

KENT COUNTY COUNCIL

REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the Darent Room, Sessions House, County Hall, Maidstone on Tuesday, 27 October 2009.

PRESENT: Mr M J Harrison (Chairman), Mr A D Crowther (Vice-Chairman), Mr T Gates, Mr S J G Koowaree and Mr R A Pascoe

ALSO PRESENT: Mr R F Manning

IN ATTENDANCE: Mr C Wade (PROW Team Manager (definition)), Miss M McNeir (Public Rights Of Way Officer (Definition Team)) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

7. Exchange of land at Hartenoak Playing Field (VG239) at Hawkhurst *(Item 3)*

(1) Mr R F Manning was present for this item pursuant to Committee procedure Rule 2.24 and spoke.

(2) The PROW Officer explained that although the Planning Inspectorate had held a Public Inquiry into the exchange of land application by Hawkhurst Parish Council, the County Council had not been invited to comment. Whilst recognising that under the provisions of the Inclosure Act 1845 there was no requirement for the County Council to be consulted, the Panel also noted that all such applications in the future would be subject to the Commons Registration Act 2008. This Act would require the County Council to be consulted. The Chairman therefore agreed to write to the Planning Inspectorate on behalf of the Panel to express the concern that consultation had not taken place on this occasion.

(3) The Panel also agreed that the absence of consultation with the County Council should be publicised in order to counter any perception that it was in favour of the exchange of land.

(4) The Panel agreed to the application because it satisfied the two tests that the County Council was required by Law to consider. These were: whether the applicant was the same person (s) who had applied to the Secretary of State for the exchange of land; and that the instrument effecting the exchange was a "relevant instrument".

(5) RESOLVED that:-

- (a) the applicant be informed that the application to amend the Register of Village Greens to reflect the recent exchange has been accepted and that the Register of Village Greens be amended accordingly for unit VG239 at Hartenoak Playing Field in Hawkhurst;

- (b) agreement be given to the Chairman to write on the Panel's behalf to the Planning Inspectorate to express its concern that the County Council had not been consulted on this occasion; and
- (c) the absence of consultation with the County Council be publicised in order to counter any perception that it was in favour of the exchange of land.

8. Application to register Public Rights of Way on the former Bayham Estate, Lamberhurst and Pembury

(Item 4)

- (1) The Panel noted the views that the local Member, Mr A J King had expressed to the meeting of the Panel which had originally considered the application on 5 April 2005. It also noted that Mr King was in favour of the recommendations set out in the report.
- (2) RESOLVED to inform the Secretary of State that the County Council will maintain a neutral stance at any Public Inquiry held into the addition of a Public Footpath crossing the former Bayham Estate at Pembury and Lamberhurst.