

## EASTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 5 JANUARY 2017 AT WESSEX ROOM, CORN EXCHANGE, DEVIZES.

#### Present:

Cllr Charles Howard (Chairman), Cllr Mark Connolly (Vice Chairman), Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr Jerry Kunkler, Cllr Paul Oatway QPM and Cllr Christopher Williams (Substitute)

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1. **Apologies for Absence**

Apologies were received from Cllr Stewart Dobson who was substituted by Cllr Christopher Williams

2. **Minutes of the Previous Meeting**

**Resolved:**

**To sign the minutes of the Eastern Area Planning Committee as an accurate record of the meeting held on 17 November 2017.**

3. **Declarations of Interest**

Cllr Richard Gamble, declared a non-pecuniary interest as portfolio holder for education, and stated that he would abstain from voting on the application.

4. **Chairman's Announcements**

There were no chairman's announcements

5. **Public Participation**

The Chairman explained the procedure for public participation

6. **Planning Appeals and Updates**

There were no planning appeals or updates

7. **CM09762 - COMMONS ACT 2006 - SECTION 15(1) AND (2) APPLICATION TO REGISTER LAND AS A TOWN OR VILLAGE GREEN - THE PLAY AREA IN MORRIS ROAD/COLLEGE FIELDS IN THE BARTON PARK/COLLEGE FIELDS RESIDENTIAL AREA, MARLBOROUGH**

Public participation

Paul Grace, Marlborough College, spoke in objection to the application  
Celia Hicks, Preshute primary school, spoke in objection to the application

Paul Rogers, resident, spoke in support of the application  
Peter May, resident, spoke in support of the application  
Ian Mellor, the applicant, spoke in support of the application

The chairman reminded members of the public that the purpose of the meeting was to determine whether to request a non-statutory independent inquiry, and not to determine the outcome of the application itself.

Sarah Marshall, senior solicitor, explained that the Committee in considering this matter and making a decision would be operating in their Regulatory function and therefore as regulatory committee of the commons registration authority, and not as a planning committee or a land owner.

The rights of way officer, Sally Madgwick, introduced the application which was for the registration of a village green. She explained that as the land in question was owned by Wiltshire Council, case law suggested that it should be referred to an independent inspector who would then advise the committee.

In response to a question about the legal implications of determining the application, the officer explained that the decision would have to be based only on the evidence before the committee and not on the potential other uses for the land. It was explained that the committee could make any decision that it deemed fit but that the officers report presented at this meeting did not provide sufficient and appropriate detailed evidence and that should the members be minded to determine the application they would be advised to do this at a later meeting upon considering the evidence and receiving more information on the application.

Members of the public were then invited to speak as detailed above.

Cllr Mark Connolly, seconded by Cllr Nick Fogg, moved to appoint an independent Inspector to hold a non-statutory public inquiry, as recommended in the report.

In the debate that followed, issues covered included: that members were very appreciative of so many members of the public attending the meeting; that having heard the legal aspects of the application it would not be sensible to determine the application without first holding an inquiry; that it was likely that choosing the first option in the report would lead to the second option being advocated; that future plans for the site were irrelevant to the decision in hand;

and that it was important to appoint someone who was independent and transparent.

Following the debate, it was

**Resolved:**

**To appoint an independent Inspector to hold a non-statutory public inquiry and provide an advisory report for the Eastern Area Planning Committee on the application to register land as a town or village green in Barton Park/College Fields, Marlborough.**

8. **Urgent items**

There were no urgent items

(Duration of meeting: 6.00 - 6.32 pm)

The Officer who has produced these minutes is Becky Holloway of Democratic Services, direct line 01225 718063, e-mail [becky.holloway@wiltshire.gov.uk](mailto:becky.holloway@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

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