

At a meeting of the REGULATORY COMMITTEE held in the CIVIC CENTRE on MONDAY, 7th JANUARY, 2019 at 10.00 a.m.

Present:-

Councillor Blackburn in the Chair

Councillors Ball, Fletcher, Galbraith, P. Gibson, Heron, Howe, Johnston, Lawson, Leadbitter, Scaplehorn and Turner.

Declarations of Interest

There were no declarations of interest.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors D. MacKnight and A. Wood

**Minutes of the Last Meeting of the Committee held on 26th November, 2018
Part I**

1. RESOLVED that the minutes of the last meeting of the Committee held on 26th November, 2018, Part I (copy circulated) be confirmed and signed as a correct record.

Application to Register Land at Middle Herrington, Sunderland, Known as “West Park” as a Town or Village Green

The Head of Law and Governance submitted a report (copy circulated) which sought Members consideration of an application to register land at Middle Herrington, Sunderland known as West Park as a town or village green.

(For copy report – see original minutes)

Jim Wotherspoon, Solicitor, introduced the report and advised that the application had been submitted by a group of local residents who identified themselves as the friends of West Park. To be registered as a town or village green the applicants needed to show that the land had been used by inhabitants of the locality on an ‘as of right’ basis for lawful activities for a period of at least 20 years. Evidence of this use had been provided by the applicants and others and was appended to the report. There had been no objections received to the application including from the Council who had been consulted as land owner.

Councillor P. Gibson queried whether the application had been submitted before or after the site had been included in the published list of proposed housing development sites. Mr Wotherspoon advised that the application had been received prior to the site being included in the development plan. As the application had been received prior to the site being included in the draft development plan the application to register as a town or village green took priority over the development plan; The inclusion of the land in a draft development plan which had been published in accordance with the regulations (The Town and Country Planning (Local Planning)(England) Regulations 2012) would have been a trigger event, however the draft plan being consulted on had not reached the stage of being published in accordance with Regulation 19 as it was not yet in the final version to be submitted to the Sec of State. Had it been so prior to the application being received then it would not have been possible to register the land as a town or village green and the application would not have been accepted.

Councillor Ball commented that there was a need for public open space in the city and that as there was evidence dating back to 1953 that this land had been used as of right by local residents she felt that the land should be granted town or village green status.

Councillor Galbraith questioned whether the grazing rights on the land would remain. Mr Wotherspoon advised that the land which was leased to the farmer for grazing would remain able to be used for this use however the farmer would not be able to build on the land or install roadways.

Councillor Howe questioned whether making the land a town or village green would prevent any future building on the site. Mr Wotherspoon advised that should the application be approved then any future development of the site would require the developer to submit an application to remove the town or village green status and that residents would be able to object to such an application. It was unlikely that the site would be developed should it be given town or village green status.

The Chairman then put Councillor Ball's motion to grant town or village green status to the land to the Committee and Councillor Heron seconded the motion; with all Members being in agreement it was:-

2. RESOLVED that the land at Middle Herrington, Sunderland, known as West Park which was the subject of application VG/2/2018 made under Section 15 of the Commons Act 2006 be registered as a town or village green on the basis that the application site had been used by a significant number of inhabitants of the locality of the ward of St Chad's (and the neighbourhood of East and Middle Herrington) who have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years and had continued to do so up until the time of the application.

Local Government (Access to Information) (Variation) Order 2006

3. RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during consideration of the

remaining business as it was considered likely to include the disclosure of exempt information relating to an individual and the financial or business affairs of a particular person (including the Authority holding that information). (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1 and 3).

(Signed) J. BLACKBURN,
Chairman.

Note:-

The above minutes comprise only those relating to items during which the meeting was open to members of the public.

Additional minutes in respect of further items are included in Part II.

