

COMMONS AND VILLAGE GREEN REGISTRATION PANEL

MINUTES of a meeting of the Commons and Village Green Registration Panel held at County Hall, Lewes on 29 October 2013.

PRESENT Councillors Howson, Stogdon (Chair) and Whetstone

ALSO PRESENT Councillor Pragnell and Councillor Pursglove.

1 APPOINTMENT OF CHAIR

1.1 Councillor Stogdon was appointed as Chair of the meeting.

2 REPORTS

2.1 Copies of the reports and documents referred to below are contained in the minute book.

3 APPLICATION FOR LAND AT 12-17 CATSFIELD CLOSE, ST LEONARDS ON SEA TO BE REGISTERED AS A TOWN OR VILLAGE GREEN

3.1 The Panel considered a report by the Assistant Director, Operations – Economy, Transport and Environment. Councillor Scott, the Local Member, had previously informed the Panel that he was unable to attend the meeting.

Reasons for the decision

3.2 After consideration of all the evidence submitted to East Sussex County Council, the Panel found that the applicant has not, on the balance of probabilities, satisfied each element of the statutory criteria for registration.

3.3 There is insufficient evidence to show that local residents of the green area of land adjacent to 12 – 17 Catsfield Close, St Leonards on Sea have indulged in lawful sports and pastimes, as of right, for a period of twenty years and therefore Section 15 (3) of the Commons Act 2006 has not been satisfied. The Panel found that there is not enough evidence to show that a “significant number” have used the land and have done so for a period of twenty years or more.

3.4 RESOLVED – that the application to register the land adjacent to 12-17 Catsfield Close, St Leonards on Sea as a town or village green be rejected and that the register of town and village greens held at East Sussex County Council not be amended.

4 APPLICATION FOR LAND AT THE CORNER OF HARLEY SHUTE ROAD AND EDINBURGH ROAD, ST LEONARDS ON SEA TO BE REGISTERED AS A TOWN OR VILLAGE GREEN

4.1 The Panel considered a report by the Assistant Director, Operations - Economy, Transport and Environment.

Reasons for Decision

4.2 The Panel considered all the evidence in relation to this application, but agreed that they would seek further specialist advice concerning the law relating to the application, and in particular to seek advice regarding the effect of the covenant between the Kites and Hastings Borough Council in the conveyance dated 2 June 1950 during the ownership of Hastings Borough Council, and now Amicus Horizon, in order for them to make a fully informed decision.

4.3 RESOLVED – to adjourn the application to seek specialist Counsel’s advice about the application and in particular to clarify the effect of the covenant.

5 APPLICATION FOR LAND AT THE JUNCTION OF GHYLLSIDE AVENUE AND OLD ROAR ROAD, HASTINGS TO BE REGISTERED AS A TOWN OR VILLAGE GREEN

5.1 The Panel considered a report by the Assistant Director, Operations- Economy, Transport and Environment. Councillor Pragnell, was in attendance as Local Member and supported the application.

Reasons for the Decision

5.2 After careful consideration of all the evidence submitted to the Registration Authority, the Panel found that on the balance of probabilities there is sufficient evidence to show that a significant number of the local residents of the Conquest Ward have indulged in lawful sports and pastimes, as of right, for a period of twenty years and they currently continue to do so. Section 15(2) of the Commons Act has therefore been satisfied.

5.3 RESOLVED that the application to register land at the junction of Ghyllside Avenue and Old Roar Road Hastings as a town or village Green be accepted and the register of town and village greens held at East Sussex County Council be amended accordingly.