

# Public Rights of Way and Greens Committee 11<sup>th</sup> July 2024



**Report of:** The Commons Registration Authority

**Title:** Update on Stoke Lodge Playing Fields Village Green

**Ward:** City Wide

**Officer Presenting Report** Nancy Rollason Head of Legal Service

## Recommendation

That the Committee note the report.

## Summary

This report updates the Committee on legal proceedings in respect of the above Village Green.

## The significant issues in the report are:

The Judicial review of the Committee's decision of the 28<sup>th</sup> June 2023 to register the land has been discontinued with the consent of all parties to the application.

Cotham school has made an application under S14 of the Commons Registration Act 1965 to rectify the register of Village Greens maintained by the CRA by deleting the Stoke Lodge playing fields from the register.

The Council as landowner has adopted a neutral position in respect of the remaining application.

The CRA is actively defending the application on the instructions of the Committee.

Hearing of the application has listed for the 27<sup>th</sup> -31<sup>st</sup> January 2025.



**Policy** - There are no specific policy Implications arising from this report.

### **Consultation**

1. **Internal** - Not applicable
2. **External** – Not applicable

### **Context**

1. On the 28 June 2023 this Committee resolved to register the land at Stoke Lodge as a Town or Village Green. It was duly registered as a Village Green.
2. Cotham School issued a claim for Judicial review of that decision.
3. The School subsequently made a claim under s.14 Commons Registration Act 1965 and the Judicial Review proceedings were discontinued.
4. The School seeks an order for rectification of the register maintained by the CRA. The effect of the order sought would be to delete land at Stoke Lodge Playing Fields from the register as a Village Green.
5. The basis of the claim is that the CRA should not have made the amendment to add the land to the register. That is because the criteria at s.15 Commons Act 2006 were not made, alternatively s.15 was not available by virtue of the doctrine of statutory incompatibility.
6. The CRA are actively defending the claim. The Council as Landowner are taking a neutral position.
7. The matter has come before HHJ Matthews on 2 occasions to set directions for the hearing of the claim.
8. The School and the CRA have entered into an agreement to limit costs should the application be successful.
9. The CRA have instructed Mr Douglas Edwards KC to defend the claim, and submissions have been filed with the court on the instructions of the Committee, who have delegated decisions in respect of the litigation to the Chair.
10. The hearing of the application is listed for the 27<sup>th</sup> to the 31<sup>st</sup> January 2025.

### **Proposal**

That the Committee notes the report.

