

Agenda item

Application to Register Land at Longthorpe Playing Field as a Town and Village Green under the Commons Act 2006

- Meeting of Planning and Environmental Protection Committee, Tuesday 4th November, 2014 1.30 pm (Item 8.)

Minutes:

The Committee received a report which informed them of an application received to register land at Longthorpe playing field as a town or village green.

It was officer's recommendation that the Committee approve the appointment of an Independent Inspector to advise the Council in respect of the application to register Longthorpe field as a town and village green, to hold a public inquiry into the application and to make recommendations to the Council as to its determination.

The Planning and Highways Lawyer provided an overview of the application and raised the following key points:

- Copies of the application received to register land as a town or village green were available, as it had not been included in the agenda. A summary of the application had been provided in the report.
- Council was required to determine the application. As the Council was the land owner, it was considered more appropriate for an Independent Investigator to consider the application.
- Two additional representations had been received, including an email from the applicant supporting the appointment of an Independent Investigator however suggesting a proviso for relevant parties to undertake discussion prior to any formal process commencing.
- It was advised that such discussions had already been held and had been unsuccessful.
- If an Independent Investigator was appointed, the process could be halted if a compromise was reached between parties at any time.

Keith Markham, Peter Larke and Brian White, Headteacher, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There were disputes of fact between the parties involved which could only be resolved by an Independent Inspector. The appointment of such a person was supported.
- A compromise could be reached, however it was not believed a proviso as suggested by the applicant was appropriate.
- Public safety was a significant issue within the application. Children playing on an open field were at risk from dogs. The current situation was not safe, but tolerated.

- The fencing proposed by the school was sensible and would include a gate so use by the community could continue out of school hours.
- Splitting the field in half, as had been suggested, was not a practical solution.
- The application was not reflective of the neighbourhood, as such significant objection had been registered.
- The field was not known as Longthorpe Field, but as Longthorpe Primary School Field.

David Leeham and Darren Elding, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- A petition against the erection of fencing on the field had been signed by 150 residents and the field was used by children within the local community.
- Statements had been gathered establishing the use of the field as a common for the past 20 years.
- The objections submitted did not address the evidence within the application.
- The 2013 Ofsted report had concluded that the safety of the school was acceptable.
- While the appointment of an Independent Inspector was not objected to in principle, there was not considered to be sufficient objection to the application to justify such a use of Council resource.
- It would be more appropriate to appoint a suitable individual to facilitate negotiations between parties to achieve a satisfactory compromise.
- The site was large enough to accommodate the school and the local community. Depriving local children of the use of the field was not acceptable.

The Planning and Highways Lawyer made clear to the Committee that the recommendation before them was to appoint an Independent Inspector to advise the Council in respect of the application and no other matter could be considered by the Committee. It was set out in the report that the costs for this were within existing budgets.

The Committee discussed the officer report and noted that although a compromise between parties would be the ideal solution, as a result of the diversity of opinion and the Council's position as land owner, the appointment of an Independent Inspector was the most appropriate action.

It was noted that Councillor Hiller abstained from voting.

RESOLVED: that the Committee approve the appointment of an Independent Inspector to advise the Council in respect of the application to register Longthorpe field as a town and village green, to hold a public inquiry into the application and to make recommendations to the Council as to its determination.

Reasons for the decision

It was a statutory requirement that the Commons Registration Authority must determine whether a village green has come into existence as matter of law.

The Committee was entitled under its Terms of Reference No: 2.5.3.4 to determine the application without recourse to a Public Inquiry, however where there were disputes of fact or the Commons Registration Authority was landowner it was usually recommended that an Inquiry was held to test the evidence and ensure impartiality.

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