

## 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 13<sup>th</sup> May 2014.

### **Recommendation:**

**I recommend that Members consider this report and note its content**

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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. So far this year, 6 applications to register new Village Greens have been considered at two separate Regulation Committee Member Panel meetings held in March and April. These resulted in the registration of four new Village Greens across the county.
3. Three Public Inquiries are due to take place this year in relation to applications at Canterbury (details TBC), Goudhurst (commencing on 2<sup>nd</sup> June 2014) and Ripple (commencing 9<sup>th</sup> June 2014).
4. Two applications remain 'on hold' pending the decision of the Supreme Court in the case of *Barkas v North Yorkshire County Council*. Members will recall that the *Barkas* case is concerned with the issue of land held by a local authority for a specified purpose and its effect on whether any subsequent recreational use of that land is 'as of right'. The matter was heard on 2<sup>nd</sup> and 3<sup>rd</sup> April this year and a decision is expected in the summer.
5. There are currently 11 applications awaiting determination, of which 10 are currently under investigation. Although the actual number of Village Green applications received by the County Council has been greatly reduced over recent years, Officers are now increasingly receiving enquiries regarding the submission of applications in response to the new system of 'landowner statements' (introduced late last year). This system enables a landowner to deposit a statement with the County Council which has the effect of bringing any 'as of right' use of his land to an end. The purpose of the statement is to safeguard the land against any future applications to record public rights of access (by bringing 'as of right' use to an end), but once the statement has been made local residents still have one year within which to submit a Village Green application. As the system of 'landowner statements' requires a notice to be advertised on site, thereby bringing the landowner's challenge to use to the attention of members of the public, it may be that this will result in a slight increase of applications being made.

### **Recommendation**

6. I RECOMMEND that Members consider this report and note its content

### **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 (Member Panel)  
since last report (28<sup>th</sup> January 2014)**

<b>Description</b>	<b>Parish</b>	<b>Member(s)</b>	<b>Outcome</b>
Seaton Meadow	Wickhambreaux	Mr. M. Northey	Rejected
Land known as Fisherman's Beach	Hythe	Mr. M. Whybrow	Accepted and registered as Village Green
Land at Montefiore Woodland	Ramsgate	Mr. A. Terry Ms. Z. Wiltshire	Accepted and registered as Village Green
Land at The List	Littlebourne	Mr. M. Northey	Rejected
Land at Masefield Way	Tonbridge	Mr. R. Long Mr. C. Smith	Accepted and registered as Village Green
Land at The Warren	Brabourne	Mr. A. Wickham	Accepted and registered as Village Green

**Forthcoming Public Inquiries**

<b>Description</b>	<b>Parish</b>	<b>Member(s)</b>	<b>Details</b>
Chaucer Field (at the University of Kent campus)	Canterbury	Mr. G. Gibbens	Awaiting Inspector's report re: preliminary issue
The Glebe Field	Goudhurst	Mr. A. King	Commences Monday 2 <sup>nd</sup> June 2014 at The Vine
Land at Coldblow Woods	Ripple	Mr. S. Manion	Commences Monday 9 <sup>th</sup> June 2014 at Deal Town Hall

**Outstanding applications to be resolved**

<b>Description</b>	<b>Parish</b>	<b>Member(s)</b>	<b>Status</b>
The Downs	Herne Bay	Mr. N. Bond Mr. B. MacDowall	On hold*
The Cricket Field	Marden	Mrs. P. Stockell	Panel meeting TBA
Land at Ursuline Drive	Westgate	Mr. J. Elenor	Panel meeting TBA
Kingsmead Recreation Ground	Canterbury	Mr. G. Gibbens	On hold*
Whitstable Beach	Whitstable	Mr. M. Harrison Mr. M. Dance	Under investigation
Recreation Ground	Hildenborough	Mrs. V. Dagger	Under investigation
Land at West Wood	Hildenborough	Mrs. V. Dagger	Under investigation
Land known as the Old Putting Green	Ramsgate	Mr. A. Terry Ms. Z. Wiltshire	Awaiting investigation

\*At the Regulation Committee Member Panel meeting on 26<sup>th</sup> November 2013, Members resolved to defer a decision in respect of the Kingsmead Field application until the Supreme Court's judgement in the *Barkas* case has been issued. The Downs application involves similar legal issues and this matter is also on hold pending the outcome of the *Barkas* case.