

COMMONS ACT 2006 – SECTION 15

APPLICATION TO REGISTER LAND AT TUNSTALL HILLS, SUNDERLAND AS A TOWN OR VILLAGE GREEN

REPORT OF HEAD OF LAW AND GOVERNANCE

1.0 Purport of the Report

- 1.1 The purpose of this report is to inform Members of an application to register land at Tunstall Hills which is not already designated as a Site of Special Scientific Interest (SSSI) (as shown on the Map at Appendix A) as a town or village green. The application (Appendix B) has been submitted by Mr. Allan White Chairman of Tunstall Hills Protection Group. The application was initially submitted last year but did not contain all the required information and has consequently been amended and resubmitted this year.
- 1.2 The procedure for applications of this is governed by the Commons (Registration of Town or Village Greens)(Interim Arrangements)(England) Regulations 2007. The Regulations require Registration Authority to publish a notice of the application in the concerned area and Notice given to every reputed owner, lessee, tenant or occupier of any part of the land. The published Notice must allow a minimum of 6 weeks for any objection to the application to be received (Appendix C). The ownership of the land involved has been checked with the Land Registry and the Certificates show that the Council is the owner of the various pockets of land covered by the application. The Notice published in the Sunderland Echo on the 28th June 2017 and available for inspection at the Customer Service Centre in Fawcett Street gives between the 30th June 2017 until the 14th August 2017 to submit an objection to the proposal in the form of a Statement of Facts.
- 1.3 The land concerned, as stated is owned by the Council and Notice has therefore been sent to the Council's, Head of Property and, Head of Planning and Regeneration. If there is an objection from the Council, being both the land owner and Registration Authority accepted practice and case law requires the Council to hold a non-statutory public inquiry under the control of an independent inspector. This inspector will hear all the evidence and assess the factual content of it, relate to the law concerning registrations and make a recommendation as to whether or not the criteria for registration are met.

If there is no objection from the Council in its capacity as landowner there will be no potential conflict in interest and no need for a non-statutory public inquiry. In either case the final decision to register or not rests with this Committee. A further report will be brought to Committee for decision following the end of the period for objections and containing the details of any recommendation from an inquiry if it is necessary to hold one.

2.0 Background and Criteria for Registration

2.1 The requirements for registration of land as a town or village green are now found under Section 15 of the Commons Act 2006. Section 15(1) allows any person to apply to the registration authority to register land as a town or village green. The application here is made under Section 15(2) which applies where:-

- (a) a significant number of the inhabitants of any locality, or 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 the application.

2.2 The application submitted includes historic articles and documents plus completed user forms from 134 individuals claiming a variety of uses of the land for periods covering and exceeding the required 20 year requirement. This evidence and any objections will be analysed more fully by Officers or within a non statutory inquiry with the results being brought back to Members for decision with a recommendation regarding registration.

3.0 Reasons for the Decision

3.1 The Council, as registration authority, has to make a decision with regard to registration or otherwise of the application site. The authority must base its decision upon the statutory criteria and the evidence to show that those criteria have been met. The Committee are at present not being asked to make a decision on registration but simply note the contents of the report and authorise the Head of Law and Governance to appoint an independent inspector and make arrangements for holding an inquiry if it becomes necessary to do so, A further report will be brought back to Committee for decision once the required procedure has been followed and completed.

4.0 Alternative Option

4.1 None submitted.

5.0 List of Appendices

Appendix A – Map of Application Site.

Appendix B – Application Form 44.

Appendix C- Notice.