

EXETER CITY COUNCIL

**EXECUTIVE
4 DECEMBER 2012**

SUPPLEMENTARY BUDGET ESTIMATE FOR LEGAL AND ASSOCIATED COSTS OF PUBLIC INQUIRY INTO APPLICATION TO REGISTER A VILLAGE GREEN AT EASTERN FIELDS, PINHOE

1 PURPOSE OF REPORT

- 1.1 To agree supplementary budget provision for the anticipated legal and other costs of representing a case at the forthcoming public inquiry.

2 BACKGROUND

- 2.1 In September 2011, Devon County Council received an application from two local residents to register land at Eastern Fields as a town or village green.
- 2.2 The application relates to about 8.9 hectares of land between the railway line, Exeter Arena, Beacon Lane and Pin Brook that is in the ownership of Exeter City Council. The northern part of the land, extending to about 5.9 ha, is identified as public open space in the adopted Exeter Local Plan (2005). The southern area of about 3.0 ha is identified as an employment allocation in the Adopted Local Plan. This allocation is longstanding dating from the 1980's. The southern area is also crossed by Devon County Council's proposed preferred route of the Exhibition Way link road. The link road is intended to provide a route between Exhibition Way and Harrington Lane that will serve approved housing developments at Ibstock Brickworks and Pinhoe Quarry. These developments, totalling about 630 homes, will contribute about £1.3m to the cost of the link road. The link is identified as an essential requirement in the Pinhoe Access Strategy.
- 2.3 The City Council has made an objection to the registration of the land. Registration would effectively prevent any development on the land and make delivery of the link road difficult due to the need to provide suitable quality replacement village green in the vicinity for any space lost.
- 2.4 A decision on registration rests on whether there is evidence of 20 years usage of the land for lawful sports or pastimes as of right by a significant number of inhabitants of a neighbourhood or locality.
- 2.5 An independent inspector has been appointed to hold a public inquiry to assess the evidence. A pre inquiry meeting was held in October 2012, the inquiry commences in March 2013 and could last for 12 days due to the large number of potential witnesses. There is significant preparation work required in advance of the inquiry in preparation of statements and summarisation of our and objectors' cases.
- 2.6 Village green registration is a complex and rapidly evolving area of law. The Council has utilised the advice of a specialist barrister. Advice so far has been funded by the Homes and Communities Agency through a local infrastructure fund. This source of funding is now exhausted.

- 2.7 Registration of the site as village green would effectively prevent long term proposals for development of City Council land and pose serious difficulties for delivery of an important highway link. It is important that the City Council adequately resources a case at the forthcoming inquiry. This requires the continued services of the barrister. It is estimated that a budget of £50,000 is required, the largest element of this would be the barrister's costs. These costs would fall in 2012/13 and 2013/14.

3 RECOMMENDATION

- 3.1 That Executive approves a supplementary budget of £50,000 for the costs of the forthcoming public inquiry into the application for registration of Eastern Fields as a town or village green.

**KARIME HASSAN
STRATEGIC DIRECTOR**

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:

None