

**Committee:** Village Green Committee

**Date:** 11 February 2009

**By:** Director of Law & Personnel

**Title:** Proposed withdrawal of application for land at South Saxons, St Leonards on Sea to be registered as a town or village green

**Purpose:** To consider the proposal

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## **Recommendation**

**That the County Council agrees to the applicant's request to withdraw the application and takes no further action on this case.**

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### **1. Background**

1.1 The application was submitted by the Friends of South Saxons Wetlands in January 2008. A land registry search on the land was undertaken and revealed that the land was split into four plots with separate owners. The largest part of the land is owned by East Sussex County Council with smaller plots owned by 1066 Housing Association Limited, Lancing Estates Limited, and Southern Gas Networks PLC. All known parties were notified of the application in April 2008 and notices were put on site and in the Hastings Observer. Objections were received from East Sussex County Council (contact Lorraine Theobald) and 1066 Housing Association. This evidence was submitted by ESCC in support of the Objection. This was sent to the Applicant together with the objection letter of 1066 Housing Association for her comments on 13<sup>th</sup> June 2008.

1.2 A letter dated 8<sup>th</sup> July 2008 was received from Elizabeth Pye, Chairman of the Friends of South Saxons Wetlands requesting that the application be withdrawn. There was no reason given for the withdrawal.

### **2. The Law**

2.1 The Law setting out the conditions required to register land as a town or village green is Section 15 of the Commons Act 2006. The Commons (Registration of Town and Village Greens)(Interim Arrangements) (England) Regulations 2007 stipulate the procedure that must be followed by all parties when an application is made and processed. The law does not contain a procedure or provision for the withdrawal of applications.

### **3 Guidance**

3.1 Guidance on withdrawal of applications was provided by Defra in January 2008 and stated that an application could not be treated as withdrawn merely at the applicant's request. The authority would need to be fair to those whose interests may be affected by its decision and as such it was recommended that requests for withdrawal be advertised by the authority to allow other persons to request that the application be determined.

### **4. Action taken**

4.1 On 8<sup>th</sup> August 2008 a Notice detailing the applicant's request to withdraw was placed in the Hastings Observer, on site and sent to all parties including the

objectors. The Notice asked that any person wishing to object to the withdrawal should do so by 19<sup>th</sup> September 2008. No such objection was received by any parties and the objectors did not request that the application be determined in any event.

## **5. Conclusion and reason for Recommendation**

The Applicant has applied to withdraw the application, and following publication of notices stating this, no objection has been received. It is therefore my recommendation that this application be withdrawn and that no further action be taken.

ANDREW OGDEN  
Director of Law & Personnel

Contact Officer: Vicky James x81630

Local Member: Joy Waite

Supporting Documentation: Application, Letter of Objection, Evidence submitted in Objection by East Sussex County Council, Letter requesting withdrawal.