

Lancashire County Council

Special Sub-Committee for VG107 - Determination of Town and Village Green Application VG107 relating to land at Waterbarn Recreation Ground, Waterbarn Lane, Stacksteads, Bacup

Minutes of the Meeting held on Thursday, 16th June, 2022 at 2.00 pm in Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillors

J Burrows
L Cox
S Hind

1. Apologies

There were no apologies for absence.

2. Membership, Chair and Terms of Reference

On 26 June 2019, Regulatory Committee had agreed to the establishment of the Special Sub-Committee for VG107 to determine the Town and Village Green Application No. VG107 relating to land at Waterbarn Recreation Ground, Waterbarn Lane, Stacksteads, Bacup.

Resolved: The Sub-Committee:

(i) Noted the Membership and Terms of Reference of the Special Sub-Committee for VG107.

(ii) Appointed County Councillor Sue Hind as Chair 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 VG107 relating to land at 'Waterbarn Recreation Ground', Waterbarn Lane, Stacksteads, Bacup

A report was presented in relation to an application for land at Waterbarn Recreation Ground, Waterbarn Lane, Stacksteads, Bacup, to be registered as a

town or village green. A map of the Application Land, map of the claimed neighbourhood within a locality and the Independent Inspector's report were set out at Appendices, 'A', 'B' and 'C' respectively.

The Sub-Committee noted that the Commons Registration (England) Regulations 2014 (the 2014 Regulations) had been made under the 2006 Act and now applied to this application and that the proper procedure had been applied to the application.

The application had been publicised and 1 objection had been received, together with 48 representations in support. The Applicant had had the opportunity to comment on all of these responses.

The Regulatory Committee at its meeting on 29th January 2020, had resolved 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 2014 Regulations, the inspector was also required to conduct a site inspection.

A public inquiry had been arranged and the inspector, Ms Constanze Bell, Barrister at Law had been appointed. Ms Bell had issued Directions to the parties and various documents had been filed prior to the inquiry.

At the Inquiry commencing on 23rd November 2021, the Inspector heard the evidence, cross examinations and submissions. The Inspector had now carefully considered all the evidence and information, had inspected the site and prepared a report to the Special Sub-Committee which contained her consideration of how the law applied to the information and evidence, and her recommendation that the application be rejected for the reasons set out in the report at paragraphs 54 to 111.

Further guidance regarding the law applicable in this matter was set out at Annex 'A'. It had been advised that prior to this meeting, the Special Sub-Committee had had sight of and 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 all relevant training.

It was Moved and Seconded that the application be rejected for the reasons as set out in the Inspector's report. Upon being put to the vote, the Motion was Carried.

Resolved: The Special Sub-Committee rejected the Application for all the reasons set out in the report from the Independent Inspector at Appendix 'C', as detailed at paragraphs 54 -111 in said report.

5. Urgent Business

There were no items of Urgent Business.

L Sales
Director of Corporate Services

County Hall
Preston