

Meeting of:	COUNCIL
Date of Meeting:	21 OCTOBER 2026
Report Title:	TOWN AND VILLAGE GREEN APPLICATIONS
Report Owner: Responsible Chief Officer / Cabinet Member	KELLY WATSON MONITORING OFFICER
Responsible Officer:	GROUP MANAGER – LEGAL, DEMOCRATIC SERVICES AND EMERGENCY PLANNING
Policy Framework and Procedure Rules:	There is no effect upon the Policy Framework and Procedure Rules.
Executive Summary:	The purpose of this report is to seek Council approval of the proposed process for consideration of Town and Village Green applications pursuant to the Commons Act 2006 where objections are received.

1. Purpose of Report

- 1.1 The purpose of this report is to seek Council approval of the proposed process for consideration of Town and Village Green (TVG) applications to ensure appropriate processes are in place.
- 1.2 This report is being presented to Council in its capacity as the Commons Registration Authority (CRA) under the Commons Registration Act 1965 and Commons Act 2006.

2. Background

- 2.1 A Town or Village Green is land which is subject to the right of local inhabitants to enjoy general recreational activities on it. In accordance with Section 15 of the Commons Act 2006, successful claims to register land as a TVG need to show that a significant number of inhabitants of a locality, or neighborhood within a locality, have indulged in lawful sports and pastimes 'as of right' (i.e. without permission, force or secrecy) for at least 20 years, and they continue to do so at the time of the application. The effect of an application for the registration of land as a Town or Village Green may be that the land is protected. TVG's registered under the twenty-year rule enjoy the same level of protection as ancient or statutory greens. In many cases, applications are made by local residents in an attempt to protect land.

3. Current situation / proposal

- 3.1 In accordance with the Council's Scheme of Delegation of Functions, the Monitoring Officer has the following delegated authority at Scheme B2:

To determine applications to amend the register of common land in accordance with the Commons Registration Act 1965 and Commons Act 2006 where no objections have been received following a statutory consultation process.

To do anything which the Council has a power to do (including the power to serve any notice) that is necessary for the enforcement of any of the provisions contained within the Commons Registration Act 1965 and Commons Act 2006.

- 3.2 The determination of any TVG applications where objections have been received has not been delegated pursuant to the Scheme of Delegation of Functions or Constitution. Accordingly, Full Council remains the decision-making body for the Council on behalf of the CRA unless the function is sub-delegated. It is therefore proposed that a Commons Registration Sub-Committee be established with the following functions:

- To determine applications to register town and village greens under Section 15 of the Commons Act 2006 and the Commons Registration Act 1965 where objections have been received and remain unresolved following a statutory consultation process;
- To determine deregistration and exchange applications where objections have been received and remain unresolved under the Commons Act 2006 and Commons Registration Act 1965;
- To determine any case referred to the Sub-Committee by the Monitoring Officer because of complexity, novel legal issues or significant public interest.

- 3.3 When exercising its functions, the Sub-Committee must act independently and impartially with any determination based solely upon the evidence before it and the relevant legal framework. Any wider regeneration objectives, Local Planning Authority and land ownership interests that may apply must not influence that determination. It is therefore proposed that Members appointed to this Sub-Committee shall not be Members of the Development Control Committee. This is to maintain a clear separation between the Council's planning functions and its quasi-judicial functions relating to common land and town and village greens, and to minimise the risk of actual or perceived conflicts of interest, bias or predetermination. In accordance with the political balance rules adopted by the Council on committees and other bodies, and to ensure that there is representation from all political groups / parties, it is suggested that the composition of the new Commons Registration Sub-Committee be:

- Three Members of the Labour Group
- One Member of the Bridgend County Independents Group
- One Member of the Democratic Alliance Group
- One Independent Member

The Chairperson of the Sub-Committee shall be appointed by the Members of the Committee from amongst their number at their first meeting following its appointment by Council.

- 3.4 Moving forward, to enable the Sub-Committee to consider TVG applications, it is proposed that an independent Barrister assessor be instructed to firstly consider the application as a preliminary issue and make a recommendation to the CRA as to how it should proceed. Subject to that advice, the Barrister may recommend holding a Public Inquiry or such other hearing, the findings and recommendations of which will be reported back to the CRA for a decision. The Barrister's role on behalf of the CRA would be that of an independent assessor and it is an advisory role rather than that of a decision maker.
- 3.5 A Public Inquiry / hearing would enable the evidence to be tested through cross examination which is particularly of relevance where the Council is both the decision maker as the CRA and landowner. The weight and credibility of that evidence will be for the CRA to assess.
- 3.6 Following consideration of the evidence, if the Barrister's recommendation is that the CRA should not register the land as a TVG as the statutory incompatibility defence succeeds, the application shall at that stage be presented to the Commons Registration Sub-Committee for determination. The statutory incompatibility defence is the argument that registration as a TVG would prevent or materially interfere with the statutory purpose for which the land is held or used and therefore any application may be defeated on those grounds.
- 3.7 Alternatively, if the Barrister advises that a Public Inquiry is required, they shall proceed with holding such an Inquiry and thereafter provide the CRA with a report which sets out the analysis of that evidence with the application then being considered by the Commons Registration Sub-Committee for a decision.

4. Equality implications (including Socio-economic Duty and Welsh Language)

- 4.1 The protected characteristics identified within the Equality Act, socio-economic duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

- 5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of this report.

6. Climate Change and Nature Implications

- 6.1 There are no climate change and nature implications arising from this report.

7. Safeguarding and Corporate Parent Implications

- 7.1 There are no safeguarding or corporate parent implications arising from this report.

8. Financial Implications

- 8.1 The consideration of TVG applications will require the Council as the CRA to obtain specialist legal advice and representations and where necessary, Counsel may be required to be instructed as an independent assessor to conduct a Public Inquiry and report back to the CRA. The costs associated will vary depending on the complexity of any application received and whether a Public Inquiry is required. At this stage, it is therefore not possible to quantify the potential costs arising from the Sandy Bay TVG application that has been received or future applications. However, any such costs would need to be met from existing budgets and may be significant where external legal representation and a Public Inquiry are required.

9. Recommendations

Council is recommended to:

- 9.1 Approve the establishment of a Commons Registration Sub-Committee to determine TVG applications where objections have been received;
- 9.2 Approve the amendment of the Constitution to include the new Sub-Committee and functions as outlined at paragraph 3.2;
- 9.3 Receive nominations and appoint Councillors to serve on the Commons Registration Sub-Committee as outlined at paragraph 3.3 noting that such Members should not be those that currently sit on the Development Control Committee;
- 9.4 Approve the instruction of an independent Barrister assessor to consider any TVG application as a preliminary issue, and by way of written representations, provide the CRA with a report which sets out their analysis of the evidence and recommendations as to whether the land in question should be registered as a TVG;
- 9.5 Approve that if the Barrister's report referred to at 9.4 above advises that the CRA should not register the land as a TVG, the application will at that stage be considered by the Commons Registration Sub-Committee as the CRA for determination;
- 9.6 Approve that if the Barrister's report referred to at 9.4 advises that any statutory incompatibility defence fails, a Public Inquiry or such other hearing will be held to examine the remaining issues. Following that, the Barrister shall provide the CRA with a report setting out their analysis of the evidence and recommendation as to whether the Land in question should be registered as a TVG. The application shall then be considered by the Commons Registration Sub-Committee as the CRA for determination.

Background documents

None