

REGULATORY COMMITTEE
6th February 2002

COMMONS REGISTRATION ACT 1965
APPLICATION FOR THE REGISTRATION OF A TOWN OR
VILLAGE GREEN: NETHERAVON PLAYING FIELD

Purpose of Report

1. To report the recommendation of the independent Inspector into an application by Mr. J.R.G. Spencer to register land at Netheravon Playing Field as a village green.

Background

2. Netheravon Playing Field is in the ownership of the Governors of Netheravon School. The County Council has an interest in the land as local education authority.
3. The County Council is the registration authority for town or village greens under the Commons Registration Act, 1965.
4. The Environmental Services Sub-Committee considered the application at their meeting on 21st March 2001 and resolved:

To appoint an independent legally qualified inspector to hold a Public Inquiry because of a potential conflict of interest.

5. Mr. Vivian Chapman, a Barrister who specialises in this area of work was appointed and a Public Inquiry was held in the Phoenix Hall, Netheravon, on 29th and 30th November, 2001.
6. Mr. Chapman has made his report, a copy of which has been placed in the Members' Room. Mr. Chapman took evidence from 25 witnesses over two days. The inquiry was publicised in the village by notices and all interested parties were informed. Mr. Chapman's findings of fact, conclusions and recommendations (Sections 6 to 10 of his report) are annexed. His recommendation is that the application be rejected because the applicant had failed to prove 20 years' use of the Field for lawful sports and pastimes by local people "as of right".

Recommendation

7. That Mr. Chapman's recommendation that the application should be rejected, be accepted by the County Council, as registration authority.

PETER SMITH
Director of Corporate Services

Unpublished documents relied upon in the production of this report:

The Report of Mr. Vivian Chapman, barrister, dated 2nd January 2002.

Environmental impact of the recommendations contained in this report:

Approval of the application for registration would result in Netheravon Playing Field being registered as a Village Green under the Commons Registration Act, 1965.