

Village Green Status FAQs

1/ What's it all about? Currently Singlers Marsh is registered as a Local Nature Reserve, but this gives very little protection from any development. Registering it as an official Village Green under the Commons Act 2006 makes it a criminal offence to 'erect anything on, disturb or interfere with that green or ground otherwise than for its better enjoyment for its proper purpose.' This gives it much more protection from being developed.

2/ What difference will it make? It is expected to stop the plans to use Singlers Marsh land as an access road for any housing developments in the fields around the cemetery, which would then block those developments.

3/ Why now? A previous application was made in 2001 which was turned down because of the Marsh closure for 'Foot & Mouth' disease (albeit WHBC subsequently admitted this was against DeFRA advice). The current application has been made as Welwyn Hatfield Borough Council (WHBC) hold a developer's plan to build a new two-lane bridge across the Mimram, upstream of the existing one, and carve off part of the Marsh to widen Fulling Mill Lane to provide access for potentially 240+ houses to be built on the fields around the Cemetery. A successful Village Green application would likely block the road widening and the extra bridge, which in turn would stop the housing development. It would also stop similar drawn-out development proposals arising in future.

4/ Who is responsible? WHBC either own or lease all the different areas of Singlers Marsh. As landowner, they could object to granting Village Green status, and they could also support it. They might decide to object because of a legal/statutory obligation to keep the land available, or because it might limit their ability to create a borough-wide plan for housing developments. They might support it because the land was given to WHBC in 1974 as a nature reserve, and has been used as a public amenity ever since.

5/ Will it mean that local people will get a say about the Marsh in future? No, not as a result of it becoming a Village Green. Whether it does or not, WHBC would still be responsible for maintenance as now (paid for in part by WPC), including the use of cattle to keep down the nettles. There is the separate possibility that Welwyn Parish Council (WPC) could buy the land from WHBC, in which case WPC would pay for maintenance – but the maintenance payment from WPC to WHBC would then cease. However, the community (via WPC) would then have much more say over how it is managed into the future.

6/ What will change at a practical level? Nothing – other than ensuring that Singlers Marsh is kept as it is into the future for everyone to use and enjoy. We can still walk the dog, hold the Welwyn Festival, the Duck Race, picnic, paddle and enjoy the wildlife. In a wet winter the northern end will still flood and drain as it does now.

7/ Will the cattle still be there in the summer? Yes.

8/ Will I still be able to walk my dog and let the children play in the river? Yes.

9/ Will we still have the Welwyn Week festival and the 10k run? Yes.

10/ What will happen about the duck race? If the development goes ahead, it is hard to see the Duck Race happening again on the Marsh. If the Village Green application is successful, the Duck Race will continue unaffected.

11/ Will there be new rules as to how people can use the marsh? No.

12/ Will it mean that local rates will increase as we will have to pay for maintenance? Not as a result of it becoming a Village Green. If WPC manages in future to acquire the Marsh from WHBC then, as WPC already pays WHBC to maintain the Marsh, WPC would simply pay direct for the maintenance.

13/ It's a flood plain – no development will happen. Yes it could. Although it is designated as the worst category of flood plain, a developer already has a plan to carve off part of it to widen Fulling Mill Lane. Putting a road through a flood plain can be readily done. The houses that it would access would be higher up and out of the flood plain. It is also possible to build housing directly on the southern end of Singlers Marsh, as this part is higher land thanks to spoil that was dumped here when Link Road was built.

14/ Why are you not applying for Village Green status for the whole area? For legal reasons to do with Singlers Marsh straddling the borough boundary (part of it is in North Herts DC) and the fact that different parts of it are owned by different freeholders, it was not easy to make a single application. Instead, the area that is at most risk is being prioritised.

15/ What do we have to do to be successful? Show that a significant number of people, mostly within Welwyn Parish, have used Singlers Marsh for recreational purposes during the course of at least the last 20 years. "Significant" could be 5-10% of the population, eg 800+ evidence questionnaire responses. Each person can respond – not just one per household. We also need to persuade WHBC to support the application.

16/ Why do you need my contact details? First, we need to be able to prove where you live in order to prove the point above. Second, the questionnaires will be sent to Herts County Council (HCC) who manage the process. They may need to contact you if they have a question about your evidence. If there is an objection to the registration, this could be decided by a Public Inquiry – at which point it may well be helpful to have testimony in person.

17/ What could stop it? Four issues:

a/ Trigger Events. If the local area has been designated in WHBC Local Plans as an area for 'potential development' then this can create a 'Trigger Event' which would stop it. When the application was made in Spring 2020 the cemetery fields were not in the Local Plan and so the application was considered 'duly made', at which point it follows the process. The Local Plan and potential building sites are now being reconsidered including the Cemetery fields. However, it is a legal question as to whether a Trigger Event can be created retrospectively, and we are hopeful that it cannot.

b/ The landowner has to make a statement which does not object. The matter at WHBC will be handled by the Ecology Officer and likely also the elected councillors, who will be lobbied.

c/ Insufficient numbers of responders not covering at least the last 20 years from with Welwyn Parish

d/ That it has been used 'as of right' and not 'by right'. Essentially 'by right' means 'with the landowner's permission'. The Supreme Court ruled in 2014 that use of the land 'as of right' is without the landowner's permission but is carried on as if it were 'by right', and 'not by force, nor stealth, nor the licence of the owner'. This 'right' given by the Landowner can be implied and need not be explicit. Your answers to the questionnaire will hopefully prove that our use of the Marsh has been 'as of right'.

18/ What happens if the application fails? The WHBC Local Plan is being reconsidered now. It may not be finalised until next Spring, or possibly even later. A successful Village Green application for Singlers Marsh would help ensure that the fields around the Marsh are not filled in with high numbers of housing. If the application fails then other routes may still block these housing plans, and these are already being explored. In particular, we can demonstrate that there has not been adequate consultation about developing Singlers Marsh. We plan to use this argument to substantially delay any decision about building these houses, making them much less attractive to delivering the aims of the Local Plan.

In addition, if the Village Green application fails then all the evidence we gather can be used by our own elected councillors and MP to strengthen their case in any future discussion about development in/around Singlers Marsh.

Developer's plan for 240+ houses (from WHBC website):

