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Hampshire County Council

Decision Report:

Decision Maker:	Regulatory Committee
Date of Decision:	27 April 2011
Title:	Application for the registration of land known as Monks Brook Playing Fields and Monks Brook Greenway, Swaythling as town or village green (Application No. TVG 234)
Reference:	
Report from:	Director of Culture, Communities and Rural Affairs

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1. Executive Summary

1.1 Hampshire County Council is the Commons Registration Authority for the purpose of exercising functions under the Commons Act 2006. One such function is the determination of applications made to register land as town or village green. In 2007, an application was made in respect of land partly within the administrative boundary of Hampshire and partly within the administrative boundary of Southampton City and authority was given by this Committee to Southampton City Council to deal administratively with the application on behalf of Hampshire County Council. Approval is now sought to write to the Leader of Southampton City Council requesting information about the lack of progress of the application relating to the land lying within the County of Hampshire, so that a decision may be made as to how to bring to completion the determination of the application for the Hampshire part of the land.

2. Legal framework for the decision

2.1 S.15 Commons Act 2006

Registration of greens:

(1) Any person may apply to the commons registration authority to register land to which this Part applies as a town or village green in a case where subsection (2), (3) or (4) applies.

(2) This subsection applies where –

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(a) a significant number of the inhabitants of the locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and

(b) they continue to do so at the time of the application.

(4) This subsection applies (subject to subsection (5)) where –

(a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;

(b) they ceased to do so before the commencement of this section; and

(c) the application is made within the period of five years beginning with the cessation referred to in paragraph (b).

2.2 The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England and Wales) Regulations 2007

Consideration of objections

6(1) Where an application is made under section 15(1) of the 2006 Act to register land as a town or village green, as soon as possible after the date by which statements in objection to an application have been required to be submitted, the registration authority must proceed to the further consideration of the application, and the consideration of statements (if any) in objection to that application, in accordance with the following provisions of this regulation.

(2) The registration authority –

(a) must consider every written statement in objection to an application which it receives before the date on which it proceeds to the further consideration of the application under paragraph (1); and

(b) may consider any such statement which it receives on or after that date and before the authority finally disposes of the application.

3. Applicant: Mrs. Janet Ticehurst of 1 Mardon Close, Swaythling, Southampton

4. Landowners: Hampshire County Council.

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5. Description of the land (please refer to the map attached to this report)

- 5.1 The application land lies between Stoneham Lane (A 335) and Monks Brook Greenway, and is divided by the boundary between Southampton City and Hampshire. The map shows the application land edged in blue, and the part lying in Southampton City is hatched black. The whole area is unregistered. Its area is 11.32 acres (4.58 hectares).

6. The application

- 6.1 In September 2007, an application (TVG 234) was made to register land known as Monks Brook Playing Fields (Meadow) at/and Monks Brook Greenway, at Swaythling by Mrs. Janet Ticehurst. Part of the land is within Hampshire and part is within Southampton City with the respective parts being owned by Hampshire County Council, and by Southampton City Council. The application was accompanied by maps, photographs, a petition, and letters from local residents. The applications were effectively identical.

- 6.2 On 28th September 2007, a report was taken to the Regulatory Committee (copy attached), seeking that Southampton City Council should be authorised to deal administratively with the application relating to the land in Hampshire, to revert back to the County Council after the non-statutory public inquiry had been held, and the Inspector's decision letter giving a recommendation as to the determination had been received.

- 6.3 The matter was duly passed to Southampton City Council. Recent attempts at officers level to find out what progress has been made with the matter have not been successful. Undetermined village green applications are holding up the processing of new applications, to the point that there is now a waiting list. In order to be able to process these new applications, the backlog has to be cleared.

- 6.4 For this reason, permission is sought to write, as from the Chairman of the Regulatory Committee, to the Leader of Southampton City Council requesting information on the lack of progress of this application, so that it may be decided whether Hampshire County Council, as the Commons Registration Authority for the land covered by this application, should take this application back into its control and proceed to a determination.

7. Issues to be decided

- 7.1 Whether permission should be given for officers to write to the Leader of Southampton City Council requesting information on behalf of the Regulatory Committee, requesting information on the lack of progress of the application relating to the land lying in Hampshire.

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8. Recommendation

- 8.1 That authority is given for officers to write to the Leader of Southampton City Council, requesting information about the progress of the application relating to the land lying in Hampshire, so that a decision can be made as to how best to proceed to determination of the matter.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	yes/no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes/no
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes/no
Corporate Improvement plan link number (if appropriate):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the County Council, in its capacity as Commons Registration Authority, has a legal duty to amend the register of town and village greens in the circumstances described in this report.	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

File: VG 234

Location

Countryside Access Team
Room 200
Mottisfont Court
High Street
Winchester, SO23 8ZF

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

1.1

2. Impact on Crime and Disorder:

2.1

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

This report does not require impact assessments but, nevertheless, requires a decision because the County Council, in its capacity as Commons Registration Authority, has a legal duty to amend the register of town and village greens in the circumstances described in this report.