

Minutes of the Countryside and Rights of Way Panel Meeting held on 3 July 2020

Present: Julia Jessel (Chairman)

Attendance	
David Brookes	Paul Snape
Kyle Robinson (Substitute)	

Apologies: Alan Dudson and Mike Worthington

PART ONE

137. Declarations of Interest in accordance with Standing Order 16.2

There were no declarations of Interest made.

138. Minutes of meeting held on 6 March 2020

RESOLVED – That the minutes of the meeting held on 6 March 2020 be confirmed and signed by the Chairman.

139. Commons Act 2006 - Application to Register Land Known as 'The Green' at Cannock Road, Heath Hayes, Cannock, as a Town or Village Green

The Panel considered a report of the Director of Corporate Services regarding an application by Mrs. S. Bowen (deceased) and Mr. D. Baseley, to register land known as The Green, Cannock Road, Heath Hayes, Cannock as a Town or Village Green under Section 13 of the Commons Registration Act 1965.

The report was presented verbally by the Director to take Members through the various legal, documentary and historical evidence relevant to the application. He also made reference to case law which dealt with the weight to be given to the evidence and gave guidance on the legal tests which they should apply. In addition, further clarification of the law and the Inspector's report dated 28 May 2020 (following the aborted non-statutory Public Inquiry which was to have been held on 17 March 2020 and cancelled owing to a Covid-19 pandemic and imposition of lockdown restrictions), was given by Mr. W. Webster, Barrister (Presiding Inspector). Members were made aware that they should examine the evidence in its totality and that their decision was final as there was no route of appeal other than by Judicial Review on a point of law.

The 'Local' Member for Cannock Villages (Cannock) County Electoral Division attended the meeting and but did not speak on the application.

During their consideration of the application, Members had regard to the appendices attached to the report including:- (i) Form 30 and accompanying statutory declaration and map; (ii) Public Inquiry bundles held on deposit; (iii) Inspector's Report; (iv) Appendices 1 to 4 of the Inspector's report; (v) Objector's closing submissions; (vi)

copies of pages from Inquiry bundles referred to in Inspector's Report as OBJ and; (vii) copies of pages from Inquiry bundles referred to in Inspector's Report as CRA.

Following detailed deliberation, the Panel decided that from the available evidence, the use of the land by the public had not been for lawful sports and pastimes over the requisite period of 20 years, without interruption. In addition, the land in question had been appropriated by Staffordshire County Council for a purpose that was incompatible with registration as a Town or Village Green ie a Highway improvement scheme. Furthermore, the land continued to be held for this purpose both of which, according to case law, meant that it could not be registered.

Following a named vote, Chairman declared the recommendations contained in the report adopted.

RESOLVED – (a) That the application, reference number NVG5, for the registration of land known as The Green, Cannock Road, Heath Hayes, Cannock as a Town or Village Green should fail for the reasons set out in the Inspector's Report dated 28 May 2020 and that the application be refused and land not registered as a Town or Village Green.

(b) That the applicants be notified of the Panel's decision and reasons for refusal.

140. Exclusion of the Public

RESOLVED – That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) indicated below".

PART TWO

141. Exempt Minutes of meeting held on 6 March 2020

(exemption paragraphs 2, 6a and 6b)

The exempt minutes were confirmed and signed by the Chairman.

Chairman