

Wiltshire Council

Western Area Planning Committee

7 June 2023

**Commons Act 2006 – Sections 15(1) and (2)
Application to Register Land as Town or Village Green – Southwick Court
Fields, Southwick and North Bradley – Application no.2020/02TVG**

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 at Southwick Court Fields, in the parishes of Southwick and North Bradley, as a Town or Village Green (TVG) – Application no.2020/02TVG, 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 original application plans at **Appendix 2** and accepted application area at **Appendix 3**.

Photographs

5. Please see **Appendix 4**.

Aerial Photographs

6. Please see **Appendix 5**.

Applicant

7. Mr Norman Swanney
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Registered Landowners

8. The Honourable Sheila Mary Rhys
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- Mr Jeffrey Marshall & Mrs Jean Marshall
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Legal Empowerment

9. Under the Commons Registration Act 1965, Wiltshire Council is charged with maintaining the register of TVG's and determining applications to register new greens. The application to register land at Southwick Court Fields, in the parishes of Southwick and North Bradley, 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 in full at **Appendix 6**):

“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 6** 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, (The Regulations).
- ii) DEFRA Guidance to Commons Registration Authorities in England on Sections 15A to 15C of the Commons Act 2006 – December 2016, (The DEFRA Guidance).
(Section 15C “Registration of greens: exclusions”, is considered at paragraphs 15 to 18 of this report).

Background

11. Wiltshire Council, as the Commons Registration Authority (CRA), is in receipt of an application to register land at Southwick Court Fields, within the parishes of

Southwick and North Bradley, as a TVG. The application is made under Sections 15(1) and (2) of the Commons Act 2006, dated 13 January 2020 and received by the CRA on 30 November 2020. Upon consultation with the planning authorities regarding planning trigger events, there were found to be two trigger events in place over part of the land which would extinguish the right to apply to register that part of the land as a TVG. As a result the application was accepted only in part on 6 May 2021 and allotted application no.2020/02TVG (Form 6), (planning “trigger” and “terminating” events are considered at paragraphs 15 to 18 of this report).

12. 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. Part 7 of the application form requires the Applicant to provide a summary of the case for registration:

- *The Land in question has been used “as of right” without stay or let for a period exceeding 20 years (see Encl. 7.1 and 7.2).*
 - *The unfettered use of the land has been unchallenged over this period and is symbolised by the footpaths and trackways formalised upon it (see Exhibit C).*
 - *Divergence from these footpaths and/or trackways has not been challenged either formally or informally.*
 - *Maintenance and enhancement of access points have been supported by both the landowner and Wiltshire Council as demonstrated in attached photographs and documents (see Encl. 7.3).*
 - *Surveys sponsored by Wiltshire Council and the Environment Agency have demonstrated beyond doubt that the land is:*
 1. *Classified as informal recreation space by Wiltshire Council.*
 2. *A functional flood plain (see Exhibits D and E)*
 3. *Historically significant and protected from development (See Encl. 7.5)*
 - *The land is in constant use for recreational and social purposes listed elsewhere in this submission which include the scattering of ashes of local residents with permission from the landowner.*
 - *The application for Village Green status is in line with, and supportive of Wiltshire County Policy (see Encl. 7.4).*
- Documents supporting these assertions are attached.*

13. The application is supported by testimony from Cllr Graham Hill, Trowbridge Town Councillor, Grove Ward and a petition signed by 23 individuals:

“We the undersigned formally attest that the land known locally as Southwick Court fields (OS reference ST84801 55856 and defined on the attached maps) has been consistently in use as an informal recreational space for a minimum of twenty years. These activities have taken place both on the network of paths and trackways illustrated on this application and between them.

The access points have been supported and sanctioned by both the landowner and Wiltshire Council along with Town and Parish Councils.

Access and recreation has taken place without stay or let from the landowner and without any form of notified restriction from said landowner. It has been established over this period that such access and activity has become defined “as of right”.

Activities which have historically, and which continue to occur include:

- *Rambling*
- *Exercise and fresh air*
- *Foot traffic via notified pathways to outlying villages*
- *Berry picking*
- *Drone and model aircraft flying*
- *Children camping out*
- *Childhood games*
- *Dog walking*
- *Landing and take-off of paragliders*
- *The scattering of ashes of locals with the knowledge and blessing of the landowner*
- *Protecting property from severe flooding as a functional flood plain*

We believe that this continuity of unrestricted use meets the criteria set down in the Commons Act of 2006 and therefore make application for this “as of right” usage to be formally recognised and for all rights and protection under the law to be applied to this land.”

14. The application land is located at Southwick Court, which lies to the south-west of Trowbridge, in the parishes of Southwick and North Bradley, (please see Application Plan (accepted) at **Appendix 3** and Photographs of Application Land at **Appendix 4**). Southwick Court itself is a Grade II listed moated medieval manor house which dates from the 16th century, lying at the centre of a system of fields and water meadows between Trowbridge town and Southwick village, of which the application land forms part. The Lambrok stream which originates in Beckington (Somerset), feeds the moat and then continues into the surrounding water meadows and then into Trowbridge where it joins the River Biss. The land is laid to grass with recorded public rights of way, Southwick Footpath no’s 1, 2 and 3 and North Bradley Footpath no.4, leading across it and footpaths from the Grove Estate (Trowbridge) to the north and from Southwick to the west, leading into it and from which it can be accessed. The land is also accessed from Axe and Cleaver Lane, (Bridleway no.3 North Bradley), which leads from Woodmarsh, North Bradley, alongside the application land at the south-east edge, (please see aerial photographs at **Appendix 5** and witness distribution map at **Appendix 15**).

Right to Apply

15. 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 and amended to extend the list of events).

16. 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 which recommends that upon receipt of an application the CRA should write to the local planning authorities and the Planning Inspectorate, 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, (The DEFRA Guidance, see **Appendix 6**).
17. Wiltshire Council, as the CRA, has accepted the application in part only, based upon replies from the relevant Planning Authorities that there are valid planning trigger events in place over part of the application land, (without corresponding terminating events), which exclude the right to apply to register that section of the land as a TVG, i.e:
- i) Part of the land subject to the application is affected by planning application no.20/00379/OUT – Land South of Trowbridge, Wiltshire: Outline planning permission with all matters reserved except access for the erection of up to 180 residential dwellings (Use Class C3); site servicing; laying out of open space and associated planting; creation of new roads, accesses and paths; installation of services; and drainage infrastructure, (valid date 15 January 2020).
 - ii) Part of the land subject to the application forms a designated allocation for development within the now adopted Wiltshire Housing Site Allocations Plan (WHSAP), (adopted February 2020).
18. The CRA continues to determine the TVG application over the unaffected application land, please see application plan accepted area at **Appendix 3**. Dispute of the CRA’s interpretation of the extent of planning trigger events and their effect is not maintained by the Applicant or the Objector in this case.

Validity of Application

19. The Regulations, (**Appendix 6**), 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 8 July 2021, as follows:

*“1) 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 all maps included within the application could be labelled as “Exhibits” A, B, C etc as per the regulations and witnessed by the Solicitor.*

*2) 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 reference to the maps in the main application Form 44, but in order to make it clearer which maps sections 5 and 6 refer to, it would be helpful if a reference to the Exhibit number could be added here, so that the extent of the application land and the identified locality/neighbourhood within a locality are clear.
It may also be helpful to list the maps as Exhibits at question 10 of the application form.*

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.”

20. 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 23 August 2021. The revised application was checked and found to be in order on 20 September 2021.

21. The issues of timing and validity of an application are considered in a very detailed manner in case law, in the Court of Appeal before Lady Justice Arden, Lord Justice Richards and Lord Justice Vos – R (Church Commissioners for England) v Hampshire County Council and Anr and Barbara Guthrie [2014] EWCA Civ 643. It

concerns a case where Mrs B Guthrie 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 sets out the requirements of an application and concludes:

“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.”

22. 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. 30 November 2020, even where the application is later amended.

Public Consultation

23. Wiltshire Council, as the CRA, served notice of the application, Form 45 dated 12 November 2021, upon landowners; the Applicant and interested parties. Notice was also posted on site and placed in the Wiltshire Times. The application, including the supporting evidence, was placed on public deposit at the offices of Wiltshire Council at County Hall, Trowbridge and 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.
24. Following notice of the application, one objection was received from Clarke Willmott on behalf of one of the landowners, please see **Appendix 7**, and 22 representations of support were received, please see **Appendix 8**.
25. At paragraph 6(3) of The Regulations, (see **Appendix 6**), 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 therein. The correspondence attached at **Appendices 7 and 8** was forwarded to the Applicant for comment on 22 February 2022. The Applicant and Cllr G Hill made additional comments on the objections on 5 April 2022, included at **Appendix 9**.
26. These comments at **Appendix 9**, (with the original representations at **Appendix 8**), were forwarded to the Objector in the interests of fairness on 7 April 2022, with opportunity for comment until 25 May 2022. The Objector’s supplementary comments dated 23 May 2022 are attached at **Appendix 10**.
27. In summary, in its consideration of the application to register land at Southwick Court Fields, Southwick and North Bradley, the CRA has considered the documents listed at **Appendix 12**. A useful chronology of the application is included here for reference:

Action	Date
Application 1	13/01/2020
Trigger and terminating event consultations	21/01/2020

Application returned	24/02/2020
Application 2	12/06/2020
Trigger and terminating event consultations	22/06/2020
Application returned	07/10/2020
Application 3	30/11/2020
Trigger and terminating event consultations	07/12/2020
TVG application accepted in part – allotted no.2020/02 - Form 6	06/05/2021
Application returned to Applicant for putting in order	08/07/2021
Revised application received	23/08/2021
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
Objection forwarded to Applicant for comment	22/02/2022
Applicant's comments on objection received	05/04/2022
Applicant's comments on objection forwarded to Objector for comment	07/04/2022
Objector's comments on Applicant's comments on objection received	23/05/2022

Main Considerations for the Council

28. 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

(b) 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 6**).

29. The legal test set out at Section 15(2) of the Commons Act 2006 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.
30. The application is supported by The Wiltshire Council Member for Trowbridge Grove Division; North Bradley and Southwick Parish Councils' and Cllr G Hill, Town Councillor for Trowbridge, Grove Ward and Chair of Trowbridge Town Council.

31. 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 17**. 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

32. Overview and Scrutiny Engagement is not required in this case. The Council, as the CRA, must follow the statutory procedures which are set out within The Regulations and The Defra Guidance, (see **Appendix 6**).

Safeguarding Considerations

33. 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 within the Act. The determination of the application must be based upon the relevant evidence alone.

Public Health Implications

34. 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

35. Where land is registered as a TVG, there are a number of opportunities for expenditure to occur and these are considered at paragraphs 41-43 of this report.

Environmental and Climate Change Impact of the Proposal

36. 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

37. 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

38. 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, as set out in 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 or 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 LJ 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 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 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.”

39. If the CRA 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, as the CRA, if it is found to have acted unlawfully.
40. 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 TVG 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 Whitmey case above, and the need for CRAs to hold a non-statutory public inquiry where there is serious dispute over factual issues.

Financial Implications

41. Presently, there is no mechanism by which a CRA may charge the Applicant for processing an application to register land as a town or village green and all costs are borne by the Council.
42. 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 Council in this regard were recognised by the justices in the Court of Appeal in the Whitmey case, see paragraph 38 above. Even where a non-statutory public inquiry is held, there is no obligation placed upon the CRA to follow the recommendation made.
43. The cost of a 3 or 4 day non-statutory public inquiry is estimated to be in the region of £12,000 - £15,000 plus VAT. In the Southwick Court Fields 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 consider the evidence, producing a recommendation to the CRA, would assist the Council, as the CRA, in its determination of the application.

Legal Implications

44. 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, 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.
45. 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

46. 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 registration, as set out under Section 15(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 Section 15(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 Section 15(2) of the Commons Act 2006, have not been met in full on any part of the land, 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 the Council, as the CRA, in its determination of the application.

Reason for Proposal

47. In the Southwick Court Fields case, 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. Matters of particular conflict within the evidence include the main use of the land identified as walking, with or without dogs, and fruit/produce picking at the perimeter of the application land, taking place on recorded public footpaths over the land and unrecorded tracks and pathways, which raises a number of issues:
- (i) Whether the use would appear to a reasonable landowner to be attributable to the exercise of a right of way along a defined route, or wider use of the land for lawful sports and pastimes.
 - (ii) Qualifying user “as of right”:
 - the use of recorded public rights of way “by right” rather than “as of right”;
 - was use of the land for lawful sports and pastimes sufficient to bring such use to the attention of the landowner to challenge that use if they so wished.

- (iii) If the use of recorded/unrecorded public rights of way is removed as qualifying user, is the remainder of the use for lawful sports and pastimes sufficient to support registration.

Additionally, there is a lack of evidence of regular/organised community events taking place on the land.

- 48. 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, where the CRA's decision is open to legal challenge.
- 49. If the CRA determines not to register the land as a TVG there is no right of appeal to the Council or, for example, to the Secretary of State available to the Applicant, 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

- 50. Where there is significant dispute of the evidence, to appoint an independent Inspector on behalf of the 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 as a TVG at Southwick Court Fields, in the parishes of Southwick and North Bradley, 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 – Application Plan - Accepted Land - Application no.2020/02TVG

Appendix 4 – Photographs of Application Land

Appendix 5 – Aerial Photographs

Appendix 6 – 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 7 – Objection (1)

Appendix 8 – Other Representations (22)

Appendix 9 – Applicant's and Cllr G Hill's Comments on the Objection

Appendix 10 – Objector's Comments on Representations

Appendix 11 – Trigger/Terminating Event Consultation Replies

Appendix 12 – Documents Relied Upon

Appendix 13 – Summary of Witness Evidence

Appendix 14 – Witness Evidence Chart

Appendix 15 – Witness Distribution Map

Appendix 16 – Planning Application no.20/00379/OUT Consultation Replies

Appendix 17 – Officers' Consideration of the Legal Tests