

29 November 2019

Legal Services  
Wiltshire Council  
Bythesea Road  
Trowbridge  
Wiltshire  
BA148JN  
**DX 116892 Trowbridge 3**

Your ref:  
Our ref: SMA115866

Horatio Waller  
FTB Chambers  
By email only [horatio.waller@ftbchambers.co.uk](mailto:horatio.waller@ftbchambers.co.uk)

Dear Mr Waller

**Re: Commons Act 2006 – Sections 15(1) and (3)**  
**Application to Register Land Known as Great Lees Field, Semington, as a Town or Village Green**

I am instructed by the Rights of Way team and the Council as Commons Registration Authority, Thank you for the e-mail dated 27<sup>th</sup> November 2019 addressed to Janice Green in the Rights of Way team and attaching Agreed Note Regarding a Joint Request for an Adjournment in the Matter of an Application to Register Land Described as 'Great Lees Field' at Semington, Nr Trowbridge as a New Town or Village Green (also attached to this letter).

The Council as the Registration Authority notes your detailed request to adjourn (as agreed by the applicants and objectors) the continuation of the public inquiry, scheduled to be held on Wednesday 4<sup>th</sup> and Thursday 5<sup>th</sup> December 2019, at Semington Village Hall, until a date not before the beginning of March 2020.

Whilst the DEFRA non-statutory guidance 2013 "Section 15 of the Commons Act 2006 – Guidance notes for the completion of an application for the registration of land as a town or village green outside the pioneer implementation areas" , states that an application may be withdrawn, it is at the discretion of the Registration Authority to continue to the determine the application or take no action as set out in paragraph 61 below;

*"61. ...If you decide at any stage not to proceed with your application, the registration authority has discretion either to take no further action on your application, or to go ahead and determine the application you made, based on the available evidence."*

In considering your request, the Registration Authority has therefore taken into account the matters of the public interest in the continuation of the inquiry, including the duty of the Registration Authority

to determine applications to register land as a town or village green in a fair and reasonable manner and the timing of the request to adjourn the inquiry. The Inspector appointed by the Council, as the Registration Authority, Mr William Webster, was also informed of your request and has recommended that that it is in the public interest for the public inquiry (which has been running for 3 days) to be concluded and for the application to be determined by the Registration Authority. The Registration Authority has now considered your application, the Inspector's recommendation and has exercised its discretion and concluded that it is in the public interest for the Inquiry to continue to conclusion and for the Inspector to make a recommendation to the Council based on the law and evidence he has heard and is due to hear during the inquiry, to enable the Council to properly determine the application. Your joint request to adjourn is therefore refused.

The Council considers that the application to register the land as a town or village green is a matter of public interest where it is supported by 66 users of the land and is of wider public interest than just the two parties who have requested the adjournment. Additionally, the late timing of the written request to adjourn the inquiry which was received on 27<sup>th</sup> November is unfair from the public interest perspective in particular when the inquiry is due to sit again on 4 and 5 December. It will also not be possible within the timescales to make a recommendation to Members of the Council who will ultimately determine this application. The continuation of the inquiry has been advertised and arrangements (including the venue) are now in place. There is only an agreement in principle between the parties requesting the adjournment (the details of which are not yet completed or agreed at this stage) regarding a field edge footpath over the land, the use of which (passing and repassing) and maintenance would come under the Highways Act 1980 rather than the town and village green application which comes under the Commons Act 2006 (and concerns use of the entire parcel of land through lawful sports and pastimes).

It is of course open to the parties if they so wish to renew the application for adjournment at the opening of the inquiry next week on 4<sup>th</sup> December.

The public inquiry regarding the application to register land known as Great Lees Field, Semington, as a town or village green will therefore resume at 10:00am on Wednesday 4<sup>th</sup> December 2019, at Semington Village Hall.

Yours sincerely,



**Mrs Sarah Marshall**  
**Solicitor**

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**C.C Ellie Kiely**  
**Dr William Scott**  
**Mr Steven Hall**  
**Jon Jonik**  
**Mr P Smith**  
**Matthew Scudamore (Instructing Solicitor for the Objectors Mr Stuart- Bruges and Mr A Haythornthwaite)**



INVESTOR IN PEOPLE

**Ruth Stockley (Counsel for the Objector)**  
**William Stuart-Bruges**  
**Mr W Webster - Inspector**  
**Ms J Green- CRA**