

DIRECTIONS FOR HEARING

**IN THE MATTER OF SECTION 15 OF THE COMMONS ACT
2006**

**AND IN THE MATTER OF AN APPLICATION FOR THE
REGISTRATION OF LAND AT BRADLEY LANE POND FIELD,
ECCLESTON AS TOWN OR VILLAGE GREEN**

APPLICATION VG105

This Hearing ("Hearing") to be held by Lancashire County Council as Commons Registration Authority ("Registration Authority") is a hearing of evidence by "The Special Sub-Committee for VG105" ("the Special Sub-Committee") to assist in the determination of the above application in respect of land at Bradley Lane Pond Field, Eccleston ("the Site"). It is not an 'inquiry' under The Commons Registration (England) Regulations 2008 ("Regulations") or a 'hearing' under the Regulations. These Directions are issued by the Commons Registration Authority to try to ensure the smooth running of the Hearing and fairness to all parties and the public.

1. The Applicant by 18 February 2013 serve on the Registration Authority and on the Objector (see Schedule 1) the following:-
 - 1.1. A list of all the witnesses the Applicant intends to call to give evidence.
 - 1.2. Only insofar as not already provided, signed written witness statements containing the evidence of each witness on which the Applicant intends to rely.
 - 1.3. Where a witness statement exceeds one thousand five hundred words (1,500), a written summary shall in addition, be required.

2. The Objector by 18 February 2013 serve on the Registration Authority and on the Applicant (see Schedule 1) the following:-
 - 2.1. A list of all the witnesses the Objector intends to call to give evidence.
 - 2.2. Only insofar as not already provided, signed written witness statements containing the evidence of each witness on which the Objector intends to rely.
 - 2.3. Where a witness statement exceeds one thousand five hundred words (1,500), a written summary shall in addition, be required.
3. The Applicant and the Objector by 4 March 2013 serve on the Registration Authority and each other the following:-
 - 3.1 A skeleton argument including a summary of any legal arguments that they intend to rely upon at the Hearing and copies of any legal authorities to be relied upon.
 - 3.2 A paginated and indexed bundle containing any additional documents on which the Applicant and Objector intend to rely upon.
4. All documents served on the Registration Authority shall be submitted to Miss Ravinder Amrith, Solicitor, at County Secretary and Solicitors Group (Ref: LSG4/RKA/VG105/3.645), P.O. Box 78, County Hall, Preston PR1 8XJ.
5. Documents to be served on the Applicant and the Objector shall be sent to those persons at the addresses listed in Schedule 1 attached hereto.
6. The date, time and venue of the Hearing will be publicised by the Registration Authority by:-
 - (i) posting a notice on or near the Application Site for 14 days prior to the commencement of the Hearing;
 - (ii) publishing a notice on the website of the Registration Authority;
 - (iii) publishing a notice in the local newspaper circulating in the locality where the Site is situated during the 14 day period prior to the commencement of the Hearing;

(iv) displaying a notice at the Hearing venue during the days that the Hearing is sitting;

7. The Hearing will commence at 10.00 am on Tuesday 19 March 2013 at County Hall, Fishergate, Preston PR1 8XJ and will continue if necessary on the subsequent 2 days.
8. The Hearing will generally sit between 10.00 am and 5.00 pm with a 1 hour's break for lunch and 15 minute breaks mid-morning and mid-afternoon.
9. The Hearing will be conducted as follows, subject to any changes made at the Special Sub-Committee's discretion: -
 - 9.1 The Applicant shall be invited to make a short Opening Statement if he so wishes.
 - 9.2 The Applicant shall call each of his witnesses in turn and each witness shall give his evidence. If the Applicant wishes the witness to read their written statement, in the case of a statement where a summary has been provided, only that summary shall be read at the Hearing. Each witness will be subject to cross examination by the Objector, and re-examination as appropriate and be asked any questions the Special Sub-Committee or their adviser may have.
 - 9.3 The Objector shall be invited to make a short Opening Statement if he so wishes.
 - 9.4 The Objector shall call each of his witnesses in turn and each witness shall give his evidence. If the Objector wishes the witness to read their witness statement, in the case of a statement where a summary has been provided, only that summary shall be read at the Hearing. Each witness will be subject to cross examination by the Applicant, and re-examination as appropriate and be asked any questions the Special Sub-Committee or their adviser may have.
 - 9.5 The Special Sub-Committee shall then invite any additional evidence from interested members of the public or any other third parties with cross examination by the opposing party.

- 9.6 The Objector shall be invited to make any closing statement he wishes to make and if required by the Special Sub-Committee to submit the same in writing, time scales to be agreed at the Hearing.
- 9.7 The Applicant shall be invited to make any closing statement he wishes to make and if required by the Special Sub-Committee to submit the same in writing, an agreed time after that submitted by the Objector.
10. Having the permission of the landowner, the Special Sub-Committee may make an inspection of the Site at a time to be arranged at the Hearing. No further evidence will be accepted during that Site visit. Should the Special Sub-Committee decide to make an inspection of the Site, the Applicant will be asked if he wishes to be present or represented at such site inspection and if the Applicant wishes to be present or represented the Special Sub-Committee will also invite the Objector to be present or represented. The inspection does not need to be postponed if the Applicant or their representative is not present at the appointed time.
11. Any person interested in the subject-matter of the Hearing may appear at the Hearing in person or by a representative.
12. The Special Sub-Committee may, at any stage of the Hearing, prevent any person from –
- (a) giving evidence,
 - (b) cross-examining a person giving evidence, or
 - (c) presenting any matter,
- if the Special Sub-Committee considers it to be irrelevant or repetitious.
13. The Special Sub-Committee may –
- (a) require a person to leave the Hearing
 - (b) prevent a person from participating in the Hearing by giving evidence, cross-examining a person giving evidence, or presenting any matter; or
 - (c) permit a person to remain at, or participate in, the Hearing only on specified conditions.

14. The Special Sub-Committee may proceed with the Hearing in the absence of any person entitled to appear at it.
15. The Special Sub-Committee may take into account any written representations or evidence or any other document received by the Special Sub-Committee from any person before or during the Hearing, provided that the Special Sub-Committee discloses it at the Hearing.
16. The Special Sub-Committee may –
 - (a) adjourn at any time and for any length of time during the Hearing ;
 - (b) adjourn to another date;
 - (c) adjourn the Hearing to the Site of any land affected by the application or proposal, and conduct part of the Hearing at that site in conjunction with a Site inspection.
17. Parties should note that these Directions may be revised.

DATED this 1ST day of FEBRUARY 2013

Miss Ravinder Amrith
Solicitor for the Commons Registration Authority

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APPLICATION VG105

SCHEDULE 1

ADDRESS FOR SERVICE

APPLICANT

Mr David Walton
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Ecclestone
Chorley
PR7 5RJ

OBJECTOR

Michael Pocock, Partner
Pinsent Masons LLP
3 Hardman Street
Manchester
M3 3AU