

**Report of the Assistant Director Corporate Services to a meeting of the
Miscellaneous Licences Panel to be held on 26 October 2010**

A

Subject:

**AN APPLICATION FOR THE REGISTRATION OF LAND AS A TOWN OR VILLAGE
GREEN AT LAND KNOWN AS LAND AT ELLCLIFFE QUARRIES TO THE NORTH OF
IVY LANE, ALLERTON, BRADFORD**

Summary statement:

**AN APPLICATION HAS BEEN RECEIVED FROM MRS BEVERLEY PORTER FOR
REGISTRATION OF LAND KNOWN AS LAND AT ELLCLIFFE QUARRIES TO THE
NORTH OF IVY LANE, ALLERTON, BRADFORD AS A VILLAGE GREEN. THE
COUNCIL AS REGISTRATION AUTHORITY MUST CONSIDER AND DETERMINE THE
APPLICATION.**

**IT IS RECOMMENDED THAT THE APPLICATION BE ACCEPTED FOR THE
REASONS SET OUT IN THE INSPECTORS REPORT DATED 8th MARCH 2010
SUBJECT TO THE MINOR ADJUSTMENTS SPECIFIED IN THE INSPECTORS
REVISED REPORT DATED 10th JULY 2010**

Suzan Hemingway
Assistant Director Corporate Services (City
Solicitor)

**Portfolio:
REGENERATION/HOUSING AND
CORPORATE**

Report Contact: Frank Suadwa
Phone: (01274) 432183
E-mail: frank.suadwa@bradford.gov.uk

**Overview & Scrutiny Committee Area:
CORPORATE**



2006-2007
Improving Rural Services
Empowering Communities



CONSEIL DE LA VILLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



1. **Summary**

- 1.1 The Council has received an application for the registration of an area of land known as land at Ellcliffe Quarries to the north of Ivy Lane, Allerton, Bradford as a Village Green from Mrs Beverley Porter supported by a number of local residents. The application was acknowledged on the 21st July 2008.
- 1.2 The application is founded upon the use of the land for lawful sport and pastimes, as of right, at Ellcliffe Quarries to the north of Ivy lane, Allerton, Bradford by a significant number of the inhabitants of the locality for a period of at least 20 years. A copy of a plan identifying the area concerned will be available at the meeting.
- 1.3 The Council is the Registration Authority responsible for the determination of such applications under the Commons Act 2006

2. **Background**

- 2.1 The land forming the subject of the application is owned by 2 different private landowners. Land adjoining the site is owned by the Council.
- 2.2 An Independent Barrister was appointed to act as Inspector in order to advise the Council on how the application should be determined.
- 2.3 The application was advertised on site and in the local press inviting representations during a six week period expiring on the 24th October 2008. One objection to the application for registration in respect of the site was received by the Director of Legal and Democratic Services from the solicitors acting for the 2 private landowners and a prospective developer of the land along with a third private landowner whose land adjoins the application site but does not form a part of the application.

3. **Other considerations**

- 3.1 The land at Ellcliffe Quarries to the north of Ivy Lane, Allerton, Bradford is currently allocated as part of a Phase 2 Housing site on the current Unitary Development Plan. However, planning policy issues are not relevant to the determination of this application.
- 3.2 A Public Inquiry was held on 19th/20th and 21st October 2009 at City Hall, Bradford. at which evidence in support of the application was presented alongside evidence in support of the objections. A copy of the Inspectors Report has been provided to both the Applicant and the Solicitors acting for the Objectors who made a number of comments and challenges to the original Report. The Inspector was therefore consulted on the issues which had been raised and as a result provided a Revised Report which addressed and clarified the issues raised but which did not alter his recommendation other than to exclude the route of Public Footpath 309 from the land to be registered as village green. The Appellant and Objector's Solicitors have been given a copy of the Revised Report and an opportunity to make any comments on it. No further comments have been made by the Solicitors for the

Objectors but the Applicant has indicated her acceptance of the Revised Report and its recommendation.

4. Options

- 4.1 Members may accept or reject the application for registration. However, full regard must be had of the Inspector's advice and clear factual reasons must be given if it is decided to reject the application contrary to the recommendation of the Inspector.

5. Financial and resource appraisal

- 5.1 Financial provision has already been identified for the administrative and legal cost of determining the application.

6. Legal appraisal

- 6.1 The application has been processed in accordance with the legislation and guidance laid down by statute. A Public Inquiry has been held where the Applicant and the Objector have had the opportunity to present all relevant evidence. Furthermore both parties have been given an opportunity to comment on both Reports provided by the Inspector.

The Assistant Director Corporate Services (City Solicitor) will summarise the main findings of the Inspector's report at the meeting.

7. Other implications

7.1 Equal Rights

- 7.1.1 There are no apparent equal rights implications.

7.2 Sustainability implications

- 7.2.1 There are no apparent implications for sustainability.

7.3 Community safety implications

- 7.3.1 There are no apparent community safety implications.

7.4 Human Rights Act

- 7.4.1 The following right is applicable in respect of this application.

Article 6 a procedural right to a fair hearing. A public inquiry has been held and human rights implications have been considered in the procedure established. If the decision is to confirm or reject the application reasons should be given.

7.5 Trade Union

7.5.1 There are no apparent Trade Union implications.

8. Not for publication documents

8.1 None

9. Recommendations

9.1 It is recommended that Members accept the recommendations of the Inspector appointed to consider the evidence in relation to a village green application for land known as land at Ellcliffe Quarries, to the north of Ivy Lane, Allerton, Bradford and accept the application for the reasons set out in the Inspector's Report dated 8th March 2010 subject to the minor adjustments specified in his Revised Report dated 10th July 2010.

10. Appendices

10.1 None.

11. Background documents

11.1 Land at Ellcliffe Quarries, to the north of Ivy Lane, Allerton, Bradford application, supporting statements and appendices.

11.2 Inspector's Report and Revised Report.