

DATE OF DECISION: 30<sup>th</sup> July 2018

Officer	Post Designation
Mr. Mark James CBE	CHIEF EXECUTIVE

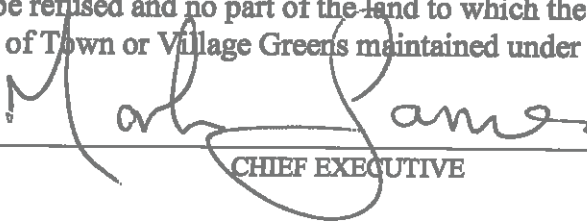
**SUBJECT AND PURPOSE:**

To consider and determine (on behalf of Carmarthenshire County Council as Registration Authority) on its legal merits the application for registration of land known as Llanerch Recreation or Playing Fields, Llanerch, as a Town or Village Green under s15 Commons Act 2006, dated 1<sup>st</sup> March 2017 and made by Ms Sharon Burdess

**DECISION MADE:**

The application be refused and no part of the land to which the application relates should be added to the statutory register of Town or Village Greens maintained under the Commons Act 2006

Signed :



CHIEF EXECUTIVE

**Reason(s) for decisions :**

The Applicant, Ms Sharon Burdess, has not made out her case for registration under S15(2) of the Commons Act 2006, primarily because use of the site by local people is determined to be 'by right' or 'with permission', as opposed to 'as of right'. There is no reason, legal or otherwise, to disagree with the conclusion and recommendations of the Inquiry Inspector.

# IMPLICATIONS

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NO	YES	No	NO	NO	NO	YES

## LEGAL

It will be necessary for CCC to comply with the statutory obligations under Section 122 Local Government Act 1972 (Appropriation of land by principal councils).



**PHYSICAL ASSETS**

The decision will enable the Council to progress with its plans for the application site

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed:



CHIEF EXECUTIVE

**(Please specify the outcomes of consultations undertaken where they arise against the following headings)**

**1. Local Member(s) N/A**

N/A

**2. Community / Town Council N/A**

N/A

**3. Relevant Partners N/A**

N/A

**4. Staff Side Representatives and other Organisations N/A**

N/A

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:		
Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Services File	PL-0177	County Hall, Carmarthen

## EXECUTIVE SUMMARY :

An application was made by Ms Sharon Burdess dated 1<sup>st</sup> March 2017 to register Llanerch Recreation or Playing Fields, Llanerch, Llanelli as a Town or Village Green under S15 Commons Act 2006. The site falls within the administrative area for which Carmarthenshire County Council ('CCC') is responsible, and is also entirely within the freehold ownership of CCC.

CCC, as landowner, was the principal objector to the application.

Following initial advice from Counsel a non-statutory Public Local Inquiry was held at Llanelli Town Hall on 10<sup>th</sup> – 13<sup>th</sup> April 2018, with Mr Alun Alesbury being appointed as the Inquiry Inspector. At the Inquiry, submissions were made on behalf of both the Applicant and the Principal Objector, and oral evidence was heard from witnesses on behalf of both sides.

Following conclusion of the Inquiry Mr Alesbury produced a comprehensive report dated 26<sup>th</sup> July 2018, concluding that the Applicant had not made out her case for registration of the application site under S15(2) of the Commons Act, primarily because use of the site by local people was 'by right' or 'with permission', as opposed to 'as of right', as is the requirement under S15(2). He therefore makes the recommendation that no part of the land to which the application relates should be added to the statutory register of Town or Village Greens maintained under the Commons Act 2006, because on the evidence, and the applicable law, it does not meet the criteria required for such registration. A copy of the full report is attached.

Detailed report attached	YES
--------------------------	-----