

7. Justification for Application to register the land as a town green

7.1 Neighbourhood within the locality.

Dereham is the civil parish situated at the geographical centre of Norfolk on the A47. Highfields is a distinct neighbourhood within this locality. It is geographically separated from the main settlement (map A), it has its own name (Highfields) which people identify with and other residents of the locality do not generally walk through the neighbourhood to get to other places. It is geographically distinct and people identify with the area as their neighbourhood.

Being a neighbourhood linked to a larger locality, the area does not have many community facilities for the exclusive use of that neighbourhood. Most of the community facilities are located centrally in the locality. There is however a neighbourhood watch scheme which operates exclusively within this neighbourhood. This scheme is run by volunteers in the neighbourhood for the benefit of the neighbourhood. This demonstrates that the residents of Highfields identify with the area and see themselves as belonging to a distinct neighbourhood within a locality.

7.2 That the land being claimed is principally for the residents of the neighbourhood not for the general use by all members of the locality.

It can never be conclusively proven that any piece of open access land is exclusively for use by residents of a particular neighbourhood. It can, however, be demonstrated in a number of ways that the land is principally for the residents of Highfields:

- 1) There is no parking in the vicinity of the land; therefore people from outside the location are not being 'invited' to come and use the land.
- 2) When the land was being proposed to be developed, the majority of the objections came from the neighbourhood.
- 3) This is anecdotal, but very few people outside the neighbourhood realise its existence. I have lived in Dereham most of my life and had never visited the area before this issue arose.
- 4) It does not form part of the PROW and is not a through-way, so people who live outside the neighbourhood have no reason to pass through it.

7.3 Openly without force and without permission.

It is understood that the land belongs to Breckland District Council. While both areas have been under the management of Breckland Council, the unwooded area has been managed as an amenity area with the grass cut on a regular basis to maintain a lawn suitable for members of the public to enjoy lawful pastimes. Therefore the owners were aware that the area was being used by members of the public for pastimes, yet consent was never given in any way nor was any attempt made to prevent access.

7.4 Pastimes.

It is clear from the evidence forms that the area is well used for lawful pastimes such as children playing, dog walking, blackberry picking and the like. While the wooded area has some pathways within it, these are meandering and random and do not form a linear route between two points, nor have the routes been predetermined by the land owner. The routes have developed and evolved in response to the meanderings of people within the wood. People have been free to wander at will across all areas and have exercised this right for more than 20 years.

7.5 The land.

The land in question is clearly marked on map exhibit A.iii (edged red). Initially an additional strip of land to the west of the Slough Plantation was included in the evidence forms for people to complete; see map exhibit C (edged blue). It was found however that the blue land already had outline planning permission for residential development and was about to be sold to a developer. Many residents did not wish to obstruct this development and therefore, because a claim on this land did not meet with universal support, this land is not being claimed as Town Green.

This is why on some of the evidence forms this slip of land was on the plan.

7.6 Legal status of the land

Following a Freedom of Information request, Breckland District Council believes the land is not held under any Act. Email attached.

7.7 Significant number.

It is estimated that there are approximately 601 people on the electoral roll in the Highfields Neighbourhood. Of these, 110 people have completed an evidence questionnaire (18%) and of those, 60 residents have provided evidence of usage over 20 years and some considerably longer.

I think that there can be no doubt that the land is currently well used, and has been well used since the estate was built nearly 40 years ago.