

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 20 JANUARY 2021 AS AN ONLINE MEETING .

Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Suzanne Wickham and Cllr Kevin Daley (Substitute)

1 Apologies

An apology for absence was received from Councillor Pip Ridout.

Councillor Ridout was substituted by Councillor Kevin Daley.

2 Minutes of the Previous Meeting

The minutes of the meeting held on 28 October 2020 were presented for consideration, and it was,

Resolved:

To approve and sign as a true and correct record of the minutes of the meeting held on 28 October 2020

3 Declarations of Interest

Councillor Ernie Clark made the following declaration:

I have no interest in item 6, but I wish to clarify my involvement. I was not one of the organisers of the application, but I did respond to the applicant as a member of the public and I gave evidence at the Non-Statutory Public Inquiry. I have not pre-determined my thoughts on the application and will approach with an open mind.

I refer to section 25 of the Localism Act 2011, in that I had potentially given a prior indication of a view on the application. However, a prior indication does not amount to pre-determination or bias but a pre-disposition. Reference is made to section 25(2) to highlight that it is clear that a decision maker should not be taken to have had a closed mind when making a decision, because the decision maker had indicated a view they had taken, or may take, in relation to a matter and the matter was relevant to the decision.

Councillor Edward Kirk declared that that he had used the field discussed in Item 6 for dog walking and had done for a number of years, but would consider the matter with an open mind.

Councillor Trevor Carbin declared that he was a member of Hilperton Parish Council, which had been involved in the Item 6, but he had not been involved in the matter and would keep an open mind when making a decision.

4 **Chairman's Announcements**

There were no Chairman's Announcements.

5 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

6 **Application to Register Land Known as 'Church Field', Hilperton as a Town or Village Green**

Definitive Map and Highway Records Manager, Sally Madgwick, presented a report produced by Mr William Webster, appointed by Wiltshire Council as an independent Inspector to reside over a non-statutory public inquiry in relation to an application made under Sections 15(1) and (2) of the Commons Act 2006, to register land known as 'Church Field', in the parish of Hilperton, near Trowbridge, as a town or village green. The report recommended that Wiltshire Council accepted the Inspector's recommendation in rejecting the application for the reasons set out in the Inspector's report dated 19 November 2020.

Details were provided of the site, the presence of multiple Rights of Way, and the legal tests to be applied when registering land as a town or village green, and that the Inspector considered the evidence did not support that those tests had been met.

Members of the Committee had the opportunity to ask technical details regarding the application.

No members of the public had registered their interest in presenting their views to the committee.

The local Unitary Member, Councillor Ernie Clark, then spoke regarding the application, including that he had previously moved the recommendation for the application to go to a Non- Statutory Public Inquiry. However, having read the Inspector's report, Cllr Clark was not prepared to move a motion in respect of the application.

A motion was then moved by Councillor Jonathon Seed, seconded by Councillor Peter Fuller, to reject the application for a Town or Village Green in accordance with the Inspector's recommendation.

A short debate followed, with comments noting the time, effort and commitment that would have been required in making the application, but accepting the conclusions reached by the Inspector in recommending rejection of the application.

At the conclusion of debate, it was,

Resolved:

That the application to Register Land Known as 'Church Field', Hilperton as a Town or Village Green be rejected for the reasons set out in the Inspector's report dated 19 November 2020.

Councillor Ernie Clark requested his vote in abstention be recorded.

7 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 3.30 pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line 01225 718656, e-mail Benjamin.fielding@wiltshire.gov.uk

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