

The Greens Tour – Clive Hall – SDDR Conservator Feb 2019 to date

Public Tour Objective

The Greens Tour is intended to allow participants to familiarise themselves with where the Greens are, their size, condition and their current use.

The tour was originally designed to be for the Conservators and their staff, so to some extent focusses on Conservator issues, but an engaged public will recognise these issues.

A variety of maps and resources are provided as part of this pack allowing participants to understand what resources the Conservators work from and how time and events has shaped and influenced the Greens, easements, rights of way network etc.

Public Tour Points to note

The tour on 18th June 2022 is organised by the FOTH (Friends of Therfield Heath). The tour involves visiting each of the Greens. Travel between the Greens will either be on foot along roads or rights of way or by vehicle. Given the distance to be walked and the duration of the tour participants should come prepared with appropriate clothing and footwear. Participants should also consider bringing refreshments and anything else they would usually take on a country walk of a similar distance and duration. The terrain is in places rough and uneven, at times the route may be overgrown including tall grass, nettles and brambles.

Please feel free to ask questions about the tour and about the Conservators in general.

Management of the Greens

The Conservators are the statutory managers of the Greens.

Following the success of the “Sun Hill Common” model where the local neighbourhood now steer the Conservators’ thinking about management, the Conservators have been looking at driving the Greens agenda in a similar way. Four Greens (Therfield Green, Hay Green, Washingditch Green, and Chapel Green) are now managed in direct response to a workshop with local people hosted by the Parish Council at which the Conservators listened to local people’s views on management. Blending affordability, ecology and local preferences will never satisfy all, but proactive consultation seems very worthwhile.

Pressure on the Heath and specifically the SSSI means that the Conservators want to maximise the value of the Greens to people and potentially promote them as an alternative location to visit to the Heath. With section 106 funding available to reduce recreational impacts on the Heath the development of the Greens as an alternative has a funding stream.

Names and Numbers

Each piece of common land in England is given a unique code within its commons registration authority (CRA). This code is the index for the common's entry in the commons register, a definitive national register of commons created after the Commons Registration Act 1965.

For example "Hertfordshire CL92" is interpreted as follows: The commons registration authority (CRA) is Hertfordshire County Council, CL means Common Land and 92 is just a unique number.

Hertfordshire CL92 is in fact Therfield Heath. Calling it CL92 is helpful because as we know many people call it Royston Heath or just the Heath which is vague, additionally as we know areas within the Heath have their own names and some people think these identify different commons. For example Sun Hill Common or The Gallops have historically been said to be separate to the Heath.

To avoid ambiguity when dealing with land known by many names we are well served by using the unique code.

Registers and Maps

In addition to the unique code the CRA maintain the register entries about each common and a map of the common. These entries and maps are definitive in law so very important although they can be changed and corrected in some circumstances. For example my application about Karen's Corner changed the map for CL92 by now correctly recording a historic change that had not been recorded correctly in 1976.

The register entries have a notes section where details about the land is recorded and a rights section where rights are recorded. The Conservators' role in our commons is recorded in the notes section.

To be fair the registers need tidying up, but it is essential that this does not lose history or vary the common. Similarly the maps are often hand drawn so transferring them to digital maps would seem appropriate if this can be done without error or change. Some new maps have been drawn (e.g. the western Heath was re-drawn as a result of the Karen's Corner inclusion), but it will be some years and involve much checking and consultation before this map becomes the definitive one. Having said that the western Heath is fairly easy, as we will see at Chapel Green there is a mismatch that is hard to work out.

A List of the Greens in the order we will visit them

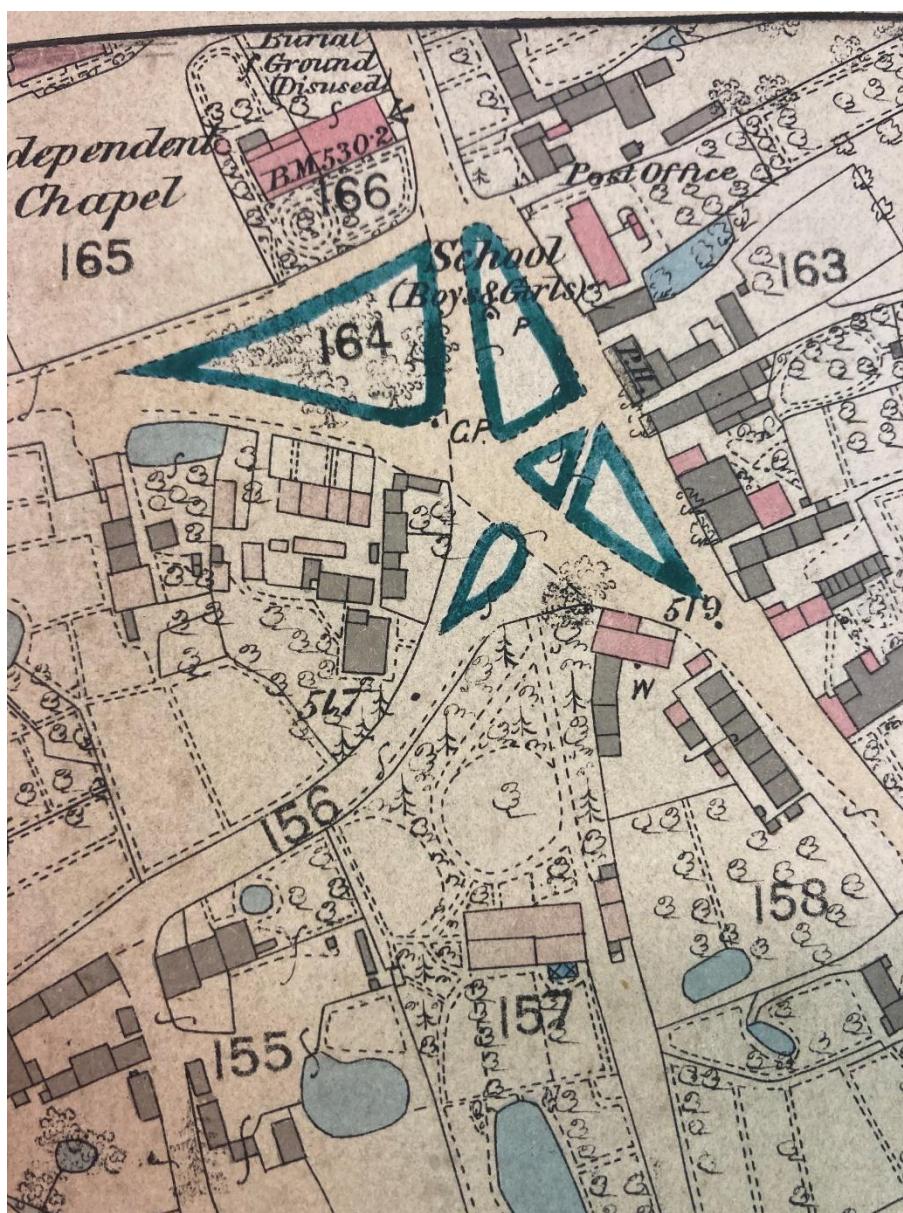
- Therfield Green VG35 & VG40
- The Recreation Ground VG69
- Hay Green CL113 & CL159
- Washingditch Green CL116 (& CL324 perhaps?)
- Camps Green CL158 (& CL115 – not managed by the Conservators)
- Chapel Green CL114
- Rush Green CL108
- Collins Green CL112 & CL157
- Ducks Green CL117

Standing on Therfield Green

Below is a photograph of part of the 1893 Award Map showing Therfield Green.

The Award Map is a legally definitive document showing the extent of the Heath and Greens in 1893. The green lines are thought to be superimposed on the 1st edition Ordnance Survey map from 1887. Two copies of the Award Map exist one is held by Hertfordshire County Council and can be accessed by the public at HALS (Hertfordshire Archives and Local Studies), the second copy is held by the Clerk to the Conservators. The Conservators hope that in time they will be able to professionally digitise the map and make it available on-line.

- Note different road layout outside the public house.
- Consider the maintenance regime
- Are the uses appropriate



The Recreation ground

Another key research resource is the 1893 Award which includes clues about ownership and why land was included or excluded from the common. The following extract tells us how the recreation ground came about. The second snip tells us about ownership of the Heath and Greens generally.

AND I DECLARE that in pursuance of the said Confirmation Act and with the sanction of the Board of Agriculture, and with the consent in writing of Francis John Fordham, of Royston, aforesaid Esquire, I have set out allotted and awarded unto the said Francis John Fordham all that part of Therfield Heath TINTED RED on the Map hereunto annexed and containing by admeasurement 25a. Or. Op. in exchange for all that piece or parcel of old inclosed freehold land adjacent to the village of Therfield tinted Yellow on the said Map and containing by admeasurement 4a, 2r, 35p. which said last mentioned piece or parcel of land is in pursuance of such Act and with such sanction and such consent as aforesaid vested in the Conservators of the Common in trust as a public recreation ground, and is under their management and control and subject to their Bye-laws as hereinafter mentioned.

- Who owns the Recreation Ground in 1893?
- Who owns the Heath in 1893?
- Who owns Therfield Green and Ducks Green in 1893?

... proposed in the office of the said Commissioners :
And whereas the said Common, with the exception of the Greens known as Ducks Green and Therfield Green, is waste land of the Manor of Therfield, of which the Ecclesiastical Commissioners for England are the lords, and as such

are entitled to the soil of the said Common except as aforesaid, and the said Greens known as Ducks Green and Therfield Green are waste land of the Manor of Therfield Rectory, of which the Rector of Therfield is the lord, and as such is entitled to the soil of such Greens :

- Who owns them now?

Hay Green

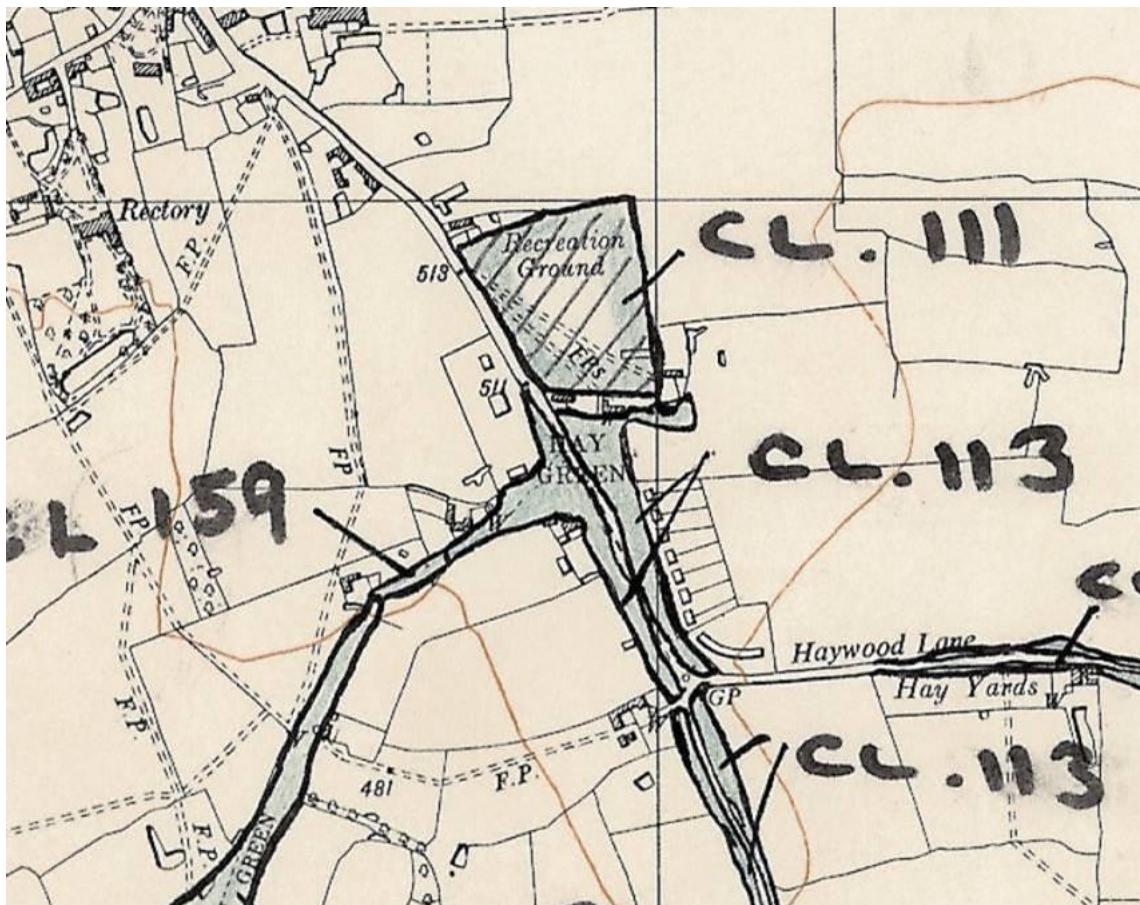
Regrettably Hay Green is a very controversial space. It suffers encroachment and local residents are unhappy with some uses of the space like the 4x4s using the Byway open to all Traffic (BOAT). Even its management is controversial as views differ significantly about how the grass should be managed.

- To what degree do you feel a common should be kept open to the public?
- Do easements reduce the value of the common?
- How do encroachments impact the common?
- How should the Conservators collaborate with the residents?

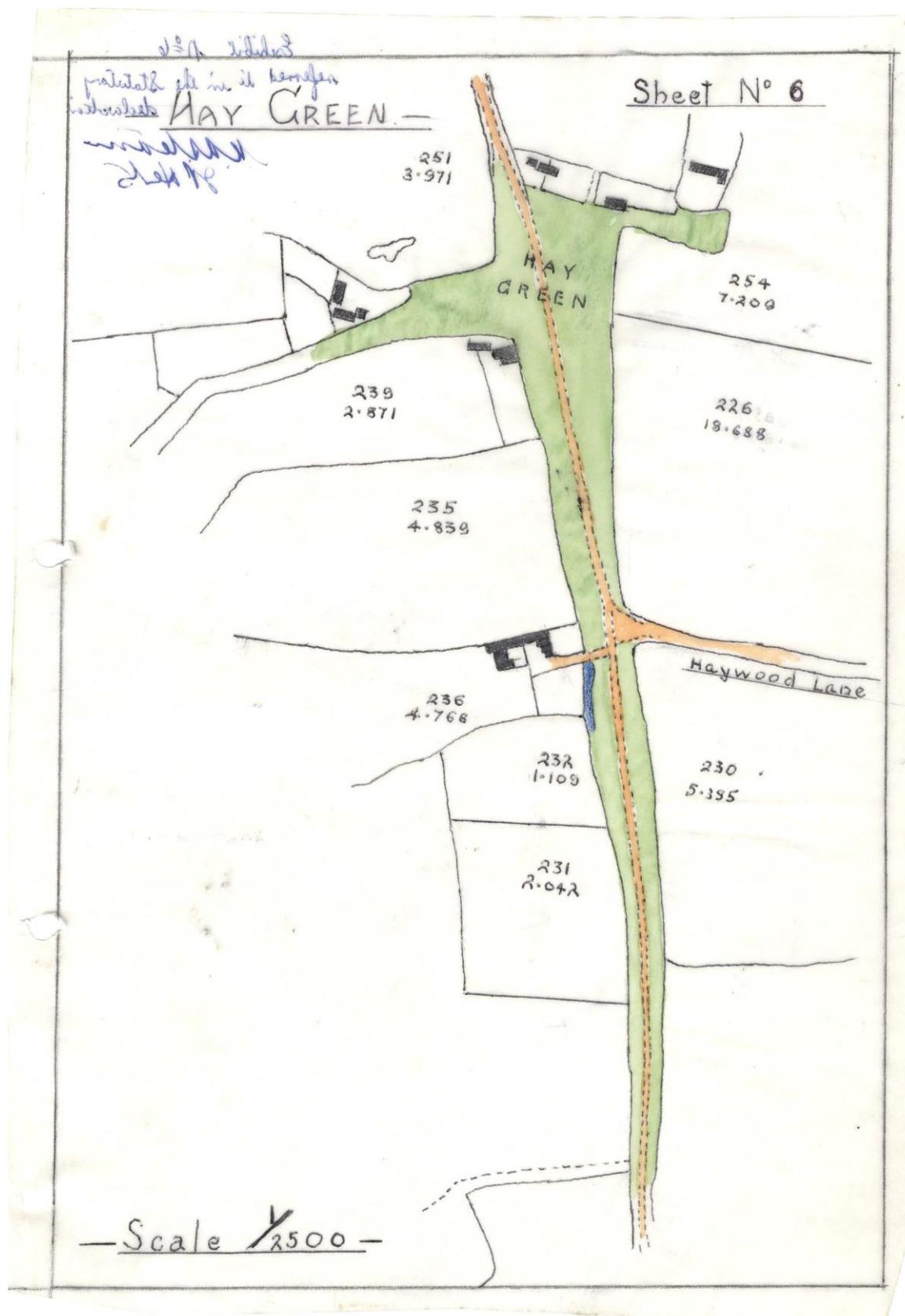
While on Hay Green we consider other maps that are useful resources. The most important are the maps that were drawn to enact the Commons Act 1965. In 1965 all common land was registered and the unique numbers allocated. As part of the process a map of the common was submitted by the person or organisation seeking the common's registration. In response the local Commons Registration Authority (CRA) produced registration maps. In recent years these registration maps are being digitised.

The land registry holds the ownership maps and while these do not show common land they should correspond as they show the land previously owned by the church commissioners. Earlier taxation maps from the 19th century also help understand who owned what and can be conclusive about public rights of way.

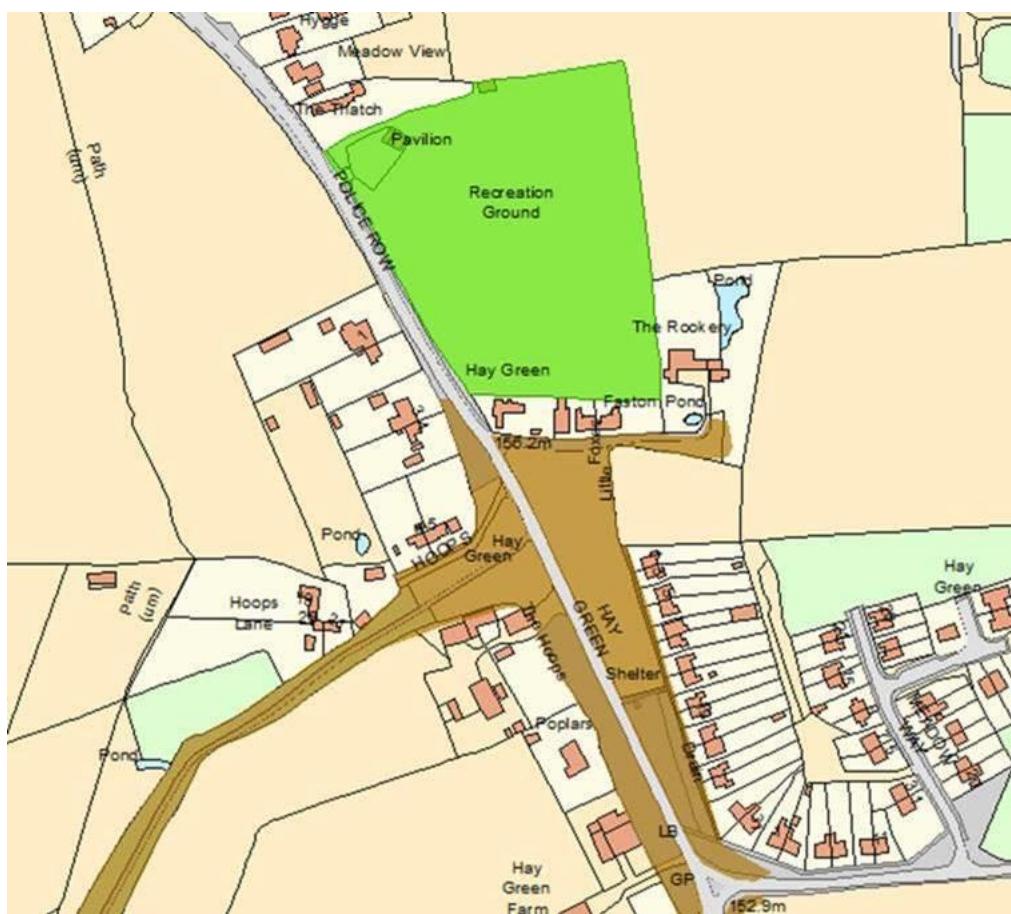
CRA map from the 1960's based on OS mapping of the time.



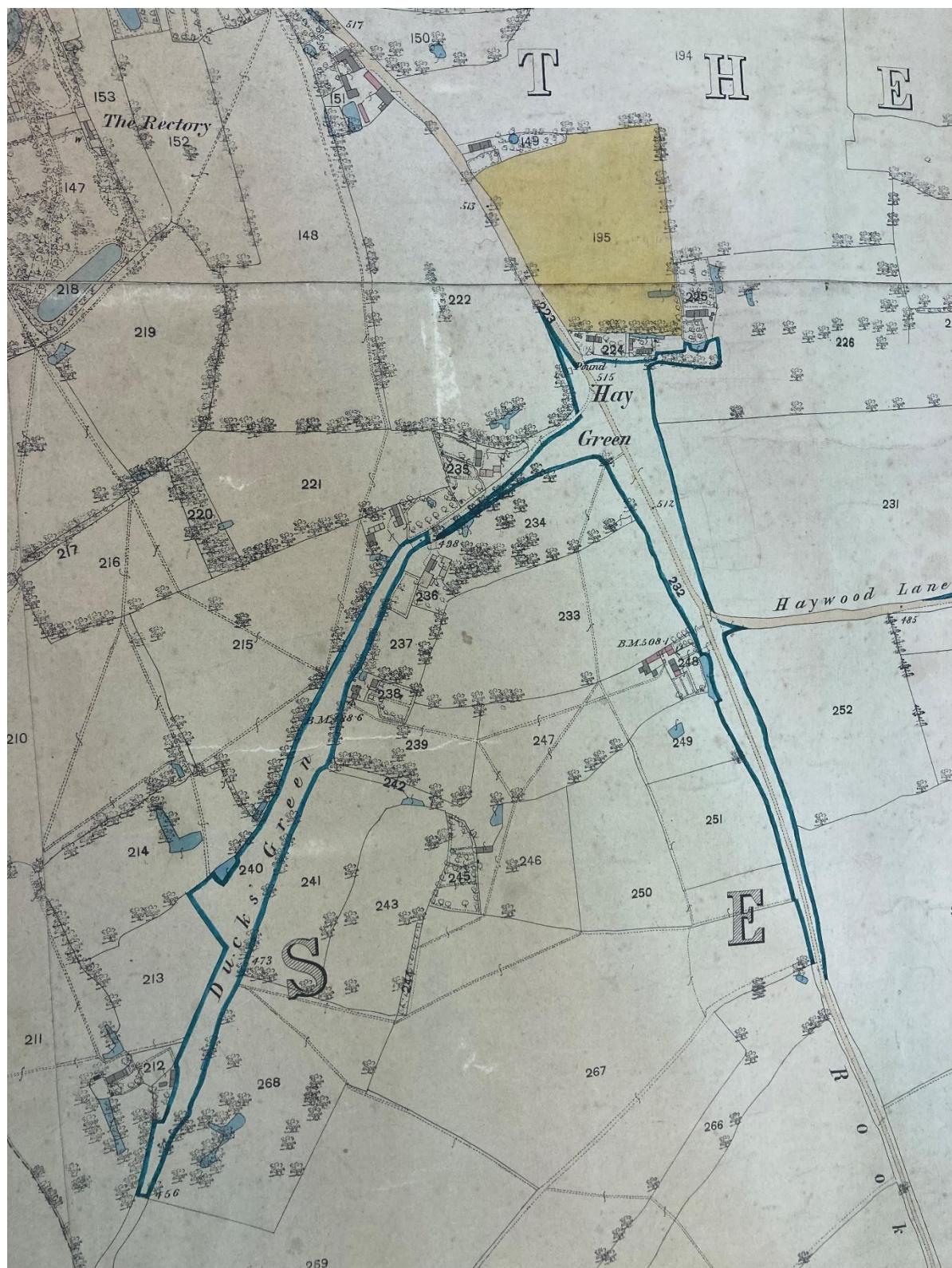
Applicant's map (applicant was the parish council)



New CRA map



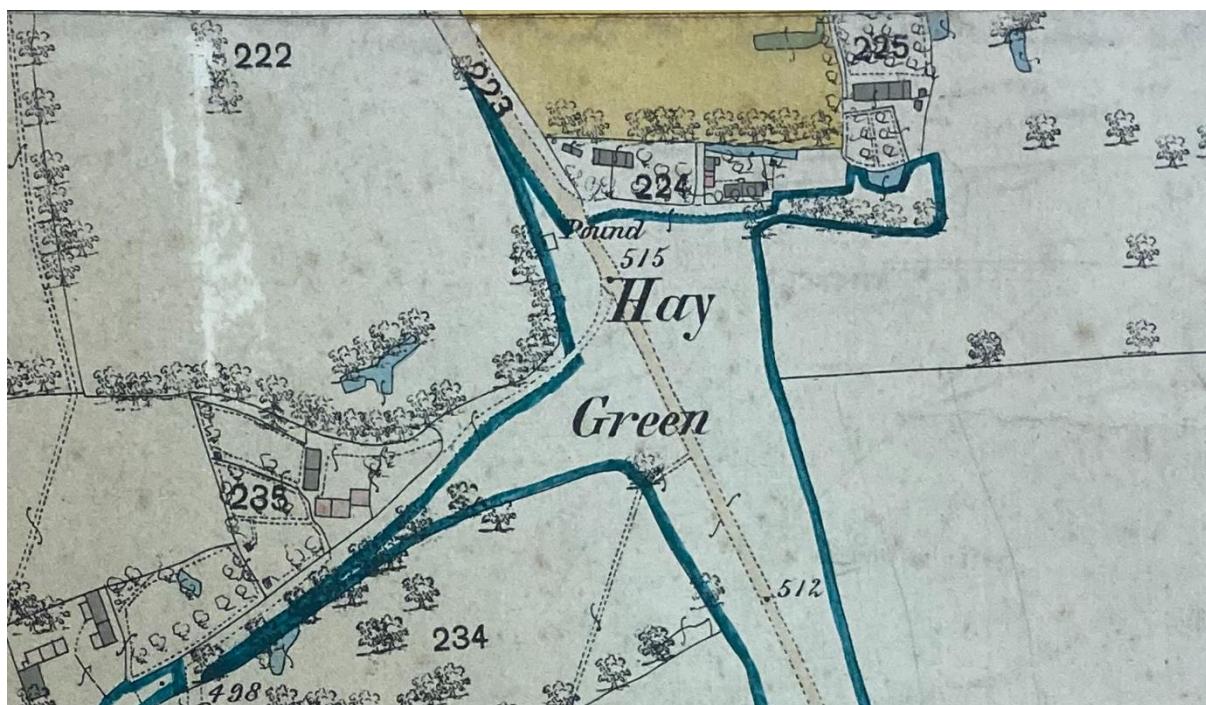
Award Map of Recreation Ground, Hay Green and Ducks Green



19th century taxation map showing part of Therfield hereditament 22 in the same shape as the common. It might be interesting to find out how the land is described in the reference book that accompanies this map. The map shows different ownership between the carriageway and the common.



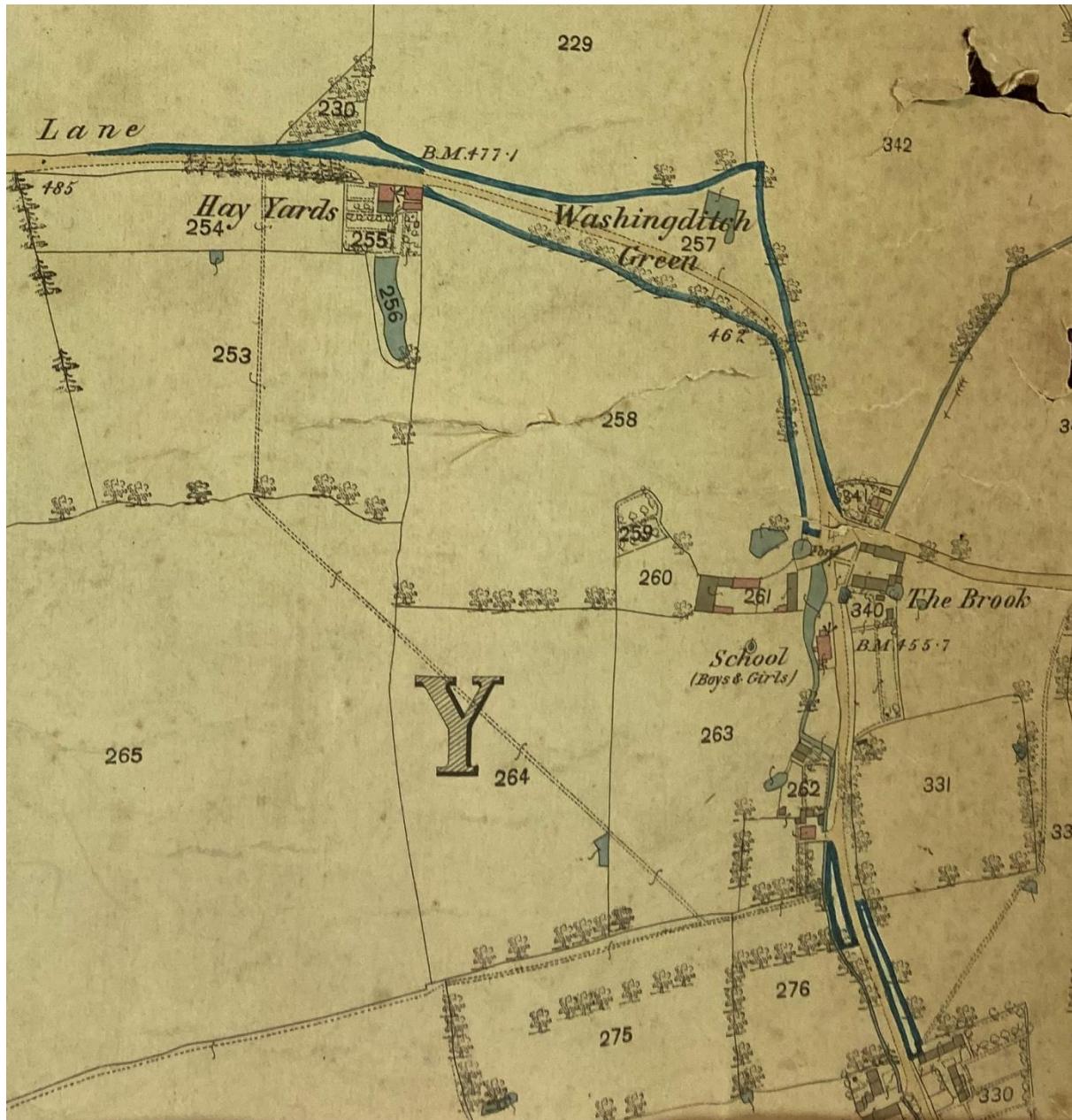
A detail from the Award Map allowing differences to be noted with the later CRA maps.





Washingditch Green

This common includes a pond which might be surprising given Hay Green excluded the ponds on its perimeter. There is no restriction on a common including ponds or lakes under the Commons Act 1965.

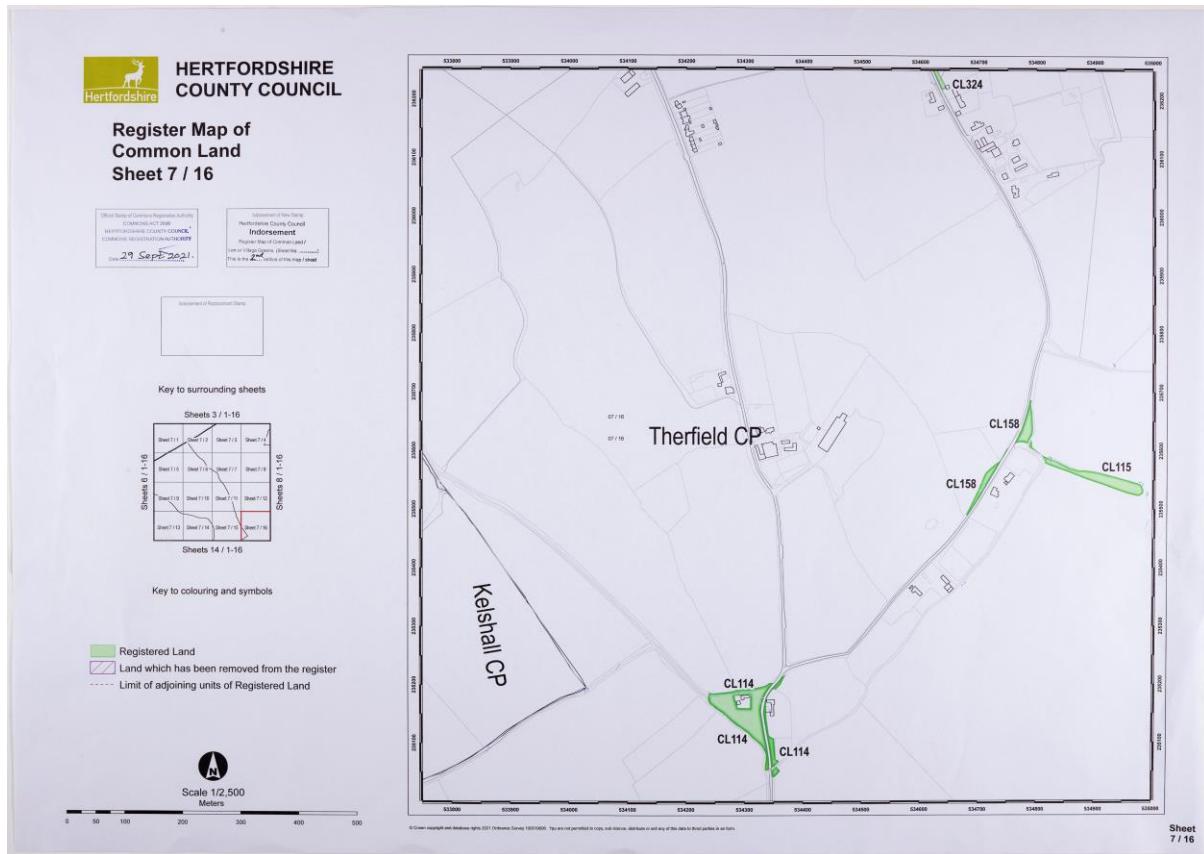


Camps Green

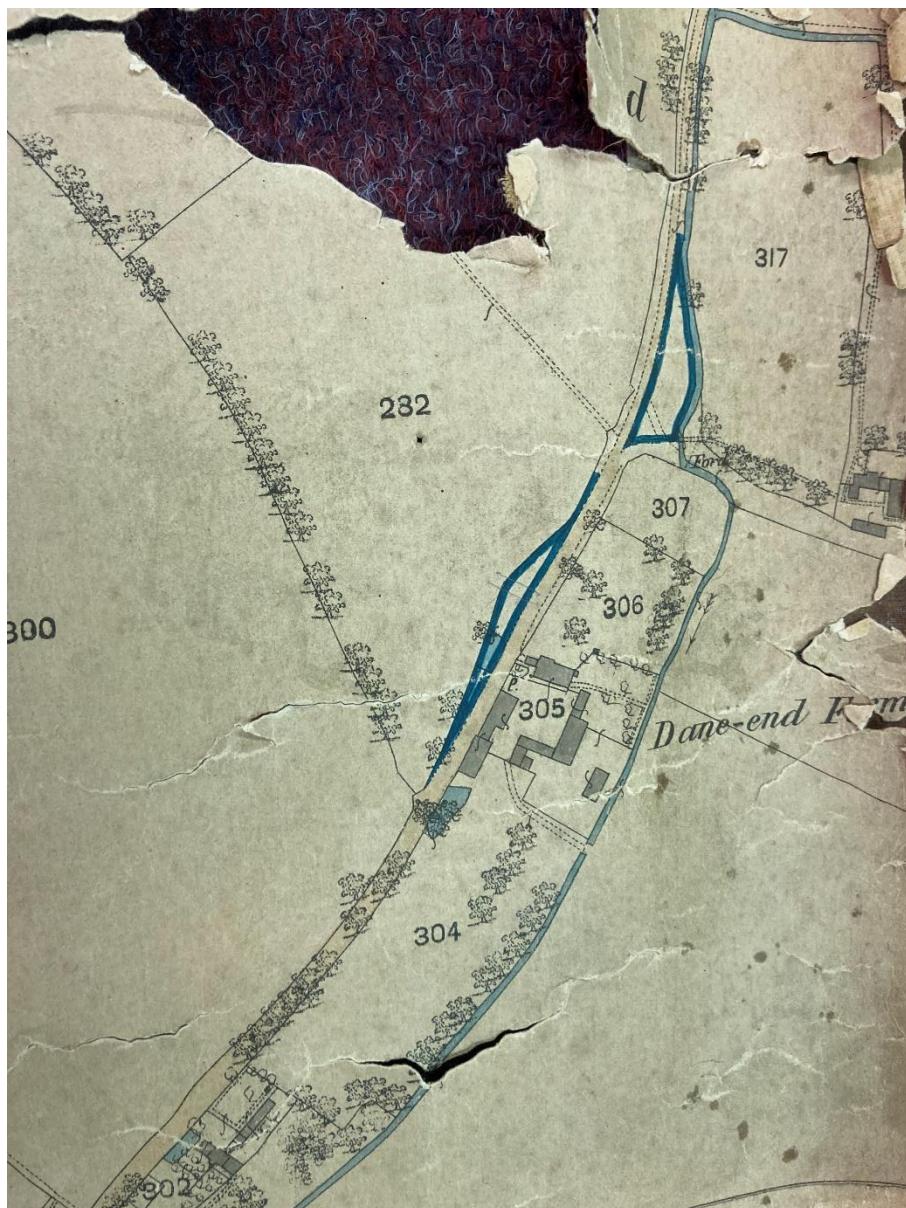
Camps Green is a bit of a mystery and shows how the registration in response to the Commons Act 1965 can throw up surprising finds.

Below is the latest CRA map of this area showing (from north to south), one of the outlying parts of Washingditch Green, two commons at Camps Green and southernmost Chapel Green.

Focussing on Camps Green the surprise is CL115 which was not created by the 1888 Act and is not managed by the Conservators. The immediate question is when was this common created and under which legislation? CL115 is not the only such mystery in the parish, a second common called Long Pond CL121 is also registered under the 1965 Act although it cannot be accessed by the public.



In terms of the Award Map the only Conservator managed common at Camps Green is CL158.



Chapel Green

A similar issue has occurred at Chapel Green in that the highway edge at the Homestead and a small parcel of land south of the river Rib is shown as common on the CRA map.

What we know is that in response to the 1965 Act two applications were made, one by the Parish Council and one by the Conservators. The Conservator application was based on the Award Map so does not include this ground. The Parish Council application included the ground.

For whatever reason the CRA adopted the Parish Council application although it is unclear when or under which enactment this land became common.



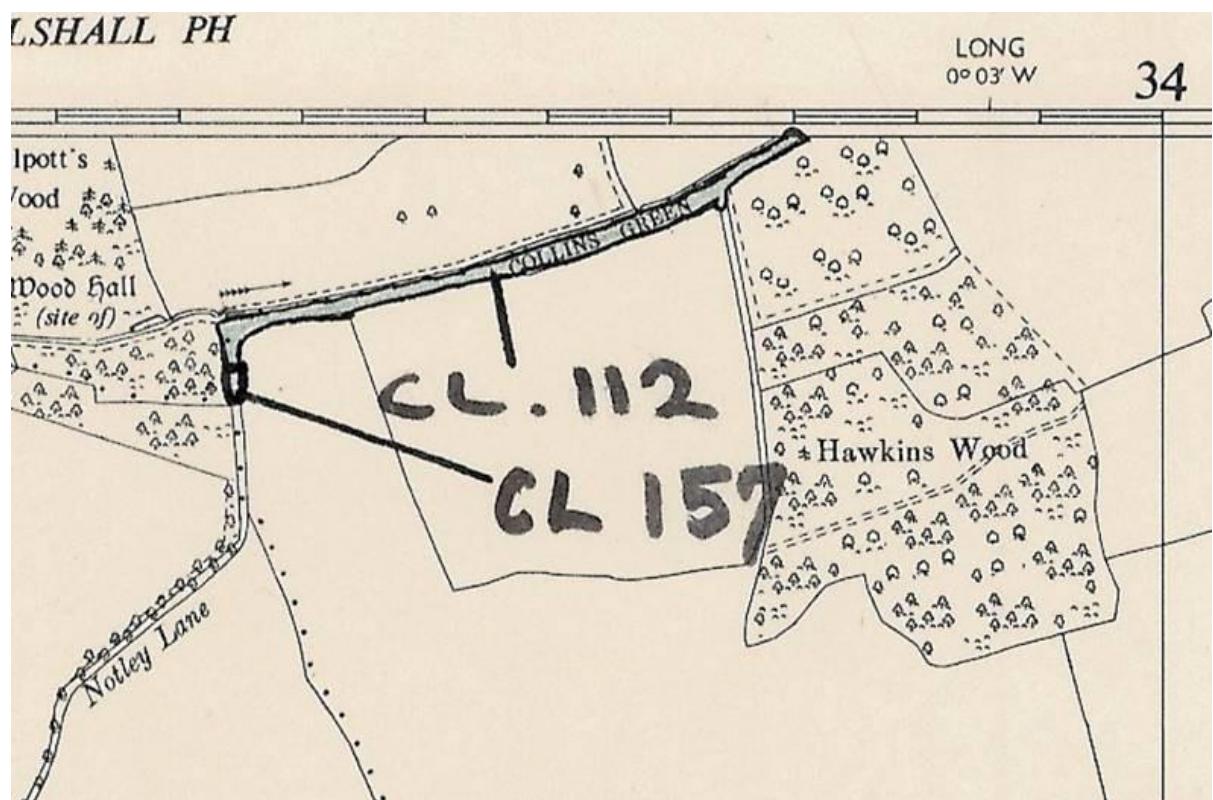
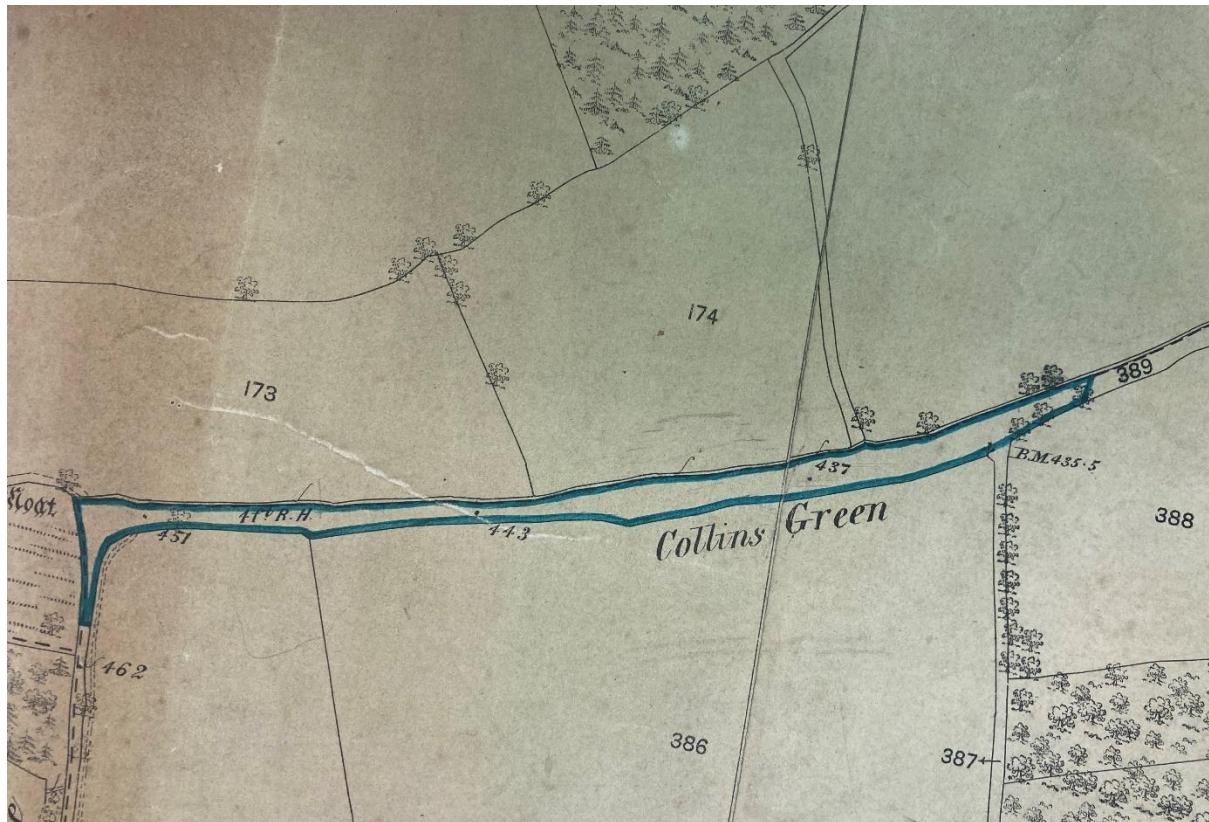
Rush Green

Rush Green is the most southerly Green and because it has no footpath connections to the other Greens is a bit of an outlier. I am interested in where Short Lane goes and if it was ever a public route but I have had little time to see if this connected the Green to anywhere.



Collins Green

The status of Collins Green has recently been thrown into doubt by HCC in response to a right of way application for a Byway coming from the North. There will be a public inquiry at which the Conservators will try to ensure this common remains and does not become subsumed by a highway.



Ducks Green

