

Report of the Head of Legal and Democratic Services

Planning Committee – 5 July 2016

APPLICATION TO REGISTER LAND AT TIRMYNYDD ROAD, THREE CROSSES, SWANSEA AS A TOWN OR VILLAGE GREEN

Purpose:	To inform the Committee of the proposal to hold a non-statutory inquiry.
Policy Framework:	None
Statutory Tests:	Section 15 Commons Act 2006
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FOR INFORMATION

1.0 Introduction

1.1 The Council has received an application made by the Three Crosses Community Council. The application seeks to register land at Tirmynydd Road, Three Crosses, Swansea as a Town or Village Green. A plan of the land in question appears at Appendix 1.

2.0 History of the Application

2.1 The land in question is in the ownership of the Somerset Trust and is already registered as common land. There have been a number of objections to the application, one from Geraint John Planning Limited, on behalf of both the Somerset Trust and Edenstone Homes Limited and a separate one on behalf of the Gower Commoners' Association.

2.2 The Head of Legal and Democratic Services has used the delegated authority granted by this Committee on 15th February 2012 to instruct Counsel to act as Inspector to advise on the application and the appropriate procedure to be adopted in determine the application.

2.3 The Inspector has advised that there are issues of fact and law in dispute and that it would be appropriate to hold a non-statutory inquiry. The holding of

such an inquiry would ensure that evidence from both the Applicant and the Objectors can be heard and tested and the issues examined and argued over.

- 2.4 Once the inquiry has taken place the Inspector will issue a report with recommendations for this Committee to consider and make a decision upon.

3.0 Equality and Engagement Implications

- 3.1 There are no Equality and Engagement implications to this report.

4.0 Legal Implications

- 4.1 The Council in its role as Commons Registration Authority has a statutory duty pursuant to Section 15 of the Commons Act 2006 and the Commons (Registration of Town or Village Greens) (Interim Arrangements) (Wales) Regulations 2007 to determine applications for land to be registered as a town or village green.
- 4.2 The effect of registration of land as a town or village green is that it is protected from development for ever and preserved for use by local people.
- 4.3 The application must be considered purely on the merits of the case by applying the relevant law and in accordance with the principles of natural justice. An inquiry will ensure that evidence in dispute can be tested.

5.0 Financial Implications

- 5.1 There is no specific budget identified for the expenditure incurred for the determination of applications. Expenditure will be incurred from existing budget provisions.

Background papers: Application file.

Appendices: Appendix 1: Plan of the application site