

## Special Sub Committee for VG107

### Determination of Town and Village Green Application VG107 relating to land at 'Waterbarn Recreation Ground', Waterbarn Lane, Stacksteads, Bacup

Meeting to be held on Thursday, 16 June 2022

#### Part I

Electoral Division affected:  
Rossendale East

### Membership, Chair and Terms of Reference (Appendix 'A' refers)

Contact for further information:

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#### Brief Summary

On 26 June 2019, Regulatory Committee 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.

#### Recommendation

The Special Sub-Committee is asked:

- (i) to note the Membership and Terms of Reference of The Special Sub-Committee for VG107.
- (ii) to appoint a Chair of the Sub-Committee.

#### Detail

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

The Committee had resolved as follows:

- (i) Approved the establishment of a Special Sub-Committee to determine Application No. VG107 relating to land at Waterbarn Recreation Ground, Waterbarn Lane, Stacksteads, Bacup.
- (ii) Agreed that, subject to the above, the membership of the Special Sub-Committee for VG107 be drawn from 3 members of the Regulatory Committee, on the basis of 2 members of the Conservative Group and 1 member of the Labour Group.
- (iii) Agreed that nominations to serve on the Special Sub-Committee be submitted by the respective political group secretaries.
- (iv) Agreed that the quorum for the Special Sub-Committee be 2 members.

However, following the Committee meeting in June 2019, the legal representatives of the current landowners (TMJ Contractors Limited) had raised concerns with regards to the Authority's proposed use of a "hearing before members" to test the evidence which is a procedure sitting outside the statutory provision for an Inquiry before an Inspector. Whilst Committee had been advised that the non-statutory procedure was a lawful and proper procedure, a challenge to its use would have involved the authority in expense and officer time.

In addition, the documents for this matter were also becoming large in number and size and significant new decisions dealt with by the senior courts in connection with Town green law had recently been handed down.

In view of the above, Committee were advised at their meeting in January 2020 that the primary preference to deal with this application to hold a non-statutory hearing in front of members was now considered less suitable.

The Committee were advised that VG107 was a contested application with the landowner, TMJ Contractors Limited having an interest in the land. The landowner strongly opposes the application and disputes the evidence of the applicant. There is also a large amount of local interest in the land. It was therefore felt that having a full report from a suitably qualified Barrister, and their recommendation following them hearing the evidence and giving a full consideration of the documents with good knowledge of the law would best protect the Authority.

The Committee therefore resolved in January:

'That the Registration Authority hold a "public inquiry" as prescribed under the Commons Registration (England) Regulations 2014 (the Regulations) in particular Part 3 thereof to appoint an Inspector to hold the inquiry and to provide a report and recommendation to the determining authority in connection with the Application VG107 relating to land at 'Waterbarn Recreation Ground', Waterbarn Lane, Stacksteads, Bacup.

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

County Councillor Sue Hind

County Councillor Joan Burrows

County Councillor Loraine Cox

The Special Sub-Committee is requested to appoint a Chair.

The Terms of Reference of the Sub Committee are attached at Appendix A.

### **Consultations**

N/A

### **Implications:**

This item has the following implications, as indicated:

N/A

### **Risk management**

There are no risk management implications arising from this report.

### **Local Government (Access to Information) Act 1985**

#### **List of Background Papers**

Paper	Date	Contact/Directorate/Tel
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N/A