

## **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 Wednesday 5<sup>th</sup> September 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. Since the last Committee meeting in May, two cases have been considered at a meeting of Regulation Committee Member Panel held in July, one of which was unsuccessful and the other of which was referred to Public Inquiry for further consideration.
3. The Public Inquiries into applications at Herne Bay and Grasmere Pastures have now concluded and the Inspector's reports in relation to these cases are awaited. Further Public Inquiries will take place in the coming months in relation to applications at Cranbrook (commencing on 4<sup>th</sup> September 2012), Lyminge (commencing on 1<sup>st</sup> October 2012) and Wickhambreaux (commencing on 12<sup>th</sup> November 2012).
4. There are currently 23 applications awaiting determination<sup>1</sup>, of which 19 are currently under investigation. Although the County Council continues to receive an above-average number of applications at a rate of one per month, officers have been focussing their efforts on reducing the existing backlog of applications. There are now four applications awaiting investigation and the delay in commencing work on applications received, which had previously been six to eight months, has now been reduced to a maximum of four months.

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

5. 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.
6. In January 2011, authority was sought from the Regulation Committee to initiate five proposals using the new Commons Act 2006 provisions to amend errors in relation to existing Common Land or Village Green registrations. These proposals involved boundary errors arising from the transcription of the original applications plans onto the Register maps. The required consultations were carried out and the proposals

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<sup>1</sup> This figure does not include the case at Cranbrook (VGA622) referred to in the preceding paragraph which is being determined by the Planning Inspectorate due to the County Council's interest in the outcome of the application.

were referred to the Planning Inspectorate. The Inspectorate has issued decisions in relation to four out of the five cases, and in every case the proposal has been granted. The Registers of Common Land and Village Greens have therefore been amended to give effect to these decisions and the errors in the Registers have now been rectified.

7. Members may also recall another proposal, reported to the Committee at its May 2011 meeting, that was initiated to resolve an error in the Register of Village Greens for VG235 at Wittersham. The error related to an amendment that was made to the registration to give effect to an exchange of land agreement which was subsequently found to be legally flawed. The Planning Inspectorate has now considered this matter and, despite objections from Ashford Borough Council, has agreed that the registration should be amended to delete the reference to the exchange of land agreement and restore the original registration.
8. In addition to initiating proposals to correct errors discovered in the Registers, the County Council has also been dealing with applications from members of the public using the new provisions contained in the Commons Act 2006. These largely relate to alleged administrative errors in the Registers, but also include an application to deregister Common Land on the basis that the land should never have been registered as such and an application to record a new right of estovers (a right to collect firewood) at Southborough Common.
9. The new provisions in the Commons Act 2006, in addition to enabling the Registers to be amended, also provide for the Register maps to be republished. It is now intended that work begins on republishing Register maps and this is dealt with in a separate report to the Committee at this meeting.

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

10. At previous Committee meetings, it has been reported that the County Council is still awaiting further news from DEFRA regarding the outcome of the consultation carried out last autumn in relation to the proposals to reform the system for registering new Town or Village Greens under section 15 of the Commons Act 2006.
11. The County Council is still awaiting the outcome of this consultation from DEFRA but it is understood from colleagues at DEFRA that the results of the consultation will be announced by October. These will be reported to the next meeting of the Regulation Committee in January 2013.

### **Recommendation**

12. I RECOMMEND Members receive this report

### **Background documents:**

Appendix A – Schedule of Village Green applications

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