

Summary Response of The Friends of Castle Acre to Mr Williams' Advice

- 1) At the public enquiry in December 2014, Swansea argued against the registration of Castle Acre Green as a Village Green. The inspector, Mr Alesbury, **disagreed**. His report recommending registration was received on 9 Mar 2015. Inexplicably, the landowner took 10 weeks to respond (**See #1 & 2**).
- 2) The reluctance of the landowner (Swansea) to accept the conclusions of a rigorous public enquiry convened by Swansea, the registration authority, is extraordinary. At the inquiry, Swansea's counsel freely acknowledged the inspector to be expert in this specialised field. Indeed, Swansea routinely uses Mr Alesbury as inspector on village green applications. To question the judgement of such an expert is quite extraordinary (**See # 5, 6 & 7**)
- 3) The landowner's counsel accepted as fact, **that use of the land** had clearly met the criteria for registration as a Village Green (VG) (**See # 9**); understandably, given the level of use and support: 115 completed VG questionnaires by Norton residents and massive wider support.
- 4) The issue at dispute relates to whether the land had been used "by right" or "as of right". Our claim of use "as of right", with supporting evidence, was upheld by Mr Alesbury in his recommendations. **Therefore, he concluded all the criteria for registration as a VG had been met.**
- 5) In his challenge, counsel for the landowner makes errors of fact and logic.
- 6) Land is referred to as "recreational", "open space" or "greenspace" implying these terms are synonymous and interchangeable in a VG sense. **They are not. (See # 11). The key issues relate to the statutory powers under which the land is held and its designated use.**
- 7) **Mr Williams confuses** the accepted difference in intended use between the VG application land and the bigger parcel of land acquired by Swansea in 1965. (**See # 12**). **Mr Williams' assertion is wrong.**
- 8) **He disregards the fact** that, in planning terms, Swansea clearly distinguishes our VG application land (EV24) from the HC23 land adjacent to the castle, which is "land held for community recreation" (**See # 13**)
- 9) **Mr Williams is clearly wrong** when he claims that the VG land is "owned" by Parks and Leisure (**See # 14**): **it is "owned" by the Estates Dept.**
- 10) **He is wrong** in implying that Barkas does not allow publicly owned land to be registered as a village green. As the later Newhaven judgement states, publicly owned land **can** be registered if the VG criteria are met (**#15**). **Castle Acre Green meets those criteria.**
- 11) Lastly, Mr Williams' reference to Wednesbury is apposite though unworthy in its apparent sentiments (**See # 17**). Natural justice and due process requires the Registration Authority to follow the recommendation of the inspector and register the land as a Village Green.

NOTE: # references relate to paragraphs in our response to Mr Williams' advice (attached).

