilities suitable for protection:

- Your green spaces must be used for informal physical activity and recreation, or formal sport. We use a wide definition of recreation to encompass woodland, gardens, nature reserves, country parks, playing fields and playgrounds.
- Your green space should be at least **0.2ha** (as an example the whole of the Square including the Old Market Hall is about 0.2ha) in size but we will consider protecting smaller spaces where their value to the local community can be demonstrated.
- Your green space must have some form of permanent public access, whether that's by being open to the public or, in the case of a sports club, by having an open membership policy.

Spaces and facilities not suitable for protection:

- Any green space where public access is restricted by exclusive events and activities that take up more than 50% of the space, for more than three months in a calendar year.
- Facilities owned by or leased to private clubs.

Including buildings in our protections

There are also some buildings which must be excluded from the Deed or Minute. These are electricity substations, leisure centres, indoor sport facilities, community centres, village halls, schools, residential buildings, council offices, town car parks and any other commercial buildings.

However, buildings and structures directly associated with and supporting the recreational use of a green space - for example sports pavilions, changing rooms, toilets, storage facilities, car parks for people using the park and associated cafés - can be included in a Deed or Minute.

Land registration requirements and fees

England and Wales: You are required to enter a restriction and notice to the registered title. The Land Registry fee is £80 for up to three titles. If you use its business e-services, the fees will be £40.

Documents Required

- ***For registered Land*** - Office copies of the register of title, dated within the last 12 months, to represent the current standing of the land. If the land is registered under more than one title number, all relevant title registers and plans are provided.
- ***For unregistered Land*** - Copies of the conveyance(s), will, trust deed or other evidence of ownership.
- ***For leasehold Land*** - Copy of any lease on the land for a term of at least 99 years.
- ***A plan*** - Where the whole of the registered property is to be dedicated, the title plan can be used. However, it may not be suitable to use if there are areas within the space that need to be excluded. If this is the case, you must provide a plan that has the following features:
 - It outlines the green space to be dedicated by an unbroken red line
 - It outlines/shades excluded area(s) such as buildings not suitable for dedication in another colour e.g. blue
 - It is an Ordinance Survey plan

- It is drawn to a scale
 - It has a north point
- **Evidence for approval to protect** - Evidence of the necessary approval to protect the green space(s). For example, a local authority will probably give approval at a Council or Committee meeting or from another delegated authority so you could provide a copy of the relevant meeting minute
- **Other information** – The application form requires contact details of legal representatives (if applicable), information regarding facilities and activities on the space, Friends of Groups, major events, details of any outstanding funding agreements, and a short description of the space.

RECOMMENDATIONS:

- (i) That the Report be noted;
- (ii) That the Council supports the registration of Recreational Land under Fields In Trust
- (iii) That Officers work with elected members to identify a list of recreational space that would meet the criteria
- (iv) That an Operational Working Group be established to develop all necessary documentation
- (v) That sign-off be considered by the Operations Committee ahead of any formal Council approval