

BATH AND NORTH EAST SOMERSET

REGULATORY (ACCESS) COMMITTEE

Tuesday, 29th November, 2011

Present:- Councillor Douglas Deacon, Councillor Jeremy Sparks, Councillor Tim Warren and Councillor Mathew Blankley (In place of Councillor Peter Edwards)

Also in attendance: Simon Elias (Legal Adviser) and Graeme Stark (Senior Rights of Way Officer)

58 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the emergency evacuation procedure as set out on the Agenda.

59 ELECTION OF VICE-CHAIRMAN (IF DESIRED)

RESOLVED that a Vice-Chair (person) was not required on this occasion.

60 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Peter Edwards, Councillor Mathew Blankley was his substitute.

61 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

There were none.

62 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

63 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Chair informed the Committee that there were two individual speakers for Agenda Items 9 and 10. Each speaker would have up to 5 minutes to address the Committee.

64 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

There were none.

65 MINUTES OF PREVIOUS MEETING 25/10/2011

It was **RESOLVED** that the minutes of the meeting on Tuesday 25th October 2011 be confirmed as a correct record and signed by the Chair.

66 KAYNTON MEAD TVG REGISTRATION APPLICATION

The Chair invited Nadine Geary to address the Committee.

In summary Ms Geary spoke in support of the application to register The Track, Kaynton Mead as a Town or Village Green (TVG). She stated that the established green space was precious to the local community and had been used for recreational purposes for over 20 years and was a haven for wildlife. Local residents in the community wanted to protect this green space for future generations.

A full copy of the statement from Nadine Geary was available on the Minute book in Democratic Services.

The Chair invited Pam Richards to address the Committee.

In summary Ms Richards spoke in support of the application to register The Track, Kaynton Mead as a Town or Village Green. She stated that the Inspector had found that a significant number of people in the community had used the land for recreation for 20 years, therefore the legislative test had been met. The area was also a recognisable community. The main reason the Inspector recommended non-registration was on the technical distinction between 'by right' and 'as of right'. The community felt there were compelling reasons to register the land as a village green.

A full copy of the statement from Pam Richards was available on the Minute book in Democratic Services.

The Chair invited the Ward Councillor, Caroline Roberts, to address the Committee. She passed on apologies from Councillor Loraine Morgan-Brinkhurst the other Ward Councillor. She spoke in support of the application and confirmed that the land had been used for recreation by the public in the community for over 20 years. She queried whether the Council could designate the land as a TVG in the future. The officer stated that this was not a decision that could be taken today but a way forward would be to take up this issue with the Executive Member.

The Committee considered the report which sought determination of an application to register land known as The Track, Kaynton Mead as a Town or Village Green (TVG).

The Chair invited Graeme Stark (Senior Rights of Way Officer) to present the report. He stated that the Committee had to consider whether the statutory test had been met in full.

The Chair asked the Legal Adviser for clarification on the 1906 Open Spaces Act in relation to village green applications. The Legal Adviser explained that by the Open Spaces Act 1906 local authorities were given power to acquire by agreement open spaces and manage such areas in trust for public benefit. It was further explained that if it can be demonstrated by a landowner that such land is held in trust under the 1906 Act that probably gave the public use of the land 'by right' rather than 'as of right' as required by the 2006 Act.

On a motion from Councillor Tim Warren, seconded by Councillor Mathew Blankley it was unanimously

RESOLVED to refuse the application for The Track, Kaynton Mead and not register the land shaded blue, green or red on the plan as a Town or Village Green, in line with the Inspector's recommendation.

67 RUDMORE PARK TVG REGISTRATION APPLICATION

The Chair invited Nadine Geary to address the Committee.

In summary Ms Geary spoke in support of the application to register The Lane, Rudmore Park as a Town or Village Green (TVG). She stated that the established green space was precious to the local community and had been used for recreational purposes for over 20 years and was a haven for wildlife. Local residents in the community wanted to protect this green space for future generations.

A full copy of the statement from Nadine Geary was available on the Minute book in Democratic Services.

The Chair invited the Ward Councillor, Caroline Roberts, to address the Committee. She passed on apologies from Councillor Loraine Morgan-Brinkhurst the other Ward Councillor. She spoke in support of the application and confirmed that the land had been used for recreation by the public in the community for over 20 years. She queried whether the Council could designate the land as a TVG in the future. The officer stated that this was not a decision that could be taken today, but a way forward would be to take up this issue with the Executive Member.

The Committee considered the report which sought determination of an application to register land known as The Lane, Rudmore Park as a Town or Village Green (TVG).

The Chair invited Graeme Stark (Senior Rights of Way Officer) to present the report. He stated that the Committee had to consider whether the statutory test had been met in full.

On a motion from Councillor Tim Warren, seconded by Councillor Mathew Blankley it was unanimously

RESOLVED to refuse the application for The Lane, Rudmore Park and not register the land shaded purple or pink on the plan as a Town or Village Green, in line with the Inspector's recommendation.

The meeting ended at 6.02 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services