

Lancashire County Council

Special Sub-Committee for VG 109 - Determination of Town and Village Green Application VG109 relating to land at Freemans Wood, off New Quay Road, Lancaster

Minutes of the Meeting held on Monday, 10th February, 2020 at 10.00 am in Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Peter Steen (Chair)

County Councillors

I Brown

C Crompton

1. Apologies

There were no apologies for absence.

2. Membership, Chair and Terms of Reference

On 8 May 2019, it had been agreed, under the Urgent Business Procedure, to the establishment of The Special Sub-Committee for VG109 to determine the Town and Village Green Application No. VG109 relating to land at Freeman's Wood, off New Quay Road, Lancaster.

Following consultation with the relevant political groups, the membership of the Sub-Committee had been agreed as follows:

County Councillor Peter Steen

County Councillor Ian Brown

County Councillor Carl Crompton

Resolved: The Sub-Committee:

- (i) Noted the Membership and Terms of Reference of The Special Sub-Committee for VG109.
- (ii) Appointed County Councillor Peter Steen as Chair of the Sub-Committee.

3. Disclosure of Pecuniary and Non-Pecuniary Interests

No pecuniary or non-pecuniary interests were disclosed.

**4. Commons Act 2006
Commons Registration (England) Regulations 2014**

Determination of Town and Village Green Application VG109 relating to land at Freemans Wood, off New Quay Road, Lancaster

A report was presented in relation to an application for land at Freeman's Wood, off New Quay Road, Lancaster, to be registered as a town or village green. Maps of the Application Land and the claimed locality were presented at Appendix 'A' and Appendix 'B' respectively.

The application had been publicised and 2 objections had been received together with 15 representations in support of the application. It was noted that the Applicant had had the opportunity to comment on all of these documents.

In May 2019, it had been approved under the Urgent Business Procedure and after consultation with the Chair and Deputy Chair of the Regulatory Committee, that an Independent Inspector be appointed to hold a public inquiry and hear the evidence in this matter, and then to prepare a report and recommendation back to the Special Sub-Committee. Under The Commons Registration (England) Regulations 2014, the Inspector must also conduct a site inspection.

It was reported that the Inquiry had commenced on 27th August 2019, where the Inspector had heard the evidence, cross examinations and submissions. The Inspector had now carefully considered all the evidence and information, had inspected the site and his report to the Special Sub-Committee set out at Appendix 'D' contained his consideration of how the law applied to the information and evidence, and his recommendation that the application be accepted, subject to a boundary amendment to exclude land owned by Hurstwood Holdings Limited, as shown hatched blue on the plan at Appendix 'C'. The reasons for the Inspector's recommendations were set out in paragraphs 10 and 11 of the Inspector's report.

Further guidance regarding the law applicable in this matter had been provided to Sub-Committee Members, and it was advised that, prior to the Sub-Committee meeting, Members had had sight of and had read the Application in full, together with all objections and statements made at the Inquiry and all other available documentation. In addition, Sub-Committee Members had received relevant training in relation to this matter.

It was made clear that the recommendation from officers was to register the application land, except for the Hurstwood Land as referred to in the Inspector's recommendations.

It was proposed and seconded that the Inspector's recommendations as set out in paragraph 11.2 of his report be accepted.

Resolved:

- (i) The Sub-Committee approved the Independent Inspector's recommendation as detailed in paragraph 11.2 of his report, to accept the Application, subject to the further recommendation that the detailed boundary of the Application Land should, on registration, be amended to exclude the Hurstwood Land, as shown hatched blue on the plan attached at Appendix 'C' to the agenda papers.
- (ii) That the reasons for the decision be as set out in paragraphs 10 and 11 of the Inspector's report.

5. Urgent Business

There were no items of Urgent Business.

L Sales
Director of Corporate Services

County Hall
Preston