

## Update from the Commons Registration Team

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A report by the Head of Regulatory Services to Kent County Council's Regulation Committee on Tuesday 24<sup>th</sup> January 2012.

### **Recommendation:**

**I recommend that Members receive this report.**

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### **Progress with Village Green applications**

1. Members have requested that a summary of the current position of applications to register Town and Village Greens be provided at meetings of the Regulation Committee. A copy of the Schedule of Village Green applications is therefore attached at **Appendix A**.
2. During the last twelve months, there have been seven Regulation Committee Member Panel meetings and a total of 18 Village Green applications have been considered. Of these, five were referred to Public Inquiry, nine were registered as new Village Greens (of which five were voluntary dedications by the landowner), three applications were rejected and one has been referred to the Planning Inspectorate for determination.
3. There are five Public Inquiries in relation to Village Green applications due to take place over the coming months. The Public Inquiry which commenced in September 2011 in relation to the Grasmere Pastures case at Whitstable has had to be adjourned on two occasions and will now take place on 30<sup>th</sup> January 2012. Similarly, the Public Inquiry which commenced in November 2011 in relation to the Herne Bay application also had to be adjourned and will reconvene on 12<sup>th</sup> March 2012. Additionally, there will be two further Public Inquiries (at Lyminge and Wickhambreaux) in the early summer, but the exact details are still in the process of being finalised.
4. There will be a further Public Inquiry taking place on 7<sup>th</sup> March 2011 in relation to the Long Field case at Cranbrook. This Public Inquiry is being arranged and administered by the Planning Inspectorate. It was agreed in relation to this particular case, at a meeting of the Regulation Committee Member Panel on 22<sup>nd</sup> February 2011, that it would not be appropriate for the County Council to determine the application on the basis of its significant interest in the outcome of the application. The County Council will therefore have no active role in the Inquiry in its capacity as the Commons Registration Authority, but it will be taking part in its capacity as the owner of the affected land. The County Council's Property Group has formally objected to the application and will be presenting a case against registration at the Public Inquiry.
5. There are currently 19 applications awaiting determination by the County Council, of which 10 are currently under investigation. It is anticipated that Regulation Committee Member Panel meetings will be arranged over the next few weeks to deal with several of the outstanding cases.

## **Commons Act 2006 – Pilot project**

6. In addition to dealing with the Village Green applications referred to above, work continues on updating the Registers of Common Land and Village Greens, both in terms of KCC-initiated proposals to correct known errors in the Registers and processing applications received from members of the public to make certain amendments to the Registers.
7. Over the last year, the County Council has initiated six proposals to correct known errors to the Registers of Commons Land and Town and Village Greens. Four of those cases, including the matter of VG235 at Wittersham, have been referred to the Planning Inspectorate for determination as required by the relevant Regulations (the County Council does not have the power to determine matters of this kind). Due to the current volume of cases being dealt with by the Planning Inspectorate, final decisions on these cases are not expected until the summer.
8. Members will recall that the County Council has also been dealing with an application from Mrs. A. Wilks to amend the Register of Village Greens for VG128, which relates to an area of beach at Seasalter. This has been an extremely emotive, time-consuming and complex matter with a long history. It was reported at the last Committee meeting in September that the matter had been submitted to the Planning Inspectorate for determination and that it was anticipated that a Public Inquiry would probably be held later this year to hear the numerous objections.
9. However, the County Council has recently learnt that, for reasons which are not entirely clear, Mrs. Wilks has now decided to withdraw her application. The poor state of the Register map and the uncertainty concerning the correct boundary of the Village Green leaves the County Council in a very difficult position when it comes to dealing with requests for information and property searches relating to this area of land. Legal advice is currently being sought as to what (if any) action the County Council should take in relation to this matter and a further update will be provided to the Committee at the next meeting in May.

## **Consultation on the registration of new Town or Village Greens**

10. At the last Committee meeting in September, Officers reported on a consultation that had been launched by DEFRA on proposals to reform the system for registering new Town or Village Greens under section 15 of the Commons Act 2006. Members will recall that the reforms were being proposed in response to growing concerns regarding the volume, nature, cost and impact of Village Green applications, and the Government's desire to achieve an improved balance between protecting valuable open space and enabling development to occur.
11. A response to the consultation was prepared and sent on behalf of the County Council by the Cabinet Member for Customer and Communities. A copy of the full response is available from the Public Rights of Way and Commons Registration Officer on request.
12. The outcome of the consultation and any proposed legislative changes arising from this, have yet to be announced. We understand from colleagues at DEFRA that a summary of the consultation responses is due to be published by the end of January

and DEFRA's conclusions will be made available in the summer. These conclusions will be reported to the Committee in due course.

### **Recommendation**

13. I RECOMMEND Members receive this report.

### **Background documents:**

Appendix A – Schedule of Village Green applications

### **Contact Officer:**

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**APPENDIX A:  
Schedule of Village Green applications**

**Applications resolved by the Regulation Committee since last report  
(7<sup>th</sup> September 2011)**

<b>Description</b>	<b>Parish</b>	<b>Member(s)</b>	<b>Outcome</b>
Playing Field	Marden	Mrs. P. Stockell	ACCEPTED and registered as VG260 on 11/11/11
Dawbourne Wood	Tenterden	Mr. M. Hill	REJECTED on 11/11/11

**Forthcoming Public Inquiries**

<b>Description</b>	<b>Parish</b>	<b>Member(s)</b>	<b>Details</b>
Grasmere Pastures at Whitstable	Whitstable	Mr. M. Harrison Mr. M. Dance	Commences 30/01/12 at Whitstable Castle
Land known as Long Field at Angley Road*	Cranbrook	Mr. R. Manning	Commences 07/03/12 at Vestry Hall, Cranbrook
The Downs	Herne Bay	Mrs. J. Law	Commences 12/03/12 at Christ Church Parish Centre, Herne Bay
Seaton Meadow	Wickhambreaux	Mr. M. Northey	Date to be confirmed
Land at Woodland Road	Lyminge	Ms. S. Carey	Date to be confirmed

*\*Note that this case has been referred to the Planning Inspectorate for determination due to KCC's interest in the outcome of the application. The Inquiry is being held by the Planning Inspectorate.*

**Outstanding applications to be resolved**

<b>Description</b>	<b>Parish</b>	<b>Member(s)</b>	<b>Status</b>
Round Wood at Walderslade	Boxley	Mr. P. Carter	On hold at applicant's request
Broadstairs Cricket Ground	Broadstairs	Mr. B. Hayton Mr. R. Bayford	Under investigation
Land known as Fisherman's Beach	Hythe	Mr. C. Capon	Under investigation
Land at Mountfield Road	Meopham	Mr. M. Snelling	Under investigation
Scrapsgate Open Space	Minster-on-Sea	Mr. A. Crowther	Under investigation
The former airfield	Lympne	Ms. S. Carey	Under investigation
Rammell Field	Cranbrook	Mr. R. Manning	Under investigation
Chaucer Field (at the University of Kent campus)	Canterbury	Mr. G. Gibbens	Awaiting investigation
Sandgate Escarpment	Sandgate	Mr. T. Prater	Awaiting investigation
Land at Duncan Down	Whitstable	Mr. M. Harrison Mr. M. Dance	Awaiting investigation
Land at Cockreed Lane	New Romney	Ms. C. Waters	Awaiting investigation
The Glebe Field	Goudhurst	Mr. A. King	Awaiting investigation
The Cricket Field	Marden	Mrs. P. Stockell	Awaiting investigation
Land at Ursuline Drive	Westgate	Mr. R. Burgess	Awaiting investigation
Land at Bishop's Green	Great Chart	Mr. J. Wedgbury	Awaiting investigation