

**DERBYSHIRE COUNTY COUNCIL**

**REGULATORY- LICENSING AND APPEALS COMMITTEE**

**31 October 2016**

**Report of the Director of Legal Services**

**Commons Act 2006**

**Application to register land at Mill Lane, Hilton, Derbyshire, as a town or village green (VG146)**

**1. Purpose of the Report**

To ask the Committee to determine an application made under the Commons Act 2006 to register land at Mill Lane, Hilton, as a town or village green.

**2. Information and Analysis**

- 2.1 The application given reference number VG146 was received by Derbyshire County Council as registration authority for town and village greens on 14 October 2016 from Hilton Parish Council ('the Parish Council'). The application was made under section 15(8) of the Commons Act 2006 ('the 2006 Act'). It relates to land described in the application as 'Mill Lane Recreation Ground' at Mill Lane, Hilton. The application is signed by Rosaleen H. Darlington, a Parish Councillor. The land subject to the application is shown hatched on the plan appended to this report ('the Land').
- 2.2 The procedure for determination of applications made under section 15(8) of the 2006 Act is set out in The Commons (Registration of Town or Village Greens)(Interim Arrangements)(England) Regulations 2007. Regulation 7 provides that the registration authority must grant the application provided it is satisfied that:
- (a) the applicant is the owner of the land; and

(b) any consents which are required by section 15(9) of the 2006 Act have been obtained (such consents relating to leases or mortgages of the land).

If the registration authority is satisfied that the conditions set out in (a) and (b) above are met it must register the land as a town or village green.

- 2.3 The Parish Council has provided with the application a copy of a conveyance dated 25 August 1950, which vested the Land in the Parish Council. In accordance with the requirements of section 15(9) of the 2006 Act a statutory declaration has been sworn confirming that no consents are required.
- 2.4 Although the Land has been previously known as Mill Lane Recreation Ground the Parish Council has indicated that it wishes in future to refer to the Land as The Green.
- 2.5 There is no requirement to advertise the application or to notify any other authority prior to disposal of the application. The local Elected Member, Councillor Julie Patten, has been notified of the application.
- 2.6 Registration of land as a town or village green protects the rights of local inhabitants to use the land for lawful sports and pastimes. The Register of Town or Village Greens does not record the locality, or neighbourhood within a locality, relied on in establishing the rights of local inhabitants. However at question 6 of the application form the applicant has indicated that the locality to which the claimed green relates is the Parish of Hilton.

### **3. Legal Considerations**

- 3.1 Section 15(8) of the 2006 Act provides that:

“The owner of any land may apply to the Commons Registration Authority to register the land as a town or village green.”

- 3.2 Ownership is defined in section 61(3) of the 2006 Act which provides that:

“(3) In this Act -

(a) references to the ownership or the owner of any land are references to the ownership of a legal estate in fee simple in the land or to the person holding that estate;

(b) references to land registered in the register of title are references to land the fee simple of which is so registered.”

- 3.3 The legal considerations to be borne in mind by the registration authority in determining an application made pursuant to section 15(8) of the 2006 Act are as set out in paragraph 2.2 of this report.
- 3.4 Registration of land following the determination of an application made pursuant to section 15(8) of the 2006 Act grants no lesser or greater rights than the registration of land following the determination of an application made pursuant to section 15(2) of the 2006 Act or section 13 of the Commons Registration Act 1965.

#### **4. Other Considerations**

In preparing this report the relevance of the following factors has been considered: financial, prevention of crime and disorder, equality and diversity, environmental, property, health, human rights and human resources considerations.

#### **5. Background Papers**

Application file VG146 held by the Director of Legal Services.

#### **6. Officer's Recommendation**

That the Committee resolves to approve application VG146 for the registration of the Land at Mill Lane, Hilton, as shown hatched on the plan attached to this report, as a town or village green and authorises the Director of Legal Services to add the Land to the Register of Town or Village Greens.

**John McElvaney**  
**Director of Legal Services**

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