

Commons Act 2006 – Sections 15(1) and (2)
Application to Register Land as Town or Village Green – Northfield Playing Field, Winsley – Application no.2021/01TVG

Purpose of Report

1. To consider the evidence submitted regarding an application made under Sections 15(1) and (2) of the Commons Act 2006, to register land known as Northfield Playing Field, Winsley, as a Town or Village Green (TVG) (Application no.2021/01TVG), in order to determine the application.

Relevance to the Council's Business Plan

2. Working with the local community to provide a countryside access network fit for purpose, making Wiltshire an even better place to live, work and visit.

Location Plan

3. Please see **Appendix 1**.

Application Plan

4. Please see **Appendix 2**.

Photographs

5. Please see **Appendix 3**.

Aerial Photographs

6. Please see **Appendix 4**.

Applicant

7. Winsley Parish Council
C/O Ms S Jobson – Clerk
■ Tynning Road
Winsley
Wiltshire BA15 2■

Registered Landowner

8. BK Land and Estates Ltd
C/O Mr M Bandaru
Walker Road
Maidenhead
Berkshire SL6 2

Legal Empowerment

9. Under the Commons Registration Act 1965, Wiltshire Council is now charged with maintaining the register of TVG's and determining applications to register new greens. The application to register land at Northfield Playing Field, Winsley, has been made under Sections 15(1) and (2) of the Commons Act 2006, which amended the criteria for the registration of greens (please see Section 15 of the Commons Act at **Appendix 5**):

“15. 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-*
- (a) *A significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have 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 application.”*

10. Also attached at **Appendix 5** are the relevant regulations and guidance for the processing of applications:
- i) The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007.
- ii) DEFRA Guidance to Commons Registration Authorities in England on Sections 15A to 15C of the Commons Act 2006 – December 2016.

Background

11. Wiltshire Council, as the Commons Registration Authority (CRA), is in receipt of an application to register land known as Northfield Playing Field, in the parish of Winsley, as a TVG, under Section 15(1) of the Commons Act 2006, dated 1 March 2021 and received by the CRA on the same date. Upon consultation with the planning authorities regarding the existence of planning trigger events in place over the land, there were found to be none which would extinguish the right to apply to register the whole, or any part of the land, as a

TVG and as a result the application was accepted on 23 April 2021 and allotted application no.2020/02TVG (Form 6). Planning “trigger” and “terminating” events are considered in more detail later in this report.

12. The application was also made under Section 15(2) of the Act, i.e. where it is claimed that a significant number of inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years and they continue to do so at the time of application.
13. Part 7 of the application form requires the applicant to provide a summary of the case for registration:

“Summary: Winsley Parish Council can demonstrate that the playing field at the end of Northfield has been used by a significant number of local people in lawful pastimes ‘as of right’ on the land for well over 20 years. The land has been used continuously as a recreation field since the 1960’s and continues to be well used and valued by Winsley residents.

Description: The piece of land at the end of Northfield was created when the Tynning estate was built in the mid-1960’s. The land is 0.46 acres and can be accessed from Northfield or from Winsley bypass (B3108). Its location within the Tynning estate makes it easily accessible to many residents and families (Exhibits A, B1-3, C). Winsley is a large village of over 1,500 residents, including many young families. Within the Tynning estate there exist two amenity spaces; the White Horse Road play park and the Northfield playing field. Both areas are maintained by the Parish Council, extensively used by local families and residents and are valued by the Winsley community.

Current use: The playing field’s current use as an important recreational facility is clearly demonstrated by the two goal posts and the slightly muddy state of the pitch which shows that significant use is made of this field by local children (evidence D). The Parish Council replaced the old goalpost with two new goalposts in 2020 following requests from some local families (evidence E). The Council received positive feedback from many families in response to this. The recent Covid restrictions have highlighted the importance of maintaining and retaining these local, accessible green spaces.

Use since the 1960’s: Northfield playing field has been used by residents since the 1960’s and a number of statements from residents illustrate this (evidence G). There has been a perception amongst councillors and residents that this field belonged to the Parish Council, and it has been maintained and used as such. A number of previous councillors have suggested that documentation exists from when the estate was built, or shortly afterwards, that confirms the land’s designation for recreational use, and the Parish Council’s responsibility for its maintenance. Such evidence is being looked for

by Wiltshire Council officers, in materials archived by Winsley Parish Council and by past councillors. The land was discussed when the exact route of the 'Winsley bypass' (B3108) was being confirmed as this area could have been impacted. In the end, the bypass took a wider route and the land remained as a playing field. Minutes from 1991 refer to this and state the Parish Council's interest in the land (evidence F). The same Minutes also refer to children playing golf on the field!

Maintenance: *The Parish Council is able to provide evidence of the maintenance regimes of the playing field since the 1990's (evidence H). Anecdotal evidence from past councillors makes it clear that the Parish Council has always been involved in the maintenance of the field to enable its recreational use by residents. It is reported by a previous parish councillor that the first goalpost in the field was installed by the Parish Council in the mid-1970's and evidence is being sought to show this. A Google map from 2009 shows a goalpost in place at this time (evidence I).*

Protection of the playing field: *The land is within the Green Belt (Exhibit B3), is outside the Winsley Settlement Boundary (Exhibit B2) and is within a C3 Special Landscape Area. The Parish Council and residents are seeking Village Green Status to add further protection to this land and ensure its use as a recreational area continues for future generations of the village."*

14. The application was supported by written statements from 29 parties and 124 completed witness evidence questionnaires, (joint statements and jointly completed questionnaires are counted as one).
15. The parish of Winsley is located in west Wiltshire, to the west of Bradford-on-Avon. The application land is located at Northfield on the Tynings Estate at the centre of Winsley village, (please see Application Plan at **Appendix 2** and Photographs of Application Land at **Appendix 3**). The area is laid to grass, now fenced on all sides, with properties located directly to the south and east. The land adjoins an area of land against the B3108 Winsley Bypass, separated from that land by a fence, on its northern side. The evidence suggests that the site was formerly open to the highway and footway Northfield, on its west side; however, this was fenced from July 2021 with a padlocked gate.

Right to Apply

16. The Growth and Infrastructure Act 2013 introduced a series of provisions to make it more difficult to register land as a TVG. This included, at Section 16, the insertion into the Commons Act 2006, of Section 15C "Registration of greens: exclusions", i.e. the removal of the "right to apply" to register land as a TVG where specific planning "trigger" events have occurred in relation to the land, for example, where the land is subject to an application for planning

permission, or the land is included in a draft development plan, or development plan document, which identifies the land for potential development. The right to apply is revived where a corresponding “terminating event” has taken place, (a full list of planning trigger and terminating events is included at Schedule 1A of the Commons Act 2006, as added by Section 16 of the Growth and Infrastructure Act 2013 as amended to extend the list of events).

17. This alters the way in which the CRA deals with new applications to register land as a TVG. DEFRA has issued interim guidance to Registration Authorities and has recommended that upon receipt of an application the CRA should write to the local planning authorities and the Planning Inspectorate, enclosing the application map, to seek confirmation of whether or not there are planning trigger/terminating events in place in relation to all or part of the application land (DEFRA Guidance to Commons Registration Authorities in England on Sections 15A to 15C of the Commons Act 2006 – December 2016 – see **Appendix 5**).
18. In the Winsley case, as per the guidance, the CRA wrote to the Planning Inspectorate; Spatial Planning and Development Control at Wiltshire Council shortly after receipt of the Application, on 3 March 2021, using the letter template set out within the DEFRA guidance, including a map of the application land and links to the list of trigger and terminating events, as amended. The Planning Authorities confirmed that there were no planning trigger or terminating events in place on the land, (see planning trigger event consultation replies at **Appendix 6**) and the application was accepted in full on 23 April 2021 and Form 6 issued allotting the application no. 2021/01TVG.
19. The landowner and Objector, Mr M Bandaru, on behalf of BK Land and Estates Ltd (BKLE), writes in his holding objection e-mail dated 30 December 2021 – *“From my initial review of the application, I do believe that there may be a possibility that one of the ‘trigger’ events in the legislation may apply, thereby preventing the application from being submitted.”*, however, this is not pursued in the Objection Statement dated 12 February 2022 by Rowena Meager of No. 5 Barristers Chambers on behalf of BK Land and Estates Ltd. (see holding objection and full objections at **Appendices 7 and 10**).

Validity of Application

20. The Regulations, (**Appendix 5**), at parts 3 and 10, set out the requirements of a valid application. Where an application is found not to be in order, under Regulation 5(4) the CRA must not reject the application without allowing the Applicant reasonable opportunity of putting the application in order. Upon examination of the application, it was found to be flawed; however, the CRA considered that the Applicant should be given a reasonable opportunity to put

the application in order, the CRA therefore returned Form 44; the statutory declaration and map exhibit, to the Applicant on 25 June 2021, as follows:

- 1) *At Regulation 3(2)(b) it is stated that the application must “be signed by every applicant who is an individual, and by the secretary or some other duly authorised officer of every applicant which is a body corporate or unincorporate...” At part 12 of Form 44, I note that the application is not signed and dated, I would be very grateful if you could arrange for Form 44 to be signed in accordance with note 12.*

- 2) *At Regulation 3(2)(c) it is stated that the application must be “accompanied by, or by a copy or sufficient abstract of, every document relating to the matter which the applicant has in his possession or under his control, or to which he has a right to production...” and at 3(2)(d)(ii) the application must be supported “by such further evidence as, at any time before finally disposing of the application, the registration authority may reasonably require.”*
Where the Parish Council has added evidence to the application since receipt of the original Form 44 and statutory declaration, it may be preferable to add a reference to the additional documents at 10, to be witnessed by the Solicitor, so that it is clear that the additional evidence forms part of the application.

- 3) *At Regulation 10(3)(b) it is stated that “Any Ordnance map accompanying an application must –*
(b) be marked as an exhibit to the statutory declaration in support of the application...” (my emphasis added).
At the end of the Statutory Declaration it is stated “Reminder to Officer taking declaration – Please initial all alterations and mark any map as an exhibit.”
I would therefore be very grateful if the maps could be labelled as “Exhibits” A, B, C etc as per the regulations and witnessed by the Solicitor.

- 4) *At Regulation 10(2)(a) it is stated that the “Land must be described for the purposes of the application –*
(a) by an Ordnance Survey map accompanying the application and referred to in that application...” (my emphasis added).
I note that there is no reference to the maps in the main application Form 44. I would be very grateful if you could add reference to the maps as “Exhibits” at questions 5, 6 and 10 of the application form, so that the extent of the application land and the identified locality are clear.

Where there are changes to the application and statutory declaration required, it will be necessary for these amendments to be witnessed and initialled by the Solicitor.”

21. It is preferable for the application to be in strict compliance with the Regulations in order to remove any debate regarding the validity of the application at a later date. Wiltshire Council acknowledged safe receipt of the revised application on 11 August 2021. The revised application was checked and found to be in order on 20 September 2021.
22. The issues of timing and validity of an application were considered in a very detailed manner in case law: R (Church Commissioners for England) v Hampshire County Council and Anr and Barbara Guthrie [2014] EWCA Civ 643. It concerns a case where Mrs Barbara Guthrie had filed an application with the CRA on 30 June 2008; however, the application was defective in several respects, finally complying with all the requirements of the regulations on 20 July 2009. Lady Justice Arden giving leading judgement set out the requirements of an application and concluded:

44. Accordingly, I conclude on this issue that Regulation 5(4) provides a means for curing deficiencies in an application which does not provide all the statutory particulars, and, once an application is so cured, it is treated as duly made on the date on which the original defective application was lodged.
23. It is therefore correct to take the date on which the application was received and stamped by the CRA as the relevant date in this application, i.e. 1 March 2021, even where the application is later amended.

Public Consultation

24. Wiltshire Council served notice of the application, Form 45 dated 12 November 2021, upon the Landowner, the Applicant and interested parties, on 5 November 2021. Notice was also posted on site and placed in the Wiltshire Times on Friday 12 November 2021. The application, including the supporting evidence, was placed on public deposit at the offices of Wiltshire Council at County Hall, Trowbridge. All parties were given at least six weeks to make representation or objection regarding the application, i.e. on or before Friday 31 December 2021.
25. Following notice of the application, 2 objections were received, please see **Appendix 7** and 70 representations of support were received, please see **Appendix 8**.
26. At paragraph 6(3) of the Regulations, (see **Appendix 5**), the CRA is required to send the applicant a copy of every written statement in objection and the application must not be rejected without first giving the Applicant a reasonable opportunity of dealing with the matters contained in the statement of objection. The correspondence attached at **Appendices 7** and **8** was forwarded to the

Applicant on 4 March 2022 with opportunity for comment until 18 April 2022. The Applicants made the comments on the objections attached at **Appendix 9**.

27. These comments (with the original representations at **Appendices 7 and 8**) were forwarded to the Objectors in the interests of fairness, on 14 April 2022 with opportunity for comment until 10 June 2022. The Objectors' additional comments are attached at **Appendix 10**.
28. In summary, in its consideration of the application to register land known as Northfield Playing Field, Winsley, the CRA has considered the documents listed at **Appendix 11**. A useful chronology of the application is included here for reference:

Action	Date
Application	01/03/2021
Trigger and terminating event consultation	03/03/2021
TVG application accepted – allotted no.2021/01TVG - Form 6	23/04/2021
Application returned to applicant for putting in order	25/06/2021
Revised application received	11/08/2021
Revised application found to be in order	20/09/2021
Notice of Application – Form 45	12/11/2021
Close of notice period	31/12/2021
Objections forwarded to applicant for comment	04/03/2022
Applicants' comments on objections received	14/04/2022
Applicants' comments on objections forwarded to Objectors for comment	14/04/2022
Objectors' comments on representations received	10/06/2022

Main Considerations for the Council

29. Under Section 15(1) of the Commons Act 2006, it is possible, (where the right to apply is not extinguished), for any person to apply to the CRA to register land as a TVG and under section 15(2) where:

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

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

This is the legal test to be applied in this case, (please see legislation attached at **Appendix 5**).

30. This legal test can be broken down into a number of components, each of which must be satisfied in order for the application to succeed. It is no trivial matter for a landowner to have land registered as a green. The burden of proving that each of the statutory qualifying requirements are met, lies with the Applicant and there is no duty placed upon the CRA to further investigate the claim or reformulate the Applicant's case. The standard of proof lies in the balance of probabilities, i.e. that it is more likely than not that recreational rights for local inhabitants have been acquired.
31. This application is supported by Winsley Parish Council as the Applicant and the Wiltshire Council Member for Winsley and Westwood.
32. A detailed consideration of the evidence in this case and the legal tests for the registration of land as a TVG under Section 15(2) of the Commons Act 2006, is included at **Appendix 12**. It is considered in this case that there is serious dispute of the evidence which is likely to be resolved by appointing an independent Inspector to preside over a non-statutory public inquiry to hear oral evidence from witnesses and to produce an advisory report and recommendation to the CRA to assist in its determination of the application.

Overview and Scrutiny Engagement

33. Overview and Scrutiny Engagement is not required in this case. The Council, as the Registration Authority, must follow the statutory procedures which are set out under "The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 (2007 SI no.457)" and Defra Guidance, (see **Appendix 5**).

Safeguarding Considerations

34. Considerations relating to safeguarding anyone affected by the registration of the land as a TVG under Sections 15(1) and (2) of the Commons Act 2006, are not considerations permitted under the Act. The determination of the application must be based upon the relevant evidence alone.

Public Health Implications

35. Considerations relating to the public health implications of the registration of the land as a TVG under Sections 15(1) and (2) of the Commons Act 2006, are not considerations permitted within the Act. The determination of the application must be based upon the relevant evidence alone.

Corporate Procurement Implications

36. In determining an application to register land as a TVG under Sections 15(1) and (2) of the Commons Act 2006, there are a number of opportunities for expenditure to occur and these are considered at paragraphs 42 – 44 of this report.

Environmental and Climate Change Impact of the Proposal

37. Considerations relating to the environmental or climate change impact of the registration of the land as a TVG under Sections 15(1) and (2) of the Commons Act 2006, are not considerations permitted within the Act. The determination of the application must be based upon the relevant evidence alone.

Equalities Impact of the Proposal

38. Considerations relating to the equalities impact of the registration of the land as a TVG under Sections 15(1) and (2) of the Commons Act 2006, are not considerations permitted within the Act. The determination of the application must be based upon the relevant evidence alone.

Risk Assessment

39. Wiltshire Council has a duty, at common law, to process applications made under Section 15(1) of the Commons Act 2006 to register land as a TVG, in a fair and reasonable manner and it is open to the CRA to hold a non-statutory public inquiry to examine the evidence, in cases where there is serious dispute of the evidence, or the matter is of great local interest. The case of R (on the application of Whitmey) v Commons Commissioners [2004] EWCA Civ 951, where Arden LJ at paragraphs 28 and 29, held that:

“28...the registration authority is not empowered by statute to hold a hearing and make findings which are binding on the parties by a judicial process. There is no power to take evidence on oath or to require the disclosure of documents or to make orders as to costs (as the Commons Commissioners are able to do: section 17(4) of the 1965 Act). However, the registration authority must act reasonably. It also has power under section 111 of the Local Government Act 1972 to do acts which are calculated to facilitate, or are incidental or conducive, as to the discharge of their functions. This power would cover the institution of an inquiry in an appropriate case.”

29. In order to act reasonably, the registration authority must bear in mind that its decision carries legal consequences. If it accepts the application, amendment of the register may have a significant effect on the owner of the land or indeed any person who might be held to have caused damage to a green and thus to have incurred a penalty under section 12 of the Inclosure Act 1857). (There may be other similar provisions imposing liability to offences or penalties). Likewise, if it wrongly rejects the application, the rights of the applicant will not receive the protection intended by Parliament. In cases where it is clear to the registration authority that the application or any objection to it has no substance, the course it should take will be plain. If however, that is not the case, the authority may well properly decide, pursuant to its powers under section 111 of the 1972 Act, to hold an inquiry...”

At paragraph 66 Waller L J agreed:

“66. I make these points because the registration authority has to consider both the interest of the landowner and the possible interest of the local inhabitants. That means that there should not be any presumption in favour of registration or any presumption against registration. It will mean that, in any case where there is a serious dispute, a registration authority will invariably need to appoint an independent expert to hold a public inquiry, and find the requisite facts, in order to obtain the proper advice before registration.”

40. If the Council fails to pursue its duty it is liable to complaints being submitted through the Council's complaints procedure, potentially leading to complaints to the Local Government Ombudsman. Ultimately, a request for judicial review could be made with significant costs against the Council if it is found to have acted unlawfully.
41. In the High Court decision in the case of *Somerford Parish Council v Cheshire East Borough Council (1) and Richborough Estates (2) [2016] EWHC 619 (Admin)*, the High Court quashed the local Borough Council's decision not to register land as a new town or village green on the basis of procedural error. The case highlights a number of practical points to note regarding privilege, equity and the importance of the Public Inquiry in determining an application to register land as a town or village green. The court's decision also reinforces the findings in the *Whitney* case, (see paragraph 39) and the need for Registration Authorities to hold a non-statutory Public Inquiry where there are sufficient disputes over factual issues.

Financial Implications

42. Presently, there is no mechanism by which a CRA may charge the Applicant for processing an application to register land as a TVG and all costs are borne by the Council.
43. It is possible for the CRA to hold a non-statutory public inquiry into the evidence, appointing an independent Inspector to produce a report and recommendation to the determining authority. There is no clear guidance available to authorities regarding when it is appropriate to hold an inquiry; however, it is the authority's duty, at common law, to determine the application in a fair and reasonable manner and its decision is open to legal challenge, therefore a public inquiry should be held in cases where there is serious dispute of fact, or the matter is of great local interest. The responsibilities of the CRA in this regard were recognised by the justices in the Court of Appeal in the *Whitney* case, see paragraph 39 above. Even where a non-statutory public inquiry is held, there is no obligation placed upon the CRA to follow the recommendation made.
44. The cost of a 3 or 4 day non-statutory public inquiry is estimated to be in the region of £15,000 - £18,000 plus VAT. In the *Winsley* case it is considered that appointing an independent Inspector to hold a non-statutory public inquiry in order to hear oral evidence from the witnesses; test the evidence through the cross-examination process and to produce a recommendation to the CRA, would assist in its determination of the application.

Legal Implications

45. If the land is successfully registered as a TVG, the landowner is able to challenge the CRA's decision by appeal to the High Court under Section 14(1)(b) of the Commons Registration Act 1965, which applies where Section (1) of the Commons Act 2006 is not yet in place, i.e. outside the pilot areas (Wiltshire is not a pilot area). Importantly, an appeal under Section 14(1)(b) of the 1965 Act is not just an appeal but enables the High Court to hold a complete re-hearing of the application and the facts of law. There is no time limit in bringing these proceedings following the registration of the land, it may be years after the decision and could lead to the de-registration of the land.
46. Alternatively, where the CRA determines not to register the land as a TVG, there is no right of appeal for the Applicant; however, the decision of the Council may be challenged through judicial review in the High Court, for which permission of the Court is required. The main grounds for application are illegality; procedural unfairness and irrationality of the decision and application to the Court must be made within three months of the decision. Likewise,

judicial review proceedings are also open to a landowner where the land is registered as a TVG.

Options Considered

47. The options available to Wiltshire Council as the CRA, are as follows:
- (i) Based on the available evidence, to register the land as a TVG where it is considered that the legal tests for the registration, as set out under Sections 15(1) and (2) of the Commons Act 2006, have been met in full over the whole of the application land, or
 - (ii) Based on the available evidence, to register the land as a TVG in part, where it is considered that the legal tests for the registration of the land, as set out under Sections 15(1) and (2) of the Commons Act 2006, have been met in full over only part of the application land, or
 - (iii) Based on the available evidence, to refuse the application where it is considered that the legal tests for the registration of the land as a TVG, as set out under Sections 15(1) and (2) of the Commons Act 2006, have not been met in full, or
 - (iv) Where, after consideration of the available evidence, it has not been possible for the CRA to determine the application, to hold a non-statutory public inquiry, appointing an independent Inspector to preside over the inquiry and examine the evidence, including the oral evidence of witnesses, in order to provide a report and recommendation to assist to the Council, as the CRA, in its determination of the application.

Reason for Proposal

48. There is a significant amount of evidence submitted in support of the application; however, the evidence of whether a significant number of inhabitants of any locality, or neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years, with use continuing at the time of application, is in dispute. The application and supporting evidence are disputed by the Objectors on three main grounds, as set out in the objections of BKLE dated 12 February 2022 and 10 June 2022, (see **Appendices 7 and 10**):
- i) Locality /neighbourhood not adequately identified and therefore the Application is not duly made;
 - ii) User not 'as of right';

iii) Evidence inadequate to satisfy statutory test (which is supported by the objection of Mr B Cooper).

49. It is the duty of the CRA, at common law, to determine the application in a fair and reasonable manner. The CRA has received objections to the registration of the land as a TVG which have not been resolved. A non-statutory public inquiry is therefore considered necessary in this case because the factual evidence is strongly disputed. It is open to the CRA to appoint an independent Inspector to preside over the inquiry and produce a report with recommendation to the determining authority. Although it is open to the CRA to later reject the Inspector's report and recommendation, it can only lawfully do so if the CRA finds that the Inspector has made a significant error of fact or law. If the Inspector's recommendation is rejected, the CRA must give legally valid reasons, supported by evidence of the error of fact or law, otherwise the CRA's decision would be open to legal challenge.
50. If the CRA determines not to register the land as a TVG there is no right of appeal available to the Applicant, for example to the Secretary of State, as with a planning application. The Applicant's course for redress is by way of judicial review to the High Court. Applications of this nature focus closely on the procedure of the decision-making process. To avoid the risk of the significant costs of defending a legal challenge, it is important that the CRA adopts the proper decision-making process in dealing with this application.

Proposal

51. To appoint an independent Inspector on behalf of the Commons Registration Authority (CRA) to preside over a non-statutory public inquiry at which the evidence of all parties will be heard and tested through cross-examination, and to produce an advisory report and recommendation regarding the application to the Western Area Planning Committee to assist the CRA in its determination of the application to register land known as Northfield Playing Field, Winsley, as a Town or Village Green, as soon as is reasonably practicable.

Samantha Howell

Director Highways and Transport

Report Author:

Janice Green

Senior Definitive Map Officer

Appendices:

Appendix 1 - Location Plan

Appendix 2 – Application Plan

Appendix 3 – Photographs of Application Land

Appendix 4 – Aerial Photographs

Appendix 5 – Commons Act 2006 – Section 15

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

DEFRA Guidance to Commons Registration Authorities in England on Sections 15A to 15C of the Commons Act 2006 – December 2016

Appendix 6 – Planning Trigger and Terminating Event Consultation Replies

Appendix 7 – Objections (2)

Appendix 8 – Other Representations (70)

Appendix 9 – Applicant’s Comments on Objections

Appendix 10 – Objector’s Comments on Representations

Appendix 11 – Documents Relied Upon

Appendix 12 – Officers Consideration of the Legal Tests

Appendix 13 – Summary of Witness Evidence

Appendix 14 – Witness Evidence – Parish Council Maintenance

Appendix 15 – Witness Evidence – Lawful Sports and Pastimes

Appendix 16 – Witness Evidence – Fencing of Application Land July 2021

Appendix 17 – Witness Distribution Map